Matrilineal Islam: State Islamic Law and everyday practices of marriage and divorce among people of Mukomuko-Bengkulu, Sumatra, Indonesia

Al Farabi, A.

3
Presenting Mukomuko and its Multicultural Society

Among the earliest dismemberments of the Minangkabau empire was the establishment of Indrapura as an independent kingdom. Though now, in its turn, reduced to a state of little importance, it was formerly powerful, in comparison with its neighbours, and of considerable magnitude, including Anak-Sungei [Mukomuko], and extending as far as Kattaun [Ketahun]

(The History of Sumatera: Marsden, 1811, p. 353).

3.1 Introduction

The previous chapter demonstrated that judges from the state Islamic court have acted autonomously in maintaining a balance between state-sanctioned Islamic law and a sense of justice informed by different forms of non-state law (such as *adat* and other religious norms) within society. Their autonomy is manifested in their ingenious extension of the application of *isbat nikah* (a retroactive validation of marriage), which allows for the retroactive validation of the unregistered marriages currently pervading Indonesian society. It also appears that their initiative has invented 'broken marriage' as an all-encompassing ground for a judicial divorce that is unilateral and no-fault in nature.[56] Moreover, the latter replaces nearly all the stipulated grounds for a judicial divorce, with the exception of a *taklik talak* (conditional divorce) violation, which still offers exclusive leeway for wives seeking a divorce.

[56] In this context, 'unilateral' means a ground that can be used by either a husband or a wife, to obtain a formal divorce from the Islamic court. Meanwhile 'no-fault' means that both parties can employ the ground, and it is not to be used exclusively against the person who caused the marriage to break down.

To avoid arbitrary use, Islamic court judges carefully refined the new form of *isbat nikah*, so that it would not be used to validate a religiously invalid marriage or an informal polygamy, and (more generally) so that it would not be used to break the law. Likewise, they developed several criteria for the ground of broken marriage and reapplied fault consideration to a broken marriage ground.[57] These breakthroughs allowed the Islamic court to remain an essential influence on the development of Indonesian family law. If some of the less favourable views of its existence had been confirmed (Husaeni, 2012), the court might otherwise have been turned into a mere office for the registration of marriage and divorce (*kantor isbath nikah dan cerai*).

By balancing state law with a sense of justice within society, notably through the new form of *isbat nikah* and the broken marriage ground, judges have managed to accommodate the widespread practice of unregistered marriages, introduce a simpler, more equal divorce procedure for men and women, and bring more people closer to the state agenda, i.e. mandatory marriage registration and judicial divorce. This approach has increased state control of familial affairs, and (more importantly) it has enhanced its own legitimacy and influence within society. Moreover, the approach partly answers the second question raised in this thesis: "What is the 'logic' informing the judicial process (or reasoning) in Indonesian Islamic courts?" To further address this question, this chapter looks at Mukomuko society, on the West Coast of Sumatra. In 2010, Mukomuko society had a population

[57] The widespread use of broken marriage as a unilateral and no-fault ground has elicited concern among critics, who have expressed their concern about the judges' ability to consider the feelings of a neglected or abused spouse, whose marriage has been dissolved via divorce on this ground. This concern has led the judges to reapply fault consideration. In this manner, a question of fault is dealt differently from the general norm of broken marriage that continues to be treated as a unilateral and no-fault divorce ground. By doing this, judges can decide that one party is responsible for the breakdown of a marriage (including the consequences resulting from such a ruling), without becoming trapped in a blame game. This trend appears in a number of divorces granted on the ground of broken marriage, wherein one of the parties was ruled to have committed *nusyuz* or disobedience (van Huis, 2015, p. 244), and in cases where it was ruled that a husband at fault would receive a lesser share of his joint marital property (see Chapter 2, Section 2.3.3.2), regardless of who had filed the lawsuit.

of 155,753, wherein 155,520 (96.64%) people were Muslim.[58] While the population is predominantly Muslim, it is also divided into two categories: native[59] and migrant. The former refers to those who live in *hulu-hilir* villages and observe their matrilineal *adat,* whereas the latter refers to those who are scattered between serval enclaves, and who observe more diverse normative systems, from their place of origin. The unique background of Mukomuko society serves as a perfect site for this research, which seeks to understand the functioning of marriage and divorce law within multicultural Indonesian-Muslim society.

By shifting the discussion from the national to the local level, this chapter and the subsequent chapters seek to answer the following set of practical questions: *(1) How do the people of Mukomuko conclude marriages and obtain divorces? (2) Who are the main actors involved in the process? (3) How do these actors navigate state law and the different forms of local norms in their marriage and divorce procedures? (4) What conflicts and compromises arise from the law and norms, when they diverge from each other?* Serving as background on the research site, this chapter provides a glimpse of local marriage and divorce practices; more detailed information on the practices, and the compromises and conflicts emerging from them, are the subject matter of chapters 4 and 5. The present chapter focusses simply on presenting Mukomuko society. It looks at Mukomuko's historical roots in Minangkabau and its experience under different regimes, i.e. the British East India Company (EIC), the Dutch EIC, and the Independent State of Indonesia. Some moments from this history, such as the mass arrival of state-sponsored trans-migrants, the widespread introduction of large-scale plantations, and the 2003 regional autono-

[58] 3,684 (2.37%) were Protestant, 668 (0.43%) were Catholic, 229 (0.15%) were Hindu, and one person observed a religion other than the six official religions, 599 (0.03%) were unknown, and 10 (0.01%) were not asked about their religion. Retrieved from the 2010 Census of the Central Bureau of Statistics (*Badan Pusat Statistik*, BPS).

[59] The term 'native' refers to traditional villagers who reside at *hulu-hilir* villages, i.e. the former regions of XIX Koto, V Koto, and LIX Peroatin. Therefore, native should not be confused with the same term meaning 'traditional villagers' or '*hulu-hilir* people', when they seem to be used interchangeably. While recognising the colonial implication of the terms native or traditional, I still use the terms to distinguish native people from other locals who are not part of the *adat* community and who reside permanently in Mukomuko.

my of the Mukomuko regency, are of key concern and essential to the makeup of contemporary Mukomuko society. As I will show in this chapter, contemporary Mukomuko society is primarily referred to as being geographical, rather than ethnolinguistic or cultural.

Mukomuko's population is comprised of three community groups. These are: (1) *hulu-hilir* people, who have lived in the upstream and downstream villages since time immemorial; (2) migrants, mostly from the island of Java, who are scattered between several enclaves that are either part of state-sponsored transmigration or a private plantation; and, (3) urban people - a mixture of (1) and (2), who reside in the emerging urban centres. Together, the groups constitute the so-called local contemporary Mukomuko people. In arranging marriage and divorce, the *hulu-hilir* people still refer to their matrilineal *adat* as being from Minangkabau, whereas migrants often bring various norms with them from their place of origin. In the urban centres, the two groups live together side by side, while observing their respective norms. Yet, the Mukomuko people are now experiencing two unprecedented changes: i) an increasing number of cross-ethnic marriages, notably among those in the urban centres; and, ii) increasing state and commercial penetration. This situation has required each community to adapt, and has given rise to contemporary Mukomuko, a cosmopolitan society, even though a great majority of the *hulu-hilir* people and enclave migrants remain exclusively within their respective settlements. Before delving into each category in more detail, I will provide a brief historical background for Mukomuko.

3.2 A Brief Historical Background for the Traditional Structure and Institution of Mukomuko

One of the earliest sources (written in English) to mention Mukomuko was Marsden's masterpiece, *The History of Sumatra*. In his account, Marsden referred to Mukomuko several times, as either *Anak-Sungei* or *Moco-moco*, when describing the southern

part of Indrapura, on the west coast of Sumatra. As Marsden put it, Indrapura was once a peripheral *rantau* (dependent state), whereas Mukomuko was a further secession from this *rantau* (Marsden, 1811, p. 353). Only later, at the end of the 17th century, did Mukomuko declare full autonomy, under the name Anak Sungai Sultanate.

The following discussion begins with an overview of Mukomuko's historical roots in Minangkabau, then proceeds to an important event: the patrilineal revolution which took place at the end of the 18th century. The discussion also looks at the trajectory of Mukomuko's history under different regimes, i.e. the kingdom era, the British era, the Dutch era, the Japanese era, and early Indonesian independence. As we will see in this section, the case of Mukomuko shows how traditional implementing structures have managed to survive different regimes. Meanwhile, people still adhere to their traditional usages and customs (*adat-pegang-pakai*, henceforth *adat*). Henceforth, both the traditional structure and its institutional actors and the significance of *adat* to local people never really disappear, remaining essential to villagers' lives.

3.2.1 Mukomuko as *rantau*: the Minangkabau's matrilineal structure and institution

Minangkabau's sociopolitical structures and institutions developed through a matrilineal system that maintained both genealogical and territorial principles. Under this system, each person belonged genealogically to his or her mother clan. Individuals with the same maternal ties formed a group through the following order: the same mother (*seibu*), the same mother's siblings (*seperut* or *parui*), the same grandmother (*senenek*), the same great grandmother (*seninik*), and the same great grandmother upper (*sekaum*), [60] and the same matrilineal clan (*sesuku*). The clan then multiplied into four clans, namely *Bodi, Caniago, Koto*,

[60] This is a group counting five generations, all descended from one true ancestress. The *parui* members lived together, either occupying several houses or (sometimes) only one. The *parui* was the principal economy and legal unit of Minangkabau society. One might call it a house-community, or "matrilineal extended family" (Maretin, 1961, p. 174).

and *Piliang.* The first two clans formed the *Keselarasan* (a completeness, agreement, or union) of *Bodi-Chaniago*, which maintained an egalitarian relationship among clan members, while the latter two clans developed their own custom of *Koto-Piliang*, which inclined toward hierarchical and aristocratic relationships (Abdullah, 1966, pp. 6–7; de Jong, 1980, pp. 11–12).[61]

The term *suku,* which literally means 'a quarter', was employed metaphorically to denote that no matter how different the clans were, together they constituted a territorial federation called the *luhak nagari* (independent state).[62] The sovereign *nagaris* divided further into smaller groups and developed into several independent states, each led by their own *penghulu*, who was elected to act as *primus inter pares* among clan heads, in his respective *luhak*.[63] Among the earliest *nagaris* were *luhak* Agam, *luhak* Tanah Datar, and *luhak* 50 Koto, which were followed by other *nagaris* throughout the Minangkabau mainland (*darat*).

