

The Authority of Customary Institutions in Dispute Resolution for Community Reconciliation

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Abstract

Under prevailing national law, dispute resolution typically occurs through a formally regulated court process. However, this formal system has often failed to satisfy the parties involved or other seekers of justice. Sources of dissatisfaction include the lengthy duration, high costs, and a process that is consistently convoluted and rigid. To address these issues, one alternative is to revitalize existing community-based customary institutions—ranging from the **kaum** (extended family/lineage) and **suku** (clan) levels to the **Kerapatan Adat Nagari** (KAN/Village Customary Council)—thereby achieving the desired justice through a process where there are no winners or losers. The research aims to identify the types of disputes handled by these customary institutions, understand the dispute resolution processes employed, and determine the obstacles faced by these institutions during resolution. This study employs a socio-legal research approach, with data collected through observation, interviews, and documentation. The findings indicate that the types of disputes handled at the **kaum** level include **sako** (customary titles/rights), **pusako** (ancestral property), inheritance, divorce, boundary disputes, sales and purchases, debts, and criminal matters. Similarly, at the **suku** (clan) level, the disputes or conflicts that frequently arise are the same: **sako**, **pusako**, inheritance, divorce, boundary disputes, sales and purchases, debts, and criminal matters. However, at the **Kerapatan Adat Nagari** (KAN) level, the disputes are limited to only two types: **sako** and **pusako**. Regarding the resolution process, at the **kaum** level, disputes are settled in a familial manner involving members of the same lineage through deliberation (**musyawarah**), with the **Mamak Kaum** or **Andiko Ketek** acting as the arbitrator or mediator. At the **suku** level, the process involves a third party from outside the disputing group—a procedure known as **Musyawarah Suku** (Clan Deliberation)—with a **Mamak Adat** holding the title of **Datuk** serving as the arbitrator or mediator. At the **Kerapatan Adat Nagari** (KAN) level, the process is as follows: The proceedings are opened by the KAN Secretary, followed by opening remarks from the KAN Chairperson; the KAN Chairperson then hands the proceedings over to the customary tribunal; a question-and-answer session takes place involving the tribunal head, the plaintiff, the defendant, and the panel of adjudicators; the panel deliberates; a site visit is conducted; both parties report whether or not they accept the site visit findings; a preliminary record of proceedings is drafted; and finally, a definitive ruling is issued. Research findings indicate that the customary institutions within the **Nagari** continue to play a role in resolving disputes at the community level. However, obstacles frequently

encountered during the dispute resolution process include: first, issues stemming from the parties themselves, such as egoism and an inability to articulate their positions clearly; second, limitations among the *ninik mamak* (customary leaders), who may lack the analytical skills and experience necessary to provide effective solutions; and third, challenges at the *Kerapatan Adat Nagari* (KAN) level, such as data issues, a lack of professionalism, and instances where individuals hold vested interests in the dispute. Based on the foregoing, it is evident that customary institutions remain significant in resolving disputes within **Nagari** indigenous communities; thus, their existence must be safeguarded and preserved so that customary authority and institutions can endure alongside state institutions—which, while possessing greater legal certainty and formal power, do not always guarantee the delivery of the justice sought by the community.

Keywords

Authority; Customary Institution; Dispute Resolution; Community Reconciliation; KAN



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INTRODUCTION (Palatino Linotype 12, Space 1.15, Justify)

Speaking of customary institutions, they have actually been known since ancient times and have long been practiced to resolve disputes or conflicts occurring within customary law communities. This method is pursued, among other things, to reduce the high costs of litigation because court proceedings tend to result in one party winning and the other losing. The losing party may feel disadvantaged by the decision, causing the process to take a long time and become complicated. In addition, there has been an accumulation of cases in the Supreme Court that requires prompt resolution. One of the reasons for this is the enactment of various policies, including the government's efforts to standardize the judicial system through Law No. 1 of 1951. Customary courts as referred to in Stb. 1932 No. 80 were gradually abolished, while village courts as referred to in Stb. 1935 No. 102 continued to be maintained, including their relationship with the General Courts.

