



THE ROLE OF CUSTOMARY INSTITUTIONS IN THE ENFORCEMENT OF ISLAMIC LAW IN PADANG LAWAS

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Abstract

The enforcement of Islamic law in Padang Lawas has its own characteristics because it is influenced by the existence of customary institutions that are still strong in people's lives. The background of this research problem departs from the phenomenon of customary practices that often coexist with Islamic law, but its role in resolving various social disputes has not been fully documented and understood. This research aims to analyze the role of customary institutions in the enforcement of Islamic law, understand customary-based and sharia-based case resolution mechanisms, and see the extent of the effectiveness of customary institutions in maintaining social order in Padang Lawas. The research method used is qualitative with a descriptive approach, through in-depth interviews with traditional leaders, scholars, and communities, as well as documentation studies on customary texts and customary deliberative decisions. The results of the study show that customary institutions play a role as the main mediator in resolving disputes between family, inheritance, and violations of social norms by prioritizing deliberation and the principle of restorative justice. In addition, customary institutions are able to harmonize Islamic and customary values so that law enforcement is created that is accepted by the community. This role is considered effective because it is deeply rooted in local culture and has high moral authority.

Keywords: Customary Institutions, Islamic Law, Padang Lawas, Dispute Resolution, Restorative Justice

Abstrak

Penegakan hukum Islam di Padang Lawas memiliki karakteristik tersendiri karena dipengaruhi oleh keberadaan lembaga adat yang masih kuat dalam kehidupan masyarakat. Latar belakang masalah penelitian ini berangkat dari fenomena praktik adat yang seringkali berdampingan dengan hukum Islam, namun perannya dalam menyelesaikan berbagai sengketa sosial belum sepenuhnya didokumentasikan dan dipahami. Penelitian ini bertujuan untuk menganalisis peran lembaga adat dalam penerapan hukum Islam, memahami mekanisme penyelesaian kasus berdasarkan adat dan syariah, serta melihat sejauh mana efektivitas lembaga adat dalam menjaga ketertiban sosial di Padang Lawas. Metode penelitian yang digunakan adalah kualitatif dengan pendekatan deskriptif, melalui wawancara mendalam dengan pemimpin tradisional, ulama, dan masyarakat, serta studi dokumentasi terhadap teks-teks adat dan keputusan musyawarah adat. Hasil penelitian menunjukkan bahwa lembaga adat berperan sebagai mediator utama dalam menyelesaikan sengketa keluarga, warisan, dan pelanggaran norma sosial dengan mengutamakan musyawarah dan prinsip keadilan restoratif. Selain itu, lembaga adat mampu mengharmonisasikan nilai-nilai Islam dan adat sehingga penegakan hukum yang dihasilkan diterima oleh masyarakat. Peran ini dianggap efektif karena mendalam dalam budaya lokal dan memiliki otoritas moral yang tinggi.

Kata kunci: Lembaga Adat, Hukum Islam, Padang Lawas, Penyelesaian Sengketa, Keadilan Restoratif

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Introduction

The enforcement of Islamic law in Indonesia cannot be separated from the existence of indigenous values that live and develop in society. In many regions, including Padang Lawas, customs and sharia are two elements that go hand in hand in regulating social life. Customary institutions as guardians of tradition have a significant role in resolving conflicts and enforcing norms that are considered legitimate by the community. However, the relationship between customary institutions and Islamic law often creates dynamics, especially when there are differences in interpretation or practice between the two (Hasan, 2020). This condition shows the need for a more in-depth study of how customary institutions function in the context of Islamic law enforcement, especially in dispute resolution and maintaining social harmony.

In addition, social changes and the development of formal legal systems pose new challenges to the existence of customary institutions. The question of the extent to which customary institutions remain relevant and accepted by modern society in Padang Lawas is important to be researched. Thus, this study seeks to uncover the role, mechanism, and effectiveness of customary institutions in the enforcement of Islamic law so that it can contribute to the development of the study of customary law and Islamic law in Indonesia.

The enforcement of Islamic law in Indonesia is a socio-legal phenomenon that has unique characteristics, especially because its existence does not stand alone, but interacts with the customary law system that is firmly rooted in various regions. In the North Sumatra region, especially Padang Lawas, the relationship between customs and sharia is not only side by side, but complementary in regulating people's lives. This can be seen in the dispute resolution mechanism, customary deliberation process, and moral legitimacy of customary stakeholders, which are often seen as closer to the community than formal legal authorities. It is in this context that customary institutions play their role as guardians of values, mediators of conflicts, and implementers of norms based on the integration of customary and Islamic law.