Alongside the growth of the community, the existing clans started to expand when a number of individuals migrated outside the mainland to create their own *nagari*, called *rantau*. This process began with the establishment of a *taratak* (new land), which developed into a *dusun* (village), a *koto* (territory), and eventually a *rantau* (dependent state). The emerging *rantaus* spread not only in the surrounding regions but also in areas that

---

[61] The *Bodi Chaniago* was led by Datuk Perpatih nah Sebatang, and the *Koto-Piliang* was led by Datuk Katumanggungan. Richard Farmers, the translator of *Undang-Undang Mukomuko*, argued that these names were not used to refer to people, but offices. By comparing these names with their equivalents in Java, Tumanggung was likely "the officer entrusted with the general management of the country and still conducting the duties of police and municipal regulation in many Malay states; the Perpati was the minister of the king" (Farmers, 1822, p. 3).

[62] The term *suku* derives from the Sanskrit word for *kaki* (foot), where a single body consists of four feet and the hands are compared to the feet. This metaphor was employed to mean that the four pioneer *sukus* constituted a single tradition, called Minangkabau. Even to this day, the earlier meaning of *suku* as a quarter is commonly used in spoken language (Navis, 1984, p. 122).

[63] "A *nagari* functioned as a genealogical unit with the raja operating as the first among the genealogical units. Each *nagari* was a federation of *kota*, or village groupings, distinguished by a numerical coefficient according to the original number of *kota* it comprised. Effective authority rested primarily with the penghulu *kaampe suku* (customary heads of the four clans) who formed the *rapat penghulu* (council of penghulu), at the lower level with the penghulu kampung." (Kathirithamby-Wells, 1976, p. 66)

were far from the mainland (de Jong, 1980). Among them was Indrapura, situated in the southern part of Minangkabau. The Indrapura *rantau* encompassed *first* the river basin of Airhaji and Batang Indrapura, and *second* the region of Anak Sungai, from the Manjunto river to the Urei river. As a unit, Indrapura was led by a royal representative from Minangkabau, who was designated *raja* or *tuanku*. In theory, the *raja* was responsible for the administration of *rantau*, on a territorial and monarchical basis (de Jong, 1980). However, in practice, Indrapura and nearly all the other *rantau* states were administered according to the genealogical principle, whereby the incumbent acted as a *primus inter pares* among the genealogical heads (Kathirithamby-Wells, 1976, p. 66).[64] In Indrapura, the *raja* was assisted by genealogical leaders who were designated as *Mantris* of XX Koto, comprised of six upstream *Mantris* (*berenam-di-hulu*), six downstream *Mantris* (*berenam-di-hilir*), and eight middle *Mantris* (*delapan-di-tengah)* (Farmers, 1822, p. 9).

At the southern extremity of Indrapura was the Anak Sungai region, which belonged to the southern tribes and only later became part of Indrapura, as a semi-autonomous territory. Integration was possible because migrants of Minangkabau origin had spread across the region, establishing their own *sukus*. An exception applied to people residing in the southernmost regions, such as the Air Dikit, Bantal, Triamang, Ipuh, Air Rami, Seblat, Ketaun and Urei villages, who still inclined towards their tribal traditions under the leadership of a patrilineal chief, called the *Peroatin* (Kathirithamby-Wells, 1976, p. 72; Kathirithamby-Wells & Hashim, 1985, p. 11). As a semi-autonomous territory, Anak Sungai was led by a territorial *raja* from the Minangkabau royal family. The *raja* was the responsible territorial chief, and he cooperated with the regional genealogical leaders: Mantri

[64] The establishment of a *rantau* differs from one place to another. Heinzpeter Znoj suggests that the highland Jambi *rantau* developed a social structure which, in his words, "… is neither clearly matrilineal nor simply cognatic, and neither clearly kin-based nor truly territory-based". He maintains that this structure "has been the result of conflicting processes of adaptation to unsteady economic, political, and religious conditions that have shaped the region since the early modern period."(Znoj, 2009, p. 347).

XIV Koto of Manjunto, Mantri V Koto of Mukomuko, and LIX *Peroatins*.[65] Together, they added three sets of clan federations (or village groupings) to the existing clans of Indrapura, i.e. Mantri XX Koto. In this manner, the territory was administered via two political institutions with shared matrilineal ties to the Minangkabau royal family. One was autonomous Indrapura, the other was semi-autonomous Anak Sungai. Yet the people, partly due to their exogamous and uxorilocal 'clan' marriages, became integrated, and constituted a single unit of social structure, modelled after that of the Minangkabau matrilineal tradition.

In the second half of 15th century, driven by growing friendships with Aceh in the north and Banten in the south, Indrapura declared independence from Minangkabau. However, in 1633 it came under the Aceh domination, only later (in 1660) managing to reclaim its independence with support from the Dutch Eastern Indian Company (EIC) (Kathirithamby-Wells, 1969). The Dutch, who preferred a patrilineal succession, started to interfere with the royal succession by persuading Raja Muzaffar Syah to appoint his biological son, Muhammad Syah, as successor to the Indrapura throne, and his son in law, Sulaiman, as the new territorial *raja* of Anak Sungai. This appointment sparked a strong reaction from the incumbent *raja* of Anak Sungai, Raja Adil, who immediately declared war, with ready support from genealogical leaders in the region and the British EIC. The war ended with the triumph of matriliny and the declaration of Anak Sungai as an independent sultanate. Gulemat (1691-1716) became the first sultan to be assisted by *Mantris* of XIV, V Koto and LIX *Peroatins* (Kathirithamby-Wells, 1976, p. 72 and 81).[66] However, another

[65] The term *Mantri* is a title borrowed from the *Hindus* (Marsden, 1811, p. 354). In Mukomuko: (1) *Mantri* XIV Koto consisted of seven grandmother clans (*tujuh nenek*), five *Suku* clans (*lima suku*), the Sang Pati clan, and the Gresik Ketunggalan clan; (2) *Mantri* V Koto was comprised of the Datuk Rio Manyusun clan, the Datuk Rio Menang clan, the Datuk Rio Melan Putih Bubun clan, the Datuk Rio Sati clan, and the Datuk Rio Batuah clan, and; (3) LIX *Peroatins* was comprised of 59 villages, stretching from south of the Bantal river to the Urei river.

[66] The *Mantris* and *Peroatins* were charged with different tasks, according to their proximity to the royal capital. Menteri XIV Koto was the highest rank after the incumbent *Sultan*, followed by Menteri V Koto, and LIX *Peroatins*. Accordingly, Menteri XIV Koto were to serve the government at the capital, Menteri V Kota were to supply building materials and main-

event contributed to the potential overthrowing of the matrilineal system, when Sultan Kecil Muhammad Syah (1716-1728), under British influence, appointed his own son as his successor. This effort failed, as the genealogical leaders killed the sultan and appointed the rightful successor to the throne instead: Sultan Gundam Syah (1728-1752) (Kathirithamby-Wells & Hashim, 1985, p. 14). Afterwards, the sultanate achieved 'relative' stability and moved the capital to Mukomuko, a more stable location.

The sultanate's sovereignty did not last long, however, as the British increasingly gained control over the region. After a number of failed attempts to interfere with the matrilineal succession, the British eventually agreed to support Sultan Pasisir Barat Syah (1752–1789) in renouncing his sororal nephew, Zainal Abidin, from the next succession. Instead, he appointed his biological son, Khalifatullah Inayat Syah (1789-1816), as the next sultan of Anak Sungai (Znoj, 1998, pp. 106–110).[67] This appointment, as Znoj maintains, was driven by a mutual interest between the monarchical sultan and the declining British EIC against the rightful prince, whose popularity – notably, among hinterland people - had roused their jealousy. The incumbent sultan was now to maintain the *status quo*, whereas the Company, which had been downgraded from Presidency to Residency two years earlier, was to control alternative commodities from the interior (Znoj, 1998, p. 110). In 1811, the alliance eventually defeated Zainal Abidin and matrilineal supporters, but at severe cost. The sultanate became increasingly dependent on the British EIC, and the Company's bid for alternative commodities proved futile, as the hinterland trade

tain security, and *Peroatins* were to lead villages in the southern part region, ranging from Ipuh to Ketaun (Kathirithamby-Wells & Hashim, 1985, pp. 11–14).

[67] According to the official account, the patrilineal revolution occurred earlier, during the appointment of Sultan Pasisir Barat Syah (1752–1789). Zainal Abidin, the heir apparent, was reported to be the oldest son, rather than the sororal nephew of Sultan Pasisir Barat Syah (Farmers, 1822, p. 13; Kathirithamby-Wells & Hashim, 1982; Kathirithamby-Wells & Hashim, 1985; Marsden, 1811, p. 354). In contrast, Znoj suggests that the revolution was likely to have happened later, in 1789, during the appointment to the throne of Khalifatullah Inayat Syah. He further argues that the official account pertaining to this revolution "was part of the symbolic violence they [the British EIC] used to further their interests, which consisted in isolating the circumscribed *patriclan* of the Sultan from the rest of the local elite, the *Menteri Empat Belas*." (Znoj, 1998, pp. 106–110)

and economy shifted to more prosperous trade on the East Coast of Sumatra (Kathirithamby-Wells, 1993, p. 78). More importantly, this succession, i.e. the patrilineal revolution, reduced the sultanate's legitimacy before the genealogical leaders, especially *Menteri Empat-Belas*, as the staunch defender of matriliny.

3.2.2 The collapse of the Anak-Sungai sultanate and persisting traditional structure and institutions at village level

The previous section showed how, once, Mukomuko was a stronghold of the matrilineal system (cf. Hadler, 2010). This system had been shaping the royal succession up until the 1789 revolution, when Sultan Pasisir Barat Syah (1752–1789) appointed his own son, Khalifatullah Inayat Syah (1789-1816), as sultan. Ironically, this patrilineal revolution marked the collapse of the sultanate. In 1804, the British Company prohibited Sultan Khalifatullah Inayat Syah from collecting tributes (*upeti*) from peripheral regions, in exchange for appointing him as a local assistant to the British EIC, with a monthly salary of 600 ringgits (Bastin, 1965).[68] Following the 1825 transfer of this region from the British to the Dutch, the situation worsened, culminating in the sultanate's abolition in 1870.

In order to understand how the traditional structure and institution experienced these important events, this section raises the following questions: How did the 1789 patrilineal revolution affect the sultanate? How did the sultanate adapt to the latter local government system introduced by the Dutch, i.e *marga,* and the sultanate's abolition in 1870? Ultimately, how did the institution of *marga* (the native government at the time) adjust to Law 5/1979, formally abolishing it? As we will see in this section, the matrilineal structure and institutions eventually disappeared at supra-village level, but they managed to survive at the lower level of village and sub-village.

