



# Traditional Criminal as a Form of Local Wisdom and Legal Reform in Indonesia

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## ***Abstract***

As one of the sovereign law countries, Indonesia has implemented a legal policy that has been rooted in and implemented since the Dutch colonial period. This study uses a descriptive method with a qualitative approach and data triangulation analysis, the results of the study explain that the customary system or customary criminal system is an embodiment and renewal of the criminal system and civil system, the concept of the customary law system itself focuses on the cultural values contained in the pattern of life of the Indonesian people, the importance of implementing the customary criminal system for the Indonesian government is an ideal of the nation which is reflected in the law and Pancasila as a guideline and identity of a nation, the customary law system itself is part of unwritten law and is seen as a companion law from criminal law and civil law as one of the laws that are authorized and carried out until the current government period.

**Keywords:** Criminal, Local Wisdom, Law

## **1. Introduction**

In the context of national development, every sector certainly requires an update or improvement, both in terms of infrastructure and human resources, for example in the economic field, every year the Indonesian state always carries out an evaluation of the performance of its ministers in empowering the national economy. with the development of aspects of people's lives that always receive the same attention by the government, as well as in renewing development in the field of law, progress in updating the field of law in Indonesia is indeed time to be done considering that this aspect is the main support in ensuring order for all Indonesian people, starting from Even from the lower classes to the conglomerates, the value law will remain as important, but to realize improvements in the aspect of law enforcement, of course all lines must always be ready and expected to be able to overcome every problem and challenge that will be faced, including preparing facilities and infrastructure in anticipating changes that occur in people's lives. Therefore, a legal rule is needed to regulate social life in order to achieve public order. There are written and unwritten laws. Applicable nationally and regionally, in the field of public law and private law. (Saptomo, 2010; Kurniawan, 2016; Ulil, 2019; Sidiq et al, 2021).

However, when the intention and determination are unanimous, there are always other factors that hinder and try to slow down the renewal, even though in reality the law always runs slower than the development and changes in various things in society, as a law-abiding country, Indonesia must indeed rush towards a better direction (Salim, 2016; Sidiq& Jalil, 2021). Both in terms of reform in the field of law, especially regarding criminal (substantive) law, because this aspect is the most important and fundamental thing to change any policy that is directly opposite to the community, considering the stipulation of criminal law and the Criminal Code which is currently being carried out by the Indonesian government. , not based on views, basic values that develop in society, in fact a fair law must be based on the interests of its people, because everything must be in line with the goals and values of Pancasila and the state law in the context of national development which states that fair and dignified legal development must be based on improving and fostering national law for the welfare of all Indonesian people, this is in accordance with the explanation and statement of the 1945 Constitution which is clearly formulated in article 1 paragraph (3) which states that "the Indonesian state is State law" (Nur, 2016).

Legal reform in Indonesia is one of the very big responsibilities that every existing government is trying to do, as one of the largest democracies in the world, in fact our society is still difficult to voice every aspiration, because it changes and replaces the criminal law and the Criminal Code which is currently being carried out, requires a very high struggle and sacrifice, even though in reality the legal system is a legacy that was entrusted by the Dutch colonial and is still being implemented by the Indonesian government, it is time for us to reform and update the legal system that is currently being implemented. exists, towards a legal system that is nationalist, ideological, and in line with the way of life of the Indonesian people who always uphold the cultural values of the unity and integrity of the Republic of Indonesia,

In fact, efforts to reform the criminal law system or the Criminal Code, have begun to be initiated and formulated, since 1946, especially regarding material criminal law which in the process resulted in Law No. 1 of 1946 article 5, the Law explains that, "regulations of criminal law, which are wholly or partly now unenforceable or contrary to the position of the Republic of Indonesia as an independent state or have no meaning anymore, must be replaced in whole or in part temporarily and are no longer valid" (Sidiq& Achmad, 2020). So with this statement, actually the Indonesian people have begun to work and seek an urgency for new legal reforms that can provide guarantees for a much better national life.

