

The Division of Customary State Power in the *Dalihan Natolu* System

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Abstrak

This study analyzes the *Dalihan Natolu* governance system of the Batak society in North Sumatra as a distinct entity of living law operating concurrently with state positive law. Employing a normative-empirical method through a systematic literature review, the research examines the tripartite power-sharing mechanism between *Mora* (judicial), *Kahanggi* (administrative), and *Anakboru* (executive). The findings reveal that while *Dalihan Natolu* remains effective for internal social cohesion and dispute resolution through a mechanism of checks and balances, its integration into the national legal framework is hindered by regulatory fragmentation and jurisdictional overlaps. Despite constitutional recognition under Article 18B(2), bureaucratic formalism in land registration often marginalizes communal ownership evidence, creating legal vulnerability. The study highlights the urgency of legal reform focused on harmonization and functional recognition to address the power asymmetry between customary authority and the state. Conclusively, the sustainability of this system depends on internal adaptability and substantive state recognition.

Kata Kunci: Dalihan Natolu, Customary Law, Legal Harmonization, Customary Governance Structure.

INTRODUCTION

The existence of customary law communities (*masyarakat hukum adat*), particularly manifested through the *Dalihan Natolu* governance system of the Batak society in North Sumatra, holds a *de facto* status as living law, operating concurrently with state positive law. This system functions as a fundamental mechanism for the governance of power structures, the management of land tenure, and dispute resolution, utilizing the functional interrelations of the *Mora*, *Kahanggi*, and *Anakboru* elements to preserve the equilibrium of the social order (Fatmawati, I., Fikri, R. A., Siregar, M. A., & Mawarni, S. 2023; Fatmawati, I., Fikri, R. A., & Siregar, M. A. 2023). The sociological validity of *Dalihan Natolu* demonstrates enduring relevance as a normative foundation for community identity and legal practice amidst the pressures of modernization and pluralism (Hutagaol, Simamora, & Silitonga, 2020; Martial & Asaad, 2016; Panjaitan et al., 2024). Nevertheless, the interaction between customary authority and state power structures at the operational level continues to encounter challenges arising from regulatory fragmentation, thereby necessitating legal certainty regarding the recognition of these traditional rights (Arifin et al., 2025).

METHOD

This study employs a normative-empirical legal research method utilizing a literature review approach to analyze the existence of *Dalihan Natolu* as an entity of living law within the national legal framework. Data collection was conducted through the inventory of primary legal materials, consisting of statutory regulations, and secondary legal materials, comprising academic literature and prior studies relevant to customary governance structures, legal pluralism, and agrarian conflicts. The collected data were analyzed using a descriptive-qualitative method with content analysis techniques to synthesize the tripartite power-sharing mechanism (*Mora*, *Kahanggi*, *Anakboru*), map normative conflicts with positive law, and identify research gaps as a foundation for formulating policy implications regarding the harmonization of legal systems in Indonesia.

RESULTS AND DISCUSSION

Historical and Cosmological Foundations of Dalihan Natolu

A review of the *Dalihan Natolu* construct is inseparable from the historical and cultural roots that underpin it. As an institution existing since the pre-colonial era, this system serves a dual function as both a cosmological order and a social structure governing the life of Batak society. The resulting tripartite structure constitutes a cosmological reflection that organizes society into relations of legal interdependence, encompassing the regulation of marriage, land tenure rights, and conflict mediation mechanisms (Panjaitan et al., 2024; Tanjung, 2024). Throughout its evolution, this system has demonstrated adaptive characteristics in response to external interventions, ranging from colonialism and missionary activities to modern education systems. Although the social structure of the community has undergone transformation, the principles of *Dalihan Natolu* persist as an instrument of negotiation between traditional norms and modernity (Napitu et al., 2020; Purba, 2005).

Furthermore, within the sociological dimension, this institution functions as an instrument of social cohesion that transcends ethnic and religious boundaries. In regions with high religious pluralism, the system provides a dispute resolution framework based on consensus and kinship accountability, thereby effectively minimizing the potential for horizontal conflict (Erawadi & Setiadi, 2024; Muda & Suharyanto, 2020). Beyond the normative aspect, the manifestation of this customary power is also spatially projected within traditional Batak architecture. The spatial layout of traditional houses and the performance of rituals serve to reaffirm the legality of status and the legal obligations of each kinship element (*Mora*, *Kahanggi*, *Anakboru*), which are binding in both physical and symbolic spaces (Bobby Saragih, 2021; Tobing & Hutabarat, 2019).

Customary Governance Structure

The substance of the *Dalihan Natolu* customary governance system manifests in an integrated distribution of power among three functional elements. First, the *Kahanggi* element (same-clan kin) possesses administrative authority regarding asset management, primarily concerning the legality of the transfer of land rights and natural resources. In this capacity, *Kahanggi* acts as both the initiator and the authorizing agent to ensure compliance with customary protocols. Second, *Mora* (the wife-giving party) occupies a central judicial position, serving as the primary mediator in the resolution of tenurial disputes and the enforcement of substantive justice. Third, *Anakboru* (the wife-receiving party) performs executive functions to facilitate rights management and ensure the execution of conflict resolutions (Martial & Asaad, 2016; Hutagaol, Simamora, & Silitonga, 2020; Panjaitan et al., 2024).

