

ADJUSTMENTS TO THE TRADITIONAL GOVERNMENT SYSTEM IN THE MUSLIM MALAY COMMUNITY OF BUNGO (1979–2023)

Diah Arvionita*, Ahmad Taufik Hidayat, Lukmanul Hakim

Imam Bonjol State Islamic University, Padang, Indonesia

Abstract

This research is motivated by the changes that occurred in the customary government that survived for many years as social control in Malay society. The purpose of this research is to describe the changes in the customary government system in the muara bungo Islamic Malay community (1979-2023). The research method used is the four stages of historical research methodology, namely heuristics, source criticism, interpretation, and writing. The data collection techniques used are observation, interviews, literature study, and documentation. The results showed that as a social controller in the Malay customary society of Muara Bungo, which lost its role thanks to Law No. 5 of 1979 which changed all the smallest units into village governments. The customary government then disappeared and all the rules and customary devices that had existed after so long. This change then did not bring changes towards progress in the indigenous Malay community of Muara Bungo, it became a setback for the community. The village government only regulates village administration, not regulating the problems that arise in indigenous peoples. The loss of the Customary Chief (Pasirah) made the Malay indigenous community lose guidance, so that community problems could not be resolved by the village government. The increasingly worrying situation made the Jambi Level I regional government move by issuing Regional Regulation No. 5 of 2007 with the intention of restoring the identity, function and role of customary institutions to the community. Rio emerged as the new customary head, to socialize and teach the community the customary rules, and to peacefully resolve customary problems that occurred in the community.

Keywords: Government system; Traditional Governance; Malay muslim.

INTRODUCTION

The political structure of the Jambi Sultanate began to take shape in the form of institutions in the 15th and 16th centuries. At that time, there were only hamlets; the idea of a community did not yet exist (Sianipar, 2022). The Dewan Patih Dalam and Luar worked closely with the Sultan, who had absolute power. After that, the Penghulu, Bangsa, Bathin and Mendapo were given different responsibilities. Next, it goes down one more level to the Dusun level, which is below Kampung, to reach the lowest unit (Sumarni, 2022). When the center of government during the Srivijaya period was in Jambi, Adityawarman moved it to Pagaruyung in 1375 from Ulu Batang Hari (Siguntur). Tan Talansi who ruled the Jambi region was located in what is now Muara Jambi, around 1400. Tan Talansi's reign was short-lived as he died, but his wife Selaras Pinang Masak, a Minangkabau princess, was able to continue his reign. She later married a Turkish nobleman after being crowned queen. Her son, Orang Kayo Hitam, who ruled Jambi from 1500 to 1515, converted the country to Islam (Pasaribu et al., 2023). Then the arrival of the Vereenigde Oost Indische Compagnie (VOC) began to control the Jambi region after the Kingdom of Jambi was elevated to sultanate status (Syaputra, 2020).

In the second half of the 19th century, the Dutch signed an agreement with the Sultan of Jambi. The Dutch continued to respect local traditions and the domestic political system (Putra, 2018). After Sultan Thaha Syaifuddin, who refused to recognize the treaty, established a separatist kingdom in the Uluan region of Jambi. After the death of Sultan Thaha Saifuddin in 1904, the Dutch

*Correspondance Author: diahanafi10@gmail.com

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government's perspective on the Jambi region changed (Maulida, Septiyani, & Maulia, 2023). The Jambi region was de facto under Dutch rule at the time. The Sultan of Jambi resigned in 1901. With the exception of Kerinci, which had been conquered by the Dutch and joined West Sumatra in 1903, the Dutch then began to rule directly over the province of Jambi, which had previously been part of the Palembang district (Rahim, 2022).

The Dutch colonial strategy towards the Kingdom of Jambi is very clear from the agreements made between the Dutch and the country's Sultans during the 20th century (Rahima, 2014). The willingness of the Dutch not to interfere in the personal affairs and customs of the Jambi people was one of the interesting provisions of the agreement. The Dutch at the time basically recognized the authority of the Sultan (Aliyas, 2020). In line with the Dutch humanism movement, which indirectly requested that the Dutch government be able to advance its colonized people, this was done. As a result of the shift in political philosophy brought about by the humanist movement in local governance, the Jambi people were able to be led directly by someone chosen from among themselves who was selected by the government and recognized as their own leader (Karmela & Yanto, 2022).

Jambi became one of the ten regencies in Sumatra after the sultanate collapsed and the Dutch took over the region. The arrival of the Dutch brought changes to the customary government system in Jambi (Yasin & Amir, 2022). Jambi's customary government institutions then became the government bureaucracy. The regency was divided into seven *Onder Afdeling*, one of which was *Muara Bungo Onder Afdeling*. During the Dutch period, not much changed in terms of government structure, but in 1906, the Dutch dissolved *Bathin* and formed clans. *Onder Afdeling Muara Bungo* consists of five clans: *Pelepet Clan*, *Bathin III Ilir Clan*, *Bathin II Clan*, *Bathin VII Clan*, and *Bathin III Ulu Clan*. The clan head is a *Pesirah* (Indrayani & Syuhada, 2020).

