

Reformulation of Bundo Kanduang's Role in Solving Domestic Violence Cases

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Abstract

This study aims to reevaluate the role of Bundo Kanduang in addressing Domestic Violence cases within the Minangkabau indigenous community in West Sumatra. Utilizing qualitative research methods, data collection tools include documents, interviews, and Focus Group Discussions (FGD). The study involves Bundo Kanduang Adat and household members within the Bundo Kanduang organization in plain, Agam, and Fifty Cities, totalling 35 participants per regency. Data analysis consists of three stages: Reduction, Presentation, and Verification. Method triangulation compares interview outcomes with FGD results for data triangulation. Theoretical triangulation is then applied to reassess Bundo Kanduang's role in resolving domestic violence cases. The findings reveal that Bundo Kanduang's role in addressing domestic violence under Minangkabau customary tambo has been implemented socially but not optimally within families due to factors such as low education, demanding work schedules, children relocating after marriage, and a lack of concern for one's hometown. To ensure the effective implementation of Bundo Kanduang's role in combating domestic violence, the following reformulations are proposed: 1) Leveraging the "nan 4" principle; 2) implementing premarital education and training; 3) applying people-oriented management; 4) compiling Nagari and community monographs; and 5) reinforcing matrilineal culture.

1. Introduction

The violence that occurs in society departs from one particular ideology that legalizes oppression on the one hand, both individuals and groups, which is caused by the assumption that inequality that exists in society is commonplace. The wife's position positioned subordinate to the husband demands that a wife always submit and obey her husband. As reported in the mass media, both print and electronic, acts of domestic violence are increasingly prevalent, both physically hurtful violence and violence that hurts the heart or feelings. This is one of the triggers for quarrels and disharmony in the household, which continues to impact divorce.¹

In practice, handling domestic violence cases involves various parties, such as the police, courts, health service agencies, and legal aid institutions. The role of the community and family is also very important in preventing and managing domestic violence.

Domestic violence is difficult to disclose for several reasons: First, violence in the domestic sphere is seen as a private matter in which other parties are reluctant to intervene (intervention). Second, in general, the victim (wife/child) is a party who is structurally weak and has dependence, especially economically, on the perpetrator (husband). In this position, victims generally remain silent or even hide acts of violence because disclosing cases of domestic violence means exposing the family's disgrace. Third, the community lacks legal knowledge and awareness of their legal rights. Fourth, there is a social stigma that violence perpetrated by husbands is considered by society normal in the context of education carried out by the authorities. In this position, victims are often reluctant to report to law enforcement officials for fear of being ridiculed by society.

Ironically, Law of the Republic of Indonesia Number 24 of 2004 concerning the Elimination of Domestic Violence (Law Number 24 of 2004), the number of domestic

¹ Ulfi Ana Khaira, Ferdy Saputra, and T Saifullah, "Penelantaran Rumah Tangga Oleh Suami Sebagai Bentuk Kekerasan Dalam Rumah Tangga Ditinjau Dari UU Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga," *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 5, no. 1 (January 22, 2022), <https://doi.org/10.29103/jimfh.v5i1.6569>.

violence continues to increase. The National Commission for Women (KOMNAS Perempuan) began recording domestic violence cases from 2004 to 2021 and has stated that the number of domestic violence cases is 544,452 cases, including violence against wives (KTI) and violence against children (KTAP).² This shows that domestic violence cases from year to year always increase after the birth of the Domestic Violence Law. In other words, the legality does not guarantee that domestic violence can be reduced. The issuance of Law Number 24 of 2004 has not been able to become a solution for victims of domestic violence.

Domestic violence cases that have not been resolved have subsequently led to divorce in various Religious Courts in Indonesia without providing a deterrent effect to domestic violence perpetrators, which should be followed up through the District Courts. West Sumatra, as part of the territory of Indonesia, can be used as a sample for divorce cases indicated by domestic violence. In 2020, the high religious court in West Sumatra handled 9,242 divorce cases, both divorce and divorce, of which 52 cases occurred due to domestic violence.³ In addition to divorce cases due to domestic violence, 32 domestic violence cases are handled by district courts in the West Sumatra region (data from the West Sumatra District Court).

The statement illustrates the complexity of domestic violence issues and their impact on divorce in Indonesia. In this context, it can be seen that domestic violence victims often use divorce as a last resort to protect themselves and their children. However, divorce itself does not always provide adequate action against domestic violence perpetrators because the applicable law in Indonesia in domestic violence cases is often processed in religious courts. In contrast, district courts that should have the authority to handle domestic violence cases are rarely used. In addition, keep in mind

² RA Diah Irianti, "Kekerasan Dalam Rumah Tangga Antara Mempertahankan Keutuhan Keluarga Dan Sanksi Pidana Menurut Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga," *Pamulang Law Review* 3, no. 2 (November 30, 2020): 139, <https://doi.org/10.32493/palrev.v3i2.7990>.

