

Settlement of *Nusyuz* Cases through Customary Mediation by *Hatobangon*: An Empirical Study in Sipolu-polu Urban Village

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Abstract:

This research is motivated by the existence of household conflicts in the form of nusyuz, which in Mandailing society are not always resolved through formal legal mechanisms but may also be addressed through customary mediation involving hatobangon. This study aims to analyze the mechanism and effectiveness of resolving nusyuz cases through customary mediation conducted by hatobangon in Sipolu-polu Urban Village. This research employs an empirical legal method with a qualitative approach. Primary data were obtained through interviews with hatobangon, community leaders, and families who had been involved in the resolution of nusyuz cases, while secondary data were obtained from books, scholarly journals, and legislation related to Islamic family law, mediation, and customary law. The results show that hatobangon plays an important role as a customary mediator in resolving household conflicts through deliberation that emphasizes reconciliation, advice, and the restoration of marital relationships. Customary mediation is considered effective in restoring household harmony, reducing the potential for divorce, and maintaining family relationships. From the perspective of Islamic law, the mediation practice is consistent with the concepts of islah and hakam as reflected in Qur'an Surah An-Nisa verse 35. However, the effectiveness of customary mediation continues to face challenges, including the rigidity of one party, limited willingness to compromise, and the influence of modernization on patterns of household conflict resolution.

Keywords: customary mediation; hatobangon; Islamic family law; Mandailing community; nusyuz.

Abstrak:

Penelitian ini dilatarbelakangi oleh adanya konflik rumah tangga berupa nusyuz yang dalam masyarakat Mandailing tidak selalu diselesaikan melalui jalur formal, tetapi juga melalui mediasi adat yang melibatkan hatobangon. Penelitian ini bertujuan untuk menganalisis mekanisme dan efektivitas penyelesaian perkara nusyuz melalui mediasi adat yang dilakukan oleh hatobangon di Kelurahan Sipolu-polu. Penelitian ini menggunakan metode hukum empiris dengan pendekatan kualitatif. Data primer diperoleh melalui wawancara dengan hatobangon, tokoh masyarakat, dan keluarga yang pernah terlibat dalam penyelesaian perkara nusyuz, sedangkan data sekunder diperoleh dari buku, jurnal ilmiah, dan peraturan perundang-undangan yang berkaitan dengan hukum keluarga Islam, mediasi, dan hukum adat. Hasil penelitian menunjukkan bahwa hatobangon memiliki peran penting sebagai mediator adat dalam menyelesaikan konflik rumah tangga melalui musyawarah yang mengedepankan perdamaian, nasihat, dan pemulihan hubungan suami istri. Mediasi adat dinilai efektif dalam mengembalikan keharmonisan rumah tangga, mengurangi potensi perceraian, dan menjaga hubungan kekeluargaan. Dalam perspektif hukum Islam, praktik mediasi tersebut sejalan dengan konsep islah dan hakam sebagaimana tercermin dalam Al-Qur'an Surah An-Nisa ayat 35. Namun, efektivitas mediasi adat masih menghadapi kendala berupa sikap keras salah satu pihak, keterbatasan kemauan untuk berkompromi, dan pengaruh modernisasi terhadap pola penyelesaian konflik rumah tangga.

Kata Kunci: mediasi adat; hatobangon; hukum keluarga Islam; masyarakat Mandailing; nusyuz.

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Introduction

The household is a social institution built on the foundation of love, responsibility, and the fulfillment of rights and obligations between husband and wife. However, family life is not always harmonious. Differences in interests, communication issues, and the inability to fulfill marital obligations can lead to conflict (Zulfahmi, 2024). One form of conflict within a household is *nusyuz*. In Islamic law, *nusyuz* is generally understood as an attitude or action by a spouse that deviates from the obligations that should be fulfilled in married life. The issue of *nusyuz* is not only related to the fulfillment of the rights and obligations of the husband or wife but can also escalate into a prolonged conflict that threatens the integrity of the household (Apriyanti & Hasanah, 2025). This condition indicates that the resolution of *nusyuz* cases requires not only an approach oriented toward legal compliance but also mechanisms capable of preserving family relationships and preventing conflicts from escalating into divorce.

Islamic law regards peace as one of the key principles in resolving family conflicts. The resolution of disputes is not solely aimed at determining who is right or wrong, but also at striving to repair relationships and achieve the common good for all parties involved. The concept of *islah* is relevant in this context because it emphasizes efforts to reconcile disputing parties through dialogue, deliberation, and the involvement of a third party (Novita et al., 2025). Therefore, *nusyuz* conflicts do not always have to end in divorce but can first be addressed through resolution mechanisms that prioritize peace and the continuity of the household (Alimuddin et al., 2025). Accordingly, examining mechanisms for resolving *nusyuz* is important, particularly when the principle of *islah* is implemented through actors who possess social legitimacy within the community.

