

Social Sanction Ditinggian Janjang Against Violation of Traditional Law in Koto Gadang Preparation Nagari, Baso District, Agam Regency

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ABSTRACT

Based on research data, it is found that many teenagers in Indonesia have had sex before marriage. This behavior is not by the norms that apply in Indonesia, and of course, this deviant behavior will cause new problems in society. In Nagari Preparation Koto Gadang, West Sumatra, a social sanction was imposed on community members who violated Adat. This sanction is known as the social sanction "Ditinggian Janjang." But, it is not yet known how applying this sanction in the community can reduce the number of violations committed by the community, one of which is promiscuity. This study aims to determine the application and role of social sanctions in Ditinggi Janjang. The author's research method is sociological-normative with bibliographic sources and observes the characteristics of a community's behavior in an area in an aspect of social life, observation, interviews, and documentation. Based on the study results, it can be seen that the application of social sanctions is applied to the entire community. The role of ditinggian janjang's social sanctions is to prevent and solve various problems, especially those related to free sex in the community, in preparation for Nagari Persiapan Koto Gadang, Baso District, Agam Regency, West Sumatra Province.

Keywords: Customary Law; Violators; Social Sanctions; Nagari

INTRODUCTION

Based on the population census data conducted by the Central Statistics Agency in 2019, Indonesia has many adolescents aged 10-24 years, 64.19 million people or 24.01 percent of the 270.6 million people in Indonesia's total population. Apart from drugs and HIV/AIDS, free sex is now a significant problem for teenagers in Indonesia. This issue is a serious problem because teenagers are quite large, 26.7% of the total population.¹ According to Sarwono, Premarital Sexual Behavior (2010) is a behavior associated with encouraging sexual mutual opponent

¹ "BKKB: Seks Bebas Kini Masalah Utama Remaja Indonesia", kebijakankesehatanindonesia.net/25-berita/berita/859-bkkb-seks-bebas-kini-masalah-utamaremajaindonesia, access on February 3, 2021 at 10.00 WIB.

types carried out before the rope marriages are valid both in law and religion. Behavior Sexual prenuptial done by teenagers can lead to new problems faced by teenagers and the environment, such as abortion, disease transmission of sexual transmitted, HIV / AIDS, prostitution, and acts immoral if allowed to continue.

Based on data from the National Coordination and Family Planning Agency (BKKBN) in 2010 quoted by Murni Manurung on the West Java BKKBN website, 51% of adolescents in Jabodetabek have had sex before marriage. The 2005 Indonesian DKT Survey results also show that adolescents in several parts of Indonesia have had sex before marriage, including 54% in Surabaya, 47% in Bandung, and 52% in Medan. Meanwhile, the 2002/2003 SKKRI Survey results showed that adolescents have friends who have had sexual relations starting from the age of 14-19 years, with 34.7% women and 30.9% men.²

Research conducted by Reckitt Benckiser Indonesia, related to the use of contraceptives, it is known that the use of Durex contraceptives by 500 adolescents in five major cities in Indonesia, it was found that 33% of adolescents had had penetrative sex. From the study results, 58 percent of them penetrated at the age of 18 to 20 years.³ Minangkabau is known for its motto "*Adat Basandi Syara', Syara' Basandi Kitabullah*," which means, the customs of the Minangkabau people are guided by shari'ah and shari'ah is guided by the book of Allah (Al-Qur'an and Sunnah).⁴ So, the public law of indigenous Minangkabau in enacting law should be guided by the Islamic Shari'ah corresponding with the Qur'an and Sunnah. In this case, Islamic Shari'ah also regulates very on the relationship between men and women. Those who violate will be punished.

