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Customary Sanctions for Strengthening Moral Order and Social Harmony in South Sumatra Communities

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Abstract:

The implementation of customary (*adat*) sanction-based strategies to minimise immoral acts illustrates the interaction between customary law, moral values, and social dynamics in local communities. This study aims to analyse the effectiveness of such sanctions in curbing immoral behaviour, which includes physical, verbal, and sexual offences outside of marriage, as well as other forms of social deviance. It examines the types of sanctions applied, such as fines, corporal punishment, forced marriage, and ostracism. From the perspective of Islamic law, these sanctions fall under *ta'zir*, a discretionary punishment used to uphold justice and maintain order. Based on family and social law theory, the study positions customary norms as tools for promoting collective morality and shaping social cohesion. Using a qualitative approach, data were collected through interviews with religious and traditional leaders, community elders, and young people, as well as through field observations. The findings show that customary sanctions foster awareness, promote moral conduct, and support social harmony by reinforcing shared ethical standards and encouraging communal responsibility. These practices are deeply embedded in cultural identity and often enjoy stronger legitimacy than formal legal mechanisms. Although not part of state law, customary sanctions operate as informal systems of justice and serve as culturally appropriate responses to moral decline. The significance of this study lies in its potential to inform

policy and practice through culturally grounded strategies that integrate religious ethics, traditional values, and local wisdom. It also contributes to broader discourses on alternative dispute resolution, grassroots moral governance, and the role of local institutions in addressing youth immorality and sustaining social order.

Keywords: customary sanctions; moral order; social harmony; local community.

Introduction

Non-marital sexual activity remains a significant social and legal issue in Indonesia.¹ This phenomenon not only undermines individual moral integrity but also has broader implications for family resilience,² and social cohesion. While it is often associated with unmarried individuals, extramarital sexual relations are also committed by those who are already married. In the adult context, such conduct frequently manifests as infidelity, which, according to the Supreme Court of the Republic of Indonesia, is one of the primary causes of divorce.³ The consequences of divorce due to infidelity extend beyond the personal sphere, affecting child welfare, community cohesion, and the moral fabric of society. Among adolescents, premarital sexual relations are often perceived as an expression of affection, particularly within dating relationships.⁴ This perception, however, disregards the inherent risks of sexual activity outside of marriage, including sexually transmitted infections, unintended pregnancies, and unsafe abortions.⁵ Factors such as permissive dating culture, weak parental supervision, limited reproductive health education, and diminished community social control have contributed to the prevalence of non-marital sexual behavior among young people.⁶

¹ Muhammad Chairul Huda et al., "Nonmarital Sex Rituals on Mount Kemukus (Study of Legal Culture and Islamic Law Perspective)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022): 1, <https://doi.org/10.22373/sjhk.v6i1.9130>; Mujtahid Mujtahid et al., "Social Labeling, Power, and Deviancy Amplification: Community Stigmatization of Migrant Residents in Adultery Cases in Banda Aceh," *Journal of Islamic Law* 6, no. 2 (2025): 265–85, <https://doi.org/10.24260/jil.v6i2.3754>.

² Iwan et al., "Reconceptualizing the Marriage Age Limit in Indonesia: Efforts to Strengthen Family Resilience in North Sumatra," *Al-Manahij: Jurnal Kajian Hukum Islam*, June 28, 2024, 161–78, <https://doi.org/10.24090/mnh.v18i1.11090>.

³ M. Haikel Afandi et al., "An Examination of Islamic Family Law in Kampar Regency, Riau: Focusing on the Causes and Prevalence of Divorce in the Community," *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 298–317, <https://doi.org/10.22373/ujhk.v6i2.19089>.

⁴ Yongtao Gan et al., "Typological Classification of Attitudes toward Premarital Sexual Behavior among Chinese Undergraduates," *BMC Public Health* 24, no. 1 (2024): 2651, <https://doi.org/10.1186/s12889-024-20172-x>.

⁵ Ramadhita Ramadhita et al., "Decriminalisation Against Women Who Perform Illegal Abortions From the Islamic Law Perspective," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 10, no. 2 (2023): 2, <https://doi.org/10.32505/qadha.v10i2.6867>.

⁶ Radite Wanodya and Retno Dwiyaniti, "Virginitas dan Intensi Seks Pra Nikah: Peran Religiusitas Sebagai Variabel Moderator pada Peresta Didik Perempuan," *PSIMPHONI* 1, no. 1 (2020): 1; Dewi Syafitriani et al., "Determinan of Premarital Sex Behavior Adolescents (15-24 Years) in Indonesia (Analysis IDHS 2017)," *Jurnal Kesehatan Komunitas (Journal of Community Health)* 8, no. 2 (2022), <https://jurnal.hip.ac.id/index.php/keskom/article/view/1162>.



Non-marital sexual behavior does not only occur in urban areas, immoral conduct is also found in rural areas.⁷ This sharp rise signals an erosion of community-based social control mechanisms that traditionally served as the primary safeguard of moral conduct. Immoral behavior is punishable by customary sanctions. These sanctions are an effective social tool for regulating the behavior of members.⁸ These sanctions are not merely punitive measures against violations of norms but also preventive mechanisms designed to maintain social balance and the continuity of normative conduct.⁹ As Solin observes, the application of customary sanctions plays a strategic role in preserving family integrity and preventing deviations that may disrupt social stability.¹⁰ Customary sanctions are closely linked to customary family law. In practice, they are often applied in cases involving kinship relations, such as violations of premarital taboos, extramarital affairs, disobedience to parents, or the breakdown of household harmony. Such cases are traditionally resolved through non-formal mechanisms governed by local norms, which are participatory in nature and prioritize consensus-based settlement. Barkah emphasizes that customary sanctions are designed to reinforce collective values and prevent acts that could endanger social stability.¹¹ These sanctions may take various forms, including monetary fines, physical punishment, or social ostracism of those who breach moral norms. In the context of customary family law, the application of sanctions aims to ensure that acts violating decency norms—such as extramarital sexual relations or sexual harassment—are met with appropriate consequences. The primary function is not merely punitive but also preventive, reinforcing moral boundaries and safeguarding the social order. Beyond their punitive function, customary sanctions carry an educational dimension.¹² The imposition of sanctions on norm violators sends a strong moral message to the wider community, serving as a medium for transmitting moral values across generations. As such, customary sanctions integrate both legal and moral dimensions within a single social mechanism.

