

**TRADITION OF *BAGANYI* FROM THE PERSPECTIVE OF *FIQH MUNAKAHAT***

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**Abstract**

*This study aims to examine the baganyi tradition from the perspective of fikih munakahat, with an emphasis on social and legal dynamics in Minangkabau culture. The initial aim is to understand how baganyi affects the position of wives and children and how Minangkabau customs apply customary values with Islamic legal principles to resolve disputes within the family. This research uses a qualitative descriptive methodology by interviewing family members and looking at how Minangkabau families resolve conflicts. The results show that the baganyi tradition is a form of peaceful effort made by the women of the wife's family to return the husband who left home. This process involves several stages, starting from individual problem solving between husband and wife, then solving between two families with the help of ninik mamak and bundo kanduang. This research also found that the manjapuik sumando yang baganyi custom has a philosophy behind picking up the husband, which is to perfect or repair the rift in the husband-wife relationship. The implication of this research is the importance of integration between customary values and the principles of Islamic law in resolving husband-wife conflicts. Minangkabau custom with the baganyi tradition shows that the intervention of ninik mamak and bundo kanduang can help restore harmony in the household. It also shows that the status of the wife and children must be prioritized in the process of resolving husband-wife problems, so as to reduce the divorce rate and improve family welfare. Thus, this research contributes to a deeper understanding of the baganyi tradition and the importance of Minangkabau customs in overcoming marital problems, as well as its legal implications in the context of fikih munakahat.*

**Keywords:** *Baganyi, Manjapuik Sumando, Mamak*

**Abstrak**

Penelitian ini bertujuan untuk mengkaji tradisi *baganyi* dari perspektif fikih *munakahat*, dengan penekanan pada dinamika sosial dan hukum dalam budaya Minangkabau. Tujuan awalnya adalah untuk memahami bagaimana *baganyi* mempengaruhi kedudukan istri dan anak-anak serta bagaimana adat Minangkabau menerapkan nilai-nilai adat dengan prinsip-prinsip hukum Islam untuk menyelesaikan perselisihan di dalam keluarga. Penelitian ini menggunakan metodologi deskriptif kualitatif dengan mewawancarai anggota keluarga dan melihat bagaimana keluarga Minangkabau menyelesaikan konflik. Hasil penelitian menunjukkan bahwa tradisi *baganyi* merupakan bentuk usaha damai yang dilakukan oleh pihak perempuan keluarga istri untuk mengembalikan suami yang meninggalkan rumah. Proses ini melibatkan beberapa tahapan, mulai dari penyelesaian permasalahan secara individual antara suami-istri, kemudian penyelesaian antar dua keluarga dengan bantuan ninik mamak dan *bundo kanduang*. Penelitian ini juga menemukan bahwa adat *manjapuik sumando* yang *baganyi* memiliki filosofi yang melatarbelakangi penjemputan suami, yaitu untuk menyempurnakan atau memperbaiki kembali keretakan hubungan suami-istri. Implikasi dari penelitian ini adalah pentingnya integrasi antara nilai-nilai adat dan prinsip-prinsip hukum Islam dalam menyelesaikan konflik suami-istri. Adat Minangkabau dengan tradisi *baganyi* menunjukkan bahwa campur tangan ninik mamak dan *bundo kanduang* dapat membantu mengembalikan harmoni dalam rumah tangga. Hal ini juga menunjukkan bahwa status istri dan anak-anak harus diutamakan dalam proses

penyelesaian permasalahan suami-istri, sehingga dapat mengurangi angka perceraian dan meningkatkan kesejahteraan keluarga. Dengan demikian, penelitian ini memberikan kontribusi pada pemahaman lebih dalam tentang tradisi *baganyi* dan pentingnya adat Minangkabau dalam mengatasi masalah perkawinan, serta implikasi hukumnya dalam konteks fiqh *munakahat*.

