



Dalihan NATOLU Customary Law as an Alternative Solution to Preventing and Eradicating Narcotics Crimes

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Article Info	Abstract
Article History Received : 2024-09-03 Revised: 2024-09-05 Published: 2024-10-01 Keywords: <i>Dalihan Na Tolu, Criminal Acts, Drug Prevention, Restorative Justice.</i>	Drug crimes are a serious threat in Indonesia, and the positive legal approach has not been effective enough in overcoming it. Dalihan Na Tolu customary law, which applies in the Batak Toba community, offers an alternative community-based solution through three main pillars: Mora, Kahanggi, and Anak Boru. These principles, which emphasize respect, responsibility, and togetherness, can support drug prevention through social control and character education. This study explores the potential of Dalihan Na Tolu customary law as a holistic approach integrated into the national legal system, helping to ease the burden on formal law enforcement and strengthening community participation. By recognizing this customary law, drug prevention efforts are expected to be more effective, inclusive, and sustainable.

I. INTRODUCTION

Drug crimes are one of the serious threats facing Indonesia, given their destructive impacts on public health, security, and socio-economic stability (Afifah et al., 2024). Based on the report of the National Narcotics Agency (BNN), the prevalence of drug abuse continues to increase, indicating that law enforcement efforts carried out through a positive legal approach have not been fully effective (BNN, 2023). This reactive and repressive approach focuses more on arresting and prosecuting perpetrators without paying adequate attention to the prevention and rehabilitation aspects of drug users.

On the other hand, the Dalihan Natolu customary law that applies in the Batak Toba community and the Southern Tapanuli community in general offers a more comprehensive alternative through conflict resolution mechanisms and prevention of crime based on culture and community (Nainggolan & Pura, 2020). This customary law is based on three main pillars: somba marhula-hula (respect for the wife's family), manat mardongan tubu (be careful of siblings), and elek marboru (protecting women) (Abubakar et al., 2017). These principles reflect strong values of kinship, respect, and togetherness, which can be used as a basis for developing a more holistic drug prevention and eradication strategy.

Customary mechanisms such as family deliberation, social sanctions, and rehabilitative approaches serve as effective tools in addressing drug problems by involving the entire community, creating collective responsibility, and providing a deep deterrent effect. This approach supports more humane and sustainable rehabilitation because it is based on social support and acceptance. Law Number 35 of 2009 concerning Narcotics and Law Number 6 of 2014 concerning Villages open up opportunities to integrate customary law into the national legal system, strengthening efforts to prevent and eradicate narcotics while empowering local communities. The integration of Dalihan Na Tolu customary law into national law strengthens community security and order, with customary social sanctions such as ostracization or fines designed to prevent repeat offenses and return perpetrators to the right path.

The customary law approach can help overcome resource constraints in positive law enforcement (Nainggolan & Pura, 2020) by reducing the burden on law enforcement officers and accelerating rehabilitation and social reintegration for drug users (Abubakar et al., 2017). This is important considering the large number of drug cases piling up in the overcapacity justice and prison systems. This study aims to explore the potential of Dalihan Na Tolu customary law as an alternative solution in

preventing and eradicating narcotics, analyzing its implementation, identifying obstacles, and assessing its effectiveness compared to existing positive law approaches. The results are expected to contribute to a more holistic, community-based, and sustainable drug handling strategy in Indonesia.

II. RESEARCH METHODS

This research is a normative legal research that focuses on the study of laws and related literature, with the aim of examining how *Dalihan Na Tolu* customary law can be used as an alternative solution in preventing and eradicating narcotics crimes. This research will analyze various laws and regulations related to narcotics and explore how these rules can be integrated with the norms and values contained in *Dalihan Na Tolu* customary law. A descriptive analytical approach is used to describe in detail the legal phenomena that occur and analyze the effectiveness of *Dalihan Na Tolu* customary law in reducing the incidence of narcotics crimes, by comparing it with the national legal approach and evaluating the possibility of integration between the two legal systems.

This study uses a legislative approach, a case study approach, as well as a document study and literature review to collect data. The legislative approach focuses on analyzing the text of laws such as the Narcotics Law and the Village Law, while the case study evaluates the application of *Dalihan Na Tolu* customary law in resolving conflicts and preventing criminal acts through concrete case studies. The data collected is analyzed qualitatively to identify key themes and relationships relevant to *Dalihan Na Tolu* customary law. Through this analysis, the study aims to find an effective and efficient legal framework that can integrate local wisdom with the formal legal system in efforts to prevent and eradicate narcotics crimes.