Referring to a legal reform in Indonesia, actually the Indonesian state itself is a very wide archipelago, which stretches from Sabang to Merauke, in which there are various religions, norms, cultures, customs, all of which develop and become values. culture that is highly appreciated until now, considering that Indonesia has a variety of cultures that are divided into different regions and regions, it is certain that there is a customary law in it. Each of these customary laws has very diverse differences each other and in each of these customary laws there are also known customary sanctions that apply to anyone who commits a crime or violates the rules and norms that are contrary to the public interest, believes that customary law is rooted in thoughts and views. community life, and its principles are studied in and inferred from customs,

concepts and general ideas as manifested in the behavior and decisions of local or tribal chiefs and officials.

Developing a customary law among the wider community is indeed still contradictory with various understandings and views which state that customary law is a law that does not recognize differences in the choice of law, such as criminal and civil law which have very different legal systems and legitimacy. In deciding a case action, but if you look further, customary law itself actually has a role and function that comes from the values of the Indonesian people, which are considered very religious, upholding the values and morals of a nation, on the other hand, customary criminal law itself focuses on in a balance that exists in people's lives, meaning that as long as the balance of a society in an area is disturbed that's where legal sanctions come into effect, besides that customary criminal law also does not recognize the principle of legality as is commonly found in criminal and civil laws, in other words other Customary criminal law does not recognize written law, according to Sudirman (2021) in his book *Law, Society, and National Law Development*, stating that the development of national law should not be separated from the legal values that live in Indonesian society. In addition, it must also pay attention to the progress that occurs, so that legal development remains in accordance with the needs of the Indonesian nation (Rado et al, 206; Kunyati et al, 2021).

As a national identity that can provide justice and protection for the wider community, customary criminal law is considered to have more value among the Indonesian people, besides that customary law also has meaning as the law of the Indonesian people, which is sovereign and closely related to Indonesian values and culture. On the other hand, customary law is a traditional view and knowledge that becomes a reference in behavior and has been practiced from generation to generation to meet the needs and challenges in the life of a community, actually in indigenous peoples in Indonesia the term customary law is not known and the community only knows the word costum. or customs, which grow and develop side by side with other legal systems that exist within the Indonesian state.

From time to time the development and renewal of the legal system in Indonesia continues to experience a dynamic in accordance with the policies and legal politics implemented by the government, but in reality the existing legal system, and has developed from the Dutch colonial era, has not yet had an impact on the welfare of life. the wider community, interpreting criminal and civil law as valid law and having the authority to decide every legal case that occurs in Indonesia, has indeed become a reality, because to be able to replace the law and decide to update it into a new legal system, of course it must be based on The 1945 Constitution and can guarantee every interest of the people and be at the forefront in creating an orderly, advanced, and prosperous society, Sees the law must form a sovereign system for all its people and divide it into several elements, namely, structure in the form of Institutions are created by legal systems with various functions to support the actualization of the law and are constantly changing, giving some form and limitation to the whole. Substance, is a rule, norm, provision or rule of law made and used to regulate human behavior and finally culture (legal culture), concerning values, attitudes, community behavior and non-technical factors that bind a legal system (Natsir et al, 2018; Fatoni, 2019).

The aims and objectives of this study are to find out how, the role of customary criminal law as a form of legal reform in Indonesia. Some references and previous studies that researchers used in the preparation of this study were, Customary Criminal Law as a Legal Source for Reforming the National Criminal Law. , this research was compiled The research method carried out in the preparation of this research is normative and the results of this previous study explain that, Customary criminal law is an act that violates the feelings of justice and propriety that live in society, causing the existence of disturbance of the peace and balance of the society concerned. Customary law is structurally and functionally still valid in national law as evidenced by the existence of legal practices in the community which are supported by the laws mentioned above (Setlight, 2015). Regarding customary crimes, there are practices in Indonesian indigenous peoples and in the Draft Criminal Code, customary crimes are recognized as a legal basis for judges in deciding cases.

The second research entitled, Criminal Law Reform Based on Customary Law, this research was compiled by Sambas (2019), using qualitative research methods and the results of this previous study explain that, there are several grounds that deserve to be put forward to reform criminal law in Indonesia, among others are: that the Criminal Code in force today is a legal product originating from the Netherlands, which resulted in a lot of legal content in the law book, besides being no longer in accordance with existing conditions, there are also many that are contrary to local wisdom that lives and develops. in Indonesia. Based on these facts and conditions, some legal experts believe that the content or content of material criminal law which is currently still under discussion must be based on the values that live in society. This means that customary law can be used as a material or source of law for making new criminal law laws, so that they can be accepted by the community .

