

LOCAL WISDOM WITHIN OF SYARI'AH: "AN ANALYTICAL STUDY ON CUSTOMARY LEGISLATION IN BATAK MANDAILING"



Muhammad Ridha¹ , Saiful Amin² , Hanif A'la Ilhami³

*Correspondence :

Email :

saifulsaiful0981@gmail.com

Authors Affiliation:

^{1,2,3}Universitas Islam Negeri Sjech
M. Djamil Djambek Bukittinggi,
Indonesia

Article History :

Submission : May 2025

Revised : May 2025

Accepted : July 2025

Published: August 2025

Keyword : Islamic law; local
wisdom; Mandailing Batak;
customary law; legal
pluralism; syari'ah; adat.

Kata Kunci : Hukum Islam;
kearifan lokal; Batak
Mandailing; hukum adat;
pluralism hukum; syari'ah;
adat.

Abstract

This study explores the integration of Islamic law (syari'ah) and local wisdom within the customary legal system (hukum adat) of the Mandailing Batak community in North Sumatra Indonesia. Using a socio-legal analytical approach, it investigates how Islamic legal values have been incorporated into traditional norms without disrupting the integrity of local institutions such as Dalihan Na Tolu. Through historical analysis, case studies, and field observations, the study reveals a dynamic synthesis between adat and syari'ah, particularly in domains such as marriage, inheritance, and dispute resolution. The findings suggest that syari'ah is localized as a moral-ethical framework rather than a rigid code, coexisting with indigenous norms through mutual adaptation. This integration exemplifies legal pluralism in practice and contributes to a deeper understanding of vernacular Islam in Indonesia.

Abstrak

Penelitian ini mengkaji integrasi hukum Islam (syari'ah) dengan kearifan lokal dalam sistem hukum adat masyarakat Batak Mandailing di Sumatera Utara Indonesia. Dengan pendekatan analitis sosio-legal, studi ini menelusuri bagaimana nilai-nilai hukum Islam diinternalisasi ke dalam norma adat tanpa menghilangkan peran kelembagaan lokal seperti Dalihan Na Tolu. Melalui analisis historis, studi kasus, dan observasi lapangan, ditemukan adanya sintesis dinamis antara adat dan syari'ah, khususnya dalam bidang perkawinan, warisan, dan penyelesaian sengketa. Hasil penelitian menunjukkan bahwa syari'ah dilokalisasi sebagai kerangka etika-moral, bukan sebagai sistem hukum yang kaku, dan hidup berdampingan dengan norma adat melalui proses adaptasi timbal balik. Integrasi ini mencerminkan praktik pluralisme hukum dan memperkaya pemahaman tentang Islam lokal di Indonesia.

INTRDUCTION

In the context of Indonesia's legal pluralism, the relationship between Islamic law and customary law (adat) continues to be a vital field of study, especially in regions where both legal systems interact organically. The dynamic interplay between local wisdom and Islamic principles often generates hybrid legal forms that reflect both normative religious ideals and cultural pragmatism. This phenomenon is particularly evident in communities where Islam has been indigenized through local cultural expressions, as is the case with the Batak Mandailing people of North Sumatra.

The Mandailing ethnic group, historically rooted in a rich customary tradition, has undergone a process of Islamization since the 19th century. As a result, their legal consciousness and social norms have been shaped by both Islamic jurisprudence (fiqh) and their indigenous values. The intersection of syari'ah (Islamic law) with adat norms has produced unique legal



practices, particularly in matters of marriage, inheritance, and dispute resolution. These practices cannot be understood solely through the lens of Islamic legal texts or traditional anthropology; instead, they require an interdisciplinary approach that considers the socio-historical and religious evolution of the community.

While many studies have examined the role of adat in Indonesian legal systems, relatively few have focused specifically on how Islamic values are internalized and transformed within local customary law. The Mandailing context provides a compelling case study for this integration, as its legal culture embodies a synthesis of *dalihan na tolu* (a triadic kinship system central to Mandailing society) with Islamic ethics. This integration reflects a localized form of *syari'ah*, which is neither purely doctrinal nor merely cultural, but a lived and negotiated expression of both.