III. RESULTS AND DISCUSSION

A. The Principles of *Dalihan Natolu* Customary Law Can Be Applied in the Prevention and Eradication of Narcotics Crimes

The principles of *Dalihan Na Tolu* Customary Law are a very strong social foundation in the Batak Toba community, which has an important role in regulating various aspects of life, including in the prevention and eradication of narcotics crimes. *Dalihan Na Tolu*

consists of three main pillars: *Mora* (the party that gives the wife), *Kahanggi* (friends of the same clan), and *Anak Boru* (the party that takes the wife). *Dalihan Natolu* remains a value guide for the Batak Toba community, even though it is influenced by social developments. Community obedience shows that these values are accepted as appropriate and consistently repeated norms, creating a collective belief in the importance of their implementation (Butarbutar, 2019; Siregar, Muhammad Azhali, et al., 2017).

In the context of preventing drug crimes, the principles contained in *Dalihan Na Tolu* such as respect, responsibility, and togetherness are very relevant. The value of respect represented by *Somba marhula-hula* (respect for the wife-giver) teaches the importance of respecting parents and ancestors. This value can be applied in education to educate the younger generation about the dangers of drugs and the importance of maintaining the good name of the family and community. By instilling this sense of respect, individuals will be more careful in their actions so as not to tarnish the good name of their community and family (Butarbutar, 2019).

Kahanggi, who are siblings or friends of the same clan, play a role in forming the “*mora-anak boru*” relationship through marriage. In efforts to prevent narcotics, *Kahanggi* can play a role in supervising and supporting each other, thus creating an environment where each member of the community feels a moral responsibility to protect each other and prevent drug abuse among them. This solidarity is an effective social control tool to suppress deviant behavior (Pulungan, 2018).

Anak boru is the family of the son-in-law or the party who accepts the woman as a wife. Through this role, *Anak Boru* can function as a communication bridge in anti-narcotics campaigns, allowing drug prevention messages to reach more people, both inside and outside the Batak Toba community. This role is very important in expanding the reach of drug prevention efforts, ensuring that important information about the dangers of drugs is widely disseminated (Pulungan, 2018).

The application of *Dalihan Na Tolu* principles in drug prevention efforts not only covers social aspects but can also be integrated into the formal legal system. As part of constitutionally recognized customary law, *Dalihan Na Tolu* has the legitimacy to be used as a tool in a more effective drug prevention and eradication approach, especially in areas where

customary values are still strong. This recognition of customary law provides space for the use of Dalihan Na Tolu mechanisms in resolving conflicts and handling drug abuse cases in a way that is more in accordance with local culture (Butarbutar, 2019).

Character education based on Dalihan Na Tolu values also shows great potential in shaping positive behavior among the younger generation. For example, Dalihan Na Tolu character education implemented in schools in Padangsidempuan shows how values such as responsibility, caring, and respect can be instilled in students to keep them away from deviant behavior such as drug abuse. Education that integrates these customary values not only aims to prevent drug abuse but also to build collective awareness of the importance of maintaining social and moral values in the community.

An example of the application of customary sanctions against drug offenders in Lhoksukon District, North Aceh, provides a concrete illustration of how customary law can be used as an effective tool in suppressing criminal activity. Social sanctions such as ostracization, which are applied to drug dealers, aim to provide a strong deterrent effect for the perpetrators while reminding the community of the importance of maintaining social order. This case shows that customary law, such as Dalihan Na Tolu, can function as a complement to state law in efforts to prevent and eradicate narcotics (Ahmad, 2017).

The restorative justice approach, which emphasizes the restoration of social relations and balance within the community (Hutagalung, Mangara, and T. Riza Zarzani, 2022), is in line with the principles of Dalihan Na Tolu. Restorative justice allows the community to play an active role in providing educational and preventive sanctions to perpetrators of drug crimes, which in turn can prevent perpetrators from falling back into the same crime. By integrating the principles of Dalihan Na Tolu into restorative justice, the community can create a more holistic and community-based approach to dealing with drug crimes.

