



Angkola Customary Criminal Law: Towards the Implementation of Customary Criminal Law in the Indonesian Criminal Justice System

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Abstract—Indonesia has just passed Law Number 1 of 2023 concerning the Criminal Code, which in Article 2 provides recognition for the laws that exist in society. This article allows a person to be sentenced based on the laws that apply in society as long as they are in accordance with the basic values of the Indonesian nation, even though it is not expressly stated in this law, the implementation of this law will be further regulated through a Government Regulation. With the birth of this law, researchers used empirical juridical methods to explore and study the Reformation The Indonesian criminal justice system is based on the values contained in Pancasila, the 1945 Constitution of the Republic of Indonesia, human rights, and general legal principles recognized by the people of the nation. The technique used in this research was observation and interviews. It is important to involve various stakeholders, including traditional institutions, government, indigenous communities and other organizations to ensure that the implementation of laws is based on legal objectives or *ius constituendum* by the Indonesian people.

Keywords—Criminal Justice System, Law Criminal Custom, Angkola Customs.

I. INTRODUCTION

In Indonesia, the criminal justice system is regulated through the Criminal Procedure Code (KUHP) in accordance with Law Number 8 of 1981. This system is not integrated into a single judicial authority, but is divided into several subsystems which include the Police, Prosecutor's Office, and District Court, which plays a role in investigation, prosecution and trial. Meanwhile, the Penitentiary, which is responsible for carrying out sentences, is under executive control. Although these institutions are under executive authority, ideal practice demands that criminal law enforcement should be under a single judicial authority to ensure independence and effectiveness. This structure often creates challenges in the performance of the criminal justice system because of the misalignment between the institutional structure and its law enforcement function.[1]

Article 2 of Law no. 1/2023 concerning the Criminal Code in Indonesia is appreciated because it provides recognition of customary law in society. However, there are concerns that in practice, the state may dominate or even strengthen customary law instead of protecting or truly recognizing it, thereby potentially repeating historical mistakes. Article 2 allows a person to be punished based on the laws that apply in society as long as they are in accordance with basic Indonesian values and general legal principles, even though it is not explicitly stated in Law no. 1/2023 concerning the Criminal Code. The implementation of this law will be further regulated through

Government Regulations. Article 2 paragraph (1) also shows that Regional Regulations will have a role in identifying and regulating criminal acts in accordance with the laws that exist in society. After ratifying this law, the government's next task is to issue derivative regulations that will determine the procedures and criteria for recognizing laws that apply in society.

Constitutional Court Decision No. 35/PUU-X/2012 explains the criteria that must be met to recognize the existence of customary law communities in the context of Forestry Law no. 41 of 1999. The three criteria are: 1) the existence of a customary law community unit which includes territory, customary law norms, customary government, and customary property; 2) recognition of indigenous peoples by general or local law and the need to respect traditional rights in line with current values; 3) conformity of indigenous peoples with the principles of the Unitary State of the Republic of Indonesia and the requirement that customary legal norms do not conflict with applicable laws and regulations.

The scope of the new Criminal Code, the application of the concept of "living law" requires more than just the existence of customary criminal sanctions. Clear criteria for the existence of indigenous communities are needed, so that the laws that exist in society can contribute to law enforcement mechanisms within the scope of the criminal justice system in Indonesia.[2] Law no. 23 of 2014 concerning Regional Government assigns the Civil Service Police Unit to enforce regional regulations in maintaining security and public order. The Qanun enforcement model in Aceh can be used as an example in implementing Article 2 of the new Criminal Code in the criminal justice system, showing the importance of adapting criminal justice to the local social and legal context.

II. LITERATURE REVIEW

A. Criminal Justice System

The criminal justice system requires an understanding of the two component words that make up the term: "system" and "criminal justice". "System" comes from Greek, which according to experts is defined as a network of parts that are interrelated and interact to achieve certain goals. It is not just a collection of random elements, but rather an organized entity with clear goals and objectives.[3] In the context of the "criminal justice system," this term refers to a series of events, activities and institutions that are organized to carry out legal processes in accordance with established procedures, including physical aspects consisting of real elements and abstract aspects in the form of structured ideas. Russell L. Ackoff defines a system as a collection of elements that interact with each other. Therefore, the criminal justice system is a collection of institutions and procedures that interact in the administration of criminal justice, structured to achieve justice effectively and efficiently.[4]

Regarding the legal system, Lawrence M. Friedman explains that the legal system consists of three main components: structural, substantial and legal culture.[5] The structural component includes institutions responsible for making and enforcing laws, such as legislative bodies and courts. The substantial component consists of the content of the law itself, including concrete law such as court decisions, as well as abstract law contained in statutes. The components of legal culture include the values, attitudes and norms held by society towards the law, such as shame or regret when breaking the law.