⁷ Syafitriani et al., “Determinan of Premarital Sex Behavior Adolescents (15-24 Years) in Indonesia (Analysis IDHS 2017).”

⁸ Khairil Anwar et al., “Dayak Ngaju Customary Sanctions as a Rehabilitation Mechanism for Drug Addicts in Central Kalimantan,” *El-Mashlahah* 15, no. 1 (2025): 165–88, <https://doi.org/10.23971/el-mashlahah.v15i1.9813>.

⁹ Muhammad Luthfi et al., “The Existence of 'Urf in the Resolution of Marriage Disputes in Islamic Law: A Living Law Perspective,” *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 1 (2024): 146–58, <https://doi.org/10.29303/ius.v12i1.1356>; Dian Ekawaty Ismail et al., “The Concept of Revitalizing Traditional Institutions in the Criminal Law System to Realize Restorative Justice,” *Jambura Law Review* 5, no. 2 (2023): 220–34, <https://doi.org/10.33756/jlr.v5i2.11682>.

¹⁰ Siti Dian Natasya Solin et al., “Batak Customary Marriage: A Study of the Prohibition of Same-Clan Marriage and Its Relevance in the Contemporary Era,” *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 1, <https://doi.org/10.22373/ujhk.v7i1.23309>.

¹¹ Qodariah Barkah et al., “The Manipulation of Religion and The Legalization of Underage Marriages in Indonesia,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023): 1–20, <https://doi.org/10.22373/sjhk.v7i1.13316>.

¹² Islamul Haq et al., “Unlocking The Potential of 'Kalosara': An Extensive Analysis of Adultery Instances Dispute Resolution in the Tolaki Tribe through the Lens of al-Ishlah Concept,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (2024): 86–100, <https://doi.org/10.30631/alrisalah.v24i1.1488>.



However, studies by Solin¹³ and Budiman et al.¹⁴ reveal that scholarly attention to customary sanctions has largely focused on their symbolic and deterrent functions, with limited exploration of their connection to Islamic law. Within the Islamic legal tradition, a similar mechanism can be understood through the concept of *ta'zīr*, a flexible form of punishment not explicitly defined in the scriptural texts and adaptable to specific social contexts.¹⁵ *Ta'zīr* encompasses both punitive and educational functions, sharing substantial similarities with the underlying philosophy of customary sanctions in many indigenous communities. The scarcity of studies explicitly linking the application of customary sanctions with the concept of *ta'zīr* represents a gap in the literature, particularly in the field of family law in Indonesia. Given Indonesia's plural legal system—which recognizes the coexistence of customary law, Islamic law, and state law—examining this connection is both relevant and strategically important. Such inquiry is vital not only for enriching academic discourse but also for strengthening legal practices that are responsive to the cultural and social contexts of the communities they serve. This article, therefore, aims to examine the application of customary sanctions as a legal-moral mechanism within family law, particularly in relation to the Islamic concept of *ta'zīr*, in response to rising moral violations in South Sumatra. This approach is expected to contribute to the global discourse on culturally grounded approaches to the prevention of immoral behavior, particularly in societies that embrace plural legal systems. By situating customary sanctions as an integral part of strategies to maintain social order and moral resilience, this study seeks to offer a holistic and applicable perspective for addressing contemporary moral challenges.

Methods

This study employed a qualitative-descriptive case study approach, focusing on Sungai Pasir Village, Cengal Subdistrict, Ogan Komering Ilir Regency, South Sumatra. The village was selected due to its active application of customary sanctions in addressing moral violations, including cases of sexual misconduct, premarital relationships, and verbal abuse. The presence of strong customary leadership and the persistence of community-based deliberations reflect its relevance for exploring culturally grounded responses to immoral acts. This research adopts a qualitative descriptive case study approach. Data were collected through observations as well as in-depth interviews with members of the Sungai Pasir Village community. Primary data were gathered from interviews and field observations, while secondary data were obtained from journal articles and other literature relevant to the study.

The key informants in this study consisted of local community members who possess knowledge and experience related to the enforcement of customary

¹³ Solin et al., "Batak Customary Marriage."

¹⁴ Imam Budiman et al., "Another Law in Indonesia: Customary Land Tenure System Coexisting with State Order in Mutis Forest," *Jurnal Manajemen Hutan Tropika* 26, no. 3 (2020): 244–244, <https://doi.org/10.7226/jtfn.26.3.244>.

¹⁵ Zul Anwar Ajim Harahap, "Reconstruction of Online Gambling Sanctions in Indonesia: A Comparative Analysis of Ta'zir Sanctions and Penalties of the Electronic Information and Transaction Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 130–53, <https://doi.org/10.29240/jhi.v10i1.11314>.



sanctions. They included traditional leaders, community figures, and religious authorities. In total, five key informants were selected purposively, each of whom had authority and involvement in the application of sanctions, such as customary fines—often locally termed *pelepah*—forced marriage, and social ostracism. While the inclusion of perspectives from young people or individuals who have been imposed with customary sanctions would offer additional insights, this study intentionally focuses on traditional leaders and community figures, as they play a central role in administering and legitimising these sanctions. Due to ethical considerations and community sensitivities, direct interviews with perpetrators or youth were not conducted.