Through the provisions of Article 3a RO (Reglement of de Rechtelijke Organisatie in Het Beleid der Justitie in Indonesia), which are specifically related to Civil Procedure Law applicable under both the HIR (Het Herziene Indonesisch Reglement) and RBg (Rechtsreglement Buitengewesten), judges are required to take into consideration the decisions of Village Peace Judges (Saleh, 2004). Article 120a of the HIR/Article 143a of the RBg states in paragraph (1) that if a lawsuit concerns a matter that has already been decided by a Village Peace Judge, the plaintiff must state the substance of that decision in the lawsuit; insofar as possible, a copy of the decision should be attached. Paragraph (2) provides that the Chief Judge of the District Court shall remind the plaintiff of the obligation stipulated in paragraph (1) at the time of or after receiving the lawsuit or at the beginning of the hearing (Saleh, 1981). These provisions demonstrate that the decisions of Village Peace Judges continue to be recognized and must serve as a reference for judges in resolving disputes at the District Court, because the HIR and RBg constitute sources of law in Indonesian civil procedural law.

The continued recognition of and opportunities for customary communities are also constitutionally grounded in the 1945 Constitution of the Republic of Indonesia. Article 18B paragraph (2) states that the State recognizes and respects customary law communities and their traditional rights insofar as they remain in existence and are consistent with societal development and the principles of the unitary state of the Republic of Indonesia. Article 28I paragraph (3) provides that cultural identities and the rights of traditional communities shall be respected in accordance with the development of the times and civilization. The Basic Agrarian Law of 1960 (UUPA), Article 3, stipulates that, taking into account the provisions of Articles 1 and 2, the exercise of ulayat rights and similar rights of customary law communities, insofar as they factually still exist, must be carried out in such a manner that it is consistent with the national and state interests based on national unity and must not conflict with laws and other higher regulations. Law No. 32 of 2004, in Article 1 point 12, defines a village or an area referred to by another name as a customary law community unit having territorial boundaries and authority to regulate and manage the interests of the local community based on its origins and local customs, which are recognized and respected within the governmental system of the Unitary State of the Republic of Indonesia.

The recognition of customary communities makes the nagari a leading governmental unit as well as a customary law community unit based on the philosophy of Adat Basandi Syara', Syara' Basandi Kitabullah. West Sumatra Regional Regulation No. 2 of 2007, subsequently amended by Regional Regulation No. 7 of 2018 concerning Nagari, contains provisions in Part Four concerning the Nagari Customary Court. Article 15 of this Regional Regulation provides that in every Nagari, the Kerapatan Adat Nagari establishes a Nagari Customary Court as the highest dispute-resolution institution for the community within the Nagari in accordance with the customary law applicable in the Nagari. Before disputes as referred to in paragraph (1) are resolved by the Nagari Customary Court, they must first be resolved at the family, paruik, kaum, and/or suku levels through the principle of bajanjang naiak batanggo turun. The Nagari Customary Court referred to in paragraph (1) has the following duties: resolving sako and pusako disputes through a gradual process of reconciliation; resolving customary civil cases through deliberation and consensus based on agreements reached during sessions of the Kerapatan Adat Nagari assembly, which constitute a "kato putuih" to be used as guidance by judicial institutions; and imposing customary sanctions on community members who violate customary law in accordance with the provisions of Adat Salingka Nagari.

Considering the recognition of customary institutions, alternatives for resolving cases or disputes occurring within the community are therefore highly necessary. One such approach is to utilize and revitalize the customary institutions existing within the nagari to resolve disputes in accordance with the wishes and interests of the disputing parties. These customary institutions include the kaum level, the suku level, and the Kerapatan Adat Nagari (KAN) level, which represents the highest level of dispute resolution within the nagari community. These three institutions cannot be separated from one another because there are stages and

processes that must be followed in resolving disputes. In Minangkabau society, there are six types of limbago, namely kaum, sepayuang (a shared plot of land), sepesukuan, sekorong, senagari, and sekelerasan adat (Mahmud, 1980). Kaum and suku are among the customary institutions existing within Minangkabau society. In dispute resolution, these natural institutions play an important role, enabling disputes that arise to be resolved naturally through deliberation. Nasrun stated that Minangkabau customary teachings emphasize decision-making by consensus without opposition, namely achieving unity through mutual agreement. Its implementation is expressed in the principle of “bulek lah bulieh digolongkan picak lah bulieh dilayangkan,” meaning that once something is round, it can be rolled, and once it is flat, it can be tossed (Mahmud, 1980). These constitute the fundamental principles of decision-making in Minangkabau society.

