

## THE EXISTENCE OF NAGARI IN WEST SUMATRA ON STATE POLICY HEGEMONY

\*.i.ii Aulia Rahmat<sup>iii</sup> Esmi Warassih Pujirahayu and<sup>ii</sup> M. Syamsudin

<sup>i</sup> Fakultas Syari'ah, Universitas Islam Negeri Imam Bonjol Padang, Indonesia

<sup>ii</sup> Emeritus Professor, Faculty of Law, Universitas Diponegoro, Semarang, Indonesia

<sup>iii</sup> Faculty of Law, Universitas Islam Indonesia, Yogyakarta, Indonesia

\*(Corresponding author) e-mail: [auliarahmat@uinib.ac.id](mailto:auliarahmat@uinib.ac.id)

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### ABSTRACT

The Minangkabau community in West Sumatra employs a social system referred to as *nagari*. The term *nagari* should be defined to describe an administrative body that serves the lowest level of government bureaucratic duties in West Sumatra. The Dutch East Indies attempted to colonize *Nagari*, and as a result, the system of government encountered a number of transformations. The *nagari* faced different attitudes in each government regime during the independence era, which was similar to what occurred then. This research investigates *Nagari*'s dynamics and existence in state legal systems. This paper juxtaposes the official postures of different governments concerning the existence of *Nagari*. It is noteworthy that *Nagari* not only has at the grassroots level of governance but also functions as an institutionalization of the significance of interpersonal connections within the Minangkabau social order. This research utilizes an applied socio-legal methodology to examine the configuration of state law and its consequences for *Nagari* as a legal subject. The research findings indicate that *Nagari*, which represents the institutionalization of the Minangkabau social order, has undergone bureaucratization and instrumentalization since the colonial period. The bureaucratization of the *Nagari* has left a major trauma for Minangkabau political authority which is reflected in the structure and organization of the *Nagari*. The understanding of *Nagari* within the Minangkabau community has been impacted by the influence and dominance of governmental policies, resulting in challenges for rapid progress in reconstruction endeavors. The state must reduce domination and hegemony over the *nagari* in the process of establishing regulations governing the *nagari*.

**Keywords:** *Constitutional Law; Customary Law; Social Order; Minangkabau; Nagari*

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## Introduction

The idea of this study developed as the consequence of some significant shifts to the construction of customary functionaries addressed through West Sumatra Province Regional Regulation Number 7 Year 2018 on Nagari and Law Number 17 Year 2022 on West Sumatra Province. Following the implementation of regional autonomy, Nagari is the lowest level of government in most of West Sumatra. Except for the Kabupaten Kepulauan Mentawai, almost all district government areas currently use the Nagari system of government. Meanwhile, the Kota region frequently uses the Kelurahan system of governance. In addition to the village government model, the system is still in use in Kota Sawahlunto and Kota Pariaman. Nevertheless, Nagari's existence must be included in the life of the Minangkabau people in West Sumatra. This can be seen by the fact that the existence of *Kerapatan Adat Nagari* (KAN) is still recognized as the basis for customary governance in the Kota government area through Regional Regulations.

Nagari is the highest unity format in developing Minangkabau customary community settlements. Nagari is not only related to territorial aspects but is also closely related to the lineage's social and political order, which hierarchically forms a multilevel unit. Apart from having to consist of 4 different clans, establishing a *nagari* requires infrastructure to support community life, such as mosques (*ba surau ba musajik*), traditional halls (*ba galanggang*), markets (*ba pasa*), *ulayat* land (*ba ulayat*), cleaning facilities (*ba tapian tampek mandi*), and even burial sites (*ba pandam pakuburan*). This original formation continued to develop over the centuries until it encountered the rule of law made during the colonial period (Pistorius, 1871, pp. 79–80): In its original order, *nagari* was a construction that guaranteed the continuity of social life, which began to experience bureaucratization in line with the administrative needs of the ruling government during the colonial period.

The organization and management of each *nagari* in Minangkabau are diverse. This is due to differences in regional categories between *darek* and *rantau*. These two regions have different coefficients and balance points in the dynamics between *adat* influence and penetration of Islamic teachings (Khan, 2007, p. 7; Lukito, 1999, p. 82). Nonetheless, the *nagari* generally use a collective leadership system based on matrilineal lineage. The highest institution in the *nagari* is the *Kerapatan Pangulu* or the *Kerapatan Adat Nagari* (KAN). The implementation of *Pangulu*'s collective leadership is assisted by *urang ampek jinih* (four types of people): *Pangulu*, *Malin*, *Dubalang*, and *Manti* (Azwar, Yunus, Muliono, & Permatasari, 2018, p. 235). *Pangulu* is his clan's most important leader representing the *buah gadang*. *Malin* is a figure assigned to solve religious problems in the community. *Dubalang* is a figure in charge of law and order in the *nagari*. Meanwhile, *Manti* is a wise man assigned to solve common problems in the community.

This construction is considered the original model that can be recognized and generally applied in the governance of the Nagari in West Sumatra. The presence of the Dutch Colonial slowly had a strong influence on the *nagari*. Changes took place slowly until the era of independence. Even the *nagari* government system was once abolished and uniformed into a village government system as it applies in Java. The new stage of Nagari governance was implemented again in line with the decentralization ideology used in the reformation era. Recognition related to the rules of the *nagari* government has also undergone several changes and adjustments. The penetration of the paradigm of legal positivism has encouraged the bureaucratization of *adat* in the *nagari*, both during the colonial period and until now. The transformation of the administration of the Nagari is very dependent on the rules made by the Government and may not violate existing regulations. Although customary law applies in almost all aspects of people's lives, its existence is still under the domination of the State Law (Isra, Ferdi, & Tegnan, 2017, p. 123). As a result, the design of the desire to implement a *nagari* according to the community must be in line with and limited by Government Regulations (Asrinaldi, 2017, p. 76). Even though normatively, efforts to restore the *nagari* as a function of relations in the Minangkabau social order have not been fully implemented because of the accumulated influence of the remnants of traditional instrumentalization in the previous government.

## Literature Review

Holzinger evaluated the state and indigenous people's relationship. This research examines the regulation of indigenous people's protection in 193 UN member states. The findings of this study state that the recognition of customary law and indigenous structures is very likely to occur in countries with high levels of ethnic friction. In relatively homogeneous countries, recognition focuses on communal rights only. This recommendation is strongly driven by the demand for structural aspects as a tangible form of legal and political pluralism. Another finding in this study states that recognition of customary law is mainly found at the level of law. Very few countries carry out such recognition at the level of the constitution or the Constitution (Holzinger, Haer, Bayer, Behr, & Neupert-Wentz, 2019).

Hoekema assessed seven indigenous peoples in the South American region. In the last 15 years, legal anthropologists and politicians in multi-ethnic countries have tended to support incorporating aspects of people's locality into national law. Regarding the possibility of internal conflicts at the national legal level, it is recommended that the government take affirmative action policies on aspects related to the local context in society (Hoekema, 2017). Regarding recognizing indigenous peoples by the state, Lukito found that state recognition of legal traditions living in society is based on the flexibility of these legal traditions to approach state law and the local legal conflict against the state. The closer the nonstate normative order is to state law, the more likely the state is to adopt it to take part in the national legal system. The greater the challenge posed by non-state law, the higher the possibility for state law to recognize, so that we can understand why the position of Islamic law continues to be strengthened in the political constellation of laws in the country while customary law is marginalized. The different patterns in developing the two legal traditions are not merely consequences of the state as a self-interested actor in legal pluralism. Nevertheless, it also depends on legal tradition's ability to approach state law proactively (Lukito, 2019).

The implementation of state protection against local wisdom in Indonesia is found in the provisions of Article 18B paragraph (2). Yunaldi found that the State needed to give more expansive space to the Nagari Customary Law Community Unity to make efforts to strengthen and, at the same time, image itself as an advanced traditional order. State recognition and respect given through the 1945 Constitution to *nagari* has given birth to various forms of regulation. The diversity of forms of regulation is due to the vagueness of Article 18 of the 1945 Constitution by positioning *nagari* as part of a small area, giving birth to government regulations that place KMHA as part of the regional government structure. Meanwhile, the provisions of Article 18B paragraph (2) regulate the norms of customary law communities as a unity of living together, not a badge of power. This philosophical confusion then has implications for the position of villages and KMHA *nagari* as unconstitutional, as evidenced by Article 18 paragraph (7) of the 1945 Constitution as the basis for regulating the Village Law, not Article 18B paragraph (2) (Yunaldi, 2021).