Table 1. Key Informant Characteristics

| No. | Description | Initials/Age | Role |
|-----|-------------|-------------------|--------------------|
| 1 | Informant 1 | HS (67 years old) | Traditional Figure |
| 2 | Informant 2 | T (56 years old) | Community Member |
| 3 | Informant 3 | US (52 years old) | Religious Figure |
| 4 | Informant 4 | UM (60 years old) | Community Figure |
| 5 | Informant 5 | JM (60 years old) | Traditional Figure |

This study elucidates and analyses the strategies employed by local communities to mitigate immoral acts. This context remains a significant issue that merits explanation and reflection, particularly in relation to family law. With the focus on the strategies implemented by the local communities in Sungai Pasir Village, Cengal Subdistrict, Ogan Komering Ilir Regency, South Sumatra, Indonesia, in addressing immoral acts through customary sanctions, this study selected Sungai Pasir Village as the research site because its adherence to the practice of implementing customary sanctions in response to various violations of moral norms is sustained. The presence of a strong customary structure, the central role of traditional leaders in community life, and the increasing social dynamics influencing the moral values of the younger generation make this village a highly relevant context for study. This issue is particularly critical as the forces of modernisation present significant challenges to maintaining both the effectiveness and legitimacy of customary sanctions as a mechanism of social control aimed at preserving family and community harmony.

Data analysis in this study was primarily guided by the stages of qualitative data analysis as described by Moleong¹⁶, which consists of three key phases. First, the data reduction stage involves reorganising the data into a more systematic format based on the classifications established according to the characteristics represented in the collected data. Second, the data verification stage entails identifying trends within the thematically reduced data classifications. Third, the data description stage is conducted to present the verified data in a narrative format, incorporating relevant quotations from interviews and observations that support the arguments presented in

¹⁶ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Pt Remaja Rosdakarya, 2017).



this study. Following these three processes, an inductive analysis was performed, serving as the foundation for interpreting the collected data. This interpretation process was executed by restating and reflecting on the data constructively, emphasising the construction of dominant themes or topics, including ideas and patterns represented by the data.¹⁷ The stages and processes of data analysis conducted in this study allowed for the derivation of conclusions regarding the research questions.

Result and Discussion

Conceptions of Indecent Acts in Local Communities

The conceptions of immoral acts that arise within local communities are often rooted in collective experiences that clash with customary values and norms. Buchtel¹⁸ posits that the conception of immoral acts in local communities is frequently associated with deviant behaviour that surpasses the values and norms of propriety within interpersonal or social relationships. In other words, the understanding of immoral acts as perceived by local communities is not solely based on the physical actions themselves but also encompasses deviations in morality and social issues. Furthermore, Barnard¹⁹ asserts that the conception of immoral acts in local communities transcends the elements of the normative legal framework; these immoral acts also emphasise non-physical relationships among individuals and between communities. The conception of immoral acts, as understood by local communities, can be observed through the collective views or conceptions that emerge and evolve within these communities, as conveyed by HS (67 years old):

“Here, immorality is not only about what is written in the law, but more about how we maintain the honour of ourselves and our families. Physical immorality, from my point of view, is more about direct violence or harassment. This is not just a matter of law, but rather a violation of our long-held values. What we emphasise is that there is no violence of any kind, and any act of violation must be stopped in a wise and customary manner.”

In HS's perspective, immoral acts not only underscore physical behaviours that can adversely impact the well-being of the victims but also pose a significant threat to societal harmony. Rainwater²⁰ asserts that this phenomenon arises from the prevailing belief that immoral acts should not merely be viewed as personal deviations; instead, they manifest within social structures by disregarding inclusive sexual interests and overall well-being. Furthermore, indecent acts, within local community frameworks, encompass not only physical behaviours but also verbal expressions deemed to contravene the community's standards of decency. These

¹⁷ Henky Fernando et al., “Being #wanitasalihah: Representations of Salihah Women on TikTok,” *IAS Journal of Localities* 1, no. 1 (2023): 1–15, <https://doi.org/10.62033/iasjol.v1i1.8>.

¹⁸ Emma E. Buchtel, “Moral Disciplining Provides a Satisfying Explanation for Chinese Lay Concepts of Immorality,” *Behavioral and Brain Sciences* 46 (October 2023): e298, <https://doi.org/10.1017/S0140525X23000468>.

¹⁹ Alex V. Barnard, “Making the City ‘Second Nature’: Freegan ‘Dumpster Divers’ and the Materiality of Morality,” *American Journal of Sociology* 121, no. 4 (2016): 1017–50, <https://doi.org/10.1086/683819>.

²⁰ Lee Rainwater, *Deviance and Liberty: Social Problems and Public Policy* (Routledge, 2018), <https://doi.org/10.4324/9780203793343>.



expressions are not exclusively limited to overtly abusive language; they also include words that can undermine harmony and civility. Fernando²¹ emphasises that in local communities, immoral acts are frequently regulated by customary norms that govern sexual behaviour. This context is illustrated by T's (56 years old) statement:

“We consider that immoral acts also appear verbally, which are considered to hurt a person's dignity or violate the values of decency, such as speaking in an insulting tone, using harsh words, or even spreading gossip. For example, calling someone a derogatory and obscene nickname, in our culture, it is inappropriate and hurts feelings”

Indecent acts, as conceptualised through verbal activities by T (56 years old), often serve as a precursor to sexual violence against individuals and carry significant negative implications for the harmonisation of community social life. Welk²² emphasised that the contextualised meanings of indecent acts among local populations are not solely based on physical manifestations; they also encompass verbal expressions that convey complex implications. Alfitri²³ further asserted that the customary values and norms prevailing in local communities function as mechanisms of social control, designed to prevent conflict and safeguard individual dignity against both physical and verbal immoral acts. In other words, activities and behaviours that diverge from the accepted values and norms of decency frequently form the basis upon which local communities evaluate immoral acts. This conception of immorality is not indicated solely by physical evidence; it can also emerge from non-physical actions that lack legitimisation by institutionalised values, such as marriage. This context is reflected in a statement from US (52 years old):

“In my opinion, immorality can also appear in sexual activity outside of marriage. Behaviour often comes in the form of sexual deviations that are outside the values of marriage. Usually, we see signs of suspicious individual behaviour, such as a couple engaging in sexual activity outside of marriage. Such actions will be sanctioned in accordance with applicable customary provisions.”