After almost 36 years under Dutch rule, the Dutch handed over power over the Jambi region to the Japanese government on March 9, 1942. When Japanese troops under the command of Colonel Namora invaded the Jambi region through the Padang and Palembang regions, the Japanese occupation of this region officially began. During its rule in the Jambi region, the Japanese used the same political structure as the Dutch. However, the terminology and lexicon of the Japanese government changed (Puspitasari, 2022). For example, the word "prefecture" was changed to "Syu", and the people were called "*Syucokan*". During the Japanese occupation of the region, *Somobuco* (Chief of General Administration), *Keizabuco* (Chief of Economy), and *Keimobuco* (Chief of Police) supported the Jambi administration led by the *Syucokan*. *Gunzeikan* was in charge of the Jambi *Syucokan*, and his administrative office was in *Bukittinggi*. The Jambi *Syucokan* continued to abide by the Dutch system even though the Japanese had divided the Jambi territory. Jambi-Syu consisted of seven "*Bunsyu*" namely *Tembesi*, *Tungkal*, *Tebo*, *Bungo*, *Bangko*, and *Sarolangun*. The phrase is of Japanese origin. Jambi-Syu has the following administrative boundaries: *Strait of Berhala* to the east, *Palembang-Syu* and *Bengkulu-Syu* to the south, *Riau-Syu*, *West Sumatra-Syu*, and *Bunsyu-Kerinci* to the north.

Jambi's indigenous people still maintain a kind of customary government that has been passed down from generation to generation long before the establishment of Indonesia. Despite Indonesia's independence, *Muara Bungo Regency* remains one of the districts in the Jambi region that still runs the government with a customary system. The structure governing *adat* was modified during the New Order era. The passing of Law No. 5 of 1979 increased the New Order's desire to interfere in village affairs. The Indonesian government standardized the village governance system through Law No. 5 on Village Governance in 1979. Villages, previously referred to by names according to local customs, eventually took their place as the lowest level of government. Through Law No. 5/1979, the *adat* component and the administrative component of government were explicitly distinguished (Bara, 2022).

All *dusun* in Jambi Province were transformed into villages after Law No. 5/1979 was passed, and communities that were previously smaller *dusun* areas were given the name *dusun*. In accordance with the guidelines in Law No. 5/1979, the establishment of the *Lembaga Musyawarah Desa (LMD)*, which previously did not exist in the *dusun* government structure, was a structural

change at the village government level. With the establishment of the Lembaga Musyawarah Desa (LMD), the attitude of the Adat Council also changed. The hamlet government is supported by this institution, which also assists in the creation and enforcement of regulations governing social behavior (Alirmansyah et al., 2020). The Village Consultative Body (BPD), consisting of the village secretary and some additional members, was also established. The village head as the top structure in the village administration changed to Rio based on a local regulation issued by the Bungo local government, namely Bungo District Regulation No. 9/2007. The regulation stipulates that the village head is referred to as Rio and the hierarchical structure of government becomes smaller, with villages becoming dusun and dusun becoming kampongs. The purpose of this regulation is to preserve the historical values of Bungo Regency and re-emphasize regional characteristics by showing the pre-existing adat or dusun government (Yusrizal, 2023).

The social life of the people of Muara Bungo has been significantly influenced by the shift from the dusun model to the village model. The government acts as a focal point in hamlet governance for the implementation of an adat lifestyle that is based on syarak and controlled by original adat ideals (Kusuma & Aman, 2021). This is a completely different leadership style to the village model, where the village head is merely the official leader of the government with no formal moral exemplary function carried out in accordance with local traditions. Continuing with social life, even in religion the adat government balances the social situation of the community. The adat government not only regulates the cultural aspects of the community, but also becomes a social control in the implementation of religion. Public morals are the main concern of the customary government. Adat will function as a guide for the community about the teachings that are implemented in the community, be it in attitudes or morals, Islamic events, Islamic organizations and others. Between adat and religion, where all of them are still upstream on humans to understand God's teachings through Islam. So the existence of adat and religion has created interactions between each other among the elements of society (Yani, 2018).

Formal adat leadership disappeared when the village form of government replaced the dusun model. Institutions such as adat, which once contributed significantly to dusun governance, were also neglected. It can be argued that adat institutions are either alive or dead and serve only as symbols when the governance paradigm changes. The dysfunction of adat institutions undermines the implementation of the adat way of life. Customary law and syarak - which traditionally controlled the socio-political life of the community including how disputes were resolved, how immoral behavior was dealt with, and other issues - no longer apply. So in the religious sphere, adat must continue to exist in order to oversee the running of the rules or morals of the community derived from religious teachings, so that religion and adat are influential in the running of adat governance in Muara Bungo.

Regional Regulation No. 5/2006, issued by the government after the expansion of Muara Bungo Regency, sets out the procedures for nomination, election, appointment, inauguration and dismissal of village heads. The government sought to improve village governance by implementing this regulation. Regulations that take into account the specific beliefs and conditions of the Muara Bungo region have now been developed by the local government of Muara Bungo District. This example of village governance persisted in Jambi Province until 2007. On the one hand, there is an opportunity to restore governance structures that incorporate local adat models since the passing of Law No. 32/2004 on Local Government. Local governments can choose whether or not to take advantage of this excellent opportunity for reform to revive the principles of local wisdom and change the socio-political landscape in their areas. The government of Muara Bungo District, in opposition to the Jambi Provincial government, decided to restore the Adat system of governance. Through Perda No. 9/2007, which regulates the designation of Village Head to Rio, Village to Dusun, and Dusun to Kampung, the government of Muara Bungo Regency enacted this regulation (Budiman, 2017).