The provisions specifically established by the aforementioned Regional Regulation provide extensive opportunities for the nagari and its customary communities to reactivate existing customary institutions as mediators in resolving disputes. According to customary law, particularly in West Sumatra, at every level of authority there is no sharp distinction between various governmental functions and the administration of justice in disputes. The penghulu and mamak kepala waris are responsible for maintaining order and peace within their respective groups. They represent their groups in activities involving other groups and regulate dispute-resolution procedures. Disputes must be handled at the lowest possible level, and only when a resolution cannot be reached are they brought to a higher level. The highest institution for handling disputes is the Kerapatan Adat Nagari, which may consist only of persons heading the suku or may also include penghulu. All decisions must be made through deliberation (Beckhman, 2000). Disputes can be resolved through two processes. The oldest process is litigation through the courts, followed by dispute resolution through cooperation, or non-litigation processes outside the courts. Litigation produces adversarial agreements that are often unable to accommodate the common interests of the parties, tend to create new problems, are slow to resolve, require substantial costs, are unresponsive, and frequently generate hostility between disputing parties (Usman, 2000). Conversely, out-of-court or non-litigation processes produce agreements based on a “win-win solution,” guarantee the confidentiality of the parties' disputes, resolve problems comprehensively through cooperation, and preserve good relationships between the parties. Out-of-court dispute resolution is commonly known as ADR (Alternative Dispute Resolution) (Usman, 2000).

In West Sumatra, this alternative dispute-resolution approach, namely by utilizing and strengthening existing customary institutions, is highly beneficial in resolving disputes and conflicts arising from debt and credit relationships, inheritance, divorce, and other similar disputes. The culture existing within the community is one of the characteristics that must be preserved in order to achieve the best possible outcomes. One manifestation of the continued practice of dispute resolution through customary institutions can be found in Nagari Kambang. Numerous cases occur there, including sako and pusako disputes, both pusako tinggi and pusako rendah, inheritance, divorce, boundary disputes, buying and selling, debts

and receivables, and criminal matters. The community tends to prefer using existing customary institutions as an alternative means of resolving disputes. Research conducted in the area indicates that dispute resolution at the kaum and suku levels continues to be practiced, as does dispute resolution through the Kerapatan Adat Nagari (KAN) as the highest level of customary dispute resolution. This can be observed in the Kerapatan Adat Nagari Kambang (KAN), which on average successfully resolves four to five cases each year. This is consistent with the function of the KAN in resolving sako and pusako disputes. Based on these circumstances, it is therefore important to conduct further research into how this institution resolves disputes occurring within the community..

METHODS (Palatino Linotype 12, Space 1.15, Justify)

This study employs a sociological legal research methodology (socio-legal research) (F. D. Efendi, 2025), namely research that applies social science methods in the form of a case study to obtain data relevant to the research problem (Razak et al., 2026; Lendrawati et al., 2026; Afrinal, Dwimaputra, et al., 2025). Sociological or empirical legal research essentially examines the effectiveness of law. The effectiveness of law in practice or legal reality can be determined when it is stated that a legal norm either succeeds or fails to achieve its objectives. This is generally assessed by examining whether the legal norm successfully influences and regulates certain attitudes, actions, or behaviors in accordance with its intended objectives (Afrinal, Supardi, et al., 2025; F. Efendi et al., 2022). The sampling technique employed in this study is purposive sampling, which is part of the non-probability sampling method. This technique involves selecting samples based on the researcher's considerations or subjective judgment; in this case, the researcher determines which respondents are considered capable of representing the population (Hertasmaldi et al., 2025; Afrinal, Supardi, et al., 2025; F. Efendi et al., 2025). Data were obtained through observation, interviews, and documentation. Data processing and analysis were conducted after all required data had been collected and compiled. The data were then screened and separated to obtain accurate and valid information. Following the screening and separation process, the data were classified by placing each piece of information into the appropriate category so that the findings could be presented systematically. Data analysis was conducted using a qualitative analysis method by examining the presented data in relation to statutory regulations, theories, and concepts, and then interpreting the findings in accordance with the research problems that had been formulated. Conclusions were subsequently drawn inductively by developing concepts, ideas, and understandings from the patterns identified in the data (Putri et al., 2024; F. Efendi et al., 2023; F. Efendi & Amin, 2022).

FINDINGS AND DISCUSSION (Palatino Linotype 12, Space 1.15, Justify)

Types of Disputes Existing in Customary Institutions

Suku Level. Based on interviews conducted with the Mamak Kepala Kaum/Andiko Ketek and Mamak Adat of the Kampai and Panai suku, the disputes

that frequently occur are matters of pusako (customary inheritance), namely approximately 20.83%, and sako (customary title), namely 16.66%. This is because in the nagari community there are pusako (customary inheritance) and sako (customary title), and therefore it cannot be denied that these disputes are the ones that frequently arise. The lowest percentages are found in disputes concerning divorce, boundary disputes, and criminal cases, which are approximately 8.33%. Based on the information obtained, the number is small because the nagari community does not tend to complicate disputes that occur, such as divorce disputes; they tend to conceal them, and eventually the disputes are resolved because the community still respects marriage as something sacred. The resolution of disputes that occur must follow the process of "berjenjang naik bertangga turun," meaning that in resolving a problem occurring within the community, these principles cannot be abandoned. Whatever the problem or dispute that occurs, its resolution must go through the existing channels and must begin from the lowest level because this has become a rule.