³ *Ibid.*

that divorce itself can harm the child and family and does not always guarantee the safety of victims of domestic violence.

In the context of the Minangkabau custom with the philosophy of "*Adat Basandi Syarak, Syarak Basandi Kitabullah*" (ABS-SBK), domestic violence should never happen because women's rights are highly guarded by tradition. Based on the results of previous research, domestic violence occurs because custom and religion, as two important components in Minangkabau society, are not carried out properly.⁴ It is stated that the community has *raso jo preso*, shame, and manners. Domestic violence will never appear in Minangkabau society if this feeling is carried out. However, based on the statements of the parties at the Iain Batusangkar Consultation and Legal Aid Institute (LKBH), when the husband commits violence, such as infidelity, his family advises the woman to pay more attention and care for herself so that the husband does not have an affair again.

Meanwhile, if a woman commits an affair, society tends to curse the woman. This indicates the non-implementation of the protection of women's rights by customs and communities as contained in ABS-SBK.

The return of the Village Government system to the Nagari Government, which is regulated through the Regional Regulation of West Sumatra Province Number 2 of 2007 concerning the Principles of the Nagari Government (Regional Regulation Number 2 of 2007), directly restores the role of traditional institutions (local institutions). Several articles in Regional Regulation Number 2 of 2007 that show recognition of the role of traditional institutions include:

- 1) Article 3, paragraph (1) states that Nagari is guided by local wisdom and customs prevailing in the community.

⁴ Custom and religion play an important role in domestic violence in Minangkabau society. Customs and religion are considered sources of values and norms governing the relationship between husband and wife. However, misunderstandings and wrong interpretations often lead to violence perpetrated by husbands against wives.

- 2) Article 6, paragraph (2) states that BPN and customary institutions discuss and propose the determination of ancestral villages and spaces.
- 3) Article 12, paragraph (1) states that the Nagari Device can invite traditional institutions, religious leaders, community leaders, and youth leaders to perform its duties and functions.
- 4) Article 16 paragraph (2) letter f states that the duties of the Nagari Chief include maintaining, developing, and utilizing local wisdom and customs prevailing in the community.

Furthermore, in line with the Regional Regulation of West Sumatra Province Number 6 of 2014 concerning Strengthening Customary Institutions and Preserving Minangkabau Customary Values (Regional Regulation Number 6 of 2014), which expressly states that the Nagari Government rebuilt traditional institutions. This regional regulation strengthened traditional institutions and preserved indigenous values in the Minangkabau area. Some of the articles in this Regional Regulation that show recognition of the role of indigenous institutions include:

- 1) Article 4, paragraph (1) states that in the Nagari Government, traditional institutions and the Nagari government support and complement each other to realize good and correct government based on Minangkabau traditional values.
- 2) Article 5, paragraph (1) states that the Local Government and the Nagari Government shall foster and strengthen traditional institutions in Nagari.
- 3) Article 9, paragraph (1) states that the Nagari Customary Institution is authorized to regulate and manage normal activities in Nagari.
- 4) Article 10, paragraph (1) states that the Nagari Traditional Head is a leader of traditional institutions and community representatives in various forums.
- 5) Article 12, paragraph (1) states that the Nagari Device shall respect and cooperate with traditional institutions in its duties and functions.

Regional Regulation Number 2 of 2007 and Regional Regulation Number 6 of 2014 directly recognize the role and wisdom of traditional institutions or local institutions in governance at the Nagari level. The return of the Village Government system to the Nagari government gives re-recognition to indigenous institutions and local wisdom as an important part of people's lives and governance in Nagari.

