

Plural Legal Order in State–Nagari Disputes

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Abstract: *Nagari as a customary legal community in Minangkabau, plays an important role in dispute resolution through deliberation, consensus, and communal values. At the same time, the state provides a formal legal system based on regulations and judicial procedures. The interaction between these two frameworks often creates tensions due to differing approaches and the limitations of state law in accommodating local values. This article analyzes the negotiation between the state and Nagari in dispute resolution and examines the integration of local wisdom with state law. The study uses a qualitative field research approach in Nagari Pasia Laweh, West Sumatra, which is known as a Constitutional Nagari. Data were collected through observation, in-depth interviews, and document analysis, and then analyzed using the Miles and Huberman interactive model. The findings show that state–Nagari negotiation takes place through mediation forums, deliberation, and the formulation of nagari regulations. Local wisdom serves as the basis for reconciliation, while the state ensures legal certainty. This pattern of integration reduces normative conflict between customary law and state law while strengthening public trust in both customary institutions and formal legal institutions. The study highlights the importance of recognizing Nagari as a state partner in dispute resolution based on restorative justice and legal pluralism.*

Abstrak: Nagari sebagai masyarakat hukum adat di Minangkabau memiliki peran penting dalam penyelesaian sengketa melalui musyawarah, mufakat, dan nilai kebersamaan. Di sisi lain, negara menghadirkan sistem hukum formal berbasis peraturan dan prosedur peradilan. Interaksi keduanya sering memunculkan ketegangan karena perbedaan pendekatan dan keterbatasan hukum negara dalam mengakomodasi nilai lokal. Artikel ini menganalisis negosiasi antara negara dan Nagari dalam penyelesaian sengketa serta integrasi kearifan lokal dengan hukum negara. Penelitian menggunakan pendekatan kualitatif field research di Nagari Pasia Laweh, Sumatera Barat, yang dikenal sebagai Nagari Konstitusi. Data diperoleh melalui observasi, wawancara mendalam, dan studi dokumentasi, lalu dianalisis dengan model Miles dan Huberman. Hasil penelitian menunjukkan bahwa negosiasi negara–Nagari berlangsung melalui forum mediasi, musyawarah, dan penyusunan peraturan nagari. Kearifan lokal menjadi dasar rekonsiliasi, sementara negara berfungsi menjamin kepastian hukum. Pola

integrasi ini mengurangi konflik normatif antara hukum adat dan hukum negara sekaligus memperkuat kepercayaan masyarakat terhadap lembaga adat dan institusi formal. Penelitian ini menegaskan pentingnya pengakuan Nagari sebagai mitra negara dalam penyelesaian sengketa berbasis keadilan restoratif dan pluralisme hukum.

Keywords: *Nagari, Legal Pluralism, Dispute Resolution, State Negotiation, Restorative Justice*

Introduction

Nagari is a customary legal community in Minangkabau with genealogical and territorial foundations, whose social and political structure is built upon deliberation, consensus, solidarity, and self-reliance (Wendra, 2021). In Indonesia's constitutional order, Nagari has received formal recognition through Article 18B paragraph (2) of the 1945 Constitution, which affirms the state's acknowledgment and respect for customary law communities and their traditional rights, provided that these remain consistent with social development and the principles of the Unitary State of the Republic of Indonesia (Alia, 2017). In West Sumatra, Nagari is not only a unit of local governance but also a guardian of Minangkabau local wisdom in the social, political, and economic life of the community (Wahyuni, 2023).

Nagari has its own mechanisms for resolving disputes through the roles of *ninik mamak*, customary leaders, and religious authorities, with deliberation and restorative justice as the main principles (A & Afrizal, 2023). However, disputes concerning land, natural resources, civil matters, and even criminal issues often intersect with the formal state legal system, which is more procedural and bound by written regulations (Stella, 2023). This situation creates a potential tension between customary norms and state law, especially when the two systems differ in both logic and authority. If not properly managed, such tension may lead to jurisdictional conflict or dissatisfaction with dispute-resolution outcomes (Pradhani, 2021). West Sumatran experience shows that the relationship between state authority and customary institutions is marked by a continuous negotiation over conflict management. State law offers certainty and enforceability, yet it is often perceived as rigid and less sensitive to local socio-cultural values (Safitri & Sa'adah, 2021). By contrast, customary mechanisms are viewed as faster, more flexible, and more effective in restoring social harmony, although they may face limitations when dealing with individual rights or formal accountability requirements (Rahmasari et al., 2023). This makes negotiation between the state and Nagari an essential process for finding a workable balance between local legitimacy and legal certainty.