Apart from that, the author sees that the biggest impact of the change from adat government is the disputes that occur between dusun. The change from adat government to village or dusun government made the function of adat disappear, so there was no longer a social control in the community. In 1949, this loss of adat led to a rise in political turmoil between hamlets in

Muaro Bungo District. The community seemed to lose direction in determining decisions or actions in community life. That is why the author wants to research this matter. The impact that occurred in 2010 until now, in 2023, where there is a conflict that takes victims between one hamlet and another. This dispute is not about one individual, but about a village.

A civil war once broke out between the hamlets of Rantau Kloyang and Tanjung Gedang, where the problem was that there was a murder in one of the hamlets, and the other hamlet felt accused of the incident. This problem had a long tail, and was difficult to accommodate if only the police were involved. Eventually the police and adat worked together and on an ongoing basis to resolve this upheaval in order to find a peaceful resolution. The applicable customary laws were used. In the case of these two hamlets, a compromise was reached with several conditions; slaughtering buffaloes, paying compensation of 25 million rupiah, and a 'pride' event conducted by the two hamlets by holding traditional events, as well as seating the two parties in deliberation (). From the upheaval that occurred, it is important to know the journey of changes in the government system, and see its significant impact until now. For more details, this research is entitled "Changes in the Customary Government System in the Islamic Malay Community of Muara Bungo (1979-2023)".

RESEARCH METHOD

This research is historical research that uses historical methods. The reporting method used for qualitative studies is analytical description. The writing used to describe this research is descriptive-analytical. A kind of problem-centered description, the descriptive-analytical technique gradually reveals various levels or dimensions of historical actualization (Sugandi & Hakim, 2024). Heuristics, source criticism, interpretation, and writing are the four stages of historical research methodology applied in this research. The sources used as references in this research are expected to provide information in the form of photographs, books, informants, and journals related to the research providing information related to the History of the Role of Customary Government in the Muara Bungo Islamic Malay community. In addition, sources are classified into written and unwritten sources in the form of papers or artifacts based on their content. The sources are separated into primary and secondary sources based on the order of delivery. The data collection techniques used in this research are observation, interview, literature study, and documentation.

RESULT AND DISCUSSION

Changes in the Customary Government System of the Islamic Malay Community of Muara Bungo Post 1979

Indigenous peoples who are also referred to as Jambi customary law communities are close and thick with religion and customs. All problems can be resolved by custom and this will help the government to reconcile post-conflict in society. Custom and religion are an inseparable unity, in accordance with *adat bersendikan syarak, syarak bersendikan Kitabullah, syarak mangato adat memakai*, so custom must not conflict with religion. In general, Jambi customary law is the same, the only difference is in its implementation, this is reflected in the customary rules: *adat serumpun/setepo, ico pakai yang berlain*. This customary government and customary rules were always attached to the daily life of the Islamic Malay indigenous people until the issuance of new regulations from the central government.

Customary government has changed since the issuance of regulations to regulate village government and decentralization of government in the new order which is also referred to as regional autonomy. The enactment of this regional autonomy system has actually been regulated in the 1945 Constitution as stated in the Second Amendment in 2000. Regional autonomy during the new order era began from 1959-1974 which intended to regulate decentralization policies in areas outside the capital to the smallest units in the regions.

Returning to the status of customary governance, the cultural diversity of Indigenous Peoples throughout the archipelago, opens up its point of view, which has also been reflected in

the motto *Bhinneka Tunggal Ika*, recognizing that indigenous peoples have not received adequate recognition regarding their sovereignty. In fact, Indigenous Peoples in the Republic of Indonesia face serious challenges. These difficulties essentially stem from the lack of recognition of Indigenous Peoples' sovereignty by the state, which is reflected in various practices of its administration. This can be seen in the laws that will drastically change indigenous governance.

After the Issuance of Law No. 5 of 1979 on the Disappearance of Customary Government

Shifting Position of Customary Institutions from Government. The spirit of autonomy-decentralization that was clearly regulated in Law No. 5 of 1974 was then violated by the New Order Government through the issuance of Law No. 5 of 1979. Based on Law No. 5 of 1974, which has been described in the previous discussion that has principles, understanding, real economy, dynamic, and responsible, as well as Law No. 5 of 1979 concerning village government and states that the village has the right to organize its own households, within the bonds of the Unitary State of the Republic of Indonesia, besides that the village as the lowest unit of government is also the target of various implementations of national and regional government and development, both in the context of decentralization and assistance tasks. The tasks imposed on the village and its officials have become very heavy, complex and demanding, covering almost all areas of life and development. However, through this law, the *adat* component and the government administration component are explicitly distinguished.

