

# UNIVERSAL HUMANITARIAN PRINCIPLES OF MINANGKABAU PROVERBS: A LIVING LAW PERSPECTIVE

Rina Rusman <sup>1\*</sup>, Zainul Daulay <sup>2</sup>, Elwi Danil <sup>3</sup> and Syofirman Sofyan <sup>4</sup>

<sup>1,2,3,4</sup> Faculty of Law, Universitas Andalas.

Email: <sup>1</sup>rinarusman11@gmail.com (\*Corresponding Author),

<sup>2</sup>zdaulay@gmail.com, <sup>3</sup>elwidanil@law.unand.ac.id, <sup>4</sup>syofirman.syofyan@gmail.com

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## Abstract

Difference from other studies that discuss proverbs from the perspective of art and linguistic, this study focused on its' relevance with universal humanitarian principles adopted in various international treaties of international humanitarian and human rights laws. This study was conducted because several important treaties are not yet ratified by Indonesia due to an assumption that there are certain principles are not align with the living law in Indonesia. Even, the State needs to invoke certain provisions from the treaties to persuade the protection of its citizens being abroad whom trapped in situations of armed conflict and other situations of violence. This study answers this following question: Do Minangkabau proverbs provide sufficient relevant values which are align with the universal humanitarian principles? This research used the living law perspective and legal normative method in finding the relevant proverbs. The research result shows that the universal humanitarian principles can be found in certain relevant proverbs. At least 40 Minangkabau proverbs are compatible with and cover the ten universal humanitarian principles discussed. It proves that, from the cultural view, Indonesia is ready to ratify the certain main international treaties.

**Keywords:** Minangkabau, Proverbs, Universal Humanitarian Principles, Living Law.

## 1. INTRODUCTION

Concerning the facts of war and other situations of violence which normally are not expected by mankind, the international community has adopted many international commitments to mitigate the suffering affected by such situations, while keeping promoting the methods of peaceful settlement of any conflict (Ahmed A Dawoody, 2019). Relating to the effort for mitigating the suffering without postponing it until the end of the conflict, almost all States have ratified the main international treaties and other international documents in the field of International Humanitarian Law (IHL) as the international applicable in the situation of armed conflict (ICRC, 2023) and the international law of human rights (HR) applicable in all situations (United Nations, 2023). It is widely known that the main IHL treaties are four Geneva Conventions of 1949 relating to the protection of the victims of war and its' Additional Protocols of 1977, while the main international documents on HR are the Universal Declaration on Human Rights and the International Covenants. Both the IHL and HR norms in the respective international documents have the universal humanitarian principles as part of its' source and bases as clarified in the preamble of their respective documents.

Regarding the fact that there are several States having not yet ratified the additional important treaties of IHL and HR, the most reasons are not merely against the principles stipulated in the treaties but because of not ready yet for implementing certain measures required by the treaties, for example for establishing the relevant organizations to ensure the observance of the treaty. In other words, some of the principles can be accepted and some other principles require several considerations to be accepted. Therefore, some States adopt the norms provided by the treaty without ratifying the treaty. In this case, Indonesia has adopted several norms stipulated in

several treaties such as the Additional Protocol I of 1977 relating to the protection of the victims of international armed conflicts and the Additional Protocol II of 1977 relating to the protection of the non-international armed conflict which are complementing the 4 Geneva Conventions of 1949 and the Rome Statute 1998 on the International Criminal Court although not yet ratified these three treaties.

Relating to the respect and the implementation of principles of humanity, sometimes certain communities, including some groups of Indonesian community, are disappointed when reading from the media that certain violations of this principles committed by a big power State while their own State facing the challenge in the effort to implement this principle. This disappointment sometimes causes an opinion voicing that the norms of IHL and HR, including the universal principles of humanity, are the product of certain big power States and Western States. Due to this issue, to convince and to encourage the promotion of the living law in the community, it is important to maintain the effort to investigate the principles of humanity principles living in Indonesian community, including by studying the culture inherited in each ethnic or adat community (indigenous people in certain area living with their customary law) in Indonesia. In this opportunity, this kind of research on principles of humanity living in the Minangkabau community (indigenous people in West Sumatra province of Indonesia) was conducted by focusing on the Minangkabau proverbs. Although Indonesia was known as a community with big variants of ethnics (Daulay, 2022), there was a reason to choose the focus on Minangkabau proverbs. The reason was relating to the fact that a lot of Minangkabau proverbs had been recognized as Indonesian proverbs and being taught in the lesson of National Language in Indonesian schools (Moeis et al., 2022). In fact, the proverbs itself have been enriching the use of pantun and forming many unique pantuns which can be seen as a certain order of words to deliver message in a unique way. It is not surprising that pantun has been listed at Unesco as an intangible cultural world heritage (Unesco, 2020) according to 2003 Convention on the for the Safeguarding of the Intangible Cultural Heritage (Unesco, 2022). Therefore, it was also a reason to preserve every good value or the local wisdom of the proverbs, including the value relating to the principles of humanity.

So far there are several studies relating to Minangkabau proverbs have been conducted. These studies can be found in several articles. For example: The Semantic Analyses of the Minangkabau Classical Proverb Based on Model of the Proverb Tree (Noverita, 2018); The Use of Minangkabau Proverbs of Contrast Meanings by Minangkabau Society in Medan (Meisuri & Bahri, 2019); The Concept Of Community Life In Pepatah Petitih Minangkabau With Indigenous Approach (Bahasa et al., 2021); Ethical Values in Indonesian Proverbs as Character Education Investments (Widawati et al., 2018); The Different Types of Words Meaning in Minangkabau Proverbs: A Stylistics Approach (Bahri, 2020); and Cultural Manifestations In Superstition of Minangkabau Society (Hasnul Ulya et al., 2018). Although these studies do not explicitly discuss the humanitarian principles adopted in the international treaties of IHL and HR but these studies are useful to see meaning of several Minangkabau Proverbs.

There is a question about the conditions and matters described above as the background of this research. The question is: Do Minangkabau proverbs provide sufficient relevant values that align with the universal humanitarian principles?

There were two primary purposes of this research. The first one was to make sure that the universal principles of humanity adopted in various international commitments are compatible and align with the living law in the community of the Minangkabau as part of the Indonesian community. The second was to support and facilitate the preparation for ratifying the additional critical international treaties in the International Humanitarian Law and Human Rights needed by Indonesia as part of the international community.