Indecent acts, as US (52 years old) viewed, reflect a firmly established viewpoint within local communities regarding the conceptualisation of such acts, particularly sexual activities conducted without the legitimacy of marital ties. According to Larasati and Abdullah²⁴, sexual activities engaged in by individuals

²¹ Henky Fernando et al., “The Dual Burden of Child Sexual Abuse: Victim Experiences and Law Implementation Gaps,” *Jurnal Hukum Novelty* 14, no. 2 (2023): 154–69, <https://doi.org/10.26555/novelty.v14i2.a27059>.

²² Victoria-Jane Welk et al., “Differentiating Compliance and Verbal Coercion: A Mixed Methods Content Validity Study,” *Translational Issues in Psychological Science* 10, no. 3 (2024): 290–99, <https://doi.org/10.1037/tps0000421>.

²³ Alfitri Alfitri et al., “Culturally-Responsive Strategies for Resolving Social Conflict in Rural Community,” *Mediterranean Journal of Social Sciences* 5, no. 20 (2014): 2267–77, <https://doi.org/10.5901/mjss.2014.v5n20p2267>.

²⁴ Yuniar Galuh Larasati and Irwan Abdullah, “Social Pressure : Motif Dan Alasan Anak Melakukan Aborsi,” *Community: Pengawas Dinamika Sosial* 9, no. 2 (2023): 153–70, <https://doi.org/10.35308/jcpds.v9i2.7719>.



outside the bounds of marriage are frequently identified by the community as immoral acts, as they are believed to undermine family values and societal norms. This perception persists even when these activities occur with mutual consent between the individuals involved. Furthermore, local communities possess a robust understanding of immorality, often equating it with deviant behaviour that strays from accepted social values and norms. Rodríguez-Pérez²⁵ elucidates that immoral acts are not exclusively those that are overtly flagrant; instead, they encompass behaviours that can compromise the integrity of decency within the community, such as promiscuity and sexual activities that are not legitimised by values and norms. This context was also emphasised by UM (60 years old), saying:

“Immoral acts, in my view, are all forms of behaviour that are contrary to traditional values and norms, such as promiscuity, sexual violence outside the values of marriage. We strongly discourage people from engaging in such activities, because it is against the values we believe in. Because we also feel disturbed if there are people who commit immoral acts.”

Indecent acts, as conceptualised by UM (60 years old), indicate that local communities are deeply concerned about these behaviours as deviations from their collective values and norms, which can disturb the harmony of their social conditions. Local communities categorise promiscuity and sexual activities that the institution of marriage does not legitimise as both physical and verbal immoral acts. Ward²⁶ further posits that the understanding of immoral acts by local communities is constructed from their cultural knowledge and experiences, suggesting that such acts are not solely limited to physical activities but can also manifest in verbal expressions. Within the framework of local communities, each bears the responsibility of upholding ideal values and norms, as immoral acts are perceived to disrupt interpersonal relationships and undermine social morality. Cowburn²⁷ argues that this phenomenon arises because societal values and norms of propriety serve to regulate social interactions for shaping commendable behaviour and building a civilised society.

The conception of immoral acts, as interpreted by local communities, manifests not only in physical and verbal behaviours but also in sexual activities conducted by individuals outside the bounds of marital legitimacy. Metheny and Stephenson²⁸ assert that physical and verbal indecency, as conceptualised by local communities, poses a significant threat to societal values and norms of decency, prompting

²⁵ Armando Rodríguez-Pérez et al., “Are Civility Norms Morality Norms’ Little Sister? The Truth Value That Lay Thinking Associates with Civility and Morality Social Norms,” *Social Sciences* 11, no. 12 (2022): 568, <https://doi.org/10.3390/socsci11120568>.

²⁶ Ingrid Ward et al., “Remnant Peat Deposit Provides Clues to the Inundated Cultural Landscapes of Kepa Kurl, Southwestern Australia,” *The Holocene* 33, no. 6 (2023): 671–84, <https://doi.org/10.1177/09596836231157067>.

²⁷ Malcolm Cowburn et al., “Speaking about Sexual Abuse in British South Asian Communities: Offenders, Victims and the Challenges of Shame and Reintegration,” *Journal of Sexual Aggression* 21, no. 1 (2015): 4–15, <https://doi.org/10.1080/13552600.2014.929188>.

²⁸ Nicholas Metheny and Rob Stephenson, “Structural Context and the Role of Positive Deviance From Community Norms in Shaping Risk for Sexual Intimate Partner Violence in 32 Low- and Middle-Income Countries,” *Journal of Interpersonal Violence* 37, nos. 3–4 (2022): 1749–78, <https://doi.org/10.1177/0886260520927504>.



customary sanctions aimed at restoring social balance. In other words, the local community's perspective on immoral acts extends beyond mere physical and verbal misconduct; it carries profound implications for the moral fabric of the community, necessitating sanctions that address these issues within their specific context. This contextual framework underpins the community's interpretation of immoral acts as offences that can disrupt social cohesion, leading to the imposition of customary sanctions designed to maintain social stability. Furthermore, this contextual understanding, as articulated by Anleu²⁹, functions as a mechanism of social control that regulates individual behaviour within the community to minimise the occurrence of sexual deviance.

