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Tawar Kampung an Instrument of Social Control in Gayo Lues Society: A Study of the Sociology of Islamic Law

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Abstract

This study raises the issue of the complexity of social control in Aceh Province, particularly through the *Tawar Kampung* tradition in Gayo Lues, which is often viewed merely as a cultural practice without an integrative analysis of Islamic law. The urgency of this research lies in the need for a deeper understanding of informal social control mechanisms capable of maintaining communal harmony when the formal legal system has limitations. This study aims to analyze the sociological function of *Tawar Kampung* and examine its normative position from the perspective of the sociology of Islamic law through the framework of 'urf and *maqāṣid al-syarī'ah*. Using a qualitative method with a literature study design and a normative-sociological approach, data are analyzed through a hermeneutic circle to achieve a holistic understanding. The research findings indicate that *Tawar Kampung* functions as an effective instrument of restorative justice because it is supported by the moral legitimacy of traditional leaders (*Sarak Opat*) and the internalization of collective values. Normatively, this practice is classified as *'Urf ṣaḥīḥ* because it aligns with the principles of sharia in preserving religion and lineage and preventing social damage. In conclusion, *Tawar Kampung* is a manifestation of living law that is able to synergize local wisdom with the flexibility of Islamic law to realize substantive public welfare.
Keywords: Tawar Kampung, Social Control, Sociology of Islamic Law, 'Urf, Maqāṣid al-Syarī'Ah.

A. Introduction

Indonesia, as an archipelagic nation with high cultural diversity, has a complex legal system, where formal state law coexists with various local customary laws (Marwan & Fajrin, 2021). In Aceh Province, this complexity is further enhanced by the implementation of Islamic Sharia, which interacts closely with local customary law, resulting in the cultural motto "*Adat Mutu Syarak, Syarak Mutu Kitabullah*" (Adat is based on Sharia, Sharia is based on the Qur'an and Sunnah). This interaction creates a unique and binding mechanism of social control. Social control, as the overall mechanism used by society to encourage compliance with norms and prevent deviation (Smelser, 2017), in Gayo Lues operates through a series of communal practices. This mechanism is important because customary law often offers a more rapid, contextual, and effective solution in restoring disturbed social order, a role that the formal justice system often cannot fully fulfill. Therefore, the study of these informal control mechanisms is highly

relevant. Many world legal experts agree that in Muslim countries, customary law is often more adhered to than official law because it is closer to the hearts of the people (Hallaq, 2014; Benda-Beckmann, 2016).

Among the various customary social control mechanisms discussed in the literature on the Gayo Lues community, the *Tawar Kampung* tradition is understood as a collective instrument with strong social significance. Several official reports explain that this practice is initiated by customary leaders in response to violations of certain norms or as a form of communal gratitude, which is collectively believed to restore the social and spiritual balance of the community (Serambi News, 2018). In this literature, the implementation of *Tawar Kampung* involves broad community participation, while perpetrators are subject to customary sanctions in the form of fines, symbolic cleansing, or temporary social restrictions, with the primary goal of restoring social order. In studies of the sociology of law, ritualistic communal sanctions as depicted in customary practices are often understood to have significant psychological and social impacts, not only as a mechanism for individual punishment but also as a means of strengthening social cohesion and affirming collective moral boundaries (Levina et al., 2016). People tend to choose rules that fit their everyday religion and culture rather than rigid government rules (Silbey, 2018).

Numerous studies have highlighted the role of custom in the legal systems of Aceh and Indonesia. Previous research has tended to focus on descriptive aspects and the implementation of Islamic Sharia (Feener, 2013) or examined the role of custom as a general social regulator that provides an alternative mechanism to formal legal intervention (Triasmono and Ruslie 2024). While perpetrators of certain norm violations are subject to customary sanctions that culminate in this symbolic cleansing ritual, known as *Petawaren*, to restore social order and communal harmony (Harinawati et al., 2020). However, a review of these studies shows that studies that explicitly integrate legal sociological analysis of the function of customary social control with the normative framework of Islamic law are still relatively limited, especially in the context of Gayo Lues society. However, to understand the sustainability of customary practices within the Sharia domain, this analysis requires situating traditions within the framework of *Urf* (recognized custom) and examining their alignment with *Maqasid al-Syariah* (the objectives of Sharia). Contemporary legal scholars emphasize that without integrating local wisdom into Sharia implementation, legal formalization often encounters social resistance or fails to achieve substantive justice (Yusuf & Fahmi, 2022).