The next research is entitled, Settlement of Minor Crimes Through Local Wisdom in the Development of the National Legal System, this study was compiled by Manarisip (2013), This study used the *Constructivist* paradigm with qualitative methods, and the results of this previous study explained that the construction of settlement of minor crimes based on local wisdom still in line with the provisions of Article 18 B paragraph (2) UUDNRI, with alternative solutions using local wisdom. Through a structured legal system reform approach at the central to regional levels, there are alternative media for reconstruction, harmonization and deregulation of regulatory reforms to provide space for local wisdom of customary law as an alternative medium for resolving minor crimes.

And the last research entitled, Recognition of Customary Criminal Law in Indonesia. This research was compiled by Supusesa (2012), using normative research methods, and the results of this previous study explained that, the view is to raise The law that lives in Indonesian society is the realization of the desire to re-develop the law that lives in Indonesian society. The application of customary criminal law in principle is in line with the application of customary law in general. Customary criminal law comes from the identity of the Indonesian nation itself, which in general is the original source of Indonesian law and should be explored and developed into national law, because basically even though there are differences, but with the spirit to develop the original laws of the Indonesian nation itself, agreements can be obtained, and in principle the law itself is an agreement.

After observing several previous studies that do have a relationship and connection with the research being researched, then in this context a conclusion can be drawn that some of the above discussions show that there is a commonality of methods and topics to be studied, namely the role of customary law or law. as a reform in Indonesian law, and as a reference material and an overview in this paper, the researcher hopes to improve it by taking some of the inputs contained in the previous study.

## **2. Approach Method**

In this study, researchers wanted to examine a phenomenon which discusses the role of criminal law customary as a form of legal reform in Indonesia in this study researchers used a qualitative descriptive approach by examining a number of journals or articles related to the topic of discussion of the renewal of the Indonesian legal system, method of data collection is The techniques used by observation, interviews, literature studies to documentation studies must be based on the relevance of criminal law research as legal reform in Indonesia, and provide a data conclusion that is primary and secondary.

## **3. Result and Discussion**

Based on the results of the research that has been done, by using the observation method on several articles related to the topic of discussing the role of customary law or national law as a renewal in Indonesian law, by evaluating and also analyzing the data found in the field, it can be concluded some results and also a careful discussion found, namely:

### **3.1 Criminal Law in the Perspective of Customary Law**

Indonesian society is known as a society that upholds the values of a culture, the habits of the Indonesian people always have rules or understandings that come from the customs and norms of their respective regions, one of which is regarding sanctions or what is commonly known as the legal system (Poluakan et al, 2020; , The Indonesian legal system is known as written law, this written legal system is divided into two types, namely criminal law and civil law, both legal systems are believed to be a legacy left by the Dutch colonial rule, but over time the Indonesian people began to questioning the existence of the two laws, because the policies that were born through the decisions of criminal and civil cases, are very contrary to the understanding and cultural values that develop in Indonesian society, so to realize a sovereign legal system and guarantee every order in society, the government should carry out a renewal of the mechanism of law enforcement in Indonesia (Suwandi et al, 2017; Sukma, 2021).

To strive for a legal system that is in accordance with the way of life of the Indonesian people, it is necessary to have a law that regulates the points of legal development, and all of that is contained in the vision and direction of the national long-term development plan for 2005-2025, namely, one of the following: One task that has not yet been completed is to establish an Indonesian national legal system that reflects the ideals, soul, spirit and social values that live in Indonesia. The efforts that have been made include, among others, the renewal of laws and regulations and the empowerment of legal institutions/institutions. existing, increasing the integrity

and morale of the apparatus law enforcers and other legal apparatus, accompanied by the improvement of adequate legal facilities and infrastructure.

Considering that the Indonesian state is an archipelagic country that was raised through unity and integrity, the legal system that is in accordance with the characteristics and character of the Indonesian people is a populist legal system and is based on the values and morals of an area, then customary law or customary criminal law is considered very suitable. When applied in the legal reform system in Indonesia, customary law itself has a very strong definition in realizing an ideal legal system for the people of Indonesia, because this system comes from habits that arise and are followed and obeyed continuously through a transition of power that takes place from generation to generation and is rooted in the characteristics and character of the people of a particular area.