These three components are very relevant in the context of the criminal justice system in Indonesia. The structural component involves the institutions involved in law enforcement, substantially includes legal rules applied in the judicial process, and legal culture influences the attitudes and values held by society towards the law. Legal scholars are not yet completely aligned regarding what institutions or elements are involved in the criminal justice process. There are different perceptions regarding the parts or apparatus that play a role in the judicial process. One definition of the criminal justice system, as formulated by VN Pillai, can provide an illustration of this, namely that the criminal justice system consists of the police, prosecutor's office, courts and correctional institutions. These are interrelated components in the structure of the criminal justice process, forming a continuity in the orderly course of the process.

The criminal justice system consists of four main institutions: the Police, the Prosecutor's Office, the Courts, and the Correctional Institution. Sanford H. Kadish explains that this system involves three core organizations of police, courts, and correctional institutions that influence each other in the implementation of their duties. The differences in views between Pillai and Kadish focus on the number and functions of the agencies involved, which range from non-adjudicative to adjudicative duties. The concept of a "criminal justice system" is closely linked to the principle of justice, which aims to give everyone what they deserve according to the law, underlining the principle that all people are equal in the eyes of the law.

This adage shows that everyone's share or rights are not always the same and leveling is not always fair. Fair treatment should not be the same as leveling, because leveling could create injustice. Therefore, the fundamental principle in demands for justice is equal treatment of each individual. As a consequence, those who work in the judicial sector must act fairly and not discriminate against anyone.

The police have an important role in the criminal justice system because they act as the initial stage in the justice process, determining the actions committed along with the evidence that supports them. In the

adjudication process, courts, judges and correctional institutions have an important role. However, Kadish holds the view that the concept of court also involves the prosecution process. While preliminary hearings and grand juries are important in theory, in practice, they are rarely issues that make it difficult for prosecutors to prosecute suspects or defendants.

According to Kadish, the success of the public prosecutor depends on the good work of the police. Without strong evidence from the police, it is difficult for prosecutors to prosecute and convict criminal acts committed by defendants.

In connection with the position of prosecutors in the criminal justice system, Andi Hamzah explained several notes about integrated justice in various countries such as the Netherlands, Belgium and Germany, namely as follows:[6]

1. Netherlands. The term integrated criminal justice system in Nedeland is a term that is not well known, but the country implements integrated justice in a harmonious and harmonious manner between agencies, all of these agencies are within the structure of the ministry of justice. The role of prosecutors in the Netherlands is divided into certain areas or certain crimes, such as there being one or two prosecutors who handle and prosecute certain cases such as environmental cases. The delegation of cases from the police to prosecutors is carried out directly to the prosecutors concerned (prosecutors in cases of certain criminal offenses or areas concerned) so that the head of the Prosecutor's Office in the Netherlands does not distribute cases to prosecutors;
2. Belgium. As in the Netherlands, the Prosecutor's Office in Belgium is under the Ministry of Justice organization. Furthermore, at the Belgian Supreme Court there is the Attorney General (procureur General) who carries out his duties as an advisor to the Supreme Court and is present at every meeting of the Supreme Court hearing criminal cases. Furthermore, in the Belgian justice system there is a Cout d'Azis court which specifically handles cases of murder, rape, sexual relations, political crimes, treason or subversion. In this court the Public Prosecutor wears the same red robe as the head of the court which indicates that the Prosecutor's Office in Belgium has a role important. Furthermore, the position of the Prosecutor in Belgium is the leader in the investigation process so that the police judiciaire in carrying out the investigation is responsible to the Attorney General at the Court of Appeal.
3. Federal Republic of Germany (RFJ). There are 2 types of prosecutors in Germany, namely the Federal Prosecutor's Office and the State Prosecutor's Office (Lander). The German Prosecutor's Office adheres to the principle of legality, namely that for every criminal act the Prosecutor's Office is obliged to carry out prosecution so that it does not recognize the principle of opportunity as is the case in Indonesia. However, in relation to cases such as complaints, it is permissible not to carry out prosecution. Furthermore, the Prosecutor's Office in the criminal justice system in Germany is also the leader in every investigation so that the Prosecutor in Germany is the Master of Procedure or Master of the Initiate and the position of the Police and other investigators is the Auxiliary Officer. The division of duties of the Federal Prosecutor's Office is related to criminal acts of terrorism, serious treason (suversion and espionage) and political crimes, apart from that other criminal acts are handled by the German State Prosecutor's Office.