The result of the study shows that the main universal humanitarian principles can be found in certain relevant proverbs. At least 40 Minangkabau proverbs are compatible with and cover the ten universal humanitarian principles discussed. It proves that, from a cultural point of view, Indonesia is ready to ratify certain main international treaties.

## 2. METHOD

The research in this context was conducted mainly as normative research by collecting and selecting data which is continued with several activities to analyze it (Soerjono Soekanto dan Sri Mamuji., 2013). The data selected, beside the humanitarian principles from the international documents, were the proverbs or pepatah of Minangkabau through a study on literature and document, while the analyses was conducted in the perspective of the living law.

The collecting and selecting the data was conducted without discriminate the types of the proverbs. As being known that proverb is a group of words or sentence which has an established order, including thimbles, phrases and parables. Therefore, the proverbs collected covering these 3 (three) types of proverb, which are: a) Pepatah or saying / adage (a type of proverb which contains teaching or advice from parents or elders); b) Perumpamaan or phrase (a type of proverb which constitutes a comparison); c) Ungkapan or parable (a word or a group of words which states a purpose in a form of allusion / allegory (Mansyur et al., 2021).

Beside the study on literature and document, including from the old ones, in case needed, the data collecting was also conducted through observation of opinion (Sonata, 2014), consultation with the resource persons and experts involved in the use of pepatah. The persons approached, in particular the one whose activity was dealing with the use of pepatah, for example the ones having specific function in their community or the ones whose formal function in the government offices or business office involved in the communication with the adat community known often using proverb in their communication. In this context, the data collection was also conducted through focus group discussions.

As mentioned above, the empirical study by collecting and learning the opinions from the relevant resource persons, was implemented in the framework of supporting and completing the normative research and to reconfirm that the living norms in certain communities of Minangkabau are compatible with the norms contained in the international documents.

The approach of this research was qualitative and involved an observation and exchanged of opinions during the question and answer session which were arranged without any questionnaire and as random activity. Relating to this primary data, in case needed, was collected limited from the information and opinion of the experts or relevant members of the community. The result of the data was presented in a qualitative form.

Both relating to the normative and empirical research, the report of the research was drafted in a qualitative format. The conclusion, which was extracted from the result and discussion was included in the report which was composed in the form of qualitative approached and had the character of descriptive and explanatoris.

Regarding the process of collecting and selecting the Minangkabau Proverbs indicating the universal principle of humanity (Aziz et al., 2020), it was done in 4 (four) steps as as follow:

- 1) Searching for the relevant proverbs in the framework of the research was conducted by reading thorough the text books and written publication on adat (local customary), law, history, Minangkabau proverbs and a small limited number of proverbs from other Indonesian ethnics to see the similarity and the differences if any which had similiraty with a small number of proverbs from abroad just to reconfirm the meaning of the relevant Minangkabau proverbs;
- 2) The collected proverbs are the ones considered relevant with the values or principles of humanity, whatever the type or function of the proverb;
- 3) Checking the accuracy of the meaning of the proverbs is conducted by comparing each proverb with other similar proverbs written in different text-books. Sometimes, in one article from one author, there is a use of a similar proverb but in different contexts; and
- 4) Consultation to confirm and reconfirm the meaning of each proverb is conducted by establishing communication with some members and leaders of adat (Minangkabau) community, especially with them who are intensely involving or following the development of the Minangkabau literature and culture, including some lectures of adat law and international law from the Universitas Andalas Padang.

To find the relevance of the selected proverbs with the universal humanitarian principles, there were 10 universal principles of humanity which were used to track the relevant values or local wisdom. The 10 principles of humanity are the ones extracted from the international documents of international humanitarian and human rights law which are not allowed to be set aside even in any situation or emergency. The 10 principles are (ICRC Indonesia, 2020):

- 1) Physical and psychological integrity must be respected;
- 2) Sexual dignity must be guaranteed;
- 3) Children must be protected;
- 4) The wounded and sick must be cared for and protected;
- 5) Health care facilities and personnel must be safeguarded;
- 6) Humanitarian assistance to those in need must be facilitated;
- 7) Education facilities must be respected;
- 8) Mortal remains must be handled in a dignified way;
- 9) Persons deprived of liberty must be treated humanely and with dignity;
- 10) Individual and communal property need to be respected.

Relating to the 10 principles of humanity as mentioned above, some of them sometimes are misunderstood as the ones applicable only during situations of peace and international armed conflict but not during non-international armed conflict, in particular for certain States not having ratified the Additional Protocol II of 1977 on the Protection of Victims of Non- International Armed Conflict.

It is widely known that a minority number of States, including Indonesia, have not yet ratified this Additional Protocol II of 1977, although they have ratified the Geneva Conventions of 1949. Only a few of the rules adopted in the Geneva Conventions of 1949, particularly Article 3, relate to the basic protection rules applicable to non-international armed conflict.

Among the 10 principles of humanity mentioned before, the ones stipulated in Common Article 3 of the Geneva Conventions that are undoubtedly applicable in non-international armed conflict are the 5 points of a, b, d, f and i.

While the other 5 points of c, e, g, h and j are the principles confirming that Children must be protected, Health care facilities and personnel must be safeguarded; Education facilities must be respected, Mortal remains must be handled in a dignified way, Individual and communal property need to be respected are not explicitly mentioned in the Common Article 3 of the Geneva Conventions of 1949.

However, those 5 (five) principles mentioned previously have been decided as regulations in some other international treaties. In addition, those five principles have been recognized as international humanitarian customary law, applicable in non-international armed conflict.

Doubts about the applicability of the 10 principles of humanity sometimes arise in situations of internal disturbance, which has yet to reach the armed conflict situation. In contrast, in this kind of emergency, the state can set aside certain human rights for the population.

Several experts organized a meeting in 1991 in Turku (Finlandia) and adopted a Declaration of Minimum Humanitarian Standards, which included the 10 principles of humanity.

It is essential to underline that the opinions of leading experts are recognized as one of the sources of International Law as stipulated in Article 38 of the Statute of the International Court of Justice established in 1945.