Hadler considered Nagari illegal in Indonesia since 1983 and replaced it with more petty politics by prioritizing the village paradigm in Java to make it easier to monitor and control. For the Minangkabau people, *adat* is not a skin of tradition but a dynamic system that firmly withstands external criticism. The key to regular maintenance is natural endurance formed for a long time. Reflecting on the long history of priestly wars, the Minangkabau people's acceptance of new ideas of progress and modernity while maintaining traditions due to the inclusive nature of the core culture makes the Minangkabau people open to foreign influences. The political history of West Sumatra is a defeat repeatedly (Hadler, 2010).

Nevertheless, the story of Minangkabau culture is about survival. Minangkabau reminds us that a nation can be at the cutting edge of ideologies with universal reach and global ambitions but still be true to distinctive, even heretical, and relatively egalitarian local customs. The soulfully renegotiated balance between Islam, and the matriarchate, modernity and tradition left West Sumatrans tired of extremism and inclined to compromise.

In line with Hadler, Franz Benda-Beckmann and Keebet von Benda-Beckmann stated that the relationship of the three exponents for almost a hundred years presents exciting facts, ranging from a period of struggle to intensive negotiations (Benda-Beckmann & Benda-Beckmann, 2011; Benda-Beckmann & Benda-Beckmann, 2006). Benda-Beckmann also corroborates the findings of Bowen

that the Minangkabau group debate related to custom, Islam, and the state is the most complicated and explicit thing to find a model of coexistence in the order of life through a continuous model of reasoning, dialectical anxiety, a long deliberative process intended to accommodate or even exclude certain things (Bowen, 2003). More emphatically, Benda-Beckmann states that each of the authorities of these three systems constantly seeks to position and reposition the authority of the other system so that shifting one system's authority can shift the overall order.

The incompatibility of the basic concept of *nagari* with the village is the concept of authority. Village authority faces territorial residence, while customary authority in Minangkabau is based on the political localization of the mother's lineage and property. Nagari is a broader political microcosm of Minangkabau customary governance, in harmony with the fundamentals of custom, matrilineal, and language. In contrast, the village is the lowest unit of the bureaucratic state. The village system could have worked better and even destroyed the customs and unity of the *nagari* population, further undermining the authority of the elders over the youth (F. Benda-Beckmann & Benda-Beckmann, 2001, 2013; Benda-Beckmann & Benda-Beckmann, 2007; K. von Benda-Beckmann, 2014). In general, *nagari* can only be understood as a product produced over a long period in a particular history. This shows that the processes taking place in West Sumatra are peculiar, and it is almost impossible that there will be similarities elsewhere (Vel & Bedner, 2015, p. 505). Over time, Minangkabau developed a self-understanding of cultural identity that hinted at a constantly shifting reconciliation that was not rigid from normative orders. Globalization offers an additional framework within which identities can be formulated, while at the same time, neoliberal exhortations present challenges that are perceived as threatening to Minangkabau values. For the *nagari* people, state institutions have become part of their daily lives, and they have become accustomed to bureaucratic procedures, even displacing traditional institutions. The relationship between *adat*, Islam, and the State has shifted, but the Minangkabau people still acquire the identity of the three normative orders together.

Hanani and Aziz also explained that the central government system greatly determines the dynamics of local wisdom in Indonesia. During the New Order era, the government system was primarily determined by the influence of power, so there was often a marginalization of local genius. This resulted in some local wisdom losing their role in realizing social order. The change of the era of centralization to decentralization triggered changes in several systems of local wisdom of society, which at first were confined by power, then slowly tried to rebuild their identity. This also happens in West Sumatra Province. The Nagari government system as local wisdom began to be rebuilt along with the reconstruction of Minangkabau indigenous identity values (Hanani & Aziz, 2009, p. 80).

Vel doubted the harmonization of the Village Law with the concept of *babaliak ka nagari* (back to *nagari*) in West Sumatra. This is due to the uniqueness of the Minangkabau people, and can hardly be found in other indigenous groups. The West Sumatra Provincial Government took advantage of the opportunity for autonomy to restore the previously abolished *nagari* government system. This is allegedly due to a strong tradition in the complexity of the Nagari structure, collective economic interests, support from good relations of educated Minangkabau nomads, the quality of *nagari* as a symbol of ethnic pride; capacity to cause normal sensations, and positive cooperation from government officials at every strategic level of administration. The return to *nagari* was never designed to bring government services closer to the poor and disadvantaged, as was the goal in many campaigns to split districts into other areas (Vel & Bedner, 2015, pp. 493–507). Instead of studying the return to Nagari as a process of decentralization, von Benda-Beckmann chose to do something else, namely to analyze it as part of an ongoing story of balancing the constantly contentious and dynamic relationship between Minangkabau *adat*, Islam, and state law and authority.

As a manifestation of the Minangkabau customary law community's existence, Nagari's existence is inseparable from power relations and the philosophical model of democratization of local genius. Bieveveld found that the customs and power of indigenous leaders constantly change with each regime. During the process, there were also many criticisms of indigenous traditionalism. Various ways are used to limit the power of indigenous figures. It is also undeniable that there are various views on the custom itself. Some interpret customs as limited to tradition, but some interpret them as expressions and symbols of their cultural identity. Attitudes towards customs became varied. Modernity influences

the mindset of some indigenous peoples to release the shackles of standard order, so *adat* is only sometimes accepted as the basis of social organization (Biezeveld, 2007, pp. 203–233).

Nevertheless, some of the above rituals still perform well under certain conditions. Minangkabau identity remains critical, especially to reclaim control of resources once taken away during village administration. For nomads, ethnic identity is an important thing and has always been a motivation in several philanthropic activities towards their original village.

More specifically, Shalihin stated that through several regulations, the State still continuously overrides and subordinates social and cultural institutions of society, such as the institutions of *Ninik Mamak* and *Alim Ulama*. The existence of *Ninik Mamak* and *Alim Ulama* institutions was crushed by nieces and nephews, as well as capital and political forces. Their existence today is almost only a decorative ornament. At this stage, the attempt to return to Nagari is a journey of the disorder to other more complex disorders. After more than 13 years of rolling reforms, Nagari is still running in the logic of the state. Nagari is still interpreted as the lowest government, so it must run according to the logic of the state and move in the structural political paradigm of the state. In this context, Nagari experienced distortions due to reductions made by the state. This can be observed from the regulations on Nagari that have been established, which still have a purely structural political flavour. One of the proofs is the formation of BAMUS-KAN, which functions in the political paradigm of *trias politica*, which has absolutely no pedigree in indigenous density democracy in Minangkabau (Shalihin, 2014, pp. 352–354).

## Methodology

This study employs a constructivist paradigm to investigate the profound experience of change and the continued existence of the Nagari over the government regime. This investigation is considered non-doctrinal legal research investigating the interactionist and symbolic micro-theories that define law as an order in daily life matters. This study relies on an applied socio-legal methodology through a critical textual analysis of legal substance based on historical approach to explain the rationales and consequences for legal subjects. The present investigation employed qualitative data in verbal expressions, categorized using technical triangulation methods, including participant observation, in-depth interviews, and focus group discussions. Participant observation served to investigate how the restructuring of traditional functionaries affected the Minangkabau people's political life. Traditional actors who had experienced first-hand of the effects of societal changes driven on by government regulations were interviewed in-depth. To reinforce and enrich the findings, FGDs with academics and traditional actors were conducted. The collected data is subjected to interactive/circle analysis, which involves a series of concurrent processes, including data condensation, data display, and conclusion drawing.

## The Shifting Trajectory of Nagari in Governmental Policy

Nagari embodies the formalization of the relationship between human beings and the natural environment in the Minangkabau culture, which has been shaped by the dynamics of structural coupling throughout history. At a broader level, the Nagari settlements also intersect and integrate into a multifaceted state administrative framework. Established regulations and rules determine the formal relationship between the Nagari and the state. Changes made to the *nagari* are reconfiguring its internal organization in alignment with the overarching political governance framework (F. Benda-Beckmann & Benda-Beckmann, 2021, p. 76). Variations in fundamental presumptions concerning the substance of law and the fluctuations of legal pluralism have resulted in the *nagari* being situated in diverse and ever-changing positions, contingent upon the exigencies of the governing authority.