Nagari Persiapan Koto Gadang to impose sanctions on community members who commit illegal acts, especially those who violate Adat. Social sanctions "Ditinggian Janjang" who enforced customary law communities Nagari Persiapan Koto Gadang, District Baso, Agam regency, West Sumatra province this may be one solution to the problem of youth, especially the crucial problem is sex. One example of cases that have occurred and then implement sanctions are the initials F and sisters who are pregnant outside of marriage with her boyfriend initials D. After knowing this, it falls sanctioned social Ditinggian Janjang of the F and D and their families. To end the sanctions, by collecting Ninik-Mamak at home parties social sanction Ditinggian Janjang, Niniak-Mamak in herbal food and drinks, then Niniak Mamak determine the number of fines to be paid by the imposed sanctions to be free from social sanctions long height. The Constitutional Republic of Indonesia recognizes and respects the unity of the people the law of the indigenous. That was mentioned in Article 18B paragraph (2), which reads: "The State recognizes and respects community of customary law community unit along with all the traditional rights are still alive and in by the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law."

Customary law is an unwritten law. Or customary law is part of the Indonesian legal system that comes from customs and has legal sanctions. According to R. Soepomo, customary law

² Dida, Susanne, Syauqy Lukman, Sukarno, Feliza Herison, Centurion Chandratama Priyatna, Arif Rifqi Zaidan, and Titut Yuli Prihyugianto. 2019. "Pemetaan Prilaku Penggunaan Media Informasi Dalam Mengakses Informasi Kesehatan Reproduksi di Kalangan Pelajar di Jawa Barat". *Keluarga Berencana Journal*. Vol. IV. No. 2, p. 33

³ Giovani Dio Prasasti, Riset: 33 Persen Remaja Indonesia Lakukan Hubungan Seks Penetrasi Sebelum Nikah, <https://www.liputan6.com/health/read/4016841/riset-33-persen-remaja-indonesia-do-relax-sex-penetration-beforemarriage#> Accessed on February 2, 2021 at 09.16 WIB

⁴ Asnan, Lord. (2003). *Dictionary of Minangkabau History*. Padang: PPIM, p. 8

is non-statutory law, most of which is established law and a small part of Islamic law.⁵ At the same time, the customary law nature is not written but growing, evolving, and sustained by the awareness of indigenous peoples. Because customary law is not written, customary law can adapt to the times.

Research on promiscuity has been widely studied both at national and international levels. Promiscuity is synonymous with the deviant adolescent association, and which usually leads to sexual acts. In the growing era, the behavior and social problems in society are increasingly diverse, especially adolescent issues. The development of technology today has a lot of bad influence on teenagers, causing juvenile delinquency. Adolescence is when an individual experiences a transition from one stage to the next and experiences changes in emotions, bodies, interests, behavior patterns, and is also full of problems.⁶

By the Minangkabau proverb “*Indak lakang dek paneh, Indak lapuak dek hujan*” which also means Minangkabau adat with all its local wisdom and regulations will not disappear or become extinct along with the times. Especially on customary law, the enactment of law starts from the human person who is a given by God reason and thoughts, as well as the customary law that is born from the habits of the community that are accepted and must be a tool in the community concerned. Minangkabau customary law has its characteristics, the existence of a customary regulation that regulates everything related to violations of customary rules and regulations, both civil and criminal, such as crimes in social life.⁷ On this occasion, we would like to research “Ditinggian Janjang” Social Sanctions Against Violators of Customary Law in Nagari Persiapan Koto Gadang, Baso District, Agam Regency West Sumatra Province.

This study focuses on the application and role of social sanctions “Ditinggian Janjang” in Nagari Persiapan Koto Gadang, Baso sub-district, Agam district, West Sumatra province. The potential that can be generated from this research is new knowledge and perspective on how the role of social sanctions at high janjang in overcoming the problem of juvenile delinquency, especially related to promiscuity. There are many cases of juvenile delinquency nowadays, and there are many public figures give statements about the freedom to choose their life, especially related to relationships and sexuality. With this research, an indicator can be produced that traditional leaders’ role in solving problems in Nagari Persiapan Koto Gadang is quite large, especially in solving the problem of juvenile delinquency. According to the data obtained, social sanctions Ditinggian Janjang have a deterrent effect on the community. Because this social sanction also affects the entire family of the perpetrator, not the perpetrator.

