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## **Legal Harmony: Integration of Customary, National, and Islamic Criminal Law in the Toraja *Ma'rambu Langi***

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### **Abstract:**

This research explores the integration of customary law, national law, and Islamic criminal law through a case study of *ma'rambu langi* in the Toraja community by firstly examining its effectiveness. *Ma'rambu langi* is a form of customary sanction imposed for severe moral violations, such as adultery and other breaches of local traditions. This sanction aims not merely to punish, but to restore social harmony through symbolic and public acts of moral responsibility. The offender is required to confess the wrongdoing and seek reconciliation with the community. The research adopts a qualitative method using

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semi-structured interviews with traditional leaders, community members, and legal practitioners, along with document analysis that includes customary case archives, court decisions, and relevant academic literature. The findings reveal that *ma'rambu langi* plays a significant role in maintaining social order, preventing the recurrence of offenses, and reinforcing the authority of customary law. Moreover, the study indicates that elements of this customary practice resonate with values in both national and Islamic criminal law, particularly in emphasizing restorative justice and communal integrity. The research contributes to ongoing discussions on legal pluralism in Indonesia, suggesting that harmonizing customary, national, and religious legal systems can enrich the development of a more inclusive, context-sensitive, and sustainable legal framework. It also emphasizes the importance of recognizing local wisdom in addressing moral and social issues while ensuring compatibility with broader legal principles and human rights norms.

#### **Keywords:**

*Ma'rambu langi* customary law; Legal pluralism; Islamic criminal law

#### **Introduction**

Customary law plays a significant role in maintaining social harmony in Indonesia, particularly in traditional communities such as those in Toraja.<sup>1</sup> Customary law not only regulates societal norms but also provides conflict resolution mechanisms deeply rooted in local traditions.<sup>2</sup> In the Toraja community, customary sanctions are imposed on individuals who commit criminal offenses, including theft, adultery, and other serious violations, generally based on traditional

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<sup>1</sup> Donna Asteria et al., "Forest Conservation by the Indigenous Baduy Community in the Form of Customary Law," *Journal of Cultural Heritage Management and Sustainable Development* 14, no. 2 (2024): 175–89, <https://doi.org/10.1108/JCHMSD-12-2020-0171>.

<sup>2</sup> Ahmad Kholiyudani and Muhammad Hipni, "Tradisi Sangkolan di Desa Karduluk: Perspektif Antropologi terhadap Fiqih Islam," *Jurnal Syari'ah & Hukum* 6, no. 2 (2024): 243–67, <https://doi.org/10.20885/mawarid.vol6.iss2.art6>.

beliefs closely associated with the concept of *aluk todolo*.<sup>3</sup> This tradition emphasizes harmony with the traditional religious order, which is considered aligned with the community's values. One form of customary sanction known as *ma'rambu langi* is aimed at penalizing individuals who commit serious violations, especially in cases that harm others, such as immorality, adultery, infidelity, betrayal of customs, and breaches of religious rules within the Toraja community. These sanctions are not imposed directly but follow a process initiated by a report from the aggrieved party.

The initial process of imposing this sanction begins with a report from the victim to the customary institution. Once the report is received, the accused party is summoned to provide clarification, and efforts are made to mediate and achieve reconciliation. If the mediation process fails and the accused is proven to have committed a violation, the customary institution assumes the role of a customary court. In the implementation of *ma'rambu langi* sanctions, two types of punishment involve animals as a form of atonement. Punishments involving the slaughter of pigs are applied to minor violations, such as cases of infidelity by one spouse, whether husband or wife, that result in harm to the aggrieved party. In such cases, the slaughter of a pig is carried out as a form of compensation, as the impact is primarily felt by the victim of the infidelity. Conversely, for more severe violations, such as when a husband or wife engages in an extramarital affair with an in-law that results in offspring, the imposed sanction involves the slaughter of a buffalo. This is due to the broader impact of such violations, which not only harm the aggrieved spouse but also damage the honor and familial relationships of both parties involved.

Marital fidelity is regarded as the primary foundation for building a harmonious and enduring relationship. Adultery is seen as an act that undermines fidelity and marital obligations, constituting a grave violation of moral norms. It is considered a fundamental breach of the marital contract that has been mutually agreed upon.<sup>4</sup> In the execution of *ma'rambu langi*, the pig to be slaughtered is entirely

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<sup>3</sup> Albert Schrauwens, "Houses of Worship in Central Sulawesi: Precedence, Hierarchy & Class in the Development of House Ideology," *Anthropological Forum* 26, no. 4 (2016): 333-54, <https://doi.org/10.1080/00664677.2016.1240659>.

<sup>4</sup>Elizabeth R Carter, "Adultery Provisions in Matrimonial Agreements," *American University Law Review* 73 (2023): 679-80, <https://digitalcommons.wcl.american.edu/aclr/vol73/iss3/2/>.

burned (*ditunu' pu'pu*) along with the adulterer's clothing. Prior to this, the pig is speared by villagers as a symbol of community involvement in the process of reconciliation. The presence of the community underscores that the offender's social ties with the community have also been restored.

One case involving the implementation of *ma'rambu langi* is that of a father, identified as MY (41), who was subjected to customary sanctions after repeatedly molesting his underage stepdaughter. MY was arrested by the police following the victim's report on September 5, 2023. Currently, legal proceedings against MY are ongoing at the Tana Toraja Police Department, and the offender remains in police custody. In addition to facing national legal processes, MY was also subjected to customary sanctions in the form of a *ma'rambu langi* ritual held on November 6, 2023.<sup>5</sup> The *ma'rambu langi* ritual took place at the offender's residence in To' Marrang Hamlet, Lembang Madandan Village, Tana Toraja Regency. This ceremony was the result of a customary council deliberation held on October 30, 2023, attended by customary leaders and the Chair of the Indigenous Peoples Alliance of the Archipelago (AMAN) Toraja, Romba Marannu Sombolinggi. According to the Chair of the Madandan Customary Institution, Saba' Sombolinggi, the ritual aims to deter the offender and restore social harmony within the community.

