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Integration of Tumbaga Holing as a Legal Framework: Realizing Justice and Harmony in The Mandailing Traditional Society

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ABSTRACT

Penelitian ini mengeksplorasi integrasi nilai-nilai lokal, khususnya hukum adat Tumbaga Holing, ke dalam kerangka hukum nasional Indonesia. Tumbaga Holing, sebagai sistem hukum adat masyarakat Mandailing, berperan penting dalam mengatur kehidupan sosial dan menjaga keharmonisan komunitas. Namun, proses integrasinya ke dalam hukum positif menghadapi berbagai tantangan, mulai dari perbedaan paradigma hukum hingga marginalisasi hak ulayat. Penelitian ini menggunakan pendekatan yuridis normatif dan menganalisis pasal-pasal dalam Undang-Undang Pokok Agraria (UUPA) serta regulasi terkait masyarakat adat. Hasil penelitian menunjukkan bahwa Tumbaga Holing memiliki potensi untuk berkontribusi pada sistem hukum nasional, terutama dalam hal pengelolaan sumber daya alam dan penyelesaian sengketa. Namun, tantangan seperti kurangnya pengakuan formal, birokrasi hukum, dan ketidakseimbangan kekuatan politik-ekonomi menghambat integrasi ini. Solusi yang diusulkan meliputi peningkatan kapasitas lembaga adat, sosialisasi hukum adat, dan revisi regulasi yang lebih inklusif terhadap masyarakat adat. Dengan langkah-langkah tersebut, diharapkan nilai-nilai lokal dapat diakomodasi secara adil dalam kerangka hukum nasional.

Kata Kunci : Tumbaga Holing, hukum adat, integrasi hukum, Undang-Undang Pokok Agraria, hak ulayat, masyarakat adat

ABSTRACT

This study explores the integration of local values, particularly the Tumbaga Holing customary law, into Indonesia's national legal framework. Tumbaga Holing, as the customary legal system of the Mandailing community, plays a crucial role in regulating social life and maintaining communal harmony. However, the process of integrating it into positive law faces various challenges, ranging from differences in legal paradigms to the marginalization of communal rights (ulayat). This research adopts a normative juridical approach, analyzing specific articles within the Basic Agrarian Law (UUPA) and regulations related to indigenous communities. The results show that Tumbaga Holing has the potential to contribute to the national legal system, particularly in the areas of natural resource management and dispute resolution. However, challenges such as lack of formal recognition, legal bureaucracy, and political-economic power imbalances hinder this integration. Proposed solutions include strengthening indigenous institutions, promoting customary law awareness, and revising regulations to be more inclusive of indigenous communities. These efforts are expected to ensure that local values are fairly accommodated within the national legal framework.

Keywords: *Tumbaga Holing, customary law, legal integration, Basic Agrarian Law, ulayat rights, indigenous communities.*

Introduction

Tumbaga Holing is one of the customary law instruments inherited by the Mandailing community. As a traditional legal system, Tumbaga Holing plays an important role in maintaining justice and social harmony among indigenous communities. However, in this modern era, the existence of customary law is often ignored or considered irrelevant in the context of national law.¹In fact, the existence of customary law such as Tumbaga Holing has the potential to enrich the Indonesian legal framework if it is properly integrated into the positive legal system. The main problem faced is how this customary legal system can be adjusted to broader legal principles without losing its essence and value.

Integrating customary law into national legal systems is a complex challenge. Indigenous peoples often feel marginalized by formal laws that tend not to accommodate local values.²Tumbaga Holing, as a customary legal system rich in local wisdom values, should have a more significant place in the national legal structure. However, misunderstanding of these customary values often leads to misunderstandings and legal conflicts in the field.³Therefore, this study will focus on how Tumbaga Holing can be integrated into a broader legal framework by considering the principles of universal justice.

The Mandailing indigenous people have a holistic view of law and social life. For them, law not only functions to resolve disputes, but also to maintain the balance of nature and social relations. Tumbaga Holing, as a product of this outlook, has become an important pillar in creating harmony and justice in the Mandailing community.⁴In the modern context, this legal system faces challenges to remain relevant and recognized by the state. This challenge becomes even greater when customary values must confront a more formal and structured positive legal system.