Customary norms such as “poda na lima” and “Buhulan ni Adat” also play an important role in drug prevention. “Poda na lima,” which regulates the spiritual, moral, and physical aspects of daily life, teaches the importance of protecting oneself from deviant behavior. In the context of drug prevention, these norms can be a strong moral foundation for individuals to avoid drug abuse. In addition, the norm of “Buhulan ni

Adat,” which emphasizes the importance of law and ethics in maintaining social order, can be used as a reference in eradicating drug crimes through an approach that is not only legal but also ethical and social (Pulungan, 2018).

Furthermore, these manuscripts highlight the importance of maintaining traditional values in the face of modern challenges such as narcotics. Dalihan Na Tolu, although deeply rooted in tradition, demonstrates flexibility that allows adaptation to new challenges, including the problem of narcotics. Thus, these customary values can be a solid foundation in forming sustainable narcotics prevention programs that are relevant to the socio-cultural context of the community (Pulungan, 2018).

Table. Relevance of Dalihan Natolu Customary Law Principles Can Be Applied in the Prevention and Eradication of Narcotics Crimes

Principles of Dalihan Na Tolu Customary Law	Role in Drug Prevention	Role in Eradicating Narcotics	Relevance to Legal Norms	Relevant Legislation
Mora (Respect for the party who gave the wife)	Educating the younger generation about the dangers of narcotics through emphasizing respect for parents and ancestors, maintaining the good name of the family.	Applying social pressure through customary sanctions to perpetrators of drug abuse to maintain honor and social balance in the community.	The Mora principle is in line with legal norms that protect the honor and good name of the family, as well as norms regarding respect for family authority and customs.	Article 28I of the 1945 Constitution concerning the right not to be degraded in dignity and status; Law No. 35 of 2009 concerning Narcotics, Article 104, concerning community participation in the prevention and eradication of narcotics abuse; Law No. 1 of 2023 concerning the Criminal Code, Article 2, concerning the recognition and application of customary law.

Kahanggi (Relationship with friends of the same surname)	Strengthening social networks that can prevent and detect deviant behavior such as drug abuse through supervision and social support.	Using community solidarity to support the rehabilitation of offenders and prevent re-engagement in drug abuse.	Kahanggi supports legal norms on social supervision and shared responsibility in preventing crime, as well as supporting rehabilitation as part of restorative law enforcement.	Law No. 12 of 1995 concerning Corrections, which emphasizes the rehabilitation and social reintegration of perpetrators; Law No. 35 of 2009 concerning Narcotics, Article 54, concerning the rehabilitation of drug addicts; Law No. 1 of 2023 concerning the Criminal Code, Article 2, concerning the recognition and application of customary law.
Anak Boru (Relationship with the wife-taker)	Spreading awareness about the dangers of narcotics through acting as a liaison between families and outside parties, expanding anti-narcotics campaigns beyond the community.	Encourage collaboration with external parties to strengthen legal and social actions in eradicating narcotics.	Anak Boru deals with legal norms that regulate collaboration between local communities and external parties, and supports community participation in law enforcement and anti-narcotics campaigns.	Law No. 35 of 2009 concerning Narcotics, Article 104, which regulates community participation; Law No. 7 of 2012 concerning Handling Social Conflict, which regulates the role of the community in maintaining public order and security; Law No. 1 of 2023 concerning the Criminal Code, Article 2, concerning

The principles of Dalihan Na Tolu Customary Law have strong relevance in efforts to prevent and eradicate narcotics crimes, especially when associated with legal norms and regulations in Indonesia. In this context, the principle of Mora (respect for the wife-giver) can serve to educate the younger generation about the dangers of

narcotics by emphasizing respect for parents and ancestors and maintaining the good name of the family. The relevance of this principle to legal norms can be seen in the provisions of Article 28I of the 1945 Constitution, which guarantees the right of every person not to have their dignity and honor degraded (Harahap & Siregar, 2020). In addition, this principle also supports the regulations in Law No. 35 of 2009 concerning Narcotics, which regulates the role of society in preventing narcotics, and Law No. 1 of 2023 concerning the Criminal Code, which recognizes the existence and application of customary law in the national legal system.

The principle of Kahanggi (relationship with fellow clan members) strengthens social networks that can prevent and detect deviant behavior such as drug abuse. Solidarity built among fellow community members is key to supporting the rehabilitation of perpetrators and preventing re-involvement in drug abuse. This principle is in line with legal norms that regulate shared responsibility in preventing crime and supporting rehabilitation as part of restorative law enforcement, as stipulated in Law No. 12 of 1995 concerning Corrections and Law No. 35 of

2009 concerning Narcotics (Athallah & Lewoleba, 2020). Recognition of customary law in Law No. 1 of 2023 concerning the Criminal Code also provides further legitimacy for the application of the principles of Dalihan Na Tolu in the context of national law (Zain, 2023).