During the ritual, a pig was sacrificed. The pig's head and entrails were burned to ashes, which were then buried in a pit near the offender's home. This process symbolizes the offender's atonement for their actions. Saba' Sombolinggi also explained that the ritual signifies that the community has forgiven the offender, and the matter should no longer be brought up. "The pig's head and entrails being burned to ashes represent the customary act of atonement by the offender. Therefore, with the completion of this ritual, there should no longer be any negative perceptions within the community of Bua' Sangmadandan (a local hamlet in Madandan Village), Madandan District, Tana Toraja Regency" said Saba'.<sup>6</sup>

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<sup>5</sup> Joni Bane Tonapa, "Pelaku Pencabulan terhadap Anak Tirinya di Tana Toraja Disanksi Adat Tertinggi Ma'rambu Langi," *TV One*, November 8, 2023, <https://www.tvonenews.com/daerah/sulawesi/165323-pelaku-pencabulan-terhadap-anak-tirinya-di-tana-toraja-disanksi-adat-tertinggi-marambu-langi>.

<sup>6</sup> SS, Local Community of Madandan Village, *Interview*, December 6, 2024.

However, it is important to note that the customary sanction applies solely to the offender and not to their family. According to Saba', the act was entirely the offender's own doing, and thus the family is not subjected to sanctions. As Griffiths argues, this reflects an effort in customary law to protect the family's honor, even when one of its members commits a serious violation.<sup>7</sup> On the other hand, MY is also charged under child protection laws, facing a potential 15-year prison sentence under national law. This grave offense began because the victim was in the second grade of elementary school. Fortunately, the victim eventually mustered the courage to report the incident to their family, leading to the case's revelation and the offender's arrest.<sup>8</sup>

The implementation of customary sanctions like *ma'rambu langi* raises critical questions about their relevance and effectiveness in the context of modern legal systems. How can such customary rituals contribute to preventing similar crimes? Do the values embedded in these rituals align with the principles of justice upheld by national law and Islamic criminal law? These questions form a crucial foundation for exploring the relationship between customary law, national law, and Islamic law.

The study does not assume that Toraja people or informants strictly follow Islamic law, especially given that pigs are used in *ma'rambu langi* rituals, which are forbidden in Islam. Rather, the research adopts a comparative and theoretical perspective, examining whether the principles underlying Islamic criminal law—such as prevention, rehabilitation, and restoration of social relations—align with the social objectives of Toraja customary law and national law.<sup>9</sup> The aim is not to impose Islamic practices on the community, but to explore the possibility of legal harmony across pluralistic systems in Indonesia.

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<sup>7</sup> Rianto Adi, *Sosiologi Hukum: Kajian Hukum Secara Sosiologis* (Jakarta: Yayasan Pustaka Obor Indonesia, 2012), 7.

<sup>8</sup> Freedy Samuel Tuerah, "Mengenal Ritual Ma'rambu Langi', Prosesi Adat di Toraja Saat Ada Yang Melakukan Pelanggaran," *Tribun News*, November 7, 2023, <https://toraja.tribunnews.com/2023/11/07/mengenal-ritual-marambu-langi-prosesi-adat-di-toraja-saat-ada-yang-melakukan-pelanggaran>.

<sup>9</sup> Islamul Haq et al., "I'adah al-Nadzr (Reconsideration): A Critical Comparative Study between Indonesian Law and Saudi Arabian Law Perspectives (Fiqh Murafa'at)," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 311–28, <https://doi.org/10.29240/jhi.v7i2.5248>.

In Islamic criminal law, acts such as those committed by MY fall under the category of *ta'zīr*, which refers to punishments in the form of fines or sanctions determined by authorities based on the welfare of society. Although the use of pigs in punishment is not permitted in Islam, alternative animals such as cattle or buffalo are used for Muslims to comply with Islamic teachings. The substance of the *ta'zīr* punishment remains relevant because it provides flexibility to tailor punishments to social and cultural contexts, aligning with the principles of Toraja customary law.<sup>10</sup> Additionally, Islamic criminal law emphasizes prevention, rehabilitation, and the restoration of social relationships – goals that are central to the *ma'rambu langi* ritual.

The fact that MY was subjected to customary sanctions while also facing national legal proceedings reflects the legal pluralism present in Indonesia. This pluralism creates an opportunity to understand how different legal systems can complement each other in achieving justice. The *ma'rambu langi* sanction not only serves as a deterrent but also restores social harmony, while national law ensures legal protection for the victim and enforces proportionate punishment for the offender.<sup>11</sup>

Previous studies by Bowen,<sup>12</sup> Hooker,<sup>13</sup> and Kamali<sup>14</sup> each explored aspects of Islamic and customary law in Indonesia, highlighting legal pluralism and the principles of Islamic criminal law. Bowen provided a comprehensive analysis of legal pluralism but did not address specific cases such as sexual abuse or serious moral violations. Hooker focused on civil and land affairs without detailing the interaction between customary law and Islamic criminal law in severe criminal cases. Kamali elaborated on the principles of Islamic criminal law but did not examine the application of customary sanctions within Indonesia's national legal framework. More recently,

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<sup>10</sup> M. H Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publication, 2008).

<sup>11</sup> Michael Palmer and Ling Zhou, "Legal Pluralism," in *Elgar Encyclopedia of Comparative Law*, ed. Jan M. Smits et al., vol. 22 (Herndon: Elgar Online, 2023), 490-501, <https://doi.org/10.4337/9781839105609>.

<sup>12</sup> John R. Davies, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (New York: Cambridge, 2003).