One of its functions is to overcome the problem of niece children (families). The role of such indigenous institutions has been going on for a long time in the Nagari Government, where there is a clear emphasis on indigenous stakeholders being responsible for developing their families and people.⁵

Suppose there are disputes and conflicts, including domestic conflicts between nieces and nephews in their people. In that case, the indigenous stakeholders are responsible for resolving the conflict internally. Indigenous stakeholders control the behaviour and actions that occur within their people.⁶ The power of control This customary institution used to be a medium for preventing and resolving domestic violence cases in Minangkabau, West Sumatra. Thus, it is understood that in the Minangkabau community, a system is already used to resolve conflicts in Nagari through the *Nagari babalai bamusajik* device (traditional halls and mosques) are used as places of deliberation and establish laws and rules. These two institutions are legal entities called "*camin nan indak kabuah dan palito nan indak padam*"

However, with the high divorce rate in West Sumatra, as obtained from 17 Religious Courts in West Sumatra in 2019, there were 6,190 divorce cases, as if denying the existence of a conflict resolution process. One is domestic conflict in two Minangkabau institutions (traditional institutions and mosques) through deliberation and peace.⁷ This is also corroborated by interviews with parties who consulted LKBH IAIN

⁵ Karenina Aulery Putri Wardhani, "Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga (KDRT) Pada Tingkat Penyidikan Berdasarkan Undang-Undang No. 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga (UUPKDRT)," *Jurnal Riset Ilmu Hukum* 1, no. 1 (July 5, 2021): 21–31, <https://doi.org/10.29313/jrih.v1i1.70>.

⁶ Dara Maisun, Inayah Rohmaniyah, and Hablun Ilhami, "Persepsi Masyarakat Tentang Kekerasan Terhadap Perempuan Dalam Rumah Tangga Di Sigli Aceh: Analisis Wacana Kritis Kekerasan Terhadap Perempuan Dalam Rumah Tangga Di Sigli Aceh," *Mukaddimah: Jurnal Studi Islam* 6, no. 1 (September 3, 2022): 131–60, <https://doi.org/10.14421/mjsi.61.2869>.

⁷ Andri Mardiansyah, "Sumbar Masuk 10 Besar Daerah Tingkat Perceraian Tertinggi," January 4, 2023, <https://padang.viva.co.id/ragaminang/976-sumbar-masuk-10-besar-daerah-tingkat-perceraian-tertinggi>.

Batusangkar. They felt they did not need to consult the Nagari customary apparatus before filing for divorce because they thought it was a private matter, not a matter of the people. Before consulting with traditional institutions, internal conflict resolution should first be carried out, namely through a Rumah Gadang involving *Bundo Kandung*.

Bundo Kandung, as part of the local institution, can play a role in preventing domestic violence cases (preventive) and an alternative solution to tackling domestic violence cases. This is because *Bundo Kandung* must know *mudharat* (ugliness) and its benefits, which means that *Bundo Kandung* knows good and bad. *Bundo Kandung* is also articulate and wise because he is an educator in his kindred. Thus, *Bundo Kandung* plays a strategic role in solving domestic violence cases.⁸

After regional autonomy, the position of *Bundo Kandung*, along with *Ninik Mamak*, *Alim Ulama*, *Cadiak Pandai*, and the Nagari Organization, was within the auspices of the Nagari Traditional Deliberation Board. In this organizational structure, *Bundo Kandung's* existence parallels other traditional elements. As stated in Article 6, Regional Regulation Number 7 of 2018, "as referred to in paragraph (1), the membership consists of representatives of *Ninik Mamak*, elements of *Cadiak Pandai*, elements of *Bundo Kandung*, and elements of *Parik Paga* in the Nagari concerned following the Salingka Nagari Custom". Thus, explicitly, the decision-making level of the people/tribes must involve women and *Bundo Kandung*, or in other words, the Deliberation of Consensus in the Minangkabau custom; women have the same rights as men. However, based on the results of previous research, it was found that the role of *Bundo Kandung* in the community was not as expected as written in Tambo Minangkabau. In other words, the role of *Bundo Kandung* has not touched the domestic aspects of the household, but only in the form of formality and ceremonial roles such as discussions, lectures on customs, recitations, competitions for Nagari traditional events, social gatherings, religious counselling and socialization of the ABS-

⁸ Irma Suryani et al., "Menelusuri Peran Dan Fungsi Bundo Kandung Saat Ini Sebagai Bagian Lembaga Adat Dan Kaitannya Dalam Menyelesaikan Kasus KDRT Di Sumatera Barat," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 6, no. 2 (March 27, 2022), <https://doi.org/10.58258/jisip.v6i2.3178>.

BSK. The role also cannot be carried out regularly due to the difficulty of collecting *Bundo Kandung* at a certain time for various reasons.

