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## **Surat Tumbaga Holing as a source of Mandailing customary law: An examination of its values, structure, and social functions within the customary legal system**

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### **Abstract**

Surat Tumbaga Holing is a traditional customary law manuscript of the Mandailing community in North Sumatra that functions as a primary reference for regulating social life, kinship, and conflict resolution. The text contains norms that reflect deeply rooted moral and cultural values within Mandailing society. This study examines the legal structure of Surat Tumbaga Holing, its mechanisms of transmission and implementation, and its role in contemporary customary justice practices. The research adopts a socio-legal approach, using normative juridical analysis as an entry point while situating the text within its social and institutional contexts. Data were obtained through documentary analysis of several versions of the manuscript, supported by interviews with *raja adat* and observations of customary deliberations and ritual practices. The findings indicate that Surat Tumbaga Holing possesses a relatively codified yet flexible normative structure, sustained through oral transmission, customary authority, and social interpretation. Its enforcement relies on moral obligation, social trust, and restorative mechanisms, positioning it as a living and relevant form of customary law within legal pluralism.

### **Key words**

Surat Tumbaga Holing; Mandailing customary law; indigenous justice; conflict resolution; legal pluralism

### **Resumen**

El Surat Tumbaga Holing es un manuscrito tradicional de derecho consuetudinario de la comunidad mandailing del norte de Sumatra que sirve como referencia principal para regular la vida social, los lazos familiares y la resolución de conflictos. El texto contiene normas que reflejan valores morales y culturales

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profundamente arraigados en la sociedad mandailing. Este estudio examina la estructura jurídica del Surat Tumbaga Holing, sus mecanismos de transmisión y aplicación, y su papel en las prácticas contemporáneas de justicia consuetudinaria. La investigación adopta un enfoque sociojurídico, utilizando el análisis jurídico normativo como punto de partida y situando el texto en su contexto social e institucional. Los datos se obtuvieron mediante el análisis documental de varias versiones del manuscrito, respaldado por entrevistas con el *raja adat* y observaciones de deliberaciones consuetudinarias y prácticas rituales. Los resultados indican que el Surat Tumbaga Holing posee una estructura normativa relativamente codificada pero flexible, que se mantiene gracias a la transmisión oral, la autoridad consuetudinaria y la interpretación social. Su aplicación se basa en la obligación moral, la confianza social y los mecanismos restaurativos, lo que lo posiciona como una forma viva y relevante de derecho consuetudinario dentro del pluralismo jurídico.

### Palabras clave

Surat Tumbaga Holing; derecho consuetudinario mandailing; justicia indígena; resolución de conflictos; pluralismo jurídico

## Table of contents

1. Introduction .....	4
2. Research methodology .....	7
3. Discussion.....	8
3.1. The normative structure and content of Surat Tumbaga Holing as a source of Mandailing customary law.....	8
3.2. Mechanisms of inheritance, implementation, and enforcement of norms in Surat Tumbaga Holing within Mandailing society .....	10
3.3. The social function and contribution of Surat Tumbaga Holing in conflict resolution and the formation of justice within Mandailing customary society .....	12
3.4. Practical applications of Surat Tumbaga Holing in contemporary Mandailing society .....	14
4. Application of Surat Tumbaga Holing in the enforcement of social sanctions.....	16
4.1. Application of Surat Tumbaga Holing in dispute resolution.....	17
5. Conclusion.....	19
References.....	20

## 1. Introduction

Surat Tumbaga Holing is one of the most intriguing artefacts of Mandailing culture that embodies not only written wisdom but also a living law. Passed down through generations, this customary letter contains essential normative values that have long governed the social fabric of the Mandailing community in North Sumatra (Dalimunte 1985). The existence of this document, inscribed in Mandailing script on beaten metal plates, represents a fusion of written law and oral tradition that is both rare and sacred. Its resilience through centuries attests to the community's steadfast reverence for ancestral wisdom. Despite its traditional origin, the letter continues to shape social norms and communal justice.

Mandailing society has long relied on this document to regulate key aspects of social life, from kinship rules to land rights. Many contemporary communities still refer to the Surat Tumbaga Holing in resolving local disputes, indicating its continuing legitimacy and practical influence (Dianto 2022). The letter's normative contents, however, remain understudied in modern legal literature. Questions surrounding the precise structure and legal articulation of its norms still linger. As Indonesian legal development advances, the recognition of such indigenous legal instruments is becoming increasingly urgent.

Academic discourses on indigenous law often overlook documents like the Surat Tumbaga Holing, assuming that customary law survives merely through oral transmission. This misconception disregards the complex textual traditions preserved in certain ethnic groups. The Mandailing case demonstrates that indigenous communities can indeed maintain codified legal norms in written form. These texts provide valuable insights into how law, identity, and authority interact in local contexts. Further exploration of their content could contribute to more inclusive understandings of legal pluralism in Indonesia.

Surat Tumbaga Holing is not merely a legal text it is a social contract, a pedagogical tool, and a symbol of Mandailing identity. Every line reflects the philosophical foundation of community harmony and mutual responsibility. Children are taught to honour its words from a young age, creating a moral compass for future generations (Lubis *et al.* 2025). The text serves as a lens through which customary concepts such as *dalihan na tolu* (three-legged furnace) and *martarombo* (consensus-based negotiation) can be interpreted in daily life. These concepts have been vital in maintaining equilibrium within the community.

Many elders continue to serve as custodians of this document, memorising its content and interpreting its principles for younger generations. This oral-wisdom transmission is supported by physical copies still preserved in traditional homes or local museums. In certain villages, rituals are conducted to reinforce communal loyalty to the principles enshrined in the Surat (Sormin *et al.* 2024). However, modernisation and urban migration have led to the erosion of these traditions in some areas. This gradual detachment raises concerns about the sustainability of customary law systems.

