

DYSFUNCTION OF NINIK MAMAK IN ENFORCEMENT OF CUSTOMARY SANCTIONS: AN ETHNOGRAPHIC CRITICAL STUDY OF VIOLATIONS OF SOCIAL NORMS

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Abstract. *This study discusses the dysfunction of ninik mamak in the enforcement of customary sanctions against violations of social norms in Jambi Province, especially in one of the villages in Kerinci Regency. Ninik mamak traditionally plays the role of a customary authority holder whose function is to enforce norms, maintain tribal honor, and regulate social balance. However, the results of the study show that these roles are shifting and dysfunctional, especially when dealing with cases of moral violations such as infidelity. Through a critical ethnographic approach, this study reveals that the layered and rigid customary mechanism causes ninik mamak to not be able to directly sanction without going through a multi-level procedure. This condition hinders the effectiveness of customary social control functions and lowers the legitimacy of traditional authority in the eyes of the community. Analysis using Émile Durkheim's theory of social control and Max Weber's theory of traditional authority legitimacy shows that the dysfunction of ninik mamak is not only due to weak personal authority, but also due to customary social structures that are less adaptive to social change. Therefore, it is necessary to revitalize the role of ninik mamak so that customary institutions remain relevant and effective in maintaining norms and social solidarity in the midst of modernity.*

Keywords: *Dysfunction of ninik mamak, customary sanctions, social norms, legitimacy of traditional authority, social control, critical ethnography.*

I. INTRODUCTION

In the social system of indigenous peoples, the existence of customary institutions has an important position as a regulator of norms, problem solvers, as well as guardians of social balance. In Minangkabau, ninik mamak as a traditional stakeholder holds the authority to enforce rules, sanction, and maintain the honor of the people and nagari. Ninik mamak not only functions symbolically, but also becomes a social institution that legitimizes order and preserves cultural values in daily life. [1] [2] [2]

Normatively, ninik mamak plays a role as a controller of social behavior (Fahma, 2018). They are tasked with reprimanding members of the tribe who violate norms, giving sanctions according to customary rules, and maintaining the dignity of the family and community. Customary sanctions in this case are not just punishments, but a means of restoring social balance, preventing deviant behavior, and strengthening collective identity. In other words, ninik mamak ideally performs an effective social control function. [3] [4]

However, in contemporary reality, the role of ninik mamak often undergoes shifts and even dysfunctions. In some nagari or villages, ninik mamak no longer carries out its obligations consistently, especially when faced with violations of social norms. One of the cases that occurred was an affair between a woman and a man who were both married, but were not subject to customary sanctions or fines. This condition shows that there is a distance between normative rules and social practices. [5]

The absence of customary sanctions for these violations is not a simple problem, because it has the potential to cause a domino effect in society. First, weakening the authority of the ninik mamak as the holder of customary authority. Second, reducing the level of community compliance with customary norms. Third, it opens up opportunities for similar violations to occur in the future without fear of social consequences. Thus, the dysfunction of customary institutions is not only an internal problem, but also a threat to social order (Masenya, 2022). [6]

Based on this background, the main problem that arises is how the role of *ninik mamak* in enforcing customary sanctions when there is a violation of social norms, as well as what factors cause customary institutions not to carry out their functions as they should. This study aims to analyze the dysfunction of *ninik mamak* in the enforcement of customary sanctions, identify the factors that cause dysfunction, and explain the social consequences that arise due to the weak implementation of customary sanctions (Akbar, 2022). In addition, this study seeks to see the extent to which the legitimacy of customary institutions is still recognized by the community in the contemporary social context. [4]

Theoretically, this research is expected to enrich the literature on the sociology of customary law and legal anthropology, especially about the dynamics of customary institutions in dealing with social change (Tanjung, 2024). Practically, the results of the research can provide input for *ninik mamak*, traditional leaders, and the community so that the function of customary social control can be re-enforced, so that customary norms remain alive and respected as a source of social legitimacy (Gina, 2025).