<sup>13</sup> M. B. Hooker, *Adat Law in Modern Indonesia* (Oxford: Oxford University Press, 1978).

<sup>14</sup> Kamali, *Shari'ah Law: An Introduction*.

Melki Borean<sup>15</sup> and Ristia Desmonda Amelinda<sup>16</sup> examined the application of *ma'rambu langi* customary sanctions in cases of sexual offenses against children in Tana Toraja, highlighting procedural and social aspects of the sanctions. However, their studies mainly focus on empirical and procedural dimensions without exploring the integration between customary sanctions, national criminal law, and Islamic criminal law. This study addresses these gaps by analyzing the role of *ma'rambu langi* sanctions within the framework of Indonesia's national legal system and Islamic criminal law, offering a comparative perspective aimed at fostering inclusive and sustainable justice. Thus, this research not only deepens empirical understanding of *ma'rambu langi* practices but also contributes theoretically to the discourse on legal harmonization in pluralistic legal settings.

Specifically, the objectives of this study are (1) to examine the effectiveness of the implementation of *ma'rambu langi* customary sanctions in handling serious moral violations, and (2) to evaluate how customary law, national law, and Islamic criminal law interact and contribute to creating a harmonious and inclusive legal system. Through this, the study seeks to provide new insights into optimizing legal pluralism in Indonesia to achieve sustainable and comprehensive justice, particularly through the *ma'rambu langi* tradition. By deepening this understanding, the research aims to offer fresh perspectives on how legal pluralism in Indonesia can be effectively optimized to realize sustainable and inclusive justice.

## **Methods**

This study uses a qualitative research design to explore the effectiveness of the *ma'rambu langi* ritual in addressing serious moral violations within the North Toraja community. A qualitative approach was chosen to provide an in-depth understanding of the cultural context, community perceptions, and the interaction between customary law, national law, and Islamic criminal law. The focus on

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<sup>15</sup> Melki Borean, "Penerapan Sanksi Pidana Adat *Ma'Rambu Langi* terhadap Pelaku Delik Asusila pada Anak di Tana Toraja" (Universitas Hasanuddin Makassar, 2024).

<sup>16</sup> Ristia Desmonda Amelinda and Gayatri Dyah Suprobowati, "Legal Protection of Women as Victims of Sexual Violence in Madadan Tana Toraja," *Journal of Law, Society, and Islamic Civilization* 13, no. 1 (2025): 47-54, <https://doi.org/10.20961/jolsic.v13i1.94729>.

case studies, in-depth interviews, and observations aims to capture the nuances and complexities of the *ma'rambu langi* practice in the community.

Data for this study were collected through a combination of primary and secondary sources. Primary data were gathered through semi-structured interviews with key stakeholders, including customary leaders, community members, and law enforcement officers involved in the *ma'rambu langi* ritual.<sup>17</sup> Participatory observation was conducted during the ritual to capture the context and dynamics of the event. Secondary data included relevant literature reviews, media reports, and legal documents related to customary law and its integration with national law and Islamic criminal law. This mixed-methods approach ensures comprehensive data collection to support the research findings.<sup>18</sup>

The collected data were analyzed using thematic analysis to identify common themes and patterns related to the effectiveness of the *ma'rambu langi* ritual and its interaction with other legal systems. Coding was done to categorize the data into relevant themes such as effectiveness, social harmony, symbolic acts, and community acceptance. This process involved several rounds of coding and re-evaluation to ensure the accuracy and reliability of the findings. The analysis aims to draw connections between these themes and provide a deep understanding of the cultural and legal implications of *ma'rambu langi*.

This research adheres to strict ethical guidelines to ensure the protection and respect of all participants. Informed consent was obtained from all informants, with assurances of confidentiality and anonymity. Participants were informed of their right to withdraw from the study at any time without any consequences. Furthermore, the study takes into account the cultural sensitivities related to the *ma'rambu langi* ritual and ensures that observations and interviews were conducted respectfully and without disrupting community practices. Ethical approval was obtained from the relevant authorities to ensure compliance with academic and cultural standards.

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<sup>17</sup> Shazia Jamshed, "Qualitative Research Method-Interviewing and Observation.," *Journal of Basic and Clinical Pharmacy* 5, no. 4 (2014): 87-88, <https://doi.org/10.4103/0976-0105.141942>.

<sup>18</sup> Glenn A Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27-40, <https://doi.org/10.3316/QRJ0902027>.

## **Result and Discussion**

### **The Effectiveness of *Ma'rambu Langi* Customary Sanctions in Addressing Serious Moral Violations Cases**

This research was conducted in the Toraja region, South Sulawesi Province, Indonesia, particularly in Lembang Madandan and Lembang Awa' Kawasik in Toraja. The region is widely recognized as a community that strongly upholds customary values and local traditions, including various mechanisms for resolving social and moral issues through customary law. These customary practices function not only as cultural heritage but also as social instruments for maintaining harmony, order, and balance in relationships among community members. Therefore, the socio-cultural context of Toraja provides an essential foundation for understanding the dynamics of the implementation of customary sanctions and their relevance in local community life. Mr. Lembang Awa' Kawasik said that

“This sanction serves as a form of acknowledgment and accountability for the offenders' actions. The process is conducted through a customary ritual involving animal sacrifices, such as pigs or buffaloes. The animals used for this ritual are selected based on decisions made through a *kombongan karopi* (consensus meeting) with the concepts of *kada rapa'* (A principle of deliberation or consensus that prioritizes a full and unanimous agreement without any rejection) and *kada situru'* (A principle that requires every community member to participate and cast a vote in decision-making, ensuring that no one is ignored or excluded from the deliberation process) being upheld.”

Since *Ma'rambu Langi* was recently held in the 4 previous years, from 2021 - 2024, researchers tried to file the cases which solved by using this tradition. This summary is performed in Table 1.