The paradigm difference between customary law and positive law is one of the main challenges in the integration process. Positive law tends to prioritize aspects of formality and legality, while customary law such as Tumbaga Holing focuses more on social and moral values.⁵The integration of these two systems requires a careful approach to avoid clashes of values that could damage the social structure of indigenous communities. A deep understanding of the essence of these two legal systems is needed to create an inclusive and adaptive legal framework.

Efforts to integrate Tumbaga Holing into the national legal framework will not only provide recognition to local wisdom, but can also be a model for other customary legal

¹ Sutrisno Purwohadi Mulyono, "Synoptic Policy on the Implementation of Customary Law in the Implementation of Village Government," *Yustisia Journal of Law* 3, no. 2 (August 3, 2014), <https://doi.org/10.20961/yustisia.v3i2.11096>.

² Amrina Rosyada, Esmi Warassih, and Ratna Herawati, "Constitutional Protection of Customary Law Community Unity in Realizing Social Justice," *Kanun Journal of Legal Studies* 20, no. 1 (April 18, 2018): 1–22, <https://doi.org/10.24815/kanun.v20i1.10021>.

³ Veisa Najwa Tionika, Rizka Ayu Mardiana, and Najwa Mufidah Hasibuan, "Integration of Customary Law Concepts in the Framework of Indonesian National Law Development," *Journal of Law and Citizenship* 1, no. 9 (nd): 1–9, <https://doi.org/10.3783/causa.v1i1.571>.

⁴ Anwar Sadat Harahap et al., "Environmental Protection Through the Tumbaga Holing Letter Institution in the Batak Community in South Tapanuli," *Environmental Law Development* 6, no. 2 (March 20, 2022): 258–82, <https://doi.org/10.24970/bhl.v6i2.230>.

⁵ King Patik Tampubolon, *Library of Batak Customary Law* (Jakarta: Dian Utama & Kerabat, 2002).

systems in Indonesia.⁶ This recognition can strengthen the position of indigenous peoples in the national legal system, while contributing to the development of more inclusive laws based on social justice. Through this integration, it is hoped that a legal system will be created that is not only legally-formally just, but also socially and culturally.

This research will also explore the practical challenges faced in integrating local values with positive law. These challenges include differences in views between indigenous peoples and the government regarding the definition of justice, as well as concerns about the marginalization of indigenous values in the process of legal modernization. In-depth studies and collaboration between various parties are needed to overcome these challenges, including the involvement of indigenous peoples, academics, and policy makers in the process of formulating inclusive legal policies.

In this context, the integration of Tumbaga Holing into the national legal framework must be seen as a dynamic and participatory process. This process requires ongoing dialogue between various stakeholders, including indigenous peoples, government, and legal institutions. Thus, the expected outcome is the creation of a more inclusive legal framework, which is able to accommodate local values without sacrificing the universal legal principles that apply in Indonesia.

This study aims to identify the most effective method in integrating Tumbaga Holing into the positive legal system. One of the approaches that will be used is a comparative analysis between the Mandailing customary legal system and the positive legal system in force in Indonesia. This approach is expected to reveal existing opportunities and challenges, as well as provide comprehensive recommendations for policy makers in formulating more inclusive legal policies.

This study uses a normative juridical method to analyze the norms of Mandailing customary law, especially Tumbaga Holing, in relation to the dynamics of Indonesian national law. A legislative approach is used to examine regulations that influence the recognition of customary law, such as the Basic Agrarian Law and regulations on indigenous peoples. A conceptual approach is applied to understand the essence of Tumbaga Holing and assess its suitability with the modern national legal system. The main data sources include primary legal materials, such as laws, as well as secondary legal materials from academic literature and previous research. Qualitative analysis techniques are used to explore the role of Tumbaga Holing and its impact on the integration of customary law and national law.