This article aims to analytically explore how local wisdom functions as a vehicle for the of *syari'ah* within the customary legislation of the Batak Mandailing. The central research questions are: (1) How has Islamic law influenced the development of Mandailing customary legal norms? (2) What mechanisms exist within Mandailing society for integrating religious values into customary practices? (3) To what extent does the resulting legal structure reflect the principles of *syari'ah* while preserving indigenous identity?

By employing a socio-legal and normative analysis, this study contributes to the broader discourse on legal pluralism, Islamic jurisprudence in Southeast Asia, and the role of culture in shaping religious legal systems. It also responds to the growing academic interest in contextualizing Islamic law within diverse legal landscapes, offering insights into how localized interpretations of *syari'ah* emerge through indigenous legal traditions.

LITERATURE REVIEW

The relationship between Islamic law and customary legal systems has long been a subject of scholarly interest, particularly in regions such as Southeast Asia, where legal pluralism is a socio-historical reality (Hooker, 1975; Bowen, 2003). In Indonesia, adat law is constitutionally recognized as a living system (living law), coexisting with state law and religious law (Bedner & Van Huis, 2010). This legal coexistence has prompted scholars to investigate how Islamic values interact with and are embedded in local customary practices. The conceptualization of this interaction requires an interdisciplinary understanding that encompasses Islamic jurisprudence, anthropology, and socio-legal studies.

Local Wisdom and Customary Law in Indonesia

Local wisdom (*kearifan lokal*) refers to the indigenous knowledge, norms, and value systems that have been internalized by a community through long historical processes. Scholars such as Geertz (1960) and Effendy (2002) highlight how these values become embedded in social institutions, including customary law. In Indonesia, customary law is often community-based and unwritten, evolving through consensus (*musyawarah*) and collective experience (Soepomo, 1946; Hooker, 1986). Adat is thus not static but flexible, responsive to changes, including religious and political influences.

In the context of Mandailing society, customary law is primarily structured around *dalihan na tolu*, a kinship-based triadic philosophy that governs social roles and obligations. This structure serves as both a moral and legal framework for regulating social relations, and thus, becomes a medium through which external influences such as Islam are interpreted and localized (Lubis, 1996).

Islamization and Legal Syncretism in Southeast Asia

The Islamization of local cultures in Southeast Asia has produced complex forms of legal syncretism. Studies by Bowen (1998) and Peletz (2002) show how Islamic legal norms are often localized through negotiation with pre-Islamic customs, resulting in hybrid forms of legal expression. This is particularly evident in non-Arab Muslim societies where Islamic legal authority is mediated by cultural legitimacy and local leadership structures.

In Indonesia, the works of Azra (2004) and Abdullah (1996) emphasize the gradual and dialogical nature of Islamization. Rather than replacing adat, Islam in many regions including Mandailing has sought accommodation through ethical reinterpretation. The concept of “syari’ah lokal” emerges from this process, wherein Islamic values are not merely applied but are transformed within the cultural logic of local societies (Hefner, 2011).

Previous Studies on Mandailing Legal Culture

Existing literature on Mandailing society largely focuses on genealogy, cultural identity, and the impact of Islam on social structure (Nasution, 1992; Lubis, 2001). While these studies acknowledge the role of Islam, few of them explicitly analyze how Islamic law functions within the structure of Mandailing customary legislation. Most research tends to dichotomize adat and syari’ah, treating them as separate spheres rather than as mutually constitutive legal systems.

A notable gap remains in terms of legal analysis: how do Islamic legal principles especially in the domains of marriage, inheritance, and dispute resolution operate within the Mandailing legal context? How are religious values negotiated within local legal forums such as family councils or kerapatan adat? These questions are underexplored and demand a focused inquiry into the mechanisms of legal integration.

Theoretical Framework: Legal Pluralism and Living Law

This study adopts a legal pluralism framework, which recognizes the coexistence and interaction of multiple normative systems within a single social field (Merry, 1988; Griffiths, 1986). The theory of living law, as articulated by Ehrlich (1913) and later expanded by Indonesian legal scholars, provides an analytical lens to examine how law is experienced and practiced beyond formal state codifications. Under this framework, adat and syari’ah are not treated as mutually exclusive, but as overlapping legal orders that co-evolve within social contexts.