**Kata kunci:** *Baganyi, Manjapuik Sumando, Mamak*

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## INTRODUCTION

Humans are social beings who cannot live alone. Society must live in communities and form families, small groups. The family consists of a husband, wife, children, and other members. The first marriage forms a small group. One of the most complex and diverse issues in Minangkabau society is the tradition of "Baganyi," especially when viewed from the perspective of customary law and Islamic law. Baganyi is a term in Minangkabau culture used to describe a situation when a husband leaves his wife without an official divorce process.<sup>1</sup> This term is often used in the context of marital issues in Minangkabau, where a husband who cannot resolve disputes with his wife can decide to leave the household without going through the formal divorce process.

This can lead to various problems, such as lack of attention to children and the potential for sirri marriages (secret marriages) or isbat nikah (marriages that are not legally recognized) due to the absence of an official divorce process. The matrilineal kinship system in Minangkabau society places women as the primary heirs of ancestral property, while the husband, referred to as *urang sumando*, lives in the wife's house without any rights to the ancestral property. Such conditions often create tension because the husband feels he has no power or rights within his wife's extended family.<sup>2</sup>

Divorce has a significant impact on the family left behind and the surrounding social community. Wives must take on the role of breadwinners in some divorce cases, especially when the husband does not fulfill his responsibilities. Factors such as economics and infidelity can be driving forces behind divorce for married couples.<sup>3</sup> Support from family and the community is very important in providing assistance to individuals affected by

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<sup>1</sup> Nofiardi, "Perkawinan Dan Baganyi: Analisis Sosiologis Kultural Dalam Penyelesaian Perselisihan Di Kecamatan Banuhampu Kabupaten Agam," *Jurnal Al-Ihkam* 13, no. 1 (2018): 52.

<sup>2</sup> Bushar Muhammad, *Pokok-Pokok Hukum Adat*, Cet. 13 (Jakarta: PT. Balai Pustaka, 2013), 14.

<sup>3</sup> Mahfudz Junaedi, "Fenomena Perceraian Dan Perubahan Sosial (Studi Kasus Di Kabupaten Wonosobo)," *Yin Yang* 13, no. 2 (2018): 263.

unhealthy relationships. Education and awareness of the importance of healthy relationships can also help individuals avoid harmful relationships.<sup>4</sup>

In Islam, leaving the house is a serious violation of his responsibilities as the head of the family. In his book "What is Permissible and What is Forbidden in Islam," Yusuf al-Qaradawi emphasizes that a husband has the duty to provide for his family both materially and morally, and leaving the family without a valid reason is an unacceptable act in Islam.<sup>5</sup> For example, if a husband leaves his family without support or protection, this is considered a serious violation of Islamic teachings. This can cause instability within the family and harm families that need the husband's support as the head of the household. Therefore, to address the tragedy effectively and comprehensively, a holistic approach that includes Islamic law and customary law is necessary.

## **METHOD**

The research method used in the study of Minangkabau customary law related to the role of husbands and efforts to resolve household conflicts is the descriptive qualitative method. This approach aims to deeply understand the social, cultural, and legal phenomena prevailing in Minangkabau society through several comprehensive steps. A literature study was conducted to collect and review various bibliographic sources such as books, journals, articles, and relevant documents on Minangkabau customary law, Fiqh Munakahat, as well as traditions like baganyi and manjapuik sumando, which provide important theoretical and historical foundations. Through this combination of steps, this research is expected to produce a comprehensive and in-depth understanding of the role of the husband and conflict resolution methods in households within the Minangkabau community.

## **RESULTS AND DISCUSSION**

### **A. The *Baganyi* Tradition in Minangkabau**

Minangkabau customary law clearly regulates the roles and responsibilities of the husband (urang sumando). It is expected that the sumando will help and support the wife's family, but they often do not have the power or right to make important decisions in the

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<sup>4</sup>Sahira Ramadhatsani, Nurliana Cipta Apsari, and Budi Muhammad Taftazani, "Memahami Kekerasan Dalam Pacaran Secara Resiprokal Studi Kasus Tentang Dinamika Hubungan Yang Melibatkan Kekerasan Gegar Beralasan," *Ilmu Hukum* 2, no. 1 (2024): 59–64.