In relation to planning and development from below, it will have greater significance in involving community participation and self-help. As a result, all sub-district heads will be given training in village community development management, with a focus on the management and role of village communities in development, as well as strengthening the system of planning from below in its true sense. The attitude and behavior of rural communities to accept reform because of the organization of *adat* institutions must be developed as an operational institution not just ceremonial to the countryside. This area has quite resilient social potential, such as the concept of "*batin*" and "*suku nan twelve*" which need to be brought to the surface as the foundation of rural development programs in the context of social engineering. In the context of cultural engineering, not in the context of "*lifting a stone in the ground*" which is already obsolete, let alone arranging a footbridge.

The philosophical basis for the implementation of the Jambi level I regional policy is none other than giving more attention to rural development, where this program is the starting point of what the people need, and to operationalize this program is through the development of integrated areas (PKT), while the operational pattern is centered on the duties and functions of the head of the sub-district, assisted by village officials and apparatus including in this case the customary institution. Indeed, in essence, the village head and *kelurahan* head are the focus of all kinds of aspirations and desires that come from below and from above, such as the distribution of aspirations from below, namely from the residents of the village or *kelurahan*. Rural communities in general are traditional communities that are still very much bound by the customs that apply in their environment. The community's attachment to customary institutions is still very strong so that their participation in various activities is determined by the role of the customary institutions themselves.

With this law, the government uniformly established the smallest form of government throughout Indonesia as the village. In other words, previously existing *adat*-traditional forms of government were no longer recognized. Although the law does not clearly state that it abolishes customary governments or institutions, it does recognize the existence of customary law, but this recognition is merely a formality. As for the form of government structure in the regional unit, the law only mentions the regulation of the village form of government. This law and all its implementing regulations only lead to governmental arrangements, while the social sector is not regulated and ignored, resulting in new and unfamiliar value systems.

In Jambi, for example, in a discussion with a researcher, a local culturist mentioned that Jambi used to have a customary governance model called *Dusun* before the emergence of the current village model. Although not uniform in every region, *Dusun* governments were generally

led collectively under the leadership of a chief with the title Rio. At that time, Dusun already had a government structure and concept of power sharing. Islam also plays an important role in Dusun governance, with the institution of Pegawai Syarak as one of the important elements in Dusun governance.

Restoration of Customary Institutions Through Local Regulation No. 1991. The Minister of Home Affairs issued Minister of Home Affairs Regulation No. 1984 concerning the Guidance and Development of Adat Istiadat at the Village Level. The regulation was born with the aim of maintaining and caring for Jambi's traditional cultural heritage, which was in decline. This law states that: Contained in article point d, customs are habits that live and are maintained in the association of daily life in society in accordance with Pancasila. Then article point e regarding guidance and development is all activities in order to maintain and advance customs that support the continuity of development and national resilience and do not conflict with the public interest and applicable laws and regulations.

Article 2 which states: the guidance and development of adat istiadat aims to make adat istiadat able to encourage and support the continuity of development and national resilience in the insight of the archipelago. Article 3 the guidance and development of adat istiadat must be directed towards the fostering of steady national stability, both in the field of defense and security in an effort to support the smooth implementation of tasks in the fields of government, development and society. Article 4 in an effort to preserve the government apparatus at all levels has the obligation to foster and develop adat istiadat that is alive and useful in development. Article 5, sub-district heads and village heads / kelurahan heads along with their apparatus are obliged to foster and develop customs that live among the people of their area.

Based on the above articles in this regulation, all government officials from the top to the bottom level, especially officials who directly govern villages and sub-districts such as Regional Heads/Heads of Regions and Village/Heads of Sub-districts are appointed as adat coaches and have an obligation to foster and develop adat in their area. Therefore, the relationship between the government/village government and adat can be restored. Indigenous people as community leaders in the village are included in the management of the Village Consultative Body (LMD) to jointly with the Village Head to determine village decisions.

In running the wheels of government and implementing development, customary institutions play an important and very large role in mobilizing community participation, this will all go well because of the strong attachment between community members and customary institutions, tengganai elders, customary leaders who are role models, because they are symbols and elder figures who have charisma, skills, wisdom and authority, and in accordance with the development planning system that accommodates the will from below (community) which will reflect the wishes of the top (government). The role of this customary institution, which is reflected in the figure of tuo-tuo tengganai or customary leaders, plays a role in carrying out daily customary law in the countryside, especially in civil affairs, for example in handling marital affairs, distributing inheritance and resolving disputes / cases arising between fellow community members and other customary cases.

Based on what has been said above, the role and function of adat institutions in the government system, both in the field of development and other local government policies, is very important. This law has also provided a role for adat institutions, which means that there is a relationship between the village government and adat people because the village head is the customary guardian in his village, and adat people must create a village/kelurahan adat institution.

Perda No. 5/2007 on Reviving the Customary Government. The very important role played by Lembaga Adat in maintaining the high values of society lies in its ability to stand on the rules and norms that apply and develop in society. In the Minister of Home Affairs Regulation No. 319/2007 on Guidelines for Facilitation of Community Organizations in the Field of Culture, Palace, and Customary Institutions in the Preservation and Development of Regional Culture, Article number 5 explains that Customary Institution is a community organization established based on

its history or origin with the aim of carrying out preservation and development activities of cultural customs.

