

The Role of Mamak Adat in the Mediation of Marital Conflicts in the Rokan Hulu District, Riau Province

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Abstract—Fair puts things in their rightful places. Likewise, the role and position of Mamak Adat in resolving domestic cases. Not all household matters must end in divorce, because actually preventing divorce is the key to kinship in the culture of the Malay community that's distinctive with Islamic values. This writing was conducted to determine the role of mamak adat in preventing divorce from the Malay community in Rokan Hulu, Riau Province with the Malay traditional law approach. The writing method used by the writer is analytical descriptive with a qualitative pattern. The conclusion of this research, was founded mamak adat has a role and function as a median where the complaints meet when disharmony between husband and wife relationships occur. To place the value of family integrity and the future of children above all the interests of the parties.

Keywords: Mamak Adat, prevention, household

I. INTRODUCTION

Marriage events have juridical consequences, in the form of legal relations between a pair of humans. The occurrence of marriage is usually present in Malay communities as well as custom as an important element in sustaining the social life of the community in their environment. Moreover, Malay tradition has a special relationship with the religion of Islam which is the identity of the original Malay community.

True marriage carries the consequences of inner and outer bonds for a pair of human beings based on Pancasila values. The first precept of Pancasila as the basis of the state states that the Godhead is the One. So every marriage in Indonesia takes place and must obey and submit to religion as a guide to validation.

The majority of everyone wants a harmonious life, but cannot remove the obstacles in marriage. Until finally it can lead to household breakdown which results closer to divorce [1].

The occurrence of events in the household such as disputes, quarrels or disputes between husband and wife can result in divorce if it is not resolved properly [2].

Then there are at least 6 (six) reasons for the divorce lawsuit between husband and wife based on Article 39

paragraph (2) of Law Number 1 of 1974 concerning marriage [3].

Before reaching the stage of divorce in the Malay Rokan Hulu community, the traditional mamak had a role as in the marriage process until nearing the divorce. Because divorce road is a road that is not expected to be present as long as a household problem can be overcome.

Moreover, the easy divorce that occurs in the community due to settlement in the judiciary does not solve social problems in the civil society.

Rokan Hulu Regency inherits a large culture in the world, namely Malay culture. Until then Malay culture in Rokan Hulu there was once a Malay kingdom known as the Tambusai Kingdom which had laid the foundation of the Malay culture with a distinctive nuance of Islamic values in it. [4] This also underlies how the true relationship between Islam as a religion and the Malay culture which is held firmly by the Malay community.

Based on this, this study seeks to reveal the role of traditional mamak in the prevention of Malay divorce which, according to the author's hypothesis, is influenced by the values of Islamic law, to what extent these Islamic values contribute to the household problems of Malay communities in Rokan Hulu Regency, Riau Province.

The purpose of this study is specifically to find out the role of traditional mamak in the prevention of Malay divorce in Rokan Hulu Regency, Riau Province.

Based on the theme of the role of adat mamak in the prevention of divorce in the community, this is included in the concept of resolving disputes outside the judiciary. As the values that live in the community are more desirable because of different settlement approaches. Like the values of deliberation, peace, family, customary settlement and so on are now starting to be desirable to be used as an alternative way of dispute resolution [5].

Article 1 Number (10) of Law Number 30 of 1999 provides a definition of alternative dispute resolution, which is a dispute resolution agency or dissent through a procedure agreed upon

by the parties, namely settlement outside the court by means of consultation, negotiation, mediation, conciliation or arbitration.

The pattern or model of dispute resolution as it is known in the alternative dispute resolution tends to the traditional model of community law which is an embodiment of the real needs of life and one way of life which as a whole is the culture of the community where the customary law applies [6].

Indigenous peoples certainly have the most important element, namely the existence of customary traditional functionaries consisting of customary leaders or traditional officials. This traditional administrator has become an important element in resolving disputes within the community.

Data collection techniques in this study include observation, interviews, questionnaires and literature study in order to facilitate researchers to retrieve data. Whereas in data analysis techniques, the authors use qualitative analysis methods by using sentence descriptions to explain the relationship between existing theories and reality in the field. This is done in stages in the form of preparation, implementation and completion [7].

II. RESEARCH METHODS

This type of research will be used is sociological legal research, namely empirical studies to find theories about the process of occurrence and about the process of working of law in society [8]. Associated with based on applicable laws and regulations relating to dispute resolution by indigenous peoples in Rokan Hulu Regency.

The location of the study is Rokan Hulu Regency which consists of 16 Subdistricts: Bangun Purba, Kabun, Fullness, Kunto Darussalam, Rambah, Rambah Hilir, Rambah Samo, Rokan IV Koto, Tambusai, North Tambusai, Tandun, Ujungbatu, Pagah Tapah Darussalam, Bonai Darussalam, Fullness of Upstream, and Control IV Koto. The focus of this research is on indigenous territories that cover these 16 districts.

The respondent population includes a) the Regional Government of Rokan Hulu Regency; b) Rokan Hulu Malay Customary Institution; c) Customary Mamak and shoots of the tribe; d) communities that use the services of adat mamak to resolve household disputes before divorce in Rokan Hulu Regency.

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III. RESULTS AND DISCUSSION

The customary Mamak in the Malay community of Rokan Hulu has gained a place in the hearts of the people. The presence of traditional mamak is considered as one of the functionaries of dispute resolution in the Malay community of

Rokan Hulu. So that the decisions taken by Mamak Adat become part of respect and adherence to adat [9].