According to Suhariyanto (2018) and Saraswati (2018) Customary Law is unwritten law, customary law with characteristics that are guidelines for people's lives in carrying out justice and community welfare and are familial, that customary law is a synonym for unwritten law in legislative regulations, living laws conventions in state bodies, parliament, provincial councils, and so on, living law as customary rules that are maintained in social life, both in cities and in villages.

Through a law which states that customary law is a law that originates from the characteristics and habits of the Indonesian people, and is recognized by the Indonesian government, as stated in Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, it is stated firmly that "the State recognizes and respects the provisions of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated by law", that the identity of a culture which includes the rights of traditional communities must be respected and preserved through the development of time and human civilization.

Judging from several descriptions of the view of the customary law system that has developed among the Indonesian people, it is an embodiment that was put forward through the content and message of the 1945 Constitution, that the position of customary law as unwritten law basically still has constitutional characteristics, considering the existence and value of customary law. The value of customary law is an interest in the formation of a national legal system in an effort to reform the sovereign state of Indonesia and upholds the legal foundations that apply in society, citing the message of Yudianto (2012) which states that customary criminal law is a living law (*the law of life*). *living law*), followed and obeyed by indigenous people continuously, from one generation to the next.

### **3.2 Renewal of Criminal Law Based on Customary Law in Indonesia**

As explained earlier that the criminal law system in Indonesia is a legacy given by the Dutch colonial government, then the specifics of the procedures and all the preparation of the material contained in the legal system are very far from the characteristics and characteristics of the Indonesian people, the laws that explored and loaded in its preparation not based on the thoughts of the Indonesian nation, for that the formation and renewal of the legal system in Indonesia must be based on the continuity and sustainability of society in a very broad realm, because basically a law

will be considered good if it makes a contribution. more on the conditions and interests of national development that has character and does not release the identity of a nation, because at this time positive law in Indonesia is not entirely based on the 1945 Constitution and Pancasila, both laws that were enacted or developed before the proclamation of independence or those that were enacted. After the proclamation of independence, it can be said that we do not yet have a national legal system, but it is still in the process of being formed and developed (Setyawan, 2019; Aditya, 2019; Haq, 2020)

The law itself actually must always be oriented towards a characteristic and habit that is found in the wider community, meaning that the law is a reflection of the character of the community, it shows that criminal law should reflect the values that live in society so that it can be applied and accepted and fulfill the sense of justice of the society in which the law is enforced. As stated in the MPRS decree. No. XX/1996 which states that the values contained in Pancasila are basically a view of life, awareness and legal ideals that have civilized morals covering the psychological atmosphere and character of the Indonesian nation. sovereign and positioning the values contained in the temple of Pancasila is an ideal legal assessment for the Republic of Indonesia.

So to describe the role of customary law as the most ideal law and have a very high meaning in the soul of the Indonesian people, the state is obliged to guarantee and recognize every development of customary law that develops in the life and structural pattern of Indonesian government, as well as recognizes the existence of indigenous peoples themselves, to can prove the role and function of customary law because it is one of the sovereign laws and has a policy and understanding with other positive laws, it is necessary to have an evaluation of the determination of the legal system, whether the dimensions contained in customary law complement each other or even show a reaction contrary to law and other systems. Because the Indonesian people actually need a guarantee and development in a pure legal system, where legal development can grow and coexist with the patterns and habits of society, in the other process the essence of the law itself is to look at a simple meaning then be able to understand and develop towards The background and urgency of holding criminal law reform can be viewed from sociopolitical, sociophilosophical, sociocultural aspects or from various policy aspects (especially social policy, criminal policy and law enforcement policy). This means, the meaning and nature of criminal law reform is also closely related to these various aspects. This means that criminal law reform must also essentially be a manifestation of changes and reforms to various aspects of the policies that underlie it (Astuti, 2015).