The normative basis for resolving domestic disputes is found in the Qur'an, Surah An-Nisa, verse 35. This verse directs that when a dispute arises between a husband and wife, each party should appoint a mediator from their family to work toward improving the relationship (Wirdyaningsih et al., 2026). This provision indicates that Islam allows for the involvement of a third party in the resolution of family conflicts. The *Hakam* (arbitrator) serves to help the parties find a solution through deliberation and peace efforts. This principle is relevant to non-litigious dispute resolution in Islam, which places communication, deliberation, and mutual agreement among the parties as essential components of the resolution process (Nurhasanah, 2023). This framework is important for examining whether customary dispute resolution mechanisms can function not merely as social practices but also as concrete manifestations of the principle of reconciliation recognized in Islamic law.

A number of previous studies have discussed *nusyuz* and its resolution mechanisms. The study by Apriyanti & Hasanah (2025) on *nusyuz* within the family between husband and wife from the perspective of *maslahah* shows that family mediation can serve as a conflict resolution mechanism that prioritizes family relationships and preserves the privacy of the parties involved. Another study by Alimuddin et al. (2025) reconstructs the concept of *nusyuz* as a family conflict and explains *nusyuz* and its stages of resolution based on

interpretations of the views of religious scholars in Ternate. However, these studies have not examined the involvement of customary leaders as mediators in resolving *nusyuz* cases. This limitation indicates a research opportunity to examine the resolution of *nusyuz* beyond the framework of family mediation or religious leaders, particularly through customary actors who possess social authority within a specific community.

Studies on *hatobangon* indicate that this customary leader has a strategic position in dispute resolution within Mandailing society. Research by Hsb et al. (2025) found that *hatobangon* plays a role in resolving disputes based on customary law, particularly in matters of customary inheritance among the Mandailing community. These findings demonstrate the existence of social legitimacy for *hatobangon* as a party assisting in conflict resolution through customary mechanisms. However, the study did not address the role of *hatobangon* in household conflicts, particularly *nusyuz* cases. A study by Khairuddin et al. (2022) on *tuha peut* in Aceh also demonstrates that customary leaders can act as *hakam* in resolving *nusyuz* through customary mediation. Although relevant to the present study, the social structure and kinship system of the Acehnese community differ from those of the Mandailing community, and therefore the practice cannot be directly generalized (Djawas & Samad, 2020). This contextual difference is important because the effectiveness of customary mediation is influenced not only by the conflict-resolution concept itself but also by kinship structures, the legitimacy of customary leaders, and the social values prevailing in each community.

The Mandailing community has a kinship system known as *Dalihan Na Tolu*, which places family relationships, deliberation, and respect for social structures as important values in community life. Within this structure, *hatobangon* is a customary elder who enjoys respect and social legitimacy in resolving various community matters (Harahap et al., 2023). The involvement of *hatobangon* in *nusyuz* cases is noteworthy because it demonstrates the intersection of Islamic legal norms, customary values, and family-based mechanisms of conflict resolution. In this context, the existence of *hatobangon* is relevant not only as a customary actor but also as a mediator with the potential to bridge Islamic legal norms and the social values of Mandailing society.

Based on previous studies, research on *nusyuz* has largely focused on normative aspects and family mediation, while studies on *hatobangon* have mainly addressed the resolution of social and customary disputes (Apriyanti & Hasanah, 2025; Hsb et al., 2025). Although research has examined customary leaders as *hakam* in resolving *nusyuz* in Aceh (Khairuddin et al., 2022), similar practices in the context of Mandailing society have not been widely studied empirically. This research gap indicates that there has been limited research specifically explaining how *hatobangon* performs a mediating function in *nusyuz* cases within the social structure and kinship values of Mandailing society, as well as the extent to which this mechanism is effective in preserving marital relationships. This gap is important to address because customary mediation may provide a context-sensitive

mechanism for resolving family conflicts while maintaining social and kinship relationships within the community.

Accordingly, the novelty of this study lies in its empirical examination of *hatobangon* as a mediator in resolving *nusyuz* cases within the Mandailing community, while simultaneously analyzing its relationship with the concepts of *islah* and *hakam* in Islamic law. Therefore, this study aims to analyze the mechanism and effectiveness of resolving *nusyuz* cases through customary mediation conducted by *hatobangon* in Sipolu-polu Urban Village. This study also analyzes the practice from the perspective of Islamic law, particularly through the concepts of *islah* and *hakam* as reflected in Qur'an Surah An-Nisa verse 35. This study is expected to enrich the field of Islamic family law by demonstrating the relationship between conflict-resolution principles in Islamic law and customary mediation practices in Mandailing society.

