Jurnal Hukum Volkgeist
https://doi.org/10.35326/volkgeist.v7i1.2708
Vol. 7 No. 1, December 2022

Formulation of Customary Criminal Sanctions from A Human Rights Perspective

Rosnida[1], Enni Eka kusumawati[2*], Erni Dwita Silambi[3]

[1]Universitas Cokroaminoto Makassar, Indonesia

[2]Universitas Musamus, Indonesia

[3]Universitas Fajar, Indonesia
*Correspondence: ennyekakusumawaty@gmail.com

ARTICLE HISTORY
Received: 05.10.2022
Accepted: 29.12.2022
Published: 31.12.2022

ABSTRACT
The provision of customary criminal sanctions varies according to the customs and norms that apply in an area and this research takes a case study in Merauke Papua. This research focuses on the provision of customary sanctions for perpetrators which will be viewed from the point of view of human rights. This study aims to see and analyze the criminal sanctions given to the perpetrators and whether these sanctions do not conflict with the human rights that apply in Indonesia. The type of research used in this research is a combination of normative legal research and empirical legal research where normative research will look at legislation related to human rights and also provisions regarding customary sanctions while empirically will look for direct data in the field then data analyzed using qualitative methods will then be presented descriptively. The results of this study are that customary law does not recognize the division between criminal law and civil law but the sanctions given to both criminal cases and civil disputes are the same, namely tubers, coconuts, bananas, wati (a typical Papuan plant), pigs, giving sister and the death penalty, pay with the land that has been determined.
Keywords: *Customary Crimes; Human Rights; Sanctions*

1. Introduction

In Indonesia, the main source of criminal law is found in the Criminal Code and other criminal law laws and regulations. But besides that it is still possible to source from customary law or people's law which is still alive as a criminal event with certain limitations according to Emergency Law No. 1 of 1951, namely in Article 5 paragraph (3) Sub b which reads an act which according to living law is considered a criminal act, but has no comparison in the Criminal Code, is considered to be threatened with and / or a fine of five hundred rupiah, namely as a punishment. a substitute if the customary punishment imposed is not followed by the convicted party "All actions that are contrary to legal regulations are illegal and customary law recognizes efforts to restore the law if the law is raped. Illegal acts or actions that are contrary to customary law are also known as customary offenses (M.Yusuf, 2009). In the current era of regional autonomy, where each region is given the authority to carry out its own government and must be based on principles such as autonomy which is responsible for emphasizing democracy, supporting aspirations, community participation and regional potential as well as regional diversity. Each of these regions has different economic capacity, population, area, socio-culture and politics so that it is possible to solve the problem using different methods, including in the field of public law because it is based on different backgrounds (Issa et al., 2019). Customary criminal law regulates actions that violate the sense of justice and appropriateness that live in the community, causing disruption of the peace and balance of society to restore the peace and balance, there is a reaction. The existence of Customary Criminal Law in the community is a reflection of the life of the community and each region has a different Customary Criminal Law according to the customs in that area with characteristics that are not written or codified (Anwar, 1997). The application of sanctions in law enforcement to regulate a person as a legal subject must have a human feeling in respecting the dignity and dignity of a person's life as mentioned in the Preamble to the 1945 Constitution of the Republic of Indonesia. The application of legal sanctions as a result of a violation of the provisions of the law has created debate to date. The legal provisions governing the application of the death penalty illustrate that Indonesia's commitment to comply with the international agreements contained in the International Covenant on Civil and

Political Rights is not yet clear in the eyes of the international community. Everyone has human rights which provide basic obligations and responsibilities to mutually respect the human rights of others and that is the duty of the government to respect, protect, enforce and promote them. In the 1945 Constitution of the Republic of Indonesia as the Indonesian constitution, there are formulations on human rights. This can be found in the preamble as well as in the body, the existence of this formula means that the Indonesian state recognizes the principle of protection of human rights (Andrey Sujatmoko, 2015). Recognition of human rights in Indonesia can be seen in Article 1 of Law Number 39 of 1999 concerning Human Rights which defines Human Rights as a set of rights inherent in the nature and existence of humans as creatures of God Almighty and are a gift that must be respected. Upheld and protected by the state, law, government and everyone for the honor and protection of human dignity. The Indonesian state recognizes and upholds human rights and basic human freedoms as rights that are inherently inherent and inseparable from humans that must be protected, respected and upheld in order to improve human dignity, welfare, happiness, intelligence and justice. Second Amendment to the Constitution 1945 Article 28I paragraph 1 states: "The right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law and the right not to be prosecuted on the basis of retroactive law are human rights that cannot be reduced under any circumstances". In accordance with Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the State of Indonesia is a constitutional state and the consequence of a rule of law is the existence of legal certainty. Amendments to the 1945 Constitution of the Republic of Indonesia which occurred in 2000 again recognized and respected indigenous peoples and their traditional rights, such recognition was included in Article 18B paragraph (2) and Article 28 I paragraph (3). Article 18 B paragraph 2 states: The State recognizes and respects indigenous peoples 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 in law. Meanwhile, Article 28 I paragraph 3 states: Cultural identities and rights of traditional communities are respected in line with the times and civilizations