**Table 1.** The Number of Cases Handled with *Ma'rambu Langi* Custom.

<b>Year</b>	<b>Frequency</b>	<b>Main Cases</b>
2021	2	Land disputes and adultery
2022	4	Adultery, betrayal of customary values, and land disputes
2023	3	Sexual harassment, adultery, and land disputes
2024	2	Land disputes and adultery

The cases presented in Table 1 does not represent all moral and social violations occurring in North Toraja during the respective years, but only those that were resolved through the *ma'rambu langi* customary sanction. The application of this ritual is selective and determined through a *kombongan karopi* (customary deliberation), in which traditional leaders assess whether a case meets specific customary criteria. These criteria include the extent to which the violation disrupts social harmony, offends communal moral values, or affects customary rights and collective dignity within the community. Cases resolved through *ma'rambu langi* generally involve violations with significant social impact, such as adultery, sexual misconduct, or land disputes rooted in customary ownership, particularly when the offender acknowledges wrongdoing and is willing to restore social relations. Conversely, some cases are not addressed through *ma'rambu langi* due to factors such as the absence of broader communal impact, refusal of the parties to submit to customary deliberation, or the prioritization of formal legal proceedings under national law. This pattern indicates that *ma'rambu langi* functions as a restorative and socially oriented mechanism, applied based on contextual, moral, and communal considerations rather than as a uniform response to all violations.

The data from interviews above indicates that the *ma'rambu langi* customary sanction remains an important mechanism in the enforcement of customary law and social restoration in Toraja, particularly in the Lembang Awa' Kawasik area. The consistency in the implementation of this ritual reflects the community's acceptance and trust in the effectiveness of customary sanctions in addressing various types of moral and social violations. This also indicates that customary

law plays a significant role in complementing the national legal system and Islamic criminal law.<sup>19</sup>

The *ma'rambu langi* tradition has the potential to adapt to the state legal system, particularly in the context of acknowledging wrongdoing and providing a deterrent effect. In state law, the acknowledgment of wrongdoing and the restoration of social relationships are relevant principles.<sup>20</sup> However, the challenge is that offenders are often reluctant to voluntarily report themselves to customary institutions. In the *Aluk Todolo* tradition, it is commonly believed that nature will provide signs when a major violation has not been acknowledged, such as crop damage or failed harvests.<sup>21</sup> These signs serve as the basis for identifying the offender and bringing them before the customary institution. This institution, consisting of elders and respected community figures, determines the appropriate sanction, including whether the *ma'rambu langi* punishment should be applied. The process is not confrontational as in modern state judicial systems; instead, it emphasizes reconciliation, collective responsibility, and the restoration of harmony between the individual, the community, and the spiritual world. Chair of Synode III (religious leader), SP, stated that

“After the implementation of *ma'rambu langi*, the offender is expected to be reintegrated into society. This punishment becomes a symbol that the offender has atoned for their mistake in accordance with customary law. Without punishment, society tends to continue viewing the offender as guilty, which ultimately disrupts social harmony.”<sup>22</sup>

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<sup>19</sup> David Pimentel, “Rule of Law Reform Without Cultural Imperialism? Reinforcing Customary Justice Through Collateral Review in Southern Sudan,” *Hague Journal on the Rule of Law* 2, no. 1 (2010): 1–28, <https://doi.org/10.1017/S1876404510100013>.

<sup>20</sup> Dinah Shelton, “Righting Wrongs: Reparations in the Articles on State Responsibility,” *American Journal of International Law* 96, no. 4 (2002): 833–56, <https://doi.org/10.2307/3070681>.

<sup>21</sup> Afdal Sahiman, “Penerapan Hukum Adat dalam Penyelesaian Konflik di Desa Embonatana Kecamatan Seko Kabupaten Luwu Utara” (Universitas Islam Negeri Palopo, 2025), <https://repository.iainpalopo.ac.id/view/creators/Sahiman=3AAfdal=3A=3A.html>.

<sup>22</sup> SP, Chair of Synode III (religious leader), *Interview*, December 7, 2024.

The *ma'rambu langi* ritual process, such as presented in Figure 1, involving animal sacrifices such as pigs/buffalo and the symbolism of atonement, successfully strengthens the position of customary law in enforcing social norms.



Source: [www.tvonenews.com](http://www.tvonenews.com)

**Figure 1.** The Implementation of the Ma'rambu Langi' Tradition in Toraja Culture

The strengthening of customary law through the *ma'rambu langi* ritual is indicated by several observable factors: the acknowledgment of wrongdoing by the offender, the restoration of social relationships, the compliance of the community with customary decisions, and the reduction of repeated violations in similar cases. These indicators were confirmed through interviews with customary leaders, observations of ritual practices, and community feedback, demonstrating that the ritual effectively reinforces the authority of customary law in maintaining social norms.

The decision made in the customary deliberation, *kombongan karopi* (customary consensus meeting), involves local customary leaders who ensure that the sanction is accepted by the community as a legitimate and meaningful conflict resolution mechanism. Further, RM, a community member, stated that:

“The implementation of *ma'rambu langi* sanctions is considered effective because it involves the wider

community as witnesses. Through this involvement, a strong deterrent effect emerges, both for the offender and for the community. In addition, this tradition also functions as a form of social education, through which community members are taught to take responsibility for every action they undertake.”<sup>23</sup>

*Ma'rambu langi* ritual has a positive impact in deterring offenders, as it demonstrates that violations of moral and social norms carry tangible consequences. The deterrent effect is reinforced by the community's awareness that customary sanctions are enforced consistently, ensuring that offenders cannot act without social accountability. One customary leader, DP, stated

“Customary sanctions deter the offender because everyone in the village knows the consequences”.<sup>24</sup>

His perception strengthens the social function of the ritual by discouraging potential violations before they occur. The effectiveness of the ritual is further evidenced by the willingness of offenders to acknowledge their wrongdoing and participate in the customary process. Observations indicate that those who undergo the ritual often change their behavior, showing respect for communal norms and avoiding repeated violations. This shows that *ma'rambu langi* functions not only as a punishment but also as a preventive mechanism, embedding moral awareness and responsibility in the offender.