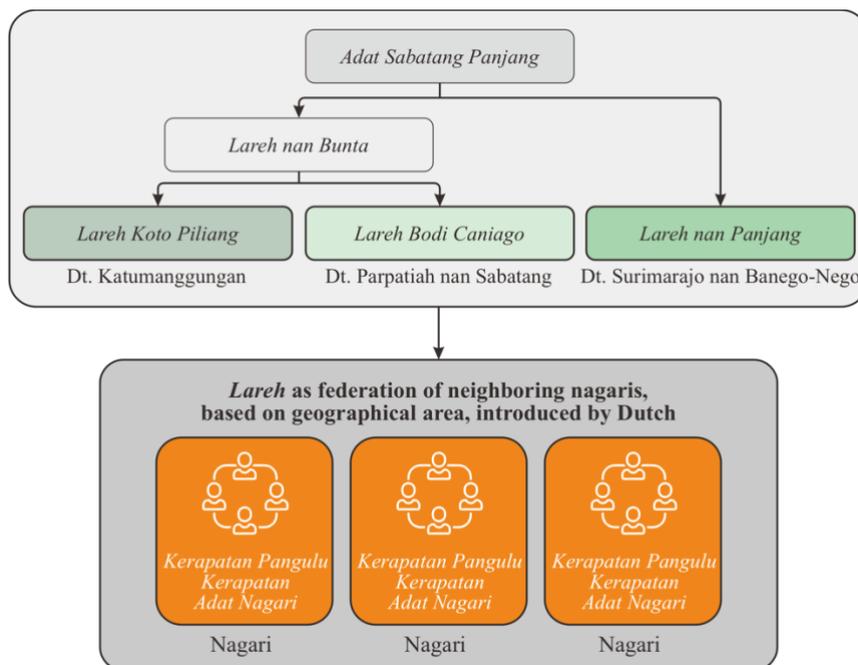
The inclination and prevalence of state law positivism, when compared to the tendency of the historical school in customary law circles, frequently results in establishing similar, incomplete, and intersecting regulations. It is indisputable that law, assisting as a medium (Fuller, 1964, pp. 207–214), functions as a language of communication that articulates political demands. Following Islam's rise, the

Minangkabau *nagari*'s development was subjected to instrumentalization that adhered to prescribed regulations. Nagari is positioned by the state as both a means and an end in the pursuit of specific objectives. The relational configuration positions the *nagari* as a passive entity devoid of autonomous consciousness and agency. Consequently, a significant prospect exists for a transformation in the role of internal relations within the *nagari*, thereby institutionalizing the Minangkabau order.

**Pre-colonial Era**

The role of Nagari in the broader social order of the Minangkabau society is intrinsically linked to its communal nature, which provides its fundamental basis. The formation of a Nagari resulting from the amalgamation of diverse tribes is significantly impacted by the leadership paradigm of concordance that has evolved within the Minangkabau community. Two of the initial models of leadership were identified as *Lareh nan Bunta*, specifically *Lareh Koto Piliang*, which was formulated by Dt. Katumanggungan, and *Lareh Bodi Caniago*, which was developed by Dt. Parpatiah nan Sabatang. The leadership approach employed by *Lareh Koto Piliang* involves an aristocratic style characterized by the utilization of *Pangulu* institutions and a multilevel decision-making system. *Lareh Bodi Caniago* employs an egalitarian and democratic leadership style whereby each *Pangulu* is granted equal positions, and decision-making is based on a consensus deliberation system (Navis, 1984, p. 57). The evolution of the initial leadership framework of the Minangkabau society was characterized by the advent of *Lareh nan Panjang*, which was formulated by Dt. Surimarajo nan Banego-Nego during the subsequent era. The existence of the current *lareh* can be attributed to the leadership dynamics of its predecessors and is further reinforced by the ethnic segmentation that aligns with societal progress. Until the end of the 18th century, as mentioned above, the division resulted in an estimated total of one hundred tribal designations within the Minangkabau region (Kato, 1982, pp. 81–84).

Adopting a leadership model framework in the context of *lareh* within the Minangkabau community is an indirect way of challenging the prevailing dominion of the royal establishment during that era. During the 17<sup>th</sup> century, the status of the nobility within the royal family experienced a decline. Concurrently, the emergence of *lareh* fostered a sense of self-governance and self-determination among the *nagari*, relegating the kingdom to a mere symbolic entity. Empirically, the *Pangulu*, who was in charge of *lareh*, held a greater degree of absolute authority than the administrative officials of the monarchy (Drakard, 1993, pp. 77, 93). The 19<sup>th</sup> century witnessed a decline in the supremacy of the monarchy, which subsequently led to a transformation in the *Lareh* benchmark as a model of leadership at the Nagari level. As a result, *lareh* evolved into a federation comprising nearby Nagari.



**Figure 1.** Change in the concept of *lareh*.

The evolution and changes of Nagari applications are ongoing processes, making tracing and identifying an original Nagari script formation challenging. In practical terms, the genuineness of a *nagari* is determined by the initial demarcations employed to observe the customs that emerge within a community. The primary sources utilized as a standard for verifying the legitimacy of the *nagari* are the *kaba*, *tambo*, and official records of the Dutch East Indies administrators. Although Parlindungan has criticized the validity of *tambo* (Parlindungan, 1970, p. ix), Moyer has argued that the emergence of classical legal texts in Sumatra coincided with the arrival of Europeans in the Nusantara (Moyer, 1975, pp. 1–18). Scholars frequently cite *Kaba Cindua Mato* as a primary source for elucidating the characteristics of the Minangkabau order (Abdullah, 1970, p. 3; de Jong, 1980, p. 103; Kathirithamby-Wells, 1985, p. 122; Kato, 1982, p. 38; Westenenk, 1913, p. 8). Each *nagari* possesses its autonomy and is interconnected with one another. The principle of communalism is a hierarchical process that begins at the individual level within the nuclear family and gradually extends to customary functionaries who participate in the governance of the Nagari.

The logical implication of the agreement stipulating the requirement of a minimum of four distinct clans as the foundation for establishing a *nagari* is that the leadership structure employed is collective. At the *nagari* level, each clan's *Niniak Mamak* and *Pangulu* organize themselves into distinct structures and collectively constitute the preeminent forum for deliberation. In addition to the matrilineal genealogy serving as the fundamental framework, a *nagari* must also possess supplementary infrastructure, including *babalai bamusajik*, *balabuh batapian*, *bapandam kukuburan*, *basawah baladang*, *barumah tanggo*, *balikuang barangkiang*, *bapasa bagalanggan*. These components consist of a traditional hall, mosque, road and sanitation facilities, cemetery area, productive land as assets, households, storage, processing facilities for basic needs, market, and open space accessible to the public.

The interaction between *adat* and Islam in 1774 is regarded as the beginning of the last transition in Nagari politics and administration' (F. Benda-Beckmann & Benda-Beckmann, 2021, p. 69). The emergence of a rigid and traditionalist Islamic cleansing movement known as the Paderi from 1804 to 1807 resulted in a dichotomy of authority within the Nagari. However, it can be argued that the Paderi did not exhibit any inclination toward reforming the management of the *pusako* (Hamka, 1968, p. 33). Despite the success of the Paderi in conquering a *nagari*, they could not entirely supplant the collective leadership of the *Pangulu*. Tuanku Imam Bonjol, in his capacity as the leader of the Paderi, engaged in discourse and cooperation with *Pangulu* to explore prospects for harmonizing Islamic practices with the *adat* of Minangkabau (Hadler, 2008, pp. 983–984).

The relationship between *adat* and Islam fostered Dutch participation. In 1821, some customary leaders in Tanah Datar reached an agreement that handed over control of the Pagaruyung, Saruaso, and Sungai Tarab regions to the Dutch East Indies. As a consequence of this agreement, the Dutch supported the *adat* group in their resistance against the religious group. According to Graves and de Stuers, the legal validity of the agreement was questionable due to the absence of any authoritative authority given to the familiar figures from the Royal Family over the ceded territory (Graves, 2007, p. 65). The previously mentioned agreement inspired the emergence of multiple additional agreements. On October 25<sup>th</sup>, 1833, a significant event occurred when the Dutch entered the Plakat Panjang Agreement. This agreement confirmed that the Dutch would refrain from intervening in the internal affairs of the Nagari in Minangkabau. The arrangement was short-lived due to the Dutch breach of the agreement. Consequently, all Minangkabau factions formed a coalition and pledged allegiance through the *Sumpah Sati*, as stipulated in the Bukit Marapalam Agreement, which emphasized the principle of *adaik basandi syarak, syarak basandi Kitabullah*.

