

# MUSJAWARAH IN KARO-LAND

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*Or when one reads or thinks of consent, or of authority, in any culture, he finds each word posing not a fact, but a field for inquiry.*

*Llewellyn and Hoebel  
The Cheyenne Way*

## INTRODUCTION

In this essay, I propose to pay attention to Karo-Batak dispute settlement in the framework of regional manifestations of *musjawarah*, the Indonesian way of popular decision-making.<sup>1</sup> To that end, I shall begin with a brief description of the Karo categories of kinship and affinity, followed by an exposé of the Karo institution of dispute settlement, called *runggun adat* as well as by the description of a specific case which I recorded in 1969, almost thirty years after it occurred.

During a short field research in 1969, I collected a dozen cases, half of which were state-court cases, the other half *runggun adat* cases. Among the latter there was one which I was able to witness personally in the details of its settlement procedure, and which will here be referred to as the case of The Land of Kerenda. Much of what is contained in my pertinent case-report (1970) on Karo society and dispute settlement in general will have to re-appear — in adapted version — in the two next paragraphs.

## KARO-BATAK SOCIETY

### Karo-land and the Karo-Batak

Karo-land is a plateau north of Toba Lake on N. Sumatra including the surrounding highlands, covering over 1300 square miles, with in 1940 almost 100,000 nearly exclusively Karo-Batak inhabitants spread over a few hundred villages, in which the domestic (elementary) family is the smallest and basic social unit. About as many Karo live in the adjoining regions of Dairi-land, Simelungun, Deli and Langkat—the first two being Batak-lands, the latter two having a predominantly Malay population. The Karo-Batak in Karo-land proper are a people of agriculturally progressive farmers and market gardeners. Apart from dry and wet rice and maize, they grow vegetables, potatoes, onions and tobacco as cash crops. As early as 1940, there was among them no noteworthy number of Christians or Moslems, most Karo-Batak still adhering to their autochthonous religious beliefs. The region constituted a so-called self-governing territory, made up of five native principalities. Administrative center and residence of a Dutch district officer was the market place of Kabandjahe.

Each Karo, whether inside or outside Karo-land proper, belongs to one of five exogamous patrilineal clans, and more specifically to one of more than eighty named sub-clans. Neither clans nor sub-clans are corporate units. Sub-clans are further segmented into lineages—genealogical groups adding a village name to that of their sub-clan. A man's lineage is that in which he was born and which is inherited by his children, irrespective of the question whether one is (still) actually a resident of that village. Ideal marriage partner is a man's mother's brother's daughter (*impal*) in an asymmetrical connubium with women-taking and women-receiving (sub)-clans; statistically, however, *impal*-marriages amount to only a few percent of the total.

In any given village, the patrilineal male descendants of the village founder form the ruling lineage,<sup>2</sup> *bangsa taneh*, i.e., people of the land, the family of the village founder which through the village head, exercises the right of disposal<sup>3</sup> of village lands.

### Karo Structure of Kinship and Affinity

The typical *rumah adat* (the traditional monumental Karo house) is built to house eight families in eight apartments (unscreened, except for the sleeping places) on either side of

four cooking places. The four apartments which are considered as the most important are situated on both sides of the front and back ("upstream" and "downstream") entrance, and they are ideally occupied in a manner which reflects the structure of Karo society. The highest ranking apartment is used by the head of the house; he is a patrilineal descendant of the village founder and thus he belongs to the ruling lineage in his village. The second apartment is that of the *anakberu*, that is a man from the lineage which "takes" its women from that of No. 1 so he necessarily belongs to a clan other than No. 1. The third apartment is that of the *senina*,<sup>4</sup> who is an agnate of No. 1 and thus from the same clan. The fourth apartment is that of the *kalimbubu*, who is a man belonging to the lineage which "gives" its women to that of No. 1, so that No. 4 and No. 1 are also necessarily of different clans.

A Karo man counts as "somebody" *only together with his anakberu, senina and kalimbubu*, and these relationships play not only inside but equally outside the house a central role in Karo society. These values are reflected in service by the *anakberu* towards his "visible God," i.e., his *kalimbubu*; moral and mystical superiority of the *kalimbubu* towards his *anakberu*; and between *senina* (c.q. *sembujak*<sup>5</sup>) the mutual dependence and equality of close clanmates.

It should always be kept in mind that in terms of Karo kinship and affinity there does not exist a discrete social group of *anakberu* or one of *kalimbubu* in Karo society: a man with his agnates is *anakberu* only in reference to his *kalimbubu* and vice versa (Singarimbun, 1965: 170). One and the same man is *anakberu* of X, *kalimbubu* of Y and *senina* of Z, so that he always must be able to play the role of the three statuses. Thus, in relation to members of his own clan, whether male or female, a man can be neither *anakberu* nor *kalimbubu*, for all his clansmen are by definition his *senina*. However, in relation to members of the other four clans, every Karo stands in a binary relationship — in some degree, however remote — of either woman-giver or woman-taker, for either he, his ancestors or his children will at one time have taken a woman or given a woman to members of these other clans.

It is even possible for one and the same individual to be e.g., both traditional *kalimbubu* and immediate *anakberu* to someone else. But this is very complex and requires *ertutur*, whereby the relative degree of kinship propinquity and strength of the bond is worked out by a process of oral genealogical

dialogue, whose purpose is to discover *where* the balance tilts more heavily. Every *runggu adat* (see below) presupposes an inaugural *ertutur* which establishes the affiliation of the persons involved as members of the reference groups of *anakberu*, *kalimbubu* and *senina*. These are therefore never permanent or continuing groups but come into being for special situations such as a *runggu adat* or a wedding, and terminate when the pertinent activity is ended.

In the words of one prominent Karo informant:

The five clans are kept together by three ties which, together, form as it were the body of each of us. The most honoured is the *kalimbubu*, whose place is on the top, the head; the *senina's* place is at the stomach; and the *anakberu*, who carries out the wishes of *senina* and *kalimbubu*, is located in the legs. And that is why in Karo *adat* those three groups value and help each other so much. Sorrow for one means sorrow for all three, and joy for one is joy for all three. The three groups constantly reinforce the unity and vice-versa. It is the bloodstream which in our midst carries life to blossom.

Those, I believe, are indeed the elements from which Karo society has elaborated an extremely complex network of kinship and affinal relations.

