

Harmonization of Customary Law and Islamic Law in the Management of Forbidden Lakes in Village Communities

Zulfahmi*

Sekolah Tinggi Agama Islam Negeri Mandailing Natal, Indonesia

Email : zulfahmi1901@gmail.com

ABSTRACT

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This study examines the harmonization between customary law and Islamic law in managing the Lubuk Larangan tradition. The main focus of the study is to analyze the application of customary sanctions against violations of the Lubuk Larangan rules from the perspective of Islamic criminal law, to spread the harmony of this tradition with the values of maqashid al-syariah, and to explore its contribution to creating harmony between customary norms and Islamic law. This study uses a qualitative approach with a case study design involving seven villages, namely Tambangan Tonga, Tambangan Jae, Rao-Rao Lombang, Rao-Rao Dolok, Tambangan Pasoman, Laru Lombang, and Lumban Pasir. Data were obtained through interviews with customary leaders (hatobangon), religious leaders, and village officials, as well as participatory observation of the implementation of the tradition. The study results indicate that the lubuk larangan tradition functions as a local mechanism in sustainable natural resource management and reflects the application of the principle of hifz al-bi'ah in maqashid al-syariah. Customary sanctions in the form of varying fines have been proven to align with the ta'zir principle in Islamic criminal law, which emphasizes the deterrent effect and restorative justice. This lubuk larangan tradition contributes to maintaining social harmony through combining local wisdom and Islamic values. It is an effective means of preserving the environment while strengthening the cultural identity of the local community.

* Zulfahmi

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INTRODUCTION

Local traditions in Indonesia play an important role in natural resource management and environmental preservation, one of which is through forbidden pools. Forbidden pools are customary rules that regulate the use of water resources by prohibiting people from fishing in certain parts of the river during certain periods. This provision not only maintains the sustainability of the

ecosystem but also reflects the synergy between customary, cultural, and religious values in maintaining the balance of the ecosystem and preserving nature for sustainable use (Blankinship et al., 2024; Mo et al., 2023; Pukall & Mayer-Gampe, 2024). In Tambangan District, Mandailing Natal Regency, North Sumatra, this tradition is still practiced in villages crossed by rivers, such as Tambangan Tonga, Tambangan Jae, Rao-Rao Lombang, Rao-Rao Dolok, Tambangan Pasoman, Laru Lombang, and Lumban Pasir. Restrictions through forbidden pools are implemented through customary decisions involving all elements of the customary community, including customary leaders, religious leaders, and local village officials. Violations of the forbidden pool rules will be subject to customary criminal sanctions in the form of fines, with varying amounts, and determined in customary courts as an effort to enforce collective community norms (Barak-Corren & Perry-Hazan, 2021; Ioannou & Dukes, 2021; Mawutor & Hajjar, 2022).

Various previous studies have shown that local wisdom, such as this forbidden pool, plays an important role in supporting environmental conservation and sustainable development. Apart of previous studies stated that the local tradition of forbidden pools can protect nature from environmental damage by regulating community access (Chanza & Musakwa, 2021; Garekae & Shackleton, 2021; Shein & Sukinarhimi, 2022). Not only that, their findings also revealed that regulating forbidden pools also has the potential to improve the community's economy, in addition to maintaining the river ecosystem. Similar research by Liu et al. (2024) revealed that the forbidden pool is a concept for the community to understand and implement management to maintain environmental utilization patterns with local culture-based tourism spaces. A stud state that the forbidden pool is a form of prevention against the destruction of mubah. So, according to the perspective of fiqh, the public interest must be prioritized over personal interests.

On the other hand, Yunus' research Alm et al. (2022) noted that implementing customary sanctions contributes to enforcing social norms, thereby reducing the level of violations in the community. From an Islamic law perspective, the research of Azmin Shompa (2024) emphasizes that the principle of al-bi'ah in maqashid al-syariah provides a strong Islamic theological foundation to support local wisdom traditions in environmental conservation efforts such as rivers. In line with this research, shows that integrating Islamic values with customary values that live in a society (local wisdom), especially in the context of al-bah, can create more comprehensive and holistic management of natural resources.