Ideally, the activities carried out by *Bundo Kandung* are manifestations of the role of *Bundo Kandung* as outlined in Tambo Minangkabau, namely as: "*limpapeh rumah nan gadang, umbun puruak pagangan kunci, pusek jalo kumpulan tali, sumarak dalam nagari, hiasan kampung yang gadang basa batuah, ka unduang ka madinah, ka payuang panji ka sarugo, ka pai tampek batanyo ka pulang tampek babarito*."⁹

As a "*limpapeh rumah nan gadang*", he means that *Bundo kandung* is an educator who can be used as an example and is a central figure in domestic life with a strategic role and function in instilling Minangkabau traditional and cultural values, especially instilling morals for the younger generation. "*Umbun puruak pagangan kunci*" means the storage of heirlooms and valuable items belonging to the family and its kindred. Furthermore, "*Mubarak dalam nagar, hiasan kampung*" means that *Bundo Kandung* is indispensable in society. As for "*yang gadang basa batuah, ka unduang ka madinah, ka payuang panji ka sarugo*" means that *Bundo Kandung* in his daily life is able to carry out all religious rules so that he can be a role model for members of his people.

Given the strategic function of *Bundo Kandung* as an example in society, he must realize his role and function in solving domestic violence cases, at least in his family environment. This is in line with the results of previous research that *Bundo Kandung* hopes their existence in society will be paid more attention to. Their opinions and voices are heard more by the community and considered in making decisions. In the context of domestic violence cases, they also hope that the *Bundo Kandung* institution will be used as the first forum to hear, overcome and prevent these cases from happening in their environment.

Bundo Kandung has a strategic role in instilling Minangkabau traditional and cultural values, especially in instilling morals for the younger generation. In addition, as a threshold for the peak of critical care, *Bundo Kandung* is responsible for maintaining and preserving the heirloom and valuable items belonging to his family and people.

⁹ *Ibid.*

However, it is even more critical that *Bundo Kanduang* can be an example and role model for family members and their people when solving domestic violence cases and preventing them from happening in their neighbourhoods.

The role and existence of *Bundo Kanduang* in Minangkabau society should be paid more attention to and appreciated. In domestic violence cases, *Bundo Kanduang* must be given an adequate role and container to hear, overcome, and prevent domestic violence cases in their environment. Therefore, policymakers at the local and national levels need to pay attention to the important role of *Bundo Kanduang* in solving domestic violence cases in the community and strengthening existing indigenous institutions as an effective forum for handling domestic violence cases.

2. Problem Statement

In response to the above phenomenon as the results of previous research, it is important to reformulate the strategic role (both domestic and social) of *Bundo Kanduang*. Through this reformulation, the function of *Bundo Kanduang* in the community, especially in handling domestic violence cases, can run optimally as expected by Law of the Republic of Indonesia Number 24 of 2004 concerning the Elimination of Domestic Violence (Law Number 24 of 2004), namely to prevent and maintain domestic violence behaviour that occurs in the Minangkabau community through indigenous communities.

3. Methods

This research was conducted using a qualitative approach that is an exploratory narrative. This research aims to find a pattern of solving domestic violence cases in the Minangkabau indigenous community through reformulation of the role of *Bundo Kanduang* in West Sumatra. Data was collected using interviews, Focus Group Discussions (FGD), and study documents. The subjects in the study *Bundo Kanduang* were *Bundo Kanduang*, both traditional and *Bundo Kanduang* homemakers who are members of the *Bundo Kanduang* organization found in the *luhak nan tigo* area (Luhak Agam, Luhak Limo Puluah dan Luhak Tanah Datar).

Data analysis was carried out using Miles and Huberman techniques in Sugiono) which include: data reduction, data display, and data verification for conclusion-making.

Triangulation methods are carried out to ensure the validity of the data, namely data from the interview results compared to the information obtained from the FGD.¹⁰ Furthermore, theoretical triangulation was used to reformulate *Bundo Kanduang's* role in solving domestic violence cases.

4. Discussion

4.1. The Role of *Bundo Kanduang* Related to Domestic Violence in the Minangkabau Community in West Sumatra

The most popular term related to Minangkabau women is *Bundo Kanduang*. This term, functionally, is interpreted as a senior woman or a birth mother in a Minangkabau matrilineal family. Therefore, *Bundo Kanduang* must have maternal and leadership traits. *Bundo Kanduang* is a figure who can distinguish good and bad, including halal and haram. In other words, *Bundo Kanduang* refers to women who have carried out their role as a mother in the context of customs and culture. Therefore, *Bundo Kanduang* must be knowledgeable and have qualities that can be adapted from other outward deeds.¹¹

Sukmawati's view states that *Bundo Kanduang* functionally refers to senior women or the main mothers in a Minangkabau matrilineal family, who have a strong personality, are wise and fair, and are mentally and physically able to make correct and fair decisions. Therefore, *Bundo Kanduang* is a decisive figure in a family's moral life and dignity.¹² If you look at it more deeply, *Bundo Kanduang*, as a "*limpapeh rumah nan gadang*" is a mother who always educates her children well and must make her household and family a first educational institution. This is due to the first-time education given by the mother. *Bundo Kanduang*, in this case, largely determines the complexion and colour of the generation that will be born in the household and family.