This literature review reveals that while there is a robust body of work on Islam and adat in Indonesia, focused legal-anthropological studies on the Mandailing region remain limited. By addressing this gap, the present study aims to contribute to both empirical and theoretical developments in the study of Islamic legal pluralism.

METHODS

This study employs a qualitative socio-legal approach that integrates doctrinal analysis with ethnographic and historical perspectives. Given the plural and dynamic nature of law in the Indonesian context especially where Islamic norms interact with customary tradition this methodological approach allows for a deeper understanding of both normative frameworks and lived legal experiences within the Mandailing community.

Research Approach

The research is primarily descriptive-analytical and relies on normative and empirical legal methods. It seeks to analyze how Islamic legal principles are embedded and negotiated within the framework of Mandailing customary law (hukum adat), with a focus on the integration of syari’ah values into community-based legislation and legal practices.

A normative legal analysis is used to examine the compatibility and interaction between Islamic jurisprudence (fiqh) and Mandailing legal norms, particularly in key areas such as family law, inheritance, and dispute resolution. Meanwhile, a socio-anthropological lens supports the analysis of how these norms are constructed, legitimized, and practiced in community life.

Data Collection Methods

The research utilizes both primary and secondary data sources. Primary data were collected through: First, semi-structured interviews with local religious leaders (ulama), customary elders (raja adat), and community members in Mandailing Natal Regency, North Sumatra. Participant observation during adat ceremonies and local conflict resolution processes. Document analysis of written customary regulations (if available), community agreements, and family council records (musyawarah keluarga). Secondary data include: Academic literature on customary law, Islamic law, and Mandailing culture. Historical records, colonial reports, and ethnographies related to the Islamization of the Batak Mandailing region. Legal and anthropological texts on legal pluralism and local Islamic practices in Southeast Asia.

Sampling Strategy

A purposive sampling technique was used to select informants who possess in-depth knowledge and active roles in both religious and customary legal structures. The selection included: Senior traditional leaders from noble Mandailing clans (marga), Islamic scholars affiliated with local pesantren or mosques, Women and younger community members involved in dispute resolution and family decision-making processes. This allowed the study to capture a wide range of perspectives on how Islamic and customary norms are negotiated across generational and gender lines.

Data Analysis Techniques

Data were analyzed through thematic content analysis, focusing on recurring patterns, concepts, and tensions in the interaction between Islamic values and customary practices. The analysis involved: Categorization of data according to legal domains (e.g., marriage, inheritance, dispute resolution), comparative analysis between adat provisions and Islamic legal norms derived from fiqh literature, interpretation of community practices using theoretical lenses from legal pluralism and living law theory.

Ethical Considerations

All research activities adhered to ethical standards for fieldwork in legal-anthropological studies. Informed consent was obtained from all interview participants, and the anonymity of respondents was preserved where requested. The research was conducted with cultural sensitivity, ensuring respect for local norms and religious sentiments.

RESULT AND DISCUSSION

This section presents the findings of the study on the interplay between Islamic legal values (syari'ah) and customary law (adat) within the Mandailing community. The results are organized thematically to reflect key areas of integration and negotiation between these two normative systems.

The Structure of Mandailing Customary Law: Dalihan Na Tolu as Legal and Moral Order

The foundation of Mandailing customary law is the kinship-based triadic philosophy known as Dalihan Na Tolu, which consists of three relational roles: Kahanggi (clan relatives), Mora (wife-givers), and Anak Boru (wife-takers). This structure does not merely reflect social

etiquette but also functions as a normative legal framework for regulating rights, obligations, and conflict resolution mechanisms.¹

Customary legislation (*hukum adat*) is not codified but maintained orally and practiced through ritual, deliberation (*musyawarah*), and consensus. The *kerapatan adat* (customary council) serves as the legal authority in the community, legitimizing decisions based on collective memory and community values. Within this framework, legal norms evolve and adapt through practice, allowing the incorporation of external influences including Islam into the fabric of Mandailing law.²

Islamization of Adat: Historical Trajectories and Legal Adaptation

Islam was introduced to the Mandailing region in the early 19th century through trade, Sufi missionary activities, and the influence of Islamic scholars from Minangkabau.³ The process of Islamization was neither abrupt nor revolutionary but rather gradual and integrative. Instead of replacing *adat*, Islamic teachings were contextualized within existing customary norms, often by reinterpreting them through Islamic ethical lenses.⁴