Method

This study is an empirical legal study using a qualitative approach, conducted in Sipolu-polu Urban Village, Panyabungan Subdistrict, Mandailing Natal Regency (Suyanto, 2022). Primary data were obtained through semi-structured interviews with *hatobangon*, community leaders, and families who had been involved in the resolution of *nusyuz* cases. Documentation was also used to collect supporting data, including records and other relevant documents related to the resolution process. Secondary data were obtained from books, scholarly journals, and laws and regulations related to Islamic family law, mediation, and customary law. The data were analyzed qualitatively through data reduction, data presentation, and drawing conclusions by identifying and describing information related to the process of resolving *nusyuz* cases, the role of *hatobangon* as a customary mediator, and the effectiveness of mediation in resolving domestic conflicts (Bugin, 2021). Further analysis was conducted by relating the empirical findings to the concepts of *islah* and *hakam* in Islamic law to gain an understanding of the compatibility of customary mediation practices with the principles of conflict resolution in Islamic family law.

Results and Discussion

The Role of the *Hatobangon* in the Social Structure of Mandailing Society

The Mandailing people are an indigenous community that continues to uphold traditional values in various aspects of life, including the resolution of social issues and family conflicts (Harahap et al., 2023). Within this social structure, the *hatobangon* holds an important position as a traditional leader who possesses prestige and moral authority in providing advice, guidance, and assistance in resolving various issues that arise within the community (Fahmi & Fakhyadi, 2025). This role is not only related to the preservation of customs but also to efforts to maintain social order and harmonious inter-family relations. The *hatobangon's* role as a traditional mediator is also evident in previous research on

inheritance resolution in Mandailing Natal Regency, which shows that the *hatobangon* plays a role in mediating conflicts by integrating traditional and social considerations to maintain community harmony (Hsb et al., 2025; Rasyid et al., 2024).

This position derives its legitimacy primarily from the community's trust in the *hatobangon's* experience, traditional knowledge, and ability to understand social issues. In community life, the *hatobangon* is not merely viewed as a symbol or enforcer of tradition, but as a figure whose counsel can be sought when an issue cannot be resolved internally by the family (Harahap et al., 2023). Based on the research findings, when domestic disputes related to *nusyuz* arise, involving the *hatobangon* is one of the options for resolution before the parties pursue formal legal channels through the Religious Court (Nasution, 2026). This indicates that the *hatobangon* still serves a practical function in conflict resolution, rather than merely holding a symbolic position within the customary structure.

This position can also be understood from the perspective of sociology of law, particularly the concept of "living law." Law in society does not always operate through written rules and formal state institutions, but also through norms, values, and social mechanisms that evolve and gain acceptance from the community (Lestarini, 2023). In the context of Mandailing society, the conflict resolution mechanism known as *hatobangon* demonstrates that customary norms still function as guidelines for behavior and as a means of resolving disputes. Compliance with this mechanism is based on the force of formal sanctions, the community's awareness of customary values, a sense of justice, kinship ties, and the importance of preserving family honor (Harahap et al., 2023).

This function has become increasingly important because the *hatobangon* is not limited to customary matters in the narrow sense. In community life, the *hatobangon* is also involved in various issues related to marriage, inheritance, and dispute resolution. The authority of customary leaders may even be accompanied by the ability to impose customary consequences or sanctions that have social implications for both individuals and families. These circumstances mean that the decisions and advice of the *hatobangon* receive serious attention from the community because they relate to family honor, kinship ties, and a person's standing within their social circle (Aji et al., 2021).

This legitimacy has developed through the *hatobangon's* consistency in fulfilling their social functions. Factors such as their experience in resolving disputes, their knowledge of customary norms, and their ability to maintain balance in interfamily relationships have all served to strengthen the community's trust in them. Therefore, the advice given by the *hatobangon* in a conflict is not merely viewed as a personal opinion but carries social weight because it is conveyed by a figure considered to possess knowledge and moral authority within the community (Rangkuti et al., 2022).

In the context of resolving *nusyuz* cases, this role is significant because conflicts between husbands and wives are not fundamentally isolated but are intertwined with the relationships between two families and broader kinship networks. The involvement of the *hatobangon* enables conflict resolution through an approach that considers the interests of

both partners while preserving family ties (Pulungan, 2025). The role of the *hatobangon* in resolving *nusyuz* cases can be viewed not only as that of a mediator in the technical sense but also as a social actor with the legitimacy to encourage the parties to resume communication and deliberation.

These findings show that the role of the *hatobangon* in resolving family conflicts is part of a social mechanism that remains alive in Mandailing society. This is consistent with research findings on the role of the *hatobangon* in resolving customary disputes, which indicate that this figure holds a strategic position as the leader of customary deliberations and the guardian of the values that are alive in the community (Fahmi & Fakhyadi, 2025). Therefore, the *hatobangon's* involvement in *nusyuz* cases can be understood as a continuation of the customary institution's role in resolving conflicts through non-litigation means—specifically through deliberation, counsel, and a family-oriented approach.