¹⁰ Sugiyono, *Metode Penelitian Administrasi*, ed. Apri Nuryanto (Bandung: Alfabeta, 2009).

¹¹ Sismarni Sismarni, "Perubahan Peranan *Bundo Kanduang* Dalam Kehidupan Masyarakat Minangkabau Modern," *Kafa'ah: Journal of Gender Studies* 1, no. 1 (January 12, 2011): 95–110, <https://doi.org/10.15548/jk.v1i1.46>.

¹² Ermi Sola, "'*Bundo Kanduang*' Minangkabau vs. Kepemimpinan," *Jurnal Sipakalebbi* 4, no. 1 (August 26, 2020): 346–59, <https://doi.org/10.24252/jsipakallebbi.v4i1.15523>.

Therefore, a *Bundo Kandung* should be an example and maintain good qualities, including being honest, ingenious, articulate, sophisticated, polite, polite, kind, and shy.

Bundo Kandung is also a powerful figure in a family's moral life and dignity. This is in line with Syafnir's statement that as an intermediary for offspring, the biological bundle also has the main task of shaping and determining the disposition of the child who is his descendant. Bundo landing as "*puck also kumpulan tali*" means that the mother figure has a central position that largely determines the school's future success. Therefore, *Bundo Kandung* must know. This statement follows Gayatri's opinion that a woman, namely the mother, shows the good and bad direction of life in a household and society. According to her, mothers are the main point in the passion for noble ethics in every aspect of people's lives, such as: in the fields of education, economy, socio-culture, and so on. *Bundo Kandung*, as "*Mubarak dalam nagar, hiasan dalam kampung*", implies the presence of women as a symbol of beauty, not merely in the sense of birth. This follows Islamic teachings: "Women are the pillars of the household and the state of both the mothers, the good the household, and the state" (al-Hadith). *Bundo Kandung*, as "*nan Gadang basa bath*", has the meaning of as a symbol of pride and glory of a people. Thus, *Bundo Kandung* must understand and practice the teachings of custom and Islam.

The role of *Bundo Kandung* consists of the Domestic Role and the Public Role.¹³ The domestic roles played by *Bundo Kandung* vary widely. That variability is seen in the context of the type, frequency, and time used. If referring to Hakimy, then the domestic role is more applied to *Bundo Kandung's* role as wife and mother of his children. *Bundo Kandung's* role as a mother of her children is more applied through her role as an educator. In other words, *Bundo Kandung* is the first madrasa for his children, where children receive the first care and upbringing. A mother occupies the most important position for the inheritance of values in the family, as hinted at in the Minang proverb

¹³ Siti Fatimah, "Gender Dalam Komunitas Masyarakat Minangkabau; Teori, Praktek Dan Ruang Lingkup Kajian," *Kafa'ah: Journal of Gender Studies* 2, no. 1 (January 12, 2012): 16, <https://doi.org/10.15548/jk.v2i1.53>.

"*kalau karuah aie di hulu, sampai ka muaro karuah juo, kalau kuriek induaknyo, rintiek anaknyo, tuturan atok jatuah a palambahan*".

Bundo Kanduang's Public Role includes political, social, economic, and religious roles.¹⁴ *Bundo Kanduang's* strongest political role, according to custom, is as a decision-maker. The same thing is also seen in the membership of BPRN, a legislative institution in Nagari consisting of *Alim Ulama, Ninik Mamak, Cadiak Pandai, Bundo Kanduang*, and youth. In principle, the *Bundo Kanduang* can also represent each of these elements. However, the results of the 2009 elections showed that the representation of women/*Bundo Kanduang* to sit in the legislatures at the district/ city and provincial levels was only 9%. The phenomenon above shows that the political role of *Bundo Kanduang* is far from the level formulated by the Minangkabau custom, namely that women are clever leaders. As *Cadiak Pandai*, *Bundo Kanduang* can be a place to ask questions, find solutions, make decisions, and others. Such a role is still relatively low in the *Bundo Kanduang*, both in the family, the people, and the government.

The social role of society refers to the involvement of *Bundo Kanduang* in social activities, both people, Nagari, and society in a broad context. This role can be seen through institutions formed by local communities, both formal and informal institutions.

Bundo Kanduang's economic role can be observed through his professions, ranging from professions that do not demand physical obstinacy to professions that rely on the physical.