The formulation of the research problem includes two main questions. First, how can Tumbaga Holing create a legal structure that can be adjusted to broader legal principles? Second, what are the challenges faced in integrating local values with positive law? Through this research, it is hoped that solutions can be found that are not only normative, but also applicable, so that they can provide real benefits for indigenous peoples and the development of the national legal system.

The expected outcome of this research is the creation of a harmonious legal framework between customary law and positive law. Thus, it is expected that there will be an increase in recognition of local wisdom in the national legal system, which will ultimately strengthen social justice and harmony in society. In addition, this research is expected to be a reference for similar studies in the future, especially those related to the integration of customary law in the national legal system.

⁶ Anwar Sadat Harahap et al., "South Batak Tradition for the Settlement of Environmental Disputes: A Tumbaga Holing Letter Model," *Journal of Environmental Management and Tourism* 12, no. 7 (January 12, 2021): 18–25, [https://doi.org/10.14505/jemt.v12.7\(55\).07](https://doi.org/10.14505/jemt.v12.7(55).07).

Discussion

1. Tumbaga Holing creates a legal structure that can be adapted to broader legal principles

Tumbaga Holing is an integral part of the Mandailing customary law system that has long served as a basis for resolving various social and legal problems in society. Historically, Tumbaga Holing is not only a customary rule, but also reflects local wisdom that maintains balance and harmony in the Mandailing community.⁷ Although this legal system operates autonomously, it has characteristics that can be adjusted to broader legal principles, including national law. Tumbaga Holing's ability to adapt to social changes and national legal developments is one of its strengths. This makes it relevant in the discourse on the integration of customary law into positive law.

Tumbaga Holing regulates various aspects of life, from social to economic issues, which have similarities with several basic principles of national law, such as social justice and equality. This principle is in line with Article 33 paragraph (3) of the 1945 Constitution which mandates that the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. Customary laws such as Tumbaga Holing, which pay close attention to the distribution of resources and justice for the community, can be seen as a reflection of this mandate. This confirms that Tumbaga Holing has elements that are able to adapt to the national legal system.

The Basic Agrarian Law (UUPA) No. 5 of 1960 provides recognition of the customary rights of indigenous peoples, as stated in Article 3, which states that the customary rights of indigenous peoples are recognized as long as they still exist and are in accordance with national interests.⁸ In this context, Tumbaga Holing can function as an instrument representing the rights of the Mandailing indigenous people, especially in terms of land and natural resource management. This article opens up space for Tumbaga Holing to be integrated into the national legal framework, as long as the principles contained therein are in line with national interests and do not conflict with applicable laws.

The legal structure of Tumbaga Holing, which is based on the principle of deliberation and consensus, has the potential to be adapted into a broader legal system, especially in the context of dispute resolution. Article 6 of the UUPA states that all land rights have a social function, which indicates that land use should not only be oriented towards individual interests, but must also pay attention to community welfare. This principle is in line with Tumbaga Holing, which emphasizes the importance of equality and shared welfare in every decision-making, especially regarding the use of natural resources.

Tumbaga Holing also offers a dispute resolution framework that is oriented towards harmony and reconciliation, which can be an alternative or complement to the formal justice system. The principle of familial dispute resolution contained in Tumbaga Holing is very relevant to Article 56 of the UUPA, which regulates the resolution of land disputes through deliberation before bringing the case to court. This customary dispute resolution not only reduces the burden on formal courts, but also strengthens social relations between residents, thereby creating harmony in society.

⁷ Icol Dianto, "Socio-Political Obstacles to Religious Village Development in Mandailing Natal Regency," *Misykat al-Anwar Journal of Islamic and Community Studies* 5, no. 2 (July 20, 2022): 291, <https://doi.org/10.24853/ma.5.2.291-314>.

⁸ Rosyada, Warassih, and Herawati, "Constitutional Protection of Customary Law Community Unity in Realizing Social Justice."

The values contained in Tumbaga Holing can also be aligned with the principle of justice regulated in Article 2 of the UUPA, which emphasizes that land control by the state must pay attention to social justice. Tumbaga Holing, which prioritizes community-based justice and common interests, reflects the spirit of this article. Thus, this customary law can contribute to realizing social justice which is one of the main objectives of the national legal system.