Kaum Level. The results of interviews with the Mamak Kepala Kaum/Andiko Ketek and Mamak Adat of the Malay suku and Tigo Lareh suku (Sikumbang, Jambak, and Chaniago) show that the types of disputes existing are the same as the types of disputes existing at the kaum level. This cannot be distinguished because both at the suku level and at the kaum level these disputes also frequently occur. Pusako disputes remain the highest, namely 23.80%, and sako disputes account for 19.04%. Other disputes remain below these disputes, with an average of 9.52%. Based on the information obtained, the reason why the nagari community cannot be separated from these two types of disputes is because they are related to the integrity of a kaum or suku within the nagari and tend to have a major impact on the condition of the community. For example, a sako dispute, under certain conditions, can spread into other problems, and therefore it needs to be resolved seriously.

KAN Level. At the KAN level, it can be seen that each year the average number of cases submitted is 4 (four) to 5 (five) cases. Other cases are grouped into only two groups, namely the sako and pusako groups. Specifically for criminal cases, KAN does not process them because they are not within the authority of KAN, and these cases are resolved at the kaum and suku levels or handed over to the police. From this, it can be seen that there is still a high desire among the community to resolve disputes at the Kerapatan Adat Nagari (KAN), as one of the highest institutions for dispute resolution at the level of the customary community. The success of KAN in resolving existing disputes is very high and almost all of them can be carried out. From the interview results, information was also obtained that there are cases that have not yet

been implemented. This is because there has not yet been a response from both parties as to whether they reject or accept the temporary KAN decision, which is based on the results of the review conducted by the Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section.

Dispute Resolution Process Through Customary Institutions

Kaum Level. Based on the interviews conducted, at this initial process, disputes or conflicts that occur are resolved through a family approach, meaning that only people within the same kaum are involved. The place of resolution is usually selected at the house of the “tuo” or elder child of the kemenakan, or at the rumah gadang or customary house of the kaum, but it can also be at another agreed-upon place. This is intended to maintain the confidentiality of the problem from outside parties because in Minangkabau, the sense of shame must be protected so that parties who have no interest do not participate in the conflict that occurs. Deliberations are rarely conducted at the house of the party involved in the dispute; the purpose is to avoid perceptions of taking sides or defending one of the parties. “The mediator in this initial process is the Mamak Kaum/Andiko Ketek.” The Mamak Kaum plays an important role because the anak kemenakan often deal with them and also regard them as a role model or example. Thus, in the process of resolving disputes or conflicts, there are small and large chambers or stages that must be passed through in order to achieve an agreement that does not disadvantage either party. Identifying and exploring the main issue is the responsibility of the Mamak Kaum, and the best solution is sought so that they can reconcile. The role of the Mamak Kaum is not to decide who is guilty but to act as a mediator for those involved in the dispute. The time often used in this resolution process is at night after the Maghrib or Isha prayers because these times are considered effective. However, it can also be conducted during the day if both parties agree. The length of time used for dispute resolution at the kaum level is approximately ± 14 (fourteen) to 20 (twenty) days.

Based on interviews with several Ninik Mamak/Andiko Ketek, the stages of dispute resolution at the kaum level are as follows: there is a report or complaint submitted to the Ninik Mamak/Andiko Ketek by the anak kemenakan or the disputing party. The Andiko Ketek may also directly ask the disputing anak kemenakan. However, what commonly occurs is that the anak kemenakan comes to the Ninik Mamak to request resolution. The Ninik Mamak/Andiko Ketek seeks to establish the truth of the information, brings the two disputing parties together to seek a resolution, and the location is at the rumah gadang of a kaum, at the house of the tuo kemenakan,

or at another agreed-upon place. At this stage, deliberation is conducted through baiyo-iyu in order to obtain the best result for both parties.