The operationalization of this structure is conducted through a participatory decision-making mechanism based on consensus (*dos ni roha*). The interaction among these three elements creates a mechanism of internal checks and balances, wherein *Kahanggi* does not hold absolute authority in the transfer of rights without customary validation; while arising disputes are mediated by *Mora* with the operational support of *Anakboru* (Martial & Asaad, 2016). Thus, this construction underscores that authority within Batak customary law is not centralized but rather distributed collectively through a binding kinship network.

Integration and Conflict with the State Legal Framework

Notwithstanding that Article 18B paragraph (2) of the 1945 Constitution constitutionally grants conditional recognition to customary law communities and their traditional rights, the level of implementation still exhibits significant disparities (Rambe, M. J. 2025). The integration of the *Dalihan Natolu* system into positive law is constrained by regulatory fragmentation and jurisdictional overlap, which impede the effectiveness of state recognition (Arifin et al., 2025; Jayus, 2020). The primary juridical impediment lies in the uncertainty of authority regarding the procedures for the determination of customary law communities. The dualism of local government authorities frequently precipitates administrative ambiguity, particularly for customary communities

whose territories transcend regency/city administrative boundaries. This situation creates a power asymmetry that impacts the empowerment of the *Dalihan Natolu* community (Jayuska et al., 2025; Suartina, 2020). Furthermore, the absence of comprehensive organic legislation renders the constitutional mandate unenforceable, thereby placing customary law in a subordinate position within the hierarchy of national law enforcement (Rudy, Perdana, & Wijaya, 2021; Simarmata, 2019).

Normative conflicts also manifest within the regimes of land registration and the designation of customary forests. Bureaucratic formalism and state legality requirements frequently fail to accommodate instruments of communal ownership evidence based on collective memory and *Dalihan Natolu* lineage. This discrepancy between formal law and customary law creates legal vulnerability for customary law communities, particularly when confronting land disputes resulting from investment expansion and infrastructure development (Sulaiman et al., 2025; Muhdar, Tavip, & Al Hidayah, 2019; Fatmawati, I., Fikri, R. A., Siregar, M. A., & Syaharani, N. 2024, August).

Comparative Analysis and Research Gaps

From a comparative perspective, *Dalihan Natolu* possesses distinctive characteristics as a decentralized kinship-based governance system, differing from other customary typologies that rely on territorial principles or feudalistic structures. The efficacy of this system lies in the accountability inherent within consanguinity and affinity relations, which function as a mechanism of social control (Siregar, M. A., Adrian, R. F., & Rambe, M. J. 2017; Siregar, M. A., & Ablisar, M. 2020). Nevertheless, the limitations of this system are evident in the challenges of adaptability when confronting formalistic state legalism and modern disputes of a transactional nature (Martial & Asaad, 2016; Panjaitan et al., 2024). This problematic of legal dualism parallels global legal pluralism phenomena, such as those found in African or Pacific jurisdictions. Comparative studies indicate that without clear harmonization mechanisms, customary law is susceptible to subordination due to the dominance of the state positive legal framework (Budiman et al., 2020; Ubink, 2011; Cummins, 2015).

Based on the review, several significant research gaps are identified. First, there is a scarcity of empirical studies that measurably map the demarcation of authority of *Mora*, *Kahanggi*, and *Anakboru* within the context of contemporary disputes. Second, the discourse regarding the dynamic interaction between state and customary law within natural resource management regimes has not been exhaustively explored, particularly concerning hybrid governance models. Third, the paucity of studies regarding the protection of vulnerable groups in customary justice necessitates urgent further investigation regarding the inclusive aspects of the *Dalihan Natolu* system in the future (Ubink, 2018; Awolorinke et al., 2025).

CONCLUSION

Based on the foregoing analysis, it is concluded that *Dalihan Natolu* represents a customary governance system with a structured power-sharing construction among the *Mora*, *Kahanggi*, and *Anakboru* elements. Internally, this institution demonstrates efficacy in the maintenance of social cohesion and resource management. Nevertheless, the existence of this customary authority is confronted with structural challenges arising from the supremacy of positive law, regulatory fragmentation, and modern economic dynamics. The reality of integration, which is partial and contestable in nature, results in legal uncertainty for customary law communities. Consequently, the juridical implications of this review indicate the urgency of legal reform oriented towards the harmonization of norms and the strengthening of customary institutional capacity (legal empowerment). The future sustainability of *Dalihan Natolu* is contingent upon the system's internal adaptability, as well as the state's legal political commitment to providing functional recognition that transcends mere symbolic acknowledgement.

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