The role of religion refers to the involvement of *Bundo Kanduang* in activities to develop and apply religious teachings. Some of them are seen to play a role in taking care of *yasinan* groups, *taklim* council, and social gatherings, which are also filled with religious recitations.

Bundo Kanduang has a very diverse domestic and public role. In the domestic role, *Bundo Kanduang* is a mother who provides education and the first upbringing for her children. As the first madrasa, *Bundo Kanduang* played an important role in the family's

¹⁴ *Ibid.*

inheritance of values and customs. In the public role, *Bundo Kanduang* has a political role as a decision-maker, especially in the legislature at the Nagari level. Although Minangkabau custom stipulates that women are clever leaders, the representation of women/*Bundo Kanduang* in the district/city and provincial legislature is still relatively low. In addition to the political role, *Bundo Kandung* has a social role in its involvement in social activities at the Nagari level and society. *Bundo Kandung* also has a varied economic role, depending on the profession it carries out and the role of religion in the development and application of religious teachings.

Cases of domestic violence (KDRT) in the Minangkabau indigenous community in West Sumatra are still relatively high. This can be due to several complex and interrelated factors, including a strongly patriarchal culture, gender inequality, weak law enforcement, and lack of access to education and information.¹⁵ The concept related to these factors is the theory of feminism, which highlights the injustice and gender discrimination played by patriarchal culture. This theory states that social and cultural structures that support gender inequality lead to violence against women and girls.¹⁶

Cases of domestic violence in the Minangkabau indigenous community in West Sumatra are still high due to several complex and interrelated factors. First, the patriarchal culture still strong in the Minangkabau indigenous community produces gender inequality that causes violence against women and girls. Second, weak law enforcement exacerbates the situation because abusers often go unacted by the authorities. Third, lack of access to education and information is also a compounding factor because it can hinder efforts to prevent and reduce domestic violence.

The theory of feminism is relevant in this context because it highlights the relationship between social and cultural structures that favour gender inequality with violence

¹⁵ Recy Harviani Zurwanti, Fatmariza Fatmariza, and Susi Fitria Dewi, "Penguatan nilai-nilai lokal masyarakat Minangkabau dalam pencegahan kekerasan terhadap perempuan dan anak," *Jurnal Pembangunan Pendidikan: Fondasi dan Aplikasi* 8, no. 2 (2020): 154–62, <https://doi.org/10.21831/jppfa.v8i2.38801>.

¹⁶ P. Patra et al., "Intimate Partner Violence: Wounds Are Deeper," *Indian Journal of Psychiatry* 60, no. 4 (2018): 494–98, https://doi.org/10.4103/psychiatry.IndianJPsychiatry_74_17.

against women. This theory emphasizes the importance of fighting for gender equality and stopping discrimination against women from preventing and reducing domestic violence.

As for the factors that influence the high number of domestic violence cases in the Minangkabau indigenous community in West Sumatra:

- 1) Strong patriarchal culture: The Minangkabau indigenous community in West Sumatra is still dominated by a strongly patriarchal culture. Women are considered inferior to men and do not have equal rights. This patriarchal cultural force exacerbates gender inequality and makes women more vulnerable to domestic violence.
- 2) Lack of access to education and information: Lack of access to education and information, particularly regarding women's rights and the law, has also contributed to the high number of domestic violence cases in the Minangkabau indigenous community in West Sumatra. This ignorance makes it difficult for women to report domestic violence cases and access available assistance.
- 3) Weak law enforcement: Weak law enforcement also contributes to the high number of domestic violence cases in the Minangkabau indigenous community in West Sumatra. Abusers are often not followed up on or given light sentences, so they do not deter the perpetrators.
- 4) Lack of community support: The lack of community support for victims of domestic violence also exacerbated the situation. Stigma and social pressure directed at victims often discourage them from reporting violence and seeking help.

First, strong patriarchal cultural factors in the Minangkabau indigenous community can exacerbate gender inequality and increase the risk of domestic violence. This patriarchal culture places women in a lower position than men, generating habits and views that reinforce gender injustice. In patriarchal cultures, men are considered to have greater power than women, and women are often seen as objects of male control. This gives rise to a tendency that makes women more vulnerable to domestic violence.

This is as in an interview with *Bundo Kanduang*, who said:¹⁷

"I often see domestic violence occurring in Minangkabau indigenous communities. Strong patriarchal cultural factors in those communities can exacerbate gender inequality and increase the risk of domestic violence. In patriarchal cultures, men are considered to have greater power than women, and women are often seen as objects of male control. This gives rise to tendencies that make women more vulnerable to domestic violence. I hope that the Minangkabau indigenous community can pay more attention to and address the problems of gender inequality and domestic violence so that women can feel more secure and valued in their families and communities."