<sup>5</sup>Yusuf Al-Qardhawi, *The Lawful and The Prohibited in Islam* (Indianapolis: American Trust Publications, 1960), 124.

family. Although customary law strives to maintain a balance between the rights and obligations of husbands and wives, the husband's weak position can cause tension. According to Syafnir, Minangkabau customs actually provide space for husbands to contribute to the extended family, but excessive expectations and a lack of understanding of the husband's role often lead to conflicts.<sup>6</sup>

In this situation, household dynamics in Minangkabau society are influenced by internal and external elements, including the matrilineal kinship structure and socio-economic changes. Baganyi is a specific example of interaction and shows how a husband's decision to stay or leave can affect the stability of relationships with his wife and children, as well as their social and economic integration in a matrilineal society.<sup>7</sup>

Humans are social beings who cannot live alone. People must live in communities and form small groups, families. In addition to other members, families also consist of a husband, wife, and children.<sup>8</sup> The first marriage creates small groups, in accordance with the teachings of Allah SWT that are prevalent. In Minangkabau, when a mamak resolves the issues of his nephews and nieces, whether in household matters, inheritance, or other cases, the mamak is not referred to as a mediator. Instead, the mamak is only called a peacemaker in the disputes of his nephews and nieces.

In Minangkabau society, especially in rural areas, the resolution of cases such as household problems is generally not carried out in the Judiciary Institution. However, it is resolved through deliberation and consensus among the traditional leaders known as mamak. If there is a problem in the household of the nephew, the nephew will report it to the mamak. As long as the mamak can still mend the relationship with the nephew, this matter will not be brought to the Court Institution, unless the mamak has given up or is no longer able to resolve the case, then the case will be settled in the Court Institution. Apabila ada Saat suami ngambek (merajuk), pertanda permasalahan diupayakan ditangani oleh keluarga secara kolektif, konflik dan pertengkaran dalam rumah tangga yang gagal diselesaikan oleh suami istri. Waktu baganyi itu bervariasi, ada yang hanya berlangsung tiga hari, tetapi ada juga yang berlangsung berminggu-minggu bahkan berbulan.

Actually, the way to solve this problem of baganyi has been practiced in almost all regions of Minangkabau, especially in the custom known as manjapuik sumando (fetching

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<sup>6</sup>Asral Syafnir, *Hukum Adat Minangkabau* (Padang: Andalas University Press, 2007), 134.

<sup>7</sup>Ahsani Nadia et al., "Penyebab Perempuan Minangkabau Merantau Dan Pengaruh Relasi Sosial Keluarga Inti Dalam Sistem Kekerabatan Matrilineal," *Psyche 165 Journal* 15, no. 2 (2022): 146–51.

<sup>8</sup>Irwan et al., "Analisis Perubahan Peran Dan Fungsi Keluarga Pada Masyarakat Minangkabau Dalam Teori Feminisme Dan Teori Kritis," *Satwika: Kajian Ilmu Budaya Dan Perubahan Sosial* 6, no. 1 (2022): 195.

the husband) who is baganyi. The purpose of manjapuik sumando is to convince the less capable husband to return home. However, in reality, encouraging the husband means negotiating and reaching an agreement so that the husband can return to his wife's house. Mamak in Minangkabau is a very important party in the process of resolving marital conflicts between disputing couples.

The tradition of manjapuik sumando is performed with the aim of mending the rift in the marriage between husband and wife. They aim to bring peace once again by involving a third party from both sides. Moreover, this custom reveals how polite and respectful someone's household bond is in the eyes of the general public. So, the involvement of ninik mamak and bundo kanduang gives rise to this formal event. Considering the great respect given by a husband or sumando at his wife's house for being welcomed from her house to live with her, and then being welcomed again from her reluctance at his house.

