



Role of *Tengganai* in Resolving Domestic Conflicts: A *Maqashid Shariah* Analysis

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Abstract

This study investigates the role of *tengganai* in resolving domestic conflicts and analyzes the practice within the framework of *maqashid shariah*. Using a qualitative case study approach, data were collected through interviews and observations with *tengganai*, customary leaders, and related stakeholders. The findings indicate that *tengganai* act as mediators who emphasize deliberation and familial approaches through the mechanism of *sit tengganai*. This mechanism has proven effective in resolving disputes swiftly, efficiently, and with respect for the dignity of the parties involved. Nevertheless, a shift has occurred in which the enforcement of customary sanctions has become less consistent, with greater reliance on persuasive methods. From the perspective of *maqashid shariah*, this practice reflects efforts to safeguard religion, life, intellect, lineage, and property, thereby illustrating the contextual application of living *maqashid*. The study highlights the importance of *tengganai* as local actors in integrating customary law and Islamic law in domestic conflict resolution.

INTRODUCTION

Indigenous communities have a social structure rich in cultural values, including mechanisms for resolving domestic conflicts. Disputes between husbands and wives are generally not resolved directly through formal channels, but rather through a family-oriented approach and customary mechanisms involving family members and community leaders (Nawang Sari, 2025). In practice, domestic conflicts that are not properly addressed have the potential to cause broader social impacts, such as family disintegration and disruption of community harmony (Laar et al., 2026). In this context, the *tengganai* occupies a strategic position as a mediator who possesses moral and social authority in reconciling family conflicts.

A *tengganai* is an aunt or senior relative within the kinship structure who plays a role in guiding, protecting, and caring for nieces and nephews (Arzam, 2016). Her role is not limited to conflict resolution but also includes efforts to maintain social balance, prevent conflict escalation, and preserve family unity. The approach used reflects local wisdom that aligns with the values of *Maqashid Syariah* (Amburika, 2025), particularly in the protection of life (*hifz al-nafs*), honor (*hifz al-'ird*), and lineage (*hifz al-nasl*) (Arroisi et al., 2024).

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From the perspective of *maqashid al-sharia*, conflict resolution is not only focused on ending disputes but also on restoring relationships (Suhaili, 2025), protecting human values, and achieving the public good (Mua'malah et al., 2025). Therefore, the role of the *tengganai* can be understood as a form of value-based mediation that not only resolves conflicts practically (Khakim, 2026), but also maintains the sustainability of the community's social and moral systems.

There have been several studies examining this issue, including a study conducted by Darmawan et al., (2023), which examined the contribution of non-judicial mediators in resolving domestic conflicts at the Religious Court of Padang Class I A. The results of the study indicate that in 2021, mediation was still conducted by judicial mediators, whereas in 2022, non-judicial mediators began to be involved. The success rate of mediation increased from 9.59% (35 cases) in 2021 to 16.52% (59 cases) in 2022. This increase indicates that non-judicial mediators make a positive contribution to the process of resolving domestic conflicts, although the success rate remains relatively low. These findings underscore the importance of third-party roles outside formal institutions in fostering communication and achieving reconciliation (Darmawan et al., 2023).

A study conducted by Pratiwi & Amal, (2025) examined the role of Hatobangon as a mediator in resolving domestic conflicts in Batuhula Village, Batangtoru Subdistrict. The results of the study indicate that the primary causes of domestic conflicts stem from economic issues, such as the inability to meet family needs and the husband's behavior of spending time gambling. In the conflict resolution process, Hatobangon serves as a forum for married couples to voice their problems, as well as an advisor in providing solutions. Hatobangon's wise character and close ties to the community make it an effective mediator, leading the community to frequently involve this traditional institution in resolving domestic conflicts (Pratiwi & Amal, 2025).

Research conducted by Pamungkas & Harry, (2025) confirms that mediation plays a strategic role in resolving domestic disputes because it prioritizes a humanistic, participatory approach focused on restoring relationships. Mediation not only addresses legal aspects but also considers the emotional, psychological, and social dimensions that are often overlooked in litigation mechanisms. Through the principles of dialogue, mutual agreement, and the active involvement of the parties, mediation is able to create fairer and more sustainable solutions. Furthermore, mediation contributes to family resilience by fostering healthy communication patterns, safeguarding children's interests, and strengthening the stability of family relationships. Nevertheless, the effectiveness of mediation still faces challenges such as low public legal literacy and limitations in mediators' competencies.