Regulations on indigenous peoples also provide a legal basis that allows Tumbaga Holing to be recognized and adapted in the context of national law. For example, Regulation of the Minister of Home Affairs No. 52 of 2014 concerning Guidelines for the Recognition and Protection of Indigenous Legal Communities provides a framework for the recognition of indigenous peoples' rights, including recognition of the customary laws they practice. Tumbaga Holing, as part of Mandailing customary law, can gain stronger legitimacy through this regulation, so that its position in the national legal system can be better recognized and protected.

The process of integrating Tumbaga Holing into national law requires a careful approach so that the core values of this customary law are not lost or reduced. Formal recognition through regulation alone is not enough without a deep understanding of the essence and values contained therein.⁹Therefore, dialogue and collaboration between indigenous peoples and policy makers are needed to ensure that indigenous values are maintained in this integration process. Thus, Tumbaga Holing can not only be adjusted to national legal principles, but can also make a positive contribution to the development of national law itself.

One of the challenges in integrating Tumbaga Holing is how to ensure that this legal system remains relevant amidst the development of national law which tends to be formalistic. Article 5 of the UUPA states that customary law is recognized as long as it does not conflict with national interests and higher laws and regulations. This challenge requires serious efforts to adjust Tumbaga Holing to broader legal principles, without sacrificing time-tested customary values. Here, the importance of in-depth study of every aspect of customary law becomes crucial.¹⁰

Basically, Tumbaga Holing has the flexibility to adapt to modern legal principles, especially in terms of natural resource management and dispute resolution. Article 9 of the UUPA, which regulates land rights, can also be used as a reference to adjust the legal structure of Tumbaga Holing.¹¹Equitable and sustainable land management, which is the core of Tumbaga Holing, is in line with the spirit of the article, especially in terms of land use for the general welfare of the community.

Tumbaga Holing can also provide an alternative model to solve problems related to land and natural resource distribution. In the national context, fair resource distribution is one of the main problems faced, especially with the increasing agrarian conflict. The principles contained in Tumbaga Holing, such as fair distribution and based on community

⁹ Cipto Duwi Priyono and Izuddinsyah Siregar, "Degradation of Local Wisdom Values of Dalihan Na Tolu Among Adolescents in Padangsidimpuan City," *Journal of Education and Development*, South Tapanuli Education Institute 9, no. 4 (nd): 346–53.

¹⁰ Jannus Tambunan, "The Role of Local Wisdom in the Development of Sharia Business in Padang Sidimpuan City," *Iqtishodiyah: Journal of Islamic Economics and Business* 8, no. 2 (July 20, 2022): 119–36, <https://doi.org/10.55210/iqtishodiyah.v8i2.827>.

¹¹ Drs Zulkifli Lubis et al., "Local Wisdom of the Mandailing Community in Natural Resource Management and the Social Environment," Center for the Preservation of Cultural Values, Banda Aceh, 2012.

welfare, can be a solution to overcome this conflict.¹²Article 58 of the UUPA, which discusses the importance of justice in land ownership and utilization, can also be integrated with the values of Tumbaga Holing.

Integration of Tumbaga Holing with national law can also strengthen the recognition of indigenous peoples' rights, which have often been marginalized in the formal legal system. Recognition of these rights can improve the welfare of the Mandailing indigenous people and prevent marginalization that often occurs due to development that does not support local interests.¹³This recognition is in line with the spirit contained in Article 6 of the UUPA, which emphasizes the social function of land and the importance of fair distribution.

Tumbaga Holing has great potential to be integrated into the national legal framework, especially in terms of natural resource management and dispute resolution.¹⁴Through proper recognition and adaptation, this customary law can make a significant contribution to realizing broader social justice, as mandated by the UUPA and various regulations related to indigenous peoples. This integration can also strengthen social harmony in society, which is one of the main goals of the Mandailing customary law system.