In this case, the husband's and wife's parents held a direct negotiation in front of their families and the husband and wife. Then they deliberated, and each parent gave advice to both of them, so that they would realize their mistakes and cover each other's shortcomings with their respective strengths. Additionally, to remind them that the long distance of separation can heal their longing for each other. As the Minang proverb says: "Even if a chicken doesn't return for one night, its owner will search the entire village, let alone a husband who hasn't returned for three nights." Negotiations by the elders are sometimes serious and sometimes playful. This is done to avoid rigidity in reconciling the husband and wife.<sup>9</sup>

The impact of this tradition in marriage, among others: First, the unclear status of the wife, as in the Minang proverb: *Digantuang indak batali* (hanging without a string), which is a figure of speech used to replace unpleasant or harmful words. The meaning is that there is no definite clarity. Someone uses this term to polish their language. Because they haven't provided any updates since their departure, someone feels confused in their relationship with the loved one. It summarizes the picture of a woman abandoned by her husband.

A wife whose status is unclear cannot receive the protection, attention, and support she expects from her husband. In terms of wealth, Minang women usually receive a share. For those who have it, at least they are able to support and raise their children. The inheritance passed down by ancestors includes rice fields, farms, or gardens. Of course, the burden on a

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<sup>9</sup>Yusnita Eva and Wedi Afri, "Peran Mamak Sebagai Hakam Dalam Menyelesaikan Konflik Rumah Tangga," *Sakena: Jurnal Hukum Keluarga* Vol. 8 No. 2 (2023): 20.

woman left by her poor husband might be reduced if she has rice fields or gardens that generate profit. However, from her perspective as a wife, this might become a challenge and a burden because her status is suspended.

Indirectly, this issue becomes a significant challenge for the wife who does not have a job and does not have any inherited assets that can be utilized. Each of them has their own obligations, so even though there are relatives willing to help with the living expenses of the wife and children, this is certainly not as good as the husband's obligations. If this is not addressed, it will impact the spouse, children, and extended family both legally through the competent Religious Court and within the family through the *ninik mamak*.

Second and third, unregistered marriage and marriage validation. The status of the woman and her children is unclear whether her husband's absence at home is the reason. Although the Religious Court does not regulate the divorce procedures, some still choose to enter into a temporary marriage when the husband or wife wants to remarry. In fact, an unregistered marriage in such circumstances can lead to additional problems.<sup>10</sup>

This tradition of *baganyi* has detrimental effects on the husband and especially on the wife's psyche, among other things, the husband feels free to neglect his responsibilities as the head of the family, even treating his wife with violence.<sup>11</sup> In economic matters, the wife takes on a dual role as the breadwinner and caregiver for the children. This can lead to greater poverty and economic dependency on society and families.<sup>12</sup>

## **B. Divorce in the Perspective of Fiqh Munakahat**

The Great Dictionary of the Indonesian Language defines divorce as the separation or end of the relationship between husband and wife. Divorce, according to Subekti, is the request of one of the marriage participants or the dissolution of a marriage based on a judge's decree. Therefore, the legal definition of divorce is the dissolution of a marriage that results in the termination of the relationship as husband and wife or a married man.<sup>13</sup>

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<sup>10</sup>Nofiardi, "Perkawinan Dan Baganyi: Analisis Sosiologis Kultural Dalam Penyelesaian Perselisihan Di Kecamatan Banuhampu Kabupaten Agam," 63.

<sup>11</sup>Rudy Catur Rohman Kusmayadi and Muhammad Madarik, "Akibat Hukum Dan Dampak Psikologi Perkawinan Siri Bagi Perempuan Dan Anak-Anaknya (Kajian Teoritis Menurut Undang-Undang Dan KHI)," *Jurnal Pusaka* 9, no. 2 (2020): 8.