[68] The chief (*kalipas*) of Manna once said of the complementary roles of Company officials and *adat* chiefs that, "*the Law of the Country is in [the chiefs'] hands, and … the power is in the hands of the Company.*" (Kathirithamby-Wells, 1973, p. 251)

During the early period of the British EIC, the Anak Sungai sultanate was both the supreme *adat* and territorial leader. Company participation was limited to external native affairs, such as politics, trade, and defence. It would only interfere by offering advice, if its monopoly over trading was in jeopardy (Kathirithamby-Wells & Hashim, 1985, p. 13). However, the British EIC gradually abandoned this approach by introducing deliberation fora (*bicara*) made up of local elites, including *Tuanku*, *Mantris*, and *Peroatins*. For example, in 1713 the Company arranged a *bicara* with local elites, to resolve a dispute regarding royal succession, and to restore the stability and economy of the region (Ball, 1984, p. 48). In another *bicara*, the Company persuaded Sultan Gundam Syah (1728-1752) to deliver proclamations and orders to his people, which supported forced cultivation. The same *bicara* granted the Company the privilege to make direct contact with village leaders, in order to control cultivators whilst they were working in their respective fields. The Company even interfered directly with *adat*, notably in criminal matters, when it initiated a *bicara* to abolish the application of *bangun* (blood money). Further, the Company stipulated that territorial chiefs were no longer free to attend a customary *bimbang* (wedding feast), in case they neglected their fields (*ladang*) as a result (Kathirithamby-Wells & Hashim, 1985, p. 16). These interferences undoubtedly reduced the native authority, but the sultanate remained a self-contained government.

In 1789 the native government underwent a patrilineal revolution, influenced by the British. This made the sultanate increasingly dependent on the British administration, following the loss of support from genealogical leaders who were opposed to the revolution. In exchange for British support, the sultanate was no longer allowed to arrange deliberations (*bicara*) or settle crucial matters without involving representatives from the British EIC (Ball, 1984, p. 144). As mentioned above, in 1804 the British EIC appointed the incumbent sultan as a salaried local assistant and, in exchange, prohibited him to collect tributes; such tributes had formerly symbolised central-peripheral unity

(Bastin, 1965). This appointment brought two major setbacks for the incumbent sultan. One concerned the loss of support from his people at the bottom, and the other concerned him increasing his peoples' subjugation under the British administration. At the lower structural levels, genealogical and village group leaders remained the symbolic guardians of *adat*, but they were less involved with the British administration. Meanwhile, village leaders (*kepala dusun*) managed to secure important positions. In their respective villages, they simultaneously became *adat* leaders and the main British front-collaborators in supervising the forced cultivation system (Kathirithamby-Wells & Hashim, 1985, p. 16). Figure 3.2.2.1, below, details the local structure before and after the 1789 revolution.

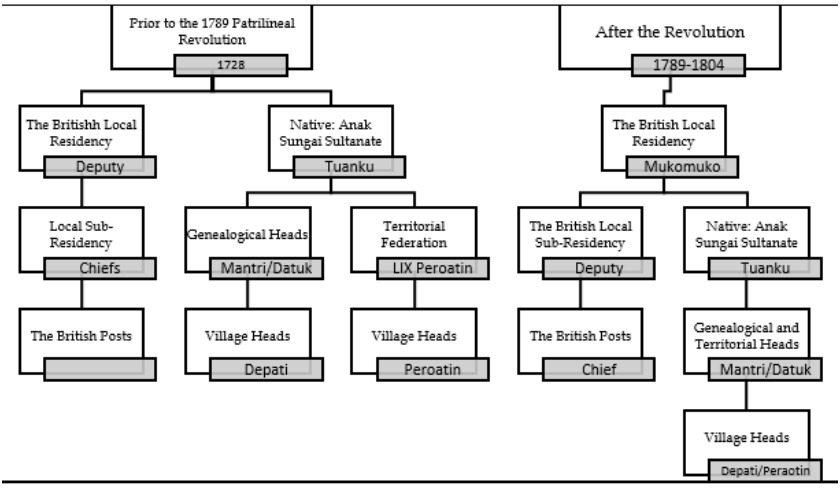

Figure 3.2.2. 1: Native government after the 1789 patrilineal revolution

This figure shows how increasing British interference subjugated the native government to the British administration. It restricted the positions of the sultan and the upper-village federation leaders, i.e. *Mantri*, *Datuk* and *Peroatin*, to the *adat* sphere, the only exceptions being the village leaders. This condition lasted until the British EIC withdrew its deputy and chiefs from Mukomuko in 1820, in an attempt to reduce financial expens-

es. The Company appointed lower officers as replacements, i.e. a supervisor and agents. Ironically, this withdrawal trapped the new administrators in an uncomfortable position. In addition to their predecessors' policy, which weakened the native government, they were poorly equipped, both financially and institutionally. This situation caused a 'vacuum' of power, which led to instability that lasted until the British EIC ceded Bengkulu to the Dutch colonial state in the Anglo-Dutch Treaty of 1824. Even a decade after the transfer, the economics and sociopolitical situation in Mukomuko remained unstable. A number of villages were burned by the inhabitants, plantations were destroyed by cultivators, and the inhabitants themselves were scattered throughout the woods, hindering the monarchical sultanate (Bogaardt, 1958, pp. 30–31). Stability was only restored later, in 1836, when people returned to their home villages and the Mukomuko markets started to attract traders again.

In restoring stability, the Dutch colonial state began by establishing Mukomuko *onderafdeling* as part of the Lebong *afdeling*, while retaining Anak Sungai sultanate as a separate administration for the natives. The Dutch adjusted the sultanate to its *onderafdeling* administration, by dividing the region into five administrative districts and several sub-districts. Given this adjustment, the sultan appointed a *pembarab* in each district, a *depati* or *Peroatin* in each village, and a *pemangku* in each sub-village, under his direct command. Meanwhile, the genealogical heads (*Mantris*), and probably also the leaders of village groupings (*Peroatins*), became less involved and their presence in the sultanate court was merely symbolic (Bogaardt, 1958, pp. 26–27). In this manner, the sultan in power, who was becoming more monarchical, emerged as the sole authority for the natives within the Dutch administration of Mukomuko *onderafdeling*—a status which had been heavily reduced during the time of British interference. Later, in 1862, the colonial state introduced the institution of *marga* to this sultanate as a pseudo-federation of villages headed by a *pasirah*, albeit in Mukomuko the old denomination

of *Mantri* was retained for the position of *pasirah*. This policy revived the old institution of *Mantri* as an intermediary position between the sultan and the villages (Adatrecthbundel VI, 1913, p. 330 and 332); together, they now constituted a hierarchical native government.

Under the *marga* system, the native government remained exclusive and separate from the Dutch administration. Later, the Dutch started to promote *Mantris* as their main local collaborators, rather than choosing the acting sultan or village leaders. This strategy arose from the Dutch bid for a more effective approach, and their lack of sympathy for the existing sultan. Accordingly, the Dutch administration privileged the *Mantris* over village leaders (*depati* and *Peroatin*) whose positions had become less central. As a result, the monarchical sultan, who no longer had the sympathy of either his people or the colonial government, started to lose power, culminating in its dissolution in 1870. From that point onwards, the native government became integrated with the Dutch administration. Meanwhile, the *Mantris*, leading a group of villages and sub-villages, managed to maintain their roles in their respective territories. Nonetheless, little is known about whether the appointment of *Mantri* was arranged according to the traditional succession of *Mantris* and *Peroatins*, or according to the Dutch appointment procedure. If the former were true, the adoption of *marga* was a shift in authority from the sultanate to genealogical and territorial leaders. If the latter were true, the *Mantri* was a mere local assistant to the Dutch. Further research is required on this matter.

In the second half of the 19th century, the institution of *marga* had transformed into a fixed territory with boundaries, under the direct coordination of the Dutch *onderafdeling* of Mukomuko (Colombijn, 2003, p. 2010; Galizia, 1996, p. 41). Figure 3.2.2.2, below, portrays the native government shift from separate to integrated administration.

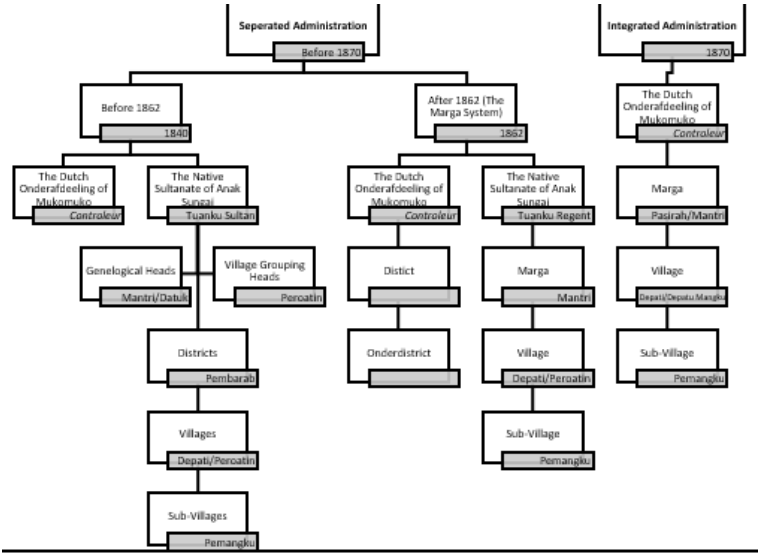

Figure 3.2.2.2: The native administration before and after the sultanate abolition

After this integration, the *marga* leaders served the Dutch *controleur* as their master, up until the Japanese occupation (1942-1945), when the Japanese appointed *gunco* to replace the *controleur*. The *gunco* was responsible for *Gun*, which was 'equivalent' to the Dutch *onderafdeling* and subsumed into the Japanese army zone at Bukit Tinggi. Little is known about the impact of their presence on the native government, but it is likely to have been only slight, considering their 'weak' presence in Bengkulu (Soebadio, 1978, p. 93). After the 1945 proclamation of Indonesian independence, the institution of *marga* was supposed to become integrated with the Indonesian government. However, integration never really happened, because the government perceived it as a feudal and colonial remnant. As a result, the institution of *marga* was gradually done away with. In 1956, the registration of marriages, and the resulting revenues, were transferred from being handled by *marga* to being arranged by the Office of Religious Affairs (KUA). In 1960, the South Sumatra *adat* court, which had been formerly under *marga* jurisdiction, was formally abolished (Lev, 2000, p. 31). In the same year, indi-

vidual and *adat* rights to claim land ownership were overridden by the state, in the name of the public interest, which undoubtedly reduced the economic significance of *marga* (Galizia, 1996). The institution of *marga* eventually disappeared in 1979, when Village Administration Law 5/1979 came into force.