Strikingly, the mechanisms of inheritance and enforcement of Surat Tumbaga Holing norms remain deeply rooted in kinship networks. Norms are transmitted not only through ceremony and family storytelling but also through structured roles, such as *raja*

*adat* (customary leaders). These leaders are often responsible for ensuring the accurate application of its teachings in daily conduct and conflict resolution. They act as judges, mediators, and legal interpreters within their communities. The reliance on trust-based systems rather than codified enforcement illustrates the moral and relational foundations of Mandailing law.

The structure of the Surat itself is intricate and symbolic. It typically begins with a genealogy or statement of ancestral origin, followed by a series of normative guidelines, and ends with sanctions or blessings. This format echoes both legal codification and ritual storytelling, creating a unique legal narrative. Understanding this internal structure is essential for decoding how authority and law are negotiated within the community. It also offers a counterpoint to the formalistic approaches of state law.

Norms embedded in the Surat Tumbaga Holing are not static; they evolve through social reinterpretation. Community discussions and cultural performances often revisit these texts, subtly reinterpreting them according to present challenges. This dynamic engagement ensures that customary law remains relevant without being rigid. The process is often dialogical, involving both elders and younger voices in redefining what justice looks like. These social negotiations reflect a living legal system, not a fossilised code.

Conflict resolution remains one of the most practical domains where the Surat proves its utility. When land disputes or kinship disagreements arise, the community turns to its principles for guidance. The emphasis is placed not on punitive justice, but on restoration of harmony (Harahap *et al.* 2022). Restorative practices like apology rituals, symbolic compensation, and inter-family dialogues are commonly drawn from the Surat's spirit. These methods contribute to a non-coercive, socially cohesive model of justice.

The legitimacy of Surat Tumbaga Holing in dispute settlement also underscores its authority over formal legal institutions in certain contexts. Some Mandailing families would prefer engaging in traditional councils rather than going to court. This preference highlights a disjunction between state legal recognition and lived legal experience (Tampubolon 2002). While Indonesian law formally accommodates *adat* (customary) systems, implementation remains partial and uneven. The Surat offers an example of a fully-functioning indigenous legal document that deserves greater national and international recognition.

Youth in Mandailing society, while increasingly exposed to global cultures, continue to participate in rituals that commemorate the Surat Tumbaga Holing. Events such as *horja adat* (customary feasts) involve public readings or dramatizations of its clauses. These activities renew community engagement and knowledge transmission (Harahap *et al.* 2021). Nevertheless, without scholarly documentation and legal recognition, this tradition risks fading under the pressure of legal centralisation. There is a growing need to protect such cultural heritage not only for its historical value but also for its role in justice.

Digitalisation and legal reform could play a role in reviving interest in the Surat Tumbaga Holing. Scholars and local leaders have begun digitising its content, aiming to safeguard it for educational purposes and future reference. These initiatives also open

new pathways for integrating indigenous legal traditions with modern governance. Bridging traditional wisdom with digital tools can create new models of inclusive, culturally sensitive legal education. Yet, more comprehensive research is required to support these innovations.

Legal pluralism is often championed in theory but neglected in practice. The existence of texts like the Surat Tumbaga Holing calls for a re-evaluation of national legal frameworks. State law could greatly benefit from the community-driven, restorative ethos embedded in Mandailing law. Recognising such texts as legitimate legal sources would not only preserve cultural identity but also contribute to more context-sensitive legal development. This recognition requires rigorous academic and policy engagement.

There is also a philosophical dimension that demands attention. Unlike the hierarchical enforcement mechanisms in formal legal systems, Surat Tumbaga Holing is rooted in mutual obligations and kinship ethics. This reflects an alternative vision of justice one that values harmony over punishment, memory over records, and trust over surveillance. Such a worldview deserves a place in the broader discourse on legal diversity and justice innovation. Comparative legal studies can learn much from this community-centred model.

While harmony occupies a central place in the normative imagination of many customary legal systems, socio-legal scholarship has cautioned against uncritical acceptance of this ideal. Legal anthropologist Laura Nader (1990) has famously argued that the ideology of harmony in dispute resolution may conceal relations of power, coercion, and social pressure operating beneath consensual narratives. From this perspective, harmony should not be understood merely as a benign moral value, but as a social and legal process that can both enable conflict resolution and discipline dissent. This critical lens is important for examining Surat Tumbaga Holing not only as a source of social cohesion, but also as a normative framework through which authority, obligation, and conformity are negotiated within Mandailing society.

A deeper investigation into the Surat's structure, transmission, and function will not only enrich our understanding of Mandailing legal culture but also highlight the intellectual contributions of indigenous communities to law. The Mandailing people have preserved not merely customs, but a full-bodied jurisprudence worthy of scholarly attention. Academic inquiry must take this opportunity to amplify indigenous voices in the legal canon. This research does not seek to romanticise, but rather to critically and respectfully engage with alternative legal paradigms. The task is both academic and ethical.

This study seeks to move beyond a purely descriptive account of Surat Tumbaga Holing by addressing a set of interrelated socio-legal questions. First, it asks how Surat Tumbaga Holing functions as a normative reference within Mandailing customary law, particularly in relation to genealogy, ritual authority, and moral obligation. Second, it examines how the norms articulated in the Surat are interpreted, negotiated, and enforced in concrete social contexts, including inheritance arrangements, social sanctions, and customary dispute resolution. Third, it explores what the continued invocation of Surat Tumbaga Holing reveals about the dynamics of legal pluralism in Indonesia, especially concerning the interaction between customary law, social power, and contemporary processes of adat revitalization. Through these questions, the article

aims to situate Surat Tumbaga Holing not only as a cultural artefact, but as an active legal resource embedded in ongoing social and political practices.