Sanctions Imposed by Local Communities in Cases of Indecency

Sanctions imposed by local communities in response to cases of indecency are often applied proportionally, depending on the severity of the offence committed. Asmah and Saptomo³⁰ noted that these sanctions are frequently linked to efforts aimed at deterring perpetrators and preventing the normalisation of immoral acts. In other words, the customary sanctions enacted are intended not only for punitive measures but also to avert similar violations in the future, thus maintaining social and cultural stability. Furthermore, Erdianto³¹ remarked that the customary sanctions employed by local communities in cases of indecency are not solely focused on physical punishment; they also emphasise the imposition of fines as a form of compensation for the incurred losses. Customary sanctions, as applied by local communities in instances of indecency, can be observed through collectively enforced regulations that manifest not only as physical penalties but also in various other forms, such as paying fines. HS (67 years old) said:

“If there are residents who commit immoral acts, we agree to impose sanctions in the form of fines. This sanction has been a long-standing customary rule. The aim is to provide a deterrent effect to the perpetrator while maintaining the good name of the village. The amount of the fine depends on the level of the offence”

According to HS (67 years old), the imposition of sanctions in the form of fines serves not only to deter offenders but also to fulfil a social responsibility toward the victims. Within Winarsih's framework³², these sanctions are designed to maintain harmony and dignity within the community by imposing proportional customary penalties on both perpetrators and victims, thus addressing the systemic issues of

²⁹ Sharyn Roach Anleu, “Deviance, Crime, and Social Control,” in *Public Sociology* (Routledge, 2020), <https://doi.org/10.4324/9781003116974-19>.

³⁰ Asmah and Ade Saptomo, “The Impact of Lammu Bai Customary Sanctions on the Sa’dodoran Offense of the Tuo Mamasa Tribe, West Sulawesi, Indonesia,” *ISVS E-Journal*, 2023.

³¹ Erdianto et al., “Settlement of Customary Violation in the Coastal Part of Pelalawan Regency,” *IOP Conference Series: Earth and Environmental Science* 1181, no. 1 (2023): 012022, <https://doi.org/10.1088/1755-1315/1181/1/012022>.

³² Winarsih Winarsih, “Recognition of Customary Disputes Settlement in Law Number 6 of 2014 on Villages: A Responsive Law Review in Indonesian Legal Reform,” *Journal of Indonesian Legal Studies* 2, no. 2 (2017): 101–12, <https://doi.org/10.15294/jils.v2i2.45395>.



immoral behaviour. Customary sanctions, imposed with punitive measures and fines, function not only as a mechanism of social control but also manifest as symbolic actions rooted in the communal values and norms. Erawadi and Setiadi³³ further assert that such customary sanctions are frequently perceived as a means of restoring social equilibrium and safeguarding the fundamental rights of victims who require protection. This perspective is evident in a statement of T (56 years old) that articulates this viewpoint as follows:

“Social sanctions such as cleaning public facilities, helping to clean the community garden for a few days, or even certain customary laws. A few months ago, there was a resident who committed an indecent act with a woman in this desa. Then we punished him with a customary fine and asked the perpetrator to do the work of cleaning up the village environment as a symbol of apology.”

The customary sanctions imposed by the local community are regarded by T as essential measures for maintaining collective values and norms, thereby ensuring harmony within the community. The enforcement of corporal punishment and customary fines serves not only to discipline individuals for their offences but also acts as a deterrent to potential transgressors, compelling them to adhere to prevailing social values and norms. Deering and Smith³⁴ assert that customary punishment, in addition to playing a crucial role in restoring social equilibrium, can also provide remedies for the moral obligations transgressed by an individual. One significant aspect of this responsibility is the perpetrator's obligation to marry the victim of immoral acts, which constitutes a component of customary sanctions aimed at restoring the dignity of victims and their families. Thus, the customary punishments enacted by local communities against perpetrators of immoral acts represent a crucial step toward the social restoration of the victim's dignity. This context was also emphasised by US (52 years old) who said:

“The immoral acts committed by the residents can also trigger tension in the community, and we feel the need to make a decision, because this violates the norms and customs that we uphold. We took the decision that the perpetrator must marry the victim. This is considered a customary sanction to restore the good name of the victim and her family and to restore the social condition of the community.”

Restoring the good name of the victim and the victim's family is often the goal of customary sanctions imposed on perpetrators of immoral acts. According to US (52 years old), the imposition of customary sanctions through this forced marriage reflects a cultural approach that emphasises moral responsibility for every

³³ Erawadi Erawadi and Fadlan Masykura Setiadi, “Exploring Religious Harmony Through Dalihan Na Tolu: Local Wisdom in Peacebuilding in Indonesia,” *Jurnal Ilmiah Peuradeun* 12, no. 3 (2024): 1379, <https://doi.org/10.26811/peuradeun.v12i3.1398>.

³⁴ John Deering and Steven R. Smith, “Revising Wolff's Support for Retribution in Theories of Punishment: Desistance, Rehabilitation, and Accommodating Individual and Social Accounts of Responsibility,” *Ethics and Social Welfare* 10, no. 4 (2016): 289–303, <https://doi.org/10.1080/17496535.2016.1183032>.



individual's choices and actions. Ismi³⁵ also emphasised that these customary sanctions aim not only to punish the perpetrator but also to restore the situation to a better condition, following the decision made based on mutual agreement. In addition, local communities also have other mechanisms to ensure the moral accountability of perpetrators for the immoral acts they commit, such as ostracism or expulsion from their community. Corrin³⁶ further stated that these sanctions not only provide normative punishment for the perpetrators of immoral acts, but they also leave severe social consequences. This idea is also expressed by UM (60 years old):

“After a traditional meeting, the community agreed that the perpetrator should receive severe consequences. One of the main decisions was that the perpetrator should be ostracised and expelled from the village. We felt this was the right way to teach the perpetrator a valuable lesson. At first, he resisted and tried to find ways to avoid the decision. However, because this decision was agreed upon by all parties, the perpetrator finally realised that he had to leave the village.”