<sup>12</sup>Marzuki Amir, *Hukum Adat Dan Islam Di Minangkabau* (Padang: Andalas University Press, 2008), 89.

<sup>13</sup>Muhammad Syaifuddin, *Hukum Perceraian* (Jakarta: Sinar Grafika, 2013), 15.

Divorce comes from the term "itlaq," which linguistically means to release or sacrifice, according to fiqh authorities.<sup>14</sup> In other words, divorce is the dissolution of the marital bond or the termination of the marital relationship. Sayyid Sabiq argues that talak is a means to free oneself from the marital bond, thereby ending the marriage.<sup>15</sup> Al-Jaziri stated that depending on certain conditions, divorce means severing the marital bond or limiting their release.<sup>16</sup> Islam essentially permits divorce, but in practice, it must be justified both in Islamic law and in legal statutes. If the aforementioned approaches do not help improve a healthy marital relationship, then divorce is the last step that a married couple can take.

There are two different forms of divorce in terms of whether the husband has the opportunity to reconcile with his wife or not. First, talak raj'i, which is the divorce pronounced by a husband against his wife who is intimidated, not because he received compensation in the form of property from her. The number of talak raj'i is two times,<sup>17</sup> namely one talak and two talak without being preceded by compensation from the wife and<sup>18</sup> only sunnah to use witnesses.<sup>19</sup> The woman is required to observe 'iddah after the raj'i divorce is announced. The husband may apply for rujuk if he wants to return to his wife before the iddah period ends. If the ex-husband refuses to rujuk during the iddah period, the status of the divorce becomes talak ba'in. Then, with a new marriage contract and a new dowry, the husband wishes to return to his former wife after the iddah period ends. If a woman files for divorce during the iddah of talak raj, she is still considered bound by the marriage, just as her husband has the right to call her.<sup>20</sup>

الطَّلَاقُ مَرَّتَيْنِ فَاِمْسَاكَ بِمَعْرُوفٍ اَوْ تَسْرِیْحٍ بِاِحْسَانٍ وَلَا یَحِلُّ لَكُمْ اَنْ تَاْخُذُوْا مِمَّا اَنْتُمْ مُوْهُنَ شَیْئًا اِلَّا اَنْ

یَخَافَا اِلَّا یُقِیْمَا حُدُوْدَ اللّٰهِ فَاِنْ حِفْتُمْ اِلَّا یُقِیْمَا حُدُوْدَ اللّٰهِ فَلَا جُنَاحَ عَلَیْهِمَا فِیْمَا افْتَدَتْ بِهٖ تِلْكَ حُدُوْدُ

اللّٰهِ فَلَا تَعْتَدُوْهَا وَمَنْ یَّتَعَدَّ حُدُوْدَ اللّٰهِ فَاُولٰٓئِكَ هُمُ الظَّالِمُوْنَ

<sup>14</sup>Abdul Rahman Al-Ghazali, "Fikih Munakahat," in *1*, Cet. 1 (Bogor: Kencana Prenada Media Group, 2003), 191.

<sup>15</sup>Sayyid Sabiq, "Fiqh Al-Sunnah," in *Juz II* (Beirut: Dar al-Fikr, 1983), 206.

<sup>16</sup>Abdul Rahman Al-Jaziri, "Kitab Al-Fiqh 'ala Mazahib Al-Arba'a," in *Juz IV* (Beirut: Dar al-Kutub al-'Ilmiyah, 2002), 278.

<sup>17</sup>Ibnu Rusyd, "Bidayatul Mujtahid," in *Jilid II* (Jakarta: Pustaka Amani, 2007), 538.

<sup>18</sup>Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia Antara Fiqh Munakahat Dan Undang-Undang Perkawinan*, Cet. 1 (Jakarta: Kencana, 2006), 220–21.