Preserving the Surat Tumbaga Holing is not just about heritage; it is about justice, autonomy, and the right to define law in one's own terms. This study is vital to uncover the internal coherence and practical functions of a long-standing indigenous legal document. It provides an essential contribution to legal anthropology, customary law research, and conflict resolution studies. More importantly, it champions a legal philosophy grounded in community, memory, and harmony. Undertaking this research means honouring the wisdom of a people and recognising their rightful place in the legal landscape.

## **2. Research methodology**

This study adopts a socio-legal approach with normative juridical analysis as its analytical entry point, focusing on the examination of legal norms contained in the Surat Tumbaga Holing as a primary source of Mandailing customary law. Rather than treating the Surat solely as a static legal text, this research understands it as a living customary legal instrument whose authority and meaning are shaped through social interpretation, customary practice, and institutional context. The normative juridical method is therefore employed in conjunction with socio-legal perspectives to situate the text within Indonesia's plural legal landscape.

Primary data for this research were derived from documentary analysis and qualitative empirical insights. The study involved a close reading and interpretation of several versions of the Surat Tumbaga Holing preserved within Mandailing communities and academic archives. Particular attention was given to identifying core legal principles, internal structures, symbolic formulations, and normative patterns embedded in the text. This textual analysis was complemented by references to historical and legal commentaries that discuss the role of the Surat in customary governance.

To address the social functioning of the Surat Tumbaga Holing, the study also draws on qualitative insights obtained from interactions with customary actors, including raja adat and community elders. These insights, derived from interviews and observations of adat meetings and ritual contexts, provide illustrations of how the norms contained in the Surat are interpreted, invoked, and negotiated in contemporary Mandailing society. This combination allows the research to move beyond doctrinal abstraction and engage with the lived dimensions of customary law.

In addition, a critical literature review was conducted to situate the findings within broader socio-legal and legal anthropological debates. Scholarly works on Mandailing culture, indigenous law, legal pluralism, and the politics of customary law in Indonesia and Southeast Asia were reviewed to provide a comparative and theoretical framework. This literature was used not only to contextualize the analysis, but also to critically examine assumptions regarding harmony, authority, and norm enforcement within customary legal systems.

The method of analysis employed was qualitative and interpretive. Legal concepts extracted from the Surat were thematically categorized and examined in relation to empirical practices and scholarly debates. The analysis focused on norms concerning

inheritance, conflict resolution, kinship obligations, and social sanctions, while also paying attention to the symbolic and moral language through which authority is constructed. Rather than presuming social harmony, the analysis critically explores how consensus, moral pressure, and social sanctions operate in the enforcement of customary norms.

Through this combined socio-legal and normative approach, the study offers a comprehensive understanding of Surat Tumbaga Holing not merely as a historical artifact, but as a dynamic legal reference that continues to shape social relations and conflict resolution in Mandailing society. This methodology underscores the relevance of indigenous legal systems within contemporary legal pluralism while acknowledging their internal complexities and contested character.

### 3. Discussion

#### *3.1. The normative structure and content of Surat Tumbaga Holing as a source of Mandailing customary law*

This section addresses the first research question by examining the normative structure of Surat Tumbaga Holing, focusing on how legal authority is constructed through genealogy, ritual legitimation, and moral obligation within Mandailing customary law. From a socio-legal perspective, the normative structure of customary law cannot be understood solely through textual formulation or formal codification. Legal anthropologists emphasize that law operates as a living and dynamic process, continuously shaped through interpretation, negotiation, and social practice within plural legal settings. Normative texts derive their authority not merely from their written form, but from how they are invoked, interpreted, and reworked by social actors in concrete contexts (Beckmann & Beckmann, 2009). This socio-legal perspective guides the analysis of the normative structure of Surat Tumbaga Holing, allowing it to be examined not as a rigid or closed legal code, but as a flexible normative reference whose meaning and authority emerge through ongoing negotiation within Mandailing customary institutions.

Building on this understanding of customary law as a negotiated and living normative order, socio-legal scholars have also highlighted the ambivalent effects of state engagement with adat. Adriaan Bedner argues that formal recognition and incorporation of customary law into state legal frameworks often transform flexible and context-dependent norms into standardized legal categories. This process may strengthen the visibility and authority of adat, but at the same time risks freezing interpretation, narrowing local discretion, and generating new forms of legal uncertainty (Bedner 2013). In this sense, the normative structure of customary law cannot be examined in isolation from broader legal and political contexts, particularly where indigenous legal texts such as Surat Tumbaga Holing are increasingly positioned between community practice and state-oriented legal discourse.

Surat Tumbaga Holing is a remarkable example of indigenous legal codification that encapsulates the moral and normative framework of the Mandailing people. The document is traditionally inscribed on copper or brass sheets, highlighting not only its spiritual value but also its legal permanence (Nasution 2022). Its structure begins with



ancestral invocations and genealogical affirmations that establish the legitimacy of its origins. This serves as a foundation for the authority of the rules that follow, grounded in lineage and collective memory. The authority of the text is reinforced by its ceremonial unveiling during major customary gatherings.

Legal norms within the *Surat* are arranged thematically, reflecting various domains of social life such as land inheritance, kinship duties, and communal obligations. Each section is written in a distinct narrative form, blending metaphor, advice, and instruction (Suhendar 2024). Rather than following a rigid legal language, the content adopts poetic and symbolic expressions, making it accessible across generations. This stylistic choice allows its values to be internalised as cultural wisdom rather than external impositions. The emphasis is placed on principles like balance (*timbang rasa*), reciprocity, and collective harmony.