Law 5/1979 replaced the institution of *marga* with *desa* (village), shifted local authority back to village leaders (*kepala desa*), and divided each *desa* into smaller units of *dusun* (sub-village). This denomination, as Galizia suggests, caused much resentment among the people of South Sumatra, because *dusun* was the term they had always used for a whole village. By employing this term to mean a sub-village, they felt that the law devalued their villages. The introduction of *kelurahan* to mean the lowest administrative category in urban areas was even worse, because it symbolised the ongoing *Javanization* of Indonesia (Galizia, 1996, p. 144). In Mukomuko, the terms *kepala desa* (for the leader of a village) and *kepala dusun* (for the leader of a sub-village) were equally misleading. The closest equivalents were *depati* (for *kepala dusun*) and *pemangku* (for a sub-unit leader under *kepala dusun*). Theoretically, the enactment of Law 5/1979 would imply the elevation of *depati* to the rank of *kepala desa* and *pemangku* to the rank of *kepala dusun*. Yet, according to the 1822 *Undang-Undang* of *Moco*, the position of a *pemangku* was 'optional', being appointed to assist a *depati* and not necessarily the head of a sub-unit of *dusun* (Adatrecthbundel VI, 1913, p. 326); therefore, Village Administration Law 5/1979 posed a threat to local elites. However, the 'late' presence of the state enabled leaders of traditional villages to continue their function without much intervention.[69] They remained the *dusun* leaders, in the traditional manner, and the election of a completely new *kepala desa* rarely occurred.

The late presence of the state to Mukomuko and the persisting roles of village elites made the transfer of authority from

[69] Prior to the regional secession of Mukomuko, in 2003, only two sub-regencies and a few village administrations covered an area of 4,037 km^2.

marga to *desa* relatively smooth. Compared to Rejang tribes from the southern hinterland, the Dutch invention of *marga* meant shifting local authority from an autonomous village to a 'pseudo' federation of villages, under the leadership of a single person called the *pasirah*.[70] As a result, local elites disappeared at village level, and the enactment of Law 5/1979 dealt a deadly blow to the institution of *marga* as representing the last remnant of local structures and institutions. Moreover, the Dutch administration, in collaboration with the *pasirah*, codified and introduced several reforms to their customary norms. At first, this codification was rarely used, but later, "along with the major setback of elders and the bureaucratic tendency to rely on written records," it was increasingly perceived as an objective representation of the 'old good' (Galizia, 1996, p. 137). Hence, as well as being estranged from their traditional implementing structures and institutions, the villagers were also estranged from their own norms. However, this was not the case in Mukomuko, where the leaders of traditional villages still played considerable roles under the system of *marga.* This background, coupled with strong genealogical ties between traditional villagers, enabled the villagers and their elites to survive the Village Administration Law 5/1979.

Under the Village Administration Law, the existing *adat* structures and institutions were 'transplanted' into state administration. This appeared (among other things) in the election of *kepala desa* and the appointment of *kepala dusun,* which usually involved elite *adat* members. The involvement of *adat* somehow resulted in mutual benefit. While the village leaders gained legitimacy within *adat*, the elite *adat* members secured their position within the state institution. Such cooperation was crucial for village leaders, who were not only expected to be political leaders but also administrators representing the central government. These expectations were problematic, because state presence in this area was considerably weak, and financial and institutional

[70] Galizia maintains that: "most of the authority ascribed to the *Pasirah* was taken over from a former council of elders (*Tuai Kutai)* where one of them was considered to be wiser and elder but certainly not their ruler." (Galizia, 1996, p. 136)

support was inadequate for supporting both political leadership and administrative representation. Therefore, village leaders would cooperate with the elite *adat* members. Conversely, elite *adat* members would support an incumbent village leader, in exchange for their place within a village administration. However, this mutual cooperation met with challenges when the local government established *Lembaga Adat* (LA, or an *Adat* Institution) in every village, in an attempt to eliminate the influence of *adat* on village administration. We will return to this issue in Chapter 4 (Section 4.2.2). For the time being, this section limits discussion to the trajectory of Mukomuko history, as summarised below.

	The Kingdom Era	The British EIC Era			The Dutch State Era		The Japan Era	The Indonesian Independence				
The Ruling Regimes	Prior to 1691	1691 – 1728	1729 – 1786	1816 – 1825	1825 – 1870	1870 - 1945	1942-1945	1946	1950	1967	1976	2003
	Indrapura Kingdom	The British EIC's Non-Interference Policy	The British EIC's Non-Interference Policy	The British EIC's Interference Policy	The Dutch State's Interference Policy	The Sultanate Abolition	The Japanese Occupation	South Sumatra State	South Sumatra Province	Bengkulu Province	North Bengkulu Regency	Mukomuko Regency
The Status	A Semi-Autonomous Region	An Autonomous Region	Anak Sungai Sultanate	An Occupied Sultanate	An Occupied Sultanate	An *Onderafdeling*	A *Gun*	*Marga* or an Equivalent Institution			Sub-Regencies	A Regency
The Capital	Manjunto	Manjunto	Mukomuko	Mukomuko	Mukomuko	Mukomuko	Mukomuko	Mukomuko			North and South Mukomuko	Mukomuko
Persons in charge	The Minangkabau's Royal Representatives	Raja Adil	Anak Sungai Sultanates			The Dutch *Controleurs*	The Japanese Gun-Tyo	*Pasirah* or *Mantri*			Sub-Regents (*Camat*)	A Regent (*Bupati*)

Figure 3.2.2.3: The trajectory of Mukomuko's history under different regimes

This figure shows how the collapse of the sultanate in 1870 marked a turning point for Mukomuko, as it became a region of little importance. Mukomuko became a 'neglected' *onderafdeling*, supervised by a Dutch *controleur* (G. F. Davidson, 1846, pp. 78–79).[71] The region then became increasingly marginalised under subsequent regimes: the Japanese era (1942-1945), and the early years of Indonesian independence. For nearly 60 years following independence, Mukomuko was a mere sub-regency (*kecamatan*) of North Bengkulu. The pejorative term, *pulau di atas*

[71] In 1919 Mukomuko was an *Onderafdeling* under Lebong *Afdeling (Ingevolge* St. 1991 No. 533), and in 1922 this status was restored (*Ingevolge* St. 1922 No. 66). Apart from being neglected, local affairs were likely dealt with by *pasirahs* and *depatis*, in collaboration with the genealogical representatives (*kaum*) in each sub-village.

pulau (an island upon an island) was often used to highlight its isolation from the surrounding regions. As such, Mukomuko was barely accessible from either Bengkulu in the south or the capital of West-Sumatra in the north. Stretching along its western edge was the Indian Ocean, and its eastern part was Kerinci-Sebelat National Park. This condition enabled the *adat* to remain in full operation among the natives, without much intervention from outside. In Talang Buai village, for instance, even though a village leader was appointed via an election, the elected candidate had to arrange a *bicara* council, in order to gain legitimacy in the eyes of elite *adat* members, by slaughtering a goat and delivering a *khutbah tengah padang* (an *adat* sermon). The village leader would otherwise have remained a mere administrative head, with limited political influence on local people.

Figure 3.2.2.4: A bicara *(deliberation) council to legitimise an elected candidate of* kepala desa*, according to the* adat *(right-hand image: Talang Buai village at noon)*

The unique encounter between the *adat* and the village institution representing the state, was no longer the only feature of Mukomuko. The situation changed when a number of important events started taking place, ranging from mass transmigration, to large-scale plantation development, to the establishment of the Mukomuko regency. As we will see in the following section, these events would all contribute to shaping a contemporary Mukomuko society that is comprised not only of the *adat* community but also a staggering number of migrants, notably from the island of Java.

3.3 Contemporary Mukomuko: Society and Settlements

The previous section has shown that being isolated and neglected was advantageous to the preservation of *adat* among traditional communities in the upstream-downstream (*hulu-hilir*) villages. However, in the final two decades of the 20th century the communities were exposed to a wave of mass migration due to a number of unprecedented events. In the 1980s, Mukomuko became a mass transmigration destination as a result of a number of state-sponsored programmes. In the 1990s, when many private companies started to invest in oil palm and natural rubber, the region experienced rapid growth in large-scale plantations, which attracted migrant workers to settle in the plantation enclaves throughout Mukomuko. In 2003, after a lengthy process starting as early as 1971,[72] Mukomuko gained regional autonomy (*pemekaran daerah*) through the passing of Law 3/2003. This autonomy accelerated the development of the region and attracted even more migrants as job seekers, traders, and the like. As a consequence, Mukomuko has become home to a large number of migrants. According to the 2010 census, 40.37% (or 62,878) of the population were migrants, and 59.63% (or 92,875) were natives.[73] Together, they constitute the so-called local population of contemporary Mukomuko.

Following the establishment of the Mukomuko regency, the existing villages started to grow and most transmigration enclaves became villages. Nowadays, there are 15 sub-regencies, which are divided into 152 independent villages across the region: 148 official villages, three *Kelurahan* (the lowest administrative category for urban areas), and one *Unit Pemukiman Transmigrasi* (Transmigration Settlement Unit, henceforth UPT). In addition, a number of strategic areas have been transformed into market and administrative centres. According to the 2020 census, there are now 43 market centres, with Ipuh, Penarik, Kota Mukomuko

[72] Interviews with Hendra Cipta, a native and learned activist involved in the early days of Mukomuko's secession, Mukomuko, 13 May 2017.

[73] The number of 'migrants' is likely to be even higher, since the second generation of migrants, who were born in Mukomuko, were considered to be natives in this census.

and Lubuk Pinang (and seven more) being the most developed (*Mukomuko Dalam Angka* 2021, p. 187). The developed units eventually became urban centres, where people of different backgrounds live side by side. Therefore, apart from the *hulu-hilir* and enclave settlements, the emerging urban centres are an important feature of Contemporary Mukomuko. By employing these geo-spatial characteristics, Figure 3.3.1 (below) divides the population of Mukomuko into three categories: (1) natives, who live in the upstream-downstream (*hulu-hilir*) villages; (2) migrants, mostly from the island of Java, who are scattered in newly-established villages within the former transmigration enclaves; and, (3) a mixture of categories 1 and 2, residing mostly in the emerging urban centres.