### **3. RESULTS**

There are 40 Minangkabau proverbs indicating 32 messages or local wisdom indicating the values of the 10 universal humanitarian principles. It shall be noted that there are also some terms other than pepatah and pribahasa, which are Hadih Maja and Hadi Melayu.

In Aceh, the proverb is often called Hadih Maja (the advice from the ancestor); in Minangkabau, it (the proverb) is sometimes called Hadih Melayu. As in various Malay communities, proverbs can function as advice or even as customary law (adat law), sometimes complemented by customary sanctions (adat sanctions) against violations.

Although the 40 proverbs cover all universal humanitarian principles, it is essential to understand that certain proverbs indicate specific messages relevant to certain principles. After re-examining the context of the use and meaning of the proverbs

expressed in various writings of cultural experts and observers and comparing them to the universal principles of humanity, the messages or values can be extracted from each of the selected proverbs. As the result of the study, the messages and values from the selected and relevant proverbs are grouped under the universal principles of humanity described below.

### 3.1 Physical and psychological integrity must be respected

Concerning respecting physical and psychological integrity, seven Minangkabau proverbs contain five messages that are relevant to this universal principle:

- 1) Everyone has the right to live and the obligation to respect others` lives regardless of the differences among them, including differences of origin, religious or political opinion;
- 2) Everyone has the freedom to move and conduct activities without feeling fear of being caught or imposed compensation, (*tagak nan indak tasundak malenggang nan indak tapampeh*), (Moussay, 1995) including in peace and war situations;
- 3) At all times, in particular during peace times, everyone's life shall be respected and protected, including everyone's freedom to go out and into the village or the Nagari (Country of Minangkabau);
- 4) In times of war or armed conflict, some people shall not be attacked nor considered the enemy; they are a) religious person, b) King, c) Invited Guests, d) Invited Champion, e) Children with their mother and father, f) leader, g) Student and teacher, h) Expert on healing or medical person, i) persons attending the centre of education and training, J) likewise, the natural and the rhymes about natural shall be protected;
- 5) Everyone has a right to be respected and protected, whatever their function and position in the community.

This principle, which clarifies the right and obligation to respect the lives of everybody with no discrimination, which the Indonesian community has been practicing for a long, can be seen as indicated at least in 2 (two) Minangkabau proverbs as follows:

- 1) The little one is to be loved, the same age is to be friend, the Elder is to be glorified (*Nan ketek disayangi, sama gadang bawok bakawan, orang tua dipamuli*);
- 2) If big do not struck, if long do not roll over (*Gadang jan malendo, Panjang jan malindih*)

Regarding the message that everyone has the freedom to move and conduct activities without feeling fear of being caught or imposed compensation (*tagak nan indak sundae malenggang nan indak tapampeh*) (Moussay, 1995), including in peace and war situations, at least one. Proverb indicates this message. The proverb is part of the applicable law providing that message as a rule.

This kind of rule can be seen in the proverb or Hadih Melayu, which is enshrined in the text of the Act of Law Applicable in the Nagari (a Country now equal to sub-district).

Although the territory of Minangkabau Adat has several Nagari, all Nagari have relatively similar laws about the Nagari and the laws applicable to the Nagari. It is believed that the Act of laws were created by the Datuk Ketemangungan and Datuk

Perpatih Nan Sebatang before the domination of Islam in Minangkabau adat territory (Danito Darwas Datuk Rajo Malano, 1990).

Those rules, which are written in the form of proverbs or Hadih Melayu enshrined in that Act of Law Applicable in the Nagari (Act of the Law in Nagari), are as follows (Datoek Batoeh Sango, 1955):

As for standing without the head being hit and strolling without being imposed compensation, there are several cases,

First, the Country in peace situation,

Second, the Country is in a war situation.

At least one long proverb indicates that

Everyone's life shall be respected and protected at all times, particularly during peaceful times, including the freedom to go out into the village or the Nagari (Country). This proverb has a position as a rule stipulated in an applicable adat law.

This rule can be seen in the Act of the Law in the Country in the form of the following Hadih Melayu:

As for in the peace situation, standing without the head being hit strolling without being imposed of compensation, (that person is free to go out and into the village or into the Country), is in 24 cases: First, King; Second, someone going to be reading (student who is studying); Third, territory leader; Fourth, religious leader, Fifth, preacher; Sixth, the invited guest; Seventh, the one who is a mid-wife, Eight, the one who is mastering on medicine (medical personnel), Ninth, the nephew of the territory leader; Tenth, female religious leader; eleventh, female preacher; twelfth, the invited champion; thirteenth, bridesmaid; fourteenth, cow or buffalo and so on; fifteenth, someone having a father; sixteenth, someone having a mother; seventeenth, someone who is picked up to build house and make cloth; eighteenth, someone who is picked up to sing or play music; nineteenth, someone picked up ride horse; twentieth, someone who is picked up to see his/her pupil (be a teacher) in a centre of education and training; twenty-one, someone going to read or study or to see the sick or health one.

*[Adapun negeri masa berdamai tegak nan tidak tersundak melenggang nan tidak terpampas jaitu, orang itu bebas keluar masuk kampung atau kedalam negeri itu, dua puluh empat perkara :Pertama Radja, Kedua orang pergi mengaji (murid yang beladjar), Ketiga penghulu, Keempat imam, Kelima chatib, Keenam djamu berdjeput, Ketujuh orang mendjadi dukun beranak, Kedelapan orang pandai obat (Dukun), Kesembilan kemenakan penghulu, Kesepuluh perempuan orang djadi imam, Kesebelas perempuan djadi chatib, Keduabelas djuara berdjemput, Ketigabelas orang pasumandan, Keempatbelas djawi atau kerbau dan sebagainya; Kelimabelas orang berbapak, Keenam belas orang beribu, Ketudjuhbelas orang didjeput akan berbuat rumah atau berbuat pakaian (orang tukang), Kedelapanbelas orang didjeput berserunai atau berbuni-bunian, Kesembilanbelas orang didjemput akan berkuda, Keduapuluh orang didjeput bersasian (menjadi guru), Kedua puluh satu orang pergi mengadji atau jang didjalang itu sakit atau sehat]*

There is also at least one proverb which has position as a rule which clarifying that there are people who shall not be attacked nor considered as the enemy in the time of war or armed conflict. Those people are 1) religious person, 2) King, 3) Invited Guest, 4) Invited Champion 5) Children with their mother and father, 6) leader, 7) Student and teacher, 8) Expert on healing or medical person. 9) persons attending the centre of education and training. Likewise, the natural and the rhymes about natural shall be protected.