Nevertheless, these studies still focus on the role of customary institutions in general and have not specifically examined the *tengganai* as a local customary actor in the resolution of domestic conflicts, particularly from the perspective of *Maqashid Syariah*. Furthermore, studies integrating traditional mediation practices with *Maqashid Syariah* analysis within the local context of Sungai Penuh remain relatively limited. This situation indicates a research gap that needs to be addressed.

Building on this gap, this study offers a novel approach through an integrative analysis of the role of the *tengganai* as a traditional mediator alongside the values of *Maqashid Syariah* in resolving domestic conflicts. This study is not merely descriptive but also analytical in assessing the *tengganai's* contribution to achieving family welfare and social balance. Furthermore, this

study offers a new perspective by examining traditional mediation practices as a form of implementing living *maqashid* within the local community context. Therefore, this study aims to analyze the role of the *tengganai* in resolving domestic conflicts in Sungai Penuh and to uncover how these traditional mediation practices represent the implementation of *Maqashid Syariah* values in the social life of the community.

METHODS

This study employs a qualitative approach using a case study design to conduct an in-depth examination of the role of the *tengganai* in resolving domestic conflicts within the social and cultural context of the community (Amburika, 2025; Assyakurrohim et al., 2022; Engkizar et al., 2026; 2026; Lubis et al., 2026; Prayitno & Ja'far, 2025; Putra et al., 2022). The research location was purposively selected in a region of Jambi Province that still maintains traditional conflict resolution practices. Research subjects were selected using purposive sampling (Khoiroh et al., 2026), including informants who hold roles and authority within the traditional structure, such as *tengganai*, *rio*, *depati*, and heads of traditional institutions.

Data collection was conducted through in-depth interviews, observation, and documentation (Al Ikhlas et al., 2022; Amburika, 2025; Az-Zahra et al., 2025; Engkizar et al., 2025; Hadi, 2024; Sugiyono, 2014; Tadot et al., 2025). Semi-structured interviews were conducted with X informants, consisting of *tengganai* (traditional leaders), community leaders, and couples who had experienced domestic conflicts. These interviews aimed to gather information regarding the informants' experiences and perspectives on the process of resolving domestic conflicts. Observations were conducted directly on traditional mediation practices within the community, while documentation was used to supplement data regarding traditional structures and conflict resolution mechanisms. Data analysis was conducted qualitatively through the stages of data reduction, data presentation, and drawing conclusions (Huberman, 2014). This analysis aims to identify patterns, processes, and the significance of the *tengganai's* role in resolving domestic conflicts, which are subsequently examined from a *maqashid syariah* perspective to assess their contribution to family welfare and social balance. Data validity was ensured through source and method triangulation (Azani et al., 2022; Malik et al., 2025), namely by comparing data from interviews, observations, and documentation, as well as confirming information from various informants.

RESULT AND DISCUSSION

The Role of the *Tengganai* in Resolving Domestic Conflicts

The community of Pondok Tinggi Subdistrict, Sungai Penuh City, is one that continues to uphold traditional values in its social life. Customary law serves not only as a cultural identity but also as a guide for regulating social relationships, including in the resolution of domestic conflicts. Within this traditional structure, the *tengganai* holds an important position as a family figure who plays a role in guiding, protecting, and caring for their nieces and nephews.

The role of the *tengganai* is not limited to a specific phase in the family's life, but continues throughout the entire lifespan of the nieces and nephews from their childhood until they establish their own households. The *tengganai* is not only involved in traditional ceremonies such as weddings but also in various issues faced by the nieces and nephews, including domestic conflicts. Thus, the *tengganai* serves as a central figure responsible for maintaining family harmony and stability.

Children belong to their parents, but nieces and nephews belong to the tengganai, so the tengganai plays an important role in the family not only in matters of marriage, but in everything the nieces and nephews need, whether it's getting married or dealing with family conflicts (informant 1)

In the traditional social structure, *tengganai* are divided into two types: *tengganai tuo* and *tengganai dulu selangkah*. *Tengganai tuo* come from the father's side, while *tengganai dulu selangkah* come from the mother's side. In practice, *tengganai dulu selangkah* play a more dominant role in resolving domestic conflicts because they have a closer emotional bond and are more deeply involved in the lives of their nieces and nephews. Meanwhile, the *tengganai tuo* tends to play a more symbolic role.