Suku Level. In this process, the resolution of disputes or conflicts that occur has begun to involve a third party outside the group involved in the dispute. The role of the Ninik Mamak here is to provide views to both disputing parties. Among the Ninik Mamak present, some may know more about the substance of the problem that occurred and trace again why the conflict or dispute occurred, so that they can provide an even better solution. Deliberation at this stage may involve the Mamak Kaum or 13% from the same suku, provided that they are still within one Andiko Ketek, approximately ± 9 people, and may not come from a different nagari even though they belong to the same suku. At this stage, Mamak Adat from outside the disputing parties may also be invited, but their presence is solely to provide opinions. The mediator at this stage is the Mamak Adat of the kaum involved in the conflict. Resolution requiring the opinions of the Ninik Mamak in suku deliberations generally concerns conflicts or disputes involving "sako or customary titles," and may also concern other disputes outside this type of dispute.

In general, Ninik Mamak from other kaum within the same suku also know both the history and other information. The place of resolution should be at the kaum house, but due to the condition described above, where rumah gadang are almost no longer available, for sako cases deliberations are usually conducted at the house of one of the parties involved in the conflict. An important point is that it may not be conducted at the house of another suku. Usually, the time used is also at night or after the Maghrib or Isha prayers. This is because at night it is not too difficult to gather both people directly and indirectly involved. The activities carried out are also not too numerous, but it is also possible to conduct them during the day, depending on the agreement. Thus, at this stage the mediator is the Mamak Adat bearing the Datuk title, because in Minangkabau, a person bearing the Datuk title is a person who has greater abilities. These advantages include being able to communicate well, knowing customary law, being wise, and being able to serve as an example for the anak kemenakan in the nagari. Therefore, at this stage, the role of the Ninik Mamak is highly anticipated as people who are trusted to be able to resolve the problem, although not all disputes or conflicts that exist can be resolved. Resolution usually takes approximately up to two months because sako matters require a relatively long period of time. The subsequent Suku Deliberation is conducted at the office of the Kerapatan Adat Nagari (KAN); this is carried out when the previous suku deliberation cannot reach an agreement. If the dispute or conflict has reached the Kerapatan Adat Nagari (KAN), then only the

Mamak Adat bearing the Datuk title acts as the provider of opinions. They are given an opportunity to deliberate again before proceeding to the Kerapatan Adat Nagari (KAN) resolution process. The role of the Mamak Adat here is to provide views to both disputing parties.

Based on interviews with several Ninik Mamak/Mamak Adat in Nagari Kambang, the stages of dispute resolution at the suku level are as follows: there is a report or complaint submitted to the Mamak Adat/Mamak bearing the Datuk title by the disputing anak kemenakan and by the Andiko Ketek, stating that resolution at the kaum level could not be achieved. The Mamak Adat and Andiko Ketek first conduct deliberations or meetings before bringing both parties together. The two disputing parties are brought together to seek a resolution, at the rumah gadang of a kaum, at the house of the tuo kemenakan, or at another agreed-upon place. At this stage, deliberation is conducted through baiyo-iyoo to obtain the best result. The Andiko Ketek and Mamak Adat of the same suku within the nagari are present as providers of opinions.

Kerapatan Adat Nagari (KAN) Level. If the dispute or conflict cannot be resolved at the two stages of dispute resolution mentioned above, the next stage that must be undertaken is resolution through the Kerapatan Adat Nagari (KAN). The Kerapatan Adat Nagari constitutes the final level of resolution within the customary community or nagari. From KAN, it can be seen that the dispute or conflict has become increasingly complicated because the resolution processes that have been carried out have not yet satisfied the parties. The Kerapatan Adat Nagari (KAN) can only process a dispute or conflict after it has gone through the following procedures:

Case Registration. There must be a written complaint from the party who feels disadvantaged or from the plaintiff. In this case, the application letter from the plaintiff directly becomes the statement of claim, which has been signed by the Mamak Adat of the parties, whether concerning a sako or pusako matter. This also constitutes the case-registration document, indicating that the dispute or conflict has been registered at the KAN office. Subsequently, the day and date of the hearing are determined, and the Kerapatan Adat Nagari (KAN) invites both parties.

Case Fees. The case fees are charged to the plaintiff. In Nagari Kambang, this is also regulated by Decree No. 101 of 2008 concerning the Determination of Customary Fees by the Kerapatan Adat Nagari Kambang. This is contained in Article 1 paragraph (2), which states: "The hearing fee for the Customary Court of the Sako and Pusako Section is Rp. 750,000 per hearing, excluding consumption." Before this regulation was established, in practice the case fees were still charged to the plaintiff based on their

ability, but they had to meet a sufficient standard, meaning that they had to be sufficient to cover the costs during the hearing process.