This kind of rule can be seen in the proverb or Hadih Melayau which is contained in the the Act of Law Applicable in the Warring Country. The proverbs are as follow:

As for standing without the head being hit strolling without being imposed of compensation during the country in the situation of war, rifles erupt, poles crossed, (means that the persons mentioned below shall not be attacked nor considered as enemy) is several persons: first; pious person (religious person), second; someone going to study, third; King, fourth; invited guest being picked up, fifth; invited champion being picked up, sixth; person who has a kid, seventh; person who has a father, eighth; religious leader; ninth; person who is good at healing, tenth; person who is attending a centre of education and training, that is teacher and student.

*(Adapun tagak nan indak tasundak, melenggang nan indak tapampeh, nigari dalam parang, badia malatui, galah bersilang, artinya orang-orang yang tersebut dibawah ini tidak boleh diperangi, atau dimusuhi adalah beberapa orang: Pertama orang `alim, Kedua orang pergi mengajar, Ketiga Radja, Keempat djamu berjempuit, Kelima juara berjempuit, Keenam orang beranak, Ketujuh orang berbapak, Kedelapan imam, Kesembilan orang pandai obat, Kesepuluh orang berguru atau bersasian yaitu guru).*

The message that everyone has a right to be respected and protected, whatever his/her function and position in the community, can be found at least in 1 (one) long proverb. The message which confirms that everyone can contribute or provide utility or benefit to the community so that he / she shall be respected, can be seen in the proverbs regarding all useful people as follow:

The blind one to blow the rice mortar, the deaf one to click the cannon riffle, the lame one to inhabit the house, the confused one to be told to do, the ugly (mischief) one to be the debater against the king, the strong one to be the load carrier, the tall one to stick up, the short one to plow, the smart one to be asked, the clever to be asked for affirmation, the rich one to asked for help, the excellent one is the world hero.

*Nan buto pahambuih lasuang, nan pakak palapeh badia, Nan patah pangajuik ayam, nan lumpuah paunyi rumah, Nan binguang kadisuruah-suruah , nan buruak palawan karajo ka Rajo, Nan kuek paangkuik baban , nan tinggi jadi panjuluak, Nan randah panyaruduak , nan pandai tampek batanyo, Nan cadiak bakeh baiyo , nan kayo tampek batenggang, Nan rancak palawan dunia).*



### 3.2 Sexual Dignity Must Be Guaranteed

Regarding the universal humanity principle clarifying that sexuality must be guaranteed, five extended proverbs indicate 4 (four) relevant messages.

The messages are:

- 1) Forced prostitution and indecent assault are prohibited, including the protection of women and men, adults and children;
- 2) Every woman or child has a right to be protected from any destructive immorality so that every member or leader of the community can guarantee such protection;
- 3) The woman's dignity shall be respected and guaranteed, whether the woman is doing her function and activity at home or outside the home;
- 4) Women shall be treated according to their needs to the extent possible.

The message that forced prostitution and any form of indecent assault is prohibited and that the protection from such act shall be applied to women or men, whether adult or children, at least 1 set of proverbs can be considered as indicating such message. The prohibition against this indecent assault is contained in the adat rules, which are formulated in the following sayings:

The four which are prohibited:

- first, do not live with envy;
- second, do not despise disdain in association;
- third, do not give help for immoral and evil work;
- Fourth, do not incite people to fight.

*(Ampek nan dilarang:  
Partamo jan hiduik badangki-dangki,  
Kaduo jan hino mahinokan dalam pargaulan,  
Katigo jan batoloang-toloangan ateh karajo maksiaik jo karajo jahek,  
Kaampek jan hasuit-mahasuik maadu-adu orang supayo bakalahi).*

The message of value that Every woman or child has a right to be protected from any destructive immorality so that every member or leader of the community can guarantee such protection can be found at least in 2 (two) sets of proverbs which have a position as part of the applicable rules. This value or principle can be seen in rules that clarify the obligation of someone and their relatives or superiors, including their sister, uncle, and community leaders, to prevent destructive immorality. This value or rule is contained in the following proverbs (Indo, 1998):

The Act of Eight: First is dago day (to fight in the improper way and resistance); Second is sumbang salah (inappropriate attitude and destructive act); the Act of Twelve: First is samun saka (to block someone by doing harassment and take the belonging of the victim); Second, is rebut rampas (to seize and plunder); Third is sumbang salah (Diradjo, n.d.);

The Law applicable in the Nagari: If a younger brother is wrong, to his elder brother; If the elder brother does not ignore the family elders; If a nephew is wrong, to his uncle; If the family elders do not ignore, to the leader of the elders of the village (Moussay, 1995).

*[a) Undang-undang nan delapan: Pertama, dago dagi; Kedua; sumbang salah; Ketiga, samun saka; Keempat, maliang curi, Kelima tikam bunuh, Keenam, lancuang kicuah; Ketujuh, upeh racun; Kedelapan, siar baka. Undang-Undang nan duabelas bagian kedua : Pertama, samun saka; Kedua rebut rampas; Ketiga; sumbang salah.*

*b) Hukum nan dipakai dalam nagari : Kalau adiak nan salah, kapado kakaknyo; Kalau kakak indak paduli, kapada niniak mamaknyo; Kalau kamanakan nan salah kapado mamaknyo; Kalau niniak mamak inda paduli, kapado wali atau kapado nan tuo di kampuang]*

At least 1 (one) set of proverbs can be seen as an example indicating the message or value that the woman's dignity shall be respected and guaranteed, whether the woman is doing her function and activity at home or outside the home.

The values or principles held regarding respect for the dignity of women can be seen in the proverb in the following translation:

bundo kandung (real mother / model lady) is limpapeh (the butterfly central pillar) of the rumah gadang (big house); lively inside the village; decorative of the country; the great lucky powerful the act/ law to Madinah;

ensigned umbrella to the heaven (Datoek Batoeh Sango, 1955).

*(Bundo kanduang limpapeh rumah nan gadang, Amban puruik pagangan kunci, Pusek jalo kumpulan tali, Sumarak di dalam kampuang, Hiasan di dalam nigari, Nan gadang basa batuah, Undang undang ka Madinah, Payuang panji ka sarugo).*

Relating the message or value that a Woman shall be treated according to her needs to the extent possible in all circumstances is indicated at least in 1 (one) long proverb.