<sup>19</sup>Muhammad Syafi'i Haadzami, "Taudhihul Adillah," in *Jilid 6* (Jakarta: PT. Elex Media Komputindo, 2010), 190.

<sup>20</sup>Jayusman et al., "Perspektif Mashlahah Mursalah Terhadap Pernikahan Suami Pada Masa Iddah Istri," *Al-Izdiwaj* 3, no. 2 (2021): 48.

Translite:

"Divorce (that can be revoked) is twice. (After that, the husband can) retain (the revocation) in a proper manner or release (the divorce) in a good way." It is not lawful for you to take back anything (dowry) that you have given to them, unless both (husband and wife) fear that they cannot maintain the limits set by Allah. If you (guardian) fear that both cannot maintain the limits set by Allah, then there is no sin for both in what (the wife) gives to redeem herself. Those are the limits set by Allah, do not transgress them. Whoever transgresses the limits (provisions) of Allah, they are the wrongdoers.

This shows that the divorce prescribed by Allah is given by the husband one at a time, not all at once. This means that the husband can take care of his ex-wife well after the first divorce, as well as after the second divorce. Referring to her and returning her to the marital bond, as well as the right to gather and treat her well, are characteristics of reconciliation. Talak raj'i is the only right to reconcile with the wife.

Second, irrevocable divorce (talak ba'in). Irrevocable divorce is a divorce initiated by a husband, resulting in him losing the opportunity to consult with his ex-wife. If the husband chooses to return to his wife, it must be done with a marriage agreement again after muhallil or with certain conditions based on the circumstances of the issue.

فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَتَرَاجَعَا إِنْ ظَنَّا

أَنْ يُعَيِّمَا حُدُودَ اللَّهِ ۗ وَتِلْكَ حُدُودُ اللَّهِ يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ ﴿٢٠٠﴾

Translite:

"If he divorces her again (after the second divorce), she is no longer lawful for him until she marries another man. If that other husband divorces her, there is no sin for both of them (the first husband and the ex-wife) to remarry if they both believe they can uphold the laws of Allah." Those are the decrees of Allah, which He has explained to those who (wish to) understand.

The irrevocable divorce itself is divided into two parts: minor irrevocable divorce and major irrevocable divorce. These two types of irrevocable divorce can be explained as follows.<sup>21</sup> Talak ba'in shughra is a divorce that causes the husband to be unable to repair his relationship with his wife. However, the ex-husband must sign the marriage contract again if he wants to live with his ex-wife once more. Included in ba'in shughra divorce are divorce imposed for reasons of khulu, divorce imposed for reasons of fasakh, divorce imposed when

<sup>21</sup>Taqiyudin Abu Bakar, *Kifayatul Akhyar* (Yogyakarta: Pustaka as-Salam, 2022), 67.

the husband and wife have not yet consummated the marriage; raj'i talaq when the 'iddah period has passed.

As for talak ba'in kubra, or the third divorce, it occurs when the husband fails to reconcile with his wife even after marrying again. According to Syafi'iah academics, a husband must meet the following conditions if he wants to live with his ex-wife again. Then divorced by the man with the hope that her ex-husband would marry her again, the ex-wife had married another man without her ex-husband's involvement, who intended for the other man to be willing to marry her. The ex-wife had sexual relations with another man. The iddah period has ended, and the ex-wife has separated from her second husband. Like in most marriages, the first ex-husband can remarry his ex-wife through a new marriage contract with a guardian, witnesses, contract, and dowry.

The scholars then differed in opinion regarding whether the divorce was pronounced three times in one sitting, whether the divorce counted as three, or whether the divorce still counted as one. This is considered ba'in shughra divorce if it counts as three divorces. This is a raj'i divorce, but with the assumption that it falls under the category of a single divorce. Most scholars argue that ba'in kubra divorce—namely, triple divorce—occurs when the divorce is pronounced three times at once.