On December 10, 2007, Regional Regulation No. 5 of 2007 concerning the Jambi Malay Customary Institution was promulgated. The signing was carried out by the then Governor of Jambi Province, H. Zulkifli Nurdin, with the joint approval of the Jambi Provincial House of Representatives (DPRD). Until now, this regional regulation is still in effect and has never been revised or reviewed. Several regional regulations related to Jambi Malay customary institutions will only be reviewed at the level of internal discussions of the Jambi Malay Customary Institution. Regional Regulation No. 5 of 2007 is actually an affirmation and specification of the previous regional regulation, namely Regional Regulation No. 1991 concerning the Guidance and Development of Customs, Community Habits, and Customary Institutions in Villages in the Jambi Province. The government of Muara Bungo District, decided to restore the Adat governance system. Through Perda No. 19 of 2007, which regulates the designation of the Village Head to Rio, Village to Dusun, and Dusun to Kampung, the government of Muara Bungo Regency also established this regulation. The origin of this return to adat government or institutions has been carried out by Bungo district for the first time to the district hierarchy level. Bungo district had already realized that other forms of government would not be able to control the community as adat did.

According to Minister of Home Affairs Regulation No. 5/2007 on Guidelines for the Preparation of Community Institutions, adat institutions are defined as community institutions that are deliberately formed or have naturally grown and developed in the history of society or in a certain customary law community with jurisdiction and property rights governed by the customary law. These customary institutions have the right and authority to regulate, manage and resolve various life issues related to customs and applicable customary law.

As a result, Regional Regulation No. 5/2007 carries a strategic responsibility and mandate, both in supporting the local government to run the wheels of government and for the general public in their daily lives. The Customary Institution is a gathering place for those who understand and appreciate the customs sourced from Jambi Malay culture, so that they can become role models for the community as a whole. In Chapter II of the Principles and Objectives of Regional Regulation No. 5 of 2007, there are several main objectives for the establishment of the Jambi Malay Customary Institution:

First, to foster a sense of security and tranquility in social life with harmony and community life in Bumi Sepucuk Jambi Sembilan Lurah. Second, empowering customs to organize regional government so that regional development can be implemented. Third, passing down values, noble norms from customs to the next generation in the family. Fourth, finally, to study the history and customary law for the purpose of regional cultural treasures and to help foster national law.

Lembaga Adat has an important role in maintaining and promoting adat. Its function involves guiding and controlling people's behavior to conform to customary norms. This social control may include the imposition of sanctions such as fines, exclusion from the traditional environment, or the issuance of reprimands. By playing this role, adat institutions can demand obedience from community members as followers and group members. Traditional leaders, who generally reside within adat institutions, are ideally positioned as leaders. Adat institutions are expected to be able to provide support for the smooth running of government, development and community activities, and strengthen national resilience. To provide a legal basis as a guide in restoring the true role of adat institutions, at the provincial level, there is already a Regional Regulation that regulates it. However, at the district level, not all regions have local regulations for customary institutions.

Customary institutions do not play a role alone. With laws that support national development programs, customary institutions also play a role with the government in planning, directing, and integrating development programs, so that they are in accordance with the values of customs and habits that have developed in the community. The aim is to achieve harmony, compatibility, balance, justice and community welfare. In addition, customary institutions function as a control tool to maintain security, peace, harmony and community order, both preventively and

repressively. This includes the resolution of social problems and the role of mediator in defusing disputes that arise in the community.

The Existence of Islamic Malay Customary Government in 2004-2023

As demonstrated by a number of principles, the author himself claims that Arkoun's political ethics can be categorised into six major sub-themes: Firstly, the Prophet Muhammad's power and authority dimensions show the relationship between authority domains (Mecca). Medina's historical-empiricism combined with transcendental prophecy makes it a powerful period.

The enactment of Law No. 22 of 191919 concerning Regional Government, which was later revoked by Law No. 32 of 2004 and underwent several changes through Law No. 2 of 2008 and most recently amended by Law No. 23 of 204, has resulted in fundamental changes in regional governance in Indonesia. In the prevailing state administrative structure in Indonesia, the village area is part of the sub-district area. Therefore, the sub-district functions as a coordinator for the authorities above the village (the state through the Government and local governments). This concept is explained in detail in Article 37 paragraph (1) of Law No. 23/2004, which states that "In the regency/city government, village governments can be formed." The use of the word "formed" emphasizes that the village government is considered a subsystem or part of the regency/city government, so that the village exercises some of the authority possessed by the regency/city government. In the context of this law, villages are considered a unit of government under the regency/city government.

Development is a process of continuously increasing the ability of a society to take or control its present and future circumstances. This means that development is characterized by the improvement of the entire system in society. In carrying out development in this era filled with modernization and globalization, it certainly refers to three main components that will support each other, namely humans (human resources), nature (natural resources), and capital (capital). However, among these three components, the most important is human resources, because one of the elements inherent in human resources is adat. Adat in this era has experienced many challenges and changes, although the position of adat has never changed, but its role and function in society has made the development of society dynamic according to the times.