Although there are many relevant studies, there is still a gap in

understanding how local traditions such as Lubuk Larangan can be integrated harmoniously with the principles of Islamic criminal law. Most previous studies have focused on ecological or social aspects alone, without specifically examining how customary sanctions in this tradition are in line with the basic values of the objectives of Islamic law (*maqashid al-syariah*), especially in the context of *al-bi'ah*. In addition, no study has comprehensively analyzed the role of Lubuk Larangan in various villages in one sub-district, such as Tambangan, which has social dynamics and the majority of its population is Muslim.

This study aims to fill the gap by analyzing the role of the Lubuk Larangan tradition in the Tambangan District through the approach of Islamic criminal law and *maqashid al-syariah*. This study aims to analyze the implementation of customary sanctions against violators of the Lubuk Larangan rules from the perspective of Islamic criminal law. Then, it will also explore the harmony of this tradition with the values of *maqashid al-syariah*, especially the principle of *al-bah*, and understand the contribution of local traditions in creating harmony between customary norms and Islamic law, especially those living in Tambangan District, Mandailing Natal.

The importance of this research lies in its contribution to the development of Islamic criminal law studies and in its ability to offer solutions based on customary traditions in efforts to manage natural resources sustainably for future generations. The findings of this study are expected to be a model for other regions that wish to adopt similar traditions as part of environmental conservation policies, especially rivers. In addition, this research is expected to provide new insights into how Islamic law can be implemented in specific socio-cultural contexts, thus enriching the treasury of Islamic law and other interdisciplinary studies.

METHOD

This study uses a qualitative approach with a case study design to explore the tradition of *lubuk larangan* in Tambangan District, Mandailing Natal, from the perspective of Islamic criminal law and *maqashid al-syariah* (Cole, 2024; Maxwell, 2021; Prins et al., 2022). The research locations include seven villages, namely Tambangan Tonga, Tambangan Jae, Rao-Rao Lombang, Rao-Rao Dolok, Tambangan Pasoman, Laru Lombang, and Lumban Pasir, which were chosen because this tradition is still actively practiced. Data collection techniques involved in-depth interviews with traditional figures (*hatobangon*), religious leaders, and village officials, as well as participatory observation of the implementation of the Lubuk Larangan, especially at the moment of opening the Lubuk Larangan after Eid al-Fitr. In addition, decisions of customary councils and supporting literature on Islamic law and *maqashid al-syariah* are important to the secondary data analyzed. Data validity is guaranteed through triangulation of sources, methods, and theories, which combines interviews, observations, and document analysis (Santos et al., 2020).

The data was analyzed through three main stages, namely data reduction,

data presentation in the form of tables and descriptive narratives, and drawing inductive conclusions to find patterns of conformity between the lubuk larangan tradition and maqashid al-syariah and Islamic criminal law (Aurini et al., 2021; Hasanah et al., 2022; Priya, 2021). The conceptual framework of this study integrates customary law with the principle of environmental conservation in maqashid al-syariah (hifz al-bi'ah). With inductive analysis supported by data validity, this study is expected to provide a deep understanding of local wisdom values that align with Islamic law.

RESULT AND DISCUSSION

Result

Analysis of the Impact of the Lubuk Larangan Tradition on Aquatic Ecosystems

The tradition of lubuk larangan implemented in several villages in Tambangan District, Mandailing Natal, is a social and legal step in managing natural resources and shows deep concern for environmental preservation, especially aquatic ecosystems. The community that implements this tradition understands very well the importance of maintaining the balance of nature, which is reflected in the policy of limiting the time and location of fishing. *Forbidden Pool* gives the aquatic ecosystem space to recover and thrive. This process ensures no fishing in certain locations for a certain period, allowing the fish population to reproduce safely. These restrictions are regulated in detail, only for one day after Eid al-Fitr, and thus create a rotation pattern that gives enough time for fish stocks to increase. The community collectively preserves the environment and respects the existence of nature as part of an effort to maintain common welfare.