Historically, the people of Padang Lawas are known as a society that combines the traditional principles of *Dalihan Na Tolu* with Islamic teachings. These two elements then form a distinctive and influential social system in solving problems such as family disputes, inheritance, violations of morality, and conflicts between groups. Customary institutions in Padang Lawas are not only cultural institutions, but also normative institutions that have moral and social authority. Traditional leaders, scholars, and community leaders work together in maintaining social stability by making Islamic values as the basis of ethics and customs as practical guides. However, this harmonious relationship does not always go without problems. In some cases, there are differences in interpretation between customary norms and *fiqh* provisions regarding the settlement of certain cases (Harahap, 2019). These differences can create tensions, both between local authorities and between the community and the country's legal system.

In a broader context, the existence of customary institutions becomes increasingly important when faced with the dynamics of modernization, social change, and the development of national law. The country's ever-evolving judicial system has an influence

on the way people understand the law. On the one hand, state law offers legal certainty and a more formal structure; On the other hand, the community still trusts customary institutions as a forum for dispute resolution that is more responsive, contextual, and in accordance with their cultural values. This then poses a new challenge: how to maintain the relevance of customary institutions in the midst of rapid change, especially for the younger generation who are increasingly exposed to modern perspectives.

However, although the role of customary institutions seems important and real, academic studies on customary institutions in the enforcement of Islamic law in Padang Lawas are still limited. Some previous research has focused on the role of customary institutions in cultural or anthropological contexts, but has not comprehensively discussed the integration of customary institutions with Islamic law as a normative system (Siregar, 2018; Nasution, 2020). Some other studies have raised the theme of customary institutions in other regions such as Aceh, Minangkabau, or Lombok, but not many have studied specifically about Padang Lawas as an area with unique customary characteristics. Therefore, this research is relevant to bridge this gap.

Research Gap

To understand the urgency of this research, it is necessary to explain in detail the research gaps that are still not filled by previous research. Here are some of the key gaps that underlie the importance of this research:

1. Lack of Focused Studies on Customary Institutions and Islamic Law in Padang Lawas

Most of the previous studies on customary institutions in North Sumatra have revolved more around anthropological aspects such as kinship structures, customary ceremonies, or social relations (Siregar, 2018). Meanwhile, research on Islamic law enforcement is more carried out in regions such as Aceh or Minangkabau that have sharia-based regional regulations. Padang Lawas, although it has strong cultural and religious roots, has not been the focus of an in-depth study linking customary institutions with Islamic law enforcement practices in daily life.

2. There is No Comprehensive Analysis Regarding the Role of Customary Institutions as Mediators of Islamic Law

Previous research has tended to see customary institutions only as implementers of traditions or mediators of family disputes in general. Very few focus on the study of how the value of Islamic law is integrated in customary mechanisms. For example, in the settlement of inheritance disputes, some studies only discuss division based on custom without relating it in detail to the applicable fiqh rules (Nasution, 2020). In fact, in daily practice, traditional leaders often combine fiqh principles and customary values to reach an agreement that is more acceptable to the community.

3. Lack of Research on the Effectiveness of Indigenous Institutions in the Context of Modern Social Change

Previous studies have rarely highlighted how customary institutions are adapting to an increasingly modern social environment. Changes in lifestyle, education, and

technology have shifted people's preferences in solving problems. The younger generation tends to choose formal settlements or state law because they are considered more certain. But the extent to which customary institutions are able to maintain their authority and influence in this situation has not been widely researched. In addition, there has been no study that describes the transformation of customary institutions in the face of the digitalization of society and changes in local economic structures.

4. Lack of Studies Combining Sociological and Juridical Approaches

Previous research has often used a single approach, whether anthropological, sociological, or juridical. Research that combines the three is very limited. In fact, understanding the role of customary institutions in Islamic law enforcement requires a multidisciplinary approach. Indigenous institutions are not only cultural entities, but also legal and social actors that carry out the functions of mediation, arbitration, and education. A juridical approach without understanding the social context will lose its meaning, as well as a sociological approach without a normative analysis of Islamic law will be less profound. Thus, this research offers a more complete and comprehensive perspective.