Second, the lack of access to education and information about women's rights and the law also contributes to the high number of domestic violence cases in the Minangkabau Indigenous Community. Women's ignorance of their rights, especially regarding domestic violence, can make it difficult to report violence and seek help. In addition, a lack of access to information about relevant laws and policies can also make it difficult for women to access help and support.

This is as in the *Bundo Kanduang* interview:¹⁸

"I believe that the lack of access to education and information related to women's rights and the law is one of the factors causing the high number of domestic violence cases in the Minangkabau indigenous community. Many women in these indigenous communities still lack an understanding of their rights, especially concerning domestic violence. This can make it difficult for them to report violence and seek help. In addition, lack of access to information about relevant laws and policies can also make it harder for women to access the help and support they need to get out of violent situations."

Third, weak law enforcement also contributes to the high number of domestic violence cases in the Minangkabau indigenous community in West Sumatra. Abusers are often not followed up on or given light sentences, so they do not deter the perpetrators. In addition, legal proceedings are often hampered by a lack of sufficient evidence or testimony and a lack of resources and skills from law enforcement agencies.

This is as in the *Bundo Kanduang* interview:¹⁹

¹⁷ Komunitas Adat Minangkabau, Bundo Kanduang, August 25, 2021.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

"I believe that weak law enforcement is one of the factors causing the high number of domestic violence cases in the Minangkabau indigenous community. Often, abusers are not followed up or only given light sentences, so they do not deter the perpetrators. In addition, legal proceedings are often hampered by a lack of sufficient evidence or testimony and a lack of resources and skills from law enforcement agencies. I hope the government and law enforcement agencies can be more serious in handling domestic violence cases in the Minangkabau indigenous community. Abusers must be strictly acted upon and given punishments appropriate to their crimes."

Finally, the lack of support from the community also aggravated the domestic violence situation in the Minangkabau indigenous community in West Sumatra. Stigma and social pressure directed at victims of domestic violence often discourage them from reporting violence and seeking help. Communities that do not condemn or even condone violence can also worsen the situation and hinder efforts to prevent and handle domestic violence cases.

This is as in the *Bundo Kanduang* interview:²⁰

"I see that the lack of support from the community also aggravates the domestic violence situation in the Minangkabau indigenous community in West Sumatra. Stigma and social pressure directed at victims of domestic violence often discourage them from reporting violence and seeking help. In addition, people who do not condone violence can aggravate the situation and hinder efforts to prevent and handle domestic violence cases."

Overall, an interview with *Bundo Kanduang* illustrates that patriarchal cultural factors, women's low access to education and information related to their rights and the law, weak law enforcement, and lack of support from the community are factors that cause high cases of domestic violence in the Minangkabau indigenous community. Therefore, prevention efforts and handlers

4.2. Reformulation of Bundo Kanduang's Role Related to Domestic Violence in the Minangkabau Community in West Sumatra

The role of *Bundo Kanduang*, as described in the results of research point 1 above, is a role that *Bundo Kanduang* should carry out following the Minangkabau standard order. However, based on the results of this study, the role of *Bundo Kanduang* is no longer seen in society. Therefore, of course, *Bundo Kanduang* has not been able to become an

²⁰ *Ibid.*

alternative solution to prevent domestic violence. To carry out this role, it is necessary to reformulate the role of *Bundo Kanduang*, which begins with redefining *Bundo Kanduang*, and then repositioning *Bundo Kanduang*. Finally, reformulation will be carried out to return *Bundo Kanduang* to its true role.

Redefinition is done by strengthening and developing the identity, strength, and values of the Minangkabau culture, which are critical and credible to adapt to the current global social order. In equating the views of who is called *Bundo Kanduang* and who is "Women in the Minangkabau custom" first refers to the definition contained in Tambo Minangkabau.²¹

The legal reformulation of the role of *Bundo Kanduang* in West Sumatra is an act to update regulations regarding the role and existence of *Bundo Kanduang* as a symbol of indigenous culture and leadership in the area. *Bundo Kanduang* is a woman the Minangkabau indigenous people in West Sumatra chose to be an indigenous leader and help solve social problems in the community.