The potential benefits generated from this research will be felt by the state and society, government, and science. For the community, this research provides awareness of how important it is to know, be aware of and preserve Minangkabau customary law. It is hoped that science can increase public awareness of the importance of customary law in solving a problem. This research is also expected to protect indigenous peoples, provide customary sanctions in case of violations, introduce one of the Minangkabau customary laws that are still valid in Nagari Koto Gadang, Baso District, Agam Regency, West Sumatra Province, and can

⁵ Ishaq. (2018). *Pengantar Hukum Indonesia (PHI)*. Depok : PT Raja Grafindo Persada, p. 41

⁶ Siti Suhaida, Jamaluddin Hos, Ambo Upe. (2018). “Pergaulan Bebas di Kalangan Pelajar”. *Neo Societal Journal*. Vol. III No. 2. Sukadana, I, P. 425

⁷ Alfadrian. (2019). “Eksistensi Hukum Adat Minangkabau dalam Penerapan Sanksi Denda Terhadap Pelaku Zina di Nagari Limo Kaum Kecamatan Lima Kaum”. *Journal of JOM Law Faculty*, University of Riau. Vol. VI. Issue 1.

be a source of knowledge about a sanction that can be imposed on violators of laws and norms that apply in Indonesia.

At the same time, the government can use the results of this research as an alternative in solving a problem and providing a deterrent effect for violators of these laws and norms. Customary sanctions are one of the traditional reactions to the non-implementation of customary regulations. These sanctions are intended to restore the balance that has been disturbed due to customary violations. This customary sanction is always accompanied by an event or action that must be accounted for by the perpetrator and his family (Sukadana et al., 2021). The rules of our customs in essence, already existed in ancient times, the Pre-Hindu era. According to customary law experts, the customs that lived in the Pre-Hindu society were Polynesian Malay customs. Customary law and Indonesian positive law have the same functions and purposes, with justice, social control, and the pursuit of benefits as their common goals. Thus, now the existence of customary law has been recognized by the Indonesian government, which is agreed upon by all Indonesian people as one of the official laws. And can be used in the community, besides the use of laws and regulations made by the government.⁸

METHOD

This research uses sociological normative research, which use empirical study and literature study in addressing the legal issue in this research. Library research uses to collect data by studying books and journals as reference materials related to research. This activity carried out pre-field research through library research and gathering information on social sanctions Ditinggian Janjang in Nagari Persiapan Koto Gadang, Baso District, Agam Regency, Riau Province, to find out the forms of sanctions by looking at and reading related books and articles.

Interview with Ninik Mamak, Bundo Kanduang, community leaders and the head of Nagari. Furthermore, questionnaires were also distributed to local youth to determine the extent of their understanding of the topic under study. This activity collects the necessary data for research purposes through stakeholders to get raw data and find facts related to social sanctions at Ditinggian Janjang by reviewing the Nagari Persiapan Koto Gadang area, Baso Sub-district, Agam Regency, Riau Province.

From the data collection, analysis was carried out in the form of qualitative data analysis, which were descriptions carried out on the data collected and because the data was not in the form of descriptions that would be arrange logical and systematical. This activity analyzes, simplifies data, and draws conclusions from research results to obtain simpler and more targeted data. This greatly determines the effectiveness of social sanctions in Ditinggi Janjang against violators of customary law in Nagari Preparation Koto Gadang, Baso District, Agam Regency, West Sumatra Province.

ANALYSIS AND DISCUSSION

The application of social sanctions “at high altitude” in Nagari Persiapan Koto Gadang, Baso sub-district, Agam Regency, West Sumatra Province

⁸ Arliman, Laurensius, (2018), “Hukum Adat Di Indonesia Dalam Pandangan Para Ahli Dan Konsep Pemberlakuannya di Indonesia, *Selat Journal*, Volume. 5 Number. 2

Minangkabau is the name of one nation, the name of one culture due to the work, creativity, initiative, power, and effort of the Minangkabau ethnic group. A few centuries ago, the Minangkabau custom he adopted was the creation of their ancestors,² (two) legends, Datuk Papatih Nam Sabatang and Datuk Katu Mangongan.⁹

Minangkabau customs are regulations and laws or customary laws that apply in the social life of the Minangkabau community, especially those who live in the Minang realm or West Sumatra. To a certain extent, Minangkabau adat is also used and applies to Minang people who are overseas outside the Minangkabau region.¹⁰ Adat in Minangkabau is divide into 4:

