

Conflict Resolution of Inheritance Disputes in The Koto Nan Ampek Village of Payakumbuh City

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ABSTRACT

This study discusses the problem of community conflict related to inheritance disputes that occurred in Kanagarian Koto Nan Ampek, Payakumbuh City. The purpose of this study is to explain the background of the conflict in Kanagarian Koto Nan Ampek and the resolution given based on the conflict that has arisen. The theory used is Lewis A. Coser's theory of conflict. The method used is qualitative research with an ethnographic approach. Data collection techniques are field observations, interviews, and documentation.

The findings of this study are the conflict over inheritance disputes that occurred in Kanagarian Koto Nan Ampek caused by several factors including the lack of knowledge of the heirs regarding the inheritance, the allotment of inheritance which is not known jointly, socially and economically. The impact of this is that there is a change in the character of the Koto Nan Ampek community towards inheritance, which previously guarded inheritance, changed to selling heirlooms. Then there are several solutions offered based on the factors causing the conflict, namely education by traditional institutions or people who know about inheritance, written agreements, and deliberations for consensus.

Keywords: Conflict, Inheritance, Inheritance Disputes

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INTRODUCTION

Payakumbuh City is located in West Sumatra Province, Payakumbuh City is in the middle of Lima Puluh Kota Regency. Payakumbuh City is a city that is a connecting route between two provinces, namely West Sumatra Province and Riau Province. The development of Payakumbuh City is experiencing very rapid growth, this can be seen from population growth. The rapid population growth is due to the movement of residents of a city to Payakumbuh City. This happens because Payakumbuh has a strategic city location.

As the city of Payakumbuh develops and grows, problems arise, one of which is the issue of land. The land in Payakumbuh City is not only privately owned land but there is also

land that is jointly owned (harato pusako), because the development of the city of Payakumbuh which is against the growth of the immigrant population raises the desire to sell or want to own land privately. The desire to sell land or want to own land privately is because the price of land currently has a high selling value.

The current high selling price of land in Payakumbuh City does not only occur on privately owned land, but land originating from high pusako has also been sold a lot. Minangkabau in the issue of high pusako harato has been regulated in customary law, where this high pusako harato cannot be sold, but managed and developed. Harato pusako tinggi is a property owned by a people that comes from ancestors since time immemorial. Harato pusako tinggi is also inherited based on maternal lineage (matrilineal).

. The inheritance system in Minangkabau society has been regulated based on customary law and the principle of matrilineal descent where the lineage is drawn from the mother. Mothers occupy a central position in Minangkabau society. In addition to holding the power of all the inheritance of her people, the mother is also the successor of her people's generation. Mothers in Minangkabau society are also the owners of heirlooms. Mothers must try to use the heirloom property as well as possible in accordance with customary provisions.

In Minangkabau, the property system is known by two terms, namely: harato pusako tinggi and harato pusako rendah. Harato pusako tinggi is property in the form of inheritance of rice fields, land, fields, gardens, ponds, cemetery pandams, gadang houses, and symbols of kebesran in the form of krises, and traditional clothing. Harato pusako tinggi is also inherited to female descendants or based on matrilineal lines. Harato pusako rendah is all assets in the form of livelihoods from both parents as long as the marriage is valid and can be inherited under Islamic law (Yuliani, and Tri, 2018).

Based on the description above, land that has a high selling value raises a person's desire to sell high harato pusako land, this is also based on several factors including the economy. The sale of land originating from high harato pusako causes many social problems, social problems caused by the sale of high harato pusako land, one of which is conflict. The conflict that occurred in this issue was a conflict over inheritance disputes that occurred in the Koto Nan Ampek Kanagarian community.

According to Soerjano Soekanto (2006: 91), social conflict is a social process in which individuals and or groups try to fulfil their goals by opposing the opposing party accompanied by threats or violence. The emergence of conflicts between individuals and groups who have kinship relationships is motivated by several factors that are felt to have advantages on one side. Therefore, conflicts that were initially latent become manifest conflicts.