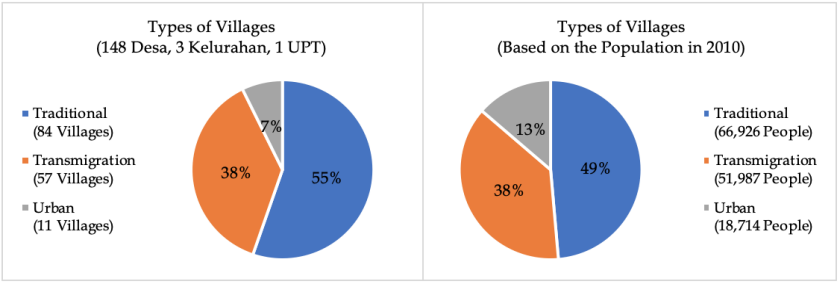

Figure 3.3.1: Typologies of the Mukomuko population (residents of 10-years old and over)

This figure shows that traditional villages constitute more than half of the total villages in contemporary Mukomuko. However, when it comes to the combined population in each village, the 2010 former transmigrant enclaves and urban centre population already outnumbered that of the *hulu-hilir* villages.[74] Unfortunately, I could not confirm this number by using the recent 2020 census, since the equivalent data (including the population in each village) have not been made publicly available. Further

[74] The data I obtained from BPS Mukomuko includes the following criteria: never married; married; divorcees (*cerai hidup*); and widowers and widows (*cerai mati*). This source excludes 18,126 people, who were under ten-years-old at the time, but it still provides a general picture of the spread of the Mukomuko population in each village, over time.

research is required, but I assume that the ratio remains the same, considering the relatively steady rise of the Mukomuko population over the last 10 years. In 2020, the Mukomuko population increased by 22.3 percent, from 155,753 people in 2010 to 190,498 in 2020. This number constitutes 9.47% of the whole population of Bengkulu (or 2,010,670 people) and Mukomuko is the 5th most populous regency out of the ten regencies in Bengkulu (*Mukomuko Dalam Angka* 2021, p. 33). For the time being, this number and trend will suffice to depict that, no matter how different its geo-spatial territories may now be, Mukomuko society can still be classified according to them, as follows: traditional *hulu-hilir,* migrant enclaves, and urban centres. These classifications will help us gain a better understanding of the way in which people conclude marriages and obtain divorces.

3.3.1 The natives and their *hulu-hilir* villages

The *hulu-hilir* geospatial territory is a unique feature of the Malay world. The word *hulu* conveys the meaning 'upstream', and is usually associated with hinterland. Meanwhile, the word *hilir* means 'downstream', designating strategic river-mouth (*kuala*) locations. Etymologically, the word *hulu* is associated with the 'handle' of a *kris*, knife, axe, or similar. This association is perhaps more than coincidental, considering the vital role of the *hulu* for the *hilir*, just like the handle for the *kris* (Kathirithamby-Wells, 1993, p. 80). In the past, *hulu-hilir* integration was maintained through political-economic exchanges in the forms of *serah* and *larangan diraja*. The former constituted "a fixed proportion of a variety of marketable products surrendered to chiefs and appanage (*jajahan*) holders functioning as the ruler's representatives", whereas the latter was "the imposition of a royal monopoly over exotic and valuable forest products" (Kathirithamby-Wells, 1993, p. 82). Apart from being the centre of a polity, the *hilir* was therefore dependent on *hulu* territories, which constituted its appanages but were also relatively autonomous. Thus, *hulu-hilir* unity was fundamental to the viability of the Malayan polity. Otherwise, the central polity at the *hilir* would not be able to extend

its monopoly to include the resource-rich *hulu*, and the *hulu* territories would channel their resources toward a different *hilir* outlet.

By adapting Bronson's hypothesis (Bronson, 1977) to the East Sumatran polities before the mid-19th century, i.e. the Batang Hari river of Jambi, the Musi river of Palembang, Kampar, and the Indragiri rivers of Siak, Kathirithamby-Wells argued:

> "…temporary disruption of upriver-downriver relations was offset by initiatives from the *hulu*. Alternate routes via adjoining river systems were utilised by *hulu* communities to sustain coast-interior trade during periods of tension. Equally, *hulu* co-operation proved imperative for restoring the effective functioning of the *negeri*. These factors contributed to the less coercive and more egalitarian structure of the Malay polity, relative to the mainland agrarian states" (Kathirithamby-Wells, 1993, p. 92).

She adds that, unlike the earlier interpretation of the monopoly that *hilir* had over *hulu* territories (Gullick, 2020), *hulu-hilir* interaction was not mutually exclusive and was in fact "fundamental to the political economy of the Malay world, spanning territories from as far as Barus in west Sumatra to Banjarmassin in Kalimantan" (Kathirithamby-Wells, 1993, p. 91). By shifting the focus on the West Coast of Sumatra, we will encounter the same composition of *hulu* and *hilir* territories, even though their interaction has been shorter and less complex than their equivalents on the East Coast. One aspect specific to Mukomuko is that it was once an alternative outlet to the Jambi hinterlands. Later, however, following the decline of the British EIC ports on the West Coast in the 18th century, Mukomuko became less commercially viable, as people from the hinterlands preferred to channel their resources toward more prosperous market outlets on the East Coast of Sumatra (Kathirithamby-Wells, 1986; Znoj, 1998, 2009). As we can see in Figure 3.3.1.1, below, smaller scale *hulu-hilir* integration remained a defining feature of the geospatial polity of Mukomuko.

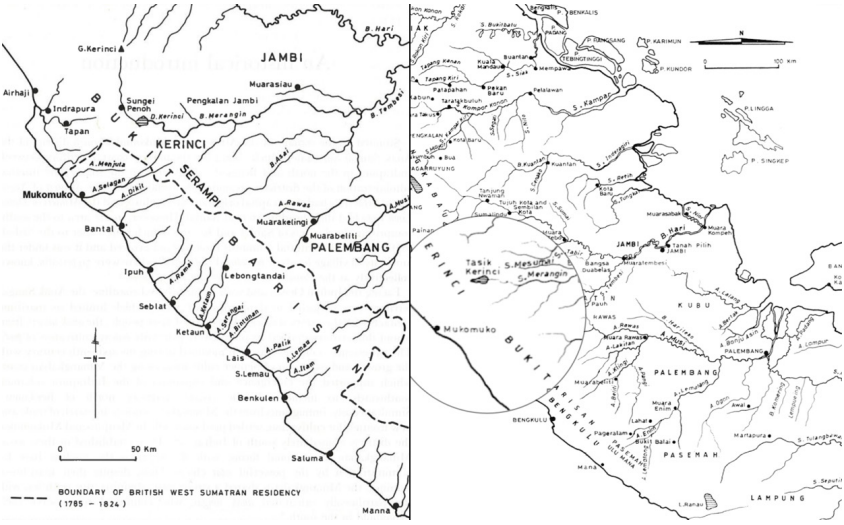

Figure 3.3.1. 1: Smaller scale of hulu-hilir *relations in Mukomuko on the West Coast (lefthand) and the main* hulu-hilir *polities on the East Coast (righthand)*[75]

This figure shows that contemporary Mukomuko can be projected back to the former region of the Anak Sungai sultanate. The name 'Anak Sungai', which means 'a watercourse', reflects the geospatial territories of this region as comprising 'little' *hulu-hilir* units, spanning from the Manjunto river in the north to the Ketahun river in the south. Together, following Hall's line of argument on the formation of Samudra Pasai (Hall, 2001),[76] they fused with Mukomuko into a single polity, the estuary of Selagan river as the capital and its upstream, and the other small *hulu-hilir* units as its appanages. Representatives of each unit were to serve an incumbent sultan, who acted as a *primus inter pares* between them. Meanwhile, the representatives were divided according to their proximity to the royal capital. *Mantri* XIV of the *hulu-hilir* of Man-

[75] The lefthand map was retrieved from "The Syair Mukomuko" (Kathirithamby-Wells & Hashim, 1985, p. 12). The righthand was retrieved from Kathirithamby's adaptation of Bronson's working hypothesis on *hulu-hilir* relations (Bronson, 1977, p. 42; Kathirithamby-Wells, 1993, p. 79).

[76] Writing on Samudra Pasai as the first Islamic polity in Southeast Asia, Hall argued that the newly converted Sultan of Samudra Pasai managed to integrate disparate upstream and downstream clusters into a single polity by mediating (among other things), between Islamic and local beliefs (Hall, 2001).

junto was the first rank after Sultan, while *Mantri* V Koto of Selagan river upstream and the Bantal river *hulu-hilir* was the second rank. The *hulu-hilir* of Ipuh, extending as far as the Ketaun river, were represented by a village leader, i.e. *Peroatin* LIX (see Section 3.2.1 of this chapter; Kathirithamby-Wells & Hashim, 1985, pp. 11–14). This central-peripheral unity started to decline when the British EIC increased its interference in the sultanate, and ended when the Dutch administration abolished the sultanate, in 1870. However, as mentioned above, the elites of *adat* and the *adat* community both managed to survive at village level.

Nowadays, 84 of the 153 villages (54.9%) are *hulu-hilir* villages, whose inhabitants adhere to traditional *adat* (customary norms). In fact, one village does differ from all the others, but overall, and notably in the upstream (*hulu*) villages, *adat* remains strongly observed. In arranging a marriage, for instance, male and female adults perform different tasks, which usually take place on a Friday, when the villagers have a day off work (see Figure 3.3.1.2, below).

I observed a number of wedding rituals, such as *nanam kelapo* (planting a coconut tree) and *khataman* (a final test of Quranic recitation) for the bride (see Figure 3.3.1.3, below). *Nanam kelapo* is a procession, where a bride and a groom exchange coconut seeds and plant them near their future house, not only to symbolise their union but also to provide a sustainable source for the local cuisine that uses considerable amounts of coconut cream. After completing this ritual, as in a registered marriage, the elite members of *adat* invite a Penghulu KUA (an official marriage registrar) to witness the pronouncement of *akad* (a marriage covenant, or contract). Afterwards, usually the night after the *akad*, the 'bride', since she is still not married according to the *adat*, will be required to demonstrate her proficiency in reciting the Qur'an before her tutor. Next, the guests will celebrate her *khataman* with supper and prayer. Only then will the elites of *adat* invite the bridegroom to have a customary title bestowed upon him and formalise the wedding culturally (*bersanding duo*).

Figure 3.3.1.2: Preparation for a wedding feast

While the proper steps of *nanam kelapo*, *khataman*, and *bersanding duo* are usually observed in a first marriage (*cara-gadis*), it is common to bypass them in a second marriage (*cara-randa*). The *cara-randa* refers to the marriage of a widow or divorcee to a bachelor, a widower, or a divorced man. Meanwhile, the marriage of a widower or a divorced man to a maiden still counts as a first marriage. In another village, situated next to a private company estate, weddings are often arranged on weekends, so that the villagers who work at the private estate can participate. In some downstream villages, as in the capital and several market centres, weddings are usually simpler, as the community is already heterogenous, but we will discuss this category later (in Section 3.3.3 of this chapter, on emerging urban centres).

However, no matter how simple the wedding is, membership of a particular clan (*kaum*) is still mandatory for traditional villagers, and their reliance on the *kaum* leader throughout the process is strong. The villagers' reliance on *kaum* and the elite members of *adat* is also observable when marital disputes are resolved and divorces are formalised for daughters. Further, village *Imams*, as a *pegawai syarak* (or a religious functionary), and the elite members of *adat*, will offer help in terminating marriages out-of-court. We will address these subjects in more details in Chapter 4.