The proverb, which accommodates the obligation of the family and community to treat and provide good opportunities to the woman, can be seen in the proverbs describing several essential functions of the woman so that she shall be respected and protected. The sayings are, among others:

Bundo kanduang limpapeh rumah nan gadang, the pouch of the key holders. the pocket of the cases of invisible properties, the central net of the collected ropes, if living is to be visited to make a vow, If dead is to be mentioned in deciding the intention, The strong pillar the beautiful mind, the critical nail the shy and polite, when thirsty to ask for a drink, when hungry to ask for rice.

*(Bundo kanduang limpapeh rumah nan gadang; Amban puruak pagangan kunci; Amban puruak aluang bunian; Pusek Jalo kumpulan tali; Kok hidup tampek banasa; Kok mati tampek baniaik; Tiang kokoh budi nan eko; Pasak kunci malu jo sopan; Hiasan dunie jo akiraik; Auih tampek minta aie; Lapa ka tampek mintak nasi).*

### 3.3 The Children shall be protected

Relating to the universal principle of humanity that the children shall be protected, at least 4 (four) proverbs can be used as examples of the ones indicating 4 (four) relevant messages or values.

Those relevant messages are:

- 1) The obligation of each family and country community to protect children in all situations;
- 2) Children have the right to be treated in their best interest;
- 3) Children have the right to receive the suitable treatments from the adults for their respective needs;
- 4) Children have the right to receive life and environment according to excellent and natural standards in line with the obligation to save the natural environment.

Regarding the message of the obligation of each family and country community to protect children in all situations, at least 1 (one) set of proverbs indicates it. This proverb has a position as a rule known widely in the community. This proverb comes in four sentences:

Our child is on our lap,  
Our nephew/ niece is guided,  
The people of the village are considered,  
Do not let the country be destroyed.

*(Anak dipangku,  
Kemanakan dibimbing  
Orang kampung dipatenggangkan,  
Nagari jaan binaso)*

Regarding the message that Children have the right to be treated in their best interest, there is also at least 1 (one) set of proverbs indicating it. The sentences of the proverb which adopt this message are:

Little ones are loved,  
The same age as a friend and to negotiate with,  
Elders are glorified.

*(Nan ketek disayang,  
Samo gadang bawok bakawan  
Nan tuo dipamulie)*

About the message that children have the right to receive good treatment from adults for their respective needs, a particular set of sayings can be understood as the one indicating it. The proverb which describes the obligation of the adults in the family and community sounds as follows:

If something is lacking, then it is closed,  
If something is short, then it is connected,  
If getting sick, then it is medicated,  
If it is poisoned, then it is neutralized,  
If the body aches, then the herb ingredients are the medicine,

if the heart hurts, the sorry is the cure.

*(Nan kurang kok lai batukuak;  
Nan senteang kok lai babilai;  
Nan sakit biaso diubek;  
Nan kanai biso ditawai;  
Sakik bandan ramuan ubeknyo;  
Sakik hati maaf ubeknyo).*

The message about the right of children to receive life and environment can be seen in one set of proverbs. The sentences of the saying which recall the obligation to maintain the natural environment for the interest of the children and future generations are:

take good care of the contents of nature,  
take good care of the children, nephew and niece,  
because the ocean is not full of water,  
the earth is not the whole of the plants.

*(Elok-elok mamaliharo isi alam,  
Elok-elok mamalihari anaka kamanakan  
Dek lauik indak panuah fo aia  
Bumi indak panuh jo tumbuh-tumbuhan.)*

### **3.4 The wounded and sick must be protected and respected**

At least three proverbs indicate two (2 (two) messages relating to the universal principle of humanity concerning the wounded and sick, which must be protected and respected. The messages are:

- 1) The wounded and sick shall be provided with assistance and attention needed according to his/her condition;
- 2) The sick have the right to obtain medication and the obligation of the leaders to make an effort to handle the sickness and suffering of the community members.

The message that the wounded and sick shall be provided with assistance and attention needed according to his/her condition can be found at least in 2 (two) sets of proverbs which provide the related rule. This kind of rule exists in the proverb regarding Affection, as follows:

If someone gets sick, we will visit together,  
If someone dies, we will see together;  
In the time of good news, we will invite each other;  
In the time of bad news, we will come to show our solidarity;  
If our left thigh is pinched,  
Our right thigh will be hurt.

*[a)Sakik samo disilau;  
Mati samo dijanguak;  
Nan rusuah samo dibujuak;  
Dikaba baika bahimbauan;  
Dikaba buruak behambauan*

*b) Paho kiri tapicik  
Paho kanan taraso sakik.*

The message that the sick have the right to obtain medication and the leaders' obligation to handle the sickness and sufferings of the community members is indicated at least in 1 (one) set or relevant proverb. This applicable proverb seems to deal with a function which is expected from a penghulu link mamak (a leader with a good character) and sounds as follows:

Facing sick, stick to the medicine;  
Facing the truth, stick to the excellent track;  
Facing water, release the poison;  
Facing the line, take the nail;  
Facing measure, then cut;  
Shal be tapped; the seat of jewellery.

*(Tantang sakik lakek ubek;  
Tantang bana lakek alue;  
Tantang aie lapeh tubo;  
Tantang barih makan pahek;  
Tantang ukue mako dikarek;  
Dikapuak-kapuak latak parmato).*

### **3.5 Health Care Facilities and Personnel Must be safeguarded**

Concerning the universal principle of humanity, which clarifies that healthcare facilities and personnel must be safeguarded, at least 3 (three) proverbs indicate 3 (three) relevant messages. The three messages pertinent to this principle are:

- 1) Health or medical personnel must be respected and protected when carrying out their duties;
- 2) The medical and health personnel shall be provided with the freedom to conduct their task, including in war and other situations of violence;
- 3) The leaders and the community must protect and provide the freedom for the medical personnel to carry out its function to those convicted and isolated.