Divorce was an avoided event in the Malay community of Rokan Hulu. Because it is a disgrace in large families and indigenous mamak in the community. So much effort has been made by the family through traditional mamak to save the fostered family. But under certain conditions divorce is a solution in maintaining the goal of achieving happiness itself [10].

Traditional Malay law in Malay communities Rokan Hulu never classifies the pattern of the role of traditional mamak in preventing divorce in Malay communities. But the author tries to classify in order to be easily understood by readers. The division is as follows:

A. The Role of Mamak Adat on Pre-Marital Status

The cause of divorce that occurs is usually the divorce caused by problems because they already feel out of harmony between husband and wife. But the position of customary mamak is certainly trying to reconcile the two parties with various considerations, like the term adat:

“menimbang pakai landasan, kalau melompat pakai tumpuan” it means “all actions taken must be considered appropriately”

Because custom in marriage has been present far from before the occurrence of the marriage law event itself. So that there are values about the family that have been conveyed from the beginning of the customary marriage process, to get to the end (marital relationship) survived, otherwise it will be broken in the middle.

The Malay people of Rokan Hulu have been familiar with the arrangement patterns in family formation since they were children. Indigenous people have a term:

“anak sonik, dibori namu, sudah besar di sunnat Rosul, sesudah godang lagi diantarkan di perumahkan”

Which means that a child / baby is given a name, has grown up in circumcision, after an adult is married, after marriage is picked up to eat / download a daughter-in-law. That is the debt as a parent to children so that children can survive the life of the world and the hereafter.

When entering adulthood, traditional mamak plays an active role in carrying out child marriage preparation for the nephews. Preparations carried out by mamak adat on the marriage of nieces include communication to the ninik mamak of the bride, arranging the application process, inter-command, salasar tagak, giving petitah to the niece who will marry about matters relating to domestic life and procedures adab with family.

This gives the magical morality ties to the Malay people of Rokan Hulu very close to the role of adat in their lives.

B. The Role of Mamak Adat in Post-Marriage

The wedding ceremony that was actually carried out by the custom had already taken part in accordance with the traditional expression that is

“titian berbahasa, adat bertabik”

That is to say that there is etiquette and when walking in front of that person, excuse me. Custom likens it like a fly there is control, like a drum there is a behaviour (rhythm). Matters related to marriage and family must be taught first to children who want to get married, so that divorce does not occur.

After this child marriage took place, the traditional mamak was indebted to advise the nephew. Because the child of a nephew will sail and be released, then the nephew will not be given knowledge of the ways of sailing, of course he will sink. However, if divorce still occurs, each customary mamak is mandated to settle the divorce, including in this case the distribution of their gono gini assets.

Specifically in the tradition of Malay, Rokan Hulu does not contain any standard steps to settle disputes. But it can be understood based on the habits of the Malay people in the upstream Rokan in carrying out their settlement efforts.

The following are steps that are commonly taken by the community to deal with upstream rokan in order to resolve household disputes:

- Parties to husband and wife;
- Family;
- Urang Sumondo;
- Customary Mamak;
- Top of Tribe;
- Court.

In fact, domestic disputes can be resolved by both parties, in this case husband and wife. This becomes the learning that mamak adat convey shortly before and after the marriage takes place to the bride and groom through a customary marriage procession. However, it is possible to involve the wife's family if the husband and wife are unable to properly resolve disputes that occur. The family comes with hope in mediating the dispute that occurs in order to achieve good for both parties.

Furthermore, if the problem is not resolved, then the husband can ask for help from parties outside the clan but still part of the family's internal affairs. The term used in the Malay rokan hulu community is urang sumondo. Urang Sumondo has the same position as husband-in-law who comes from the wife's family kinship. This has been illustrated explicitly when the marriage procession takes place. Urang Sumondo covers the prospective bridegroom during the process of sending the bridegroom to the bride's place. The meaning of umbrella over the bridegroom in the procession can be understood as the effort of people outside the family who are first to know the dispute and help resolve disputes that occur to his brother-in-law.

Furthermore urang sumondo who is unable to facilitate the resolution of disputes between in-law households can ask for assistance from the husband's adat mamak. The customary mamak then facilitates the settlement by meeting the customary mamak of his wife and family and his niece's children. As adat mamak from both parties, adat mamak again provides advice to

resolve disputes that occur for divorce not to be taken. Traditional mamak usually give time to think about the family, the future of children and kinship.

If it also cannot be reconciled, then the court is the final solution in the settlement of the household dispute. But this is not a priority to run. Because for the people of Malay the upstream divorce is a road that is not expected to be present in the community if for no reason it is indeed fatal.

Each of the steps outlined above has another meaning in terms of time. Usually run with a long enough time. Because for the Malay people every dispute that sometimes takes just enough time, in order to restore the spirit of both parties in making decisions in the field of time. This is an important factor in its resolution, because free time makes the parties wiser in making decisions.

IV. CONCLUSION

That the role of traditional mamak adat in the prevention of divorce in the upstream Malay community has an important position. As a preventive effort has been made since the relationship of customary morality in every phase of life is built wisely. So that the nephew will feel very reluctant to hurt the heart of the traditional mamak by behaving badly, including the choice in resolving household disputes. Traditional education and parenting by indigenous mamak has a meaningful effect on nephew children.

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