Masri Singarimbun, a Karo anthropologist, summarizes:

The foundation of Karo *adat* in the eyes of the people themselves is "the three categories of kinship" (*senina*, *anakberu* and *kalimbubu*) but analytically viewed there exist only two irreducible kinship ties: the mutual *senina* (agnatic) and the *anakberu*-*kalimbubu* bond. *Anakberu* may be defined as "the woman-taking category" and *kalimbubu* as "the woman-giving category." In isolated cases the operation of *anakberu*-*kalimbubu* relation is observable at the individual level, but essentially it signifies the relationship between agnatic groups. A man's immediate *kalimbubu* is his mother's brother and his father-in-law, and this is extended to their respective lineages. His immediate *anakberu* is his father's sister's husband, his sister's husband and, later in life, his son-in-law. At the lineage level we find two lineages, each representing "the traditional *anakberu*" and "the traditional *kalimbubu*" of the lineage as a whole, deriving from the institutionalised *anakberu* and *kalimbubu* relationships of the founding ancestor of the lineage (1965: VI).<sup>6</sup>

In any individual case, a man's lineage's *kalimbubu* or *anakberu* may belong to another lineage than his *kalimbubu* or *anakberu* by marriage or birth. The "traditional" or lineage-*kalimbubu* or *anakberu* ideally coincides with one's individual *kalimbubu* or *anakberu* by birth or marriage and according to the record, this seems to have happened not infrequently in the villages mentioned below. But in general, the "traditional" *kalimbubu* and *anakberu* function primarily in ceremonial,

ritual and legal matters where the lineage (c.q. village or ward) is concerned. The case of the Kalimbubu of Tandjung Merawa (see below) concerns precisely the question *which* of two competing lineages qualified for being regarded as the village's (i.c. ward's) true "traditional" *kalimbubu*.

## KARO-BATAK DISPUTE SETTLEMENT

### Dispute Settlement via Runggun Adat

I can now introduce the Karo institution *runggun adat* (which, like the Sasak *begundem*<sup>7</sup> denotes "profound discussion," with the associations "formal," "non-spontaneous," "agreed theme, time and place of discussion," "objectivity," "common interest," and "consensus.")

According to the nature and importance of the subject for discussion, *runggun adat* may take place on a smaller or on a larger scale, to fix ceremonies or rites, for arrangements and negotiations regarding birth, marriage or death, for the solution and settlement of disputes about *adat* matters, about land and inheritance, and in certain delicts. Structurally, the institution of *runggun adat* is the same for all these different tasks as regards both the norms for conduct and procedure in the discussion, and the categories of persons participating in it. The present exposé will emphasize *runggun adat* as an institution for the settlement and solution of disputes between individuals or groups.

*Runggun adat* is a Karo way for the definite solution of disputes about matters affecting the common interest, carried out on a basis of impartiality, common interest, profound examination and discussion, and consensus in the decision-taking. The forum for *runggun adat* consists of the *anakberu*, the *senina* and the *kalimbubu* of the individual parties in dispute. With reference to what was set out above, it should be repeated that—in spite of an ideal preference for matrilineal cross-cousin marriage—one's father's, one's son's and one's own wives may belong to as many different lineages; and each of those lineages may in turn be different from that of the "institutionalized" *kalimbubu* of one's lineage as a whole. The same applies to one's *anakberu*. In addition, it might be repeated that "the *anakberu* and *kalimbubu* relationship operates both at the intergroup and the interpersonal level. Each term has consequently a dual meaning and it is the context which determines whether the term *anakberu* or *kalimbubu* refers to a group or an individual" (Singarimbun, 1965: 169). Consequently,

one's *kalimbubu* and *anakberu* may be numerous and of various kinds and ranks — a fact which should be borne in mind for a good understanding of the present essay.

If the parties in dispute — as is very often the case — are agnatic relatives, then the participants in a *runggun adat* consist of one group of *anakberu*, one of *senina* and one of *kalimbubu*. If the parties in dispute are not agnates, then each party's three groups of relatives appear, thus totalling six groupings. Unfortunately, I do not possess case material about disputes of the second category, and on that point additional clarifying research is necessary.

A group-spokesman sits in front of each group. The discussions are led by the senior *anakberu* who acts also for his own group. He will thus lead the discussion which is to settle the particular dispute between his *kalimbubu*. It should be recalled that at all times — in and outside *runggun adat* — it is the task of an *anakberu* to act on behalf of his *kalimbubu* in matters regarding the latter; and, significantly, the name given to the occupant of the *anakberu*'s apartment in the *adat* house is *babah singerana* "the mouth which speaks (by order of the *kalimbubu*)." The interesting fact — which needs continuous verification through research — is that an *anakberu* is bound to oblige and honour his *kalimbubu* and *this implies according to my informants* that, if necessary and then in a proper manner, the *kalimbubu* shall be censured by his *anakberu* and that in *runggun adat* the latter shall assume a suprapartial attitude which is directed at what is righteous (*budjur*). In this regard, there is a saying that it is not right "to prop one's own (bent-over) banana tree" (*sinungkat-nungkat galuhna*), meaning that an *anakberu* should not support a *kalimbubu* (and vice versa) who is in a crooked position. Traditionally, a *runggun adat* has no real leader, but the *anakberu* are felt to be chiefly responsible for the outcome and they are expected to be wise, strong, and capable in steering the discussions toward success.

In a *runggun adat* session, the *senina* (among whom is also the physical place for the parties in dispute<sup>8</sup>) are seated in the middle, to their right (implying superiority) sit their *kalimbubu*, to their left (inferiority) the *anakberu*. Who will be the spokesman for each of the three groups depends ideally on lineage seniority (there is a ranking of lineages in each of the categories of one's *kalimbubu*, *senina* and *anakberu*) and in practice also on one's personal qualifications for the role of spokes-

man. During the more formal part of a *runggun adat* session, the groups converse with each other through their spokesmen, but short interventions are free for all other participants, who are also consulted by their spokesmen whenever there is a pause for informal group deliberations.

Throughout Karo-land I obtained information about norms or procedure and conduct in *runggun adat*, and about the factual course of affairs in a number of concrete cases of dispute settlement on village level, particularly by means of *runggun adat*. The data obtained seem to indicate that *runggun adat* is known throughout Karo-land; that ideally it is regarded as the preferable way of settling disputes; and that as such it is still practised today — although now it is no longer rare for an aggrieved party (particularly in matters of land and inheritance) to turn directly to the State Court, whether or not after an unsuccessful attempt at solution through *runggun adat*. In addition, the information obtained seems to reveal that the quality of a given *runggun adat* is judged by the measure of fulfillment of the following requirements:

1. One is free to speak up, but speakers must talk with propriety, with restraint and with relevance to the subject. The spoken word must never give the slightest offense to anyone. On the contrary, everyone present should be able to take pleasure in the quality, style and choice of the views and ideas advanced by the participants.
2. All participants are equally expected to be guided by the common interest which exceeds that of any one of the disputing parties. Evidence of favouritism in the dispute under consideration is sharply censured. A striking characterisation was given by one informant who compared the task of a dispute solving *runggun adat* session with the killing of a snake in a plot of ripe rice (*bagi si mekpek nipe ibas page* — a Karo saying — the snake should be killed but without scattering the rice).
3. A preceding common meal serves for the partakers as an oath that the above-mentioned conditions will be fulfilled by them, and a common meal by participants and parties after the successful *runggun adat* not only provides similar guarantee for the full recognition and implementation of the decisions taken, but also for the absolute termination of the disturbance of relations and feelings caused by the dispute. The decision of a good

*runggun adat* meeting carries a great deal of social pressure on the parties to comply with it — it is after all the parties' own *anakberu*, *senina* and *kalimbubu* who reached consensus on that decision. But if a party persists in declining a decision, there is no sanction except — in former times — that the *anakberu*, *senina* and *kalimbubu* of the obstinate party would once and for all formally sever their relations with him.