Mechanism for Resolving Nusyuz Cases through Customary Mediation by the Hatobangon

Based on research conducted in the Sipolu-polu neighborhood, the resolution of *nusyuz* cases through customary mediation by the *hatobangon* prioritizes deliberation, a family-oriented approach, and efforts to preserve the integrity of the household. This mechanism is generally employed when a conflict between a husband and wife can no longer be resolved internally by the couple or their immediate family. In such situations, the *hatobangon* is involved as a trusted traditional figure to help bring the parties together and find a mutually acceptable resolution (T. Nasution, 2026).

The resolution process begins when one of the parties or a family member brings the issue to the *hatobangon*. The *hatobangon's* involvement at this stage indicates that customary mediation does not always arise spontaneously but is typically preceded by the family's own efforts to address domestic conflicts. When the issue is deemed increasingly difficult for the couple or family to resolve internally, the *hatobangon* is asked to help find a solution. The *hatobangon's* social standing and authority as a traditional leader form the basis for the parties to accept his involvement in the resolution process (Pulungan, 2025).

After receiving information about a conflict, the *hatobangon* gathers information from both parties. At this stage, the *hatobangon* seeks to understand the background of the dispute, the nature of the problem, and the positions of each party. Both parties are given the opportunity to present their perspectives on the issue. This stage is important because *hatobangon* does not immediately pass judgment or determine which party is at fault, but rather first seeks to understand the issue comprehensively. Based on research findings, this information-gathering process serves as the initial step before a deliberation is held to seek a resolution (S. Nasution, 2025).

After gaining an understanding of the issue at hand, the process continues with a discussion or mediation between the husband and wife. During this discussion, each party is given the opportunity to voice their complaints, objections, and perspectives regarding the conflict. The *hatobangon* plays a role in ensuring that communication proceeds in an orderly

manner and does not escalate into a new argument. Thus, the discussion is guided toward identifying the root of the problem and opening up the possibility of reaching an agreement.

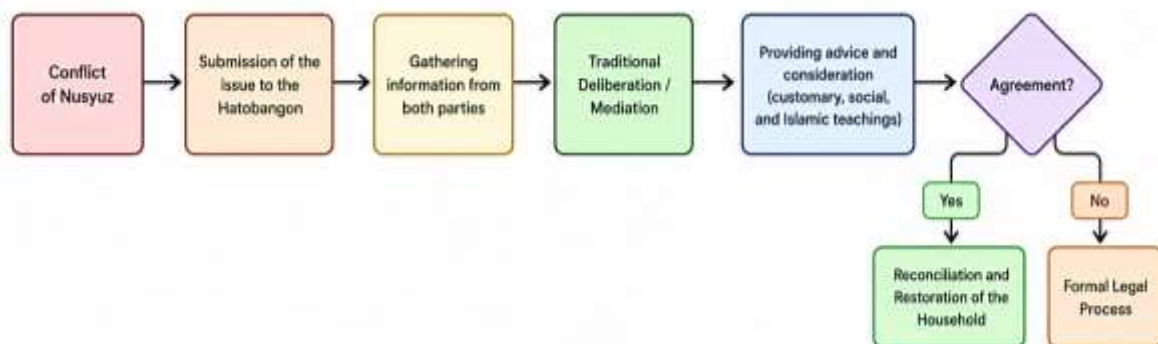
The approach used in this process is persuasive and family-oriented, in which the parties are not positioned as adversaries in a confrontational setting, but rather as husband and wife who still share a family bond and need guidance to find a solution together. This approach allows the parties to discuss their issues more openly while preserving their dignity and family ties. In the context of Mandailing society, this method is important because domestic issues are not only related to the relationship between husband and wife but can also impact relationships between families and the broader kinship network (S. Nasution, 2025).

The simultaneous use of customary and religious values demonstrates that the dispute resolution mechanism employed by the *hatobangon* has a distinctive character. Customary values provide a social framework for the deliberation process, while religious values provide a moral foundation for the advice given to the husband and wife. The combination of the two ensures that the resolution process aims not only to end the dispute but also to encourage the parties to repair their relationship and reconsider the future of their marriage.

If the mediation process results in a peace agreement, the parties are instructed to carry out the agreement and maintain their marital relationship. The agreement is a crucial part of the mediation process because the success of the resolution depends not only on the *hatobangon*'s advice but also on the husband and wife's willingness to accept and implement the outcome of the deliberations. Conversely, if no agreement is reached, the *hatobangon* does not impose a customary resolution on the parties. In such cases, the parties may proceed with a resolution through formal legal channels in accordance with applicable regulations (Pulungan, 2025). This demonstrates that customary mediation by the *hatobangon* is not a mechanism that supersedes the authority of the judicial system; rather, it serves as an initial resolution forum that provides couples with the opportunity to resolve their issues amicably before pursuing formal legal proceedings.