This depiction reminds us that divorce can only be carried out if both parties fail to reach an agreement to maintain the integrity of the household. That means, divorce is the only option that can be taken. In other words, divorce allows married couples to achieve long-term satisfaction. Moreover, divorce is something that is permitted by Allah SWT but disliked.

### **C. Tradition of *Baganyi* from the Perspective of *Fiqh Munakahat***

Baganyi is a common tradition that occurs in the Minangkabau community, where the husband leaves his wife and children. The time a husband spends in baganyi can last more than three days, making it interesting to study. From the perspective of *Fiqh Munakahat*, this tradition needs to be studied to understand how it interacts with the principles of Sharia, particularly regarding the husband's obligations, the wife's rights, and family protection.

In marriage, both husband and wife have rights and obligations in running the household. If these obligations are neglected and the rights of the partner are also ignored,

conflicts arise that are usually difficult to resolve and can continue indefinitely. In the discussion of Fiqh Munakahat, this is referred to as nusyuz.

Nusyuz, in terms of language, is a mashdar of the word نَشْرٌ - يَنْشُرُ - نُشُورًا which contains the connotation of land that is raised much higher. And if the context is related to the marriage between husband and wife, then it is viewed as the woman's attitude of rebelling and being hostile towards her husband.<sup>22</sup>

According to fiqh scholars, nusyuz is the disobedience of a wife towards her husband by neglecting her responsibilities, which are the husband's rights as a result of marriage. This issue is addressed in QS. an-Nisa' verse 34, which states that the way to resolve household problems when a wife is disobedient to her husband involves several stages, the first of which is giving advice. If there is still no change, proceed to the second stage, which is to separate the bed. And if there is still no change, proceed to the third stage, which is to hit the wife but not to injure her.<sup>23</sup>

The restriction of the action of sleeping separately in Islam is set for a period of no more than three days. Within three days, specifically, it is hoped that husbands and wives can realize their respective mistakes so that they can reconcile as usual. It is hoped that the implementation of bed separation will help the wife understand her position and her needs towards the family.<sup>24</sup>

In Minangkabau society, separating beds can be referred to as "baganyi," which can lead to divorce. When a husband leaves his wife for more than three days, even for months, the status of the marriage becomes unclear. In such a situation, the wife is already in the 'iddah period. If the husband returns home to his wife before the 'iddah period ends, he is allowed to reconcile with her as usual without needing to perform a new marriage contract. This is known as talak raj'i. However, if the husband returns after the 'iddah period has ended, he must repeat the marriage contract with his wife and pay a new dowry. This is known as talak ba'in shughra.

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<sup>22</sup>Achmad Warson Munawwir, *Al-Munawwir* (Yogyakarta: Pustaka Progresif, 1997), 1418.

<sup>23</sup>Ahmad Ropei, "Nusyuz Sebagai Konflik Keluarga dan Solusinya (Studi Pandangan Syaikh Nawawi Al-Bantani Dalam Kitab 'Uqud Al-Lujayn)," *Al-Hakam: The Indonesia Journal of Islamic Family Law and Gender Issues* Vol. 1 No. 1 (Mei 2021): 8–10.

<sup>24</sup>Abu Dawud Sulaiman bin al-Asy'ats al-Azdi Al-Sijistani, "Sunan Abu Dawud," in *Jilid 4* (Beirut: Dar al-Fikr, n.d.), 279.

In the study of fiqh, a husband who wants to reconcile with his wife during the 'iddah period can return at any time he wishes, whether in the morning, afternoon, or evening, as if nothing has happened. But if the 'iddah period has ended, the husband is not allowed to reconcile with his wife except by performing a new marriage contract. And it has also been explained the periods of 'iddah for women, among them: she is divorced in a state of purity or menstruation, or she is divorced while pregnant, or she is divorced after the 'iddah period has passed, or her husband has died.