To understand this problem, the research uses an ethnographic approach with the framework of social control theory that emphasizes the importance of norms in maintaining order (Durkheim), as well as the theory of traditional authority legitimacy (Weber) (Nikolakakis, 2024). Thus, the analysis not only describes the phenomenon of dysfunction, but also critically dissects the root causes and their implications for the sustainability of customary norms (Muslim et al., 2025). This research departs from various previous studies that highlight the normative role of *ninik mamak* in the Minangkabau customary system. Many previous studies have emphasized their function as guardians of family dignity, estate regulators, and enforcers of social norms (Ahmad & Zulfidar, 2023)

However, contemporary studies show a shift in the role of *ninik mamak* who are now more often "spectators" in dealing with violations of social norms, such as cases of serial marriage and moral violations. Meanwhile, research on Nagari Customary Density (KAN) focuses more on resolving disputes over inheritance and customary land, not on violations of social or moral norms of society. From these various studies, there appears to be a significant research gap. [7] [8]

There have not been many studies that specifically examine the dysfunction of *ninik mamak* in the context of moral violations, especially infidelity. Most of the research is still centered on the issue of customary land, customary marriage, and the distribution of inheritance, while the function of moral control has not been studied in depth. In addition, there has been no research linking the dysfunction of *ninik mamak* with the weakening of social legitimacy and a decrease in the level of community compliance with customary norms. The purpose of this study is to describe the ideal role of *ninik mamak* in the enforcement of customary norms, identify the factors that cause their dysfunction in dealing with norm violations such as

infidelity, and analyze the social impact of these conditions on the authority of customary institutions and the level of community compliance (Puspitosari et al., 2025). [9] [10]

In addition, this research also aims to provide ethnographic criticism of the sustainability of customary institutions in the context of modern society. Conceptually and practically, this research is expected to make several important contributions (Prafitri et al., 2025). From the theoretical side, this study enriches the treasures of the sociology of customary law and legal anthropology by highlighting the function of social control of *ninik mamak* in moral cases. From the empirical side, this study presents field data related to real cases of dysfunction of customary institutions in sanctions enforcement. Meanwhile, from a practical perspective, the results of this research can be an input for *ninik mamak*, KAN, and community leaders to re-strengthen the role of customary institutions in the midst of rapid social change (Nurholis et al., 2025). [11]

The relevance of this research is quite strong, especially in understanding the dynamics of social change and the crisis of legitimacy of customary institutions in indigenous peoples. This research also contributes to answering contemporary problems about the weakening of norms and functions of social control in the era of globalization and modernity (Swader 2017). In addition, the research findings are expected to be useful for customary policymakers and local governments to revive the role of *ninik mamak* in socio-cultural development. The focus of the research lies not only on the traditional functions of *ninik mamak*, but also on their dysfunction in the face of violations of moral norms, such as cases of infidelity. Using a critical ethnographic approach, this study seeks to dissect social practices, uncover the reasons behind the dysfunction of customary institutions, and trace their impact on the social structure of society. The analysis of this research links Max Weber's theory of traditional authority legitimacy and Émile Durkheim's theory of social control as a theoretical framework for understanding in depth the phenomenon of *ninik mamak* dysfunction in indigenous peoples. [12] [10]

II. RESEARCH METHODS

This study uses the qualitative with critical ethnographic methods. This approach was chosen because the research not only aims to describe the role of *ninik mamak*, but also criticize the factors that cause the dysfunction of customary institutions and their impact on society. The location of the research was determined purposively, namely in the village where the case of infidelity occurred which should have been subject to customary sanctions but was not processed by the *ninik mamak*. [13]

The research informants were selected using purposive sampling techniques, consisting of *ninik mamak*, other traditional leaders (alim ulama, clever intellectuals, youth leaders), and the general public. The number of informants is not determined definitively, but follows the principle until the data is

saturated. The research data includes primary data in the form of interview results, participatory observations, and field notes, as well as secondary data in the form of customary documents, and related literature. [14]

Data collection techniques were carried out through participatory observation, in-depth interviews, and documentation studies. Data analysis uses the Miles, Huberman, & Saldana model which includes data reduction, data presentation, and conclusion drawn. The analysis is strengthened by Durkheim's theory of social control to understand the function of customary norms in maintaining social order, as well as Weber's theory of traditional authority legitimacy to explain the weakening of the authority of *ninik mamak*. [15]

To ensure the validity of the data, triangulation of sources and techniques, member checks, and recording of the research process through trail audits are used. Research ethics are maintained by keeping the identity of the informant confidential, asking permission from traditional leaders before conducting research, and respecting the norms that apply in the local community (Sueda 2014).