Every clause in the *Surat* contains a normative expectation accompanied by a moral rationale. For example, it may state that the eldest child inherits ceremonial duties, followed by an explanation rooted in respect for experience and seniority. Such provisions carry both legal and ethical weight, often enforced through social consensus rather than physical coercion (Lubis *et al.* 2012). Sanctions for disobedience are usually symbolic shaming rituals or public admonitions reflecting the restorative spirit of Mandailing justice. These sanctions are not meant to punish, but to restore social equilibrium.

Specific structural patterns in the *Surat* reflect the *dalihaŋ na tolu* philosophy, a core triadic principle of Mandailing society based on interdependent relationships. This principle is embedded not only in familial interactions but also in governance and dispute resolution (Zulkarnain *et al.* 2019). The document provides a framework where each social role maternal uncle, in-law, and sibling has defined rights and responsibilities. Such clarity prevents overlapping authority and nurtures respect among kin. The law is relational, not individualistic.

Narrative portions of the *Surat* serve as illustrative case laws, offering precedents from legendary ancestors. These stories function as both entertainment and legal guidance, akin to oral jurisprudence. The tales are used to justify present decisions by linking them to past wisdom, thereby strengthening their legitimacy (Pasaribu and Sinulingga 2022). This technique ensures that the law is not only remembered but emotionally resonant. The result is a legal system that teaches by example and embeds justice in lived experience.

Interpretation of the text requires both linguistic and cultural fluency, often held by elder custodians of the tradition. Their role is to clarify ambiguous passages and ensure the text is applied appropriately in changing contexts (Nasution 2022b). These interpretations are not arbitrary; they are governed by communal dialogue and consensus. This flexibility allows the *Surat* to remain relevant in modern times, even as societal structures evolve. The law adapts, yet its core values remain intact.

Despite its traditional medium, the *Surat* exhibits elements of legal modernity, such as codified sections, normative clarity, and procedural guidelines. Each legal tenet is placed within a coherent structure, making it possible to trace its logical connections (Zulfah *et al.* 2024). This codification challenges the misconception that customary law lacks formal

structure. Rather, it reveals an indigenous legal intelligence that parallels formal legal systems in sophistication. It is a system born not of the state, but of the community's own intellectual heritage.

Transmission of the *Surat*'s content occurs through both written preservation and oral instruction, ensuring intergenerational continuity. Children are taught to memorise core maxims during rites of passage, while adults internalise the law through ritual participation (Kamaluddin *et al.* 2024). The process is immersive, with knowledge acquired in context, not classroom. Legal education thus becomes a lived experience deeply intertwined with identity and daily life. This mode of transmission enhances the internalisation of justice as a cultural instinct.

Structural resilience of the *Surat* lies in its capacity to mediate conflicts through pre-established norms rather than spontaneous negotiation. Its provisions offer ready-made solutions to disputes, drawn from shared ethical foundations (Siregar 2018). This predictability fosters trust among members of the community, who see the law as protective rather than oppressive. Such trust is critical in contexts where state legal systems are distant or unfamiliar. The *Surat* fills the gap between formal law and social reality.

Scholarly attention to the normative content of *Surat Tumbaga Holing* reveals not only its legal function but also its philosophical richness. It is a document where law, history, and ethics intersect, creating a holistic legal consciousness. Understanding its structure enables a deeper appreciation of Mandailing wisdom and legal autonomy. This inquiry affirms the need for decolonising legal studies by valuing indigenous sources on their own terms. The *Surat* is not a relic it is a living constitution of a people.

### *3.2. Mechanisms of inheritance, implementation, and enforcement of norms in Surat Tumbaga Holing within Mandailing society*

This section explores how the norms articulated in *Surat Tumbaga Holing* are implemented and enforced in everyday social practice, particularly through mechanisms of inheritance, kinship-based authority, and negotiated compliance. *Surat Tumbaga Holing* is not only a repository of customary laws but also a living legacy that is actively inherited across generations in the Mandailing community. The mechanism of inheritance is deeply familial, often transmitted through *raja adat* (customary leaders) and elders within noble bloodlines (Nasution 2007). Children are introduced to its values during traditional ceremonies, where they witness public readings and symbolic teachings. Oral instruction complements written preservation, forming a dual system of legal education. This gradual immersion fosters a sense of duty to uphold the letter's values from an early age.

Knowledge of the *Surat* is considered sacred, and its transmission is selective yet communal. Elders are entrusted with the responsibility to memorise, interpret, and convey the content during rituals and conflict resolution events (Suhendar 2024). Young men from *adat* lineages are often groomed to inherit this wisdom, usually during initiation rites or family gatherings. The act of inheritance is not just informational it is ceremonial and emotional. Legal consciousness is built through experience, reflection, and communal affirmation.

Application of *Surat Tumbaga Holing* norms is embedded in everyday social interactions. Rather than relying on codified procedures, the community applies its principles through shared values and informal consensus (Janra 2017). Rules concerning marriage, land distribution, and respect among kin are actively followed without written enforcement. Violations are rare, as social pressure and ancestral reverence reinforce compliance. The letter serves more as a moral compass than a punitive document.

Social rituals often function as arenas for norm implementation. Events such as *horja adat* (traditional feasts) or *marsialap ari* (conflict mediation) are opportunities where the *Surat* is publicly invoked. During these gatherings, customary leaders reference its content to resolve disputes or give guidance (Sahrul *et al.* 2024). These moments remind participants of their obligations and the societal harmony they must uphold. The *Surat* thus remains present in both symbolic and functional forms of community life.

Enforcement of the *Surat's* norms operates through moral obligation and social mechanisms rather than formalised punishment. Customary leaders serve as mediators and guardians of justice, relying on dialogue, public shame, or symbolic restitution to enforce compliance (Trialfhianty *et al.* 2025). Sanctions are non-violent and restorative, often involving apologies, ritual offerings, or reparative agreements. This approach aims to repair social fractures rather than sever relationships. Trust and reputation act as the primary deterrents to misconduct.