### **Colonial Era**

For the Dutch, a system of collective leadership and a federation of *nagari* posed a unique challenge to ensuring the successful execution of economic policy. This reality made the Dutch extremely reliant on the *nagari's* existing customary framework, leading to a policy of reorganizing the *nagari's* internal political structure. For this reason, the Dutch designated Ridder de Stuers as the Resident in charge of the Padang en Onderhoorigheden region. The plan was to create a new administrative level above the Nagari, working up to the *Regent* from *Lareh* to *Afdeeling*. The governing system became dualistic as a result of this policy. The Dutch unilaterally chose *Larashoofd* to acquire official status. The

nomination of *Angku Palo* as the head of the Kerapatan Adat within the Nagari was another action taken following this policy that encouraged the conversion of collaborative leadership to a single leadership. This policy disregards the matrilineal structure underlies Minangkabau order (Dobbin, 2008, p. 320). The Dutch developed tax laws for markets, agricultural products, and *Pangulu* appointment taxes in 1825 to achieve their economic objectives. Concerning the management and registration of land ownership in 1829, the Dutch likewise used the *domeinverklaring* principle (Oki, 1977, p. 106).

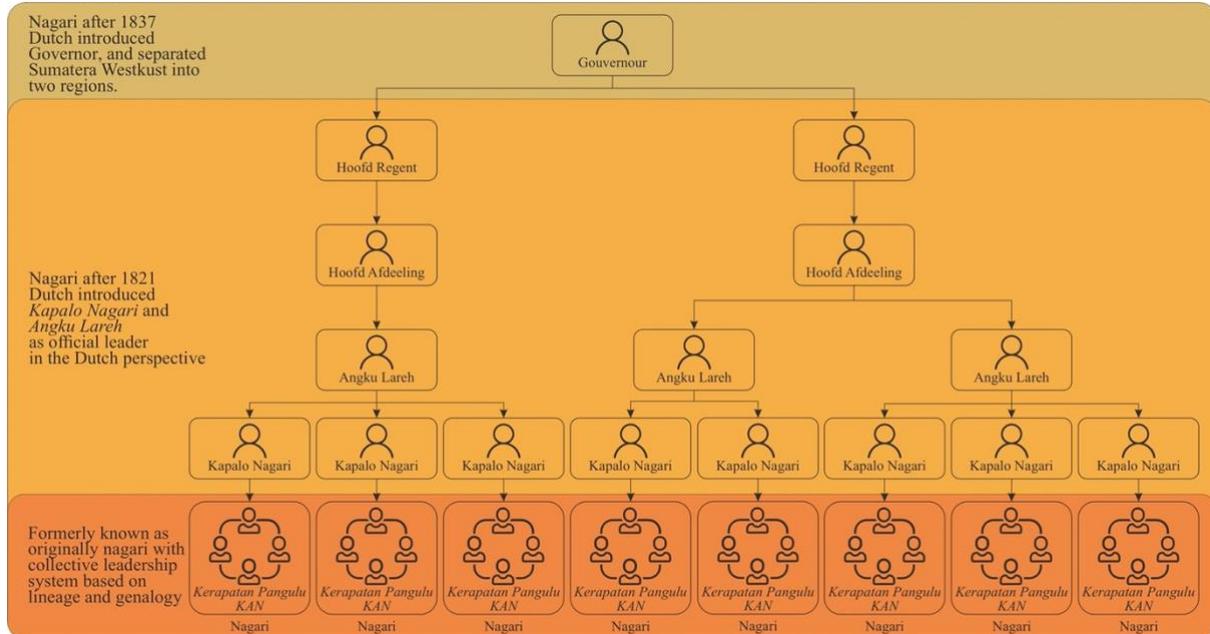


Figure 2. Dutch East Indies policy and changes in nagari structure during the colonial period.

The *Kelarasan* system was replaced by the *districten* system in 1913, following the implementation of the 1903 Decentralisation Act. The policy aimed to achieve the economic objectives of the Dutch East Indies by promoting the abolition and expansion of the Nagari while disregarding customary considerations. *Staatsblaad* 1918 Number 667, introduced by the Dutch, established a new Minangkabau structure. It specified that the Minangkabau leadership comprised *Niniak Mamak*, *Alim Ulama*, and *Cadiak Pandai*. The Dutch mandated the *Inlandsche Gemeente Ordonnantie Buitengewesten (IGOB)* through *Staatsblaad* 1939 Number 681, which necessitated the leadership of nagari by a *Kapalo Nagari*. These regulations modernize traditional positions (Kemal, 2009, p. 160) but disregard customary law and the authority of customary functionaries in the nagari.

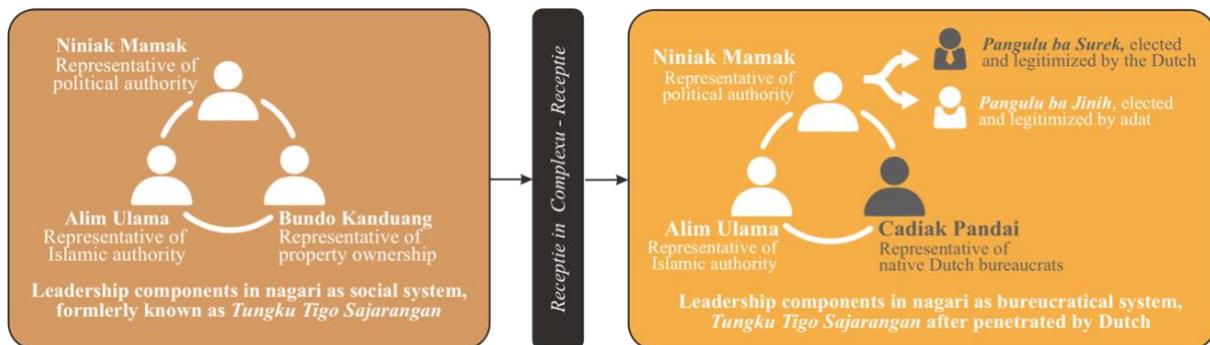


Figure 3. Dutch legal policy and changes in the constituent components of nagari.

The Dutch influence on the traditional structures of the *nagari* led to the emergence of various social organizations. The founding of SDI (*Sarekat Dagang Islam*) on October 16, 1905, in Solo significantly impacted the advancement of the Islamic movement (Wardiono, Sugiarto, & Rofik, 2020, pp. 223–224). SAAM (*Serikat Adat Alam Minangkabau*) was established in 1916 by the *Pangulu* and civil servants in West Sumatra to protect *adat*. The alignment of the Dutch with conventional groups has fostered the emergence of indigenous movements centered on Islamic education by *Kaum Mudo* (Abdullah, 1977,

p. 47), such as PERMI (*Persatuan Muslim Indonesia*) and PERTI (*Persatuan Tarbiyah Islamiyah*). PERMI is a political party established by the *Persatuan Sumatra Thawalib* on May 27, 1930 (Agesti & Sanjaya, 2021, p. 156). The dissolution of PERMI occurred on October 18, 1937, due to the Dutch constant supervision over the organization’s movement (Sally, 2013, p. 111). PERTI was established on May 20, 1930 (Koto, 2012, p. 33) and remains operational. The interaction between conventional and Islamic movements has led to the emergence of multiple traditional associations in West Sumatra. The *Musyawaharah Tinggi Kerapatan Adat Alam Minangkabau* (MTKAAM), established in 1938 by (Kahin, 1999, p. 89), is a significant and influential association.

The Japanese Governor respected the matrilineal traditions of Minangkabau during the colonial period, leading to restricted changes to *nagari*. Japan has implemented a strategic policy to abolish groups in its legal and judicial system. The needs of Japan during World War II led to the marginalization of indigenous communities and strengthened connections with the Islamic community (Benda, 1955, p. 353). This results from the consolidation and integration of the Religious Courts system. This policy may lead to social conflict due to the existence of the Minangkabau people’s customary justice system (Lev, 1973, pp. 1–30, 2000, pp. 33–70). The policy aimed to eliminate Dutch colonialism’s symbols without altering the Minangkabau people’s fundamental traits (Rahmat, 2013, p. 65).