### **Karo Courts, Past and Present**

It was not until the beginning of this century that Karo-land came under colonial rule. But this was indirect rule, with five self-governing principalities, each with its own courts for each village, each village union, and a court for the territory as a whole; in addition, one court, consisting of the five rulers, was created for Karo-land as a whole. Before the colonial period (1905) there were merely village and village-union courts. *Runggun adat* was more or less expected to have been attempted before a case was brought to court. A village court consisted of the village head with his *anakberu*, *senina* and, in important cases, his *kalimbubu*. In villages with more than one ward (*keesain*),<sup>9</sup> the village head was chairman with his *anakberu*, the ward heads and their *anakberu* as members. Even for the severest crimes, these courts imposed fines, the payment of which could be enforced by putting the offender "in the block" until his relatives had paid the fine. In "civil" cases, the courts would try conciliation, but where necessary they gave decisions which were reached through consensus but which are said to have often lacked effective physical sanction. If the party against whom judgment was given persisted in refusal, even against the advice of his own *anakberu*, *senina* and *kalimbubu*, the latter could "cut the rotan" (*ertektek ketang*), i.e., sever their relations with him once and for all, in which case he could not do much other than move elsewhere, frequently outside Karo-land. Otherwise non-compliance with court decisions could result in resort to a small local war, contained by certain rules, the outcome of which was to decide about right or wrong. All accounts from the "good old days" in Karo-land indicate the existence of much rivalry among the many who considered themselves prominent, of much fighting, killing, warfaring and many court cases.<sup>10</sup> Under colonial rule the worst physical aggression was much reduced, but rivalry continued for quite some time and the courts remained busy. Consensus in the court's decision making had to give way to



majority decision, but physical sanctions on all judgments were formally introduced. Both Dutch and Japanese rule maintained the validity of *adat* law and, after independence, substantive *adat* private law has continued to remain in force to this day; but the many courts were reduced to one State Court of first instance (*pengadilan negeri*) in Kabandjahe for all of Karo-land, with appeal in Medan and cassation in Djakarta.

### The Case of The Land of Kerenda

My understanding of *runggun adat* as set out above is based on general information and opinions supplied by my Karo informants; on the accounts of specific past *runggun adat* cases which I collected in the field; and on my own observations during, as well as my further inquiries about, the large *runggun adat* session in the case of The Land of Kerenda. In the latter *runggun adat*, there were not less than 50 participants proper, in addition to the parties-in-dispute. The procedure followed and the attitudes expressed in this *runggun adat* seem to provide a nice example of “the Karo way” to settle disputes.

After a *runggun adat* which had failed, and in a rather critical state of its development, the dispute had been brought to court in Kabandjahe. After claim and defence had been submitted, the court felt that in order to find a lasting solution, an attempt should be made to determine the conflict by recourse to *adat* within the village context of both parties. It succeeded to persuade parties to agree to another *runggun adat* and it issued an intermediate judgment to that effect. After the successful completion of the *runggun adat*, its decisions were put in writing and thereupon confirmed by court judgment, ordering parties to observe the terms of settlement.

The case concerned an intra-lineage — (Perangin-angin) Sinurat — dispute on rights in village land, in which the entire lineage had become involved. It so happened that the *runggun adat* confirmed in its decision a.o. the traditional inalienability of village land and the reversionary rights in case of non-use, thereby *in casu* protecting the rights of the “have-not” party (claimants) against encroachment by the “have” party (defendant). The proceedings could be analysed into a number of phases: inaugural procedure; determination of who will be discussion leader; definition of the problem (by the *senina*); interpretation of the problem (by the *anakberu*); formal proposal for a solution (by the *kalimbubu*); and formulation of the final decision. As to the division of roles, the data suggested —

according to Professor Holleman's persuasive conclusion — that the problem is *formulated* by the (agnatically related) *senina*, *interpreted* by the (service rendering) *anakberu*, and *carried to a solution* by the (authoritative) *kalimbubu*.

### THE CASE OF THE KALIMBUBU OF TANDJUNG MERAWA

One week before my departure from Karo-land I heard about this case (1940). The only participant in that *runggun adat* who was still alive was Nura Singarimbun (56), a well-to-do resident of Tandjung Merawa. That he became a delegate to that *runggun adat* at the age of 26, is ascribed by Nura himself to the fact that he had fully completed elementary school education and that he was son and grandson of one-time village chiefs. Apart from having had one extended conversation about this case with Nura, I have also his replies to subsequent questions which I left with my assistant, Terbit Sembiring, before my departure. Finally, the latter (who not only had been my companion during my full stay in Karo-land but who besides being a Karo himself is also a graduate in political science) gave me the benefit of his response to a last set of pertinent questions which I put before him by correspondence.

All information taken together, my record still shows considerable gaps. In richness of procedural and material detail, it cannot match that of the case of The Land of Kerenda. Firstly, because I could not witness it myself and had to draw on an eye-witness' account; secondly, because the eye-witness did not recall or chose not to go into much detail of the phase preceding the *runggun adat's* final decision; and thirdly, because the case came to my notice too late to vigorously pursue, check and recheck it personally on the spot in the way it deserved. Contrary to the case of The Land of Kerenda with its high degree of conformance to the normative pattern, the present case — The Kalimbubu of Tandjung Merawa — seems to deserve notice on account of its deviating aspects. My data will here be presented as much as possible in their authentic shape and chronological order, even though I realise that the naiveté or lack of subtlety of some of my prepared questions will thus become apparent. The advantage of this procedure is, however, that the record so presented may incline some readers to offer alternative interpretations to those suggested below.

For the convenience of the reader, some of the basic data set out above will be summarily repeated in the following outline:

1. The five exogamous patrilineal Karo clans:  
*Perangin-angin, Karo-Karo, Ginting, Sembiring, Tarigan*
2. Each clan has a number of sub-clans, but neither clans nor sub-clans are corporate units. Sub-clans are further segmented into lineages — genealogical groups — adding a village name to that of their sub-clan. The patrilineal male descendants of the village founder form together the *ruling lineage* of that village.
3. The basic elements in the Karo structure of kinship and affinity:
  - senina* : a man's male agnate(s) belonging to the same clan
  - kalimbubu* : woman-giving category
  - anakberu* : woman-taking category
4. The four villages which as such took part in the present *runggun adat* are: *Tandjung Merawa, Temburun, Marindingding* and *Kutambaru*.
5. The ruling lineage in all four villages belongs to (*Perangin-angin*) *Singarimbun* sub-clan. The “village-*kalimbubu*” of the three latter villages belong to (*Sembiring*-) *Gurukinajan* sub-clan, and the issue of the present *runggun adat* is whether the “village-*kalimbubu*” of the former village are (*Sembiring*-) *Meliala* or (*Sembiring*-) *Gurukinajan*.<sup>11</sup>

### The Runggun Adat of May 1940 and its Antecedents

Informant: Nura Singarimbun of Tandjung Merawa:

Originally, Tandjung Merawa used to consist of only one ward, with Singarimbun as ruling lineage and Meliala and (Tarigan-) Sibero sub-clan as the village's *kalimbubu* and *anakberu* respectively. Perhaps 150 years ago, there lived in the village a very strong *panglima* [warchief], a man from (Tarigan-) Purba-sub-clan, whose fame increased the importance of the downstream part of the village. In search of more local political power, he proposed to some Singarimbun villagers to create a separate ward in the downstream section and to appoint him as the ward's *kalimbubu*. So it happened, and (Karo-Karo-) Sitepu became that ward's *anakberu*.