Based on the above description, the mechanism for resolving *nusyuz* cases through customary mediation by the *hatobangon* can be summarized in the following flowchart:

Figure 1. Mechanism for Resolving *Nusyuz* Cases through Customary Mediation by the *Hatobangon*



This illustration shows that the traditional mediation mechanism proceeds in stages, beginning with the submission of the issue to the *hatobangon*, followed by information gathering, deliberation, the provision of advice, and finally the determination of a resolution. If the parties reach an agreement, the process is directed toward reconciliation and the restoration of family relationships. Conversely, if reconciliation is not achieved, the parties still have the option to pursue resolution through formal legal channels (S. Nasution, 2025; Pulungan, 2025). This mechanism exhibits three key characteristics: deliberation, a family-oriented approach, and a focus on reconciliation. All three indicate that the resolution of *nusyuz* cases through *hatobangon* is aimed at ending the conflict while preserving the marital and family relationships.

The Effectiveness of Customary Mediation in Resolving *Nusyuz* Cases

The effectiveness of a dispute resolution mechanism can essentially be measured by the extent to which that mechanism is able to achieve its established objectives. Mowday, Steers, and Porter (as cited by Deng et al., 2023) explain that effectiveness relates to the degree to which the expected objectives of a given activity or mechanism are achieved. In this study, the effectiveness of traditional mediation by the *hatobangon* is assessed not only by whether an agreement is reached between husband and wife but also by its ability to defuse conflict, encourage the parties to preserve their marriage, and restore family relationships following a dispute.

Based on the results of field research in the Sipolu-polu Village, seven cases of *nusyuz* were found to have been resolved through customary mediation by the *hatobangon*. Of these, six cases were successfully resolved through reconciliation, while one case failed because one party insisted on separating (T. Nasution, 2026). Thus, the success rate of mediation reached 85%. These findings indicate that traditional mediation by the *hatobangon* has a relatively high success rate in resolving domestic conflicts related to *nusyuz*.

This success is primarily evident in mediation's ability to encourage the parties to end the conflict and maintain the stability of their household. In cases successfully resolved through mediation, the process does not end with the provision of advice but results in the parties' willingness to repair their relationship and resume their family life (Pulungan, 2025). This indicates that the measure of mediation's success in the context of the Sipolu-polu community does not lie solely in reaching an agreement, but also in the change in the parties' attitudes following the deliberation process.

This high success rate is inextricably linked to the social legitimacy of the *hatobangon*. As a traditional leader who holds a position of authority and prestige within the community, the *hatobangon* possesses moral influence that makes his advice and considerations more readily accepted by all parties. This status is crucial in domestic conflicts because resolution requires not only the ability to bring the disputing parties together but also trust in the mediator. In the context of Mandailing society, respect for

traditional leaders and the value of kinship provide social support for the continuity of the mediation process (Rangkuti et al., 2022).

In addition to social legitimacy, the family-oriented approach is a factor that helps explain the high success rate of mediation. The resolution process is conducted through deliberation and does not position either the husband or the wife as a party that must be defeated. The parties are given the space to voice their concerns and receive advice while taking family interests into account (Tijow et al., 2021). This approach allows for a more flexible resolution of conflicts compared to formal processes, while also providing the parties with an opportunity to reconsider their decision regarding the continuation of the marriage (Mujab & Rahma, 2022). Thus, the success of mediation is influenced not only by the figure of the *hatobangon* but also by the nature of the resolution mechanism, which prioritizes consensus and familial relationships.

These findings can be further analyzed through Soerjono Soekanto's theory of legal effectiveness. According to Soekanto (2019), the success of the law is influenced by five factors: legal factors, law enforcement officials, resources or facilities, society, and culture. When this theory is applied to the practice of customary mediation in the Sipolu-polu neighborhood, the community and cultural factors appear to have the strongest influence. Mediation is able to proceed because the community still places trust in and respects the *hatobangon*, while the values of deliberation and kinship remain integral to the culture of conflict resolution.

Enforcement agents or implementers of the mechanism, in this context, the *hatobangon*, also play a crucial role. Although the *hatobangon* are not law enforcement officials in the formal sense, their role as mediators is legitimized by the community. The ability to listen to both sides, offer advice, maintain a constructive atmosphere for deliberation, and guide the parties toward reconciliation are key factors determining the success of the process (Rangkuti et al., 2022). However, an 85% success rate does not mean that customary mediation is always effective in every case of *nusyuz*. A single unsuccessful case demonstrates the limits of this effectiveness, which heavily depend on the parties' willingness to reconcile. When one party remains determined to separate and is unwilling to accept the outcome of the deliberation, the *hatobangon's* authority and counsel are not always sufficient to bring about reconciliation (Mujab & Rahma, 2022).

These findings are important because they show that the effectiveness of traditional mediation cannot be measured solely in quantitative terms through success rates. The 85% figure provides an empirical picture of the success rate, but behind that number lie social and cultural factors that explain why mediation works. Trust in *hatobangon*, a focus on preserving the household, the value of deliberation, and a family-oriented approach serve as social capital that strengthens the resolution process. Conversely, if one party's unwillingness to reconcile indicates that this effectiveness has its limits when the willingness to deliberate is no longer present (Nurdin et al., 2023; Rangkuti et al., 2022).