Based on the description above, what then is the position of an advocate or legal advisor in the criminal justice system? In the Indonesian criminal justice system, Law Number 18 of 2003 explicitly stipulates that legal advisors play the role of legal advisors. This makes advocates or legal advisors part of a sub-system in the Indonesian criminal justice system. However, the role of advocates as law enforcers is very dependent on the choice of justice seekers, whether as suspects, defendants or convicts. Therefore, the role of advocates as law enforcers is alternative and not absolute.

In the context of the criminal justice system approach, Romli Atmasasmita highlights important aspects in developing an effective and fair legal system. The points mentioned by him reflect a view that prioritizes coordination between the various parts that make up the criminal justice system, from the police, prosecutors, courts, to correctional institutions. This coordination is necessary to ensure that each component carries out its duties properly and in accordance with applicable regulations, while still monitoring the use of power so that it does not exceed limits. Apart from that, Atmasasmita emphasized that effectiveness in handling crime is more important than just efficiency in solving cases. The use of law as a tool to strengthen the administration of justice emphasizes that the law must be used as a powerful tool to ensure a fair and just judicial process.

B. Angkola Customary Law

The administrative history of the spread of the Angkola-Mandailing ethnic group in Southern Tapanuli begins with South Tapanuli Regency in North Sumatra, which was originally a large area with the capital in Padang Sidempuan. This region then experienced expansion, producing new entities such as Mandailing Natal Regency, Padang Sidempuan City, North Padang Lawas Regency, and Padang Lawas Regency. After expansion,

the capital of South Tapanuli Regency was moved to Sipirok. In 2021, the population of South Tapanuli is 314,887 people.[7]

Hindu-Buddhist culture in Mandailing has long existed in the history of cultural civilization, especially in North Sumatra. In the 14th century AD, the mention of the name Mandailing was already inscribed in the Majapahit kingdom, through the work of the Majapahit kingdom poet Mpu Prapanca, which was completed in 1365 AD), namely in *Negarakertagama*, Pupuh XIII verse 1 mentions a number of place names in Malay (mention long time on the island of Sumatra at that time).

The sources and culture of customary criminal law that apply in the Southern Tapanuli region, namely:[8]

a. Tumbaga Holing Letter

Surat Tumbaga Holing is an unwritten customary law system originating from South Tapanuli and the surrounding area, taking its name from "copper" (pure metal) and "Holing" (from the Tamil Hindu word meaning "Chola"). This system developed from the influence of the Hindu Kalinga Kingdom and played a role in regulating the social and cultural life of local communities, becoming an important symbol of their cultural identity.

The Tumbaga Holing Letter is an unwritten customary law system, passed down from generation to generation and considered indelible in the South Tapanuli traditional community and the surrounding area. Likened to a "strong copper fiber," this system contains basic principles and rules that govern various aspects of community life, including teachings about patik (loyalty), adat (tradition), uhum (law), ugari (rules), and regulations. other customs, which are engraved in the hearts of the people.

b. Indigenous Philosophy

Each community group, especially in South Tapanuli and North Padang Lawas, follows complex but integrated customs, which are rooted in noble values and deep inner strength. These customs not only regulate aspects of daily life but also form a fundamental communal spirit, which allows residents to live a harmonious and peaceful life. The Angkola tradition is centered on the value of holong (compassion) and is embodied in the philosophy of *tappal marsipagodangan* and *udud marsipaginjangan*, which teaches about mutual support and covering each other's shortcomings, showing the importance of togetherness and mutual understanding in maintaining social cohesion

c. Paradaton Pastaks

Paradaton pastaks are a customary legal structure that is arranged hierarchically to guide the social life of the community, with four main components. Each of these elements is interrelated and forms the foundation of traditional life, enabling society to maintain social balance and harmony.