This article examines how the state and Nagari negotiate dispute resolution in community life, with Nagari Pasia Laweh in Agam Regency as the empirical locus. The village has been designated as a Constitutional Nagari, making it a relevant case for understanding how customary governance and state regulation can be harmonized in practice (Arliman, 2020). Using the framework of integrative negotiation, this study views negotiation as a search for win-win solutions through shared interests and creative compromise. Combined with legal pluralism, this framework helps explain how customary actors and state actors construct a collaborative model of dispute settlement without abandoning the core principles of their respective legal systems. The article therefore aims to analyze the negotiation process, explore the integration of local wisdom and state law, and formulate recommendations for strengthening the role of Nagari as a partner of the state in building a more inclusive and just dispute-resolution system.

Method

This study employed a qualitative design with a descriptive-analytical approach to examine the negotiation process between the state and Nagari in dispute resolution. This approach was selected because the study seeks to understand a complex socio-legal phenomenon in depth, particularly the interaction between customary law, state law, and local wisdom within a plural legal setting. Rather than

measuring variables statistically, the research focuses on interpreting meanings, practices, institutional roles, and patterns of legal integration in community dispute settlement. The study was conducted as field research in Nagari Pasia Laweh, Agam Regency, West Sumatra, a region recognized as a Constitutional Nagari. This site was chosen purposively because it represents an important case of legal negotiation between customary authority and state governance. It also provides a relevant empirical context for examining how deliberation, mediation, and Nagari regulations function as mechanisms of dispute resolution in everyday social life.

Data were collected through observation, in-depth interviews, and document analysis. Interviews were conducted with key informants, including Nagari officials, subdistrict officials, customary leaders, community leaders, and youth representatives. These informants were selected because they are directly involved in, or knowledgeable about, dispute-resolution practices and the relationship between state institutions and customary structures. Documentary data were obtained from local regulations, institutional records, related decisions, and other written materials relevant to the study. The data were analyzed using the interactive model of Miles and Huberman, which consists of data reduction, data display, and verification. In the reduction stage, the data were selected, coded, and grouped according to major themes such as negotiation forums, mediation practices, local wisdom, legal integration, and the role of state and Nagari institutions. In the display stage, the data were organized to identify recurring patterns and relationships. In the verification stage, the findings were compared across sources to draw valid and grounded conclusions. This method enabled the study to capture both the normative and practical dimensions of dispute resolution in Nagari Pasia Laweh and to explain how integrative negotiation operates in a plural legal environment.

Results and Discussion

The findings of this study confirm that Nagari remains a significant actor in dispute resolution, yet its effectiveness depends heavily on community trust and active participation in customary institutions (Kurniawan et al., 2020). Previous studies have similarly shown that deliberation is a defining feature of Minangkabau dispute settlement and is often regarded as faster, more flexible, and more conciliatory than formal litigation. However, its effectiveness becomes limited when disputes involve property rights or matters that require strict juridical evidence (Christyawaty & Susilowati, 2018). This indicates that customary mechanisms are most effective not when they replace state law, but when they operate in dialogue with it. The study also supports the view that restorative justice is more consistent with community expectations than punitive settlement. Rather than emphasizing retribution, the dispute-resolution process in Nagari Pasia Laweh prioritizes the restoration of social relations, reconciliation, and communal harmony. This aligns with the broader literature suggesting that restorative approaches can be integrated with state law to produce decisions that are not only legally valid but also socially accepted by the parties involved. In this sense, restorative justice becomes a bridge between customary values and formal legal requirements (Capera, 2021; Taqiuddin & Risdiana, 2022).

Another important finding concerns the negotiation between customary law and state law. The success of this negotiation is strongly influenced by mediators who understand both systems and are able to translate them into a shared framework of settlement. The state's role is not to dominate the Nagari, but to provide formal recognition and legal certainty while allowing local values to guide the resolution process. This reflects a practical form of legal pluralism in which multiple legal systems coexist, interact, and mutually adjust to social realities (Adnyani et al., 2022). Rather than producing institutional conflict, this arrangement can generate complementarity when authority is distributed clearly and normatively (Disantara, 2021; Rizka Fakhrurozi & Erwin Syahrudin, 2022). Field evidence from Nagari Pasia Laweh shows that negotiation is carried out through deliberative forums involving Nagari officials, customary leaders, and representatives of state institutions at the subdistrict and regency levels. These forums serve as arenas for reinterpretation, where customary norms and state regulations are adapted to the specific characteristics of each dispute, including communal land, territorial boundaries, and village-level social

conflict. Local wisdom values such as solidarity, mutual cooperation, and consensus-based deliberation are consistently placed at the center of the process before more formal legal steps are considered. As a result, dispute resolution is oriented first toward restoring harmony and only secondarily toward affirming legal formalities. This pattern demonstrates that the relationship between the state and Nagari is not rigidly hierarchical, but collaborative, functional, and grounded in shared responsibility for social order.