The existence of Customary Courts is clearly recognized in Law Number 21 of 2001 concerning Special Autonomy for Papua Province, namely Article 50 paragraph which states.

a. states that, "Judicial power in Papua Province is exercised by the Judiciary in accordance with the statutory regulations*",*

b. *In addition to the judicial power as referred to in paragraph (1), it is recognized that there is a customary court in certain customary law communities.".*

Recognition of the customary courts in Papua is strengthened by the existence of the Papua Special Regional Regulation (Perdasus) Number 20 of 2008 concerning Customary Courts in Papua. The Perdasus also contains the existing sanctions, namely in article 17 paragraph (1) states that "customary court sanctions consist of: a. customary fines with due regard to the principles of propriety and fairness in accordance with the provisions of the customary law of the customary law community concerned: and b. conduct a customary restoration ceremony with due observance of the principles of propriety and fairness in accordance with the customary law of the customary law community concerned.

In practice, customary court decisions can cause problems and can even be categorized as human rights violations because there are cases that have been decided in customary courts and have been accepted by both parties and then processed again according to national law and customary sanctions are not eliminated by national court decisions even though the Court's Decision Agung in case number 1644K/Pid/1988 dated 15 May 1991, emphasized that the customary court decisions that had been carried out by the defendant had the same legal force as general court decisions. If the case is brought back to the general court (district court), it is tantamount to ne bis in idem. However, in the Special Autonomy Law, namely in article 50 paragraph (4), in the event that one of the parties to the dispute or the parties to the case objects to the decision taken by the customary court examining it as referred to in paragraph (3), the objecting party has the right to ask the the court of first instance in the judiciary which has the authority to examine and re-trial the dispute or case in question but this rule must explain that if the case is brought to the court of first instance, the sanctions or fines under customary law must be cancelled. This study aims to see and analyze the criminal sanctions given to the perpetrators and whether these sanctions are not against human rights in force in Indonesia.

2. Method

The research used in this research is a combination of normative legal research and empirical legal research (Irwansyah dkk, 2020). Using a statutory approach as well as a sociological approach (Bakhtiar, Abbas, & Nur, 2021) with the reason that the author wants to examine the norms related to customary criminal sanctions and seek information directly about the types of customary sanctions and also customary sanctions in terms of human rights in Merauke Regency

3. Result and Discussion

Recognition of living law, especially customary courts, is set forth in legislation. Namely, Law Number 21 Year 2001 regarding Special Autonomy for Papua Province, Article 50 states that apart from general judicial bodies, the Government recognizes the existence of customary courts within certain customary communities. Based on the Papua Special Autonomy Law, customary courts are peace courts within customary law communities that have the authority to examine civil and criminal cases. In Merauke Regency, especially the Malind Anim community, they still highly uphold customary law so that the community prefers to settle cases through customary law rather than through the National court (Dwita, Pangerang, Patittingi, & Azisa Nur, 2022).

Merauke Regency is the southernmost district in Papua Province, In Merauke Regency there are Indigenous Peoples institutions which are also institutions that channel the aspirations of indigenous peoples. Indigenous peoples are a group of people whose entities are recognized by the State, from the name alone, customary community institutions, it is clear that all the problems that arise due to customary problems have different characteristics and ways of handling them when compared to Indonesian positive law, The problems handled by the Indigenous Peoples Organization range from issues of a traditional nature such as Married without your blessing and suanggi, as well as issues of a civil and criminal nature such as land disputes, persecution, fraud and murder (Silambi, Alputila, & Syahruddin, 2018).