My grandfather Tampak Kita, who was village chief, had gambled so much that his lineage-*kalimbubu* [Meliala] abandoned him as such, *i.e.*, they did not wish to continue paying his debts. [As Nura's father succeeded Tampak Kita as village chief in 1915, this event may be dated in about the first decade of this century.] Thereupon, Tampak Kita “appointed” Gurukinajan sub-clan as the new *kalimbubu* of the upstream ward [according to *adat*, a village- or ward-*kalimbubu* or -*anakberu* can

only be appointed at the time of founding the village or ward]. At that time, Tampak Kita's *kalimbubu*-by-marriage was already Gurukinajan [also Tampak Kita's son Nimbak and his grandchild Nura married Gurukinajan women]. The Gurukinajan were always prepared to pay his debts. In course of time, however, the position of the Gurukinajan in the upstream ward weakened — many of them died heirless — and slowly the Meliala resumed their role as *kalimbubu*: their strength lay in their numbers.

In 1940, the trouble started. In that year, a local re-allocation of about 200 acres of land was taking place as a result of a decision to construct wet rice fields to replace dry rice fields. According to our *adat* — which had been confirmed by the Dutch<sup>12</sup> — a number of *adat* functionaries received extra allotments at the time of the re-allocation. Among them were the *kalimbubu* of both wards, who were each to receive 1½ acres of land in addition to what each resident villager received according to his previous holdings. It was then that the Gurukinajan came to claim their extra share as ward-*kalimbubu*.

This was discussed by the ruling lineage in the upstream ward, but they were unable to reach a decision and they so informed both Meliala and Gurukinajan. Both *kalimbubu* — who had previously rejected a proposal to split the extra share in the rice fields — responded by asking: "What are you going to do now?" The Singarimbun of the upstream ward then suggested: "Let us have a large *runggu adat* meeting, to which we invite the three other [and adjoining] Singarumbun villages [i.e., Temburun, Mardinding and Kutambaru]. With this, both Meliala and Gurukinajan agreed.

And so it happened. The ruling lineage in the three villages were invited to join their kinsmen from Tandjung Merawa as *sembujak*<sup>13</sup> in the *runggu adat*. Each village sent its Singarimbun delegates, accompanied by their *anakberu* and *senina*, but not their *kalimbubu*, because the issue concerned precisely these *kalimbubu*. In fact, there were Meliala and Gurukinajan present at the meeting, but as *parties to the dispute*; among them, there were no Gurukinajan men from Tandjung Merawa [so few of them were left there?]. The delegation from Tandjung Merawa consisted of five men and two women, all from the upstream ward [married women are counted to belong to their husbands' lineage and thus as *anakberu* to their natal family]. Apparently, the village's downstream ward was left outside the dispute: only its ward chief was present, but merely as an observer.

[In the center of the four villages is the market place of TigaNderket: this is no village by itself, it has no graveyard, no chief and no land outside the market place proper, which has been set aside by Tandjung Merawa, Temburun and Mardinding. Kutambaru did not participate in this market-enterprise. The *runggu adat* was to be held in the sub-district office in TigaNderket. Opposite the office was the home of Mahat Singarimbun, a resident of Temburun, a wealthy man and an informal leader with a high prestige in his region. It should be noted that he married a Gurukinajan woman from Tandjung Merawa, just like our informant Nura Singarimbun, who formed part of the latter village's delegation.] The meeting was to start at 11 a.m. In advance, a meal had been taken at Mahat's, for

which purpose a pig had been slaughtered, at the expense of the sawah-construction fund.

At the meeting in the sub-district office, people were seated on mats. As usual, they were first admonished as to the obligations entailed by a meal taken in common [its participants are "under oath to bring forward in the discussions what is right, what is best and what is just; for he who acts otherwise, will be cursed by the very food he took"].

Thereupon, the discussion starts about who will lead the discussions. Mahat was designated to act as "protokol" [discussion leader]. Though he was not an *anakberu* but a *sembujak*<sup>8</sup>, it was clear that he was considered as the most capable man to take charge of the discussions. [It seems that there is no notable role at all played by *anakberu* in this case — perhaps significantly so because the nature of the issue imposes itself as a matter primarily for decision by the Singarimbun themselves? Mahat was known as a powerful man with large landed interests both in Temburun and in Tandjung Merawa, an able negotiator and a true leader who, if need be, was able to restrain himself. What was also known to everyone was that Mahat was personally pro-Gurukinajan, and that if the decision of the meeting turned out to be pro-Gurukinajan, his father-in-law would profit by the extra allotment of land.]

Mahat starts by addressing the Gurukinajan and Meliala attendants [note: *not* participants] at the meeting. He says that the problem had already been discussed in Tandjung Merawa but without result. That is why it was decided to make another attempt here and now. "Do you agree with that?" "Yes." Mahat: "Some decision should now be arrived at, and of course we shall all try to make it one which is as just as possible, but finally there is bound in this case to be one loser and one winner. What do you think of that?" "All right, we shall accept the decision."

Now, Mahat requests the Singarimbun of Tandjung Merawa to state the history of their ward's *kalimbubu*. I [Nura] answer: "It is true that originally Meliala was *kalimbubu*, but in the course of our history we once had a serious problem, and Meliala abandoned us. That is why we had to designate Gurukinajan instead. But thereafter, for certain reasons Gurukinajan weakened and so Meliala came again to the fore. And because there are now some profits to be divided [this was the only reference to the re-allocation of land which was made during the meeting], Meliala rejects Gurukinajan as our ward-*kalimbubu*. But we know for certain that Gurukinajan ever was *kalimbubu*. Now I must offer this question for discussion and decision to this *runggu adat*."

Then, Mahat addresses the Meliala: "Is it true, what was said about the history of the *kalimbubu* of Tandjung Merawa?" "Yes, but . . ." Mahat interrupts: "Wait a moment, my question is: Did you ever abandon the Singarimbun?" The Meliala: "That is true, but it is a problem of long ago and of which we do not know much. What we do know is that at present we are here the ward's *kalimbubu*." Upon being asked the same question, the Gurukinajan replied, "In fact, we do not know these Meliala. Why should we discuss this question? We are the *kalimbubu* of Tandjung Merawa. We have no problem!"