Appointment of the Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section (Judge, Mediator). At KAN Nagari Kambang, it is known as the "Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section." Its appointment is carried out by the LED (Leader of Kerapatan Adat), which is a representative of the customary government leadership in Nagari Kambang. All those holding positions in the LED Kerapatan Adat are people who bear the Datuk title. The LED Kerapatan Adat was first regulated through LED Decree No. 01 of 2003 and was revised because some members were no longer carrying out their duties and functions, whether because of death or other reasons. Subsequently, additional members of the LED Kerapatan Adat were appointed through LED Decree No. 13 of 2006, and it was revised again through LED Decree No. 102 of 2008. Although this was first regulated in 2003, after regional autonomy this regulation was implemented. The representatives of the LED Kerapatan Adat consist of Ikek Ampek, Payuang Sakaki, Haluan Kato, who is the Rajo or spokesperson between the penghulu and the Rajo, the Rajo Treasurer, and the Rajo Syarak/customary syarak leader. The Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section may consist of members of the LED Kerapatan Adat and be supplemented by the Andiko Ketek. The number of Jury Board members is not fixed, and they are appointed when the hearing is conducted; the main considerations are knowledge and experience.

Hearing. The hearing is conducted after the hearing schedule has been determined by the Kerapatan Adat Nagari (KAN). The hearing process for sako and pusako disputes is as follows: the hearing is opened by the KAN Secretary, an opening speech is delivered by the KAN Chairperson, the KAN Chairperson hands over the hearing to the "customary court," and the chairperson of the customary court conducts questions and answers with the plaintiff and defendant as well as the Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section.

Based on the explanations and reasons given by the plaintiff and defendant, a meeting is held by the Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section to consider the reasons or presentations of both parties. Based on the explanations and presentations of the parties, a field review is conducted by the Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section to ascertain the object of the case along with all evidence or data available, whether written or unwritten.

After the review has been conducted, both parties must report to KAN whether or not they accept the results of the field review. Based on the field data obtained, another meeting is held to prepare the initial official report based on the results of the review conducted by the Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section.

Decision. A final decision can only be made based on the results of the field data, namely after an official report has been prepared by the Kerapatan Adat together with the Jury Board of Customary Justice and Reconciliation in the Sako and Pusako Section. The matter is then returned to the meeting of the judicial body by preparing a KAN decision letter, and the decision is made when both parties accept or agree. Before this final decision is made, actually, at the initial stage of the hearing process, both parties have already been given the opportunity and guidance to reconcile, and they are given the opportunity to deliberate or conduct *baiyo-iyó*. Even if both parties wish for the hearing process to be postponed or suspended in order to conduct deliberations, they are given this opportunity. However, if the efforts that have been offered and all the guidance that has been provided do not produce results, then the Kerapatan Adat Nagari (KAN) must issue a decision because the mediation efforts carried out have been unable to reconcile the parties.

Challenges Faced by Customary Institutions in Dispute Resolution

Kaum Level. From the parties, namely: Egoism of the parties. In this case, the parties still have emotional characteristics; this is influenced by the fact that the dispute or conflict that has occurred is still new and has never been resolved. The inability of the parties to provide explanations properly. This is because both parties do not yet have concrete data related to the dispute or conflict that has occurred (the object of the dispute), for example, in the case of *pusako* matters, it usually concerns boundaries. Thus, both parties still feel that they have equal rights over the disputed object. From the *Ninik Mamak*: The inability to provide a good solution. This is because the object of the dispute and the data related to the dispute or conflict need to be examined again. Analysis of the dispute or conflict. This is due to a lack of experience in dealing with disputes or conflicts.

Suku Level. The challenges frequently encountered in dispute resolution are as follows: from the parties, Egoism of the parties. In this case, although the egoistic nature of the parties is still present and visible, it has begun to decrease because the initial process has begun to show results. This is influenced by the fact that the dispute or conflict that occurred has previously been resolved. Then, the inability of the parties to provide explanations properly. This still exists, but the condition and resolution

process have begun to become more fluid because higher-ranking Ninik Mamak with higher customary titles have become involved. Nevertheless, there are also parties who believe that it is merely a formality and that the results are not satisfactory, but they must still be respected. Then, from the Ninik Mamak, the inability to provide a good solution. This is caused by the many different opinions or views between one Ninik Mamak and another, so maximum considerations are required so that the objective of this resolution process can be achieved, namely justice for both parties. Analysis of the dispute or conflict. This is due to a lack of experience in dealing with disputes or conflicts, and another cause is the age factor. This is because generally Ninik Mamak bearing the Datuk title are already elderly.