Tumbaga Holing is able to create a flexible and adaptive legal structure, so that it can be adjusted to broader legal principles, such as those stipulated in the Basic Agrarian Law and indigenous peoples' regulations. This integration process requires a comprehensive and dialogical approach between various parties, including indigenous peoples, government, and academics. Thus, customary law can not only be maintained, but can also become an integral part of the development of national law that is more inclusive and based on social justice.

Tumbaga Holing also has the potential to strengthen local policies that support sustainable development and environmental conservation, in line with national regulations. The principles in Tumbaga Holing related to the utilization of natural resources based on local wisdom can contribute to the implementation of Article 15 of the UUPA, which regulates the obligations of land rights owners to maintain environmental sustainability and ecosystem balance. Thus, the values contained in Tumbaga Holing not only support social justice, but can also play a role in maintaining environmental sustainability, which is one of the main issues in modern development.

Furthermore, Tumbaga Holing can be a model for the development of other customary law systems in Indonesia, which also play an important role in maintaining local cultural identity and social integration. Recognition of Tumbaga Holing in the national legal system can pave the way for similar recognition of customary law in other regions, which in turn will enrich the national legal framework with diverse local values. This process is expected to create a legal structure that is not only legal-formal, but also based on local culture and wisdom, which is the foundation for the creation of social harmony and the welfare of society as a whole.

¹² Elizabeth Nela Sari, Muhammad Yamin, and Edy Ikhsan, "The Role of Dalihan Natolu in Resolving Customary Land Disputes for Public Interest Procurement in Humbang Hasundutan Regency," *Al-Hikmah Journal of Law and Society* 3, no. 2 (2022): 393–416, <https://doi.org/10.30743/jhah.v3i2.5417>.

¹³ Abd Rachman Dalimunte, *Customs of the South Tapanuli Region: Letter of Tumbaga Holing* (Michigan: University of Michigan, 1985).

¹⁴ Edi Nasution, *Tulila: Music of Mandailing Persuasion* (Penang: Areca Book, 2007).

2. Challenges faced in integrating local values with positive law

Integration of local values into positive law faces various complex challenges, both in terms of regulation and practice. One of the main challenges is the difference in paradigm between flexible customary law and positive law which tends to be formalistic.¹⁵ Customary law, such as Tumbaga Holing, focuses on social balance and community harmony, while positive law emphasizes legality and legal certainty. This difference often gives rise to conflicts in the application of the two legal systems, especially when customary principles are not adequately accommodated in formal regulations. This challenge is further compounded by the lack of in-depth understanding of the essence of customary law among policy makers.

The Basic Agrarian Law (UUPA) No. 5 of 1960 recognizes the customary rights of indigenous peoples, but its implementation is often inconsistent. Article 3 of the UUPA states that customary rights are recognized as long as they still exist and are in accordance with national interests. The definition of "national interests" which is often interpreted narrowly by the government is often an excuse to ignore the rights of indigenous peoples.¹⁶ As a result, customary laws such as Tumbaga Holing are marginalized in decision-making regarding natural resources and land management. This challenge shows the imbalance between customary law and positive law in the context of applicable legislation.

This imbalance also appears in the context of land dispute resolution. Article 56 of the UUPA regulates the importance of dispute resolution through deliberation, which is actually in line with the principle of dispute resolution in Tumbaga Holing. However, in practice, deliberation is often just a formality and does not really involve local values.¹⁷ The overly bureaucratic formal justice system often sidelines customary-based resolution efforts, which place more emphasis on reconciliation and social harmony. This poses a major challenge in efforts to integrate local values into positive law.

The unclear regulation regarding the limits of customary rights is also one of the problems in the integration of local values with positive law. Article 5 of the UUPA states that customary rights are recognized as long as they do not conflict with national interests, but the definition of this interest often overlaps with the interests of the government or investors.¹⁸ This ambiguity opens up opportunities for the marginalization of indigenous peoples in the management of natural resources, so that the values contained in Tumbaga Holing, such as social justice and sustainable use, are neglected. The lack of formal legal protection for indigenous rights creates loopholes that allow for violations of indigenous peoples' rights.