The message that the health or medical personnel must be respected and protected when carrying out their duties is indicated at least in 1 (one) set of proverbs, which can be found as part of the legal rules covered in a Law applicable inside the Nagari. In particular, this rule can be found in the Adat Law of Nagari in Peacetime, as mentioned as the 8th case among 24 cases. The sayings are, among others:

As for in the peace situation, standing without the head being hit, strolling without being imposed of compensation (that person is free to go out and into the village or the country), is in 24 cases: ... Seventh, the one who is a mid-wife; Eight, the one who is mastering on medicine (medical personnel or healer witch),

*(nigari dalam damai, tegak nan indak tasundak, melenggang nan indak tapampeh (orang itu bebas keluar masuk kampung atau kedalam negeri itu) adalah 24 perkara: ... Ketujuh, urang dukun baranak; Kedelapan, orang pandai ubek),*

The message that the medical and health personnel shall be provided with the freedom to conduct their task, including in war and other situations of violence, can be found at least in a set of proverbs which also has a position as a rule covered in the Law applicable as in the community.

In particular, such rule can be seen in the proverb which accommodated in the Acts of Country Applicable in War Situation which as follows:

As for in the war situation, standing without the head being hit, strolling without being imposed of compensation (means that the persons mentioned below shall not be attacked nor considered as an enemy) is several persons: ...  
Nineth; a person who is good at healing.

*(Tagak nan indak tasundak melenggang nan indak tapampeh, nigari dalam parang, badia malatuih, galah basilang ... kasambilan; urang pandai ubek).*

Regarding the message clarifying the obligation of the leaders and the community to protect and provide the freedom for the medical personnel in carrying its function even to the ones being convicted and isolated, it can be found among others in a set of proverbs, which is also part of a rule. This rule is enshrined in 1 (one) set of proverbs, heirloom words, or hadih melayu regarding the laws, particularly the Law of buang tinkering (banishment). The hadih melayu is as follow:

Nevertheless, if anyone gets poorly hit, standing without the head being struck, strolling without being imposed of compensation, not inedible by slice and fragment, between child and parents, husband and wife, between younger sister/brother and elder sister/brother. This teacher teaches the repairman who builds the house, or between the healer and person who are good at making medicine, all can pay attention to that one in need.

*(Tapi kalau ditimpo cilako bare, tagak indak tasondak melenggang indak tapampeh, indak tamakan deh irih jo didih, antaro anak jo induak bapak, antaro suami jo istri, antaro adiak jo kakak nan sainduak sa-ayah, guru nan ma-aja, tukang nan mambuekkan rumah atau antaro dukun jo pandai ubek kasadonyo dapek mahiraukan).*

### **3.6 Humanitarian Assistance to those in need shall be facilitated.**

The universal principle of humanity confirming that humanitarian assistance to those in need shall be facilitated can be found at least in 3 sets of proverbs indicating 3 (three) relevant messages. The three messages are:

- 1) Everyone in distress and difficulty must be assisted;
- 2) The obligation of the community or big family to facilitate or prepare assistance to the ones in need, including to those who are coming from outside or just passing, regardless of the origin of the persons being assisted;
- 3) The community must prepare assistance for persons facing hardship.

The message that everyone in distress and difficulty must be assisted can be seen at least in 1 (one) set of relevant proverbs.

This proverb is regarding taking care, which is translated as:

If drifting, there will be someone to intercept;  
If it is lost, there will be someone to search for.  
If floating, there will be someone to link.  
If drowning, there will be someone to dive.

*(Hanyuik ado ka maminteh.  
Hilang ado nan ka mencari.  
Tarapuang ado nan ka mangaik.  
Tabanam ado nan ka manyalami).*

The message clarifying the obligation of the community or big family to facilitate or prepare assistance to the ones in need, including to the ones who are coming from outside or just passing, regardless of the origin of the persons being assisted, can be found among others in 1 (one) set of proverb. This proverb relates to rumah gadang (big house or the house of the big family) and its rice barns. It directly indicates the message regarding the community's obligation to prepare such assistance. The proverb sounds as follows:

The big house has nine spaces,  
The rice-barns line up in the front yard,  
On the edge, it is called Si Tinjau Lauik (The Ocean Watcher),  
The Watcher of the incoming ship,  
To address the overnight trader,  
To tolerate the passing trade subsidiary.

*. (Rumah gadang sambilan ruang;  
Lumbuang baririk di halamannyo;  
Di tapi banama si Tinjau Lauik;  
Paninjau pincalang masuk;  
Kapanague dagang kemalaman;  
Panenggang anak dagang lalu).*

The message underlining the obligation of the community to prepare assistance to the persons facing hardship can also be found in 1 (one) other proverb relating to rumah gadang (the house of a big family). This proverb which indicates the message regarding the obligation of sparing properties for assisting the ones facing some hardships sounds as follows:

*rumah gadang has nine spaces,  
Rice-barns line in the front yard,  
at the base is the one called Tangka Lapa,  
the place where people with low incomes to borrow grace,  
If it comes the season of hanging the furnace,*

*(Rumah gadang sambilan ruang;  
Lumbuang baririk di halamannyo;  
Di pangka banamo si Tangka lapa;  
Tampek nan bansaik salang tenggang;  
Panangka lapa dalam kaum;  
Kok tibo musim gantuang tungku).*

### 3.7 Educational Facilities Must Be Respected

Regarding the humanity universal principle that educational facilities must be respected, at least 4 (four) proverbs indicate 3 (three) relevant messages.

The messages are:

- 1) In all situations, teachers and persons who attend the education and training program shall be protected and provided with the opportunity to fulfil their activity, including in peacetime;
- 2) In the situation of war, the teacher and person who attends the education and training program shall not be the object of attack nor considered an enemy;
- 3) In wartime and other situations of violence, educational facilities such as places of education and training, nature, and the teaching materials of science from nature shall not be attacked and must be protected.

Regarding the message that the teacher and persons who attend the education and training program shall be protected and provided with the opportunity to fulfil their activity in all situations, including in peacetime, it can be seen at least in 1 (one) proverb, which is part of rules covered in the Act of Laws Applicable in Peace Situation. This is the summary of that rule:

As for the peaceful situation, standing without the head being hit and strolling without being imposed compensation includes the ones going to study and those invited to attend a centre of education and training.