Thus, traditional mediation by the *hatobangon* in the Sipolu-polu neighborhood can be considered effective within the social context of the local community, particularly because it is able to resolve most cases of *nusyuz* through reconciliation and preserve the continuity of the household. This effectiveness is primarily supported by the social legitimacy of the *hatobangon*, the culture of deliberation, and a family-oriented approach. However, its effectiveness remains conditional because it is highly dependent on the willingness of the parties to reconcile. This finding also indicates that the success of customary mediation is not only the result of the resolution procedure but also of the interaction between customary norms, social legitimacy, community culture, and the willingness of the parties.

An Islamic Legal Analysis of Traditional Mediation by *Hatobangon*

The resolution of domestic conflicts from an Islamic legal perspective is fundamentally aimed at fostering peace and improving the relationship between husband and wife. Conflicts within the household are not merely viewed as issues between two individuals but can also impact the continuity of the family and kinship ties (Zulfahmi, 2024). Efforts to reconcile couples before a conflict escalates into divorce hold a significant position in Islamic law (Novita et al., 2025). This principle is reflected, among other places, in the Qur'an, specifically in Surah An-Nisa, verse 35, which provides a mechanism for resolving disputes between husbands and wives. As the verse states: "*And if you fear a rift between the two, then appoint a mediator from the husband's family and a mediator from the wife's family. If both mediators intend to bring about reconciliation, then Allah will grant success to the husband and wife.*" (QS. An-Nisa [4]: 35).

Essentially, this verse directs that when a domestic dispute arises, a third party from each family should be involved to help resolve the conflict (Wirryaningsih et al., 2026). This mechanism indicates that conflict resolution is not left solely to the disputing couple but may involve other parties who share a close relationship, trust, and the ability to help achieve peace. The primary focus is on *islah* (reconciliation), that is, efforts to repair relationships and end disputes peacefully (Novita et al., 2025; Putra & Rahayu, 2024).

In studies of Surah An-Nisa verse 35, the concept of "*hakam*" is understood as a conflict resolution mechanism involving a third party aimed at helping the couple resolve their dispute. This process positions communication, deliberation, and reconciliation as crucial elements in resolving domestic conflicts (Wirryaningsih et al., 2026). Thus, the existence of the *hakam* demonstrates that Islamic law provides space for non-litigious mechanisms in resolving family disputes before the matter is directed toward divorce.

When this principle is compared with the practice of customary mediation in the Sipolu-polu neighborhood, there is a correspondence in terms of orientation and function, although the *hatobangon* cannot be equated exactly with the *hakam*. *Hakam* is a concept specifically recognized in the mechanism for resolving domestic disputes under Islamic law, whereas *hatobangon* is a traditional figure who derives legitimacy from the social structure

of Mandailing society (Nurdin et al., 2023; Rangkuti et al., 2022). However, both share a common function as third parties who assist the parties in resolving conflicts through deliberation and steer the resolution toward peace.

This similarity is evident in the mechanisms identified in the study. The *hatobangon* does not take the position of a party who dissolves the marriage or unilaterally determines who is right and who is wrong. Instead, the *hatobangon* brings the parties together, listens to their concerns, offers advice, and encourages the husband and wife to reach an agreement. This approach aligns with the spirit of *islah*, which prioritizes peace and the restoration of relationships as the goals of family conflict resolution (Novita et al., 2025; Putra & Rahayu, 2024).

Thus, the practice of customary mediation by the *hatobangon* can be understood as a form of accommodating Islamic legal values within the social mechanisms of the local community, rather than as a replacement of the concept of *hakam* with that of *hatobangon*. The values evident in this practice include efforts to reconcile disputing parties, provide counsel, encourage deliberation, and preserve the integrity of the household. This aligns with the study by Nurdin et al. (2023) which positions the *hakam* mechanism in the resolution of marital conflicts as part of a mediation approach that prioritizes peace.

In addition to the principle of *islah*, this practice can also be analyzed through the perspective of *maqasid al-shariah*, particularly the objective of preserving the lineage (*hifz al-nasl*). From this perspective, marriage is not merely a relationship between husband and wife but also serves as the foundation for the continuity of the lineage and the establishment of family life (Mustamam et al., 2025). Therefore, efforts to preserve a marriage that can still be salvaged can be viewed as part of the effort to realize *maslahah* and prevent *mafsadah* that may arise from prolonged conflict or divorce (Syafei & Djazimah, 2021).

However, applying the *maqasid al-shariah* perspective does not mean that preserving the marriage must be prioritized under all circumstances. The focus on maintaining the integrity of the household must remain within the framework of the greater good. If reconciliation cannot be achieved or if the continuation of the marriage would actually cause greater harm, then the parties still have the right to pursue the available legal mechanisms (Apriyanti & Hasanah, 2025; Mujab & Rahma, 2022). Thus, the goal of *islah* is not merely to preserve the marital status but to achieve the most beneficial resolution for the parties and the family.