Based on the literature review, there is a significant knowledge gap, namely the lack of an in-depth analysis that explicitly connects the function of *Tawar Kampung* as an instrument of social control (through the lens of classical Sociology of Law) with the perspective of Islamic Law. The extent to which this practice can be classified as '*Urf Sahih* (legitimate custom that does not conflict with Sharia) and how it contributes to the achievement of *Maqasid al-Syari'ah* (such as protection of descendants, religion, and

order) remains an unanswered academic question. The originality of this study lies in the integrative approach used, namely analyzing literature data on *Tawar Kampung* through two theoretical lenses simultaneously: Sociology of Law (to understand the function of social control and cohesion) and Islamic Law (to determine its normative legality as *'Urf*). This analysis aims to enrich the study of the relationship between Islamic law and social reality at the local level.

Therefore, this research, which is a literature study and normative-sociological legal analysis, has two main objectives. The first objective is to analyze in depth the sociological function of the *Tawar Kampung* practice in maintaining order and compliance with norms in the Gayo Lues community, with a focus on the preventive and cohesive mechanisms it creates. The second objective is to examine the position of *Tawar Kampung* as a valid custom (*'Urf Shahih*) from the perspective of the Sociology of Islamic Law, measuring the harmony of this customary sanctions and procedures with the basic principles of Sharia. The results of this study are expected to make a significant contribution to the understanding of adaptive Sharia implementation and raise awareness of the importance of preserving local wisdom that has been tested in maintaining social harmony.

B. Methods

This research uses a qualitative approach with a literature study design that focuses on normative-sociological legal analysis. This design was chosen because the main objective of the research is to interpret, compare, and synthesize theoretically the concept of *Tawar Kampung* as an instrument of social control and its position in the perspective of Islamic law. Through this approach, the research is directed to understand the meaning, function, and normative legitimacy of the *Tawar Kampung* practice based on existing academic studies. The type of research conducted is document analysis, with data sources derived entirely from relevant scientific literature. The use of a normative-sociological approach allows for analysis of how legal texts interact with social reality, ensuring that this study is not merely purely doctrinal (Banakar & Travers, 2013).

The objects of study in this research include scientific literature and academic documents in the form of journal articles, reference books, and research reports discussing the practice of *Tawar Kampung* in the Gayo Lues community, the concept of social control and customary law from a legal sociology perspective, as well as Islamic legal doctrine with an emphasis on the concepts of *'Urf* and *Maqāsid al-Syarī'ah*. The literature selection was carried out selectively by considering the quality and relevance of the sources, especially scientific works published between 2010 and 2025 to ensure the topicality of the discussion. Priority was given to reputable journal articles and primary reference books in the fields of legal sociology and Islamic law that provide an empirical description or adequate conceptual framework for analyzing the social function and normative position of *Tawar Kampung*. Specifically, this study conducted

an in-depth analysis of a number of key literatures that have a direct relationship to the focus of the study, which was then strengthened by supporting literature to enrich the theoretical and conceptual context.

Data collection was conducted through a systematic documentation method, encompassing the processes of tracing, identifying, classifying, and extracting data from established library sources. The collected data included descriptions of the *Tawar Kampung* practice, sociological research findings related to social control mechanisms, and Islamic legal perspectives and arguments regarding the relationship between custom and sharia. Data analysis was conducted using qualitative content analysis combined with a legal hermeneutics approach to interpret the social and normative meanings of the *Tawar Kampung* practice as represented in the literature. This process employed the "hermeneutic circle" method, which continuously moves between the specific details of the *Tawar Kampung* ritual and the broader theoretical framework of Islamic law to achieve a holistic understanding (George, 2020). The analysis process was carried out in stages, starting with coding key themes, interpreting contextual meanings, and drawing analytical conclusions. Furthermore, interpretation and comparison are carried out simultaneously by utilizing a legal sociology framework to assess the function of *Tawar Kampung* in maintaining social cohesion and preventing deviations (Manan, 2015, 2021), as well as a normative-doctrinal approach to Islamic law to test its conformity with the principles of '*Urf sahih* and its contribution to achieving sharia objectives. The results of the entire analysis process are then synthesized in an integrative manner to answer the objectives and formulation of the research problem.