d. Poda Nalima

"Poda na Lima" is a series of life principles inherited from the Angkola community in Indonesia Southern Tapanuli region, teaches the importance of cleanliness in spiritual and physical aspects to achieve a balanced and harmonious life. The first principle, *Paias Rohamu*, or "Cleanse Your Soul," emphasizes the importance of spiritual or mental cleanliness as the basis for health and harmony in life. The second principle, *Paias pamatangmu*, or "Cleanse Your Body," teaches the importance of physical cleanliness as a form of respect for yourself and others, showing that respect for yourself begins with self-care

III. METHOD

This research is empirical legal research. Empirical Legal Research is a legal research method that uses facts in society taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation. The approach used is an anthropological approach, a science that studies patterns of disputes and their resolution in simple societies, as well as people who are undergoing a process of sociological development and juridical, a science that approaches the legal reality of society by studying social phenomena in society that appear as legal aspects.[9]

Qualitative data collected in the data collection process will be presented in an in-depth and focused description. In this case, verification of qualitative data will be carried out in relation to the research topic. This descriptive presentation will be used optimally with the support of the quantitative data collected. The analysis used is descriptive analysis in accordance with the existing theoretical framework.[10]

IV. RESULTS AND DISCUSSION

A. Renewal of the Indonesian Criminal Justice System Based on Customary Law as a Living Law in Society

The principle of legality in the Indonesian Criminal Code, stated in Article 1 paragraph (1), states that no incident can be punished without a criminal law that precedes it. This principle originates from the Dutch legal system (*Wetboek van Strafrecht*) and is inspired by Article 8 of the Declaration des Droits De L'Homme Et Du Citoyen 1789 as well as the Virginia Bill of Rights of 1776. The principle of legality, which developed in the context of liberalism, has encountered difficulties in its application in Indonesia which has a pluralistic society. This triggers the need to find a formula that combines the principles of formal and material legality to create a balance that is appropriate to the social and legal context in Indonesia.[11]

The provisions in Article 2 of the Criminal Code state that the laws that exist in society remain valid even if they are not written in the law, as long as they are in accordance with the values of Pancasila, the 1945 Constitution, Human Rights and recognized principles of general law. This gives a new meaning to the principle of legality in the Indonesian criminal system, which previously was only based on written regulations, but now also includes unwritten law or "the living law".[12]

The latest Criminal Code recognizes living law, as an expansion of the principle of legality explained in Article 2 paragraphs (1) and (2). Recognition of customary law is also important in the Indonesian legal system, as evidenced by its successful implementation in Aceh and Papua. In Aceh, enforcement of customary law and sharia is carried out by the Government and the Sharia Court, while in Papua, the Customary Court plays an active role in the justice system with government support and legislative regulations.[13]

Customary law as a law that persists in a particular society over time, emphasizes the need for Regional Regulations to enforce criminal law and local customs. Customary punishments are determined in accordance with local traditions and become the main criminal law in the region. Nevertheless, the principles of legality and human rights standards are still upheld, in line with Pancasila and the 1945 Constitution.

Based on this, the implementation of laws that live in society requires a legal basis in the form of regional regulations. Regional regulations need to carry out an inventory of the laws that exist in their community. One form of law that lives in society is Angkola customary law which is spread across the Padang Lawas, North Padang Lawas and South Tapanuli regions.

The Angkola customary law system recognizes the pattern of imposing/applying customary sanctions here as the process of imposing sanctions carried out by customary law communities where customary law applies. Customary law jurisdiction is limited to one village area. The authority to impose customary criminal sanctions in the Southern Tapanuli region is the customary king.[14]

In the Southern Tapanuli region, a traditional king is a leader who has authority over a village or region. This king is tasked with organizing and making regulations for the population under his control. The leadership of the traditional king in this area has been carried out from generation to generation by the clan that controls the village or area. There are several levels of leadership of traditional kings in the Angkola customary law system, reflecting the hierarchical structure in local customary government, namely:

1. Raja Panusunan Bulung, is a leader who rules according to custom in a village. Raja Panusunan Bulung leads the traditional deliberation and determines the decisions in the traditional assembly.
2. King Pamusuk, who was the leader according to custom in a Bona Bulu forest. King Pamusuk leads and makes regulations in a village, leads the traditional council in a village.