This legal reformulation is needed to affirm and strengthen the role of *Bundo Kanduang* in fighting for women's rights and promoting gender equality in the Minangkabau indigenous people. As an indigenous leader, *Bundo Kanduang* can be an agent of change that brings positive changes in the social and cultural life of indigenous peoples. In this legal reformulation, it is necessary to establish clear standards regarding the selection and appointment of *Bundo Kanduang*, his duties and responsibilities as an indigenous leader, and his authority and rights. It can also protect *Bundo Kanduang* from discrimination and violence and ensure his safety in carrying out his duties as an indigenous leader. In addition, this reformulation of the law can also strengthen women's rights and raise awareness about the importance of gender equality and the protection of women. By involving *Bundo Kanduang* in legal reformulation, the

²¹ Merial Ulfa, M. Si Dra. Bedriati Ibrahim, and M. Si Drs Kamaruddin Oemar, "Peran Mamak Dalam Memotivasi Kamanakan Dalam Mempelajari Pidato Adat Minangkabau Di Kanagarian Salimpat Kecamatan Lembah Gumanti Kabupaten Solok," *Jurnal Online Mahasiswa (JOM) Bidang Keguruan Dan Ilmu Pendidikan* 4, no. 2 (March 22, 2017): 1-11.

resulting regulations can reflect the views and interests of women in the Minangkabau indigenous community in West Sumatra.

In the context of legal reformulation, the role of *Bundo Kanduang* in West Sumatra, the theory of customary law, and the theory of feminism are important things that are the basis. Customary law theory states that a legal system based on customs is part of society's culture and can be an important source in achieving justice. As a cultural symbol and traditional leader, *Bundo Kanduang* can be considered an extension of the conventional legal system within the Minangkabau indigenous people. The theory of feminism, on the other hand, highlights the importance of gender equality in all aspects of life, including in legal and policy systems. In the context of the legal reformulation of *Bundo Kanduang's* role, feminism theory emphasizes the importance of strengthening women's rights and promoting gender equality in the Minangkabau indigenous people.

The main problem that needs to be addressed through legal reformulation of *Bundo Kanduang's* role related to domestic violence in the Minangkabau community in West Sumatra is the high rate of domestic violence and the lack of protection for victims of violence, especially women and girls, in the customary context.

The legal reformulation of the role of *Bundo Kanduang*, according to the author, is as follows:

- 1) Affirming the role of *Bundo Kanduang* as a protector of the rights of women and girls and as an agent of change who fights for gender equality and the resolution of domestic violence cases in the Minangkabau indigenous community.
- 2) Establish *Bundo Kanduang's* obligation to develop domestic violence prevention and treatment programs in the Minangkabau indigenous community and cooperate with government agencies and NGOs to assist domestic violence victims.
- 3) Establish clear standards regarding the selection and appointment of *Bundo Kanduang*, which include criteria for professionalism, experience, and sufficient knowledge related to the rights of women and girls and the handling of domestic violence cases.

- 4) Providing *Bundo Kanduang* with sufficient authority and resources to carry out his duties, including access to necessary funds and training.
- 5) Strengthening the relationship between *Bundo Kanduang* and government agencies and NGOs in addressing domestic violence cases and assisting victims.
- 6) Ensuring protection and security for *Bundo Kanduang* from discrimination and violence due to his actions and views as an indigenous leader.

This underscores the importance of *Bundo Kanduang's* role in preventing and handling domestic violence cases in the Minangkabau indigenous community. In this context, *Bundo Kanduang* is considered an agent of change and protector of the rights of women and girls. Therefore, in carrying out his duties, *Bundo Kanduang* must have sufficient criteria of professionalism, experience, and knowledge related to the rights of women and girls and the handling of domestic violence cases.

These points show that *Bundo Kanduang* is crucial in preventing and handling domestic violence cases in the Minangkabau indigenous community. For this reason, cooperation and support from government agencies and NGOs are needed, as well as sufficient resources to support *Bundo Kanduang's* duties in providing protection and fighting for the rights of women and girls. In addition, protection and security are also needed for *Bundo Kanduang* to carry out his duties as a traditional leader.

5. Conclusion

Based on the factors that influence the high number of domestic violence cases in the Minangkabau indigenous community in West Sumatra, efforts are needed to reformulate the law of *Bundo Kanduang's* role as a traditional cultural symbol leader. This reformulation must involve indigenous law theory and feminism to strengthen women's rights, reduce gender inequality, and improve protection for victims of domestic violence. Actions that must be taken include strengthening the role and authority of *Bundo Kanduang* as a protector of the rights of women and girls and agents of change, developing domestic violence prevention and handling programs, and ensuring protection and security for *Bundo Kanduang* from discrimination and violence. The legal reformulation of *Bundo Kanduang's* role is expected to help reduce the number of domestic violence cases in the Minangkabau indigenous community in West Sumatra and encourage gender equality in indigenous peoples.

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