C. Findings and Discussion

1. *Tawar Kampung* in the Context of Customs and Social Structure of the Gayo Lues Community

In the study of legal sociology, custom is understood as part of living law, namely law that lives and operates in real life in society outside the formal legal system of the state. The existence of customary law shows that social regulation does not always depend on positive legal instruments, but also on norms, values, and collective agreements that grow from the social experiences of the community itself. In the context of pluralistic Indonesia, customary law plays a strategic role as a contextual social control mechanism based on local wisdom.

In Aceh Province, the relationship between custom and religion is unique. The principle "*Adat Mutu Syarak, Syarak Mutu Kitabullah*" asserts that custom gains legitimacy as long as it does not conflict with the principles of Islamic law. Several studies have shown that this relationship forms a unique social structure, where custom is positioned not merely as a cultural practice but also as a normative instrument that serves to maintain social order and harmony (Manan, 2018; Samarah, 2021).

The Gayo Lues community is one of the indigenous communities in Aceh that still maintains customary systems as an integral part of social life. Research on Gayo customs shows that customary institutions play a crucial role in fostering communal solidarity, strengthening collective identity, and regulating internal conflict resolution mechanisms (Darmawan and Radiansyah, 2023). In this context, customs function as an informal yet effective system of social control, supported by collective community awareness and compliance.

In various literature discussing the customs of the Gayo Lues community, *Tawar Kampung* is understood as a traditional institution with a collective social function. Terminologically, the term *tawar* refers to the meaning of cooling or neutralizing, while *kampung* refers to the social community as a moral entity. Thus, *Tawar Kampung* is interpreted as a customary mechanism aimed at restoring social balance after events or violations of certain norms perceived as disrupting community order (Bidik Nasional, 2023).

As described in previous research, the implementation of *Tawar Kampung* involves communal participation under the coordination of customary leaders. This collective involvement demonstrates that customary sanctions are not solely oriented toward individual punishment, but rather toward restoring the overall social order. From a sociological perspective, collective and symbolic social sanctions have powerful psychological and normative effects because they reaffirm mutually agreed-upon moral boundaries and values (Smelser, 2017; Levina et al., 2016).

Furthermore, the position of *Tawar Kampung* within the social structure of the Gayo Lues community cannot be separated from the role of customary leaders as normative authorities. This customary authority does not stem from coercive power, but rather from cultural legitimacy and social trust that have been internalized within the community. This aligns with the sociological perspective of law, which emphasizes that the effectiveness of customary law lies in social acceptance and the internalization of values, not solely in formal sanctions.

Thus, *Tawar Kampung* can be understood as a socio-customary institution that operates through consensus, symbolism, and social control based on local values. This understanding provides an important foundation for further analyzing Tawar Kampung's function as an instrument of social control and assessing its position from the perspective of the sociology of Islamic law. This aligns with the view that *Tawar Kampung* dynamics reflect what many experts define as strong legal pluralism, in which customary institutions maintain a high degree of autonomy alongside the state (Griffiths, 2016).

2. *Tawar Kampung* as a Social Control Mechanism from the Perspective of Legal Sociology

Tawar Kampung a manifestation of living law that effectively maintains communal stability in the Gayo Lues community. In the study of legal sociology, the

central tenet of legal validity does not always rest on state legislation, but rather on social values that develop and are collectively adhered to within society (Marwan & Fajrin, 2021). In this context, *Tawar Kampung* functions as an instrument of social control born of a collective agreement to address norm deviations. This finding aligns with the study by Syahbandir et al. (2022), which asserts that customary law in Aceh functions as the primary social regulatory system with strong binding power through the internalization of customary values.

The social control mechanism in *Tawar Kampung* operates through a restorative justice approach that emphasizes restoring social harmony over retributive punishment. Aripin (2021) explains that community-based conflict resolution is effective when directed at improving social relations and reintegrating perpetrators. In *Tawar Kampung* practices, moral sanctions are imposed openly before the community, but culminate in a "cooling" ritual that allows perpetrators to be re-accepted within the social structure. This pattern demonstrates that customary social control in Gayo Lues aims to restore the social order disrupted by norm violations, ensuring that the community remains in a state of 'coolness' or harmony (Serambi News, 2018).