The increase in fish numbers, especially in species that are the main target of fisheries, was visible after the opening of Lubuk Larangan. Carp species showed very rapid growth, indicating the success of the tradition in restoring fish populations. The community around the village fully supports this restriction policy, which is important to maintain the balance of the aquatic ecosystem. Fishing restrictions allow fish to grow and increase their population without disturbance. Figure 1 shows the diversity of fish maintained in the restricted river ecosystem. In contrast, Figure 2 illustrates the active participation of the community in the opening of Lubuk Larangan, indicating a shared concern for the sustainability of natural resources.



Figure 1. Lubuk Larangan River Ecosystem



Figure 2. Lubuk Larangan Opening Tradition

The results of this study indicate that the Lubuk Larangan tradition plays an important role in increasing the population of local fish such as carp, snakehead fish, and semah fish. The restrictions on fishing time and location implemented by the community have proven effective in providing space for fish to breed safely, without interference from fishing activities. With these restrictions, the community has not only succeeded in maintaining the balance of the aquatic ecosystem, but has also helped increase collective awareness of the importance of nature conservation. In addition to providing ecological benefits, this tradition strengthens a sense of togetherness and shared responsibility in preserving the environment. Joint efforts in carrying out the Lubuk Larangan tradition make the community active in the conservation of natural resources and ensure the sustainability of the aquatic ecosystem for future generations.

***Maqasid al-Shariah* in the Lubuk Larangan Tradition**

The principle of *hifz al-bi'ah*, or environmental preservation, is one of the important principles in *maqashid al-syariah* or the main objectives of Islamic law (Islamy & Harahap, 2021; Paryadi, 2021). In this context, the tradition of forbidden pools can be seen as a real implementation of this principle, where the community maintains the sustainability of the aquatic ecosystem so that it can be used sustainably by future generations (As'ad et al., 2024; Hertati et al., 2024; Wulandari et al., 2023). This is very relevant to the main objective of *maqashid al-syariah*, namely to maintain the welfare of the people, including in environmental aspects.

According to the *maqashid al-Syariah* view, all activities that hurt the environment must be avoided because they can threaten the welfare of humanity, both directly and indirectly (Paryadi, 2021; Waid & Lestari, 2020). Forbidden pools regulate when and where fish can be caught and how natural resources are managed to remain sustainable. This concept aligns with Islamic teachings that teach its followers to protect and preserve nature as part of their responsibility towards Allah SWT's creation (Hidayat et al., 2024).

By reducing over-exploitation of the environment, especially river fish management, this tradition supports the principle of *tawazun* or balance, which means not taking more than is needed and ensuring that natural resources are used fairly without destroying future potential (Tajuddin & Awwaliyyah, 2021). In *maqashid al-syariah*, the sustainability of human life and other creatures is highly protected, and the tradition of forbidden places is a manifestation of this understanding, which is integrated into the life of society (Nisa' et al., 2024).

Customary Sanctions Enforcement Mechanism and Community Participation

The customary court is a key institution in enforcing the rules of the *lubuk larangan*, reflecting the continuity of tradition as a legal system living in the Tambangan District community. This court is held when a violation occurs, involving several important elements: customary leaders (*hatobangon*), religious leaders, village heads, violators, and the community. The main function of the customary court is to maintain community harmony through conflict resolution based on customary and religious values.

The customary court process reflects local wisdom in collective decision-making. Although the *hatobangon* leads the court, decisions are made through consensus, which focuses on restorative justice. Religious leaders are important in providing theological views, especially in affirming the prohibition of exploiting nature as a moral responsibility. In some cases, the village head acts as a mediator if there are significant differences of opinion between the parties involved. The customary court demonstrates how local communities combine customary systems with principles of justice rooted in Islamic values. This process also serves as a reminder of the importance of preserving aquatic ecosystems for the sustainability of future generations. The customary sanction enforcement mechanism follows a systematic process to ensure fairness and transparency. The following are the stages.