The involvement of the *tengganai* in domestic conflicts is not direct but occurs at the request of the parties involved. The *tengganai* will not intervene unless asked, so their role is responsive and respects family privacy. This indicates that conflict resolution in this community still allows married couples the space to resolve issues independently before involving traditional authorities.

If the conflict cannot be resolved internally, the *tengganai* will be involved and facilitate a meeting between both parties the husband and wife along with their respective families. In certain cases, such as domestic violence, the involvement of the *tengganai* serves as the first step before further resolution is pursued.

Conflict resolution is carried out through a customary mechanism known as *sit tengganai*. This process begins with the exchange of *timbang balik* or *mas tengganai* as a symbol that both parties have granted authority to the *tengganai* to lead the conflict resolution process. Afterward, the *tengganai* conducts the process of *mensiasat menjerami*, which involves uncovering the root causes of the issue by listening to statements from both parties.

During the mediation process, each party is given the opportunity to express their views and explain the issues they are facing. The *tengganai* acts as a mediator who strives to maintain neutrality and offers advice to both parties. This process does not always proceed smoothly, as conflicts often involve intense emotions, particularly from family members who feel wronged. Such circumstances can escalate tensions and prolong the conflict resolution process.

Mediation through the *tengganai* is generally conducted in several stages. During the first and second meetings, the *tengganai* offers advice to both parties in the hope of reaching a peaceful resolution. However, if the conflict remains unresolved, a written agreement is drawn up during the third meeting as a form of resolution.

The mediation process takes place a maximum of three times. First, advice is given; second, advice is given again; third, an agreement is drawn up. If the conflict persists, the parties are asked whether they wish to continue or part ways (informant 2)

In the mediation process, there are rules that must be followed by the parties involved. One of these rules is that parents are prohibited from interfering in the mediation process, unless requested by the *tengganai*. If this rule is violated, the *tengganai* may halt the mediation process, a practice known as *nyerah unding* that is, returning the resolution of the conflict to the family.

The outcome of the mediation process conducted by the *tengganai* may result in reconciliation, a written agreement, or divorce. In cases of severe conflict, such as domestic violence, divorce is often chosen as a solution to avoid further harm. The divorce process is still carried out according to customary law, including the return of the husband to his family (being sent away from the wife's home) as a way to preserve the honor of both parties. Additionally, this study also found a shift in customary practices regarding the imposition of sanctions.

While the *tengganai* previously had the authority to impose customary fines, this practice has begun to decline. *Tengganai* now emphasize a persuasive approach through advice and admonishment, while the enforcement of heavier sanctions tends to be delegated to law enforcement officials. This indicates an adaptation between customary law and state law in the resolution of domestic conflicts. Thus, the role of the *tengganai* is not merely structural within the customary system but also possesses a normative dimension oriented toward the welfare of the family.

The Application of the *Maqashid al-Sharia* Principles in the Customary Mediation Process

The concept of *Maqashid al-Sharia* places the public interest as the primary objective of every provision of Islamic law (Sahid et al., 2025). This principle is oriented toward the protection of five main aspects, namely religion (*hifẓ al-din*), life (*hifẓ al-nafs*), intellect (*hifẓ al-‘aql*), lineage (*hifẓ al-nasl*), and property (*hifẓ al-mal*) (Mannang et al., 2025). In the context of resolving domestic conflicts through customary mechanisms, the practices carried out by the *tengganai* demonstrate alignment with these objectives, even though they do not explicitly employ the *Maqashid al-Sharia* framework. This is evident in the way the *tengganai* makes decisions that are not only oriented toward conflict resolution but also consider the long-term welfare of the parties involved.

In practice, the *tengganai* not only strive to reconcile married couples but also prioritize the safety of lives. In cases of domestic violence, the *tengganai* may decide to separate the couple if the conflict is deemed dangerous.

We tengganai always consider the safety of the children and grandchildren. If the conflict is due to domestic violence, it is better to just separate them, because it can lead to undesirable consequences (informant 3)

This decision demonstrates that the protection of life (*hifẓ al-nafs*) is the top priority (Putra et al., 2026), even when it means sacrificing the integrity of the household. This underscores that the practice of customary mediation is not solely focused on achieving peace, but also on preventing greater risks.

On the other hand, the *tengganai* also strives to maintain the continuity of the household as part of the protection of the lineage (*hifẓ al-nasl*). This is achieved through counseling and deliberation to prevent couples from hastily deciding to separate (Katz et al., 2007).