5. The Absence of a Systematic Study on the Customary and Sharia-Based Dispute Resolution Mechanism in Padang Lawas

Some studies only describe dispute resolution in general without explaining the structure, stages, and decision-making mechanisms in customary deliberations. In fact, each region has a specific dispute resolution system that needs to be understood in a local context. This research seeks to fill this gap by analyzing in detail the stages of customary deliberation, the involvement of traditional leaders and scholars, and the basis for decisions used in practice.

6. Lack of Contribution of Previous Research in the Development of Theory of Customary and Sharia Integration

While some theoretical research addresses the integration of customs and Islam, they are often conceptual and not based on local empirical data. This research provides an empirical contribution that can enrich the theory of customary and sharia integration in the context of a society with a strong social structure such as Padang Lawas. With in-depth field studies, this research can expand the perspective that the integration of customs and sharia is not just a theoretical concept, but a living and dynamic social reality.

Thus, this research is important because it not only sees customary institutions as cultural entities, but also as institutions that play an important role in the enforcement of Islamic law. This research also fills a scientific gap by providing a comprehensive analysis of the mechanisms, roles, challenges, and effectiveness of customary institutions in Padang Lawas. In addition, this research can make a significant contribution to the development of Islamic law, customary law, and socio-legal studies in Indonesia.

Research Methods

This study uses a qualitative approach with a descriptive method to describe in depth the role of customary institutions in the enforcement of Islamic law in Padang Lawas. The qualitative approach was chosen because it allows researchers to understand social phenomena and customary law practices naturally, according to the cultural context of the local community. The research data was obtained through in-depth interviews with indigenous leaders, scholars, local government officials, and communities who have been involved in the process of resolving customary disputes.

In addition, direct observation was carried out on the implementation of customary deliberations as well as documentation of customary texts, deliberation records, and various archives related to the practice of Islamic law at the community level. Data analysis techniques include data reduction, data presentation, and inductive conclusion drawing to find patterns of the role of customary institutions in Islamic law enforcement. The validity of the data is maintained through triangulation of sources, techniques, and time so that the research results are more credible and accountable. This research also pays attention to research ethics, including maintaining informant confidentiality and obtaining consent before conducting interviews.

Results and Discussion

Result

The results of the study show that customary institutions in Padang Lawas still play an important role in people's lives. This institution consists of traditional leaders, community leaders, and local scholars who have moral and social authority in regulating norms, resolving disputes, and maintaining community harmony. The structure of customary institutions follows a certain hierarchical pattern, with traditional leaders (called traditional kings or traditional leaders) as the central figure. Traditional leaders are tasked with leading deliberations, enforcing decisions, and ensuring that the norms applied remain in accordance with customary values and the principles of applicable Islamic law.

Customary institutions have high legitimacy because their existence has been accepted for generations. The community's trust in the authority of customary institutions is reflected in the obedience of residents in attending deliberations, complying with customary decisions, and involving traditional leaders in resolving important issues. Interview data with several indigenous leaders revealed that the community considers customary institutions to be more capable of providing restorative justice than the formal legal system, because the decisions taken not only pay attention to the rules, but also social relations and common interests.

In addition, customary institutions also play a role in educating the public about Islamic law. Scholars who are members of customary institutions often provide advice and guidance related to sharia, including marriage issues, inheritance, and dispute resolution

procedures. This shows that customary institutions do not only carry out customs, but also become mediators between Islamic law and social practices of the community.

One of the main findings of this study is the customary dispute resolution mechanism that combines customary principles and Islamic law. This process generally begins with a report from the disputing party to the traditional leader. Furthermore, deliberations were carried out involving both parties, families, and community leaders. In deliberation, each party is given the opportunity to present arguments and evidence, while traditional leaders function as mediators who mediate conflicts while adhering to the principles of justice and balance.

Dispute resolution is usually oriented towards the restorative principle, which is to restore harmonious social relations, not merely to impose punishments. For example, in the case of inheritance disputes, customary institutions combine the provisions of Islamic law regarding inheritance with customary practices that consider family relationships, age, and contributions of each heir. This decision is then outlined in the form of a written agreement signed by all parties.

Direct observation shows that this process often requires several meetings, depending on the complexity of the case and the attitude of the parties. The decisions of customary institutions are recognized and respected by the community, often even more obeyed than formal court decisions. This shows the effectiveness of customary institutions in maintaining social order and enforcing Islamic law in a contextual manner.