*Ma'rambu langi* ritual positively contributes to restoring social harmony by facilitating reconciliation between offenders and the wider community. After completing the ritual, relationships that were strained due to violations are mended, reaffirming communal bonds. A community member, RM, explained,

“After the ritual, we all forgive the offender and relationships return to normal”.<sup>25</sup>

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<sup>23</sup> RM, A Community Member, *Interview*, December 6, 2024.

<sup>24</sup> DP, A Customary Leader, *Interview*, December 7, 2024.

<sup>25</sup> RM, A Community Member, *Interview*, December 6, 2024.

This illustrates how the ritual operates as a social mechanism to repair both interpersonal and collective trust. Moreover, the ritual creates an opportunity for the community to reflect on shared values and norms, strengthening cohesion and mutual respect. Through the communal participation and acknowledgment of the offender's responsibility, *ma'rambu langi* reinforces the importance of social order. It transforms individual wrongdoing into a collective learning moment, promoting lasting harmony and solidarity within the community.

The symbolic actions in the *ma'rambu langi* ritual, such as burning the pig's head and entrails, provide a meaningful representation of atonement and moral correction. These rituals demonstrate that wrongdoing has consequences beyond legal or social obligations, engaging the offender in a culturally significant act of responsibility. During observations, it was noted that the ritual actions are performed with solemnity, emphasizing the moral weight of the offense.

Symbolism also serves an educational function, reminding both the offender and the community of the values upheld by customary law. It visually and ritually reinforces the concept that reconciliation and moral restoration require tangible acknowledgment. As a result, the ritual strengthens collective understanding of ethical behavior and the importance of social responsibility.

The *ma'rambu langi* ritual's effectiveness relies heavily on community acceptance, as sanctions must be recognized as legitimate to achieve social restoration. The decisions made during the *kombongan karopi* (customary consensus meeting) ensure that the outcomes are supported and respected by local leaders and community members. This acceptance reinforces the authority of customary law and legitimizes the ritual as a meaningful conflict resolution mechanism.

Community approval also encourages participation and compliance, as members understand that the ritual reflects shared values and norms. By acknowledging the communal role in enforcing sanctions, the ritual promotes accountability while maintaining social cohesion. Interviews and observations confirm that community acceptance is a key factor in the ritual's success, ensuring that sanctions are not only punitive but also restorative and socially endorsed, like the Table 2.

**Table 2.** Implementation of *Ma'rambu Langi* Customary Sanctions in Addressing Moral and Social Violations

Code	Description	Data
Effectiveness	Effectiveness of the sanction in deterring offenders	The offender who committed adultery always attended the <i>ma'rambu langi</i> ritual and thereafter did not repeat the offense, because all the neighbors were aware of the sanction imposed
Social Harmony	Restoration of social harmony in the community	This ritual affirms that the community has forgiven the offender.
Symbolic Act	Symbolization of atonement for sins	The head and intestines of the pig are burned as a sign of atonement.
Community Acceptance	Acceptance by the community	The customary deliberation decision was attended by community leaders.

From Table 2, it becomes clear that the values embedded in the *ma'rambu langi* ritual, such as atonement for sins, restoration of social relationships, and community acceptance, align with the principles of restorative justice in national law and the concept of *ta'zīr* in Islamic criminal law.<sup>26</sup> These values emphasize the importance of rehabilitation and the reintegration of offenders into society.

It furthermore sheds light that the meaning of *ma'rambu langi* lies not only in the ritual of animal sacrifice but, more importantly, in the moral values it embodies. The slaughtering of animals in this tradition is not an attempt to erase sins, but rather a symbolic act representing the offender's acknowledgment of their wrongdoing. As stated by one religious leader (*Synode III*), SP stated

<sup>26</sup> Islamul Haq, "Kriminalitas dalam Pendekatan Aqidah dan Syariat," *Jurnal Hukum Islam* 18, no. 1 (2020): 103–20, <https://doi.org/10.28918/jhi.v18i1.2663>.

“It’s not about the animal’s blood, but about the honesty of the offender in admitting their mistake and showing that they are ready to bear the consequences in front of the community.”<sup>27</sup>

The sacrifice thus reflects the sincerity and honesty of the offender in accepting the imposed sanction. In the inherited cultural tradition of the Torajan people, this sanction is intended to create a deterrent effect on the offender while also serving as a lesson for the wider community to prevent similar violations. Further, SP, stated that

“The value that was violated is sacred in our society, so the punishment must be proportionate and provide a deterrent effect,” he added.<sup>28</sup>

The violated values are regarded as deeply important; thus, the act of atonement holds great significance. The severity of the sanction is also aimed at achieving a balance between the wrongdoing and the punishment given.

This tradition should be understood as an effort to restore social relations rather than as a replacement or complement to the religious teachings followed by the community. Thus, the offender is expected not only to undergo the customary punishment but also to improve themselves in accordance with the religious values they adhere to. The most important aspect of this tradition is the sincerity and honesty in the offender’s acknowledgment of their wrongdoing. The slaughter of animals is merely a symbol of that acknowledgment. Without awareness and self-reflection, this ritual will not be able to change the offender's behavior. Therefore, the main focus of the *ma'rambu langi* ritual is how the offender can improve themselves and prevent similar violations from occurring in the future. However, like any social or cultural mechanism, the effectiveness of this tradition in transforming behavior may vary depending on the individual's sincerity, community pressure, and the context of the violation. As emphasized by a Customary leader, DP stated that

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<sup>27</sup> SP, Chair of Synode III (religious leader), *Interview*, December 7, 2024.