Latent conflict is a conflict that is closed and only known to a few parties. Meanwhile, manifest conflict is a conflict that is visible and has a major effect on the wider community. The above facts are important reasons to study the conflict resolution chosen by the Minangkabau community to resolve inheritance disputes that occur in the community.

Based on the description above, there is a change in the character of the community in Kanagarian Koto Nan Ampek towards the high harato pusako now that they want to sell the high harato pusako caused by the high selling value of the land now in Payakumbuh city, while the position of this high harato pusako is common property. This is what makes the social phenomenon of conflict that occurs in the Koto Nan Ampek Kanagarian community

METHOD

The method used in this research is qualitative research method. Qualitative research is an approach that produces descriptive data in the form of written or spoken words from people Spradley, (2006, 3-4).

The object of research is the target of the issue to be studied, namely the conflict of inheritance disputes that occur in the Kanagarian Koto Nan Ampek community. The object of this research is the inheritance dispute in Kanagarian Koto Nan Ampek Payakumbuh City.

The research location of the Inheritance Dispute conflict resolution is in Kanagarian Koto Nan Ampek. Kanagarian Koto Nan Ampek is a Kanagarian located in West Payakumbuh District, Payakumbuh City, West Sumatra Province.

Primary data in this research is data obtained by the author while in the field in the form of information from related parties consisting of people involved in conflict disputes, traditional leaders, and institutions that play a role in resolving inheritance dispute conflicts. Primary data researchers get from the results of interviews and observations of the conditions of the place that researchers examine.

According to Maleong (2001: 157) is a source of data obtained through written documents, archives and others in agencies related to research. Secondary data is obtained indirectly through reports, books, or processed data, such as data that has been published both in the form of newspapers and literature related to the problem under study. Secondary data in this study is data obtained from literature studies in the form of books, journals, theses, theses, related to researcher case studies to provide information or complementary data.

Field observations are obtained from activities, behaviour, and actions of people in this way allowing researchers to examine everything in depth and detail about the research (Sugiyono, 2017: 203). Before this research was conducted, researchers had conducted field observations to be thorough, this interpretation was carried out in two ways, namely emically and ethically Emically, namely data obtained from sources or informants while the author was in the field, while ethically, namely data concluded by the author's views or thoughts based on data and relevant literature studies, namely during the researcher's observation in the environment around Kanagarian Koto Nan Ampek.

According to Sugiyono (2017: 117), interview is a method of collecting information by asking informants directly which aims to explore information about conflict resolution of inheritance disputes in the koto nan ampek canagarian of Payakumbuh city. This research

uses unstructured interviews, where both the researcher and the object are more free to express their opinions. Researchers are also free to arrange words and

not constrained. Researchers also prepared initial questions that were later developed during the interview. Researchers conducted interviews with people who disputed inheritance disputes in Kanagarian Koto Nan Ampek Kota Payakumbuh.

Documentation is a method used to trace data data. this method the author uses voice recording (audio), camera and stationery during interviews with the people of Kanagarian Koto Nan Ampek and KAN Koto Nan Ampek. Researchers will take pictures directly during data collection as supporting evidence (Sugiyono, 2017: 167).

According to Sugiyono (2017: 335) states that data analysis is the process of systematically searching and planning the data that has been obtained from interviews, field notes, and documentation by compiling data sections into categories, breaking them down into the smallest parts, synthesising them, compiling them into patterns, sorting out which ones are important and which ones can be studied, and making conclusions so that they can be easily understood by oneself or others. The data analysis technique used in this research is by reduction, presentation of data with text, and drawing conclusions.

FINDING AND DISCUSSION

A. Background to the Occurrence of Inheritance Dispute Conflict in Kanagarian Koto Nan Ampek Payakumbuh City

According to Soejono Soekanto (2006: 91) conflict cannot be separated in social life because every day people will continue to interact. Conflict here is a social process in which one party will try to eliminate the other party by destroying it. The problem These problems can occur between individuals with individuals, individuals with a group, or groups with other groups.