Meanwhile, in Minangkabau customs, the husband who has left will not return unless he is fetched by the wife's family, a practice known as *manjapuik sumando*. If this *manjapuik sumando* is not done, then the marriage will not last long and will end in divorce. To prevent divorce, the husband should also pay attention to the times in his life, so that it is not difficult to return. In fact, there are several customs in Minangkabau that require this tradition, due to the influence of the husband's family wanting to be respected by the wife's family.

In the tradition of *manjapuik sumando*, sometimes the *ninik mamak* or the parties involved in this tradition do not know the time limit for the husband to perform his duties, and there are even cases where it exceeds three months. If in such a condition, then the tradition of *manjapuik sumando* cannot be continued, due to the expiration of the wife's 'iddah period. Because in Minangkabau, the philosophy of *adat basandi syarak, syarak basandi kitabullah* is used to unite the husband and wife, it must be done through a new marriage contract.

The husband performing this tradition of *baganyi* is to teach a lesson to the wife who is being *nusyuz*, but one should not consider the custom of *manjapuik sumando* as a condition for reconciliation. Because in Islam, the husband has the right to reconcile at any time as long as it is within the 'iddah period. If the woman performs *manjapuik sumando*, perhaps to apologize or persuade her husband to return home, then that is not a problem. However, if *manjapuik sumando* becomes a necessity, such that there will be no reconciliation if it is not done, then it is not permitted in Islam because it does not comply with Islamic law. It is also permissible to establish a relationship of kinship between two families for the better without having to require *manjapuik sumando*.

In the tradition of *manjapuik sumando*, the husband who is considered to have a high status in Minangkabau society, this tradition is used to show respect and a sense of

politeness. The wife's family must welcome her husband back with food as a sign of respect in the process. This shows the deep meaning of customs, such as respect for the sumando and wife, as well as efforts to avoid slander and mental illness. Meanwhile, the process of reconciliation in Islam is easier. A husband who wants to return to his wife only needs to come back alone without bringing any belongings. This process in Islam is not influenced by the husband's status.

The tradition of manjapuik sumando is considered in Islamic law as *'urf shahih*, which means a custom that does not contradict the principles of Islam. This difference shows that manjapuik sumando has broader and more inclusive goals and implementation within the Minangkabau community, whereas the law of rujuk in Islam is clearer and more specific, emphasizing legal clarity and standards. In short, rujuk in Islam is better in terms of Islamic law and standards, while manjapuik sumando has broader and more inclusive goals and implementation within the Minangkabau community.

## **CONCLUSION**

The tradition of baganyi in Minangkabau has a negative impact on families, especially on wives who have to bear a double burden and face legal uncertainties. Husbands often feel free to neglect their responsibilities and can even act violently. Resolution through customary deliberation is often inadequate, and the issue must be brought to court if it remains unresolved. A better understanding and handling of its impact are very important to maintain family welfare in the Minangkabau community.

Divorce in the juridical and Islamic context refers to the dissolution of the marital relationship governed by specific provisions. Divorce, or talaq, has two main forms: *raj'i talaq*, which allows the husband to reconcile with his wife during the *'iddah* period, and *ba'in talaq*, which requires a new marriage contract if the husband wishes to return. *Ba'in talaq* is divided into *shughra ba'in talaq*, which requires a new marriage contract without a *muhallil*, and *kubra ba'in talaq*, which requires a *muhallil*. Divorce is the last resort after reconciliation efforts fail, and although it is permitted, it is still despised by Allah SWT due to its impact on the family.

The tradition of "baganyi" in Minangkabau, where the husband leaves his wife and children, has the potential to cause conflict and ambiguity in marital status if it lasts more than three days, which in *Fiqh Munakahat* is called "nusyuz." In Islam, "nusyuz" is addressed

through advice, separation of beds for a maximum of three days, and actions of striking without causing injury.

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