Community members internalise these norms through a sense of spiritual accountability. Deviations from the *Surat's* teachings are believed to invite not only social backlash but also ancestral disapproval (Trialfhianty *et al.* 2025). Belief in *roha dohot tondi* (soul and spirit) creates a metaphysical layer to enforcement, making norms unbreakable even without surveillance. Transgressors feel a deep personal guilt rather than fearing external coercion. This moral system strengthens communal bonds and mutual respect.

Adaptation is central to the continued relevance of *Surat Tumbaga Holing*. While core values remain unchanged, the application of norms evolves through collective reinterpretation during community dialogues. Customary leaders frequently reinterpret its meaning to respond to modern issues such as migration, intermarriage, or land commodification. These reinterpretations are never individual; they are sanctioned through group consensus. The result is a flexible yet grounded legal tradition (Rasyid *et al.* 2024).

Empirical insights from interviews with raja adat and observations of customary deliberations indicate that inheritance norms derived from Surat Tumbaga Holing are rarely applied in a strictly textual manner. In disputes concerning ancestral land among close kin, customary leaders typically begin by invoking genealogical principles contained in the Surat to establish a shared normative reference. However, the resolution process quickly moves into negotiation, where factors such as current economic needs, migration histories, and intra-family relationships are taken into account. Rather than enforcing exclusive ownership, raja adat often facilitate compromise solutions such as shared use or rotational access to land that are perceived as consistent with the spirit of the Surat while maintaining long-term kinship cohesion. This practice demonstrates that

inheritance norms function as guiding frameworks whose implementation depends on social interpretation and negotiated consensus rather than mechanical enforcement.<sup>1</sup>

Family remains the first institution where enforcement begins. Parents teach respect, reciprocity, and obligations through stories based on the *Surat*. Intra-household discipline mirrors communal justice, with emphasis on reflection and reconciliation (Al-Shibli 2025). This familial enforcement complements broader societal mechanisms. Homes, therefore, become microcosms of Mandailing legal culture. The values of the *Surat* permeate personal, familial, and societal spheres.

Transmission and enforcement are also reinforced through material culture. Copies of the *Surat*, often framed or carefully stored, are displayed in traditional homes as symbols of ancestral authority. These objects serve as constant visual reminders of the laws and values they embody. Young people learn not just from words, but from the presence of these sacred artefacts in their daily lives. The law is seen, felt, and revered (Hasibuan *et al.* 2024).

Understanding the mechanisms of inheritance, implementation, and enforcement within *Surat Tumbaga Holing* reveals a holistic legal ecosystem based on memory, ritual, and shared ethics. The document is not a passive text it is an active force shaping Mandailing identity and justice. Its strength lies not in rigid enforcement but in its deep integration with social life. Studying these mechanisms underscores the sophistication of indigenous jurisprudence and its relevance in contemporary legal discourse. This analysis highlights the enduring wisdom of Mandailing customary law and its potential contribution to pluralistic legal systems.

### *3.3. The social function and contribution of Surat Tumbaga Holing in conflict resolution and the formation of justice within Mandailing customary society*

This section examines the broader social functions of *Surat Tumbaga Holing* in shaping customary notions of justice, focusing on its role in conflict resolution, social cohesion, and the moral ordering of communal life. *Surat Tumbaga Holing* plays a vital role in guiding the Mandailing community towards harmonious living by offering a framework for conflict resolution deeply rooted in custom. Disputes over land, inheritance, or familial roles are addressed using the principles outlined in the letter (Rohman *et al.* 2024). Elders and *raja adat* often refer to specific passages during communal mediations, invoking the authority of ancestral law. Solutions are not imposed, but negotiated in alignment with shared cultural values. Justice is seen not as punishment, but as the restoration of social balance.

Mandailing conflict resolution is built upon the philosophy of *musyawarah* (deliberation), and the *Surat* serves as both the reference and moral compass during this process. Respected elders guide the dialogue, using the teachings of the *Surat* to frame the discussion and steer emotions toward resolution (Panjaitan *et al.* 2024). Participants are encouraged to speak openly, with the understanding that mutual respect and truthfulness are sacred obligations. These meetings often conclude with symbolic

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<sup>1</sup> Author's interviews and observations during customary deliberations (*musyawarah adat*) in Mandailing communities, North Sumatra, 2022–2024.

gestures of peace such as handshakes or the sharing of betel leaf. Such customs reinforce the communal commitment to unity.

Mandailing society does not view justice as an abstract concept, but as a lived reality, embodied in relationships and daily conduct. The *Surat* offers clarity on roles and expectations, reducing ambiguity that might otherwise fuel disputes (Erawadi and Setiadi 2024). Individuals know their rights and responsibilities because they are embedded in a cultural text that is both respected and understood. This sense of predictability fosters confidence in the justice system. People trust the process because it resonates with their values.

Public readings of the *Surat* during ceremonies often serve to reaffirm collective norms and warn against behaviours that threaten social harmony. These events function as both legal reminders and moral reinforcements (Harianja *et al.* 2024). Disputes that arise shortly after such rituals are often resolved more swiftly, as community members are reminded of their duties. This cyclical renewal of awareness acts as a social adhesive. Legal consciousness is maintained through repetition, participation, and storytelling.

The role of shame as a form of non-coercive sanction also illustrates the *Surat's* social influence. Transgressors who violate communal norms face not imprisonment but public disapproval and spiritual guilt. This creates a form of internalised law, where enforcement is psychological and communal rather than institutional. The desire to maintain honour within one's lineage motivates adherence. Community becomes the guardian of law, not the state (Lubis *et al.* 2025).