Conflicts that arise in the Koto Nan Ampek Kanagarian community are caused by various social problems. Problems occur between a people or pasukan with their own people or the same pasukan or other pasukuans over inheritance property or inheritance dispute issues in Koto Nan Ampek.

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Inheritance of heirlooms is now a problem in Minangkabau society, especially the Kanagarian Koto Nan Ampek community. Inheritance that has been regulated in Minangkabau customs has certainly become a knowledge for every Minangkabau community, especially the customary leaders. The existence of knowledge of the inheritance system that occurs at this time raises various problems.

Existing problems if left unchecked become conflicts that can damage social life. The conflict that developed in Kanagarian Koto Nan Ampek did not just arise but was caused by various things, namely as follows:

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1. Lack of Knowledge of Heirs

The knowledge and role of an inheritance head *mamak* is the main role of a community's inheritance position. The knowledge of a head of inheritance *mamak* has an important role in avoiding a dispute problem, when the function of the head of the inheritance *mamak* to care for and protect the heirloom property has been running well, this can be one of the avoidance of a dispute problem involving inter-family or with the same group.

The lack of knowledge of the heirs of the disputed land is caused by the lack of communication between the people. Heirloom property is property that is passed down from generation to generation based on the mother's lineage, the need for communication in every property position of a people must certainly be told to the next generation, but the reality that occurs at this time the narrative of the position of this inheritance property is no longer of interest to the people.

The emergence of a sense of dissatisfaction with the difference in knowledge about the position of the inheritance property causes division in a group. The aftermath of the heirs' ignorance of the position of the property will lead to many more disputes over inheritance, inheritance, and other matters.

Conflict according to Lewis A. Coser (1956: 32) distinguishes conflict into two, namely realistic and unrealistic, non-realistic conflict is a conflict that does not come from antagonistic rival goals but comes from the need to relieve tension at least one. Realistic conflict is conflict that stems from disappointment with the specific demands that occur in the relationship and the estimated likelihood of the participants' benefits, and which is aimed at the object that is considered disappointing.

The above review can be concluded that the conflict that occurred in the inheritance *sengekta* above was included in a realistic conflict, where the emergence of this dispute conflict was caused by disappointment with one of the parties involved in the conflict, this disappointment was certainly felt by the MUS cs party where this disappointment occurred due to a claim on a plot of land owned by him. This happened due to the lack of knowledge

of the heirs who did not know the inheritance of the two parties, where some felt aggrieved by the decision or action taken by the person involved in the conflict. Conflict also causes advantages and disadvantages between the two parties involved.

2. Jointly Unknown Inheritance Appropriation

Inheritance in Minangkabau is divided into two, namely nasab inheritance and cause inheritance. Nasab inheritance is inheritance based on blood relations, sabab inheritance can occur due to social and cultural factors, therefore inheritance in traditional society in Minangkabau is something that often occurs in a group.

The form of inheritance can also be interpreted as an agreement that occurs in a group (kaum) in Minangkabau society. This agreement aims to avoid misunderstanding the information that has been made by a group on something that has been agreed upon. The form of inheritance in Minangkabau is in the form of inheritance of high heirlooms and low heirlooms.

Minangkabau society is known for its oral character, this also affects the inheritance that has occurred, inheritance that should occur with legality, but this does not work in the Minangkabau community, currently the inheritance carried out by the Minangkabau community is only done orally, the delivery of inheritance which is done orally is also not supported by the deliberation of the community, where inheritance is only known by a few people in the community, or inheritance is only done unilaterally. Therefore, this is also the cause of inheritance disputes that often occur in Kanagarian Koto nan ampek.

The Penghulu who has inherited the pusako property does not provide clarity to his family members about the position of the inherited property. In inheritance in Minangkabau, there are many ways that can be done such as inheritance, pawn or grant. Grants in Minangkabau are divided into three including (hibah laleh, hibah bakeh, hibah papeh).

It is concluded that the allocation of inheritance that is not known together is also one of the factors that cause conflict in inheritance disputes, the lack of community deliberation on sensitive matters relating to pusako property. The problem of property is a necessity that must be resolved by deliberation together with members of the community.