The customary sanctions imposed on perpetrators of immoral acts, as confirmed by UM (60 years old), indicate that local communities highly value social norms and values. These sanctions are perceived as essential for maintaining social peace and order. Violations of social values and norms, particularly behaviours that deviate from customary principles, warrant the imposition of physical punishment or social fines. Erdianto³⁷ further elaborates that the sanctions enforced by local communities often stem from their collective experiences. Thus, they encompass not only physical punishment but also social ostracism. Within the social structure of local communities, each individual is expected to uphold and preserve these values, as violations are deemed detrimental to harmony within the community. This perspective, as articulated by Norgaad and Fenelon³⁸, arises from the belief within local communities that togetherness and shared rules hold greater significance than formal regulations. Consequently, each member plays a crucial role in maintaining order and harmony.

Sanctions imposed by the local community on perpetrators of immoral acts do not solely manifest as physical punishment; they may also take the form of social measures such as fines, ostracism, or restrictions on social interactions. Syauffi³⁹ further posits that violations of customary norms are perceived as threats to social stability, potentially undermining community ties. Consequently, customary sanctions are frequently enacted against individuals who engage in immoral

³⁵ H Ismi et al., “Management Fisheries Resources Based on Customary Law as an Effort to Maintain River Sustainability in Lubuk Siam Village, Kampar, Indonesia,” *IOP Conference Series: Earth and Environmental Science* 934, no. 1 (2021): 012045, <https://doi.org/10.1088/1755-1315/934/1/012045>.

³⁶ Jennifer Corrin, “Plurality and Punishment: Competition between State and Customary Authorities in Solomon Islands,” *The Journal of Legal Pluralism and Unofficial Law* 51, no. 1 (2019): 29–47, <https://doi.org/10.1080/07329113.2018.1540121>.

³⁷ Erdianto et al., “Settlement of Customary Violation in the Coastal Part of Pelalawan Regency.”

³⁸ Kari Marie Norgaad and James V. Fenelon, “Towards an Indigenous Environmental Sociology,” in *Handbooks of Sociology and Social Research* (2021), https://doi.org/10.1007/978-3-030-77712-8_23.

³⁹ Ahmad Syauffi et al., “The Criminal Settlement through Customary Law from Restorative Justice Perspective,” *Journal of Legal, Ethical and Regulatory Issues* 24, no. 6 (2021): 1–750.



behaviour, to preserve societal balance. In essence, actions that deviate from established traditions and values significantly influence social dynamics, necessitating appropriate sanctions that are proportional to both the perpetrators and the victims. This context elucidates that breaches of values and morality are deemed detrimental to social harmony, highlighting the importance of customary sanctions in maintaining social stability. Mulder⁴⁰ asserts that customary sanctions serve as an effective means of social control, ensuring that norms and values are upheld to prevent further social harm. From the perspective of Islamic law, customary sanctions in addressing immoral acts are categorised as a form of *ta'zir* that is both dynamic and contextual. The punishments indicated by customary sanctions, ranging from the payment of fines to the obligation to marry the victim, exemplify the implementation of *ta'zir* in alignment with the specific needs of the local community. This illustrates how the community has internalised the concept of *ta'zir* within Islamic law, harmonising it with local wisdom.⁴¹

The Effect of Customary Sanctions on Local Community Attitudes

The influence of customary sanctions on the attitudes of local communities is evidenced by the tendency of individuals to avoid immoral behaviour due to fear and apprehension. This phenomenon highlights the efficacy of customary norms in regulating individual conduct within society. Suartha⁴² posits that the fear of engaging in immoral acts is significantly shaped by the presence of customary sanctions, which are perceived as not only consistent and effective in deterring misconduct but also as an encouragement for the perpetrators to respect local values. In essence, this attitude is not solely predicated on the fear of punishment; it is also intertwined with a deep respect for the customary order that has been transmitted through generations within the community. Furthermore, Puryanto⁴³ contends that this perspective transcends the confines of formal legal frameworks, as local inhabitants prioritise the preservation of social harmony and the esteemed reputation of their community. The attitude showing fear of committing immoral acts in certain cases can be seen through individuals' daily behaviour, as conveyed by HS (67 years old):

“Customary sanctions are like a fence, people are afraid to violate, not only because they are afraid of being punished, but because they are afraid that the family's good name will be tarnished. For example, if someone commits immorality, the punishment is not just a fine, but can be paraded around the village. It's very embarrassing if that happens, because customary sanctions

⁴⁰ Laetitia B. Mulder, “When Sanctions Convey Moral Norms,” *European Journal of Law and Economics* 46, no. 3 (2018): 331–42, <https://doi.org/10.1007/s10657-016-9532-5>.

⁴¹ Andriyani Andriyani and Rusmala Dewi, “Local Wisdom Becomes the Commander in Criminal Resolution,” *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 23, no. 2 (2023): 313–26, <https://doi.org/10.19109/nurani.v23i2.19935>; Ahmad Rofiq et al., “Eksistensi Tindak Pidana Ta'zir Dalam Kehidupan Masyarakat Indonesia,” *Journal of Judicial Review* 23, no. 2 (2021): 241–56, <https://doi.org/10.37253/jjr.v23i2.4957>.