This principle demonstrates that the mediation practice conducted by *hatobangon* is relevant to the objectives of Islamic law, as the process is aimed at reducing conflict, repairing relationships, and preventing social harm resulting from domestic disputes. The consultative approach used by *hatobangon* also demonstrates that customary values can coexist with the principles of Islamic law as long as these mechanisms do not conflict with sharia norms and remain oriented toward the public interest (Rangkuti et al., 2022).

Thus, traditional mediation by the *hatobangon* in the Sipolu-polu neighborhood can be considered consistent with the principles of *islah* and the *hakam* mechanism in terms of

conflict resolution through a third party, deliberation, and a focus on peace. However, the *hatobangon* is not identical to the *hakam*, as both originate from different institutional contexts (Nurdin et al., 2023). This alignment lies in the values and functions carried out in conflict resolution, not in their institutional identities. This practice is also in line with the orientation of *maqasid al-shariah*, particularly in efforts to preserve lineage and promote the welfare of the family (Mustamam et al., 2025). Thus, customary mediation by *hatobangon* can be understood as a local practice that is compatible with the principles of Islamic law, provided that its implementation remains oriented toward reconciliation, the public interest, and does not conflict with the provisions of sharia.

Factors Supporting and Hindering Traditional Mediation by *Hatobangon*

The effectiveness of traditional mediation in resolving *nusyuz* cases is determined not only by the deliberation mechanisms used but also by the social conditions that support or constrain the process (Alimuddin et al., 2025; Apriyanti & Hasanah, 2025). Research findings indicate that the success of mediation by *hatobangon* is primarily influenced by the social legitimacy of traditional leaders, the willingness of the parties to preserve the marriage, and the family-oriented approach employed during the mediation process. Conversely, however, this effectiveness faces limitations when one party no longer wishes to reconcile, there is outside interference, shifts in community values due to modernization occur, or the mediator's ability to handle the conflict is inadequate.

The first factor that reinforces the success of mediation is the community's high regard for the *hatobangon*. Within the social structure of Mandailing society, the *hatobangon* holds a position as a figure who has earned trust through experience, knowledge of customary law, and involvement in maintaining social order. This status lends social legitimacy to the advice and guidance provided during the mediation process (Rangkuti et al., 2022). Acceptance of the *hatobangon* is not based solely on formal authority but primarily on the community's trust in their competence and integrity.

The second factor is the parties' desire to preserve their marriage. Mediation fundamentally requires the willingness of both husband and wife to open a space for dialogue and to consider the proposed resolutions. When both parties remain committed to preserving the marriage, the advice and deliberative process facilitated by the *hatobangon* have a greater chance of leading to an agreement (Rangkuti et al., 2022). Conversely, if one party has already decided to end the marriage, the room for compromise becomes increasingly limited (Syafei & Djazimah, 2021). Therefore, the success of mediation depends not only on the mediator's ability but also on the parties' willingness to resolve the conflict peacefully.

The next factor is the family-oriented approach used in the mediation process. *Hatobangon* does not resolve conflicts through rigid procedures but rather through persuasive communication, dialogue, and consideration of the parties' social and religious circumstances (Rangkuti et al., 2022). This approach allows husbands and wives to discuss their issues more openly because the resolution process takes place in an atmosphere that

prioritizes respect and deliberation. From a mediation perspective, a consensus-based approach provides space for the parties to participate in finding a resolution, so that the outcome is not solely the result of the mediator's decision (Novita et al., 2025).

These three factors are interrelated. The legitimacy of *hatobangon* provides a foundation of trust and the willingness of the parties to create space for reconciliation, while the family-oriented approach serves as the method that enables that reconciliation to be realized (Rangkuti et al., 2022). The combination of these three factors helps explain why six of the seven cases identified in the study were resolved through reconciliation. Thus, the success of mediation cannot be explained solely by the existence of customary institutions but is the result of the interaction between the mediator's authority, the willingness of the parties, and the nature of the resolution method employed.

Nevertheless, traditional mediation has its limitations. The intransigence of one party, which is unwilling to reconcile, is one of the main obstacles. Mediation is a dialogical process and cannot force peace upon a party that refuses it. If one party continues to insist on separating or refuses to accept the outcome of the deliberations, the *hatobangon* has limited scope to influence that decision. This finding aligns with a case in the study that could not be resolved because one party persistently insisted on separating. This situation demonstrates that the effectiveness of mediation ultimately depends on the parties' willingness to participate in the peace process (Ismayawati et al., 2024).

Another obstacle is interference from outside parties. In domestic conflicts, the involvement of friends, relatives, or other parties not directly involved in the mediation process can sometimes strengthen one party's position and complicate efforts to reach an agreement. Rather than helping to defuse the conflict, pressure or opinions from outsiders can cause the parties to become even more entrenched in their positions. This situation can reduce the room for compromise necessary in the mediation process (Ismayawati et al., 2024; Turatmiyah et al., 2022).