Minangkabau is famous for the character of its people who like to work together and deliberate, where deliberation must be the main element of the character of the Minangkabau community, but based on the results of the research that has been observed, it is found that there is a lack of clarity in the allocation of inheritance in a community, due to the lack of proper deliberation. This factor is the cause of many ignorance of the allocation of inheritance together in a community.

Based on the cases of inheritance disputes presented above, conflicts can occur anytime and anywhere, conflicts do not look at who and who is the opponent of the conflict, such as the conflict disputes described above, conflicts can occur to people who have distant kinship or close kinship.

Lewis A. Coser in Dewi Wulansari, (2009: 184) explains functional conflict as an instrumental process in the formation, unification, and maintenance of social structures. Coser also explained that conflict can be a boundary line between two or more groups, and can be considered as a reinforcement of group identity. In the case of a dispute conflict caused by an unknown inheritance designation together can be used as a form of maintaining the social structure of a group.

3. Social and Economy

Land as a place of life is analogous to where each relative must have a rice field or lading that is the mainstay to ensure the availability of food for their relatives. Land as a place to die is analogous to that each clan has a pandam-pusara so that the bodies of their relatives who die are not displaced. All three are heirlooms that symbolise their validity as Minangkabau people (Navis 1984: 88).

Land in Minangkabau also shows the dignity of a people. The more land the people have means the higher the dignity of the people, the less land means the lower the dignity of the people, hence the importance of land for the Minangkabau people. Nowadays land also has a very high economic value for the community, this is due to the high selling value of land at this time, and the rapidly growing technological advances that cause land to now have a high selling value (Navis 1984: 90).

Minangkabau people who are agrarian communities whose livelihoods depend on land, where land is used as rice fields and plantations that can make a source of income for the Minangkabau community. Minangkabau people in land ownership can be seen from the origin of the land, land in Minangkabau is one form of heirloom property, both low heirloom property and high heirloom property. Not infrequently what often happens in land issues is that land originating from tinggi heirlooms, which is sought to change its function to become low heirlooms, this happens when the property is divided or traded, while in the rules this heirloom property must be maintained and cared for jointly by the people.

Land for the Minangkabau people has social and economic elements where the social status of a group can be seen from the amount of land owned by a group, the dignity of a group is also seen from the amount of land of a group. Based on the results of the interviews above, it can also be concluded that the economic factor also has a big influence on wanting to personally own the heirloom property, the main purpose of wanting to own property personally is to support the personal economy, not having a sedentary job gives rise to claims for heirloom property personally so that it can be used as a support for economic life. Not all cases observed sell heirloom land to support the economy, one of which is land that is mortgaged or rented to others, based on the description above why social and economic are used as factors that cause conflict over inheritance disputes. The conflict over inheritance disputes caused by social and economic factors can be concluded that a person's low income causes an individual or group to look for a business that can generate income for survival. The effort to personally own heirloom property also affects

social factors, where harmony in kinship begins to stretch so that social interaction within the kinship does not go well and can lead to division and prolonged conflict.

From the results of the interview above, it is clear that it tells how someone in the community tries to violate the rules that already exist in Minagkabau, the form of deviation committed is selling heirlooms that should be guarded and cared for, the efforts made in this deviation not only affect the economy of the community, but also affect the social conditions in the community, the lack of harmonious fraternal relations of a community also affects the deviation in selfishness carried out in the use of heirlooms.

Conflict situations like this have been explained by Lewis A. Coser where Coser divides conflict situations into two, namely realistic conflict and non-realistic conflict. Realistic conflict is a conflict that comes from disappointment with the specific demands that exist that are shown to objects that are considered disappointing, then non-realistic conflict is a conflict that does not come from the goals of the opposing parties, but the need to relieve existing tensions. (Demarto, 2010: 2)

C. Conflict Resolution of Inheritance Dispute Resolution in Kanagarian Koto Nan Ampek Payakumbuh City.

According to Mindes (2006: 24) conflict resolution is the ability to resolve differences with others and is an important aspect of social and moral development that requires skills and judgement to negotiate, compromise and develop a sense of justice. Conflict resolution is any effort aimed at resolving disagreements or disputes in human life. Conflicts cannot be left unresolved and must be resolved. Conflicts in Kanagarian Koto Nan Ampek occur because of the lack of knowledge of the heirs of the disputed property, the designation of inheritance that is not known together to the sense of wanting to own property personally.