1. Adat, a traditional savanna, is absolute and must not be violated if it is violated, then the punishment is expelled from the village or fined. For example, every child must respect their parents.
2. The traditional customs are the result of the agreement of the ninikmamaks. If they are violated, then the punishment by the agreement of the ninikmamaks, for example, social sanctions, are ditinggianjanjang.
3. Customs
4. Customs¹¹

Social sanctions at Ditinggian Janjang are social sanctions given by ninik mamak to violators of customary law. The recipient of the sanction will be subject to exclusion from the association of indigenous peoples. The recipients of this sanction are the perpetrators and the extended family of those who violates customary law.¹²

This social sanction is regulated in customary law in which the Ninik-Mamaks socialize with their children and nephews in tribal associations. In Koto Gadang, there is a book on Salingka Adat that contains Koto Tinggi's customs and its customary law. The preparation village for Koto Gadang itself is an expansion of Koto Tinggi.¹³

The forms of social sanctions at Ditinggian Janjang given by Ninik Mamak Nagari Persiapan Koto Gadang are in the form of:

- a. Being ostracized in the community can increase public awareness of the customary rules that apply in the community;
- b. Not allowed to take part in community activities, such as weddings, deaths, etc.;
- c. If you don't pay the fine from the customary punishment, you can be ostracized by the community;¹⁴

Ninik Mamak, in the provision of social sanctions, has a vital position in the Minangkabau kinship structure, especially in the relationship between Mamak and niece. In Minangkabau in guiding the children of nephews is handled by two components of leadership, the first is the obligation of the mother and father, the second is the Mamak (mother's male sibling). If a nephew's child misbehaves, behaves inappropriately, misbehaves in urang, taints his name in the community, efforts must be made to find a solution so that "*rancak di awak, katuju di urang.*" For this reason, the problem was the return to his family (nephew of his family) by tact

⁹ Febrina, Yossi. (2011). "*Perkawinan Satu Suku di Nagari Jawi-jawi Sumatra Barat Ditinjau dari Hukum Islam*". Essay. Faculty of Sharia and Law, Akhwal Al-Syakhsiyah, Syarif Hidayatullah State Islamic University, Jakarta, P. 4

¹⁰ Datuak Hitam, interview result, July 25, 2021

¹¹ Datuak Hitam as Chair of KAN, interview result, July 25, 2021

¹² Datuak Bagindo Rumah Tinggi and Datuak Buayo Nan Putih, interview result, 23 July 2021

¹³ Rasmal Khair or Datuak Buayo Nan Putih, interview result, 23 July 2021

¹⁴ Datuak Bagindo Rumah Tinggi, interview result, 23 July 2021

full asking who his mother (nephew) was. Then the father must be asking because, in Minang land, the responsibility of a nephew is asking to be wrong. First, the mother is asking, and only from a sharia point of view is the father's responsibility.

Determining the attitude of decisions on the needs of the people is always brought to the attention of the Mamak. Suppose there is a conflict or dispute in the family. Mamak must finish as dictated by the *Kusuik nan ka manyalasai, karuah nan ka mampajaniah* custom. The leader element in Minangkabau is know as "*Tungku Tigo Sajarangan*" (niniak Mamak, alim ulama, and cadiak pandai). As a forum for leadership in Minangkabau, it must be united in the movement of community development by adhering to the "*Tali Tigo Sapilin*" (Religion, Customs, and Legislation).¹⁵

The process of giving social sanctions at the high level; First, giving a summons to the family of the perpetrator who violates customary law, this is the first process in applying sanctions, Second, interrogating or asking the person concerned, is it violating the customary law, Third, after the perpetrator admits his guilt, niniak-mamak will conduct deliberations to determine the amount of the fine imposed on the perpetrator, fourth, if the perpetrator is not willing to pay the fine and fights niniak-mamak, then social sanctions will be give at Ditinggian Janjang as a last resort in resolving the case.¹⁶

The role of social sanctions "ditinggian bunch" in handling the case of adolescents, especially the problem of promiscuity free in Nagari Persiapan Koto Gadang, Subdistrict Baso, Agam Regency, Province of Sumatra Barat.