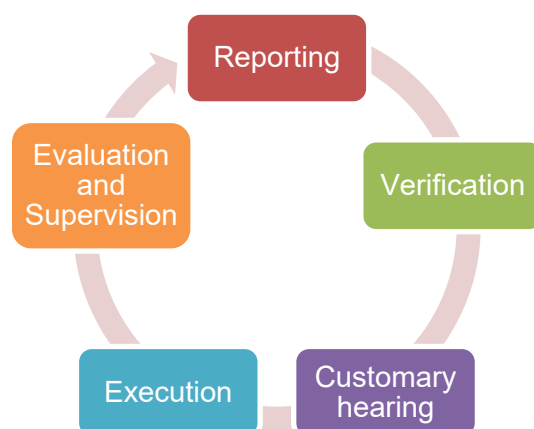


Figure 3. Customary Trial Process in Tambangan District

Figure 3 above illustrates the systematic flow of customary sanctions enforcement in the *lubuk larangan* tradition that applies in Tambangan District, Mandailing Natal, starting with reporting violations by the community to the village head or directly to the *hatobangon*, an authorized customary figure. This reporting reflects the active participation of the community in preserving natural resources and the awareness that violations of *lubuk larangan* are a shared responsibility, as well as demonstrating transparency in the management of natural resources based on custom.

After the report is received, the next stage is verification by customary figures and the village head to ensure the truth of the report and collect evidence and witnesses related to the violation. At this stage, customary figures play an important role in maintaining the authenticity of customs and preventing abuse of power in determining violations, with careful verification being a strong basis for proceeding to the customary trial stage (INT: Lubis_ 2024/Lubis_2024/ S. Lubis_2024/ Matondang_2024/_2024/Nasution, 2024). Violation data shows a consistent pattern from year to year, with the dominant type of violation being fishing in prohibited pool areas, either with traditional tools such as nets, fishing rods, and traps or using electric tools and others that impact destroying the habitat in the river. Fishing is carried out outside the permitted time. Sanctions vary depending on the violation level and the community agreement's value.

Table 1. Data on Cases of Violations of the Forbidden Pool in Tambangan District

Year	Number of Cases	Types of Violations	Types of Sanctions	Compliance Rate (%)
2021	5	Use of destructive fishing gear	A fine of Rp. 500,000-Rp. 1,000,000	85
	15	Fishing before opening time	A fine of Rp. 300,000	90
2022	10	Location ban violation	Fines from the catch are confiscated	95
2023	15	Use of electric tools	Cash fines and customary warnings	92
	12	Arrest at night	A fine of Rp. 200,000	93

Source: Author, Processed Data (2024)

Community participation is an equally important element that ensures the success of the sustainability system of the forbidden pool. The community not only plays a role as an informal supervisor but also as a reporter and witness in the process of enforcing this customary sanction. This high level of community participation can be an important indicator of the success of customary traditions in managing natural resources, in this context, the forbidden pool. The results of the author's survey show that 95% of respondents feel they have a responsibility to report violations.

They also consider customary rules part of a cultural identity that must be maintained. Religious leaders have a significant role in strengthening the legitimacy of customary rules, especially through da'wah, which emphasizes the importance of protecting ecosystems as Allah SWT mandates.

Discussion

The primary aim of this study was to explore the impact of the *Lubuk Larangan* tradition on the aquatic ecosystems in the Tambangan District, Mandailing Natal. This tradition, which involves the temporary restriction of fishing activities in designated areas, is a critical example of local knowledge-based environmental management. Given the increasing concerns about overfishing and ecosystem degradation, the research was conducted to evaluate how such traditional practices contribute to ecological sustainability and community welfare. The significance of this study lies in its potential to demonstrate the effectiveness of traditional, non-technological resource management practices in the context of contemporary environmental challenges.