### Independence Era

Post-independence, political changes affected Islamic and traditional institutions. However, this has no significant impact on the substantive traditions of either (Lukito, 1998, pp. 57–58). The enactment of Law No. 23 Year 1947, which abolished the traditional justice system in Java and Sumatra, marked a significant shift in the governance of Indonesia. The planned legal unification paradigm has demonstrated the inadequacy of the *adatrecht politiek* system established and upheld prior to independence (Wignjosoebroto, 1994, pp. 192–193).

Central Sumatra governed the West Sumatra region according to Law Number 10 Year 1948 and Law Number 22 Year 1948, which implemented the Dutch and Japanese government systems (Bachtiar, 1967, p. 382). The Resident Decree of Sumatra Number 3 Year 1946 facilitated the emergence of multiple political parties and played a significant role in the government structure. Initially, *Kapalo Nagari* faced criticism from political figures due to its strategic significance dating back to the Dutch era. This movement gradually contested the presence of regional customary law authorities (Asnan, 2006, p. 251). Decree Numbers 20 and 21 Year 1946 were issued by the Resident of Sumatra, mandating the establishment of a DPN (*Dewan Perwakilan Nagari*), DNH (*Dewan Harian Nagari*), and *Wali Nagari* within the *nagari* government structure. The *Wali Nagari* holds the highest authority as the Head of DPN and DNH. KAN, a constituent of DPN, has jurisdiction solely over daily affairs. *Pangulu* was taxed at 10% due to its control over rice production in the *Nagari*.

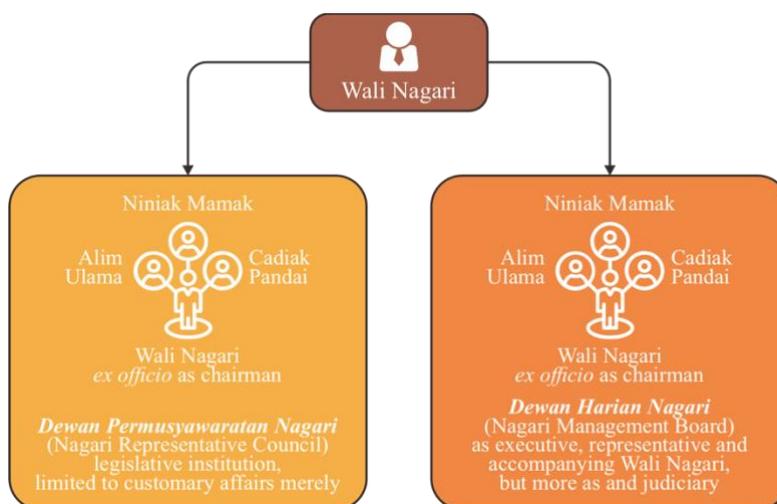


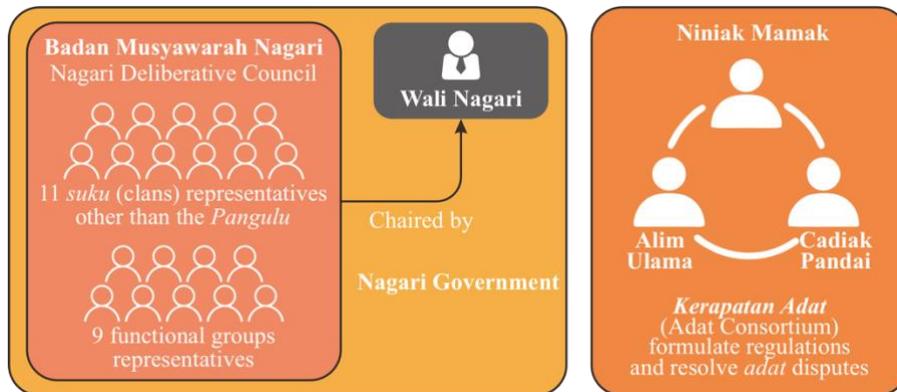
Figure 4. Nagari based on Maklumat Residen Sumatera No. 20 and 21 Year 1946.

he Resident of Sumatra has implemented a shift from the density-based Nagari administration to a representative system. The national government restructuring has prompted the secularisation of *Pangulu* and KAN as institutions of *Pangulu*. This policy engendered political dualism within Minangkabau society. The state’s recognition of traditional institutions and the secularisation of *Pangulu* demonstrate *adat* bureaucratization by the government.

The Decree of the Governor of Central Sumatra Number 50/G.P/1950 abolished the traditional leadership structure in Nagari and implemented a regional governance system. Anti-traditional leadership campaigns date back to 1947, predating the decision mentioned earlier by (Kahin, 1985, p. 314). The policy elicited a robust response from conventional authorities and native scholars. This denial is grounded on two primary rationales. The abolition of the *nagari* system equates to the abolition of the Minangkabau’s social, political, and economic unit. The Minangkabau people find it challenging to comprehend and accept the territorial government system from an external perspective.

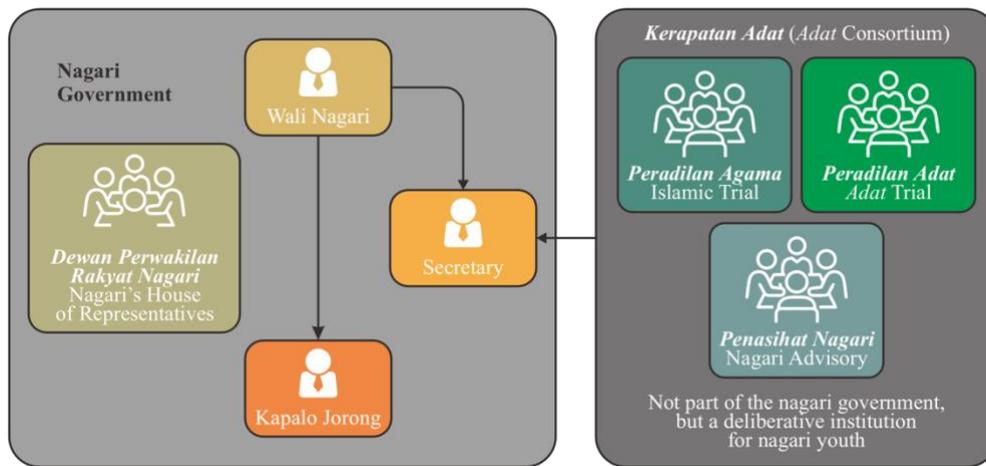
Presidential Decree Number 1 Year 1954 reinstated the Nagari government system following the IGOB, with some modifications, after the Governor’s decision was overturned. The decree was well-received. Subsequently, the Minister of Home Affairs issued Decree Number DDX/5/1/2, followed by the Governor of Central Sumatra’s Decree Number 2/6-55 Year 1955. The policy replaced the regulation of Kerapatan Nagari from the IGOB with the *Dewan Perwakilan Rakyat Nagari* (DPRN) as an official institution. The Presidential Decree grants the Government the freedom to select Wali Nagari, excluding *Pangulu*. *Pangulu* reacted unfavourably to this as it contradicted the provisions of the IGOB. The policy highlights the need for more effective implementation of democracy despite the Government’s acknowledgment of customary institutions within its system.

In response to this situation, indigenous individuals convened a congress in 1957. The congress suggested endeavors to revive and acknowledge the traditional system within the context of the entire national law. The Governor issued two Decrees in 1958, granting legitimacy to the *Kerapatan Nagari* to select the Wali Nagari through a consensus mechanism (Kemal, 2009, p. 190). The election agreement’s outcomes must be officially recorded with the Bupati to ensure conformity with relevant customary law.