*(Nagari dalam damai, tagak nan tidak tasundak malenggang indak tapampas, urang pai mangaji, urang dijapuik basasian).*

Concerning the message that the teacher and person who attend the education and training program shall not be the object of attack nor considered as an enemy, even in the situation of war, can be understood from, among others, 1 (one) set of the proverb which exists as part of the Act of Law Applicable in War country. The core of the rule can be seen in the form of the adage:

As for standing without the head being hit, strolling without being imposed compensation during the country's situation of war, rifles erupt, poles crossed, including the ones going to teach and teacher.

*(Tagak nan indak tasundak malenggang indak tapampeh di dalam nigari parang, badia malatuh, galah basilang, urang pai mangaji dan guru).*

The message that educational facilities such as the place of education and training, nature and the teaching materials of science from nature shall not be attacked and must be protected even in wartime and other violent situations can be seen in 1 (one) set of relevant proverbs. This is the proverb relating to this message:

As for standing without the head being hit  
strolling without being imposed on compensation  
during the country in the situation of war, rifles erupt, poles crossed,  
persons to attend the centre of education and training;  
nature and rhymes or teaching materials on nature.



*(Tagak indak tasundak  
malenggang indak tapampaeh,  
nagari dalam parang, badia malatuh, galah basilang  
urang baraja atau basasian;  
alam dan talibun alam.)*

The message or recognized rule that everyone, including a child from a convicted person who is being isolated, has the right to have access to education can be found in 1 (one) set of proverbs or hadith melayu concerning buang tinkering. This is part of the proverb:

As for standing without the head being hit, strolling without being imposed compensation, between child and parents, between the repairer who will repair the house and the teacher who will teach, all can give attention.

*(Tagak indak tasundak malenggang indak tapampaeh, antara anak jo urang  
tuo, antara nan mamelokan rumal dan antara guru nan akan mangaja,  
sadonyo menghiraukan.)*

### **3.8 Mortal Remains Must Be Handled in a Dignified Way**

Concerning the universal principle that the mortal remains must be handled dignifiedly, at least relevant messages can be understood from at least 3 (three) appropriate proverbs. The relevant messages are:

- 1) All possible measures shall be taken to evacuate and rescue every dead person without discrimination;
- 2) All possible measures shall be taken to pay respect to the dead body and to prevent it from being despoiled or desecrated;
- 3) The Dignity of the mortal remains shall be preserved.

Concerning the message that all possible measures shall be taken to evacuate and rescue the dead without discrimination, it can be extracted from 1 (one) set of relevant proverbs. The relevant proverb that this message exists is a proverb regarding affection which sounds:

from one to the other one;  
love along the flowing water;  
the living one shall be maintained together;  
the dead one shall be saved together,

*(Dari sorang ke nan sorang.  
Kasiah sapanjang alia ilie.  
Nan hiduik samo dipaliharo.  
Nan mati samo disalamaikan).*

The message requiring all possible measures to pay respect to the corpse and prevent it from being despoiled or desecrated can be found in a set of proverbs.

This set of proverb is regarding the custom of doing a good thing to the living and dead ones, which sound as follow:

custom for the living ones is to help each other;  
The custom for the dead ones is to keep visiting.

*(Adaik hiduik tolong menolong;  
Adat mati janguak manjanguak)*

The message that requires the preservation of the mortal remains' dignity can be understood from a set of relevant proverbs. The proverb indicating such a message or value is as follows:

the living one has its place,  
the dead one has its space in the graveyard,  
the living grave is in the household,  
the quiet grave is in the middle of the field

*(Iduik batampek,  
mati bakubua,  
kuburan hiduik dirumah tanggo,  
kuburan mati ditangah padang).*

### **3.9 Persons Deprived of Liberty Must Be Treated Humanely and with Dignity**

The universal principle that clarifies that persons deprived of liberty must be treated humanely and with dignity can be learned from at least 5 (five) relevant proverbs indicating five relevant messages. The relevant messages to this principle are:

- 1) Those convicted and deprived of liberty must have access to a humanely proper condition and medical treatment, in particular when badly needed;
- 2) Everyone is not allowed to conduct torture or ill-treatment against any person under their power;
- 3) Corporal punishment is not justified because such punishment is inhuman;
- 4) The person being convicted and isolated shall have access to fulfil his vital needs, including shelter, clothing and medical attention;
- 5) The convicted and isolated person shall have access to receive family visits and spiritual assistance, as adjusted to the condition. Especially when the isolated one is in a condition which does not enable them to fulfil such vital needs.

The message or rules that clarified that persons convicted and deprived of liberty must have access to a humanely proper condition and medical treatment, mainly when badly needed, can be learned from at least 1 (one) set of relevant proverbs or hadih Melayu. This is the hadih melayu or proverb indicating such a rule:

"Buang Tingkarang" punishment: is being isolated by the country council, may not be neutralized by the country, if something wrong or good happens to the convicted person, they will not be taken care of, will not be seen, will not be visited by any one of the country population. However, if they are badly hurt, standing without a head hit, strolling without being affected by compensation, not in place for wedges nor halves, so then among their offspring and parents,

wives and husbands, sisters and brothers, teachers, house builders, healers and medical staff can visit them.

*(Nan dinamokan hukum buang tingkarang: Dibuang dek karapatan nigari, indak buliah lai diparbaiaki dek nigari, kok ado tajadi nan buruak atau nan baiak ateh diri nan dihukum, indak ka dihiraukan, indak ka dilihek, indak ka dijanguik dek urang saisi nigari. Tapi kalua ditimpo cilako barek, tagak indak tasondak melenggang indak tapampeh, indak tamakan dek irih jo didih, antaro anak jok induak bapak, antarao suami jo istri, antaro adiak jo kakak nan sainduak sa-ayah, guru nan ma-aja, tukang nan mambuekkan rumah atau antaro dukun jo pandai ubek kasadonyo dapek menghiraukan).*

The message clarifies that everyone is not allowed to conduct torture or ill-treatment against any person under their power, which can be seen at least in 1 relevant proverb. This is the applicable proverb indicates such a principle:

The big one should not do trucking,  
The long one should not do rolling over.

*(Gadang jan malendo,  
Panjang jan malindih)*

The rule of the message, which clarifies that corporal punishment is not justified because such punishment is in humans, can be found in various relevant proverbs. 1 (one) of the relevant proverb concerning the justice and legal system in Mining Adat, which clarifies that the punishment in the form of words (sentences) constitutes a severe punishment for a human as a member of a community is:

Animals resist hammers;  
humans are immune to allusion (allegory).