The results of this study confirm that the *Lubuk Larangan* tradition plays a crucial role in increasing the population of local fish species, such as carp, snakehead fish, and semah fish. The restriction of fishing during specific periods allows the aquatic ecosystem to recover, providing fish populations with a safe environment for reproduction. This outcome supports the hypothesis that well-regulated, community-based management can enhance the resilience of aquatic ecosystems. A particularly noteworthy finding is the rapid growth of fish populations in restricted areas, which was visibly evident after the opening of the *Lubuk Larangan*. This aligns with the findings of Hariram et al. (2023), who emphasized the importance of environmental preservation in maintaining ecological balance through collective community efforts.

However, some weaknesses were noted in the study, particularly in the variation of compliance levels across different villages. While the majority of communities showed strong adherence to the tradition, there were occasional violations related to the use of destructive fishing methods, such as electric tools. These violations, although relatively few, undermine the overall effectiveness of the *Lubuk Larangan* and suggest the need for stricter enforcement mechanisms.

The study anticipated a clear and consistent increase in fish populations across all villages implementing the *Lubuk Larangan*. However, some discrepancies were observed in the data, particularly in villages with lower levels of community engagement. The reasons for these discrepancies may lie in differences in how each community interprets and implements the tradition. This outcome highlights the importance of community involvement and education in ensuring the long-term success of traditional environmental management

practices. Future research could further investigate how varying levels of community participation impact the sustainability of such traditions.

The findings of this study are consistent with previous research on community-based resource management, such as the work by Jessen et al. (2022), demonstrated that local knowledge and cultural practices play a significant role in environmental conservation. Similarly, the study aligns with Al-Jayyousi et al. (2022), explored the role of balance and sustainability in Islamic ecological practices. In contrast, the study differs from other research that suggests modern scientific management practices are superior to traditional methods in achieving sustainable fisheries management (Gebremedhin et al., 2021; Giron-Nava et al., 2021; Saleh et al., 2022). This study supports the argument that traditional practices, when properly implemented and adapted to local contexts, can be equally effective in preserving natural resources.

The original contribution of this article lies in a deeper understanding of how the Lubuk Larangan tradition can be a sustainable natural resource management model, combining local wisdom with modern ecological principles. This study reveals that this tradition aims to protect the aquatic ecosystem through the timing and location of fishing, not only maintaining ecological balance but also supporting the social and economic welfare of the community. Theoretically, this article enriches the literature on the integration of traditional knowledge and the principles of Maqasid al-Shariah, especially in terms of *hifz al-bi'ah* (environmental preservation), by showing that community-based policies can have a positive impact on nature conservation. By linking empirical findings with psychological concepts in ecology and Islamic law, this study offers a new perspective on how tradition-based nature management can contribute to environmental extinction in the modern era.

CONCLUSION

The tradition of *lubuk larangan* in Tambangan District plays an important role in maintaining the balance between the community's economic needs and the environment's desires. By dividing the flow of the regional river into forbidden and free areas, this tradition creates a natural resource management system based on wise local knowledge. *Lubuk larangan* not only aims to protect the river ecosystem from excessive exploitation but also implements the principle of *hifz al-bi'ah* in *maqashid al-syariah*. This customary approach supports the aquatic ecosystem, increases sustainable fish catches, and strengthens harmony between humans and the environment. This tradition proves that local wisdom can effectively solve modern environmental challenges.

The effectiveness of customary sanctions tradition is based on the principle of restorative justice in the form of varying fines, which not only punish

violators but also involve them in understanding the negative impacts of the violations committed. This approach, which aligns with the principle of ta'zir in Islamic criminal law, provides a constructive deterrent effect while maintaining social harmony. Active community participation in decision-making and customary supervision strengthens the harmony between Islamic and customary values. Customary sanctions maintain individual behavior and encourage collective responsibility to preserve the environment, create social balance, and realize the common good. Thus, the lubuk larangan tradition is a real example of the harmonious integration between customary law and Islamic law that is relevant and beneficial to local communities.

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