Mahat, turning to the Singarimbun and their *anakberu*: "We now heard the opinion of both *kalimbubu*. How do we think about it?" Thereupon, discussion groups were formed, village by village, i.e., four groups. After long discussion, each village stated its conclusion as to which sub-clan is the *kalimbubu* of Tandjung Merawa:

Mardingding:	Meliala
Kutambaru:	Meliala
Temburun:	Gurukinajan
Tandjung Merawa:	"We don't know!"

After this [remarkable] outcome of the village-wise opinion poll, a tense situation had emerged. Everyone became restrained. Talking became difficult. The decisions of the three former villages were clear and definite. It was at this stage that Mahat started to do his utmost, to use all his charm and influence to persuade them all in favour of Gurukinajan, cautiously choosing his words, talking slowly, with considerable restraint [note the discrepancy with Nura's reply in section entitled Subsequent Information below]. Because what about if he failed? What should he tell to his wife, to his father-in-law? But when Mardingding and Kutambaru felt that they were being "talked into it," their attitudes stiffened. No retreat, not an inch.

At 1 p.m., [only] four hours after the meeting started, Mahat, red-faced, formally concluded as outcome of the *runggun adat* that Meliala was the *kalimbubu* of Tandjung Merawa [Tandjung Merawa's upstream ward]. And so Meliala could keep to itself the extra portion in the re-allocation of rice fields!

### Additional Information about the Gurukinajan as Kalimbubu

My notebook contains the three following items:

Informant: Sjahmardan Singarimbun, resident and son of the former village chief of Temburun:

That the Gurukinajan also claimed that land in Tandjung Merawa, made no sense at all. But that is how they always act! They were village *kalimbubu* in Temburun, Mardingding and Kutambaru, and now they wanted to acquire that status also in Tandjung Merawa!

Informant Sabar Singarimbun, notable resident of Mardingding:

In Gurukinajan village, people are of old prestige-minded. But to be so is not against *adat*! Until today, there are still numerous marriages by Gurukinajan women with Singarimbun men. But consequently, the Singarimbun have a strong position in Gurukinajan village. Singarimbun is much honoured over there. The Gurukinajan do not fear other *kalimbubu* of the Singarimbun. They are big tradition-builders and they always try to marry their women as much as possible in the same family in order to create ties through succeeding generations.

Informant Nura Singarimbun, resident of Tandjung Merawa:

Traditionally, Temburun always respected Gurukinajan, and most Singarimbun from Temburun still use to marry Gurukinajan girls. As a group, both are quite able mentally and mate-

rially, and also morally they are of high standing. Both are brave and wise and authoritative with regard to other groups. And Gurukinajan is always proud to have Temburun as its *anakberu*, and vice versa. They compete in cuddling each other, it has always been that way!

### Subsequent Information Supplied by Nura Singarimbun

Question 1 concerned why Mardinding and Kutambaru supported Meliala as *kalimbubu* of Tandjung Merawa, whereas their own (*i.e.*, Mardinding's and Kutambaru's) *kalimbubu* was Gurukinajan.

In stating their opinion, Mardinding and Kutambaru stuck to the truth, *i.e.*, that of course Meliala is *kalimbubu*, because it was clearly Meliala which originally was chosen to be *kalimbubu* at the time when Tandjung Merawa was founded. Mardinding and Kutambaru had to defend and maintain this principle, for they would not like to see next time their own village-*kalimbubu* replaced by another! Thus, the truth which was brought forward by them concerned the norm for Tandjung Merawa as well as for their own villages.

Question 2 expressed that I had always understood that it is one of the principles of *runggun adat* to reach consensus. In this particular case at TigaNderket there seemed clearly *no* consensus: two for Meliala, one for Gurukinajan, and one was in doubt and could not reach a unanimous decision!

In the decision taking by this *runggun adat*, there are two phases. In the first phase, each of the four villages was given the opportunity to determine its opinion. The result is known. In the second phase, the respective conclusions of the villages were tabled for discussion in the *runggun adat* as a whole. In the course of a hot debate there was reached consensus (*arih ersada*). Meliala won, Gurukinajan lost: that is not anymore a decision by Mardinding and Kutambaru, but it is a consensus reached by that *runggun adat*.

Questions 3, 4 and 5 concerned the role of the "protokol," Mahat:

3. What made him feel that he should finally decide in favour of Meliala?

[Personally] Mahat never felt at all like choosing for Meliala. But as "protokol" he was under obligation to [identify himself with and] promulgate the decision of the *runggun adat* that Meliala had won and that Gurukinajan had lost — irrespective of the question whether or not that decision was to his personal liking.

4. Since the meeting lasted only four hours, why did he not make an effort to reach (real) consensus?

I have already answered that the decision of the *runggun adat* was arrived at by consensus.

5. Could he be an impartial leader, considering that he personally was strongly pro-Gurukinajan?

Mahat as "protokol" with his personal preferences and his wishes — that is not the question! — because he does not belong to either of the parties in this dispute. As "protokol" he merely acts to make the discussions run effectively, nothing else. As leader of the discussions, he altogether submits himself to the feelings of the group. It is clear that what is brought forward in each *runggun adat* — except by the immediate disputing parties themselves in case of a personal issue — is not personal opinion but the feeling of the groupings [normally: the opinion of the *anakberu*-group, of the *senina*-group, and of the *kalimbubu*-group in a *runggun adat*, see above. In the present *runggun adat*, however, these groups were made up by the villages concerned].

### Subsequent Information Supplied by Terbit Sembiring

Question: The word consensus means really "feeling together" and I don't think that Mahat or Nura agreed with the decision because they felt together with the others that this was the most desirable solution, but because they were more or less forced to agree. Is this not after all an example of decision making by the principle of majority vote rather than a common search to arrive unanimously at a solution which will serve the common interest?

We have ample reason, I think, to say that the 1940 *runggun adat* was a unique one — well, what is not unique? The existence of the trio [the three groups of *anakberu*, *senina* and *kalimbubu*] was very vague. Nura practically did not mention *anakberu* or *senina*. Why? Because it was in fact only the in-group problem of the Singarimbun, whose *kalimbubu* were in a disputed position.

We know for certain that in *runggun adat* it is not the individual's opinion which should be heard (except, when necessary, that of the disputing parties themselves), but only the group's — each of the trio. It seems to me that this was what led them in TigaNderket to forming themselves into four groups — not the traditional three groups of *anakberu*, *senina* and *kalimbubu* but the four villages. And now each of them felt safer and stronger in his group, because firstly they were in their way now, they were used to working in groups in each *runggun adat*; and secondly, they preferred these small groups of co-villagers to the larger group of all Singarimbun with mutually strongly conflicting viewpoints. Once they were in their group, the next logical step was to form an opinion the group-voice, like in every *runggun adat*. Perhaps they already had that opinion before coming to the meeting — that does not matter.

Perhaps you can see my point: that they arrived at the vote counting unconsciously. They did not mean that. I believe that in the context of this problem there is a principal difference between vote counting system and consensus system (although through vote counting). In the vote counting system, after the collection of the votes, the only thing to do is to count them. Then it is finished. But in this consensus through vote counting, after the counting the work is not yet finished. There was still a hot debate between the groups. But it is in this stage that we



can find that “feeling together” as you have mentioned. And I assume that this hot debate is the very common search for which you have been looking.