1. Education by customary leaders to heirs

education on customary knowledge related to pusako and sako issues in Kanagarian Koto Nan Ampek. The inheritance dispute conflict that occurred in the Koto Nan Ampek Kanagarian community caused by the lack of knowledge of the heirs of the disputed property will cause division between the people and lead to efforts from the people and the inheritance mamak or penghulu to resolve this problem. In addition to the lack of knowledge of the heir or the head of the disputed property. Ignorance of the history of the community and the property of the pusako kaum is also a factor in why inheritance conflicts still occur today.

Penghulu is central in the customary deliberation, the role and position of the penghulu is as a leader appointed by his people, as a protector of the people, as a judge who decides all problems and cross disputes in his people, and as a focus and hope in overcoming the problems of his people (Amir M.S, 2003: 32).

This condition has been explained by Coser that conflict can be seen from internal and external factors where conflict can come from outside or from the inside. For conflict, the heirs' lack of knowledge of the disputed property which led to disputes with other groups finally had an impact on the division between one group and another. Coser explained through two conflict situations, namely realistic conflict and non-realistic conflict (1956: 32-70).

Based on the conflict above, Coser classifies this conflict into a non-realistic conflict, where a group argues that the heir's knowledge of the inheritance is low due to self-existence factors so that this conflict continues to occur and chooses to claim the disputed property. Of course, the conflict resolution that can be offered is not only the efforts of one people involved in the dispute, but also both parties involved in the conflict. In the conflict resolution offered by Coser through a safety valve is one of the special mechanisms that can be used to defend groups from possible conflicts that occur. In the conflict resolution of inheritance disputes, the safety valve is a role of individuals or custom-based educational institutions, the safety valve or institution in question can be a traditional leader who has trusted customary knowledge or has extensive customary knowledge. Through customary education used in conflict problem solving.

2. Written Agreement in Inheritance

Agreement in inheritance in Minangkabau is the most important object of inheritance. A written agreement is one of the best ways to make inheritance in order to establish inheritance information that can be known by all members of the community. In making this written agreement, of course, there must be a mutual agreement or group agreement, where this group agreement must be deliberated together.

heirloom property that has been inherited by the heir or penghulu has a written agreement, of course this can be used as an effort to resolve conflicts that occur in inheritance disputes. The purpose of having a written agreement in inheritance is as a form of resolution that is presented when there is a conflict over inheritance disputes that occur in the Koto Nan Ampek Kanagarian community, because a written agreement can be used as evidence that ownership of property originating from this inheritance is valid in the eyes of customary law and State law.

Coser explained that conflict resolution in the resolution of inheritance dispute conflicts through a safety valve is an effort to resolve conflicts that present a third party as a mediator as a safety valve. In resolving inheritance dispute conflicts with a written agreement, of course, a third party must be present as a witness in making the legality of a collective agreement. The safety valve in the resolution offered in resolving conflict disputes if they occur is of course the mediator from customary institutions such as the KAN office, of course a third party who knows the *jihad* of a people. In resolving this conflict, Coser also said that the rescue valve is a justice enforcement agency or a system or structure. The rescue valve in question can be through KAN in a customary meeting or legal channels used

as a forum for resolving this conflict problem if it arises towards a manifest conflict then a solution through legal channels can be taken.

3. Deliberation and consensus

Differences in interests are often the source of problems that lead to conflict. The decision of one member of the clan to sell or mortgage the heirloom land without the knowledge of other clan members is considered to violate the rules and harm other clan members. Community members also hope that the distribution of heirloom property must be done transparently so that it can help the economy of community members, this is also based on equalising the economic conditions of community members who are not well-off, and avoiding social jealousy circulating in the community.