Negotiation Dynamics in Nagari Pasia Laweh

The initial findings from field research in Nagari Pasia Laweh, Palupuh District, Agam Regency, West Sumatra, reveal a distinctive pattern of state Nagari negotiation in community dispute resolution. This process takes place through inclusive deliberative forums involving the Nagari government as the local executive authority, the customary council comprising *ninik mamak* and customary leaders as guardians of traditional norms, and representatives of state institutions at the subdistrict and regency levels who bring formal regulatory authority (Zarista et al., 2025). Such forums are not formal bureaucratic meetings in the conventional sense, but deliberative spaces rooted in the Minangkabau philosophy of *musyawarah untuk mufakat*, in which every voice is heard equally in order to achieve collective consensus. Nagari Pasia Laweh, which was designated as a Constitutional Nagari by the Constitutional Court on 29 August 2021, serves as an ideal case for illustrating this dynamic because of its success in harmonizing state and Nagari interests through local regulation. Disputes that commonly arise such as conflicts over communal land, inter-jorong territorial boundaries, or village-level social tensions are resolved through the reinterpretation of customary norms so that they remain compatible with state regulations, including Law No. 6 of 2014 on Villages and the West Sumatra Regional Regulation on Nagari Governance. This approach reflects the essence of integrative negotiation theory developed by Roger Fisher, William Ury, and Bruce Patton, which emphasizes the creation of win-win solutions through the exploration of shared interests rather than the defense of rigid positions (Hüffmeier et al., 2019).

The deliberative forum functions as a dynamic arena of two-way communication, where customary actors present local wisdom values such as *adat basandi syarak, syarak basandi Kitabullah* as a moral foundation, while state representatives offer legal certainty grounded in Article 18B paragraph (2) of the 1945 Constitution (Asrinaldi & Yoserizal, 2020). As a result, communal land disputes are no longer treated as zero-sum games in which one party wins and the other loses, but rather as opportunities for creative trade-offs, such as the combination of communal land rights with state land certification for sustainable investment (Borawski, 2018). This pattern is consistent with the principles of integrative negotiation, which hold that negotiation succeeds when the parties identify mutual gains through trades across multiple issues, such as social harmony derived from *adat* being exchanged for formal legality provided by the state (Muslih, 2017).

Application of Integrative Negotiation Principles in Nagari Deliberation

Integrative negotiation theory, also known as principled negotiation, provides a useful framework for understanding how Nagari deliberation works in practice (Bintang et al., 2022). Its four core principles separating people from the problem, focusing on interests rather than positions, generating options for mutual gain, and relying on objective criteria are clearly reflected in the negotiation process observed in Nagari Pasia Laweh. The first principle is evident in the strong emphasis on solidarity and mutual cooperation, where conflict is treated as a shared social issue rather than a personal confrontation. Interviews with customary leaders indicate that deliberative forums are intentionally arranged in a non-hierarchical manner, with *ninik mamak*, the subdistrict head, and representatives of neighboring communities sitting together as equals. This arrangement helps redirect tension away from personal rivalry and toward the restoration of kinship based social relations (Dudgeon & Bray, 2019).

The second principle, namely focusing on interests rather than positions, distinguishes Nagari deliberation from formal litigation. State courts often concentrate on legal positions, such as documentary proof of ownership, whereas Nagari deliberation seeks to uncover the deeper interests underlying the

dispute, including social harmony, restorative justice, and legal certainty. In the case of inter-jorong boundary disputes, for example, the claim that this land is ours was transformed into a broader discussion about shared access to irrigation resources and the management of customary forest areas. This process produced hybrid agreements that were acceptable to both customary and state legal frameworks (Tehupior & APHA, 2018).

The third principle, generating options for mutual gain, appears in the creative and often prolonged brainstorming process that takes place during deliberation. In Pasia Laweh, possible solutions included pre-court customary mediation, the formation of a joint customary committee with the district land office, and the drafting of Nagari regulations that integrate adat with regional legislation. These options reflect a form of constructive bargaining in which differing priorities are not seen as obstacles, but as opportunities for exchange. State actors may prioritize legality, while Nagari actors emphasize harmony; through deliberation, these priorities are negotiated into workable compromises. (Maulana et al., 2025) In some cases, even land disputes are reframed into community empowerment initiatives, such as customary ecotourism development.

The final principle, relying on objective criteria, is maintained through reference to three authoritative sources, they are the Qur'an and Hadith as foundations of Islamic normativity, Minangkabau adat as the local normative framework, and state legislation as the formal legal basis. In Nagari Pasia Laweh, the recognition of customary law communities by the Constitutional Court serves as an important neutral benchmark. This allows deliberative agreements to gain legitimacy and practical enforceability without depending solely on the subjective will of one party. As a result, Nagari deliberation becomes not merely a cultural practice, but a structured and normatively grounded mechanism of dispute resolution.