To make myself clear, in the Karo *runggun adat* it does not matter whether or not there is vote counting, provided all the votes are brought into the common over-all discussion by the *runggun adat* as a whole; because it is only technical, not a matter of principle. So I must conclude that the outcome of the 1940 *runggun adat* was reached by consensus. Yes, Mahat was forced to give in. Just like Djumpamalem in the case of The Land of Kerenda was forced to give in [with the difference, however, that the latter was defendant]. Like the Kerenda case this 1940 *runggun adat* was also, in fact, a conflict between self-interest and *adat*, the truth. And wherever a Karo is still persistent with his *adat* common sense, this self-interest can or will be liquidated by *adat* itself, by means of force, if persuasion fails. That is why the Karo know (*ertektek ketang*) [see section entitled “Karo Courts, Past and Present”] and all other kinds of social pressure.

## MUSJAWARAH AND ITS REGIONAL EXPRESSIONS

### An Indonesian's Theory of Musjawarah

The foregoing will now be examined against a more general background of Indonesian institutions of local decision making and dispute settlement. For that purpose I shall restrict myself to Professor Koesnoe's exposé in his valedictory address as guest-lecturer in *adat* law in Nijmegen: *Musjawarah — a way of popular decision making according to adat law* (1969).<sup>14</sup> Koesnoe's conception as a whole seems to be fairly representative of numerous pertinent statements expressed by authoritative colleagues in other parts of the non-Western world, whenever they wish to explain principle and characteristics of local decision making or dispute settlement as an age old practice all through their respective home-countries.

Koesnoe contrasts the Western democracy of decision making by majority vote (correlative to the idea of folk sovereignty based on the thesis of man as an originally completely free individual) with the Indonesian democracy of *musjawarah*, *i.e.*, unanimous decision after common discussion of a common problem (correlative to the idea of *kerakjatan*, *i.e.*, appr. “solidarity among the people”<sup>15</sup> based on the reality of man as man-in-society).

Individual and society form an undetachable unity. The individual is a member, in the sense of part of a living unity; as a part and with a view to the continued existence of his society, each individual has the same value, though not the same nature. Individuals are able to understand, appreciate

and trust each other's function and functioning; they are able to co-operate for the good of the community.

This way of thought cannot recognize an *omnium bellum contra omnes*. Each individual is free to have his own views and desires, but these are subject to consideration by the other members with a view to their effect on community harmony — not the harmony of the existing order in the sense of the status quo, but the harmony in each phase of the community's development.

It is therefore not the more powerful or the majority which dictates what should happen in the community, but what comes to the fore is the content of the plan, of what is willed. An initiative or a certain desire is examined in order to see if it suits the idea of harmonious development of the community, if it truly lends itself to common discussion. In the common discussion and decision making, the stress is on the quality of the initiative, and not on who has launched it or whether it is the will of the majority. If that quality demonstrates that the initiative fits into the frame of common interest and the idea of harmony, the initiative will be seen to be accepted by the people as a whole. The proposal is accepted because it enjoys common recognition, because it is the result of a concerted effort at finding a solution which will best serve the common interest, in other words because it is the *kebulatan kehendak*, i.e., literally the "roundness of the wills or ideas" which at that moment prevails in the community.<sup>16</sup> In order to obtain that *kebulatan kehendak*, *adat* communities have of old made use of what now is called *musjawarah*.

The relevant part of his paper is summarized by Koesnoe (1969: 22) as follows:

Although the word *musjawarah* has been adopted from the Arabic, yet it refers to an *adat* institution in which decisions are made by the people on the strength of *adat* principles.

An *adat* community is a community in which the will of the people is the determining factor; it is a community in which the will of the people is formed in allowing oneself to be guided by "the enchanting force of the wisdom of communal discussion" (*hikmat kebidjaksanaan bermusjawarah*).

This thought springs from the absolute authority of the people (*kedaulatan rakjat*) and is based on the conception of *adat* as regards the relationship between individual and community. Both in principle and in actual effect this conception shows differences with those of the philosophers of the Social Contract. The way in which this "enchanting force of the wisdom of communal decision" is realised differs from community to commu-

nity; this also applies to the names. Nevertheless there are common principles and characteristics to be perceived.

### **Begundem and Runggun Adat**

In the second section of his paper, Koesnoe describes the form and tentatively defines the normative principles of a regional institution of *musjawarah* which he encountered in the *adat* Sasak of Lombok, and which is called *begundem*, i.e., thorough discussion.

Directing my focus on the process of decision-making by "common discussion to solve a common problem," I shall now attempt to provisionally and summarily compare *begundem* with *runggun adat* as regional manifestations of *musjawarah*. The case of the Kalimbubu of Tandjung Merawa will be examined separately below.

Outwardly, the two institutions do not seem to have very much in common. The *begundem* is activity of a standing body of village government on Lombok, a council of *adat* elders, which offers binding advice to the village head on matters of *adat* policy, *adat* interpretation and *adat* delicts. On the other hand, *runggun adat* is practiced by an ad hoc body composed of kinsmen and affinal relatives of the two parties who have a problem to be solved. Participants in a *runggun adat* function only for the duration of the discussion which is to solve that particular problem. Participants in a *begundem*, i.e., members of the village council of *adat* elders, sit on the basis of their personal qualifications, whereas the composition of a *runggun adat* is in principle formally defined, i.e., by the nature of one's kin- or affinal relationship to those who cause the problem to be discussed.

The Lombok village council is a pure village body, whereas the *runggun adat*'s membership forms a body of kin and affines which does not per se consist of co-villagers—even though all participants do maintain close ties with the village concerned.

From a viewpoint of regional character, it may also be presumed that the outward appearance of the East Indonesian Lombok *begundem* will be characterized by a more restrained and formal tenor and that the Sumatran Batak *runggun adat*—though anything but informal—will in its practice show a more direct and business-like approach to the problem. On the other hand, there is a conspicuous congruence in the meaning of the terms *begundem* and *runggun adat*, i.e., thorough discussion in a way which is to lead to unanimous decision.