This research found that customary institutions in Padang Lawas were able to harmonize customary values with Islamic law. This integration is seen in a few key areas:

1. **Settlement of inheritance disputes:** Customary institutions combine the provisions of Islamic jurisprudence regarding the share of inheritance with local customs that consider the role and contribution of family members.
2. **Marriage and divorce:** Customary deliberations ensure marriage procedures in accordance with Islamic law, including the payment of dowry, the rights of the wife, and the obligations of the husband. In the case of divorce, customary institutions assist in mediation to reach a peaceful agreement.
3. **Violation of social norms:** For example, cases of disputes between residents over land or damage to public facilities are resolved by customary mechanisms, but still guided by the principle of justice in Islamic law.

Interestingly, customary institutions are able to interpret sharia contextually without changing the substance of Islamic law, so that the decisions taken remain morally and socially valid. Interviews with traditional leaders revealed that they always prioritize **justice and consensus deliberation** as the main principles.

The effectiveness of customary institutions is measured by the community's compliance with decisions, the speed of dispute resolution, and the ability to maintain social harmony. The results of the study show that customary institutions are very effective in several aspects:

- **Community compliance:** Almost all informants stated they trusted customary institutions more than formal courts for the resolution of personal or family disputes.
- **Speed of resolution:** The customary deliberation process is usually faster than formal legal channels because it does not require complex administrative procedures.
- **Social harmonization:** Decisions are always taken with regard to the relationship between citizens, so that conflicts rarely escalate into prolonged disputes or physical violence.

This effectiveness is strengthened by the moral and cultural legitimacy of customary institutions. Residents respect the decision because traditional leaders are a representation of community norms and are considered to have adequate knowledge of Islamic and customary law.

Although effective, customary institutions face several challenges:

1. **Modernization and social change:** Younger generations sometimes prefer formal legal routes, especially if they feel that customary decisions are unfair or do not meet national legal standards.
2. **Conflict of norms:** In some cases, there are differences in interpretation between customary and Islamic law, for example regarding women's inheritance rights or punishment for social offenses.
3. **Lack of institutional support:** Indigenous institutions have no formal legal protections, so their decisions can sometimes be difficult to use as a basis in the event of disputes in state courts.
4. **Economic and political influence:** Some local figures or stakeholders sometimes try to use indigenous institutions for personal gain, which can reduce the credibility of decisions.

The results of the study show that customary institutions in Padang Lawas function as a **bridge between Islamic law and local customs**. They enforce the law not only on the basis of formal rules, but also consider social contexts, kinship relationships, and the principles of restorative justice. This integration shows that Islamic law can be applied flexibly but still in accordance with sharia principles, so that decisions are more accepted by the community.

In addition, the research emphasizes the importance **of consensus deliberation** as a core mechanism for customary institutions. Deliberation is not just a procedure, but a means of effective education, mediation, and social consolidation. This is different from formal courts which are adversarial.

One of the cases observed was an inheritance dispute in Village A, Padang Lawas, which involved two extended families related to the distribution of parental inheritance. Initially, the two parties disputed because of different interpretations of women's inheritance rights in local customs. In custom, some families consider that women only receive symbolic parts, while Islamic law stipulates a clearer part for girls.

The dispute resolution process begins with a report from the aggrieved party to local traditional leaders. Furthermore, a deliberation was held which was attended by all family members, traditional leaders, and a scholar. During several meetings, traditional leaders and scholars explained the principles of Islamic law related to heritage while considering local customs. Finally, an agreement was reached that women received the share set by the sharia, while other rights were fairly regulated according to custom, such as land use rights and family responsibilities.

This case shows that **customary institutions are able to harmonize Islamic law and local norms** without creating additional conflicts. The result was accepted by all parties and the conflict did not continue to the formal courts. Observations show that the success of dispute resolution is highly dependent on the **moral authority of traditional leaders and scholars** who are present in the deliberations.

Customary institutions also play a role in divorce cases and marital disputes. An example of a case in Village B involves a couple who divorced due to economic disputes. The community usually takes this case to the customary institution before going to court. Traditional leaders call both parties, conduct deliberations, and mediate.

In this case, traditional leaders prioritize the principle **of balance and consensus deliberation**. Dowry, child custody, and maintenance obligations are regulated based on Islamic law, but are emphasized through customary agreements. As a result, the two parties agreed to share property and custody of the children without causing prolonged tensions.

These findings show that customary institutions **are becoming an alternative forum that is more accepted by the community** because the process is flexible, informal, and takes into account emotional and social aspects. This is different from a formal and sometimes tense court process.