In addition to internal factors, modernization and shifts in public attitudes also pose challenges to the sustainability of customary mediation. Social changes have led some members of the public to become increasingly familiar with and consider dispute resolution mechanisms through formal legal institutions (Junus et al., 2024). Formal channels may be seen as offering greater legal certainty, particularly for couples who no longer wish to maintain their marriage. This shift in orientation may gradually reduce the community's reliance on traditional dispute resolution mechanisms (Sebyar et al., 2025). However, this situation does not necessarily mean that traditional mediation has lost its relevance. On the contrary, research findings indicate that as long as the community continues to place trust in the *hatobangon* and upholds the values of deliberation and kinship, this mechanism still has a role to play as an alternative for resolving family conflicts.

Another factor to consider is the *hatobangon*'s personal ability to mediate. Not every traditional leader possesses the same communication, negotiation, and conflict management skills. The effectiveness of mediation can be influenced by the mediator's ability to

understand the issue, maintain a balance between the parties' interests, manage tension during deliberations, and provide appropriate advice (Junus et al., 2024; Sebyar et al., 2025). The mere presence of a *hatobangon* does not guarantee the success of mediation; the individual's personal qualities and capacity to perform mediation functions are also decisive factors.

Viewed as a whole, these supporting and hindering factors indicate that traditional mediation by a *hatobangon* operates primarily through social legitimacy and persuasive mechanisms, rather than through coercive power. This characteristic serves as both its strength and its limitation. On the one hand, the persuasive approach makes the resolution more socially acceptable and allows familial relationships to be maintained. On the other hand, when the parties no longer have the will to reconcile, the mediator lacks coercive instruments to enforce an agreement (Ismayawati et al., 2024; Mujab & Rahma, 2022).

The sustainability of traditional mediation by the *hatobangon* requires two things to occur simultaneously: maintaining the social legitimacy of traditional institutions and enhancing mediators' capacity to handle family conflicts (Rangkuti et al., 2022). Modernization should not be viewed as a threat that eliminates the role of customary institutions, but rather as a condition that demands the ability of these institutions to adapt their practices to the needs of the community without abandoning the values of deliberation, kinship, and peace (Syafei et al., 2023). From this perspective, customary mediation can continue to function as an initial dispute resolution mechanism that complements, rather than replaces, formal legal mechanisms.

Conclusion

This study shows that the resolution of *nusyuz* cases through customary mediation by the *hatobangon* in the Sipolu-polu Village is carried out through the presentation of the issue, gathering information from both parties, deliberation, the provision of advice based on customary values and Islamic teachings, and the reaching of a peace agreement. Of the seven cases studied, six were successfully resolved through reconciliation, indicating an 85% success rate. This success is supported by the social legitimacy of the *hatobangon*, a family-oriented approach, and the parties' desire to preserve their marriage. However, its effectiveness remains conditional, as it is influenced by the parties' willingness to reconcile, outside interference, social changes resulting from modernization, and the *hatobangon*'s capacity to conduct mediation.

Customary mediation by the *hatobangon*, from an Islamic legal perspective, aligns with the principle of *islah* and the *hakam* mechanism in terms of third-party involvement, deliberation, and a peace-oriented approach, as reflected in Qur'an Surah An-Nisa' verse 35, although the *hatobangon* is not institutionally identical to a *hakam*. This practice is also in line with the objectives of *maqasid al-shariah*, particularly in preserving lineage (*hifz al-nasl*) and promoting the welfare of the family. Thus, customary mediation by the *hatobangon* can be viewed as a mechanism for resolving family conflicts that is compatible with the

principles of Islamic law as long as it is oriented toward peace and the common good and does not contradict the provisions of sharia.

Statement of the Use of Artificial Intelligence

The authors used DeepL Translator, an Artificial Intelligence (AI)-assisted language tool, solely for translation and language editing purposes, including improving grammar, clarity, coherence, and academic style. DeepL Translator was not used for research design, substantive analysis, theoretical development, or the formulation of conclusions. All AI-assisted outputs were carefully reviewed, verified, and revised by the authors. The authors retain full responsibility for the accuracy, originality, integrity, and final content of the manuscript.

Author Contribution Statement

Yurizka Syahdani Nst contributed to the conceptualization of the study, development of the research methodology, data collection, data analysis, interpretation of the results, and writing of the original manuscript. Sumper Mulia Harahap contributed to the literature review, data validation, interpretation of the results, and critical revision of the manuscript. Putra Halomoan Hsb contributed to data validation, review of the manuscript, and refinement of the discussion. All authors contributed to the revision of the manuscript, approved the final version, and agreed to be accountable for all aspects of the work.

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Conflict of Interest

The authors declare that they have no conflicts of interest related to the research, authorship, or publication of this manuscript.

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