If we now turn to comparing the normative principles which lie at the base of the two forms of *musjawarah*, those mentioned by Koesnoe for *begundem* appear to be generally capable of application also to *runggun adat*:

1. Koesnoe mentions the possibility for each participant in *begundem* to state his views of the problem and of the solution in the clearest and, to himself, most satisfactory way,<sup>17</sup> as well as the possibility of adjourning the session for the sake of informal deliberations. *Mut.mut.*, as we saw above, this applies also to *runggun adat*. It is true that there it is chiefly the spokesman of each grouping (we saw that these are *not* interest- or power-groups) who speaks, but all others are free to briefly intervene and they have full opportunity to voice their opinions during the intermittent groupwise informal discussions.
2. Discussion in *begundem* requires from each contribution relevance and material competence regarding the problem at hand. The same requirement applies to *runggun adat*. In practice, in the case of The Land of Kerenda (1969: 22) the numerous more or less personal allegations which figured in the initial written claim before the state court but which did not touch the real essence of the conflict, were altogether ignored in the ensuing *runggun adat*.
3. Each participant in *begundem* should always aim his thoughts and observations at the common interest. That this is also the cardinal normative principle of *runggun adat* is borne out by the totality of my inquiries, as reflected above; how the norm is practiced was interestingly shown in the case of The Land of Kerenda (1969: ch. 2); and if and how it was applied in the case of the Kalimbubu of Tandjung Merawa will be adverted to below.
4. In *begundem*, each participant should observe — both in attitude and in manner of speech — standards prescribed by *adat*, in order to further a high level of discussion. This requirement equally and explicitly applies to *runggun adat*.
5. The decisions taken in *begundem* should be respected and practiced — both inside the meeting place and outside in daily life — by all participants. The requirements of a participant's high minded personality, which

is put by *adat* Sasak in this regard, may perhaps be less stressed by *adat* Karo. Such high-minded personality would however indeed be required from the group-spokesman, but the implementation of the decisions taken (also, in case of dispute, by the parties themselves, even though they are not properly “participants” in the *runggun adat*) is, I believe, primarily guaranteed by the ceremonial common meal by parties and participants after the successful conclusion of the dispute settlement, carrying with it ominous consequences in case of ignoring the *runggun adat*’s decision by one of the meal-takers.

### **Musjawarah, Runggun Adat and the Case of the Kalimbubu of Tandjung Merawa**

As was pointed out before, the present case is unfortunately far from complete. We do not know the identity of most of the participants nor the social networks by which they were informally bound. We lack substantive account of the discussions in the important second phase of the meeting. We have no “live” record as in the case of The Land of Kerenda, and we have to content ourselves with what the only surviving participant told us about that case, adding a few comments by other Karo informants.

In spite of these deficiencies, I believe the record has its merits if placed against the background of the models sketched above. These merits seem to me to be due precisely to the deviations which this *runggun adat* appears to present. Formally, the main deviation consisted of the unique composition of the meeting, prompted by the fact that the *kalimbubu* were *party* to the dispute.<sup>18</sup> Quite interesting seems Terbit Sembiring’s suggestion that the idea to invite the Singarimbun of the three other villages, as groups, to participate in the *runggun adat*, amounted to a re-creation of the familiar grouping in the discussion. Though the function of these three was to be quite different from that of the normal groups of *anak-beru*, *senina* and *kalimbubu*, the *procedure* of discussion was thus enabled to run along the accustomed lines of a normal *runggun adat*.

But what about the group of Singarimbun of Tandjung Merawa? Was this just a fourth group in this exceptional gathering, on equal footing with the three others? Or were they more or less, consciously or unconsciously, acting as “party” to the dispute, in a way to be compared with the Guru-

kinajan and Meliala attendants? The second alternative suggests itself to me whenever I realize (1) that the discussion leader first interrogated the *kalimbubu* and subsequently the Singarimbun of Tandjung Merawa—who together can be regarded as the parties immediately involved in the dispute; and (2) that the group of Singarimbun of Tandjung Merawa appeared unable to voice its opinion at the moment when, at the end of the first phase of discussion the village-wise opinions were expressed. The available information, however, does not yet enable us to answer with certainty.

As regards other formal aspects, the preceding meal, the inaugural exhortations and the fact of the selection of a discussion leader seem all in accordance with the norms for and of *runggun adat*. That the discussion leader was not an *anakberu* of the Singarimbun, but himself a Singarimbun, may conceivably be explained by the conviction among those concerned that the problem at hand was too much of an in-group nature (Terbit Sembiring). My data do not enable me to elaborate on this question at this moment.

Perhaps more important seem some material aspects of the discussion. There is first the ambiguous position of discussion leader Mahat Singarimbun. As a very influential informal leader, he was generally regarded as the best man to fulfill this difficult task; on the other hand, it was also generally known that he had a rather strong personal interest in and preference for a pro-Gurukinajan decision.

Second, according to our record, as a discussion leader Mahat in fact tried to use his influence to further a decision in his own favour. For that matter, Nura's reply to Mahat's question seems also clearly pro-Gurukinajan, in accordance with his personal family tradition, though at variance with his theoretical view (in response to my question No. 1, see above) which is in all four villages the generally accepted viewpoint to this day.

Third, there was the "hot" debate, and the stiff attitude taken by the villages of Mardingding and Kutambaru during the second phase, as well as the "red face" with which Mahat announced the final decision.

These facts seem to be at variance with two of the normative principles mentioned above (section entitled "Begundem and Runggun Adat," sub. 3 and 4), and they demonstrate that efforts at using personal power for personal ends, or the near loss of temper do occur even within—to the Western mind—

so serene a normative framework for dispute settlement as that for *runggun adat*.

After ample consideration of the entire information which I was able to obtain, I have come to regard the dispute settlement in the case of The Land of Kerenda as lying somewhere near the centre, and that in the case of The Kalimbubu of Tandjung Merawa as somewhere near the border of the field which *adat* Karo has allotted to the practice of *runggun adat*. After all, a *runggun adat* may fail to reach a decision, either in the hope of better success in a renewed effort at some later date, or in the determination to bring the case to village (until 1950) or to state court, see e.g., Steenhoven (1970: 10), and this could have happened as well in the case of The Kalimbubu of Tandjung Merawa. I suggest that precisely its almost marginal position, the less serene atmosphere, the effort to exert influence for the sake of personal gain, the intransigent attitude of the two villages, render it the more remarkable both that a common decision was obtained and which decision was obtained. That decision, according to the record, was in last instance motivated, not by an attitude of give-and-take but by one of maintaining *adat* principle for the sake of unity among the Singarimbun in the four villages (as in the case of The Land of Kerenda for the sake of unity within the Sinurat lineage). The second phase of the discussion did indeed lead to *kebulatan kehendak*, to concurrence of wills. That was clearly stated by participant Nura, who himself would have profited by an opposite decision.

Wherever or whenever group-, family-, village-, or even national unity represents a strong living value, some tendency to and some form of decision making à la *musjawarah* might well turn up. At times of great stress, disaster or other collective emotion brought about by external factors, even in our Western world, the individualistic ethos at times temporarily cedes to make place for an intense feeling of "togetherness."<sup>19</sup>

In Karo-land, the sense of unity in lineage and village shows to this day a more standing character. The cases of The Land of Kerenda and of the Kalimbubu of Tandjung Merawa bear witness to the fact that as soon as that unity was threatened from within, the pertinent *adat* principle was strong enough to prevail, not only in the formal decision but also in its material implementation.