Tengganai maintains the marital relationship of their relatives to prevent them from rushing into a divorce decision, as the hope is that the household will endure for a long time (informant 4)

However, under certain conditions, divorce is still viewed as a better solution if the conflict has the potential to negatively impact the children and the family's future (Rahmadani et al., 2025). This indicates that the protection of the lineage is not always interpreted as maintaining the marriage, but rather as ensuring that the family environment remains healthy and does not harm the development of future generations (Kusmardani et al., 2022).

Furthermore, the mediation process conducted by the *tengganai* also reflects the protection of honor (*hifẓ al-‘ird*). Mediation takes place within a family setting and does not openly involve outside parties, thereby preserving the dignity of both conflicting parties. Even in cases of divorce, customary procedures are still followed, such as the return of the husband to his family through customary mechanisms, which aim to preserve the honor of the extended family. Thus, the *tengganai* serves not only as a mediator but also as a guardian of social values related to the dignity and reputation of the family.

The approach used in mediation also demonstrates an effort to protect reason (*hifẓ al-‘aql*). The *tengganai* employs methods of counsel, consultation, and

allows the couple time to reflect before making a decision. This approach indicates that conflict resolution is carried out gradually and without haste, thereby alleviating emotional stress and maintaining the psychological stability of the conflicting parties.

the practice of resolving conflicts, economic aspects are also considered as part of the protection of property (*hifz al-mal*). The shift from imposing customary fines toward an approach of counsel and reprimand indicates an effort to avoid imposing a heavy economic burden on the parties in conflict.

Nowadays, Tengganaï rarely imposes fines, because fines are a heavy burden. Usually, they just give advice, while severe punishments are left to the authorities (informant 5). Thus, conflict resolution is not only oriented toward the imposition of sanctions but also considers the sustainability of the family's economic livelihood.

Based on the above discussion, it can be understood that the role of the *tengganaï* in resolving domestic conflicts is not merely cultural but also has a substantive dimension in promoting the common good. The mediation practices observed indicate that the values of *Maqashid al-Sharia* have been internalized in the social life of the community, even though they are not formulated normatively (Sutisna et al., 2020). The findings of this study show that the role of the *tengganaï* is not limited to that of a mediator in resolving domestic conflicts but also serves as a representation of the values of *Maqashid al-Sharia* within customary law practices. Through mediation mechanisms that prioritize deliberation and the protection of family safety, honor, and continuity, the *tengganaï* has substantively implemented the principles of *Maqashid al-Sharia* in the social life of the community. Thus, these findings confirm that the *tengganaï* can be positioned as a local actor who implements the principles of *maqashid syariah* contextually in the form of living *maqashid*, thereby demonstrating the integration of customary law and Islamic law in the resolution of domestic conflicts in Sungai Penuh.

Challenges And Obstacles in the Traditional Resolution of Domestic Conflicts

Although traditional mediators hold a respected position within the traditional structure and play a crucial role in resolving domestic conflicts, in practice they are not immune to various complex challenges and obstacles. One of the main challenges they face is the emotional state of the parties involved in the conflict (Devakumar et al., 2021). In many cases, particularly those involving domestic violence (Nurfitriani et al., 2024), both spouses and extended family members often find themselves in emotionally unstable situations. This tension frequently triggers uncontrollable arguments and even exacerbates the atmosphere during mediation (Silawati et al., 2025). As illustrated by field findings, conflicts do not only occur between couples but also involve extended families who defend their respective positions. This situation poses a serious obstacle for mediators in maintaining neutrality and managing the course of the deliberation to keep it conducive. Consequently, the mediation process often takes longer and frequently faces temporary deadlocks.

In addition to emotional factors, differences in perspective among the *tengganaï* also present a unique challenge. Not all *tengganaï* share the same understanding, experience, or approach to resolving domestic conflicts. These differences can arise when assessing the degree of fault, determining solutions, and even deciding whether a household is still worth preserving. In certain situations, these differences can slow down the decision-making process and even potentially lead to disagreements among traditional leaders. This indicates that the effectiveness of conflict resolution through customary mechanisms is highly dependent on the alignment of perspectives among the traditional leaders

themselves. In other words, the strength of customary institutions lies not only in their symbolic authority but also in the unity of perspective among their practitioners.