The Malind Anim Indigenous Peoples Organization is a parent organization that oversees all the indigenous groups of Malind Imbuti so that issues of customary rights which are customary issues in which the customary law community is involved must be resolved by means of deliberation through LMA Malind Imbuti. The decision resulted from a deliberation conducted by LMA Malind Imbuti, which represents the customary law community, issued in the form of a letter containing the signatures of all the clans of the customary law community in the customary area of LMA Malind Imbuti. For Merauke district itself, the Regional Regulation regarding Customary Court Institutions has not yet existed, so that all customary justice mechanisms implemented by the Marind Imbuti Community Institution as regulated in article 10 of the Perdasus Number 20 of 2008 cannot be legally accounted because it is not in accordance with the order of Article 10 paragraph (2) of Perdasus Number 20 of 2008, that is, it must be regulated through a Regency / City regional regulation. However, in order to protect the rights of indigenous people in Merauke district, then all decisions made by the Indigenous Peoples' Institution that were born through the Customary Justice Process carried out by the Marind Imbuti Community Institution must still be respected, respected, and obeyed considering the Marind Ibuti Indigenous Peoples institution is a cultural representation of 24 indigenous communities in Merauke Regency.

According to the head of the LMA indigenous peoples, Malind Imbuti Xaverius Bavo, This customary community institution aims to solve various kinds of customary problems by means of deliberations that occur in the middle of the community The Marind Imbuti Indigenous Society consists of 7 (seven) clans / fam / boan, the seven clans / fam / boan, among others are: Gebze, Mahuse, Ndiken, Kaize, Samkakai, Balagaise and Basik - basik.

Regarding the customary sanctions stipulated in Papua special regional regulation Number 20 of 2008 Article 17 which reads: (1). Sanctions in the customary court consist of: a. Customary fines with due regard to the principles of propriety and fairness in accordance with the customary law provisions of the customary law community concerned; b. carry out the customary restoration ceremony with due observance of the principles of propriety and fairness in accordance with the customary law of the customary law community concerned.

Van Vollenhoven stated that what is meant by customary offenses is an act that should not be done, even though the fact is that the event or act is only a minor contribution. So what is meant by customary offenses is all actions or events that are contrary to propriety, harmony, order, security, sense of justice and legal awareness of

the community concerned, whether it is the result of a person's actions or the actions of the customary authorities themselves (Moeljatno, 2011).

The people of Merauke (the Malind Anim) prefer to solve their problems because they consider that the settlement through customary justice is sacred, fairer and the sanctions given are considered lighter and they are also happy because they feel that they are handled by people who are close and trustworthy and in solving it. involving the parties involved so that it is considered more open, simple and fast.

Indigenous peoples' judicial institutions are not authorized to impose criminal sanctions in the form of imprisonment or imprisonment as stated in Article 16 Paragraph 1 of Perdasus Number 20 of 2008 Also in Article 51 paragraph (5) of Law Number 21 Year 2001 regarding Special Autonomy for Papua, it is stated that the customary court has no authority to impose imprisonment or imprisonment. So that the decision of the customary court cannot impose imprisonment or imprisonment as the general criminal law that applies in Indonesia in general. so that the sanctions imposed by the indigenous peoples' judiciary are only in the form of fines and also carry out traditional restoration ceremonies and the decisions of the customary courts will only be considered as legal considerations of the State Court, if the decision of the Customary Court which has been decided by the Customary Court is not approved by the Head of the District Court which is in charge of it obtained through the Head of the District Attorney concerned as regulated in article 57 paragraph (1) and paragraph (8) Law Number 21 of 2001 concerning Special Autonomy for Papua.

Customary criminal sanctions imposed based on deliberation to reach a consensus are a plural method of obtaining peace. Customary criminal sanctions(Issa et al., 2019) in the form of fines or guidance by performing certain rituals such as eating together, forgiving each other or making vows intended to restore physical and social balance (Nurcahyo, 2016)

Each community group has something that is respected which is believed to have a relationship with ancestors or in anthropological terms it is called the Likewise with indigenous groups in Merauke who have Totems based on clan. The totem will be an item that is highly respected so that if someone does not respect or damage the Totem, they will be given customary sanctions that apply to each community group.