The effectiveness of *Tawar Kampung* can also be analyzed through the concept of grassroots social engineering. Unlike top-down positive law, local norms in indigenous communities serve as a means of social control that is more responsive to local social needs (Arisjulyanto, 2024). Collective community involvement in the *Tawar Kampung* ritual creates strong social pressure. From a sociological perspective, social shame and collective stigma act as instruments to prevent deviation, often more effective than formal legal sanctions.

Village bargaining power lies in the legitimacy of traditional authority held by customary leaders (*Sarak Opat*). Community compliance with customary law is strongly influenced by the moral and historical legitimacy of the authorities who enforce it (Irianto, 2017). In Gayo Lues society, customary leaders are seen as guardians of village morality, thus ensuring strong binding force for customary decisions. This aligns with the findings of Siahaan et al. (2024) who stated that the effectiveness of informal law increases when customary mechanisms are given space to resolve social disputes.

Furthermore, customary sanctions in *Tawar Kampung*, such as fines and communal feasts, serve a significant social integration function. From a modern functionalist perspective, ritualistic punishment serves to reaffirm previously disturbed collective moral boundaries (Nurdin et al., 2023). Ritual animal slaughter and communal prayer represent efforts to restore social and spiritual balance within the community as part of a mechanism for restoring social order. This restorative approach reflects the theory of 'Peacemaking Criminology,' which views crime as a disruption of human relationships that requires spiritual healing rather than simply imprisonment (Pepinsky, 2013). Similar mechanisms are also found in various Muslim communities

worldwide, such as the practice of Sulh in the Middle East, which emphasizes peace through social consensus (Ibrahim, 2015).

The continued practice of *Tawar Kampung* demonstrates that formal state law has not completely replaced customary law in addressing communal social conflicts. From a sociological perspective, the effectiveness of a legal system is largely determined by the level of trust and social acceptance of the conflict resolution mechanisms used (Nur et al., 2023). As long as the Gayo Lues community upholds the values of collectivity, village honor, and the legitimacy of customary leaders, *Tawar Kampung* will continue to function as an effective instrument of social control. This flexibility is a hallmark of the *'Urf* tradition in Islamic jurisprudence, where local customs are used as a secondary source of law to provide specific justice (Kamali, 2015). This is supported by the Islamic jurisprudence principle of '*Al-Adah Muhakkama*', which allows established traditions to serve as the basis for legal decisions (Fayad, 2019). This condition also opens up space for further analysis regarding the position of *Tawar Kampung* in the perspective of Islamic law, especially within the framework of *'Urf* and *Maqāsid al-Syarī'ah*, in order to assess the suitability of local customs with the normative principles of sharia.

3. *Tawar Kampung* in the Perspective of *'Urf* and *Maqāqid al-Syarī'ah*

The practice of *Tawar Kampung* in the socio-cultural life of the Gayo Lues community can be classified as a manifestation of living law (*'urf*) and is consistently practiced and institutionalized in the social structure of society. In Islamic legal discourse, *'Urf* is understood as a collective custom that is developed, recognized, and widely accepted by society as an authoritative norm of behavior, as long as the custom does not negate the text of the sharia or the principles of faith (Zahrah, 1997). The *Tawar Kampung* tradition, which carries a strategic function in regulating social behavior and responding to any signs of norm violations, shows the character of *'Urf* that is *muttharid* (repeated consistently), general (*'am*), and has a strong sociological binding force. Therefore, it fulfills the epistemological prerequisites as a valid *'urf* to be considered in the process of establishing and implementing law at the local level.

From the perspective of its normative validity, *Tawar Kampung* can be strongly positioned as *'Urf sahīh*, namely a customary construction that is in harmony with universal Islamic values and does not conflict with definite legal arguments (*qath'i*). The customary sanctions implemented in this tradition, such as communal fines or cleansing rituals, are not essentially aimed at legitimizing what is forbidden by sharia, nor are they intended to absolve formal Islamic legal obligations. Instead, this tradition is oriented towards restoring the stability of the social order and preventing the escalation of broader moral corruption. In Islamic jurisprudence literature, customs that are functionally capable of maintaining public welfare and closing the gaps for corruption (*sadd al-Dharā'i'*) have a recognized legal standing, as long as the substance of the demands and the procedures for their implementation remain based on the values of justice, human dignity, and do not contain elements of shirk (Auda, 2011).