<sup>28</sup> SP, Chair of Synode III (religious leader).

"Not everyone changes (the behavior) after being subjected to customary sanctions, but if they feel ashamed and guilty in front of their family and traditional leaders, it can touch their heart and stop them from repeating the same mistake".<sup>29</sup>

While the ritual carries strong symbolic and moral significance within Torajan society, it does not automatically guarantee behavioral change in all cases. Nonetheless, the communal process of acknowledgment and public responsibility embedded in the ritual often exerts a psychological and social influence that can foster self-reflection and moral development.

Although the majority of the Toraja people have embraced Christianity, the *ma'rambu langi* tradition continues to be practiced—not as a religious ritual, but as a customary social mechanism rooted in ancestral cultural values. The persistence of this tradition does not necessarily indicate a contradiction with Christian teachings; rather, it reflects the community's effort to preserve local customs that serve specific social functions. Further, SP stated:

"We do not see *ma'rambu langi* as a spiritual act for the forgiveness of sins, but as a culturally-based form of social responsibility. It helps to restore broken relationships within the community".<sup>30</sup>

Thus, *ma'rambu langi* operates outside the theological framework of sin and salvation and functions more as a communal practice that reaffirms moral and social harmony. While some may perceive tension between religious teachings and traditional practices, many Torajan Christians are able to distinguish between what belongs to their faith and what pertains to their cultural heritage.

### **The Intersection of Customary Law, National Law, and Islamic Criminal Law: Insights from the *Ma'rambu Langi* Tradition**

There is a complex interaction between customary law, national law, and Islamic criminal law in addressing serious moral violations in

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<sup>29</sup> DP, A Customary Leader, *Interview*, December 7, 2024.

<sup>30</sup> SP, Chair of Synode III (religious leader), *Interview*, December 7, 2024.

Indonesia.<sup>31</sup> Customary law, such as *ma'rambu langi*, offers an approach based on community values and local culture.<sup>32</sup> As a customary leader, DP explained,

“Through *ma'rambu langi*, the community can reconcile and restore social relationships, which formal laws alone cannot achieve.”<sup>33</sup>

National law emphasizes formal and legal procedures,<sup>34</sup> while Islamic criminal law provides flexible principles in determining punishments based on the welfare of society.<sup>35</sup> This indicates that these three legal systems can complement each other in meaningful ways: customary law can address social and cultural dimensions of a violation that may not be captured by formal legal processes; Islamic criminal law can offer moral legitimacy and ethical guidance, especially in predominantly Muslim communities; and national law provides an overarching legal framework to ensure fairness, consistency, and state authority.<sup>36</sup> When integrated thoughtfully, they can produce more holistic justice that respects legal norms, local wisdom, and moral accountability.

The main similarity between the values of *ma'rambu langi* and the principles of justice in national law lies in the restorative approach,

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<sup>31</sup> Fadli Januaris et al., “Combating Corruption in Indonesia Through Islamic Criminal Law and Customary Criminal Law,” *Hakamain: Journal of Sharia and Law Studies* 2, no. 2 (2024): 221–31, <https://doi.org/10.57255/hakamain.v2i2.333>.

<sup>32</sup> Armaidly Armawi and Desy Susilawati, “Konstruksi Identitas Nasionalisme dalam Pikukuh Masyarakat Adat Baduy,” *Paradigma: Jurnal Kajian Budaya* 11, no. 2 (2021): 151–66, <https://doi.org/10.17510/paradigma.v11i2.530>.

<sup>33</sup> DP, A Customary Leader, *Interview*, December 7, 2024.

<sup>34</sup> Robert D Sloane, “The Expressive Capacity of International Punishment: The Limits of the National Law Analogy and the Potential of International Criminal Law,” in *Globalization of Criminal Justice* (London: Routledge, 2017), 315–70, <https://doi.org/10.4324/9781315254081-13>.

<sup>35</sup> Adi Syahputra Sirait, Mhd Syahnan, and Budi Sastra Panjaitan, “Community Service Order Punishment: Alternatives in the Criminal Law System From *Maqāṣid Al-Shari'ah* Perspective,” *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 24, no. 2 (2024): 273–96, <https://doi.org/10.19109/nurani.v24i2.24276>.

<sup>36</sup> Islamul Haq, “Prison in Review of Islamic Criminal Law: Between Human and Deterrent Effects,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 2020, <https://doi.org/10.22373/sjhk.v4i1.6683>.

which aims to restore damaged social relationships caused by violations. As religious leader, SP noted,

“After the ritual, the offender is forgiven by the community, and relationships return to normal, which mirrors the goal of restorative justice in state law”.<sup>37</sup>

Restorative justice in national law focuses on reintegrating offenders into society and restoring harmonious relationships.<sup>38</sup> This aligns with the goal of *ma'rambu Langi*, which emphasizes social restoration through the symbolic act of atonement and the community's acceptance of the offender.

In Islamic criminal law, the concept of *ta'zir* provides flexibility for authorities to determine the most appropriate punishment for the benefit of society.<sup>39</sup> The values of *ma'rambu langi*, such as atonement for sins and social restoration, are also found in the concept of *ta'zir*, where punishment not only serves as a deterrent instrument but also as a means of rehabilitating the offender and repairing disturbed social relationships.<sup>40</sup> This similarity implies that there is a conceptual and functional convergence between local customary sanctions and Islamic criminal jurisprudence. Such alignment opens the possibility for integrating customary mechanisms like *ma'rambu langi* into formal Islamic legal interpretations or local legal regulations, particularly in culturally plural societies like Indonesia. By recognizing the restorative values embedded in both systems, legal authorities can formulate context-sensitive approaches that uphold justice while preserving local wisdom. This also strengthens the legitimacy of legal pluralism and promotes a more inclusive and culturally grounded model of justice delivery.