Discussion

This research shows that customary institutions in Padang Lawas have a central role in the enforcement of Islamic law at the community level. This finding is in line with the theory that customary law can be a mediator between social norms and formal law (Raharjo, 2017). In the context of Padang Lawas, customary institutions not only carry out cultural functions, but also integrate Islamic sharia principles in the settlement of various disputes, including inheritance, marriage, divorce, and violations of social norms.

1. Integration of Customs and Islamic Law

The results of the study show that the integration between customary and Islamic law takes place in harmony through a deliberation mechanism. Customary deliberations function as a deliberative forum that allows all parties to be heard, as well as providing space for traditional leaders and scholars to interpret Islamic law according to the local context. This shows that Islamic law is not applied rigidly, but with attention to customs and social interests. These findings support the argument that Islamic law is flexible and

adaptable to the conditions of society, as long as the principles of justice are upheld (Hasan, 2020).

In addition, this integration shows how indigenous institutions are able to balance individual rights and community interests. For example, in inheritance disputes, women receive rights in accordance with Islamic law, while customs ensure that harmony between family members is maintained. Mechanisms like this show that customary institutions function as moral and social reinforcements of Islamic law, not as barriers or violators of norms.

2. The Effectiveness of Customary Institutions in Law Enforcement

The effectiveness of customary institutions in Padang Lawas can be seen from several aspects: community compliance with decisions, speed of dispute resolution, and success in maintaining social harmony. This success is supported by the legitimacy of traditional leaders and scholars, who are seen as having knowledge and moral authority. The results of the study show that customary institution decisions are often more widely accepted than formal court decisions, because the process prioritizes deliberation, consensus, and restorative justice.

This phenomenon is in line with the theory of legal sociology which states that social legitimacy is more important in the resolution of local disputes than formal legitimacy alone (Benda-Beckmann, 1981). Thus, customary institutions not only carry out legal functions, but also social functions that maintain harmonious relations between citizens.

3. Challenges and Dynamics of Social Change

Although customary institutions are effective, research shows significant challenges. Modernization and changes in social values have caused some young generations to prefer formal legal routes. This has the potential to reduce the influence of customary institutions in the long term. In addition, conflicts of norms between customary and Islamic law, for example related to women's rights or inheritance, require a more careful interpretation and the presence of competent mediators.

The lack of formal recognition from the state is also an obstacle. Although customary institutions' decisions are socially respected, they do not always have legal force in formal courts. This emphasizes the need for institutional support or mechanisms for the formalization of customary decisions to remain relevant and effective.

4. Research Contribution to the Study of Islamic and Customary Law

This research makes an important contribution to the development of the study of Islamic law and customary law in Indonesia. First, this study emphasizes the importance of a contextual and adaptive approach in the enforcement of Islamic law, so that sharia principles can be applied according to local conditions. Second, this study confirms that customary institutions have a strategic role in restorative justice-based dispute resolution, which emphasizes the restoration of social relations rather than punishment alone.

In addition, this study closes the gap of previous research that lacked focus on the integration of Islamic law and customary institutions in Padang Lawas. Empirical findings show that customary institutions are not only symbolic, but active in resolving everyday legal problems, bridging Islamic norms and local culture.

Conclusions and Suggestions

The conclusion of this study shows that customary institutions in Padang Lawas play a strategic role in the enforcement of Islamic law at the community level. Customary institutions function as mediators between customary norms and Islamic sharia principles, especially in the settlement of family disputes, inheritance, divorce, and violations of social norms. The deliberative mechanism implemented by customary institutions allows the achievement of restorative justice, social harmonization, and acceptance of decisions by the community at large. The effectiveness of customary institutions can be seen from the high level of community compliance with decisions, the speed of dispute resolution, and the ability to maintain social harmony. The study also highlights the challenges faced by customary institutions, such as modernization, changes in social values, conflicts of norms between customary and Islamic law, and limited formal recognition from the government.

Based on these findings, several suggestions can be given. First, local governments need to provide institutional support to customary institutions through training, formal recognition, and integration with the formal justice system so that customary decisions have clearer legal force. Second, customary institutions are advised to continue to prioritize the principles of consensus deliberation and restorative justice in resolving disputes, while adapting their practices to suit social changes and the younger generation. Third, it is necessary to document a customary-based dispute resolution system that is integrated with Islamic law so that it becomes a reference for legal research and practice in other regions. With these measures, customary institutions in Padang Lawas can maintain their relevance and effectiveness in enforcing Islamic law while maintaining local cultural values.

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