The lack of formal recognition of customary law systems in national regulations is another challenge. Although the UUPA recognizes customary rights, many derivative regulations do not explicitly recognize or involve customary law in the decision-making process. Regulation of the Minister of Home Affairs No. 52 of 2014 concerning the Recognition and Protection of Customary Law Communities does provide guidelines for the recognition of customary communities, but its implementation is still minimal.¹⁹ Local

¹⁵ Ikhsan Lubis et al., "Comparison of Civil Law Regarding The Implementation of Cyber Notary in Countries With Common Law and Civil Law Traditions," *IUS Journal of Law and Justice Studies* 10, no. 1 (April 23, 2022): 1–11, <https://doi.org/10.29303/ius.v10i1.981>.

¹⁶ Ikhsan Lubis et al., "Cyber Notary as a Mean of Indonesian Economic Law Development," *Sriwijaya Law Review* 7, no. 1 (January 26, 2023): 62, <https://doi.org/10.28946/slrev.Vol7.Iss1.1972.pp62-72>.

¹⁷ Lilik Mulyadi, *Customary Criminal Law* (Bandung: Alumni, 2015).

¹⁸ Sri Hajati, *Textbook of Land Law Politics* (Surabaya: Ailangga University Press, 2018).

¹⁹ Arif Mahfud, *Protection of Customary Law Communities and Traditional Communities* (Yogyakarta: Leutikaprio, 2020).

governments often do not have strong enough initiatives to identify and protect customary rights. As a result, customary laws such as Tumbaga Holing are often neglected in decision-making at the local and national levels.

The process of legal modernization often has a negative impact on local values that are the basis of customary law. Modernization is often understood as westernization, where legal standards originating from western countries are considered superior to local customary law.²⁰ This inequality causes customary laws such as Tumbaga Holing to be considered ancient and irrelevant in the modern legal system. In fact, customary law contains local wisdom that has been proven to be able to maintain social and environmental balance. Integrating local values into positive law requires a more inclusive approach, where local wisdom is given space to contribute to the development of national law.

Challenges in integrating local values also arise from the lack of understanding of the wider community regarding the importance of customary law. Article 6 of the UUPA emphasizes that all land rights must carry out a social function, which is in line with the principles in Tumbaga Holing. However, in practice, many parties, including businessmen and officials, are more focused on economic exploitation than on the social functions mandated by customary law. This ignorance is a barrier to integrating local values that emphasize community and environmental welfare. Therefore, broader education and socialization are needed regarding the importance of customary law in maintaining social justice and sustainability.

In addition to the regulatory imbalance, there are also challenges in terms of the capacity of customary institutions to enforce customary law. Although Article 18B paragraph (2) of the 1945 Constitution recognizes the existence of customary communities, not all customary institutions have sufficient capacity to enforce their laws amidst the dominance of positive law. Many customary institutions do not have adequate administrative and financial support, making it difficult to maintain and promote customary law values.²¹ This challenge is further exacerbated by the lack of support from local governments which should play a critical role in facilitating the recognition and protection of customary law.

National legal bureaucracy is also a challenge in the integration of customary law with positive law. Complex and convoluted formal legal procedures are often not in line with simpler and faster customary legal procedures. This makes indigenous peoples, including Mandailing who use Tumbaga Holing, feel alienated from the formal legal system. This difference in approach often causes dissatisfaction and distrust of the national legal system. As a result, indigenous peoples tend to feel that the national legal system is not relevant to their lives, so that customary law remains the main choice in resolving disputes.²²

Differences in legal principles also pose a major challenge in the integration process. Customary law tends to be restorative, emphasizing the restoration of social relations, while positive law is more retributive, focusing on punishment and criminalization. These differences make it difficult for customary law to be fully integrated into the national legal system without substantial adjustments. Article 56 of the UUPA, which emphasizes the resolution of disputes through deliberation, provides an opportunity for the restorative

²⁰ Sukiron, *Legal Politics of Recognition of Customary Rights* (Jakarta: Kencana, 2018).

²¹ Dolfries. *Jakop Neununy, Indonesian Customary Law* (Padang: Azzia Karya Bersama, 2024).