Raja Panusunan Bulung in Angkola customary law has exclusive authority to determine criminal sanctions against perpetrators of customary violations in accordance with local customary law. The process of imposing sanctions is carried out through a customary trial which must be held at Sopo Godang, a central location for community meetings. The trial requires the presence of a complete apparatus consisting of Raja Panusunan Bulung, Raja Pamusung as village or village head, Tuan Namalim as a religious figure, Datu who is a health healer, Pangatak-pangetong/rokkaya who functions as the host and scribe, Panyuduhon burangir who tasked with bringing betel leaves, as well as Halak na in Huta which involves the participation of the village community. Additionally, materials required for the trial include Canang, a club made of iron, and Burangir, a betel leaf, both of which play an important role in traditional rituals.

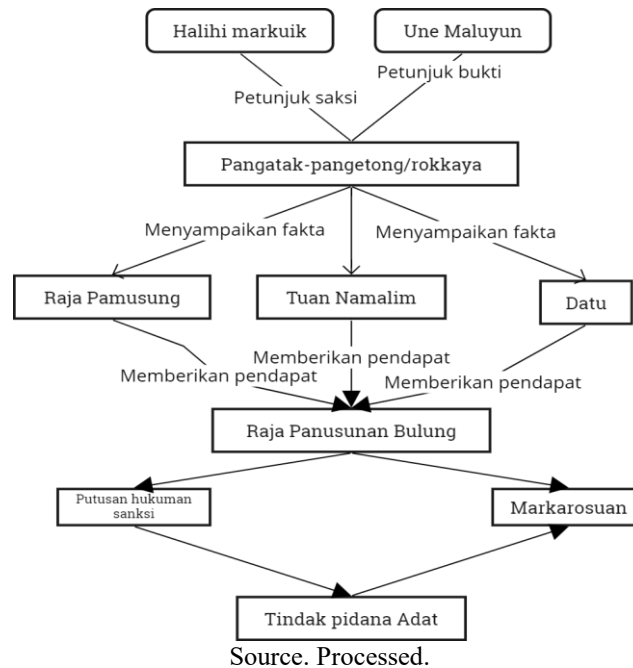
The customary trial process begins with a public complaint to Raja Pamusung, who is the village head or head of the village. After the complaint is received, the next step is to hit the canang located in Sopo Godang. This action serves as notification to all village communities that a customary trial will be held. The Pangatak-pangetong/rokkaya then asked the King, "How can you do hita pulaan parsindangan ni adat on Raja nami?" which means asking whether the trial can begin and asking for instructions if it is permitted. The king responded by saying, "inda sala be nian hita hita pula parsindangan ni adat on anggo dung do dison sudena," which indicated that the trial would begin once all the trial equipment was complete.

Next, the trial began with the manyurduhon burangir ritual, namely serving betel, which is part of the preparation of traditional equipment. After the serving of betel is finished, the pangatak-pangetong/rokkaya

reports to all court officials that the betel has been served and invites the perpetrator of the crime to enter the sopo godang. Once the perpetrator was inside, the trial moved to the discussion phase.

In the sopo godang, the pangatak-pangetong/rokkaya invites the perpetrators of customary crimes to sit in front of the court apparatus. They then revealed the types of customary offenses that had been violated by the perpetrators. This process marks a crucial part of the trial, where facts and evidence will begin to be discussed openly in front of the public.[15]

Chart. Angkola customary crime trial process



In the customary law system, the criminal trial process is carried out involving several community figures who have important roles. Initially, the pangatak-pangetong/rokkaya presented two important facts regarding the customary violations committed by the defendant in front of Raja Panusunan Bulung and Raja Pamusung, who were village heads, as well as Tuan Namalim, a religious figure, and Datu, a healer. The first fact, Halihi Markuik, revealed testimony from the public which showed that the defendant had committed a customary crime. Furthermore, the second fact, Une Maluyun, presents evidence that points to the defendant's involvement in the crime.[16] If these two facts are proven, then Raja Pamusung, Tuan Namalim, and Datu will take turns giving their opinions regarding this case before Raja Panusunan Bulung. Specifically for customary crimes, the pangatak-pangetong/rokkaya directly mentions a specific type of customary violation, namely the Markarosuan offense. Based on the facts and opinions that have been conveyed, the King then decides on the sanctions that will be imposed on the perpetrator. This process shows how elements of local wisdom, religious values and traditional knowledge are integrated in maintaining order and justice in society, in accordance with applicable cultural norms and values.[17]