**Figure 5.** Nagari based on Governor Regulation No. 3/Desa/GSB/1959.

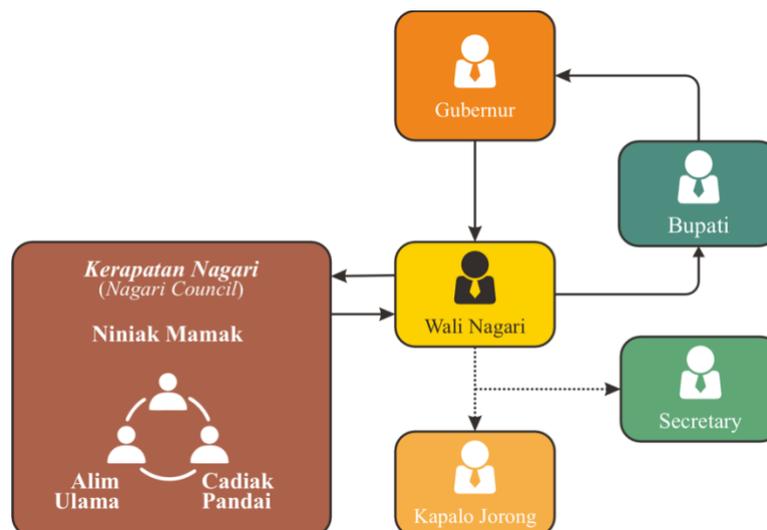
The Nagari’s position in the national government is being threatened due to the adoption of the post-*Pemerintahan Revolusioner Republik Indonesia* (PRRI) guided democracy ideology. A village government substituted the Nagari government following Governor Regulation Number 32/Desa/GSB/1959, Governor Decree Number 52 Year 1962, Governor Regulation Number 3/Desa/GSB/1962, Pert-Peperda/01/04/62, and Decree Governor Number 02/Desa/GSB-Prt/63. This policy mandates the presence of a BAMUS (*Badan Musyawarah*) and the *Kepala Nagari* as governmental agents. BAMUS members are selected based on the principle of representation. Out of the 20 chairs, 11 are reserved for clan representatives within the Nagari, irrespective of their affiliation with the *Pangulu* circles. The remaining nine seats are reserved for representatives of other functional groups. Despite its recognized existence, *Kerapatan Adat*’s authority is limited to forming customary regulations and resolving disputes within the Nagari.



**Figure 6.** Nagari based on Government Resolution No. 015 Year 1968.

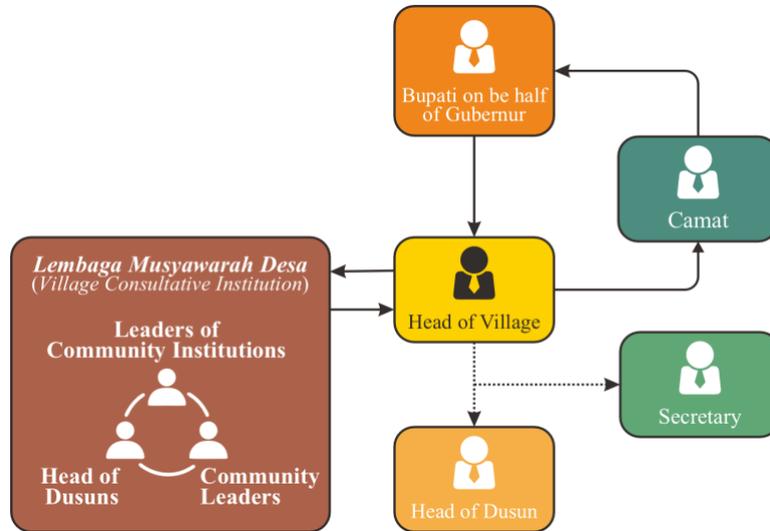
The ideology of guided democracy in the *Orde Lama* regime significantly altered the structure of the Nagari government. Guided democracy ideology lacks political and legal freedom and tends towards authoritarianism and dictatorship (Isra et al., 2017, p. 120). The *Wali Nagari* leadership model has replaced the *Pangulu* collective leadership; the former is open to being selected from the *Pangulu*. The principle of representative democracy is implemented in representative institutions in the Nagari, which is presided over by the *Wali Nagari*. The *Pangulu* institution was secularised, and its authority was restricted to specific matters, despite retaining recognition.

Implementing the military-bureaucratic system during the *Orde Baru* regime weakened the *nagari* as a social and functional unit among the Minangkabau community (Tanner, 1971, p. 80). The reorganization of the Nagari was carried out following Governor Decree Number 015/GSB/1968 and 149/GSB/1970, with the implementation being governed by Governor's Instruction Number 10 Year 1968. The policy outlined that the Nagari system comprised the *Kapalo Nagari*, DPRN, and *Kerapatan Nagari*, elected through an election mechanism. The policy underwent simplification via Governor Decrees No. 155/GSB/1974, 156/GSB/1974, and 157/GSB/1974. The new policy replaces DPRN with *Kerapatan Nagari*. This regulation aims to reinstate *Pangulu's* jurisdiction in *Kerapatan Nagari*, which was previously eliminated by the election system that prioritizes representation. Similar to the preceding situation, the principle of singular leadership persists as the *Kapalo Nagari* assumes the role of the Head of the *Kerapatan Nagari* under their position.



**Figure 7.** Nagari based on Governor Resolution No. 155 Year 1974.

Law Number 5 Year 1979 replaced the Nagari government with a village government. The establishment of village government in West Sumatra was commenced through Regional Regulation Number 7 Year 1981 and was enforced in the region according to Governor Decree Number 162/GSB/1983. Implementing village governance in West Sumatra involves altering the governance model, as the village and Nagari are distinct entities. The village and Nagari are distinct governmental units, with the former being the lowest level of bureaucracy and the latter serving as a microcosm of political organization based on matrilineal principles.



**Figure 8.** Nagari based on Law No. 5 Year 1979 on Village Law.

The expansion of the lowest level of government in West Sumatra has been encouraged by the bureaucratic orientation of village government, as stated in Minister of Home Affairs Decrees No. 17/77, 379/66, 152/1978, and 155/1979. The village data of Nagari has increased from 522 to 3.518 (Irawan & Hanida, 2020, p. 26). This number contrasts with Benda-Beckmann’s data, which initially reported 543 Nagari to 3.516 villages (F. Benda-Beckmann & Benda-Beckmann, 2021, p. 145). The Ministry of Education and Cultural Affairs data indicates a transformation from 453 Nagari to 3.516 villages (Daerah, 1984, p. 71). Since 1998, the consolidation of small villages has resulted in 1.700 villages. Implementing village governance led to abandoning *Pangulu’s* authority in managing communal assets and resources. The Provincial Government addressed the matter by regulating the Nagari as a distinct legal institution through Regional Regulation Number 7 Year 1981. Regional Regulation Number 13 Year 1983 officially recognized KAN as a customary law community responsible for reinforcing *adat* and resolving customary conflicts. Governor Instruction No. 102/GSB/1985 enhanced KAN’s expertise in wealth management.

Following the *Orde Baru*, the Reformation regime addressed the shortcomings of centrism by adopting regional autonomy and decentralization of power. This shift also emphasized the importance of acknowledging customary rights and village resources (Isra et al., 2017, p. 121). This condition is governed by Law Number 22 Year 1999 and Government Regulation Number 76 Year 2001. This regulation involves recognizing local cultural units in the lowest level of government by changing the terminology used, essentially repeating existing policies (F. Benda-Beckmann & Benda-Beckmann, 2021, p. 215). West Sumatra’s Provincial Government utilized the option to reinstate the *nagari* government by implementing Regional Regulation Number 9 Year 2000.