#### **4. Conclusion**

Based on the research that the researchers conducted on the discussion of the role of customary law or national law as a renewal in Indonesian law, the researchers can conclude several main points that can be concluded, the results of various observations that researchers found in the field, namely, as a unitary state that has various customs, values and culture, the Indonesian state is indeed rich in diversity which is supported by the characteristics of its people who are always obedient and obedient to applicable laws, Indonesian people have long adhered to a legal system

that was pioneered by the legacy of the Dutch colonial nation, the position of criminal law as one of the written laws and adopted and applied to the current government system, in fact it is not in accordance with the wishes and expectations of the Indonesian people, because the application of the law is not based on the values contained in the principles of community life in general, for that it is necessary a reform and proper legal mechanism in the Indonesian state, which is based on values and culture. Has a variety of heritage that is passed down from generation to generation. Indonesian people in fact have an application of law based on a settlement that is resolved through an agreement and deliberation, so regarding the explanation of customary law an original law originating from an area or region in Indonesia, in fact a legal system like this is felt to provide a significant benefit. most effective and rooted in the habits and development of the original life of the Indonesian people in accordance with the socio-cultural conditions of the indigenous village community, then this is in accordance with the provisions of Article 24 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, opening opportunities for the existence of other courts whose functions are related to judicial power, in addition to the Supreme Court and its subordinate bodies which include, the General Court, Religious Courts, Military Courts, State Administrative Courts, and a Constitutional Court as stated in article 24 paragraph (2 ) Constitution of Ne Because of the Republic of Indonesia in 1945, other courts based on customary justice are open, as long as they are regulated by law.

## **5. Reference**

- Abubakar, L. (2013). Revitalisasi hukum adat sebagai sumber hukum dalam membangun sistem hukum Indonesia. *Jurnal Dinamika Hukum*, 13(2), 319-331.
- Achmad, W. RW (2021). Conflict Resolution of Remote Indigenous Communities (Overview of The Sociology Communication). *LEGAL BRIEF*, 10(2), 280-286.
- Aditya, Z. F. (2019). Romantisme Sistem Hukum Di Indonesia: Kajian Atas Kontribusi Hukum Adat Dan Hukum Islam Terhadap Pembangunan Hukum Di Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 8(1), 37-54.
- Fatoni, S. (2019). Fungsionalisasi Nilai Islam Dan Local Wisdom Dalam Pembaruan Hukum Pidana. *Justicia Islamica*, 16(1), 21-40.
- Haq, H. S. (2020). Pengantar Hukum Adat Indonesia. Penerbit Lakeisha.
- Harahap, A. (2018). Pembaharuan Hukum Pidana Berbasis Hukum Adat. *EduTech: Jurnal Ilmu Pendidikan dan Ilmu Sosial*, 4(2), 1-9.
- Kunyanti, S. A., & Mujiono, M. (2021). Community Empowerment-based Corporate Social Responsibility Program in Panglima Raja Village. *International Journal on Social Science, Economics and Art*, 11(1), 12-19.
- Kurniawan, F. (2016). Hukum Pidana Adat sebagai Sumber Pembaharuan Hukum Pidana Nasional. *EDUKA Jurnal Pendidikan, Hukum dan Bisnis*, 2(2), 10-31.
- Manarisip, M. (2013). Eksistensi Pidana Adat dalam Hukum Nasional. *Lex Crimen*, 1(4).
- Mulyadi, L. (2013). Eksistensi Hukum Pidana Adat Di Indonesia: Pengkajian Asas, Norma, Teori, Praktik dan Prosedurnya. *Jurnal Hukum dan Peradilan*, 2(2), 225-246
- Natsir, M., & Rachmad, A. (2018). Penetapan Asas Kearifan Lokal Sebagai Kebijakan Pidana dalam Pengelolaan Lingkungan Hidup di Aceh. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 4(7), 468-489.
- Nur, E. R. (2016). REKONSTRUKSI SISTEM HUKUM PIDANA BERKEADILAN DALAM PENYELESAIAN TINDAK PIDANA RINGAN BERBASIS KEARIFAN LOKAL HUKUM ADAT LAMPUNG (Doctoral dissertation, Diponegoro University).
- Poluakan, M. V., Dikayuana, D., Wibowo, H., & Raharjo, S. T. (2019). Potret Generasi Milenial pada Era Revolusi Industri 4.0. *Focus: Jurnal Pekerjaan Sosial*, 2(2), 187-197.