III. RESULTS AND DISCUSSION

This research was conducted in one of the villages in Kerinci Regency which still upholds the customary system as a social guideline for the community. Based on the results of in-depth interviews and participatory observations conducted during the research process, various important findings were found that illustrate the real conditions of the role of *ninik mamak* in enforcing customary sanctions. The findings were further critically analyzed using the framework of Durkheim's theory of social control and Weber's theory of legitimacy of authority. The discussion is presented in the following sub-chapters.

1. Overview of the Role of *Ninik Mamak* in the Customary System in Kerinci Regency

Normatively, *ninik mamak* in indigenous peoples in Kerinci Regency occupy a central position as a guardian of values, regulators of order, and enforcers of norms in daily social life. They are recognized as customary authorities who have a moral responsibility to maintain the dignity of the race, maintain the balance of relations between families, and resolve various disputes that occur in the community. This role is carried out not on the basis of formal legal power, but on the basis of collective beliefs that have been inherited from generation to generation.

The results of field observations show that in daily life, people still recognize the existence of *ninik mamak* as a respected figure. They are present in various traditional processions such as marriages, settlement of customary land disputes, and other traditional ceremonies. However, when faced with cases of violations of social norms of a moral nature, especially infidelity, the role of *ninik mamak* does not seem optimal. These findings are in line with the research of Warman et al. (2025) which states

that *ninik mamak* in some regions tends to be passive spectators in the face of violations of contemporary social norms.

The informants from the general public revealed that they still have high hopes for *Ninik Mamak* as a mediator and protector of social values. But this expectation is not always in line with the reality on the ground. Most of the informants admitted that in cases of moral violations such as infidelity that occurred in their village, the *ninik mamak* did not take immediate action, so that the community felt that they had lost their sense of justice. This condition is the starting point for the emergence of the phenomenon of *ninik mamak* dysfunction which is the main focus of this research.

2. Multi-Tiered Customary Mechanisms and Structural Barriers in Sanctions Enforcement

According to the informants, the process of imposing customary sanctions must go through several stages of multi-stage settlement. In the first stage, the issue is resolved internally between both parties and the families involved. If no agreement is found, then the problem rises to the level of *teganai*, namely an intermediary or mediator between families. If the effort is unsuccessful, then the case will be submitted to *Ninik Mamak*, who then assesses whether the case is worthy of being brought to the highest level, namely *Depati Biang Sari*, as the highest customary authority holder in the region.

This multi-tiered process shows the existence of a complex customary bureaucratic system in decision-making. In this context, *ninik mamak* cannot act unilaterally without the legitimacy of the previous stage. As a result, even though the community knows of moral violations such as infidelity, customary sanctions are not immediately imposed because there is no official report from the aggrieved party or from the previous customary level. These findings show that in practice, customary systems not only function as a tool of social control, but are also subject to internal procedures and norms that govern authority between levels of customary authority. In other words, the social function of *ninik mamak* is dysfunctional when real violations cannot be acted upon immediately because they are constrained by rigid customary structures and mechanisms.

These structural barriers are not only procedural, but are also influenced by the dynamics of inter-racial social relations that are very thick in indigenous peoples. When the offender has a kinship relationship or social closeness with the *ninik mamak*, there is a tendency to delay or avoid the sanction enforcement process in order to maintain the harmony of inter-family relationships. This condition reflects a conflict between the public obligation of *ninik mamak* as a norm enforcer and personal interests as members of kinship networks (Muhammad Chairul Umar & Riza, 2022). In this context, structural barriers are intertwined with relational barriers, further slowing down the process of enforcing customary sanctions.

Furthermore, this layered customary mechanism also causes no certainty of settlement time for parties who feel aggrieved. In contrast to formal legal systems that have standard deadlines and procedures, the customary system runs on

consensus and agreement that relies heavily on the initiative of the parties. As a result, many cases of norm violations simply evaporate without ever reaching the stage of imposing sanctions. This situation directly weakens the preventive and repressive functions of the customary system as an instrument of social control (Andani et al., 2023).