The next challenge arises when the mediation process fails to achieve reconciliation and instead leads to divorce. In a traditional context, divorce is not merely a matter between husband and wife (Manuputty et al., 2024), but also concerns the relationship between two extended families (Marwa, 2021). Therefore, failure to reconcile a couple not only impacts the breakdown of the marital relationship but can also trigger broader social tensions (Wijayanti, 2024). In such situations, the *tengganai* faces a dilemma between preserving the integrity of the household and safeguarding the greater good, especially if the conflict threatens the safety or well-being of one party. On one hand, divorce can be viewed as a failure of mediation, yet on the other hand, it may serve as the best solution to prevent greater harm (Saputra, 2025). This dilemma highlights the complexity of the *tengganai*'s role, which functions not only as a mediator but also as a moral decision-maker within the traditional structure.

In addition, social changes and the evolution of the state legal system have also posed significant obstacles to the practice of customary conflict resolution (Trizza et al., 2025). One indicator of this is the decreasing application of customary fines in certain cases, such as adultery or domestic violence. This shift is influenced by several factors, including economic considerations, changes in public mindset, and the existence of a more formal state law with binding force. In the national legal system, principles such as the principle of legality (*nullum delictum nulla poena sine praevia lege poenali*) Aquilina, (2008) require written rules as the basis for imposing sanctions (Dwiyantri et al., 2024). This differs from customary law, which relies heavily on customs and social agreements that are not always formally documented. Consequently, the application of customary sanctions has become increasingly limited and tends to be replaced by state legal mechanisms (Masril & Kosasih, 2019).

The limited authority of the *tengganai* in handling cases that have entered the formal legal system also poses a significant obstacle. In certain cases, such as serious violence or criminal offenses, resolution is no longer entirely within the control of customary law but must involve law enforcement officials (Soeikromo et al., 2026). Under such circumstances, the role of the *tengganai* is limited to that of an initial mediator or advisor, while the final decision rests with state legal institutions. This indicates an imbalance in the relationship between customary law and state law, where state law tends to be more dominant in determining the final resolution.

Despite facing these various challenges, the role of the *tengganai* continues to hold a strategic position in maintaining social stability and family harmony within the community. The existing obstacles actually demonstrate that traditional conflict resolution mechanisms are dynamic and continually adapt to the changing times. From the perspective of *Maqashid Syariah*, this situation can be understood as an effort to uphold the public interest while accounting for changing social realities (Kurniawan & Hudaf, 2021). Thus, although their authority has shifted, the *tengganai* continue to serve as local actors bridging traditional values and the principles of Islamic law, while also being part of the living law practices that thrive and evolve within society. This situation demonstrates that the customary legal practices carried out by the *tengganai* continue to adapt to social dynamics and the state's legal system.

CONCLUSION

This study found that the *tengganai* serves as the primary mediator in resolving domestic conflicts among relatives in Sungai Penuh by prioritizing a consultative approach, kinship ties, and traditional values. The conflict resolution process is carried out through informal stages, beginning with a persuasive approach until a peaceful agreement is reached between the parties. These findings indicate that the customary mechanisms implemented by the *tengganai* are not only effective in resolving conflicts quickly and cost-effectively but also capable of preserving family honor and preventing the escalation of conflicts into formal legal proceedings. Thus, the role of the *tengganai* extends beyond that of a mediator to include that of a guardian of social stability and family harmony within the indigenous community. However, in practice, there has been a shift in the role of the *tengganai*, particularly regarding the application of customary sanctions. *Tengganai* tend no longer to impose customary fines and instead prioritize a persuasive approach involving counsel, acting as customary witnesses in conflict resolution, including in divorce cases. This shift is influenced by the development of a more formal state legal system as well as social considerations within the community.

From the perspective of *Maqashid al-Sharia*, the mediation practices carried out by the *tengganai* substantively reflect efforts to protect religion, life, reason, lineage, and property. These findings indicate that the values of *Maqashid al-Sharia* are not merely normative but are also contextually implemented in conflict resolution practices through customary mechanisms (*living Maqashid*). Nevertheless, *tengganai* face various challenges, particularly regarding the limitations of applying customary sanctions and the tension between customary law and state law, which prioritizes the principle of legality (*nullum delictum nulla poena sine praevia lege poenali*). This situation means that customary conflict resolution cannot always be optimally applied in all cases. Thus, this study affirms that the *tengganai* holds a strategic position as a local actor in integrating the values of customary law and Islamic law. Therefore, efforts are needed to strengthen the role of the *tengganai* through synergy between customary law and state law so that the resolution of domestic conflicts can proceed more effectively while remaining oriented toward the public interest.

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