Kerapatan Adat Nagari (KAN) Level. The challenges frequently encountered are as follows: Data constraints. This occurs because the data used as a guideline in processing cases are difficult to obtain, such as written data concerning the object of a pusako case, namely land boundaries and land area. In sako disputes, there are also written data such as the ranji of a kaum. Analytical ability. This occurs because the members of the sako and pusako section have limited ability to process the data that have been obtained. Although they have been selected and considered to have greater capabilities, at certain times they are unable to conduct analysis properly. Lack of professionalism. This occurs because the members of the sako and pusako section do not yet understand their functions and authorities properly. Many use feelings or excessive emotions when processing disputes or conflicts that occur. Differences in perception also influence the subsequent process and the final decision, so they need to be discussed properly and maximally. Having an interest in the dispute or conflict that occurs. Although the members of the sako and pusako section have been selected and appointed from people who have competence in their respective fields, in the ongoing dispute or conflict resolution process there are still some who have interests in the dispute or conflict and also toward one of the parties, for example, an indirect emotional relationship with one of the parties. Although this obstacle cannot be denied, efforts are always made to provide a good solution for both parties..

CONCLUSION (Palatino Linotype 12, Space 1.15, Justify)

Based on the findings, the existence of customary institutions has proven to remain very strong and effective in resolving disputes at the local community level through deliberation and consensus in order to achieve the best possible outcomes for the parties involved. The existence of these customary institutions is highly necessary in dispute resolution as evidence that customary law and its institutions continue to exist and must be preserved, valued, and respected alongside the existing formal institutions. Dispute resolution at the kaum level, suku

level, and Kerapatan Adat Nagari (KAN) level represents a form of dispute resolution that is expected to remain the primary choice of the community in resolving existing disputes. Nevertheless, it is possible that some parties may feel dissatisfied with the final outcome and may proceed to resolve the matter through the District Court..

REFERENCES (Palatino Linotype 12, Single Space, Justify, Mendelay, Endnote, APA (American Psychological Association) Style and the 7th edition)

- Afrinal, A., Dwimaputra, S., Efendi, F., Rawisna, R., Nurlaila, N., Suarni, L., & Candra, A. (2025). Peran Regulasi di Nagari Dalam Konteks Adat: Nagari Sungai Talang. *Jurnal Masyarakat Madani Indonesia*, 4(4).
- Afrinal, Supardi, Efendi, F., Majid, I. A., & Samae, N. (2025). Inconsistency Regulation Presidential Candidates' Campaign Leave: Analysis Post Amendment 1945 Constitution And Islamic Law. *JURNAL ILMIAH GEMA PERENCANA*, 4(2), 707–722. <https://doi.org/10.61860/jigp.v4i2.231>
- Abdurrahman Saleh, Hakim Agung RI, Makalah, Dalam "Dialog Interaktif Membangun Mitra dan Ruang Partisipasi Dalam Penyelesaian Sengketa Sako dan Pusako di Sumatera Barat", Kerja sama LSM Qbar-HuMa dan UNAND, Padang, 2004
- Abdul Kadir Muhammad, "Pengantar Hukum Perusahaan Indonesia", PT. Cirta Aditya Bakti, Bandung, 1993
- Amir. MS "Adat Minangkabau Pola dan Tujuan Hidup Orang Minang", Penerbit PT. Mutiara Sumber Widya, Jakarta, 2006
- AA Navis, "Alam Takambang Jadi Guru: Adat dan Kebudayaan Minangkabau", PT. Grafiti Pers, Jakarta, 1984
- Adri, "Pelaksanaan Fungsi Kerapatan Adat Nagari Lubuk Begalung dan Pauh IX Padang Dalam Penyelesaian Sengketa", Tesis, Program Pasca Sarjana UNAND: Padang, 2005
- Chairul Anwar "Hukum Adat Indonesia Meninjau Hukum Adat Minangkabau", Rineka Cipta, Jakarta, 1997
- Firman Hasan "Dinamika Masyarakat dan Adat Minangkabau", Depaetemen Pendidikan dan Kebudayaan, Pusat Penelitian UNAND, Padang, 1988
- Efendi, F., & Amin, I. (2022). Implementasi Program Bedah Rumah Studi Analisis Baznas Kabupaten Pasaman Pada Tahun 2017 Sampai 2019. *Filantropi: Jurnal Manajemen Zakat Dan Wakaf*.
- Efendi, F., Candra, A., Mardianton, M., Fauzi, M., Sumarni, I., & ... (2022). Konsep Fikih Ekonomi Islam Dalam Perspektif Muamalah. *Al-Ashri: Ilmu-Ilmu*
- Efendi, F. D. (2025). Pengantar Ilmu Hukum. CV. Dunia Penerbitan Buku.
- Efendi, F., Majid, I. A., Nurlaila, N., Zulkifli, M., & ... (2025). The implementation of sumedang jaya wisata (sjw) management in supporting the development of halal tourism in ranah pesisir, west sumatra. *Amorti: Jurnal Studi* <https://doi.org/https://doi.org/10.57255/hakamain.v4i1.1354>
- Efendi, F., Yogi, S., & Razak, D. A. (2023). Zakat Fitrah Sebagai Modal Usaha Ditinjau Dari