*(Binatang tahan palu,  
Manusia tahan kieh)*

The message or rule which clarifies that the person being convicted and isolated shall have access to fulfil his vital needs, including shelter, clothing and medical attention, can be learned from part of the proverb relating to buang tinkering, which is:

However, suppose the isolated one is badly hurt, standing without a head hit, strolling without being affected by compensation, not in place for wedges nor halves, so then. In that case, house builders, healers and medical staff can visit them.

*(tetapi kalau ditimpo cilako barek, tagak indak tasundak, malenggang indak tapampeh, indak tamakan irih jo didih, tukang nan mambuek rumah atau urang pandai ubek sadoalahnyo mahiraukan)*

The message or custom rule clarifies that the convicted and isolated person shall have access to family visits and spiritual assistance, as adjusted to the condition. This custom rule can be seen in part of the peribahasa or hadih melayu concerning "Buang Tingkarang", which is: however, if they are badly hurt, standing without head hit, strolling without affected by compensation, not in place for wedges nor halves, so then among their offspring and parents, wives and husband, sisters and brothers, can visit them.

### 3.10 Individual and communal property need to be respected

The universal principle that the individual and communal property need to be respected can be found in the least our) sayings, which indicate three 3 (three) relevant rules or messages.

Those applicable rules are:

- 1) The leader and community members must respect and protect communal and individual property, including public facilities and cultural property, by the one which belongs to or takes the utility.
- 2) As a community member, everyone must respect and protect their property and the property of others, including the existing natural environment.
- 3) Heirloom and culture must be taken care of and preserved.

Two of the four relevant proverbs are the customary rules or messages that the leader and community members must respect and protect communal and individual property. The sayings that accommodate such rules and messages are the proverbs regarding the obligation of the leader and the community members, particularly the responsibility to maintain the properties, which are all important. These are those two relevant proverbs:

- a) The country is beautiful because of the leader, the avenue is beautiful because of the young, the mosque is beautiful because of the teacher, the house is beautiful because of budo kandung;
- b) Rights for the owner; handheld for the one who is given.

- a). *elok nigari dek panghulu*  
*rancak tapian dek nan mudo mudo*  
*elok musajik dek tuanku*  
*elok rumah tangga dek bundo kanduang*
- b). *Hak nan bapunyo, ganggam nan bauntuak*

The obligation of everyone as a member of a community to respect and protect their property and the property of others, including the existing natural environment, can be seen in one set of relevant proverbs. The proverb that brings such a message to keep dignity and shame if one can not protect the communal property or the property of others is as follows:

The land, even a piece, has been owned by the owner.  
The grass, even a blade, already belongs to the owner.  
The shame that is not yet shared.

*(tanah sabingkah alah bapunyo;*  
*Rumpuik sahalai lah bamiliak*  
*Malu nan balun babagi)*

The custom rule or message that the heirloom and culture must be taken care of and preserved can be seen at least in 1 (one) set of relevant proverbs. The proverb relevant to this custom rule is a proverb relating to the country, property heritage and culture, which is:

It has here an area for having smoked and for hay,  
it has an area of storing place and graveyard, heirloom,  
if being maintained, shadowing light in the edge.

*(basasok bajarami,  
bapandan bapakuburan,  
sako pusako kalau tadali,  
mambayang cahaya dipinggiran)*

#### 4. DISCUSSION

Undoubtedly, the values and laws of universal humanitarian principles have been a living law in Minangkabau society as part of Indonesia. Although several norms stipulated in the several sayings, particularly those completed with the legal sanctions, have been replaced by the national laws, the norms' values still need to be recovered.

It means that the fundamental values introduced by the treaties and other international documents in the field of IHL and HR are familiar to the Indonesian community, particularly the Minangkabau community. However, implementing and enforcing the international norms developed from those principles requires socialization among the community and preparation from the authority or Government.

There is also an exciting element from the living law of the Minangkabau community, which manifested from the sayings about the law applicable in the armed conflict. It is interesting because the National Law of Indonesia itself has not yet enacted any Act which explicitly clarifies the persons being protected in the situation of armed conflict, except the protection of the medical personnel using the Red Cross emblem as regulated in the National Act Number 1 of 2018 relating to the Red Cross Affairs as one of the implementing regulation of the four Geneva Conventions 1949.

Considering the protection for civilians from the effect of armed conflict or the prohibition to attack civilians is provided more entirely in the Additional Protocols of 1977 than in the Geneva Conventions of 1949, it is understood that the international community is expecting the States to ratify the two Additional Protocols of 1977. Since Indonesia has not yet ratified the two Additional Protocols of 1977, it means that the living law of the Minangkabau community, in the context of international humanitarian law or law applicable in the situation of war, has been more advanced or closer to the humanitarian principles compared to the National Law.

Concerning the finding that the universal humanitarian principles are aligned with the living law of the Indonesian community, it was expected since it is known that the culture of all communities contributes to world civilization.

However, it should be underlined that the living law, as reflected in the Minangkabau sayings, cannot be considered a residing law because it was the customary law of the indigenous people but because it is the values recognized by the community, although several regimes, including Colonial regime which had applied various legal norms in different legal systems.

The idea that not all customary laws of indigenous people can directly be considered as the community's living law can be seen in several studies conducted by scholars in various countries, for example, in the study about the Future of Customary Law in Africa (Fenrich, 2012). On the other hand, the study that discusses how customary

law would help develop national law can be found in the analysis of the Nature of Malay Customary Law (Buxbaum D.C. (ed.), n.d.).

## 5. CONCLUSION

It has existed since long before the influence of Islam; the Minangkabau proverbs clearly and firmly indicate the principle of humanity, which shall be applied during peace and war. Among those sayings, at least 40 sayings are relevant to the universal principles of humanity. From these 40 sayings, at least 32 custom rules or messages could be extracted and divided into ten groups according to the ten universal principles of society.

Many proverbs that indicate the values and messages or contents of the humanity principles are similar to the universal humanitarian principles according to IHL and HR, primarily performed in a different format than those in the international treaty or document on IHL and HR. Regarding the principles of humanity, most of the sayings underline the obligation to respect others' rights to be treated humanely or to let others enjoy their rights instead of highlighting the rights of everyone to be treated humanely and to enjoy the rights.

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