Figure 3.3.1. 3: Nanam kelapo and a bride's *khataman*

In the following section, we will discuss another category of Mukomuko society, i.e. migrants, who are scattered throughout transmigration and plantation enclaves. Just like the *hulu-hilir* villagers, enclave migrants have become another unique characteristic of Mukomuko's local population.

3.3.2 The migrants and their enclave villages

The first mass migration in Indonesian history can be traced back to the Dutch colonisation programme, which can be divided into an experimental period (1905-1929) and a post-experimental period (1930-1941). This programme aimed to distribute people from the dense island of Java to more sparsely populated islands, either to develop agriculture (as in Lampung), or to address a shortage of workers in plantations and mines (as in East Sumatra). In Bengkulu, specifically, the migrants were sent to open up uncultivated land, not only in remote areas but also in areas around existing plantations and mines. Therefore, their presence served both purposes: a boost for agriculture and a supply of "coolies" for plantations and mines (Lindayanti, 2006, p. 301).

During the experimental period, migrants in the Bengkulu colonies were dominated by Sundanese people, who arrived between 1907 and 1929 and settled in the Rejang hinterlands and Kepahiang tea plantations, as well as in the Lebong mines.[77] During the post-experimental period, migrants in Bengkulu were

[77] The population of the Sundanese colony increased from 282 people in 1914, to 496 people in 1918 (Lindayanti, 2006, p. 305).

predominantly Javanese. Unlike their predecessors, the Javanese migrants, who arrived between 1930 and 1940, were only involved with agriculture in the Rejang, Lebong, Lais, and Bengkulu regions.[78]

During Japanese occupation (1942-1945), no additional migrants arrived in Bengkulu. People's mobility in Bengkulu only occurred voluntarily within the existing colonies and Japanese forced-labour centres. For instance, many migrants left their colony to seek a job in the Rejang-Lebong gold mines. Otherwise (as experienced by those who stayed), they risked being drafted into Japanese forced labour to build a railway in Palembang (Lindayanti, 2006, p. 307). This situation lasted until the declaration of Indonesian independence in 1945.

From 1945-1950, Dutch (and other European) planters immediately started renovating their plantations. During this period, migrants came from the poorest parts of the *kabupaten* (regency); some from neighbouring *kabupaten*, but no further away. In 1950, Sukarno started dealing with plantations. The main problem with this was that the management was usually still Dutch, and most Indonesians worked in positions below the level of *mandur*. After the nationalisation of Dutch plantations and other foreign companies in 1957/1959, the military (TNI) was recruited to manage the plantations because local people had no training in running a business, even though they knew a lot about the plants. Sugar and tobacco were the first important crops to be nationalised, and other plantations followed (Houben et al., 1999; Sutter, 1959; Wasino, 2018).

In parallel with the nationalisation of national assets (mainly the foreign plantations), the newly independent state of Indonesia, also known as the Old Order (1945-1968), resumed its dispatch of migrants to Bengkulu by launching the 'transmigration' programme in 1950. This period, known as *Pra-Pelita*, ran from 1950 to 1968. Under the New Order (1966-1999), the transmi-

[78] In 1940 there were 31 colonies throughout Bengkulu, with a total population of 7,749 (Lindayanti, 2006, p. 310).

gration programme developed into six batches of *Pembangunan Lima Tahun* (*Pelita*, or the five-year development).[79] Over the course of this period, different groups of people were brought to transmigration enclaves (UPT) outside Java. The dispatching of transmigrants to Bengkulu up until 1985 can be seen in Figure 3.3.2.1, below, but their initial arrival in Mukomuko began during the third batch of *Pelita* (*Pembangunan Lima Tahun,* see the yellow dot in Figure 3.3.2.1). Yana, one of my interlocutors, and other elders from Mukomuko confirmed this; they welcomed the first group of transmigrants in 1980s. Yana told me during my interview: "I still clearly remember their first arrival, when a military shipping plane (Hercules) landed at the emergency airport in Mukomuko, around 1980, carrying transmigrants from Java".[80]

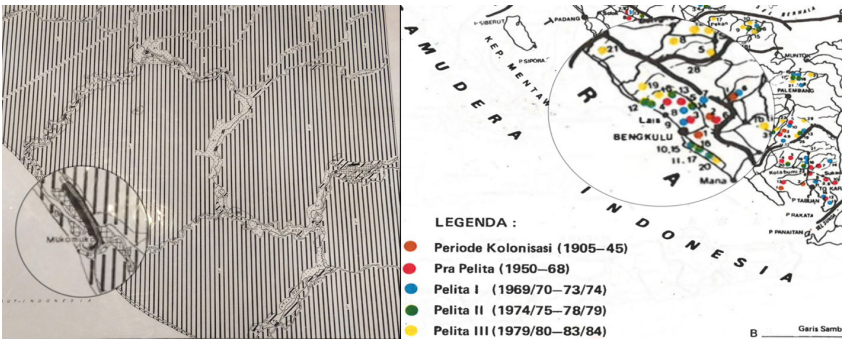

Figure 3.3.2.1: Mukomuko in 1970 and transmigrant expansions 1905-1984[81]

During the subsequent period of Indonesian independence, a number of transmigration units evolved all over Mukomuko via various schemes,[82] from Pelita IV to Pelita VI (1984-1999),

[79] Pelita I (1969-1974), Pelita II (1974-1979), Pelita III (1979 -1984), Pelita IV (1984-1989), Pelita V (1989-1994), and Pelita VI (1994-1999) (*Departemen Transmigrasi* 2008, 20-30).

[80] Interviews with Yana and some elders from Mukomuko and transmigrant villages, on 19 March 2017.

[81] This lefthand map was retrieved from *Direktorat Landuse Departemen Dalam Negeri* 1970, and the shaded part is considered to be forest. The righthand was retrieved from *Transmigrasi di Indonesia, 1905-1985* (Swasono, 1985).

[82] Among these are the Ordinary, Social (a disaster evacuation), *Bedol Desa* (the resettlement of an entire village), *Bangdep*, and Plasma (smallholders within the NES model, or Nucleus Estate and Smallholders – PIR, in Indonesian, or Perkebunan Inti-Plasma for local people, and PIR Trans for migrants) transmigrations.

Reformation (1999-2000), *Gotong Royong* (2001-2003), and Indonesia Bersatu (2004-2014). The most recent unit established (in 2011) is Trans Lapindo, which was created for the victims of the Lapindo mud flow disaster.[83] However, this plan did not work well, following a disappointing visit to the location by victims' representatives. To reach the location, as I experienced myself during my fieldwork, people had to make an at least eight-hour road trip: four to five hours from Bengkulu airport to the nearest intersection, and three hours to the nearest village (Gajah Makmur), then another hour to the settlement. In heavy rain, the journey would require more hours (or even days) to complete, as the road connecting the intersection and the unit would be blocked by mud. Consequently, people refused to migrate to this unit. This led the government to offer the settlement to the general public, under the name of Lubuk Talang. The complexities regarding establishment of this unit are best described in the following figures, which criticise the shortage of productive land in Mukomuko and provide a portrait of Lubuk Talang as a poorly developed transmigration unit.

Figure 3.3.2.2: Lefthand image: Criticism of the large-scale plantation. Righthand image: The Lapindo transmigration unit

In addition to poor access, critics of the establishment of Trans Lapindo have expressed concern about the lack of prior studies on the feasibility of Mukomuko as a destination for more transmigrants. Long before Trans Lapindo, Mukomuko had al-

[83] The disaster was named after the operating company which triggered the mud flow, Lapindo Brantas Ltd. In fact, there was controversy over whether the mud flow was caused by the company's drilling activities or by a natural disaster. Management of the disaster fell to central government, and especially to the company's owner, Aburizal Bakri, who at the time was serving as Indonesian Minister of Welfare (McMichael, 2009).

ready experienced a shortage of uncultivated land, because of the rapid growth of its population and the massive investment of private companies in palm oil and natural rubber plantations. Figure 3.3.2.3, below, shows that 63% of the productive land in Mukomuko in 2019 was already being cultivated by either the inhabitants or private companies. The remaining 37% was not necessarily uncultivated land, because it included public facilities, government assets, and people's residences. The land 'owned' by private companies continued to expand via *Kebun Masyarakat Desa* (KMD, or village plantation) schemes and illegal expansion.[84] Hence, the actual amount of uncultivated land might even be smaller than the previous estimation. As a result, many participants of Trans Lapindo left their units and returned to their places of origin. Those who stayed managed to cope, but they frequently complained about their situation.[85]

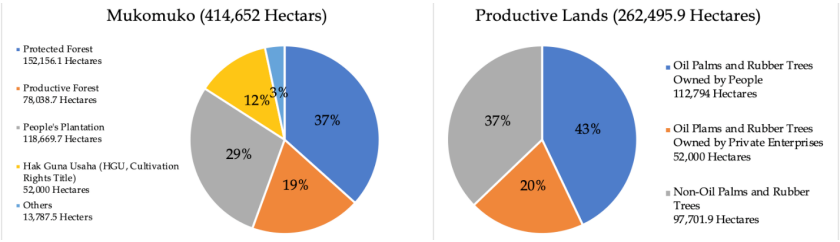

Figure 3.3.2.3: Land use in contemporary Mukomuko (2019)

In parallel with massive transmigration, Mukomuko is home to many migrant workers who came to take up jobs at large-scale plantations owned by private companies. The plantations are dominated by two multinational companies, i.e. *Société Internationale de Plantations et de Finance* (SIPEF), and Anglo-Eastern Plantations (AEP). SIPEF is a Belgian company, which first arrived in 1990, and it controls 22,450 hectares of plantation through a subsidiary company, Tolan Tiga Ltd. This company has two regional management units, namely Agro Muko

[84] For example, an illegal palm oil plantation owned by PT Bina Bumi Sejahtera (Akar Global Inisiatif, 2021).

[85] Complaints were voiced by participants from Central Java, via an online platform (*Lapor Gubernur*), warning people from the province not to come to Mukomuko (Pemerintah Provinsi Jawa Tengah, 2014).

and Mukomuko Agro Sejahtera, which together run 12 palm oil and natural rubber estates (SIPEF, 2022). AEP is a London-based company, which controls 18,525 hectares of palm oil plantations in Bengkulu through a subsidiary company, Alno Agro Utama Ltd. This subsidiary runs two estates in Mukomuko and one estate in North Bengkulu.[86] Together, SIPEF and AEP operate 14 estates across Mukomuko. Each estate designates at least one enclave as a workers' residence.