In areas of family law (e.g., marriage, divorce, and inheritance), Islamic norms were selectively adopted. For example: The traditional practice of *sinamot* (bridewealth) was maintained but reinterpreted as part of Islamic *mahar*, blending economic and spiritual symbolism.⁵ Inheritance, which was traditionally based on clan consensus, gradually adapted Islamic rules (e.g., the 2:1 male-female ratio), though local adjustments were often negotiated to ensure social harmony.⁶ Rather than a strict adoption of *fiqh*, what occurred was a pragmatic harmonization, guided by the need to preserve social balance and cultural identity.⁷

Case Studies of Customary-Islamic Integration

Case 1: Marriage Ceremony and Contract

Marriage in Mandailing society is a communal affair governed by both *adat* and Islamic law. The *akad nikah* (Islamic marriage contract) is performed alongside the *adat* ceremonies, including the giving of *sinamot* and the recitation of Mandailing customary prayers.⁸ The community does not perceive this as legal duplication but rather as a complementary system that fulfills both religious obligations and customary expectations.

Case 2: Inheritance Distribution

A notable case involved a family dispute over the inheritance of land. The *kerapatan adat* initially proposed a distribution based on traditional egalitarian principles. However, at the insistence of one heir educated in Islamic law, the distribution was re-negotiated to follow *faraid* (Islamic inheritance law), with adjustments approved by the council to prevent perceived injustice toward female heirs.⁹ This demonstrates the flexibility of customary law to accommodate Islamic legal reasoning without rigid application.

Case 3: Dispute Resolution

¹Harahap, Sofyan A. *Dalihan Na Tolu: Struktur Sosial Mandailing*. Medan: Pustaka Rakyat, 2001.

²Lubis, Mahmud. *Adat Mandailing dan Perkembangannya*. Jakarta: Departemen Pendidikan dan Kebudayaan, 1993.

³Azra, Azyumardi. *The Origins of Islamic Reformism in Southeast Asia*. Honolulu: University of Hawai'i Press, 2004.

⁴Abdullah, Taufik. "Adat and Islam: An Examination of Conflict in Minangkabau." *Indonesia*, no. 2 (1966): 1–24.

⁵Nasution, Khoiruddin. "Islamisasi Hukum Adat di Mandailing: Studi tentang Sinamot." *Al-Jami'ah* 42, no. 1 (2004): 79–106.

⁶Bowen, John R. *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press, 2003.

⁷Peletz, Michael G. *Islam and the Cultural Politics of Legitimacy in Southeast Asia*. Princeton: Princeton University Press, 2002.

⁸Lubis, Mahmud. *Perkawinan Adat dan Islam di Mandailing*. Padangsidimpuan: Yayasan Dakwah Mandailing, 1997.

⁹Interview with Raja Adat H. Arsyad Nasution, Mandailing Natal, February 12, 2024.

In conflict resolution, the principle of *musyawarah mufakat* (deliberative consensus) is central. Religious leaders are often invited to offer guidance based on Islamic teachings, but final decisions remain within the authority of the customary council. In this way, Islam provides moral direction, while *adat* ensures procedural legitimacy.¹⁰

Syari'ah as Localized Ethical Framework

Rather than functioning as a rigid legal code, *syari'ah* is understood as an ethical reference, interpreted through the prism of local wisdom. The Mandailing context illustrates what some scholars term “vernacular Islam” a form of religious practice and law shaped by local social structures and cultural logic.¹¹ This localized *syari'ah* is: Substantive rather than formalistic. Embedded in communal ethics rather than institutionalized in state law. Negotiated within the dynamics of kinship, social harmony, and spiritual legitimacy. Thus, the interaction between *adat* and *syari'ah* in Mandailing is not a conflictual binary but a creative and evolving synthesis, reflecting the living nature of both systems.

Theoretical Reflection: Legal Pluralism in Practice

The Mandailing case confirms key propositions of legal pluralism theory: that multiple normative orders coexist, interact, and mutually shape each other in the daily legal life of communities.¹² It also supports the idea of “living law”, where the validity of law stems from its relevance and acceptance within the community, rather than formal state recognition.¹³

In the Mandailing experience, Islamic law gains local legitimacy through *adat*, while *adat* acquires spiritual depth through its alignment with Islamic ethics. This mutual legitimization demonstrates the cultural adaptability of Islam and the dynamic capacity of customary law.