Table 1. Types of Totems based on several clans in Merauke

NO	MARGA	Totem from Plants		Totem from Mammal	
		ILMIAH	MALIND ANIM	ILMIAH	MALIND ANIM
1.	GEBZE	Cocos nucifera L	Onggat	Petaurus brecipes	Banggah
		Musa sp	Mbuti Napet	Petaurus brecipes	Rareh
		Acacia sp	Heh		
		Timonius timon	Mbala		
			Kan		
2.	MAHUZE	Metraxylon sp	Da	Marcopus agilis	Waref
		Avicenia sp	Haraf/Alah	Canis familiaris	Nggat
		Piper methysticum	Babin wati		
		Melaleuca sp	Dal		
3.	KAIZE	Nymphaea sp	Um	Thylogale brujnii	Sikah
		Phragmetis karka	Do kasim		
		Endiandra fulva	Ake		
		Bamboosa sp	Suba		
		Bamboosa sp	Upa		
4.	BALAGAIZE	Arenga sp	Kanis	Isoodon macrourus	Tuban
		Musa sp	Kidup Napet		
		Terminalia catapa	Wakati		
		Cocos nucifera	Onggat		
5.	NDIKEN	Piper methysticum	Hong wati		
		Piper methysticum	Mbot		
		Saccharum sp	Od		
		Saccharum sp	Masuri		
6.	BASIK-	Artocarpus	Balau	Sus scrofa	Basik

	BASIK	communis forst			
		Mangtfera	Wakmu		
		Saccharum sp	Ood		
7.	SAMKAKAI	Saccharum sp	Timod	Marcopus agilis	Saham
		Piper methysticum	Wati		

Source: Empirical Data

In the table above, it is clear that the Malind Anim people are very close to nature, even they consider the totem as something very sacred that must be protected and guarded as a respect for their ancestors and the Malind Anim community believes that nature is the embodiment of the dignity of the people.

Each group will defend what is the Totem in its group, for example the Samkakai group has made rules about how to hunt Kangaroos which must be obeyed by the hunting community. both traditionally and in a modern way, including hunting only with machetes and arrows, not using firearms, and hunting cannot be more than two as well as looking for the cut is also clearly arranged. And if it is violated, the customary sanction can be up to death penalty.

The Marind Imbuti Indigenous Peoples Organization covers 24 indigenous communities living in 24 villages in Merauke district, The twenty-four indigenous communities and villages stretch from Kondo to Nowari. In this case, the Marind Imbuti customary community organization is in charge of 24 indigenous communities has the authority to resolve customary problems, among others: Resolve problems that occur among the 24 communities of indigenous peoples, Resolving customary land disputes. Resolving customary land disputes, Implement customary regulations and Carrying out customary disputes between tribes / indigenous communities. In practice, the problem that is resolved at the LMA is land dispute while other disputes will be carried out by indigenous communities in each village as part of the LMA. This is what makes the giving of sanctions not generally applicable regarding the sanctions given to each violation. The respective customary leaders can impose sanctions according to deliberation in the customary assembly. for example in Wasur village the sanction for people who are drunk is to prepare bananas,, tubers, coconut as well as various other types of plants, "With this witness, it is hoped that there will be a deterrent effect and will not repeat the act, said the village head and traditional leader of Wasur Thobias Warnal Gebze..

Whereas in the village of Rawa Biru the sanctions for people who hunt in forests that have been sasi (Piper Methysticum) which is a traditional plant or pork cut. Customary criminal law sanctions(Muchtar, 2015) are necessary because as a law that grows out of history, views of life, and social rules that have been agreed upon by the community, customary criminal law is more closely related to the anthropology and sociology of society than statutory law so that the legal sanctions contained in it It is hoped that it can provide a good deterrent effect for the perpetrators and a warning for others. However, the law that applies in Indonesia is positive law. However, because Indonesian people are also part of indigenous peoples who have their own rules related to norms, belief, sense of justice, and legal awareness of the community in accordance with the place where he lives then the implementation of customary criminal law is believed to be able to provide a sense of community justice and restore the balance of society, besides enriching the treasures of law enforcement in Indonesia. The nature of customary offenses according to Hilman Hadikusuma(Firdaus, 2017)

Table 2. Types of customary violations and their sanctions in Merauke

Number	Type of Offense	Customary sanctions
1	Domestic violence	Give pork according to the decision of the customary court
2	Rape	Pay some money and give a number of pigs
3	Drunk	prepare tubers, coconut bananas and other types of plants
4	Kangaroo hunting exceeds the stipulated number	I was advised II pay a fine, namely handing over the wati plant III attaching a life mark with a rope in the hand

		IV. dead execusion
5	Murder	Give a sister to the victim's family
6	Killing by means of suanggi (witchcraft)	Killed

From the available data, it can be seen that the sanctions imposed on customary violations are very diverse, ranging from the lightest sanctions to the most severe ones, namely the death penalty and if one of the litigants does not accept the customary decision it can be proceeded to the national court according to the provisions of Article 50 paragraph 4, namely in the event that one of the parties concerned or competing objects to the decision that has been taken by the customary court examining it as referred to in paragraph (3) the objecting party has the right to ask the court at the first level within the judicial body which is authorized to examine and retry the dispute. or the case concerned (Farida Patitingi, 2003).