In addition, several Indonesian companies operate in palm oil, natural rubber, and lumber production.[87] Little is known about the exact size of their respective land and how many estates they run, but in 2019 the local government estimated that one-third (no less than 52,000 hectares) of all plantations in Mukomuko were under the control of private companies.[88] Hence, next to the transmigrant enclaves, Mukomuko has many plantation enclaves.

The spread of migrant enclaves in Mukomuko has introduced a distinctive population group. Unlike the natives, who reside in the *hulu-hilir* villages and adhere to matrilineal tradition, the enclave migrants constitute a unique mixture of people with different sociocultural and religious backgrounds. While adapting to their new settlements, they observe various traditions from their place of origin. In the Pondok Batu village, for instance, the villagers comprise three main groups residing in sub-enclaves: one is made up of migrants from Bali, who adhere to the Hindu religion and Balinese tradition; another is made up of migrants from Java, who are predominantly Muslims and who observe different types of Javanese tradition; and the last is near the Selagan river and is home to natives who are Muslims and observe *adat-pegang-pakai* (traditional usages and customs).

---

[86] 2020 Annual Report of Anglo Eastern Plantations Plc.

[87] Including PT. Sapta Sentosa Jaya Abadi, PT. Daria Dharma Pratama, PT Bina Bumi Sejahtera (1,889 hectares), PT Asririmba Wira Bhakti (1,046.31 hectares), Bukit Daun Mas Mukomuko (24.35 hectares), and many others.

[88] In 2014, the local government's request that *Badan Pertanahan Nasional* (BPN, the Ministry of *Agraria*) obtain the actual number of HGU was rejected, because the request was not accompanied by a court instruction (Arianto, 2014).

What a transmigration unit might look like is usually shaped by the type of transmigration occurring, i.e. whether it is *bedol-desa*, *bangdep*, ordinary, social, or plasma (plantation-scheme) transmigration.[89] As an example, *bedol desa* is often more organised than the other types of transmigration. This difference can be attributed to the fact that the *bedol desa* migrants had already developed an 'established' social structure before arriving in Mukomuko, with their own leader and respected figures, and (more importantly) they already knew each other; thus, their migration was more or less a matter of relocation.

Regardless of their differences, all transmigrants share the same struggle to survive hard times in the early years of their arrival, when land needs to be cleared and crops cultivated. However, some plantation migrants have had a slightly different experience, because some companies have provided supportive facilities, such as access to school for children, regular income via a permanent job,[90] and other public facilities. Yet overall, plantation migrants have all been through the same struggles, since they are not landowners. Unlike their fellow transmigrants, who develop in line with the growth of their community and agriculture, plantation migrants remain 'lowly labourers'[91], either as harvesters of palm oil or natural rubber tappers, no matter how long they have been working on the plantation. This is the reason why many plantation workers to stay in their enclaves for as a short period as possible. Among them are newly-married couples seeking a temporary living until they can afford to buy their own land or receive a better income from other sources. The fol-

[89] *Bedol desa* is a transmigration scheme which is usually intended to resettle an entire village due a development project, such as the relocation of a village on Gajah Mungkur Lake in Central Java. *Bangdep* stands for *Transmigrasi Bantuan Departemen* (a ministry-sponsored transmigration), which is intended to increase the populations of existing but sparsely populated villages.

[90] The permanent jobs are usually held by husbands, who are legally required to provide support for their families (as head of the family), while their wives are given casual jobs that are secondary to those of the husbands. This is also observable in West Java, and in many other parts of Indonesia (see Mies Grijns, in her forthcoming PhD thesis).

[91] Palm oil and natural rubber plantations often use family workers, the male head of the household receiving a salary, while his wife and children help to harvest the palm oil fruit. This often happens when people are paid for each piece of work they do (*pekerja lepas*).

lowing story presents an example of how an enclave migrant's background matters and contributes to the way in which they might conclude a marriage.

> During my visit to the KUA of Kota Mukomuko on 21 March 2017, I met Tri and Fitri who were attending a course for candidate spouses or *Kursus Calon Pengantin, Suscatin* (cf. Alimin & Nurlaelawati, 2013, p. 105). The course was presided over by a senior employee, Ibu Yana, who delivered a sermon on proper Islamic marriage and the importance of religion in sustaining a marriage. It turned out that this sermon was her strategy to test the participants' proficiency in basic Islamic teachings. While observing, I was a bit surprised that the bridegroom, Tri, was not able to pronounce a *Šahādah* (statement of faith) properly, or to recite the first *Sūrah* from the Qur'an completely.[92] Not only are the *Šahādah* and the *Sūrah* central to Islam, but it is also common for Indonesian Muslims (and even for their children) to be proficient in reciting and memorising them. After promising Ibu Yana that he would learn on his own, the couple completed the course and managed to proceed to the next step. They would pass the 'test' anyway, since the course was merely a complementary procedure to a registered marriage. This encounter led me to interview the couple after the session, to get to know their background.
>
> Tri was born in 1989 to Javanese parents. The youngest of three siblings, he spent his childhood in a transmigration village in Lampung, until the age of five. In 1994, his entire family migrated to Mukomuko, seeking a better living through a state-sponsored transmigration programme. Soon after the migration, his parents began cultivating palm oil on a two-hectare plot of land, one of which was provided for every household. On a daily basis, Tri's parents worked the land from 7.00 a.m until 5.00 p.m. Meanwhile, Tri and his elder brothers attended the elementary school near their house. Therefore, the children spent their days without the meaningful presence of their parents, who were 7 km away from the house, taking care of the plantation. This routine lasted for at least five years, until the palm oil was ready for its regular harvest. Only then could Tri's parents spend more time at home, but by then Tri was about to graduate from elementary school.
>
> After completing elementary school, Tri attended a junior high school in 2000 and graduated three years later. He then left

[92] *Šahādah* is a declaration in Arabic of *Ašhadu an lā ilāha illa Āllāh wa ašhadu anna Muḥammadan rasūlu Āllāh* ("I bear witness that [there is] no God except Allah, and I bear witness that Muhammad is the messenger of Allah"), whereas the first *Sūrah* from the Qur'an consists of only seven short verses.

school and helped his parents to take care of their land. Apart from helping his parents, he did a number of non-tenure and casual jobs. At the age of 28 Tri proposed to Fitri (23), whom he had been seeing for three years. Fitri is the daughter of a transmigrant mother from Boyolali, Central Java, but her father was born in Mukomuko to transmigrant parents from Java. Just like her fiancé, and to help her parents, Fitri did not pursue senior high school, because her parents as could no longer afford the cost of her education. Besides, the school was quite far away, around an hour from the house. Instead, she worked in different casual jobs in Mukomuko and Pekan Baru, Riau province. She returned to Mukomuko for the proposal and marriage. A week after attending the *Suscatin,* Tri and Fitri had their marriage registered at the KUA in Kota Mukomuko, then stayed with the bride's parents while seeking more stable incomes.

Tri's story is a portrait shared by many children of first-generation migrants, whose parents were 'absent' during their childhood. To capture this phenomenon, Lies Marcoes, in her study on underage marriages in Lombok, coined the term *Yatim Piatu Sosial* (or 'social orphans') to describe such kids (Marcoes & Putri, 2016). They have parents, but they are mainly 'absent' and the children must look after themselves. Compared to the ritual of *khataman* that I attended during an *adat* marriage among the *hulu-hilir* people, Tri's lack of proficiency in reciting Qur'an highlights his poor access to religious education. His parents were busy with their work, and their community had not developed an alternative to the parents being absent. The *khataman* and Tri's case are indeed an extreme comparison. The *khataman* was performed by the daughter of parents from a well-established community, whereas Tri was the son of parents from a less-established transmigrant village. As we have mentioned, there were some transmigrant units where the community was better established and children had access to an informal education, e.g. *TPA, Sanggar,* and *Persantian*,[93] as well as a better formal education.

[93] TPA stands for *Taman Pendidikan Al-Qur'an* (a facility for learning Islamic tenets), whereas *Sanggar* means a studio for learning culture. Besides, there were also TPA-like facilities, i.e. *Persantian,* among the Balinese who adhered to Hinduism. These informal facilities usually helped parents living in villages to ensure that their children were accompanied while they were away working.

Yet, those privileges were absent in Tri's case. Despite the possible differences, the difficulties in the early days of transmigration were shared by all the first generation state-sponsored transmigrants. The survivors were always either the 'fittest', or those who had a greater access to various forms of capital, whether that was economic, cultural, social, or symbolic. As we will see, better access to such capital would contribute to their survival and success in their new land.

By pointing out the issue of class, it is apparent that even though the transmigrants were predominantly a disadvantaged group, some participants were more privileged than others. Among them were civil servants, who were sent as part of a package along with a group of migrants or transmigrants who had family support at their place of origin. While the former had more economic capital, in the form of a regular income, the latter enjoyed greater social capital, in the form of membership of a more privileged and supportive family back home. Therefore, unlike the less privileged transmigrants, the privileged migrants had an alternative option to send their children to more favourable places, early on in their resettlement in Mukomuko. Some sent their children to pursue education in a *pesantren* (an Islamic boarding school), or an academic institution in Java. Others preferred to leave their children with their extended families. Consequently, as Bourdieu suggests, regarding the convertibility of the various forms of capital (Betensky, 2000; Bourdieu, 2011, p. 24; Terdiman, 1987, p. 812), privileged parents managed to concentrate on their land and those with a regular income could even expand it by taking over other people's land at a low price. Meanwhile, their children, having obtained a better education, would someday return to the already established settlement with another form of privilege, i.e. *institutionalised*[94] cultural capital, in the form of an educational qualification. Thus, a transmigration programme must not be viewed as migration to a land of hope

[94] Bourdieu divides cultural capital into three forms, i.e. the *embodied* state, the *objectified* state, and the *institutionalised* state, and educational qualifications belong in the institutionalised category (Bourdieu, 2011, p. 17).

that offers an equal chance for everyone, because it always involves class issues.

The following section looks at places where the natives and migrants, i.e. transmigrants, plantation workers, government employees, and traders, live together side-by-side. Unlike native *hulu-hilir* villages and the transmigration enclaves, this type of settlement is a melting pot for people from different sociocultural backgrounds, religions, and religious sects.

3.3.3 The emerging urban centres

The dispatch of transmigrants across Mukomuko's enclaves was not intended as an exclusive relocation. In establishing a transmigration unit, the government invited the natives to move to these units as well, by allocating them a special quota. At first, the natives were barely interested, but later, as both the population and a shortage of productive land grew, some started to accept the invitation. Their participation generated so-called 'local migrants', who also enjoyed a two-hectare plot of land and an emergency shelter. However, unlike their fellow transmigrants, who perceived the unit as their new home, the natives were only attracted by the land and therefore continued to stay in their village of origin. As a result, integration between the transmigrants and the local migrants failed. Instead, it roused 'false' jealousies and suspicions, with local migrants accusing the transmigrants of causing a shortage in productive land, and the transmigrants becoming suspicious that the native claim on the land was the reason why their unit was so remote. In fact, as already discussed, the natives and transmigrants were both victims of large-scale plantations run by the private companies (as a good comparison, see Paser, in East Kalimantan Bakker, 2009). In this sense, especially since the expansion of private companies in the 1990s, the involvement of natives must be viewed as a government strategy to win local support, rather than to promote integration.