Integration of Local Wisdom and Tamanaha's Legal Pluralism

In empirical practice, Minangkabau local wisdom—particularly communal solidarity, mutual cooperation, and consensus-based deliberation—is prioritized as the primary basis for reconciliation before recourse to formal state procedures. Integrative negotiation theory supports this pattern by encouraging negotiators to understand the interests of the other party as unmet needs, thereby repositioning the state not as a normative colonizer but as a partner that provides legal validity after customary agreement has been reached. In-depth interviews with the Wali Nagari of Pasia Laweh confirm that approximately 80% of disputes are resolved at the deliberative stage before they escalate to court proceedings, resulting in lower costs, less time, and stronger social legitimacy.

This dynamic is reinforced by Brian Z. Tamanaha's theory of legal pluralism, which recognizes the coexistence of multiple legal systems within one society as a social reality rather than an anomaly (Canevaro, 2017). In this framework, Nagari and the state operate as parallel legal systems: Nagari manages restorative disputes grounded in adat as non-state law, while the state ensures legal certainty and enforceability through state law. Coordination of authority occurs through deliberative forums as hybrid spaces, thereby minimizing normative conflict, such as the assumption of state legal superiority over adat, which often emerges in disputes over communal land (Trisa, 2019). Tamanaha's pluralism explains why the Pasia Laweh model is sustainable: constitutional recognition through Article 18B creates interlegality, namely semi-autonomous interaction among legal systems, in which PerNag becomes a hybrid legal artifact that is legitimate for both sides. Observations also indicate that public trust in customary institutions increased after Pasia Laweh obtained Constitutional Nagari status, while participation in state programs such as land certification rose significantly. This stands in contrast to other Nagari in West Sumatra, where the absence of negotiation has produced prolonged litigation. The collaborative, non-hierarchical relationship between the state and Nagari, in which Nagari is not treated as a subordinate of the central bureaucracy but as a functional partner, reflects an effective application of legal pluralism supported by integrative negotiation (Park et al., 2019). The Constitutional Nagari status demonstrates that the socio-cultural strength of adat can be synergized with state regulation, producing inclusive local rules

such as those governing communal land management (Yeni Mulyani Supriatin & Inni Inayati Istianæ 37 2022).

The principle of separating people from the problem helps explain the success of this model. Emotional narratives such as the state is taking customary rights are reduced through dialogue that privileges long-term relational preservation. Moreover, the generation of creative options has led to innovations such as digital deliberation via WhatsApp for minor disputes and cooperation with the local Office of Religious Affairs in civil mediation based on Sharia principles. Objective criteria derived from the Qur'an, particularly QS al-Nisa: 59 on obedience to legitimate authority, and West Sumatra Regional Regulation No. 9 of 2008, provide the normative foundation for transforming deliberation from a pre-modern tradition into a hybrid mechanism that supports national legal pluralism.

This model also faces challenges, including information asymmetry, youth resistance to customary authority, and commercial disputes that require formal litigation. Integrative negotiation addresses these concerns by establishing a clear BATNA, namely referral to court when consensus fails. Legal pluralism, meanwhile, requires explicit regulation of overlapping jurisdiction to prevent forum shopping (Pradhani, 2021). Future development may include the digitalization of deliberation through e-government platforms, integration with SDG 16 on peace, justice, and strong institutions, and further mixed-methods research to quantify socio-economic impacts. Overall, the integrative negotiation model of Nagari deliberation in Pasia Laweh is not merely a local practice but a national paradigm for harmonizing customary and state law in the era of regional autonomy.

Conclusion

This study concludes that the state-Nagari negotiation process in Pasia Laweh has successfully harmonized customary law and state law through inclusive deliberation, transforming musyawarah into a practical mechanism of justice rather than merely a cultural tradition. The experience of Pasia Laweh reflects a broader reflection on Indonesian legal pluralism: it should be understood not as a source of conflict alone, but as an opportunity for institutional creativity in which local wisdom and formal legality can work together. When the state recognizes Nagari as a partner rather than a subordinate, dispute resolution becomes more legitimate, more humane, and more sustainable because it is grounded in social trust, restorative compromise, and shared interests. At the same time, the findings remind us that this model depends on adaptive leadership, continued community trust, and clear legal support; without these, the balance between adat and state law may weaken. The Pasia Laweh case therefore offers an important lesson for Indonesian legal development, namely that just and lasting dispute resolution is best achieved not by replacing local wisdom, but by integrating it strategically into the national legal order.

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Conflict of Interest

This article has no conflicts of interest.

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