The mission of regional autonomy as set out in Law No. 23/2004 on Regional Government is to strengthen the role of local communities to enhance democracy, both at the local and national levels. By restoring the dignity and self-respect of local communities that have been marginalized and sometimes ignored by the central government, this has undermined the basis for the dominance of the central government, which previously held full control over the regions. The granting of authority and providing adequate space to interpret the authority granted to lower units of government (local government). Government Regulation No. 43/2004 was drafted with the aim of creating a village administration that is based on the principles of good governance and is in line with the provisions of the village regulation stipulated by Law No. 6/2004 on Villages. These principles involve aspects such as legal certainty, regularity in governance, orderly governance for the public interest, openness, professionalism, accountability, effectiveness, efficiency, local wisdom, diversity, and participation. In efforts to implement village development, the values of togetherness, kinship, and mutual cooperation are prioritized to achieve the goals of peace and social justice.

With the passing of Law No. 06 of 204 on Villages, village governments have the opportunity to establish Village Customary Institutions, which are considered important for strengthening traditional values and village culture and assisting in the resolution of public issues. In accordance with this, the Bungo District Government has passed the Bungo District Regulation Number 5 of 2020 concerning the Bungo Malay Customary Institution, which establishes the Bungo LAM (Malay customary institution) as a community organization that aims to maintain customary law and encourage its members to develop and preserve Bungo Malay Customs. Based on the regulation, the Bungo Malay customary institution has three levels of hierarchical organizational structure: the

Bungo Malay customary institution at the district level, the Sub-district Malay customary institution at the sub-district level, and the Dusun Malay customary institution at the hamlet level.

Tradition and the role of traditional leaders play a key role in efforts to explore and revive traditional villages, in accordance with their origins. If customs and traditional leaders in the community no longer exist or do not function, this can become an obstacle in the context of governance and development that reflects the values of tradition and customs. Efforts are needed to re-explore customs in the community, considering that many traditions have been forgotten over time and are rarely practiced by the community. By restoring the role of *rio* as customary leadership in the present, the government will be more open to matters relating to *adat*. The *rio* will then become a bridge of balance between the village government and *adat* so that the government can become more caring and sensitive to the indigenous community. The community can also get lessons or socialization from the government about *adat* to be able to be a reminder or remind / teach back to the generation or to the customary *tetuo*, so that *adat* continues to be victorious as the work of *adat* before 1979. In the Jambi Malay region, there is nothing as good as *adat bersendi syarak, syarak bersendi kitabullah*

The customary government for 2022 to 2023, is focused on socializing with the community, teaching the community about customs, religion, culture, food crafts, and reviving the creativity of the community in order to increase the economy in the village or village to be more productive. Socialization that is often carried out is to introduce Malay customs to the younger generation and the community in general, regarding the awarding of customary titles or forms of cooperation between customary institutions and the government.

The Impact of Changes in Customary Governance in Muara Bungo Islamic Malay Society Post 1979

The Loss of Pasirah's Role. The position of *pasirah* in the traditional leadership hierarchy attracts attention because there is a contradiction between the system values or cultural structure and its political structure. This cultural structure describes the *pasirah* position as values that determine one's rank in the social strata of the clan community. Since the beginning of its appointment, the *pasirah* position is also a representation of the state's interests. *Pasirah* functions as a representative, in order, of the sultanate regime, the Dutch colonial government, the Japanese, and the Indonesian government. Through the study of civic history, we understand that the role of *pasirah* changes in line with changes in the state structure. The role of *pasirah* is always modified from one state regime to another, where the role is determined by the interests of each regime. However, one thing that remains unchanged is the use of the *pasirah* role by the ruler as a tool of the state to control and dominate the region and its people. When Law No. 5 of 19719 was implemented through a Governor's Decree in 1983, the clan system was dissolved and replaced by village government. This dissolution of the clan system officially abolished the structural position of the *pasirah*. In its place, a new leadership structure was introduced: the village head, or *lurah* in urban areas.

The role and function of the *pesirah* or customary head is as the head of the clan government during the Dutch colonial period and a figure who has the authority to lead several villages. The duties and functions of the *pesirah* include: running a democratic life and ensuring gender justice, applying the principles of inter-village governance, establishing cooperation and coordination with all stakeholders in the village, managing inter-village government administration, implementing government affairs which are the authority of the village, and resolving inter-village community conflicts.

Unlike the *pasirah*, the roles and responsibilities of the *kepala desa/lurah* are defined by the state, and it is generally recognized that structurally, his position is more of a tool of the government to control the community. The authoritarian political system of the New Order regime did not allow the *kepala desa* to represent the interests of the people. The issue to be addressed through a discussion of the structural position of leaders in local governance systems is that there are several structures that determine the role of local leaders. One structure comes from the customs and traditions of the community itself. In this context, the value system that determines a

person's rank in the social strata of the clan community becomes the basis for the pasirah's position as a 'follower'. In this value system, power is in the hands of the people, otherwise known as 'people's sovereignty'. Meanwhile, the other structure refers to the state structure that tends to centralize economic resources and power in elite groups.

After Law No.5 of 19719 was enacted in 1983, civic institutions were officially disbanded. However, the roles derived from clan life were not completely abandoned. Some informants noted that even at the time of the research, there were still some former clan officials who were often consulted in solving problems in the villages where they lived. Although there has been a rejection or abandonment of Law No.5 of 19719, in certain contexts, political elites are more likely to choose adat as the main guideline for their actions.