The application of Dalihan Na Tolu in the prevention and eradication of drug crimes is also strengthened by its ability to function as an effective social control mechanism. In the modern era characterized by technological advances and social change, the principles of Dalihan Na Tolu can be integrated into drug prevention programs that involve all elements of society, including families and educational institutions. By utilizing this local wisdom, prevention efforts can be more comprehensive and deeply rooted in the culture of society, making them more effective in reducing the number of drug abuses, especially among the younger generation.

Dalihan Na Tolu, as a kinship system and local wisdom of the Batak Toba community, functions as an effective social control in maintaining social balance and harmony in the community (Firmando, 2021). In the context of drug prevention, the social values of Dalihan Na Tolu, which include tolerance and mutual respect, emphasize the importance of interdependent relationships within the family. This system

inherits the ancestral culture of the Batak Toba in respecting every part of the family structure, maintaining brotherhood, and reducing conflict, which is useful in preventing drug abuse. Through this approach, society can be more proactive in monitoring and controlling individual behavior, especially in terms of drug use, by utilizing strong kinship networks and social relationships (Gaol, 2024).

B. National Law Updates in Combating Narcotics Based on Customary Law Approach

National law reform in combating narcotics requires an approach that not only focuses on formal law enforcement, but also considers local wisdom that has long been an integral part of people's lives. Customary law, as part of Indonesia's rich cultural heritage, offers a unique and relevant approach in handling narcotics problems. Integration between customary law and national law can create a legal system that is more comprehensive and responsive to the needs of local communities, especially in preventing and eradicating narcotics abuse.

One concrete example of the application of customary law in combating narcotics is the principles of *Dalihan Na Tolu* Customary Law that apply in the Batak Toba community. *Dalihan Na Tolu*, with its three main pillars, namely *Mora* (the party giving the wife), *Kahanggi* (friends of the same clan), and *Anak Boru* (the party taking the wife), has long functioned as an effective social control mechanism (Sihombing, 2018). The values contained in *Dalihan Na Tolu*, such as respect, responsibility, and togetherness, can be integrated into the national legal system to strengthen efforts to prevent and eradicate narcotics.

Integration of customary law into national law also strengthens the legitimacy and effectiveness of law enforcement in society. In the context of countering narcotics, customary law can function as a complement to national law, providing solutions that are more appropriate to local conditions. Recognition of customary law also provides an opportunity for indigenous peoples to be directly involved in efforts to prevent and eradicate narcotics, so that these efforts are not only carried out by law enforcement officers, but are also supported by the social and cultural strength of the community (Aspan, 2020).

The discussion on the role of legal history in the formation of aspirational laws is very relevant to the application of *Dalihan Na Tolu* customary law as an alternative solution in preventing and eradicating narcotics crimes. Legal history shows how customary law plays an important role in meeting the legal needs of diverse communities, including the Batak Toba community that implements *Dalihan Na Tolu* (Sibarani, Situmorang, & Pawiro, 2018). This approach allows customary law to become part of a more adaptive national legal framework that is in accordance with local needs, while maintaining the sustainability of customary traditions in maintaining social order and preventing criminal acts.

In addition, customary law-based character education can be an effective strategy in preventing narcotics. For example, the implementation of *Dalihan Na Tolu* character education in schools in the Batak region has shown positive results in shaping students' anti-narcotics behavior. Through this education, values such as responsibility, care, and respect can be instilled in students from an early age, so that they are more aware of the dangers of narcotics and motivated to stay away from deviant behavior (Butarbutar, 2019).

Another example of the effectiveness of customary law in handling narcotics is the application of social sanctions in Lhoksukon District, North Aceh, where drug dealers are subject to customary sanctions in the form of ostracization. Although not always successful, this approach provides a strong deterrent effect for perpetrators, while strengthening the social order that rejects the presence of narcotics in the community (Ahmad, 2017). This shows that customary law has great potential to be developed as part of a national strategy in dealing with narcotics.