Narratives contained within the *Surat* often include tales of past conflicts and how they were resolved, serving as customary precedents. These stories function as indigenous case law, enabling community members to draw parallels with contemporary issues. Elders recount these examples to illuminate possible paths forward without escalating tension. The narrative method strengthens empathy, allowing both parties to see each other through ancestral wisdom. Emotion is transformed into understanding, not vengeance.

Justice in Mandailing society is not transactional it is relational. The *Surat* reinforces this by prioritising forgiveness, reparation, and community healing over rigid penalties. Parties are encouraged to reconcile through agreed compensation or symbolic acts that restore dignity. Conflict is seen as a disruption of social order, and resolution is about restoring the spiritual and emotional equilibrium. This worldview nurtures long-term harmony rather than short-term wins.

Youth engagement in these processes helps sustain the continuity of conflict resolution culture. Young people observe how elders apply the *Surat* in real-life cases, gradually absorbing its principles. Their participation is both educational and symbolic, signalling generational renewal of legal knowledge. This organic transfer ensures that justice remains relevant to all age groups. Law is passed on not through textbooks, but through living examples.

In pluralistic Indonesia, where customary and state law often intersect uneasily, *Surat Tumbaga Holing* offers a model for integrated justice. The Mandailing case demonstrates that customary law can function autonomously yet complement national legal systems when given space and recognition. Its contribution lies in its culturally embedded

mechanisms, which reduce dependency on external institutions. The community becomes legally self-sufficient, guided by its own philosophical and ethical foundations. Legal pluralism becomes not a theory, but a lived practice.

Recognition of the *Surat*'s role in conflict resolution is essential to appreciating its deeper significance in forming justice. It is not just a document, but a vessel of Mandailing wisdom, embodying centuries of legal, moral, and social understanding. Preserving and studying it is not merely about cultural heritage it is about affirming alternative systems of justice that prioritise humanity, dialogue, and reconciliation. The *Surat* teaches that justice begins in the heart of the community, where empathy and tradition walk hand in hand. Its continued relevance is a testament to the power of indigenous law to shape fair and enduring societies.

#### *3.4. Practical applications of Surat Tumbaga Holing in contemporary Mandailing society*

This section situates Surat Tumbaga Holing within contemporary Mandailing society, highlighting how its norms are adapted and reinterpreted in response to social change, migration, and modern governance contexts. The Surat Tumbaga Holing has substantial practical applications in the everyday life of the Mandailing people, serving not only as a normative legal source but also as a guide for social conduct. It is actively referenced in various socio-legal contexts, particularly in dispute resolution, inheritance determination, and traditional ceremonial practices.

One of the most prominent uses is in resolving inter-family or clan disputes, especially those concerning ancestral land or customary titles. In such cases, the Surat Tumbaga Holing is cited by customary leaders (*raja adat*) to determine legitimate rights and obligations. These proceedings take place in *adat* deliberations that emphasize restorative principles and social harmony over adversarial justice.

In terms of inheritance, the Surat provides clear guidelines on who is entitled to receive specific customary legacies, such as traditional houses (*bagas godang*), communal land (*tanah ulayat*), and social responsibilities within the community. This knowledge is passed down through generations and adhered to as a form of ancestral respect and customary legal obedience.

Furthermore, the Surat is employed in ritual events like weddings, funerals, and traditional feasts (*horja adat*). During such ceremonies, passages from the document are often recited symbolically to affirm moral values, social structure, and communal duties. These performances serve to reinforce collective identity and cultural continuity.

In essence, the Surat Tumbaga Holing functions as a living legal system, shaping behavior and affirming Mandailing identity. Its applications are not relics of the past but adaptive tools for navigating contemporary social realities. Understanding these practical applications is crucial for assessing its resilience and relevance as an indigenous legal tradition in modern Indonesia.

One notable application of the Surat Tumbaga Holing is its role in determining legal status and residency (*status kependudukan*) within Mandailing society. The Surat outlines the criteria and ancestral lineage that influence a person's right to reside within a particular *huta* (village) or *ulayat* territory. This legal recognition is essential not only

for land ownership but also for participating in adat ceremonies and communal decision-making. The document acts as a form of customary citizenship, regulating who is considered a legitimate community member.

In traditional practice, individuals seeking to re-establish or confirm their status as members of a Mandailing community particularly those returning from migration must present genealogical proof aligned with the stipulations of the Surat. This is often verified by raja adat, who interpret the genealogical lineage (tarombo) using guidelines from the Surat. The endorsement of such status may grant the individual rights to land, roles in adat events, or eligibility for positions within local adat leadership structures.

The implications of the Surat's use in status determination are significant. Inheritance rights, marriage arrangements, and dispute resolutions are contingent upon a person's recognition within the community. For instance, someone not formally acknowledged as a resident under adat law might be excluded from claiming ulayat land or participating in adat councils (musyawarah adat).

Furthermore, the Surat plays a role in conflict resolution when disputes arise over residential legitimacy especially in cases where migrants attempt to reclaim ancestral ties. The adjudication process often involves verifying lineage through the Surat and may be supported by testimony from elders or historical manuscripts preserved in the community.

The application of the Surat in regulating status also intersects with migration trends. Many Mandailing people who migrated to urban areas or abroad retain a strong desire to reconnect with their ancestral roots. The Surat Tumbaga Holing serves as a cultural and legal anchor, enabling this reconnection through the formal recognition of identity and rights.

As urbanization and modernization challenge traditional governance structures, the Surat continues to serve as a stabilizing force. It provides a legal and cultural mechanism for integrating returning migrants and preserving community coherence in a rapidly changing environment.

This function is particularly important in areas where formal government recognition of customary land and identity is limited. The Surat thus supplements state bureaucracy by validating residence and identity through adat norms.

In this way, Surat Tumbaga Holing continues to operate as a tool of legal inclusion, enabling the reintegration of Mandailing people into their native sociocultural framework. It reinforces the authority of customary leaders and strengthens traditional legal systems.