The government's failure to promote integration has caused the natives and migrants to remain exclusively separated. In ad-

dition to the expansion of large-scale plantations, this condition was exacerbated by the construction of modern roads, which did not consider the geospatial aspects of existing settlements. Thus, the transmigration enclaves and the natives' *hulu-hilir*, notably the upstream villages, became even more isolated. In one extreme case, the people of Urei, who lived near the southern border of Mukomuko, became increasingly cornered by the river mouth, following the massive expansion of large-scale plantations and the construction of new roads behind their villages. Unlike the fishermen of the northern regions, the people of Urei were traditional farmers, unfamiliar with making a living from the sea. Consequently, the villagers suffered from the shortage of land and expressed their disappointment to passers-by. During difficult seasons (*musim peceklik*), my research assistants and myself were often stopped by these 'frustrated' villagers, who would ask us for money on our way into Mukomuko. Luckily, we had the advantage of belonging to the same ethnic group, so they allowed us to pass their village safe and sound, after hearing that we spoke their language. This unfriendly experience would have been avoided, if the government had taken the development programme more seriously.

Regardless of the failure to promote integration, the wave of mass transmigration since the 1980s and the expansion of large-scale plantations since the 1990s have brought rapid growth to the population and economy of Mukomuko. In 2003 Mukomuko gained its autonomy, which generated an increase in regional funds, an improvement in public facilities, better access to the surrounding regions, and the establishment of new villages. This autonomy also promoted the establishment of new urban centres, where people of different backgrounds could live side-by-side, in one place. The 2020 census recorded the emergence of 43 market centres across Mukomuko regency, and 11 of them have developed into urban centres (*Mukomuko Dalam Angka* 2021, p. 187).[95] However, long before the establishment of the regency, a

[95] These areas; Tanjung Harapan, Pasar Ipuh, Pulai Payung, Pasar Baru, Pasar Bantal, Penarik, Pasar Mukomuko, Koto Jaya, Bandar Ratu, and Lubuk Pinang.

number of early urban centres existed, including Kota Mukomuko, Ipuh, Lubuk Pinang, and Penarik. While the first three centres originated in downstream native villages, the latter evolved from surrounding transmigration enclaves. Kota Mukomuko and Ipuh were originally the capitals of the former North Mukomuko and South Mukomuko sub-regencies (*kecamatan*). In this manner, the 2003 regional autonomy was merely an accelerating factor for ongoing growth. Together, these emerging urban centres have provided a melting pot for both natives and migrants.

The emergence of urban centres across Mukomuko has caused an inevitable intersection between natives and migrants. On the one hand, the natives had to adapt to the urban situation by making their *adat* adjustable and more inclusive. In doing so, a number of *adat* rituals—such as *tunangan* (courting), *bicara*/*mufakat* (deliberation), *bimbang* (wedding), *khataman*, *masuk* or *terang kaum* (naturalisation), and the appointment of elite members of *adat*—were simplified, so that the fellow members of *adat* would not feel a burden to observe them. Likewise, the natives developed a specific clan, namely *Kaum Gresik*, for general migrants, whereas those with a Minangkabau connection could integrate with the natives by entering (*terang-kaum*) the local clan group (*kaum*) corresponding to their clan of origin. Only then could a migrant's full membership of the *adat* community be acknowledged. In fact, in performing several rituals, such as reciting a particular prayer,[96] a member of one clan was sometimes more privileged than the others, but in general they enjoyed equal rights. In this respect, the malleability of their *adat* and the development of naturalisation as an inclusive procedure allowed both natives and migrants to integrate voluntarily into urban centres.

Meanwhile, internally, the spread of urban settlements also witnessed a number of urban natives challenging the *adat.*[97]

[96] For example, the people of Talang Buai give the *Beginde* clan the privilege of leading an *adat* ceremony, because the clan was the first group to make the land open in the past.

[97] The elite members of *adat* consist of three elements: (*orang-tigo-jenis*), i.e. leaders of *kaum*; *pegawai syarak* (religious functionaries); and a *penghulu*, who acts as *a primus in*

Among them were 'puritan' Muslims, who questioned the competence of *pegawai syarak* (the *adat*'s religious functionaries) in performing their tasks. During an interview, my interlocutors complained that the members of *pegawai syarak* from their urban village hardly appeared in the mosque, and were only interested in religious ceremonies that yielded revenue for them. Unlike their *hulu-hilir* counterparts, the members of *pegawai syarak* in the urban areas were elected arbitrarily, and they were not necessarily the most pious and learned members.[98] Some of the urban natives also began to deviate from their *adat*. Justice seekers, mainly male members, appeared before the state Islamic court to obtain a greater share of their joint-marital property (*harta-sepencarian*) or inheritance. This deviation must be viewed as an attempt to gain greater benefit by shifting a claim from matrilineal *adat* to the state's patriarchally-inclined law. We will return to these subjects later, in subsequent chapters, i.e. Chapter 4 (on the native, or Mukomuko, matrilineal community and their *adat*) and Chapter 5 (on Mukomuko's local population and the competent Islamic courts).

On the other hand, migrants have developed different strategies to adapt to living alongside urban natives. Some prefer to mingle with the natives through naturalisation, either through a *masuk kaum* or *terang kaum* (further discussion on this subject is available in Chapter 4). Others prefer to establish their own ethnic group. Among such groups are Minangkabau migrants, who assembled in *Ikatan Keluarga Minang* (IKM, an association of Minangkabau families), and several other emerging ethnic groups: the Javanese, Sundanese, Batak, Lembak Delapan, South Sumatran, and Pasma Serawai associations (Bengkulu Eskpress, 2020). There are also individuals who prefer not to join any group, such as migrant workers who live in exclusive urban clusters (*perumahan*), excluded from native social affairs.

In 2020, the Mukomuko local government introduced an ambitious policy to transform the existing *Badan Musyawarah*

pares between them. We will discuss the evolution of the *orang-tigo-jenis* later in Chapter 4.

[98] An interview with the Madani mosque's congregation on 22 March 2017.

Adat (BMA, a Deliberative Council of *Adat*) into an umbrella organisation. In doing so, the government preferred to appoint a representative of *Kaum Gresik*, a clan designated for migrants, as leader of the BMA, instead of a representative from one of the native clan groups. However, rather than accelerating the integration, this policy received refusals from the natives (mainly their elites), who perceived the move as symbolic violence against their *adat*.

Figure 3.3.3.1: Lefthand image: A Reog dance performance (originally from Ponorogo, East Java) in present day Mukomuko. Righthand image: The 2020 BMA
(retrieved from Referensi Publik, 2020)

Another salient feature from the urban centres is the widespread practice of cross-ethnic marriages, either between a native and a migrant, or between two migrants of different ethnic backgrounds. Concerning native-migrant marriages, it makes a difference whether a person gets married to a native's daughter or a native's son. The difference is that the former usually means a greater chance for the native to integrate with the migrants than the latter. This can be attributed to the nature of the marriage, which adheres to matrilineal and uxorilocal (matrilocal) principles. According to these principles, genealogy descends through the maternal line, and a husband is required to live with his wife's family. The husband is like a guest, overshadowed by the male members of his wife's family. Consequently, this causes female members of the *adat* community to prefer marrying either a native or a naturalised native; otherwise, she will lose her cultural privilege. The other way around, it allows a male member of *adat* to enjoy greater

freedom to choose either to marry a native, a naturalised native, or a migrant, without necessarily losing his privilege in his maternal family. However, following the growth of urban centres and more sources of income, it is increasingly accepted for wives to follow their husband, if the husband has the better job.

From this description it can be inferred that urban centres are more inclusive in terms of the diversity of their population, when compared to the exclusive *hulu-hilir* and enclave settlements. Moreover, the interaction between such diverse people appears more often in cross-ethnic marriages and the emergence of cosmopolitan Mukomuko, which comprises many different cultural backgrounds and traditions. For a glimpse of its heterogeneity, see Figure 3.3.3.1 (above) on the Javanese origin performance of a Reog dance in contemporary Mukomuko.

3.4 Concluding Remarks

This chapter has shown the heterogeneity of Mukomuko's society. Its population is comprised of natives from *hulu-hilir* villages, migrants from transmigration and plantation enclaves, and a mixture of natives and migrants from emerging urban centres. Apart from being diverse, these communities adhere to different forms of local norm, which have been developed and maintained throughout the course of their respective histories. While the natives observe their matrilineal *adat*, which was derived from Minangkabau, the migrants—comprising transmigrants from state-sponsored transmigration units, migrant workers from large-scale palm oil and natural rubber plantations, and more recent migrants arriving at Mukomuko for jobs, trading, and the like—observe more diverse non-state norms, from their place of origin. Meanwhile, with the exception of non-Muslims, both the natives and migrants are governed by the same state law for marriage and divorce. In this manner, Mukomuko's society is mixed in nature, and it is shaped by different forms of non-state norms and state law for marriage and divorce. The unique composition of Mukomuko society, and its pluri-norms for

marriage and divorce, provide a perfect case for my sociolegal study on how the corresponding state law functions at local level.

As I have discussed, the *hulu-hilir* villagers and enclave migrants remain exclusively bound by their respective local norms. While the former concludes their marriages and obtain their divorces according to the native matrilineal *adat*, the latter adheres to more diverse local norms, informed by their own *adat* from their place of origin, religious provisions, or simply the state law. Exceptions are arising in emerging urban centres, where people of different backgrounds live side-by-side. The mixture of natives and migrants in these centres has made an intersection between them inevitable. This intersection leads to integration through naturalisation and gives rise to a number of (structural) conflicts concerning marriage and divorce. There are conflicts between different forms of local norms, and conflicts between the existing local norms and state law. The first occurs at societal level and involves local elites, whereas the second mainly occurs at the state Islamic court and involves state actors. With regard to the state's agenda, the unique case of Mukomuko shed light on the necessity to consider local conditions to promote legal reforms in the field of marriage and divorce. I will return to these subjects in great detail later on, in chapters 4 and 5.

In subsequent chapters I will look at how the people of Mukomuko conclude marriages, resolve marital disputes, and obtain divorces. I will also look at prominent actors, who are involved throughout the process. The discussion will predominantly focus on the natives, in relation, *first*, to their local peers in Mukomuko and, *second*, to their use of state laws and institutions.