Furthermore, the practice of *Tawar Kampung* can also be analyzed in depth through the framework of *Maqāqid al-Syarī'ah* as the fundamental goal that is the spirit of all Islamic law. In this perspective, sharia is not merely understood as a collection of rigid textual rules, but rather directed as an instrument to maintain the welfare (*al-Maslahah*) through the protection of five main principles (*al-Daruriyyat al-Khamsah*), namely religion, life, reason, descendants, and property (al-Shātibī, 2004). *Tawar Kampung*, as a mechanism of customary social control, makes a significant contribution to the protection of religion (*hifz al-Dīn*) through the reaffirmation of collective moral boundaries in public. In addition, this practice directly plays a role in the protection of descendants (*hifz al-Nasl*) by suppressing and mitigating deviant behavior that has the potential to damage family honor and injure the sanctity of the social order of the Gayo Lues community. This integration of protection aligns with the *Maqashid* approach, where law is evaluated based on its contribution to overall social welfare (Auda, 2022). This confirms that traditional rituals in Aceh serve as a cultural bulwark against moral degradation (Mawardi & Srimulyani, 2020).

Furthermore, the restorative orientation at the heart of *Tawar Kampung* is closely aligned with the spirit of *Maqāqid al-Syarī'ah*, which consistently prioritizes preventing harm (*dar' al-Mafāsid*) and realizing tangible benefits (*jalb al-Masālih*). These communal, symbolic, and ritualistic customary sanctions are not designed as destructive revenge mechanisms. Instead, they are designed to provide a profound psychological deterrent effect, while simultaneously opening up space for repentance for perpetrators and facilitating the process of social reintegration into society. This approach reflects the harmony between local wisdom values and the principles of Islamic substantive justice, which place social harmony as the highest goal of law enforcement in society (Auda, 2010).

Thus, from an integrative perspective between the concepts of *'Urf* and *Maqāsid al-Syarī'ah*, *Tawar Kampung* is seen as a local tradition with strong normative legitimacy in Islam. Its implementation in Gayo Lues is clear evidence that Islamic law is not exclusive to culture, but rather capable of adaptively synergizing with local social realities as long as the substance of the custom does not deviate from the corridor of tawhid and humanitarian principles. This integration emphasizes that the flexibility of Islamic law is highly capable of responding to social dynamics at the grassroots level, while also reinforcing the urgency of preserving local wisdom, which has proven effective in maintaining harmony and peace in society within the framework of sharia. Research shows that when Sharia is implemented bottom-up (from below), it is more deeply respected by the community (Lindsey & Steiner, 2020). The success of *Tawar Kampung* also demonstrates the process of indigenization of Islam, where religious values are closely integrated with local social structures (Goffman & Ricci, 2019). This integrative model can serve as an example for other regions in harmonizing customary law with modern religious rules (Nordin et al, 2025).

D. Conclusion

This research shows that the *Tawar Kampung* tradition is a vital and effective instrument of social control in the Gayo Lues community structure due to its position as a living law that has strong moral and cultural legitimacy. Sociologically, *Tawar Kampung* not only serves as a means of punishment through social pressure and traditional *Sarak Opat* authority, but more importantly functions as a restorative justice mechanism that prioritizes the restoration of communal harmony rather than merely retributive punishment. Through collective participation and symbolic rituals, this tradition successfully maintains social integration by neutralizing tensions arising from norm violations, while simultaneously providing space for social reintegration for the perpetrators.

Viewed from the perspective of the sociology of Islamic law, *Tawar Kampung* is classified as *'Urf sahīh* because it meets the criteria of consistent custom, is generally accepted, and does not conflict with the basic principles of sharia. This practice is substantively aligned with *Maqāsid al-Syarī'ah*, particularly in safeguarding religion (*hifz al-Dīn*) and lineage (*hifz al-Nasl*), and reflects the spirit of preventing harm (*dar' al-Mafāsid*) for the benefit of society (*jalb al-Masālih*). This harmonious integration between custom and Islamic law emphasizes the flexibility of sharia in responding to local realities in Gayo Lues. Based on these findings, it is recommended that further research examine the challenges of preserving the *Tawar Kampung* tradition amidst the flow of digitalization and shifting values among the younger generation, to ensure the sustainability of this local wisdom as a safety valve for social harmony in the future.

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