The main aim of imposing customary sanctions is to restore the natural balance that is disturbed due to customary violations, not as retaliation. Customary sanctions aim to restore harmonization in the lives of indigenous communities, covering aspects of the real and unreal world. The application of customary criminal sanctions under Angkola customary law has undergone changes and now only applies to the type of complaint offense, with the abolition of sanctions such as shackles and the death penalty.

Furthermore, in Tapanuli, the Level II Regional Government has established the Dalihan Na Tolu Traditional Institution through Regional Regulation Number 10 of 1990. This institution is a traditional deliberation institution that involves traditional elders who understand and appreciate local customs. This institution has a consultative duty towards the government in efforts to explore, maintain, preserve and develop regional culture, including customs and arts, for development purposes. This institution is located at the Village/Subdistrict/District to Regency level, with membership and management from Traditional Elders who must also be loyal and obedient to Pancasila and the 1945 Constitution and devoted to God Almighty.[18]

Customary law is an unwritten legal system that is often contrasted with written or statutory law. Customary criminal law is recognized as long as it does not conflict with public interests and applicable laws. In the context of positive criminal law, the role of the Dalihan Na Tolu Traditional Institution (LADN) is very limited and is consultative, non-binding because the legal process is managed by formal institutions such as the police,

prosecutors and courts. However, in certain cases such as absolute complaint offenses, where the prosecution relies on a complaint from the victim, LADN can play a role in out-of-court settlement.

One example in North Padang Lawas Regency, the power of traditional institutional figures in resolving problems such as criminal acts/customary violations is determined by Raja Panusunan Bulung as head of the traditional region and Raja Pamusuk as traditional head at the village level. Apart from that, the existence of traditional institutional figures has been formalized through the Regent's Decree Number 430/300/K/2014, which established the management of the North Padang Lawas Regency Traditional and Cultural Institution for the 2016-2021 period. This institution functions as a deliberation forum for traditional leaders in the region.

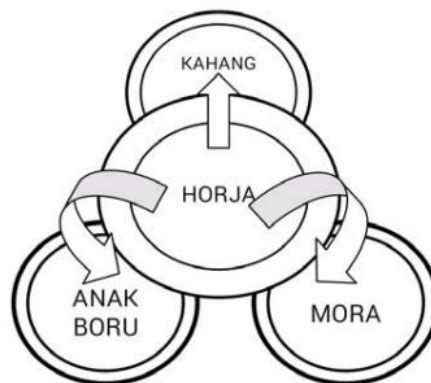
B. Custom Dalihan Na Tolu as a potential model for a modern criminal justice system.

In the Mandailing and Angkola indigenous communities, the kinship system known as Dalihan Na Tolu, which means “three hearths,” plays an important role. This system includes three main components: kahanggi (clan friends), anak boru (family of the son-in-law or recipient of the woman/wife), and mora (family of the wife or giver of the woman/wife). This kinship system not only determines a person's social position but is also dynamic, where individuals can change positions in this structure depending on the context and social changes that occur.[19]

Special events such as siriaon and siluluton (traditional ceremonies) highlight the role and function of each element in Dalihan Na Tolu, and this relationship is strengthened through specific speech or utterances, of which there are 53 in the Angkola-Mandailing community. These speeches contain the value of holong (affection) and strengthen kinship ties, although the influence of social change can influence how often these values are applied in everyday life.

In Mandailing and Angkola communities, Dalihan Na Tolu is an important kinship system, consisting of three elements: kahanggi, anak boru, and mora. This system plays a role in educating cultural values through horja events, which are communal activities where the rights and obligations of each member are taught. Horja functions as a center for cooperation between the three elements, supporting social harmony based on a balance of rights and obligations.