In addition, customary norms such as "*poda na lima*" and "*Buhulan ni Adat*" that apply in Batak society also have relevance in preventing narcotics. "*Poda na lima*," which regulates spiritual, moral, and physical aspects in daily life, can be a strong moral foundation in preventing drug abuse. Meanwhile, "*Buhulan ni Adat*," which emphasizes the importance of law and ethics in maintaining social order, can be a guideline in eradicating narcotics through an approach that is not only legal but also ethical (Pulungan, 2018).

In facing modern challenges such as drug abuse, it is important for the national legal system to remain adaptive and responsive to social

change. The customary law-based approach demonstrates flexibility that allows integration with modern legal approaches, such as restorative justice (known in Toba Batak law as “Parsala”) (Nainggolan et al., 2023), to create a more comprehensive drug control system. This approach also allows customary law to remain relevant and serve as an integral part of the national strategy in drug control.

One of the main advantages of integrating customary law into national law is the ability to create a more inclusive and community-based legal system. In the context of drug control, this community-based approach is very important because drugs not only affect individuals but also entire communities. By involving the community in law enforcement and drug prevention, this strategy can increase the effectiveness of drug control efforts and strengthen social resilience to the threat of drugs.

Chart. Concept of Renewal in Narcotics Prevention based on Dalihan Natolu Customary Law



National legal reforms that integrate customary law also strengthen the legitimacy of law enforcement in the eyes of local communities (Tionika, Mardiana, & Hasibuan, 2023). When communities see that their values and norms are recognized and respected in the national legal system, they tend to be more supportive and actively participate in law enforcement efforts. This is especially important in combating narcotics, where community support and participation are key to success.

Recognition and integration of customary law in the national legal system can be the basis for the implementation of Dalihan Na Tolu customary law as an alternative solution in preventing and eradicating narcotics crimes. Dalihan Na Tolu, which prioritizes the values of family, honor, and social responsibility in the Batak Toba community, can strengthen prevention efforts through community-based social control. By combining the principles of Dalihan Na Tolu customary law, prevention and eradication of narcotics can be more effective, especially in areas that still uphold this tradition. This approach does not only rely on state legal sanctions, but also involves the active role of the

community in maintaining and enforcing rules that are rooted in local culture, so that efforts to handle narcotics become more holistic and sustainable (Siregar & Ablisar, 2020; Siregar, MA, and Edi Ikhsan, 2023).

Furthermore, this approach also recognizes and respects cultural diversity in Indonesia, which is one of the nation's riches. By integrating customary law into national law, the state not only utilizes local wisdom but also strengthens the cultural identity of indigenous peoples (Tionika, Mardiana, & Hasibuan, 2023). In the context of countering narcotics, this approach can create a system that is more effective and relevant to the local social and cultural context, so that it is better able to answer existing challenges.

In the process of national legal reform, it is important to ensure that this customary law-based approach is not just a discourse, but is also implemented in real terms in law enforcement policies and practices. This requires a commitment from the government and stakeholders to recognize and support the role of customary law in countering narcotics. Thus, customary law can become an integral part of a more inclusive and responsive national legal system.

National legal reform in countering narcotics based on customary law approach offers great potential to create a legal system that is more comprehensive, inclusive, and responsive to the needs of the community. By utilizing customary values and norms that have been deeply embedded in the culture of the community, efforts to prevent and eradicate narcotics can be more effective and sustainable. This approach not only strengthens law enforcement but also strengthens the social and cultural order that is the foundation of Indonesian society (Siregar & Ablisar, 2020).

IV. CONCLUSIONS AND RECOMMENDATIONS

The principles of Dalihan Na Tolu customary law have great potential in supporting the prevention and eradication of drug crimes in the Batak Toba community. Core values such as respect, responsibility, and togetherness in Dalihan Na Tolu provide an effective community-based social control framework to foster relationships between family members and the community and encourage supervision of individual behavior. Integrating these principles into the national legal system not only helps maintain local traditions but also provides a more

holistic and contextual approach to facing the increasingly complex challenges of drug abuse in the modern era.

Through this approach, customary law can play a role as a complement to formal law in law enforcement efforts, while strengthening active community participation. The integration of Dalihan Na Tolu customary law also shows that effective drug prevention strategies depend not only on state law enforcement, but also on long-established local wisdom. In the process of national legal reform, it is important for the government to recognize and support the implementation of this customary law as part of a legal system that is more inclusive and responsive to the cultural and social needs of the community, so that drug eradication efforts can run sustainably and relevantly.

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