²² Vergouwen, *Toba Batak Society and Customary Law* (Yogyakarta: LKIS, 2004).

approach of customary law to be applied. However, in practice, the national justice system, which is dominated by a retributive approach, is more often prioritized.²³

Another challenge is related to changes in social dynamics in indigenous communities themselves. Modernization, urbanization, and globalization have brought significant changes to the social and cultural structures of indigenous communities. This has caused many young people to abandon customary values and prefer to follow positive legal norms. This shift threatens the sustainability of customary laws such as Tumbaga Holing, which are increasingly losing their relevance among the younger generation. The inability of customary law to adapt to these changes is one of the obstacles in maintaining its existence within the national legal framework.

The shift in values in society also has an impact on the legitimacy of customary law in the eyes of the government. Although formally recognized, customary law is often not prioritized in policy making at the national and regional levels. The government tends to prioritize formal regulations that are considered more in accordance with modern legal principles. This injustice creates an imbalance between positive law and customary law, where customary law is treated as subordinate to national law. This challenge demands a paradigm shift in viewing customary law as an equal part of the national legal system.

The neglect of customary law also creates legal uncertainty among indigenous communities themselves. When customary law is not formally recognized, indigenous communities are often confused about which law they should follow. Article 5 of the UUPA, which regulates customary rights, should provide clarity regarding the recognition of customary law, but its limited interpretation makes its implementation inconsistent. This uncertainty causes indigenous communities to lose trust in the national legal system, and ultimately return to using customary law as a practical solution to solve their daily problems.

The challenge of integrating local values is also influenced by the political and economic forces at play behind national regulations. Many interests dominate policy-making, including the interests of investors who prioritize the exploitation of natural resources over the recognition of customary rights. This is reflected in various agrarian conflicts involving indigenous peoples, where customary law is not recognized in decision-making regarding land. This imbalance of power exacerbates the marginalization of indigenous peoples and complicates the integration of local values into positive law.

The solution to this integration challenge requires a multidisciplinary and collaborative approach between various parties, including government, academics, and indigenous communities. More inclusive policies need to be developed to ensure that local values can be accommodated fairly in national law. Education and capacity building of customary institutions are also important to strengthen the position of customary law in the broader legal system. Thus, the integration of local values with positive law will not only enrich the national legal system, but also maintain the sustainability of local wisdom which is an important part of the nation's identity.

Conclusion

Tumbaga Holing has great potential to be integrated into the national legal structure, because the values contained therein, such as deliberation, social balance, and justice, are in line with the principles stipulated in the Basic Agrarian Law (UUPA). This customary legal system can make a positive contribution to the management of natural resources and

²³ Teuku Muttaqin Mansur, *Customary Law: Development and Updates*(Darrusalam: Syiah Kuala University Press, 2018).

dispute resolution, especially through the recognition of customary rights of indigenous peoples, as stipulated in Articles 3 and 6 of the UUPA. However, the main challenges in this integration are the differences in paradigm between flexible customary law and formalistic positive law, the lack of understanding and formal recognition of customary law, and the dominance of political and economic interests in national regulations. These challenges require a more inclusive approach, both in terms of regulation and practice. Protection of the rights of indigenous peoples, increasing the capacity of customary institutions, and education on the importance of local values within the national legal framework are urgently needed. With closer collaboration between the government, indigenous peoples, and other stakeholders, the integration of Tumbaga Holing into the national legal system can be realized fairly and harmoniously, supporting the development of laws based on local wisdom and sustainability.

The recommendation of this research is for the government and policy makers to actively encourage formal recognition and protection of customary laws such as Tumbaga Holing through more inclusive regulatory revisions, such as strengthening the implementation of Articles 3 and 6 of the UUPA regarding customary rights. In addition, it is necessary to provide education and socialization to the wider community and stakeholders regarding the importance of customary law values in maintaining social and environmental balance. Collaboration between the government, academics, and indigenous communities must be increased to strengthen the capacity of customary institutions in carrying out customary law functions. Thus, the integration of local values into national law can run harmoniously and effectively, and support social justice and sustainability.

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