3. Ninik Mamak's Dysfunction in the Perspective of Max Weber's Traditional Theory of Legitimacy

When viewed from Max Weber's theory of traditional authority legitimacy, ninik mamak obtained authority not because of the force of formal law, but because of legitimacy derived from tradition and people's belief in traditional values inherited from generation to generation. In the context of this research, this legitimacy actually becomes a double-edged sword. On the one hand, ninik mamak is respected and recognized as a holder of customary authority; But on the other hand, they are limited by the traditional system itself so that they do not have the flexibility to enforce sanctions without following the procedures that have been agreed upon for generations. Thus, the dysfunction of ninik mamak is not the result of a loss of authority, but rather an obstruction of the exercise of authority by hierarchical and formalistic customary procedures. This shows the tension between moral authority and customary bureaucratic structures in the social system of the local community.

Weber distinguishes three types of domination or legitimate authority, namely traditional authority, charismatic authority, and legal-rational authority (Nikolakakis, 2024). Ninik mamak is in the realm of traditional authority, whose legitimacy depends on the sustainability of tradition and the ability to perform customarily codified roles. However, when customary procedures themselves become an obstacle to responsive action, that legitimacy begins to erode. The community that originally gave full trust to Ninik Mamak began to question the relevance and effectiveness of customary institutions in facing contemporary moral challenges.

This crisis of legitimacy is further exacerbated by the rapid social changes in the era of globalization. The younger generation who are exposed to modern values tend to be more critical in assessing the performance of customary institutions. They no longer automatically respect the ninik mamak solely because of their traditional position, but demand real proof through fair and effective action. When ninik mamak fails to show a firm response to norm violations, the trust of the younger generation fades further, which ultimately threatens the sustainability of the legitimacy of traditional authority itself (Kridasakti et al., 2025).

From a Weberian perspective, what happened to the ninik mamak in one of the villages in Kerinci Regency can be interpreted as a symptom of "delegitimization of traditional authority", which is a gradual process in which the originally strong authority begins to lose its foundation due to the inability to adapt to changes in the social context. This delegitimization does not occur suddenly, but rather takes place slowly along with

the recurrence of cases of norm violations that are not handled effectively by ninik mamak.

4. Symptoms of Anomie and the Weakening of Social Control in the Perspective of Durkheim's Theory

Meanwhile, according to Émile Durkheim in the theory of social control, social norms and sanctions function to maintain order and solidarity in society. But in this case, the delay in sanctioning actually weakens the function of social control. When violations of norms such as infidelity do not immediately receive customary sanctions, society begins to show symptoms of anomie or norm emptiness, in which the boundaries between appropriate and inappropriate behavior become blurred. This situation shows that customary systems that are not adaptive to social dynamics have the potential to lose their effectiveness as a means of control. Delays in handling violations have led to a decline in public trust in the role of ninik mamak as a guardian of morals and social order.

Anomie symptoms that arise due to ninik mamak dysfunction can be seen in several social indicators found in the field. First, there is a tendency for people to solve problems independently or even through formal state legal channels, instead of relying on customary mechanisms. This indicates a shift in orientation from the customary order to the legal-formal order which is considered more certain and fast. Second, there is a permissive attitude among some people towards the violation of certain norms, as a result of the lack of consistent sanctions applied. Third, there are violations of advanced norms that show that the deterrent effect of customary sanctions is no longer functioning optimally (Swader, 2017).

Durkheim emphasized that social solidarity can be maintained only if existing norms are consistently enforced. When the enforcement of norms becomes weak or inconsistent, social cohesiveness is weakened, and society loses its collective grip on distinguishing between permissible and collectively rejected behavior. In the context of indigenous peoples whose solidarity structures are still mechanical and based on collective consciousness, the weak enforcement of sanctions by Ninik Mamak can quickly spread into a broader value crisis. These findings are in line with the results of research by Harahap et al. (2022) which affirm the importance of a quick and firm response from customary institutions in dealing with violations of social norms so that customary authority is maintained.