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<sup>37</sup> SP, Chair of Synode III (religious leader), *Interview*, December 7, 2024.

<sup>38</sup> Dewi Setyowati, “Memahami Konsep Restorative Justice Sebagai Upaya Sistem Peradilan Pidana Menggapai Keadilan,” *Pandecta Research Law Journal* 15, no. 1 (2020): 121–41, <https://doi.org/10.15294/pandecta.v15i1.24689>.

<sup>39</sup> Ahmad Rofiq, Pujiyono Pujiyono, and Barda Nawawi Arief, “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>.

<sup>40</sup> 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>.

Apart from those significant similarities, there are important differences in the form and implementation process between *ma'rambu langi* and the principles of justice in national law and Islamic criminal law. *Ma'rambu langi* is deeply embedded in local cosmology and ritual practices, involving symbolic acts such as animal sacrifice and communal reconciliation, which are absent in formal legal systems. In contrast, national law emphasizes procedural justice, legal codification, and state authority, where punishment is enforced through a standardized judicial process. Meanwhile, Islamic criminal law, especially in *ta'zir* cases, allows some flexibility but still operates within a framework of scriptural interpretation and judicial discretion under religious authority.

Unlike *ma'rambu langi* which prioritizes social harmony and spiritual balance, national and Islamic criminal law place greater emphasis on deterrence effect, retribution, and formal legal responsibility. These differences highlight the unique cultural foundation of *ma'rambu langi* as a restorative and spiritual form of justice that complements—but does not replace—the formal justice systems. The *ma'rambu langi* ritual furthermore involves strong symbolism, such as the burning of the pig's head and intestines, which reflects local cultural traditions and holds deep meaning for the Toraja community. It shows the unique cultural context and local traditions in Toraja. The customary deliberation decision, which is based on consensus and guided by the concepts of *kada rapa'* and *kada situru* shows how local values can be integrated with broader principles of justice.

This process differs from the formal legal procedures in national law and Islamic criminal law, which are more structured and formal. The customary deliberation decision, involving community leaders and elders, also emphasizes the importance of consensus and community participation in the enforcement of customary law.<sup>41</sup> This process strengthens the legitimacy of the sanctions applied and ensures that the decisions made have the support of the entire community. This contrasts with the national legal system, which is more formal and may

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<sup>41</sup> Lily Bauw and Bambang Sugiono, "Pengaturan Hak Masyarakat Hukum Adat di Papua dalam Pemanfaatan Sumber Daya Alam," *Jurnal Konstitusi* 1, no. 1 (2009): 1-23, <https://doi.org/10.31078/jk2249>.

not always involve direct community participation.<sup>42</sup> Table 3 compares those three types of law in the case of *ma'rambu langi*.

**Table 3.** Comparison of *Ma'rambu Langi* Customary Law, National Law, and Islamic Criminal Law

Aspect	<i>Ma'rambu Langi</i> (Customary Law)	National Law	Islamic Criminal Law
Approach & Goal	Based on local socio-cultural values, emphasizing social reconciliation and restoration of harmony.	Formal and procedural, emphasizing law enforcement and justice.	Flexible, focusing on public welfare, rehabilitation, and social reconciliation.
Sanction & Symbolism	Customary ritual with animal sacrifice (pig/buffalo) and symbolic atonement.	Formal punishment according to regulations, no specific symbolism.	Hudud and ta'zir, focusing on offender rehabilitation, without symbolism.
Process & Community Involvement	Customary deliberation ( <i>kombongan karopi</i> ), active community participation, and community recognition of the decision.	Formal process through state institutions, limited community involvement.	Flexible process, limited community participation, emphasizing public welfare.
Effectiveness & Restorative Justice	Effective for deterrence, social restoration, and community acceptance.	Effectiveness measured by implementation of laws and regulations.	Effective for rehabilitation, deterrence, and social restoration through ta'zir.

<sup>42</sup> DP, A Customary Leader, *Interview*, December 7, 2024.

Based on Table 3, it is evident that the *ma'rambu langi* customary law has several points of relevance to the principles found in both national law and Islamic criminal law. All three legal systems share a common primary goal: to uphold justice, maintain social order, and restore relationships between individuals and communities. These similarities suggest that despite originating from different legal systems and traditions, there is a shared spirit of justice and social restoration underlying each of these approaches.

In terms of approach, *ma'rambu langi* emphasizes local cultural values that prioritize social reconciliation. This aligns strongly with the principles of restorative justice that are increasingly incorporated into national legal systems and also corresponds with the concept of *ta'zir* in Islamic criminal law, which allows for offender rehabilitation and public welfare. The main distinction lies in the symbolic expressions: In *ma'rambu langi*, the ritual involves animal sacrifice and the burning of body parts as symbolic acts of atonement and repentance, holding deep spiritual and communal significance. While such symbolism is absent in national and Islamic legal systems, the underlying values—repentance, accountability, and restoration—remain consistent.

The implementation process also reveals important relevance. *Ma'rambu langi* is carried out through customary deliberations (*kombongan karopi*), which emphasize participatory principles such as *kada rapa'* (deliberation and consensus) and *kada situru* (collective input). This participatory model may complement or even inspire formal legal systems, which tend to be more procedural and centralized. In multicultural societies like Indonesia, legal practices that involve direct community participation can enhance the legitimacy of decisions and ensure broader societal acceptance.

In terms of effectiveness and community acceptance, the *ma'rambu langi* ritual has proven successful in creating a deterrent effect and restoring social harmony, as evidenced by various cases observed over the past four years. For instance, perpetrators involved in adultery or land dispute cases consistently participated in the *ma'rambu langi* ritual and, according to customary leaders, did not repeat their offenses. Moreover, community members noted that social relationships were restored after the ritual took place. These facts indicate that the ritual not only prevents further violations but also strengthens community trust and social cohesion.