Rio as the New Customary Leader. In Jambi, there are customary governance systems that have been passed down from generation to generation by the indigenous people, and some areas still maintain them today. One of them is in Bungo Regency, where the government still maintains the village-level customary government system that has existed since the time of the Jambi Sultanate. The difference lies in the naming of the village head, which is different from other regions. While in general, village leaders in Indonesia are known as Village Heads (Kades), in Bungo District, they are called Rio. The person who played a role in bringing back the rio was Zulfikar Achmad, the Regent of Bungo from 2001-2011.

The rio, which is the leader in Jambi's customary governance system, is chosen more for its charisma and respect within the community. Linguistically, Rio comes from the word Aryo or Arya which means Prince. Rio is a customary government at the hamlet level that has two roles, namely as the head of government and as a customary leader. Rio's role in customary governance is to ensure the implementation of justice in accordance with the customary system. In practice, Rio has the authority to sanction individuals who violate customary rules in a particular area.

The establishment of Rio in the government system dates back to the Sultanate period, which was before the regency was enacted in 190. When under the rule of Srivijaya, the Malay Kingdom experienced limitations in its development. Therefore, the center of the Malay Kingdom government was established in Ulu Batanghari. In 83 AD, the Malay Sultanate of Jambi succeeded in gaining independence from the Srivijaya Kingdom and replaced its power in the Malacca Peninsula. The Malay Sultanate of Jambi continued to grow rapidly and managed to take over trade in the Malacca Strait, replacing the role of Sriwijaya which began to decline in the 3rd century. The center of government was then moved from Ulu Batanghari to Dharmasraya. This Malay kingdom was the final phase of the Hindu-Buddhist kingdom, which was then replaced by the emergence of Islamic Malay kingdoms such as the Malay Sultanate of Jambi. Followed by the Dutch colonial government, the Jambi area was included in one of the presidencies in Sumatra. This situation lasted until it was replaced by the Japanese occupation, and the existence of Rio still exists in society. After the Sultanate of Jambi was fully controlled by the Dutch in 1926, the Jambi region was then divided into areas called clans. These clans oversaw several hamlets, with the leadership of the clan held by a person called Pasirah. Although the Adat territory consisted of several clans, the Rio government structure was maintained as it was subordinate to the clan. Each Hamlet consists of villages led by a village chief.

In the context of adat governance in Jambi, adat leaders must be people who have knowledge of adat and Islamic law (syarak), as well as being mature, reasonable, virtuous and Muslim. In addition, in matters relating to the tribe or family, the customary leader must have a lineage appropriate to his position. In the selection of the Rio in a dusun, the criteria applied were to select someone who understood religion, acted fairly and was responsible. Therefore, during the regency period, the Rio was usually chosen from among the descendants of the sultan or people trusted by the sultan. The government system led by the Rio is an integral part of the social and cultural structure of the community. If the function of the Rio is not functioning properly, this can result in an imbalance in the customary governance system and lead to changes in the prevailing customs in the community.

The current change of the term 'village' to 'hamlet' in the context of Rio governance is in accordance with Law No. 5 of 1979, and the introduction of the Rio as the head of customary governance since Law No. 5 of 2007. Although Rio administration appears to have more cherished values than village administration, this does not guarantee that a return to the customary system of government will automatically lead to better and more effective governance. The current younger generation, which is the dominant group in almost every village, has a limited understanding of adat and Rio governance. Recognizing that globalization and modernization are inevitable, and that the flow of change is unstoppable, the reintroduction of the Rio system of governance is seen as instrumental in filtering out negative impacts on local customs and culture.

The functions and roles of the Rio head of government, which were restored in Perda No. 19/2007, are similar to those of the village head. Rio as the head of government in Dusun runs the government in accordance with customary norms. The election procedure for the village head in accordance with Regional Regulation No. 5/2006 on "Procedures for Nomination, Election, Appointment, Inauguration, and Dismissal of Village Heads" is carried out through pilkades (village head elections), where the village head is directly elected by the village community. Meanwhile, the title of Rio is a title given by customary institutions to someone who is considered capable of leading the hamlet, with the criteria that the person has a good personality, understands customs and religion, has never been involved in legal problems. The selection of Rio is not through the election process of the village head, but is done by traditional leaders or customary stakeholders in the hamlet, or based on Regional Regulation No. 19/2007 Part III Article 3 which stipulates that the title of Rio is given by the Hamlet Customary Institution by complying with the *ico pakai* or customary provisions that apply in the local hamlet as stipulated in the Regional Regulation.

After the enactment of the 1979 law, many problems occurred that could not be resolved by the village government. The existence of the Jambi Malay Customary Institution in resolving community customary disputes is still maintained and continues to this day. The existence of the Jambi Malay Customary Institution can be seen from its regulation in Jambi Province Regional Regulation Number 5 of 204 which regulates the Jambi Malay Customary Institution.