CONCLUSION

The integration of *syari'ah* values into Mandailing customary law exemplifies a dynamic process of legal and cultural negotiation within a pluralistic legal context. Rather than representing competing systems, Islamic law (*hukum Islam*) and local wisdom (*kearifan lokal*) operate as complementary forces that co-construct the legal consciousness of the Mandailing people. This study shows that, customary law (*adat*) in Mandailing is a living, community-based legal system deeply rooted in kinship values and traditional consensus mechanisms such as *Dalihan Na Tolu*. The Islamization of *adat* did not occur through replacement or domination, but through gradual adaptation and ethical alignment, particularly in domains such as marriage, inheritance, and dispute resolution. *Syari'ah* principles were localized and interpreted through existing social institutions, demonstrating the flexibility and cultural sensitivity of Islamic law when grounded in community life. The interaction between Islamic and customary norms reflects the core tenets of legal pluralism, where multiple normative orders coexist and co-legitimize each other in shaping everyday law. The findings highlight the significance of understanding *syari'ah* not merely as a formal legal system, but as a moral-ethical framework that can be internalized and recontextualized within indigenous traditions. In this way, the Mandailing experience provides a model of vernacular Islamic form of religious legal expression that is both authentic to Islamic teachings and responsive to local sociocultural realities. Future research may further explore how this integration evolves in the context of national legal reforms, state recognition of customary law, and the increasing formalization of Islamic legal practices in Indonesia. Ultimately, the Mandailing case underscores the importance of contextual

¹⁰ Field notes, community deliberation session in Panyabungan, March 2024.

¹¹ Feener, R. Michael. *Muslim Legal Thought in Modern Indonesia*. Cambridge: Cambridge University Press, 2007.

¹² Griffiths, John. “What is Legal Pluralism?” *Journal of Legal Pluralism and Unofficial Law* 24 (1986): 1–55.

¹³ Ehrlich, Eugen. *Fundamental Principles of the Sociology of Law*. Cambridge, MA: Harvard University Press, 1936.

jurisprudence that bridges religious normativity with indigenous identity, reinforcing the resilience and adaptability of both.

REFERENCES

- Abdullah, Taufik. "Adat and Islam: An Examination of Conflict in Minangkabau." *Indonesia*, no. 2 (1966): 1–24.
- Azra, Azyumardi. *The Origins of Islamic Reformism in Southeast Asia: Networks of Malay-Indonesian and Middle Eastern 'Ulama' in the Seventeenth and Eighteenth Centuries*. Honolulu: University of Hawai'i Press, 2004.
- Bowen, John R. *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press, 2003.
- Ehrlich, Eugen. *Fundamental Principles of the Sociology of Law*. Translated by Walter L. Moll. Cambridge, MA: Harvard University Press, 1936.
- Feener, R. Michael. *Muslim Legal Thought in Modern Indonesia*. Cambridge: Cambridge University Press, 2007.
- Griffiths, John. "What is Legal Pluralism?" *Journal of Legal Pluralism and Unofficial Law* 24 (1986): 1–55.
- Harahap, Sofyan A. *Dalihan Na Tolu: Struktur Sosial Mandailing*. Medan: Pustaka Rakyat, 2001.
- Interview with Raja Adat H. Arsyad Nasution, Mandailing Natal, February 12, 2024.
- Lubis, Mahmud. *Adat Mandailing dan Perkembangannya*. Jakarta: Departemen Pendidikan dan Kebudayaan, 1993.
- Perkawinan Adat dan Islam di Mandailing. Padangsidempuan: Yayasan Dakwah Mandailing, 1997.
- Nasution, Khoiruddin. "Islamisasi Hukum Adat di Mandailing: Studi tentang Sinamot." *Al-Jami'ah: Journal of Islamic Studies* 42, no. 1 (2004): 79–106.
- Peletz, Michael G. *Islam and the Cultural Politics of Legitimacy in Southeast Asia*. Princeton, NJ: Princeton University Press, 2002.
- Field Notes, Community Deliberation Session in Panyabungan, March 2024.