The implementation of the High Janjang Social sanction has been applied for generations in the Nagari Persiapan Koto Gadang. However, until now, this social sanction has proven effective in overcoming problems in the community of Nagari Persiapan Koto Gadang. and society. As for the questionnaires that have been distributed, 95% of adults in the Koto Gadang community feel that the social sanctions at Ditinggian Janjang are effective. At the same time, among the teenagers, most of them do not know how the social sanctions at Ditinggian Janjang are effective.

Actually, the existence of social sanctions at the high level plays an essential role in making perpetrators aware, especially on adolescent problems, namely promiscuity, such as;

- 1) Provide a deterrent effect for perpetrators, especially teenagers;
- 2) Can be reflective and more sensitive to which rules may and may not be;

From the results of the study, it is known that some data related to social sanctions at Ditinggian Janjang against violators of customary law in Nagari Persiapan Koto Gadang, Baso District, Agam Regency, West Sumatra, are as follows:

Table 1.

No	Object of research	Amount
1.	Open online questionnaire	4
2.	Closed online questionnaire	5
3.	Open offline questionnaire	10
4.	Closed offline questionnaire	34
3.	Datuak	2
4.	Guardian of the village	1
5.	Biological mother	1
6.	Clever	1
7.	Koto Gadang Nagari Community	3
	Total	61

¹⁵ Rasmal khair or Datuk Buayo Nan Putiah, interview result, 23 July 20

¹⁶ Rasmal Khair or Datuk Buayo Nan Putiah, interview result, 23 July 2021

Based on the data above, by definition, social sanctions at Ditinggian Janjang against violators of customary law in Nagari Persiapan Koto Gadang are limited to a family's social rights or people due to violations of customary law by one of the family members. Such sanctions apply to perpetrators who violate the customary law of Nagari Persiapan Koto Gadang, such as:

1. Speaking foul language;
2. Commit adultery;
3. Illegitimate marriage;
4. Get married without using traditional parades or without the knowledge of Ninik Mamak;
5. Do not coordinate and solve problems in Adat.¹⁷

Table 2. Number of Nagari Populations for the Preparation of Koto Gadang in July 2021

No	Name Of Jorong	Early Population Of The Month						
		Foreigner		Indonesian Citizen		Many of Head Family	Many of Family Members	Many of Soul
		L	P	L	P			
1	Koto Gadang	0	0	1472	1474	849	2097	2946
2	Tanah Tinggi	0	0	309	305	182	432	614
	Amount	0	0	1781	1779	1031	2529	3560

*Source: Office of the Mayor of Nagari Persiapan Koto Gadang, Baso District, Agam Regency, West Sumatra

Table 3. Questionnaire Respondent Data

	Mature	Teenager
Many of Participants	21	182
Respondents know the social sanctions at high school	100%	31.25%
The effectiveness of social sanctions at the high level against customary violators	95.23%	-

*Source: Author Processed Data 2021

The government feels grateful and helped by the existence of social sanctions at this height because these social sanctions have proven effective in overcoming and preventing free sex for teenagers. The role of customary law is more aimed at empowering the community because of Mamak's way of educating nephews.¹⁸

CONCLUSION

The results of research conducted by observation by the author in Nagari Koto Gadang, that social sanctions at ditinggianjanjang play an essential role for perpetrators of violators of customary law in the area of customary law communities. If these social sanctions affect their families, people are often afraid, so try not to let these sanctions affect their families because the impact of such social sanctions impacts the extended family. People prefer to pay fines rather than be subject to this social sanction. And based on the results of research conducted,

¹⁷ Rasmal Khair or Datuak Buayo Nan Putiah, interview result, 23 July 2021

¹⁸ Serkarina, interview result, 24 July 2021

both from Ninik Mamak, the government and the community stated that this social sanction effectively provides a deterrent effect to the perpetrators. So, according to the author, the State needs to respect and respect customary law because it has proven to be more efficient in dealing with problems as the first countermeasure.

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