⁴² I. Dewa Made Suartha et al., “Innovation in Resolving Customary Sanctions in Criminal Cases in Bali,” *International Journal of Innovation, Creativity and Change* 12, no. 3 (2020): 16–33.

⁴³ Sidik Puryanto, “Social Conflict in Pati: Identifying Causes and Analyzing Dynamics,” *Multidisciplinary Reviews* 7, no. 4 (2024): 2024075, <https://doi.org/10.31893/multirev.2024075>.



are not just about punishment, but also about maintaining balance. If the custom is not respected, we believe bad things will happen to this village, such as crop failure or conflicts between residents.”

According to HS, the impact of customary sanctions on the attitudes of community members, who fear engaging in immoral acts, extends beyond mere apprehension of punishment and fines. It is deeply ingrained in the understanding that their behaviours can significantly affect the welfare of the community, leading to potential consequences such as crop failure, natural disasters, or social conflicts. Mujiburohman⁴⁴ further elucidated that customary sanctions are designed not only to instil a deterrent effect but also to sustain spiritual and social equilibrium within society. Beyond fostering a fear of immorality, these sanctions encourage individuals to uphold customary norms, as they believe that transgressions can result in calamities that jeopardise the entire community. This phenomenon is not solely observed in the regulation and oversight of individuals to prevent social deviance; it also represents a collective endeavour to preserve a socially and culturally harmonious existence. T (56 years old) encapsulated this sentiment, stating:

“The realisation that individual actions can have far-reaching impacts makes people more careful. We are afraid of breaking customs because we believe that if it happens, the impact could be crop failure or other bad things that happen to our village. So we prefer to respect each other between individuals.”

Customary sanctions have significantly influenced the attitudes of local communities, fostering a greater respect among members, as noted by T. These sanctions form a strong foundation for social behaviour that aligns with shared values. Not only do customary sanctions serve to prevent violations or social deviance, but they also reinforce individual commitment to the moral norms upheld by the community. Barkah⁴⁵ emphasised that these sanctions do not merely focus on punishing violations; rather, they act as a mechanism for maintaining social order and peace within society. Rochaeti⁴⁶ further noted that acts of violating customary norms are perceived not only as damaging to social values but also as threats to the moral stability of the community. Therefore, the impact of customary sanctions on the attitudes of local communities can enhance mutual respect while simultaneously cultivating attitudes that support both individual and collective morality. This perspective is illustrated by the statement of US (52 years old):

⁴⁴ Dian Aries Mujiburohman et al., “The Patterns of Ownership and the Registration of Customary Land in Manggarai Regency, Indonesia,” *Jurnal Ilmiah Peuradeun* 12, no. 1 (2024): 293, <https://doi.org/10.26811/peuradeun.v12i1.969>.

⁴⁵ Qodariah Barkah et al., “Abandonment of Women’s Rights in Child Marriage; An Islamic Law Perspective,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022): 383–411, <https://doi.org/10.19105/al-lhkam.v17i2.6725>.

⁴⁶ Nur Rochaeti et al., “A Restorative Justice System in Indonesia: A Close View from the Indigenous Peoples’ Practices,” *Sriwijaya Law Review* 7, no. 1 (2023): 87, <https://doi.org/10.28946/slrev.Vol7.Iss1.1919.pp87-104>.



“Traditional sanctions make us more careful in our actions, always maintaining morality in every step. We respect and look after each other. When there is an offence, it is not just an individual matter, but a collective matter. Everyone feels involved, and we are all committed to maintaining morality in every social interaction. If someone makes a mistake, we give them a chance to correct themselves, but with clear boundaries. Traditional sanctions ensure that we stay on the right track.”

According to US, the influence of customary sanctions on the attitudes of local populations indicates that customary values and norms significantly affect social behaviour, particularly regarding morality. Hanif⁴⁷ views that customary sanctions serve as mechanisms for controlling and shaping individuals' moral attitudes; however, these attitudes, which support moral conduct, are influenced not only by the sanctions imposed but also by a profound understanding of the social and spiritual repercussions of one's actions. Furthermore, local communities generally maintain the belief that deviant behaviours, such as extramarital affairs, can have detrimental effects on their collective harmony and reputation. Yudha and Chuemchit⁴⁸ contend that such moral considerations reveal that individuals are motivated not only by a fear of social penalties but also by an awareness of the long-term risks posed to their social relationships, including the deterioration of familial bonds and societal image. This sentiment was expressed by UM (60 years old):

“We're not only following custom, but also avoiding social risks that could ruin our lives. In my opinion, it's a mixture of both. There's social pressure, because we're watched by the community, but even bigger is personal awareness. We know very well that living by principles and keeping a good name is more important than following a momentary whim. It all comes down to individual choices, but we also realise that mistakes can have a big impact on our lives going forward.”

The influence of customary sanctions in shaping local people's attitudes and awareness regarding immoral acts or sexual deviance—those that lie outside the accepted norms of value and propriety—has been elucidated by UM. This individual indicates that local residents are quite protective of moral values and decency, as they believe that violations of customary norms can undermine community harmony. Such an attitude exemplifies a profound social maturity in the efforts to uphold personal and family integrity. Himawan⁴⁹ further elaborates that the awareness among local people about the dangers of sexual conduct outside of marriage is not merely reflected in the avoidance of such behaviour; it also manifests in rigorous social supervision of individuals. Within the local community, each individual

⁴⁷ Charles Hanif et al., “Reliability and Security in the Implementation of Digital Health Service Application with the Application of ‘Reliability Certification or Electronic Certification’ Based on Indonesian Law,” *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 8, no. 3 (2021): 417–38, <https://doi.org/10.22304/pjih.v8n2.a6>.