Some of our Western colleagues tend, as it were, to reduce a priori non-Western local dispute settlement practices like

*runggun adat* or *begundem* to something like a sham-fight which serves to camouflage a decision pre-cooked by lobbying in a context of power-relations, with or without involving party politics. In its generality, such a view in my opinion amounts to begging the question. I do not deny that detailed empirical case research may disclose a sham-fight element in certain cases whose social context happens to be characterized by special external relationships. But I believe there is no denying that that theory finds at any rate no support in the two present random cases, where vested personal interests and personal power were made to yield to what was judged just according to *adat*, by means of a popular and public procedure of decision making within the normative framework of *musjawarah*.

### FOOTNOTES

- <sup>1</sup> As set out by Dr. Moh. Koesnoe (1969), professor of *adat* law in the Airlangga University at Surabaya. See further section entitled "An Indonesian's Theory of Musjawarah" of the present essay. The word *adat* which is frequently used in the present essay, is roughly translatable by "custom," but more precisely (Koesnoe, 1969:5) as "the sum-total of the principles, including their various manifestations, of Indonesian culture."
- <sup>2</sup> Ruling lineage is a customary English translation but it should not delude the reader into connotations like that of a privileged elite. "One basic principle of Karo political structure is that the localized *bangsa taneh* is, so to speak, the core of two social groups, firstly the village community and secondly the lineage as an agnatic unit. With regard to the village community, its localized *bangsa taneh* is the ruling group whose political leadership was jurally recognized (until the Revolution) and still persists despite the lack of its legal foundation under the present political system. Nevertheless it is erroneous to assume that there is a class system or a well developed social stratification which characterizes intra-village social relations. In fact one could say that egalitarianism is very well marked in everyday social values. It should be realized that what is meant by a ruling lineage is merely a reference group. Those who are referred to as commoners may in one context be *bangsa taneh* and in another context, not. This is because a man who resides outside his (lineage) 'mother' village is a commoner in his place of residence but on the other hand he remains one of the *bangsa taneh* with reference to his 'mother' village" (Singarimbun, 1965: 163).
- <sup>3</sup> "Right of disposal" is a not quite satisfactory translation of a technical term, introduced sixty years ago (*beschikkingsrecht*) by van Vollenhoven to denote the complex of community rights in land as found all through Indonesia. It should be noted that the term does not include any power to *alienate* the land. See Haar (1948: 59ff).
- <sup>4</sup> The use of the term *senina* will be adverted to in note 8.
- <sup>5</sup> For the meaning and use of the term *sembujak*, see note 8.
- <sup>6</sup> Apparently, a man's brother's father-in-law does not belong to the immediate *kalimbubu*. It should also be noted that from the point of view of *adat* law, each of the three categories of kinship retains specific rights and duties in respect of the two others, and that as such the three are irreducible.
- <sup>7</sup> See Koesnoe (1969: 9-14) and in this essay in the section entitled "Begundem and Runggun Adat."
- <sup>8</sup> A *senina* is a man's male *clan* member, whereas a *sembujak*, in addition to being a *senina*, is a man's male *sub-clan* member. The term *senina* is also used to denote the more restricted group of a particular other sub-clan whose male members form a man's and his lineage's "traditional" *senina*. Several informants stated that it is the *senina* in



its latter restricted sense, who should preferably occupy the third apartment of the *adat* house. Similarly, the parties' *senina* in *runggun adat* are said to consist primarily of the "traditional" *senina*; but not exclusively so, for among the *senina* in the *runggun adat* in the case of The Land of Kerenda were seated (1.) a small number of "traditional" *senina*; (2.) some *senina* in the "broad" sense; (3.) an even larger number of *sembujak*; and (4.) the parties in dispute (*sukut*) themselves (whose place according to *adat* is in the midst of the *senina*, none of them taking part in the discussions except to answer questions explicitly addressed to them).

The terms *senina* and *sembujak* are in daily use frequently interchanged. I was told more than once that *sembujak*, in order to participate in *runggun adat* along with the *senina* group, should be not such close kin to the parties in dispute as to have a common grandfather. Additional research should further clarify these questions and should search for any principals governing the question if and where a borderline can be drawn between those who are regarded as belonging to the parties-in-dispute and those who should be regarded as *sembujak*-members of the *senina* group in the dispute settling *runggun adat*. Such research should include clarification of norms and practices regarding the composition of that *senina* group with "traditional" *senina*, *senina* in the "broad" sense, and *sembujak*.

- <sup>9</sup> Most Karo villages have no sub-division into two or more wards. Wherever such sub-division existed, each ward tended to achieve optimal autonomy; it had its own chief and in a certain sense also its own land; but not its own court, the wardchiefs with their *anakberu* constituting the village court, which was presided over by the village chief, who was the chief of the oldest ward.
- <sup>10</sup> In this light, the above-mentioned location of the four most co-operative inhabitants at the up- and downstream entrances of the *adat* house, gains in practical meaning. See for Karo warfare the description by Middendorp (1920: 125-151).
- <sup>11</sup> Gurukinajan is ruling lineage in the nearby village of the same name.
- <sup>12</sup> Upon inquiry with the former district officers concerned (December 1971), I was informed that they had had nothing to do with this dispute or with its settlement and that such matters were purely internal Karo affairs. As regards the construction of wet rice fields, these were routine matters for the colonial administration and several such projects used to be carried on simultaneously at any given time throughout Karo-land.
- <sup>13</sup> *Sembujak* may participate in the *senina*-group at *runggun adat*, provided they do not share a grandfather with the parties-in-dispute. See, however, the questions raised in note 8.
- <sup>14</sup> Koesnoe's paper consists of three main parts: his conception of Indonesian *musjawarah*, its manifestation in *adat* Sasak, and the problem of its application to decision making on the national level. Only the first two parts will be dealt with in the present essay.
- <sup>15</sup> *Kerakjatan* is a noun, literally meaning the "being people," and perhaps not translatable into one single Western equivalent; it connotes the "belonging together as a people," "people," "people's consciousness," and "solidarity among the people." The term is applied by Koesnoe (1969: 6, and notes 2, 5) as a key concept, a principle to enable communal (and national) life to take place on the basis of the people's will. This will is to be ascertained along the path of *musjawarah*.
- <sup>16</sup> In an important footnote (1969: note 11), Koesnoe questions the often heard view that *musjawarah* ends with *mufakat* (Indonesian parallel of "agreement"). "Agreement presupposes the presence of two or more parties which oppose each other on behalf of certain interests. 'Roundness of the will' of everyone presupposes that participants are not mutually opposite, but that, as parts of the whole, they wish to lead that whole to a certain goal. Besides, agreement presupposes a result of give-and-take: it is a phase in which, after a struggle of interests, the so-called commutative justice is obtained. With 'roundness of will,' there is no such struggle of conflicting interests: it is the result of an exchange of views for the sake of contributing to the interest of the community."
- <sup>17</sup> As an exception to the *adat* for daily routine behaviour, younger participants in *begundem* may (decently) criticise the opinion of older participants.

- <sup>18</sup> An illustration of the plasticity, which along with vitality, according to Djojodigoeno (1969: 16) should characterize the dynamics of (*adat-*) law.
- <sup>19</sup> One of the basic principles of *adat law*, according to Koesnoe (1971: B 19).

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