The types of customary fines above are usually mutually agreed upon by the victims and the perpetrators in the customary court, because these types of customary fines are a means of resolving customary cases in general, and its function as a counterweight in returning a number of neglected customary values. In many cases, the imposition of customary fines has actually created a new kinship between the perpetrator and the victim (Awi, 2012). In the types of sanctions that have been mentioned in table 2, some of these sanctions are light and some are fallow, It is classified as a minor fine because the fines given are mostly taken from nature in the village where the case was carried out.

An example of a case with severe sanctions is the death penalty and this needs to be reviewed from a Ham's point of view, an example of a case that occurred in Senegi village, Animha District in 2012 was decided through a customary meeting 2 times led by a traditional leader from the Imo group in the Senegi Linus Gebze village which decided that Yohanis Yakobus Balagaize should be killed because according to the results of the customary meeting the victim had greatly disturbed the village community that is, often build up by means of *suanggi* (witchcraft) and also always control the land belonging to other people. According to the customary meeting, the victim was then killed at the specified time and place and the decision of the meeting was accepted sincerely by the family and after the victim's death a traditional ritual was carried out in which the defendant gave two women as well as a pig and wati, However, this case was then processed at the Merauke District Court with Decision Number 119 / PID.B / 2012 / PN / MRK with penalties even though it is in accordance with the provisions of Article 51 paragraph (6) of Law No.21 of 2001 concerning Special Autonomy for Papua Province which states that “The decision of the customary court regarding a criminal offense in which the case is not requested for re-examination as referred to in paragraph (4) shall be the final decision and have permanent legal force ”. In the Special Autonomy Law and the Perdasus which regulates customary courts, it does not explain in detail the sanctions that can be given to perpetrators who violate customary law so that in this case it cannot be said that the law given exceeds the authority of the law. The decision of the customary court regarding a criminal offense in which the case is not requested for re-examination as referred to in paragraph (4) shall be the final decision and have permanent legal force ”. In the Special Autonomy Law and the Perdasus which regulates customary courts, it does not explain in detail the sanctions that can be given to perpetrators who violate customary law so that in this case it cannot be said that the law given exceeds the authority of the law .

If examined more deeply in accordance with the provisions of the DUHAM, there are several articles in the DUHAM that do not allow the death penalty, among others, based on Article 3 "Everyone has the right to life, freedom and personal security (Darmawati, 2019). The most extreme form of violation of the right to life is killing or injuring the body or spirit of a person or group(Sudantra, 2018) The death penalty clearly violates this article, where the person sentenced to death has been deprived of his life, liberty, and personal security. After all, the death penalty is a punishment that violates the right to life for humans as God's creatures and this is also strengthened according to the International Covenant on Civil and Political Rights, namely Article 6 paragraph (1) Every human being is attached to the right to life. This right must be protected by law.

In addition to the regulation of basic rights, namely the right to life as stipulated in the DUHAM, which in this case is linked to the death penalty, there are exceptions to the exercise of this right, namely by having an in-depth understanding of the existence of derogable rights, namely in the first case "a public emergency which treatens the life of nation” can be used as a basis for limiting the implementation of basic freedoms, provided that

the state of emergency (public emergency) must be officially proclaimed (be officially proclaimed), is limited and must not be discrimination accordance with Article 4 paragraph (1) ICCPR derogable right, which in essence the death penalty can be carried out, even though it is the same as the loss of a person's life and contrary to the provisions of human rights, namely the right to live However, the problem is that if the perpetrator of the crime has committed a crime that killed another person's life or committed a crime against humanity, it can be carried out with the qualification that the crime is a public endangerment. Although the death penalty can be justified, according to the author, it cannot be justified because murder is difficult to prove especially for people who do not come from the same group so that it cannot be used as a basis for giving death sentences.