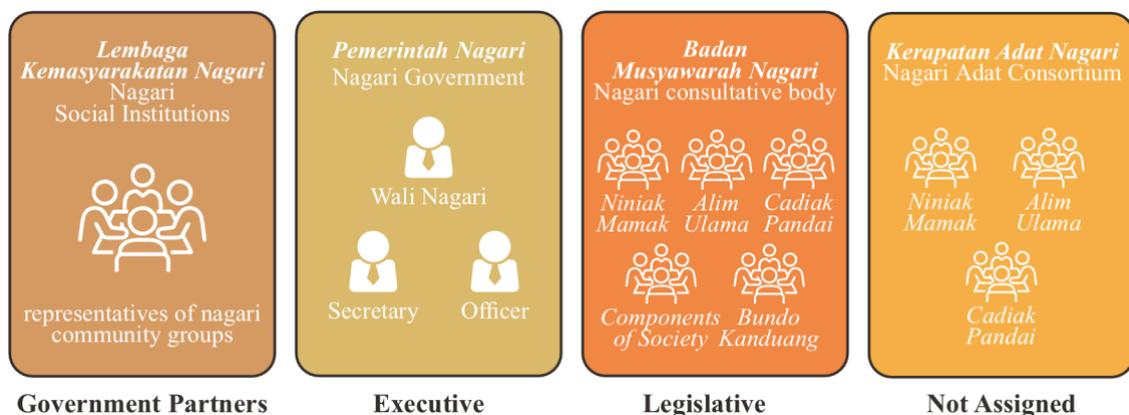


**Figure 9.** Nagari based on Province Regulation No. 9 Year 2000 on Nagari.

The policy outlines the composition of the Nagari structure, which includes the *Pemerintah Nagari*, BPAN (*Badan Perwakilan Anak Nagari*), and BMASN (*Badan Musyawarah Adat dan Syarak Nagari*). The Nagari government comprises the *Wali Nagari*, Nagari Secretary, and Nagari Servant. Local and overseas Nagari residents elect the Nagari Wali through direct voting. BPAN is a community organization comprising members selected from the residents of a nagari. BMASN is a group of advisors to the *Wali Nagari*, including *Niniak Mamak*, *Alim Ulama*, *Cadiak Pandai*, *Bundo Kandung*, and other societal elements. The policy acknowledges LAN (*Lembaga Adat Nagari*) as a *Niniak Mamak* institution responsible for resolving *sako* and *pusako* disputes. This task is similar to KAN's under Regional Regulation Number 13 Year 1983 but with the transfer of authority over property and resource control to the nagari.

This policy aims to reinstate the previous implementation of the Nagari government model. Despite the potential benefits of dividing the Nagari for improving governance and welfare, there are still attempts to bureaucratize it. This policy for expanding the Nagari only considers the number of household heads and disregards genealogical factors and infrastructure availability, which are standard requirements. Consensus is necessary for its implementation.

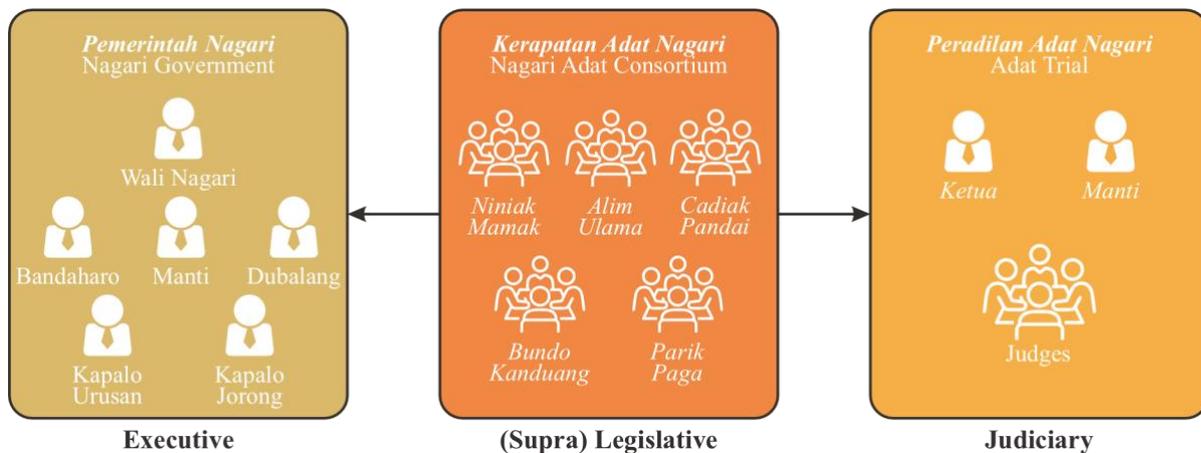
Regional Regulation Number 2 Year 2007 amended the policy and emphasized the Minangkabau customary philosophy as the basis for managing the *nagari*. The policy outlines that the Nagari structure comprises the Nagari Government, BAMUS, *Lembaga Kemasyarakatan*, and KAN. The structure aims to integrate the nagari governance model with representative democracy. *Lembaga Kemasyarakatan*'s recognition as government partners is based on the inclusion of representatives from functional groups within the *nagari* community. Additionally, BAMUS, which holds legislative authority, comprises *Niniak Mamak*, *Alim Ulama*, *Cadiak Pandai*, *Bundo Kandung*, and other community components. KAN is acknowledged as the primary customary deliberative representative body in the Nagari.



**Figure 10.** Nagari based on Province Regulation No. 2 Year 2007 on Nagari.

The bureaucratization of the Nagari was evident through establishing BAMUS, which superseded KAN's governmental bureaucratic authority. KAN is considered a traditional institution outside of government inherited from generation to generation with the sole task of preserving *adat* and resolving customary disputes. Although the elements contained in the BAMUS also involve independent KAN membership, the number is limited to only 5 to 11 people referring to the area, population, and financial capacity of the Nagari. The same thing is also found in the requirements for the candidacy of the *Wali Nagari*, which provide equal opportunities for all Indonesian citizens. This policy furthers the Nagari from the functional and social aspects of Minangkabau society.

Law Number 6 Year 2014 offers a chance for the Nagari government to be fully implemented through immediate recognition as a traditional village or a management mechanism, thereby renewing the village governance model. This policy allows regional governments to recognize (Adli & Mutalib, 2020, p. 55) or complete the secularization (Rahmat, 2020, p. 75) of the Nagari in the national government system. Before the Village Law was enacted, the Provincial Government of West Sumatra took the initiative to compile a draft in 2011, stipulated as Regional Regulation Number 7 Year 2018.



**Figure 11.** Nagari based on Province Regulation No. 7 Year 2018 on Nagari.

The policy outlines the components of the Nagari structure, which comprises the *Pemerintah Nagari*, KAN, and *Peradilan Adat Nagari* (PAN). The *Pemerintah Nagari* comprises *Kapalo Nagari*, supported by customary officials known as *Manti*, *Bandaharo*, and *Dubalang*. The KAN legislative body comprises delegates from *Niniak Mamak*, *Alim Ulama*, *Cadiak Pandai*, *Bundo Kanduang*, and *Parik Paga* factions. This policy extends the definition of KAN, which previously only applied to *Pangulu* members within the community. The restoration of *nagari* as a functional unit in Minangkabau is being pursued through the authority of KAN to appoint a *Kapalo Nagari* using a consensus deliberation mechanism. The legitimacy of *adaik salingka nagari* serves as a basis for creating Regional Regulations for each Nagari, promoting diversity and preserving the authenticity of each community. PAN's legitimacy in the judicial sphere aims to restore the Nagari's social role in the Minangkabau community. The presence of PAN as a legal entity conflicts with current judicial protocols. PAN's position aligns with implementing restorative justice in Indonesia, filling the mediation space.

This policy addresses legal aspects previously neglected due to the bureaucratization of the *nagari* and the secularization of *adat*. The policy serves as the legal framework for fulfilling the requirements of the Village Law in designating a typical village. This regulation is the foundation for establishing a regional regulation that designates each Nagari as a typical village. Law Number 17 Year 2022 regarding West Sumatra Province further reinforced this policy.

The Provincial Government has chosen ten villages as pilot projects and established an Acceleration Team to aid in creating Regional Regulations to attain the objective. Regional Regulation that defines a Nagari as a typical village in West Sumatra has yet to be identified. The material aspects of village policies are commonly perceived as general rules that require implementation within the village. This policy often leads to horizontal conflicts between the *Wali Nagari* and KAN.

## Current Trauma of Adat Bureaucratization in Nagari

Government intervention in various regimes treats *nagari* as a means to achieve state objectives rather than as an independent entity. The state's objective approach towards the *nagari*, through the secularization of *adat* and the use of the *nagari* for its purposes, has caused trauma for both the *nagari* and its inhabitants. Restructuring positions within the Nagari is a systemic effort to alter its identity. Modifications in the relationship among system constituents can alter the system's identity, rendering the former system unidentifiable with its prior identity. The Minangkabau society's blending system is adaptable to reforms while retaining its identity.

### *The Dualism of Leadership and Ambivalence of Nagari Autonomy*

The Minangkabau social structure underwent significant modifications when the Dutch introduced a new leadership position that promoted a singular leader to supplant the collective leadership of *Pangulu* in Minangkabau. The policy was integral to the Dutch economic objectives for the *nagari*. The Minangkabau's collective leadership system posed a challenge for the Dutch in their efforts to regulate the region's natural resources. As a result, the Dutch implemented a hierarchical leadership structure to gain complete control over the Nagari (Herwandi, 2012, p. 4). This policy underlies the dichotomy between political authority and leadership in Minangkabau. The Minangkabau people retained their collective leadership in daily life while acknowledging the legal authority of the new positions established by the Dutch. Attempts to domesticate the roles of *Kapalo Nagari* and *Angku Lareh* frequently result in societal disputes that traditional customs cannot resolve.