The headman must take a role in the problems of the members of the community, especially the economic problems experienced by members of the community, the headman must be able to take action in an effort to solve the economic problems that exist in the community, so that there is no misuse of the community's inheritance that is jointly owned. Penghulu must be able to provide firm decisions to the community to improve the economy of its community members, besides that in the deliberation of consensus carried out jointly must include all members of the community in making decisions so that there is no conflict and misunderstanding between members of the community. Then this will have an impact on the welfare of community members.

Conflict resolution efforts can be reduced in various ways, namely by creating deliberations for consensus so that decisions are mutually known and do not harm others and cause mutual benefit. A penghulu must be able to take actions that are fair and wise in carrying out his role for the common interest in order to create safe and prosperous conditions for his people. In resolving the conflict described by Coser, of course this resolution must be carried out with the safest alternative so that the conflict that occurs does not develop and continue. The safety valve in resolving this conflict that must be presented is consensus deliberation, the safety valve in resolving this inheritance dispute conflict is a neutral mediator who can conclude and understand the ongoing conflict, the KAN management that functions in the leadership structure engaged in the field of disputes is the one that has a function as a safety valve in the resolution offered in the cause of the conflict.

CONCLUSION

Harato in Minangkabau is divided into two parts, namely harato pusako tinggi and harato pusako randah, harato pusako tinggi is property that comes from ancestors who are passed down from generation to generation while pusako randah property is property that comes from the search for both parents. The inheritance of high harato pusako in Minangkabau has been regulated by customary provisions that have been known since the time of the ancestors, inheritance in Minangkabau is carried out based on matrilineal

descent, where the lineage is drawn from the mother or woman. The development of the times has caused a change in the function of the high pusako harato into a low pusako harato, this happens due to the development of a community, the change in the function of the high pusako harato into a low pusako raises the problem of inheritance dispute conflict caused by the factor of the lack of knowledge of the heirs of the inheritance property, the designation of inheritance that is not known together, social and economic. These problems are sources of conflict that grow and develop in the Koto Nan Ampek Kanagarian community so that if left unchecked it will damage the social structure or even show indicators of good relations between the conflicting parties.

The solution offered regarding the heirs' lack of knowledge of inherited property is that there must be education by customary stakeholders on how inheritance exists in Minangkabau. The problem of the designation of inheritance that is not known together must be resolved by making a written decision on the inherited property. Social and economic problems are also included in the problems that must be resolved by consensus in the management of heirloom property.

REFERENCES

- AA Navis. 1984. *Alam Takambang Jadi Guru*. Padang Panjang. Grafitipers: Jakarta.
- Dermanto A. 2010. Strukturalisme konflik: pemahaman akan konflik pada masyarakat industry menurut Lewis Coser dan Ralf Dahrendof. *Dilema. Jurnal* Vol 24/1
- Dewi, 2009 *Sosiologi Konsep dan Teori*. Refika aditama. Bandung.
- Lewis coser, 1956, *The Function of Social Conflict*. Free press. New York.
- Moleong Lexy J. 2001, *Metode Penelitian Kualitatif*, PT Remaja Rosda Karya Bandung.
- Soerjono Soekanto. 2006. *Sosiologi suatu pengantar*. : Raja Grafindo Persada :Jakarta
- Spradly P James(2006.) *Metode Etnografi*. : Tiara Wacana: Yogyakarta.
- Sugiyono. 2015. *Metode penelitian kuantitatif Kualitatif dan R&D*. CV Alfabeta: Bandung
- Yuhelna. Y. 2014. 'Resolusi Konflik Berbasis Adat Studi Resolusi Konflik Harta Pusaka Tinggi Di Nagari Gantuang Ciri, Kab Solok, Sumatera Barat'.*jurnal ilmu sosial Mamangan*, vol. 1, no. 2.
- Yuliani, Tri Geni,2018, Ketentuan Harta Waris Mengenai Harta Pusaka Tinggi dan Harta Pusaka Rendah