- Rado, R. H., Arief, B. N., & Soponyono, E. (2016). Kebijakan Mediasi Penal Terhadap Penyelesaian Konflik Sara Di Kepulauan Kei Dalam Upaya Pembaharuan Hukum Pidana Nasional. *LAW REFORM*, 12(2), 266-276.
- Salim, M. (2016). Adat Sebagai Budaya Kearifan Lokal untuk Memperkuat Eksistensi AdatkeDepa. *Al Daulah: Jurnal Hukum Pidana dan Ketatanegaraan*, 5(2), 244-255.
- Sambas, N. (2009). Eksistensi Hukum Pidana Adat Dalam Pembentukan Hukum Pidana Nasional. *Syiar Hukum*, 11(3), 233-244.
- Saptomo, A. (2010). Hukum dan kearifan lokal: revitalisasi hokum adat Nusantara. *Grasindo*.
- Saraswati, P. S. (2018). Eksistensi Sanksi Adat Bali Dalam Sistem Hukum Pidana Nasional. *Jurnal Advokasi*, 8(2), 251-264.
- Setyawan, V. P. (2019). Prospek Pemberlakuan Hukum Adat Dalam Hukum Pidana Nasional.
- Sidiq, R. S. S., & Achmad, R. W. W. (2020). Gender aspects in remote indigenous community empowerment program in Indonesia. *Journal of Advanced Research in Dynamical and Control Systems*, 12(6), 2104-2109. <https://doi.org/10.5373/JARDCS/V12I6/S20201172>
- Sidiq, R. S. S., & Jalil, A. (2021). Virtual World Solidarity: How Social Solidarity is Built on the Crowdfunding Platform Kitabisa. *com. Webology*, 18(1).
- Sidiq, R. S. S., & Maulida, H. (2021). Exploring Health Disparities in Indigenous Akit Tribal Community in Riau Province. *MIMBAR: Jurnal Sosial dan Pembangunan*, 37(1).
- Siombo, M. R., & Wiludjeng, H. (2020). Hukum Adat Dalam Perkembangannya. Penerbit Universitas katolik Indonesia Atma Jaya.
- Sudirman, S., Yunus, A., & Arif, M. (2021). Implementasi Nilai-Nilai Hukum Adat Dalam Mewujudkan Hukum Yang Bersendikan Kearifan Lokal. *Journal of Lex Generalis (JLG)*, 2(1), 89-106.
- Suhariyanto, B. (2018). Problema Penyerapan Adat Oleh Pengadilan Dan Pengaruhnya Bagi Pembaruan Hukum Pidana Nasional. *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 30(3), 421-435.
- Sukma, S. (2021). *EKSISTENSI HUKUM PIDANA ADAT DALAM PENYELESAIAN DELIK ADAT ZINA DI NAGARI MANDIANGIN KOTA BUKITTINGGI* (Doctoral dissertation, Universitas Andalas).
- Sukma, S. (2021). *EKSISTENSI HUKUM PIDANA ADAT DALAM PENYELESAIAN DELIK ADAT ZINA DI NAGARI MANDIANGIN KOTA BUKITTINGGI* (Doctoral dissertation, Universitas Andalas).
- Supusesa, R. (2012). Eksistensi Hukum Delik Adat Dalam Perspektif Pembaharuan Hukum Pidana Di Maluku Tengah. *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 24(1), 41-54.
- Suwandi, A., Zanibar, Z., & Achmad, R. (2017). Eksistensi Hukum Adat Terhadap Hukum Pidana. *Legalitas: Jurnal Hukum*, 1(3), 1-36.
- Ulil, A. U. (2019). Penyelesaian tindak pidana ringan melalui kearifan local dalam pembangunan system hokum nasional. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 8(1), 113-126.
- Yudianto, O. (2012). Eksistensi Pidana Penjara Dalam Perspektif Hukum Islam Dan Hukum Adat. *DiH: Jurnal Ilmu Hukum*, 8(15).
- Setlight, M. M. (2015). Penerapan Hukum Pidana Adat Dalam Putusan Pengadilan Di Wilayah Pengadilan Negeri Tahuna. *Lex et Societatis*, 3(4).