4. Conclusion

The customary sanctions in Merauke Regency do not provide imprisonment and imprisonment sanctions but only in the form of fines and traditional restoration ceremonies ranging from mild to severe sanctions. The types of customary sanctions include the payment of fines in the form of preparing tubers, coconuts, bananas, wati plants, pork, giving of sisters and the death penalty. Customary sanctions with the death penalty or what is often referred to as the death penalty are contrary to international human rights provisions, especially Article 3 of the DUHAM, namely the right to life. However, there is an exception to this Article, namely Article 4 paragraph (1) ICCPR derogable right, which in essence can be carried out with the qualification that the crime endangers the public but in customary decisions it cannot be justified because murder by means of *suanggi* even though it is considered disturbing the community but cannot. proven and used as the basis for giving the death penalty to the perpetrator of suanggi (witchcraft), so that this sanction is considered to violate human rights and is processed according to national law.

Refferences

Andrey Sujatmoko. (2015). *Hukum HAM Dan Hukum Humaniter*. Jakarta: Raja Grafindo Persada.

Anwar, C. (1997). *Hukum Adat Indonesia Meninjau Hukum Adat Minangkabau*. Jakarta: Rineke Cipta.

Awi, S. I. M. (2012). Para-para adat sebagai lembaga peradilan adat pada masyarakat hukum adat port numbay di kota jayapura. *Jurnal Hukum*.

Bakhtiar, H. S., Abbas, & Nur, R. (2021). Limitation of harbormaster responsibility in ship accidents. *Academic Journal of Interdisciplinary Studies*, *10*(3), 375–383. https://doi.org/10.36941/AJIS-2021-0091

Darmawati, D. (2019). Aspek Hukum Pemenuhan Hak Atas Pembebasan Bersyarat Bagi Narapidana Korupsi. *Jurnal Restorative Justice*, *3*(2), 108–118. Retrieved from http://garuda.ristekdikti.go.id/documents/detail/1266426

Dwita, S. E., Pangerang, M., Patittingi, F., & Azisa Nur. (2022). Ideal Concept of Traditional Justice in Solving Criminal Case. *Academic Journal of Interdisciplinary Studies*, *11*(1), 293–302. https://doi.org/10.36941/ajis.2021.v10n6r

Farida Patitingi. (2003). Peranan Hukum Adat Dalam Pembinaan Hukum Nasional Dalam Era Globalisasi. *Ilmiah Hukum Amanah Gappa*, 146.

Firdaus, F. (2017). Pembela Hak Asasi Manusia pada Isu Sumber Daya Alam di Kabupaten Timor Tengah Selatan Provinsi Nusa Tenggara Timur. *Jurnal HAM*, *8*(2), 83. https://doi.org/10.30641/ham.2017.8.83-103

Irwansyah dkk. (2020). *Penelitian Hukum Pilihan Metode Dan Praktek Penulisan Artikel*. Yokyakarta: Mitra Buana Media.

Issa, J., Tabares, I., Objek, P. B. B., Hasil, L., Informasi, T., Ade Yuliana, H. H. A., … Adhitya Putra, D. K. T. (2019). Pusat Kajian Hukum Adat 'Djojodigoeno.' *Rabit : Jurnal Teknologi Dan Sistem Informasi Univrab*, p. 2019.

M.Yusuf, F. (2009). Tindak Pidana Pembunuhan Yang Diselesaikan Secara Adat Yang Tidak Sesuai Dengan Perundang-Undangan (KUHP Dan KUHAP). *Jurnal Ilmiah Universitas Batanghari Jamb*, *9*(2).

Moeljatno. (2011). *KUHP Kitab Undang-Undang Hukum Pidana*. Jakarta: Bumi Aksara.

Muchtar, H. (2015). Analisis Yuridis Normatif Sinkronisasi Peraturan Daerah Dengan Hak Asasi Manusia.

Humanus, *14*(1), 80. https://doi.org/10.24036/jh.v14i1.5405

Nurcahyo, A. (2016). Relevansi Budaya Patriarki Dengan Partisipasi Politik Dan Keterwakilan Perempuan Di Parlemen. *Agastya: Jurnal Sejarah Dan Pembelajarannya*, *6*(01), 25. https://doi.org/10.25273/ajsp.v6i01.878

Silambi, E. D., Alputila, M. J., & Syahruddin, S. (2018). Customary Justice Model in Resolving Indigenous Conflicts in Merauke Regency Papua. *Musamus Law Review*, *1*(1), 63–72. https://doi.org/10.35724/mularev.v1i1.1079

Sudantra, I. K. (2018). Urgensi Dan Strategi Pemberdayaan Peradilan Adat dalam Sistem Hukum Nasional. *Journal of Indonesian Adat Law (JIAL)*, *2*(3), 122–146. https://doi.org/10.46816/jial.v2i3.10