- Hukum Islam. ISME: Journal of Islamic
- Gunawan Widjaja, "Alternatif Penyelesaian Sengketa", Rajawali Pers, Jakarta, 2002
- Gunawan Widjaja dan Ahmad Yani, "Hukum Arbitrase", PT. Raja Grafindo Persada, Jakarta, 2000
- HuMa, Seri Pengembangan Wacana No. 4, "Mempetimbangkan Peradilan Adat", Ford Foundation-HuMa- Interchurch Organisation For Development Co-Operation, 2003
- Idrus Hakimy, "Rangkaian Adat Basandi Syarak di Minangkabau", LKAAM, Sumatera Barat, 1986
- Hertasmaldi, H., Sulfinadia, H., Mardianto, M., Razak, D. A., & Efendi, F. (2025). The Effectiveness of Fiqh Rules on Law Number 16 of 2019. *Samara: Journal of Islamic Law and Family Studies*, 3(1), 31–39.
- Keebet Von Benda Beckhman, "Goyahnya Tangga Menuju Mufakar", PT. Gramedia, Jakarta, 2000
- K. Wantjik Saleh, "Hukum Perdata RBg/HIR", Ghalia Indonesia, Jakarta 1981
- Lendrawati, L., Amin, I., Efendi, F., Khairi, M., & Amin, Y. T. S. (2026). Sharia Economic Dispute Resolution: Analysis of the Decision of the Sekayu Religious Court. *Journal of Islamic Economics and Finance Studies*, 2(1), 34–49.
- Putri, S. R. R., Efendi, F., & Razak, D. A. (2024). Inheritance Relationship Between Children Born Out of Wedlock and Their Biological Fathers. *Samara: Journal of Islamic Law and Family Studies*.
- Razak, D. A., Efendi, F., Candra, A., Suarni, L., Zulkifli, M., & Nurlaila, N. (2026). Maqashid Sharia and Penal Mediation in Achieving the SDGs: A Study of Domestic Violence. *Profetika: Jurnal Studi Islam*, 27(03).
- Rachmadi Usman, "Pilihan Penyelesaian Sengketa di Luar Pengadilan", PT. Citra Aditya, Bandung, 2003
- R. Subekti dalam M Husseyn Umar A Supriyani Kardono, "Hukum dan Lembaga Arbitrase Indonesia", Komponen Hukum Ekonomi, ELIPS Project, Jakarta, 1995
- Simon Fisher, dkk, "Mengelola Konflik Ketrampilan dan Strategi Untuk Bertindak", Zed Books & The British Council, 2000
- Soerjono Soekanto, "Pokok-pokok Sosiologi Hukum" Edisi Terbaru, Raja Wali Pers, Jakarta, 1998
- Tim Penyusun Kamus Pusat Pembinaan Pengembangan Bahasa, "Kamus Besar Bahasa Indonesia" Departemen Pendidikan dan Kebudayaan, Jakarta, 1988
- Sumir Husin Dt. Mangkuto Nan Panjang & Awalul Karim Dt. Sinaro Kayo, Makalah Dialog Interkatif "Peyelesaian Sengketa Sako dan Pusako Yang Sering Terjadi di Nagari-nagari di Sumatera Barat" Padang, 2004
- Takdir Rahmadi, "Teori Pluralisme Hukum" Bahan Kuliah Teori Hukum, Pasca Sarjana Universitas Andalas, Padang 2005
- Takdir Rahmadi, Prosiding Lokakarya Hasil Penelitian "Teknik Perundingan Tradisional Dalam Masyarakat Minangkabau Sumatera Barat" PKPPS UNAND, ICCEL, Asia

Foundation, Padang 1998