The Dutch curtailed the independence of the *nagari*, the highest social and political unit of Minangkabau, by abolishing the customary justice system by implementing the *Rechts Reglement op de Rechtwezen van Sumatra's Westkust* in 1874. The District Court replaced *Pangulu's* judicial authority in resolving disputes within The Nagari, per the *Undang-Undang Duo Puluah*. The Dutch utilized the *domeinverklaring* principle under *Agrarisch Besluit* in 1874 to gain control of property in the economic sphere. As mentioned earlier, the regulation aimed to facilitate the Dutch governance of significant and strategic territories previously under the *ulayat nagari's* jurisdiction but not under personal or collective control. Between 1870 and 1930, approximately 4,3 million hectares of customary law community land were acquired through the implementation of this policy (Furnivall, 2010, p. 312). This policy facilitated the transition of the Minangkabau community's sustainable economic concept to a capitalist economic system (Dahlan, 2018, p. 202). The economic policies of the Dutch altered the role of the connection between individuals and property within the Minangkabau social order.

The Dutch pursued resource control by enacting *Staatsblaad* 1918 Number 667, which pertained to *Inlandsche Gemeente*. The policy entailed the replacement of the *Bundo Kanduang* position, which symbolized the Minangkabau people's property ownership, with the *Cadiak Pandai* group as a societal element in the *nagari*. The Dutch tripartite leadership concept is widely regarded as the original leadership model by the Minangkabau community. The replacement of *Bundo Kanduang* by *Niniak Mamak* as the legal subject regulating customary land rules is an expected occurrence.

The pre-reform Nagari government's experience was similar to that of the preceding administration. The policies generally upheld and reinforced the Dutch principle of single leadership. The policies aim to establish a representative democracy and do not acknowledge the significance of pre-existing social structures. Top-down policies prioritize the central Government's goals, often treating the *nagari* as a means to achieve those goals. Customary functionary institutions operate independently from the government bureaucracy and are responsible for promoting sustainability and resolving customary disputes. The Government has restricted the definition of *adat* to encompass ceremonial rituals on specific issues solely. The village government ultimately replaced the Nagari government.

The interaction between the *adat* group peoples and the Islam group in the Dutch era fostered the emergence of diverse local movements that influenced the community. The presence of political parties at the Nagari level is encouraged by the euphoria of representative democracy at the national level. Despite necessity, this change often fails to alter people's perceptions of its presence. Many individuals consider the LKAAM (*Lembaga Kerapatan Adat Alam Minangkabau*) the foremost traditional leadership institution in West Sumatra. The pinnacle of Nagari autonomy is embodied in the *Pangulu*

system, which is present in every Nagari, particularly in KAN. LKAAM, known as the KAN coordinating institution, is a coordination mechanism among customary functionaries. LKAAM lacks the authority to interfere with the autonomy of any Nagari in West Sumatra.

### *Towards Nagari as Customary Village*

Ideally, endeavors to transform a *nagari* into a typical village should consider the relational framework between the Nagari and the state. An equal relationship necessitates the equal placement of both parties as subjects. The assimilation of customary law, whether oral or written, holds significant importance as it embodies a legal system tailored to meet a community's specific requirements (Bukido, Rumkel, Wekke, & Palm, 2018, p. 243). Such a system is deemed effective as it encompasses indigenous knowledge and values deeply ingrained and comprehended by the local populace. It is imperative to fulfill the constitutional obligation of fully implementing efforts to acknowledge, safeguard, and institutionalize Nagari to preserve the Minangkabau community's communal ties. The Minangkabau community is closely associated with managing and owning its assets. The Minangkabau people's conception of prosperity entails the preservation of their self-sufficiency, territorial integrity, and communal-religious identity (Wiguna, 2021, p. 131).

The modifications introduced in Article 18B of the Constitution apply the communal and institutional significance of Indigenous Peoples following their philosophical beliefs. The amendment's term *hak tradisional* (traditional rights) pertains solely to customary law values and does not encompass the institution's presence (Yunaldi, 2021, pp. 308–310). Substituting the term "*hak tradisional* (traditional rights)" for "*hak asal-usul* (rights of origin)" imposes temporal constraints and may permit noncompliance with current circumstances. The provision is linked to the "*masih hidup* (still alive)" clause, which is counterproductive due to the erosion of indigenous people's existence through long-standing policies, hindering their survival (Sulaiman, Adli, & Mansur, 2019, p. 14). Indigenous institutions are often perceived as primitive and resistant to modernization (Rosyada, Warassih, & Herawati, 2018, p. 4). UN commonly employs the term "indigenous people" to denote community values and institutions that hold genuine significance in specific regions globally.

Implementing conditional provisions in recognizing and safeguarding indigenous peoples can involve subjugation and compulsion. The recognition mechanism solely employs an administrative viewpoint, thereby indirectly prolonging the bureaucratization of *adat*. Ideally, the state's existence should only serve as an organizing force and not interfere with customary law's material and substantive aspects. The state's control over the substantive aspects of the *nagari* demonstrates its dominance and potential hegemony, as it has the authority to unilaterally determine the existence of a *nagari*, regardless of the views of those in power (Matuankotta, 2020, p. 193; Rahardjo, 2005, p. 62).

Divergent views on *adat* and *adat* recognition methods within the national legal system pose limitations to the formal recognition of *nagari* as a typical village under the Village Law. The circulation of the Draft Customary Regulations to the public suggests an attempt to establish consistency in Nagari regulations. The differentiation between each *nagari* is an undeniable fact that must be acknowledged as the *adat salingka nagari*, which is governed and safeguarded by current regulations. The presence of social capital in individuals' lives does not necessarily correlate with a thorough comprehension of constitutional knowledge. The discourse on the dynamics and future trajectory of the Nagari government is currently limited to academic circles and has yet to yield any substantial political impact.

The concept of purifying and acknowledging Nagari within the constitutional system, as outlined in Regional Regulation Number 7 Year 2018, must be clarified at the Nagari level. A lack of shared understanding regarding the Nagari government's future projections resulted from an information disconnect. The phenomenon of ambiguous comprehension was also observed in the concurrent selection of village mayors across multiple villages in 2022. The preamble of the Nagari Wali election rules does not reference Regional Regulation Number 7 Year 2018. Although legally effective, the Regional Regulation revokes and invalidates the previous Nagari Regulation, as stated in the Final Provisions. If a *nagari* is not recognized as a traditional village, it is considered an administrative village according to the Village Law and related regulations.

## Conclusion

Nagari maintains significance beyond its role as a representation of traditional bureaucracy and government politics among the Minangkabau community. Nagari refers to the institutionalization of social relationships among Minangkabau components. The multiple levels and relationships between human and natural relationships form the basis of *nagari* construction. The preparation of structure and authority at the family level to the representation of the family in *nagari* is based on the hereditary characteristics. The purpose of this relationship becomes an identity that encompasses every element of Minangkabau social structure, not just those related to government bureaucracy. State law has gradually altered the manner in which that *nagari* originally established. Most of political authority attached to the earlier Minangkabau structure has been wiped off through restructuring through state policy. Government policies implemented over time have altered the nature of relationships within the Nagari, potentially impacting the original identity of the Minangkabau people. The marginalization of *adat* within positive law has facilitated the utilization of Nagari, which is connected through legal establishments. The state's objective relationship with the *nagari* positions it solely to achieve goals, often at the expense of the Minangkabau people's cultural practices. This assumption leads to the creation of hierarchical policies. Despite the possibility of reviving the *nagari* as a viable social unit under national law, the Minangkabau people continue to grapple with the effects of past customary bureaucratization. An alternative perspective on *nagari* existence as a social system equal to the state is offered by the unpleasant consequences of instrumentalizing Nagari through state policy. This perspective can be considered into consideration while amending state law-enforced restrictions regarding Nagari arrangements.

## Conflict of Interest

This article was written by us and does not contain plagiarism and is free from conflicts of interest.

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