In summary, the Surat's influence extends beyond ritual and symbolic use; it plays a practical, strategic role in ensuring social belonging, access to rights, and the perpetuation of adat law. It is both a legal document and a living constitution of Mandailing identity.

The contemporary relevance of Surat Tumbaga Holing must also be understood within broader processes of adat revitalization and identity politics in post-Reformasi Indonesia. As noted by Martin Ramstedt (2005), the revival of customary traditions is not merely a cultural project aimed at preserving heritage, but a deeply political process

shaped by decentralization, claims to moral authority, and struggles over recognition and resources. In this context, adat functions simultaneously as a source of cultural identity and as a strategic legal language through which communities negotiate their position vis-à-vis the state and other normative orders. The renewed invocation of Surat Tumbaga Holing thus reflects not only continuity of tradition, but also an active reconfiguration of customary law as part of broader socio-political negotiations in contemporary Indonesia.

#### **4. Application of Surat Tumbaga Holing in the enforcement of social sanctions**

This section analyzes the enforcement of social sanctions under Surat Tumbaga Holing, showing how moral authority, social pressure, and negotiated discipline operate as key mechanisms of customary regulation. The Surat Tumbaga Holing holds a central role in enforcing social sanctions within Mandailing customary society. As a foundational document of customary law, it not only outlines rights and obligations among the Daliha Na Tolu elements but also legitimizes the implementation of corrective measures when customary norms are violated.

Social sanctions in Mandailing society are deeply rooted in moral values and the maintenance of social harmony. Violations of adat are viewed as disruptions to the balance among *kahanggi* (clanmates), *anak boru* (wives' families), and *mora* (wives' givers). Therefore, the Surat Tumbaga Holing serves as a normative reference for defining transgressions, the customary process of investigation, and forms of restoration.

Practically, infractions may include neglecting responsibilities during horja rituals, disregarding roles as *anak boru*, or actions that damage the honor of *mora*. The Surat is used to assess these acts objectively, based on lineage and hierarchical obligations defined within its text.

One of the most common social sanctions is symbolic exclusion from adat forums. Offenders may be barred from participating in customary deliberations or from appearing in ceremonial roles. This form of moral pressure is designed to correct behavior while preserving communal cohesion.

In more serious cases, such as failure to fulfill obligations during death rituals (*siluluton*), the Surat is consulted to issue formal customary rulings. These may include the denial of inheritance rights or suspension from holding customary leadership roles.

The Surat also emphasizes the moral authority of *mora* in upholding adat dignity. In instances of transgression, *mora* has the customary right to issue public admonishments and propose sanctions based on interpretations of the Surat.

These sanctions serve not merely as punitive measures but as mechanisms to restore disrupted social bonds. The Surat underscores social equilibrium as the foundation of customary life, and thus sanctions aim to reestablish harmony.

Empirical observations from interviews with raja adat and participation in adat meetings indicate that the enforcement of social sanctions under Surat Tumbaga Holing is highly situational and negotiated. In cases where individuals failed to fulfill ritual obligations or neglected kinship duties, customary leaders typically addressed the matter in public adat forums by explicitly invoking the moral authority of the Surat. Rather than issuing immediate punitive measures, elders often combined public admonition with



deliberation, allowing the individual concerned to explain their actions and express willingness to restore disrupted relationships. Interviews reveal that the effectiveness of such sanctions lies not in formal exclusion itself, but in the moral weight of public recognition of wrongdoing and the expectation of reintegration through apology and compliance. This practice demonstrates that social sanctions function less as coercive tools and more as mechanisms of moral persuasion and social repair within Mandailing customary governance.<sup>2</sup>

Importantly, social sanctions are not permanent. The Surat Tumbaga Holing provides space for reconciliation through a formal apology ceremony (*maminta ampun*) conducted before adat elders and the community.

This process reflects the restorative justice values embedded in Mandailing customary law. By acknowledging wrongdoing and receiving customary forgiveness, individuals can regain their social status and reintegrate into community life.

In modern contexts, while the forms of sanctions may evolve, the Surat remains a guiding reference. Today, social exclusion may take the form of limited access to communal development programs or restrictions from participating in public initiatives.

Sanctions guided by the Surat are also integral in instilling character education among Mandailing youth. In informal adat schools and horja events, the norms outlined in the Surat are taught as foundational ethical values.

Thus, the Surat Tumbaga Holing functions not only as a legal manuscript but as an active instrument of social regulation. It plays a vital role in maintaining cultural values and the structural integrity of Mandailing society.

Beyond this, the continued application of social sanctions demonstrates that customary law is not static but adaptive, capable of responding to behavioral shifts while maintaining cultural identity.

Taken together, the enforcement of social sanctions under Surat Tumbaga Holing illustrates that customary order is sustained not through coercive force, but through socially embedded mechanisms of moral authority, negotiation, and collective expectation. In line with Laura Nader's critique of harmony ideology, the pursuit of social harmony in Mandailing customary sanctions cannot be understood as a purely benign ideal, but as a process that may simultaneously restore social balance and exert moral pressure on individuals to conform. At the same time, the situational and negotiated character of these sanctions reflects what Franz von Benda-Beckmann conceptualizes as *living law*, in which norms acquire authority through social practice rather than formal enforcement. Social sanctions under Surat Tumbaga Holing thus operate as a dynamic legal process, revealing how power, morality, and consensus intersect in the everyday governance of Mandailing customary life.