⁴⁸ Andi Ny Yudha and Montakarn Chuemchit, “Experiences of Community Violence Among Adolescents in Indonesia,” *Sage Open* 14, no. 4 (2024), <https://doi.org/10.1177/21582440241284607>.

⁴⁹ Karel Karsten Himawan, “Singleness, Sex, and Spirituality: How Religion Affects the Experience of Being Single in Indonesia,” *Mental Health, Religion & Culture* 23, no. 2 (2020): 204–15, <https://doi.org/10.1080/13674676.2020.1767555>.



possesses a consciousness of maintaining personal honour, as actions deemed immoral are considered detrimental to both family reputation and community standing. This context, as Abdillah⁵⁰ suggests, arises from the strong cultural influences and social norms that significantly shape daily behaviour.

The influence of customary sanctions on local people's attitudes manifests not only in their fear of committing immoral acts but also in the mutual respect exhibited among community members. Syafei⁵¹ posits that customary sanctions, regarded as a potent form of social control, frequently shape attitudes that foster harmony and uphold morality. In other words, the awareness of the risks associated with extramarital relations significantly contributes to the development of attitudes that bolster societal morality, thereby encouraging more responsible behaviours. This context illustrates how customary sanctions affect local community attitudes as a mechanism for instilling robust moral and social values, thereby enabling these sanctions to control individual behaviour effectively. Furthermore, as Aswan⁵² indicates, this context serves as an effective and preventive guide, minimising violations of the customary norms upheld by the community.

This study offers a substantive contribution to the discourse on Islamic family law by illustrating how customary sanctions function as culturally rooted mechanisms for managing moral transgressions within local communities. The findings reveal that sanctions such as *pelepah* (customary fines), forced marriage, and social exclusion are not merely punitive but serve broader purposes of deterrence, education, and social reconciliation. These practices reflect localised interpretations of the Islamic legal concept of *ta'zīr*, applied through community deliberations and the authority of traditional and religious leaders. By highlighting this integration of *adat* (custom) with Islamic legal values, the study provides insight into how informal justice systems continue to play a vital role in preserving family and social harmony, especially in contexts where formal legal mechanisms are limited or culturally distant. The connection between customary sanctions and the Islamic legal concept of *ta'zīr* remains largely superficial and requires deeper exploration. *Ta'zīr* refers to discretionary punishment intended not only to penalise but also to educate and deter future misconduct. While this study shows that customary sanctions function to deter immoral acts, reinforce collective moral awareness, and preserve social harmony, it stops short of examining how these practices can be juridically framed as *ta'zīr* within Islamic law. To strengthen this link, it is essential to analyse how specific forms of customary sanctions align with the objectives and conditions of *ta'zīr*, and what their legal implications are in both religious and formal legal contexts. Such an approach would demonstrate that customary sanctions are not merely traditional practices, but potentially localised expressions of Islamic legal

⁵⁰ Muhammad Abdillah et al., "Transwomen and Transmen from Islamic Family Law Perspective," *IAS Journal of Localities* 1, no. 1 (2023): 67–80, <https://doi.org/10.62033/iasjol.v1i1.13>.

⁵¹ Ermi Suhasti Syafei et al., "Mediation in Social Conflict Resolution at Tanjungpinang Malay Customary Institution, Riau Islands," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 2 (2023): 198–214, <https://doi.org/10.30631/alrisalah.v23i2.1361>.

⁵² Muhammad Aswan et al., "Local Wisdom of the Lembang Mesakada Village Community in a Positive Legal Perspective in Indonesia," *Journal of Lifestyle and SDGs Review* 5, no. 2 (2024): e02663, <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n02.pe02663>.



principles designed to uphold morality, ensure social order, and promote the educative spirit embedded in Islamic criminal jurisprudence.⁵³

Conclusion

This study found that customary sanctions in Sungai Pasir Village, such as pelepah (fines), corporal punishment, compulsory marriage, and social ostracism, serve as an effective social control system to suppress deviant behaviour, whether physical, verbal, or sexual. Their effectiveness lies not only in their punitive nature but also in their role in instilling moral awareness, fostering mutual respect, and reinforcing adherence to communal norms. This preventive and educative function sets these sanctions apart from findings in previous studies that primarily emphasised deterrent effects. Conceptually, this study expands the discourse on Islamic family law by demonstrating that customary sanctions can be understood as localised expressions of *ta'zīr*—a discretionary form of punishment in Islamic law aimed at deterrence, moral education, and reconciliation. The integration of customary norms with *ta'zīr*-based principles shows that informal, culture-based mechanisms can serve as effective complements to formal legal systems in preserving family and social harmony. Methodologically, this research is notable for combining an ethnographic approach with triangulated sources, including traditional leaders, religious authorities, and community members, providing a more comprehensive understanding of the rationale and impact of these sanctions.

This study was conducted in a single village with a relatively strong and homogeneous customary structure, limiting the generalisability of its findings to more diverse or urban communities. Additionally, its qualitative, interview-based approach may involve subjective interpretations, and ethical considerations were meant to prevent the direct involvement of perpetrators. Future research is encouraged to (i) incorporate perspectives from perpetrators or youth; (ii) adopt mixed-method approaches, such as pre- and post-sanction incident data, to objectively measure deterrent effects; and (iii) conduct comparative studies across different regions to explore how legal pluralism shapes the adaptability of adat-*ta'zīr* integration models. These directions will help deepen our understanding of the role of customary sanctions in reinforcing family law systems and promoting sustainable social order.

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⁵³ Reni Surya, "Klasifikasi Tindak Pidana Hudud Dan Sanksinya Dalam Perspektif Hukum Islam," *SAMARAH: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 2 (2019): 530–47, <https://doi.org/10.22373/sjhk.v2i2.4751>.



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