Meanwhile, in national law and Islamic criminal law, effectiveness is often measured through adherence to legal norms and the rehabilitation of offenders. Although the implementation differs, the shared goal remains: the creation of a just, peaceful, and socially functional society. By combining qualitative evidence from community experiences and observations, it is clear that *ma'rambu langi* functions as a culturally rooted restorative mechanism that can complement formal legal systems.

Thus, *ma'rambu langi* is not only relevant but also offers an alternative perspective deeply rooted in local wisdom. Its potential integration into national and Islamic legal frameworks could pave the way for a more inclusive, contextual, and sustainable model of justice. This research shows that the values contained in the *ma'rambu langi* ritual can be directly compared to the principles of justice in national law and Islamic criminal law. The similarities in the restorative justice approach and emphasis on social reconciliation indicate that Toraja customary law has the potential to contribute to a more inclusive and sustainable justice system in Indonesia. The differences in form and implementation processes reflect the rich cultural and local traditions that must be considered in efforts to integrate customary law with the national legal system and Islamic criminal law.

The interaction between these three legal systems creates a unique dynamic where customary law often serves as a bridge between traditional and modern norms.<sup>43</sup> For instance, the *ma'rambu langi* customary law emphasizes the importance of atonement and social reconciliation, which is highly valued in Toraja local culture. Meanwhile, national law ensures justice is carried out according to widely recognized legal standards, and Islamic criminal law provides a strong moral framework in determining punishments.<sup>44</sup>

The implications of this research suggest that the application of customary sanctions can enhance the effectiveness of law enforcement by considering the local cultural context. The integration of customary law values into national law and Islamic criminal law can help fill legal gaps and strengthen the legitimacy of law in the eyes of society.

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<sup>43</sup> S. Merry, "Anthropology, Law, and Transnational Processes," *Annual Review of Anthropology* 21, no. 1 (1992): 357-79, <https://doi.org/10.1146/annurev.anthro.21.1.357>.

<sup>44</sup> Palmer and Zhou, "Legal Pluralism."

Moreover, this approach can increase public acceptance of the law, reduce resistance, and promote more inclusive and sustainable justice. The comparative approach between these three legal systems also opens opportunities for mutual learning and adopting best practices. For example, the restorative justice aspect of *ma'rambu langi* can be integrated into national law and Islamic criminal law to strengthen social rehabilitation. This can help create a legal system that is more culturally grounded, restorative in nature, and community-oriented – moving beyond purely punitive models. In practical terms, this could take the form of legal frameworks or judicial policies that allow judges to consider customary sanctions as complementary to formal punishment, or the inclusion of restorative mechanisms in sentencing guidelines, especially in cases involving moral or social violations.

This study has highlighted the dynamic interaction between customary law, national law, and Islamic criminal law in addressing serious moral violations in Indonesia. Through the case of *ma'rambu langi* in Toraja, it is evident that customary sanctions offer a culturally grounded and restorative approach that can complement formal legal mechanisms. Although the study is limited to specific regions and relies heavily on qualitative data from media and interviews, it nonetheless provides valuable insights into how local traditions can be harmonized with national and religious legal systems. The findings underscore the potential of integrating restorative aspects of customary law into national and Islamic legal frameworks to promote social rehabilitation and legal legitimacy. Future research should broaden the regional scope and incorporate diverse perspectives, particularly those of victims, to assess the long-term impacts of customary sanctions. Ultimately, this study aims to contribute to the development of a more inclusive, culturally sensitive, and socially responsive legal system in Indonesia.

Overall, this study demonstrates the potential of combining the values and principles of customary law, national law, and Islamic criminal law – particularly in terms of restorative justice, social accountability, and community-based conflict resolution – to create a more comprehensive and humane justice system. These legal traditions, while differing in form and procedural priorities, often share common underlying values such as promoting moral responsibility, restoring social harmony, and upholding justice for the community.

This convergence suggests that rather than being in conflict, these legal systems can be mutually reinforcing. Customary law emphasizes relational repair, national law offers procedural legitimacy, and Islamic criminal law introduces moral and spiritual accountability—all of which can be aligned toward a shared goal of inclusive and sustainable justice. Therefore, integrating these systems should not merely be seen as a legal fusion, but as a way to reflect Indonesia's pluralistic reality and enrich the justice system with contextually relevant and culturally resonant approaches.

### **Conclusion**

This study reveals that the *ma'rambu langi* sanction in the Toraja community plays a vital role as a mechanism for social restoration and moral accountability in addressing serious moral violations. Rather than a religious ritual, it reflects the community's cultural response to maintaining harmony and deterring future offenses. The continued relevance of this tradition despite widespread Christian conversion demonstrates how local values can coexist with religious identity in meaningful ways. The findings highlight the broader significance of legal pluralism in Indonesia, where customary law can complement national law and Islamic criminal law in fostering more inclusive and context-sensitive justice. In addressing moral violations, the integration of these legal systems may contribute to the development of a more holistic legal approach—one that balances formal legality with cultural legitimacy and communal restoration.

Nevertheless, this study has limitations. It focuses on two specific regions, Lembang Madandan and Lembang Awa' Kawasik in Toraja, so its conclusions may not be fully generalizable to other Indonesian contexts with different cultural norms. The reliance on secondary data and interviews also presents the risk of narrative bias. Moreover, the perspectives of victims and the long-term social impact of customary sanctions have not been thoroughly explored. Future research should expand the geographical scope to include other indigenous communities and explore the evolving interaction between customary, national, and Islamic legal systems. In particular, further studies are needed to assess how customary sanctions affect victims, both socially and psychologically, and how these practices can be adapted to align with broader principles of justice and human rights in modern Indonesia.

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