#### 4.1. Application of Surat Tumbaga Holing in dispute resolution

This section synthesizes the preceding discussions by examining how Surat Tumbaga Holing functions as a flexible normative reference in customary dispute resolution,

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<sup>2</sup> Author's interviews with raja adat and observations during adat meetings and ritual contexts in Mandailing communities, North Sumatra, 2022–2024.

emphasizing deliberation, negotiation, and restorative outcomes. The Surat Tumbaga Holing plays an essential role in resolving disputes within the Mandailing customary legal system. As a codified expression of customary norms, the Surat is consulted in conflicts that arise between families, clans, or individuals over matters such as inheritance, land ownership, marital arrangements, or breaches of customary obligations.

Dispute resolution in Mandailing society is traditionally carried out through *musyawarah adat* (customary deliberation), where the three elements of Dalihan Na Tolu *kahanggi*, *anak boru*, and *mora* assume specific mediating roles. Each party's perspective is heard in the presence of elders, and the Surat is referred to in determining what constitutes a violation, responsibility, or remedy.

When a dispute involves inheritance or territorial claims, for example, the Surat provides genealogical and legal references to determine rightful ownership based on descent and social roles. The document serves as both legal text and moral guide in interpreting justice not merely as retribution, but as reconciliation.

In many cases, disputes are mediated with the intent of restoring balance rather than punishing individuals. This restorative approach reflects the values enshrined in the Surat, which emphasize *holong* (love/compassion), social harmony, and the maintenance of intergenerational respect.

Dispute resolution often begins with a *martahi* session (preliminary dialogue), where facts are clarified and the historical context of the issue is explored. Participants are reminded of the ancestral values contained in the Surat, reinforcing the cultural legitimacy of the process.

Elders may cite verses or interpretations of the Surat that outline how similar disputes were handled in the past, lending weight to their recommendations. This legal continuity strengthens the authority of adat in guiding conflict resolution.

In situations where parties refuse to comply, the Surat grants authority to adat leaders to impose social sanctions, such as symbolic ostracism or suspension of community privileges. These sanctions are seen as corrective and protective, aimed at preserving the larger social fabric.

The role of *mora* is particularly significant, as they often represent moral authority and are tasked with restoring ethical order. *Mora* are typically responsible for delivering admonitions, leading reconciliation efforts, and, when needed, enforcing customary sanctions based on the Surat's guidance.

Surat Tumbaga Holing also plays a key role in resolving disputes during horja events, where ceremonial obligations are occasionally contested. Whether it concerns the order of speeches, allocation of ritual tasks, or recognition of traditional titles, the Surat provides definitive procedural references.

By affirming the moral and procedural correctness of actions during conflict resolution, the Surat instills confidence in adat decisions and discourages external intervention from state authorities or formal litigation.

In modern Mandailing communities, the Surat continues to be invoked during disputes that intersect with contemporary issues, such as land development, migration, or the

distribution of communal resources. Its authority remains intact due to its grounding in cultural legitimacy and community consensus.

Moreover, the Surat is used in intergenerational disputes where younger members may challenge customary obligations. Here, the Surat functions as an educational tool, bridging generational gaps through appeals to ancestral wisdom.

The dispute resolution process underpinned by the Surat promotes collective healing. Agreements reached are often sealed with a customary feast or symbolic exchange, reaffirming social bonds and ancestral continuity.

This system illustrates that the Surat is not merely an archive of past customs but a dynamic legal instrument capable of responding to evolving conflicts. It offers a culturally rooted alternative to formal legal mechanisms while upholding principles of fairness and communal harmony.

Ultimately, the application of the Surat Tumbaga Holing in dispute resolution reaffirms its status as a foundational document in Mandailing legal culture sustaining peace, reinforcing identity, and maintaining the moral order of the community.

## 5. Conclusion

This study has examined Surat Tumbaga Holing not merely as a historical or symbolic artefact, but as a living source of Mandailing customary law whose authority and relevance are continuously produced through social practice. By adopting a socio-legal approach that combines normative juridical analysis with empirical insights from interviews and observations, this research demonstrates that the norms embedded in the Surat operate not as rigid prescriptions, but as flexible reference points that are interpreted, negotiated, and enacted within concrete social contexts.

The findings show that the normative structure of Surat Tumbaga Holing derives its authority from genealogical legitimacy, ritual affirmation, and moral recognition rather than from formal coercive mechanisms. Mechanisms of inheritance, implementation, and enforcement particularly in matters of land, kinship obligations, and social sanctions reveal that customary law in Mandailing society functions through deliberation, consensus-building, and restorative practices. These processes illustrate how legal order is sustained through social relations and shared moral expectations, consistent with socio-legal perspectives on *living law*.

At the same time, this study adopts a critical stance toward the often-invoked ideal of harmony in customary law. In line with anthropological critiques of harmony ideology, the analysis demonstrates that the pursuit of social cohesion may also entail moral pressure and normative discipline. Social sanctions under Surat Tumbaga Holing thus function as ambivalent instruments: they enable reconciliation and reintegration, while simultaneously reinforcing conformity and authority within customary institutions. Recognizing this dual character allows for a more nuanced understanding of Mandailing customary justice beyond romanticized representations.

The analysis also highlights the broader legal and political contexts in which Surat Tumbaga Holing operates today. Engagements between customary law and state legal frameworks risk transforming flexible, context-dependent norms into standardized categories, potentially narrowing local interpretive space. At the same time, the

contemporary invocation of the Surat reflects wider processes of adat revitalization and identity politics in post-Reformasi Indonesia, where customary law serves as both a marker of cultural identity and a strategic normative resource in negotiations with state institutions.

Overall, this research contributes to socio-legal scholarship by demonstrating how an indigenous legal text functions within a plural legal order through ongoing interpretation, negotiation, and social enforcement. Rather than treating customary law as static or inherently harmonious, the study emphasizes its dynamic, contested, and socially embedded character. By foregrounding indigenous jurisprudence as a site of legal reasoning and practice, this article underscores the importance of engaging customary legal systems as integral components of contemporary legal pluralism, both in Indonesia and beyond.

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