5. The Social Impact of Ninik Mamak's Dysfunction on People's Life

The dysfunction of ninik mamak in the enforcement of customary sanctions has a multidimensional social impact. In the first dimension, namely the dimension of public trust, the inability of ninik mamak to act decisively against norm violators causes the emergence of collective disappointment among the community. Those who have been relying on customary institutions feel unprotected, so trust in customary institutions has declined significantly. This sense of frustration is not only directed at ninik mamak personally, but also reflects the

weakening of trust in the customary system as a whole (Almathami, 2020).

In the second dimension, namely the norm compliance dimension, the absence of sanctions imposed on the perpetrators of infidelity has the potential to send an implicit message to the public that such violations can be committed without meaningful consequences. This is dangerous because social norms are basically supported by the deterrent effect that results from sanctions enforcement. Without consistent enforcement, customary norms that have been guiding community behavior will lose their binding power (Akbar, 2022). This condition creates a social environment that is vulnerable to the development of deviant behavior more broadly.

In the third dimension, namely the dimension of cultural identity, the dysfunction of *ninik mamak* also has an impact on the weakening of the collective identity of indigenous peoples. Customary institutions are one of the main pillars in the formation and maintenance of a community's cultural identity. When these institutions do not function optimally, society loses one of its most powerful and meaningful markers of identity. This process is further accelerated by the flow of globalization that offers alternative values from the outside, so that people, especially the younger generation, more easily switch to value systems that are considered more modern and relevant (Nurholis et al., 2025).

6. Efforts to Revitalize the Role of Ninik Mamak in the Context of Modernity

Thus, this study found that the dysfunction of *ninik mamak* in the enforcement of customary sanctions does not only stem from weak personal authority, but also from the social structure and customary legitimacy that limits the space for the movement of these authorities. To restore the ideal function of *ninik mamak*, it is necessary to reformulate customary mechanisms to be more responsive to violations of social norms without eliminating the traditional values on which their legitimacy is based.

Efforts to revitalize the role of *ninik mamak* need to be designed comprehensively and involve various stakeholders. First, it is necessary to update customary regulations that give the *ninik mamak* the flexibility to take preventive actions faster without having to wait for a formal report from the aggrieved party. This update is not intended to remove the deliberation mechanism that has been the spirit of the customary system, but rather to shorten and simplify the customary bureaucratic pathway so that it does not become an obstacle in the enforcement of norms.

Second, it is necessary to strengthen the capacity of *ninik mamak* through education and training that is relevant to contemporary social challenges. *Ninik mamak* needs to be equipped with an adequate understanding of the dynamics of social change, human rights, and value pluralism in order to make wise decisions in the face of increasingly complex moral cases. Third, revitalization also needs to include a symbolic dimension, namely re-strengthening the image and authority of *ninik mamak*

in front of the public through their active involvement in various public forums and decision-making related to the common interest (Prafitri et al., 2025).

These findings confirm that the preservation of customary practices not only means maintaining the outward form of customary institutions, but also adapting the system to the social changes that occur. As communities begin to demand faster and more transparent social justice and order, customary institutions need to adapt to remain relevant in maintaining social harmony. The dysfunction of *ninik mamak* in this context is a reflection of the challenge of customary institutions in the modern era, namely maintaining a balance between traditional legitimacy and social effectiveness, so that customary sanctions remain a living and respected moral instrument in society.

IV. CONCLUSION

This study concludes that the dysfunction of *ninik mamak* in the enforcement of customary sanctions against violations of social norms in one of the villages in Kerinci Regency occurs due to the existence of layered procedures in customary mechanisms and the weakening of the legitimacy of traditional authorities in the midst of social changes. *Ninik Mamak* cannot immediately give sanctions without an official report from the party who feels aggrieved, so many cases of violations do not reach the stage of sanctions enforcement.

From the perspective of Max Weber's theory of traditional authority legitimacy, the position of *ninik mamak* is still symbolically respected, but its power in practice is beginning to lose effectiveness. Meanwhile, in the view of Emile Durkheim's theory of social control, the weak application of customary sanctions reflects the declining ability of indigenous peoples to maintain solidarity and social order.

Therefore, it is necessary to revitalize the role of *ninik mamak* in the modern social context so that the customary system remains relevant and able to carry out the function of social control effectively, without having to eliminate the values of local wisdom that have been the basis of the lives of indigenous peoples so far.

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