The Jambi Malay Customary Institution is a community organization rooted in history or origin in applying customary law and encouraging its members to carry out activities to preserve and develop Jambi Malay customs. The Jambi Malay customary institution has the aim of exploring, fostering, preserving, maintaining, and developing customary values and socio-cultural values of Jambi Malay as the basis for strengthening and strengthening the identity of the Jambi Malay community, as well as protecting and defending the traditional and constitutional rights of indigenous peoples as well as the socio-cultural values of Jambi Malay for improving the outward and inward welfare of the Jambi Malay community.

Regulation on the Jambi Malay customary institution is regulated in Jambi Province Regional Regulation Number 2 of 204, where the Jambi Malay customary institution has the task of being a mediator and facilitator in the event of conflict at the village, sub-district, district / city and provincial levels. In carrying out its duties, the Jambi Malay customary institution is required to cooperate with law enforcement officials. Jambi customary law that is applied today is a legacy of the State Law of the Malay Islamic Kingdom of Jambi 502-1906 AD which resulted from the Great Customary Meeting (RBA) at Bukit Siguntang 502 AD, where adat is combined with syarak (Islamic law), and syarak bersandi kitabullah. On Al-Muharam in 1920H or 502M, the Great Customary Meeting was closed with the proclamation of Orang Kayo Hitam as the King of Jambi Malay.

Customary law can function well if all components in it are consistent in carrying it out, starting from the customary head, customary leaders, to community members who are bound by values that are still relevant and useful today. Various problems can arise if the customs that have been agreed upon by all components are violated, and there are sanctions and consequences that will be applied to these violations. For example, if an affair occurs within the customary environment and is known by the local community, the sanction given to the violator is to be ostracized as a member of the customary community and given a sanction in the form of "washing the village" by replacing it with one cow as compensation for the customary violation that occurred.

Or another offense is murder. If the murder is still within the inter-village, it can still be resolved by custom, the method is by the *nan limo* law, which uses individual law for murder.

The legal system of conflict resolution includes approaches through the judicial process, called litigation, and out-of-court settlements, called non-litigation. Although non-litigation resolution has evolved, its main focus remains on civil matters governed by formal law. Indirect resolution of criminal conflicts has developed in the community, especially in areas that adhere to customary law. The importance of customary law as an integral part of the law must be recognized and given an appropriate place in the process of law formation, which is in accordance with the diverse cultural and social communities. In the context of the rule of law, fair legal certainty does not only depend on the arguments contained in the law, because Indonesia is not based entirely on the law, but also takes into account the development and values embraced by society, including customary law. Similarly, criminal law must reflect the values that live in society and are recognized as such.

Dean G Pruitt and Jeffrey Z. Rubin propose a theory of dispute resolution strategies, which consists of several approaches. The first approach is competing, which involves trying to push for a solution that is more favorable to one party than the other. The second approach is yielding, which involves lowering one's own aspirations and being willing to accept less than desirable outcomes. The third approach is problem-solving, which involves finding alternatives that are satisfactory to both parties. The fourth approach is withdrawal, which involves the choice to leave the disputed situation either physically or psychologically. The fifth approach is silence, which involves taking no action.

Conflict resolution can be done through two channels. The first path is through litigation in court, which is the traditional and older way, and later evolved into a process of conflict resolution through out-of-court cooperation. Litigation tends to produce agreements that are competitive in nature and unable to take into account the common interest. This often results in the creation of new problems, slow resolution, high costs, lack of responsiveness, and can create animosity between the disputants. On the other hand, conflict resolution through an out-of-court process results in agreements that benefit all parties, guarantees confidentiality of the dispute, avoids delays caused by procedures and administration, and resolves the problem as a whole within a framework of cooperation that maintains good relations between the parties involved.

The implementation of customary criminal justice is a way for the apparatus of customary law institutions to operate, starting from receiving reports, summoning relevant parties, witnesses, organizing deliberations, to making decisions by the leadership of customary institutions. This process aims to achieve dispute resolution through customary law. In an effort to achieve this goal, customary institutions work within a system that integrates several components of dispute resolution in the course of customary justice. This system always takes into account developments in society. In Indonesian society, there are alternative efforts in law enforcement that involve mediation, as seen in the settlement of both civil and criminal cases through deliberation. From a historical perspective, Indonesian culture highly values the consensus approach.

CONCLUSION

Based on the research results previously presented, it can be concluded that the Jambi indigenous people maintain a form of customary government that was passed down from generation to generation long before Indonesia's independence. Even though Indonesia has become independent, Muara Bungo Regency remains one of the districts in the Jambi region that still runs the government with the customary system. The results showed that as a social controller in the Malay indigenous community of Muara Bungo, which lost its role thanks to Law No. 5 of 1979 which turned all the smallest units into village governments. The customary government then disappeared along with all the rules and customary devices that had existed for a long time. This change then did not bring changes towards progress in the indigenous Malay community of Muara Bungo, it became a setback for the community. The village government only regulates village administration, not regulating problems that arise in indigenous peoples. The loss of the Customary

Chief (Pasirah) made the Malay indigenous community lose guidance, so that community problems could not be resolved by the village government. The increasingly worrying situation made the Jambi Level I regional government move by issuing Regional Regulation No. 5 of 2007 with the intention of restoring the identity, function and role of customary institutions to the community. Rio emerged as the new customary leader, to socialize and teach customary rules to the community, as well as to peacefully resolve customary problems that occurred in the community.

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