Dalihan Natolu Institutional Structure



Source:[20]

Three important pieces of advice, namely Manat markahanggi (be careful of clan relatives), Elek maranak boru (have a loving attitude towards your son-in-law's family), and Somba marmora (respect your wife's family), strengthen the relationship between the elements in Dalihan Na Tolu. By maintaining family ties and resolving disputes, Dalihan Na Tolu functions as the dominant deliberative institution in resolving internal conflicts, making every dispute a family problem that must be resolved amicably.

Before the implementation of the modern village government system, the Dalihan Na Tolu indigenous community had a traditional government system organized at the huta level. This system consists of at least 24 functionaries, each of whom has a specific role in maintaining the general welfare and livelihood of the community. Among them are King Pamusuk as head of government, King Paduana who is deputy head of government and often comes from a close relative of King Pamusuk. This structure also includes important positions such as Raja Sioban Ripe, who is an elder figure within a clan, and Natoras Anggi Ni Raja, who is the oldest member of the Pamusuk King family. Apart from that, there are Bayo-bayo who are the middle class who can marry relatives of the king, and Suhu-Suhu who represent the middle class but are prohibited from marrying relatives of the king. There is also Hulubalang as the military leader, as well as Natoras ampongdalam and Natoras

pangkudangi who are the oldest in their respective groups. This kinship system not only reflects a complex social hierarchy but also shows the way these societies traditionally organize and maintain their social order.

Dalian na tolu is a kinship concept in the Angkola-Mandailing Batak community that involves three main parties: kahanggi (one clan), mora (in-laws), and anak boru (son-in-law), each with certain rights and obligations that support social harmony. This system is regulated by the Tumbaga Holing Letter institution which determines patik (ethical and moral values), ugari (customs that become regulations), and uhum (legal sanctions for violations), with sanctions that can be in the form of a traditional court decision, a fine, or advice from the leader. custom.

In the Batak indigenous community in South Tapanuli, there are various types of sanctions regulated in the Tumbaga Holing Letter to deal with violations, with varying levels of severity. For minor violations, the sanction given is Mangido Maaf, where the perpetrator is asked to apologize publicly. For more serious offenses, the perpetrator may be sentenced to Mangalehen Fine or Uhum Hora, which involves payment of a fine. Heavier sanctions include Sappal Dila, where the perpetrator must slaughter the animal and hold a meal together as a form of public apology. If perpetrators reject customary decisions, they can be banned or temporarily excluded from community activities. Repeated or serious violations may result in expulsion from the village or expulsion from the Huta. Violations of customary land can result in the withdrawal of land rights, known as Withdrawal of Salipi Natartar Land. Very severe sanctions include expulsion from the clan, where the perpetrator loses clan membership status, and Uhum Pasung, where the perpetrator is put in shackles as punishment. There is also Uhum Hatoban, which reduces a person's status to that of a slave, and Uhum Seizure of Goods, where all of the perpetrator's belongings are confiscated. For very serious crimes, the death penalty is imposed via the Disula or Uhum Mate method, where the perpetrator is sentenced to death in the traditional manner. Each level of these sanctions reflects the complex and hierarchical structure of customary law, designed to restore harmony and maintain community values.[21]

V. CONCLUSION

Based on the research results above, the author can conclude as follows:

1. The current Indonesian criminal justice system generally consists of the police, prosecutor's office, judicial institutions and correctional institutions. Article 2 of the New Indonesian Criminal Code which states the implementation of laws that live in society. Furthermore, the formulation of types of customary criminal acts will be further formulated in a regional regulation. Along with this, of course it will have implications for the criminal justice system, such as increasing the authority of law enforcement agencies for regional regulations. This kind of thing has been implemented in the Aceh Qonun which gives authority to the Wilayatul Hisbah (Civil Service Police Unit) to carry out inquiries and investigate violations of the Qonun Jinayat. A separate customary justice institution is needed to examine and decide cases of violations or customary crimes as intended in Article 2 of the New Indonesian Criminal Code.
2. The Dalihan Na Tolu custom has a very complex social and legal structure system, including the values of justice, mutual cooperation and social harmony. In resolving conflicts through the Dalihan Na Tolu custom, deliberation and consensus are prioritized, with the aim of restoring damaged relationships between perpetrators, victims and the community. This is similar to the concept of restorative justice in the modern justice system. In resolving disputes, this system involves families, traditional leaders and other community members. This community involvement can reduce feelings of resentment and ensure that the decisions taken are accepted by all parties, thereby minimizing further conflict.

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