

Understanding *Carok* in Madura: Legal Reform from Criminal Law and Islamic Law Perspective

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Abstract

This article aimed to describe *Carok* nowadays from the perspective of criminal law and Islamic law. *Carok* is a traditional sort of vengeance or conflict seen in specific parts of Indonesia, particularly Madura, East Java. It usually consists of armed battles between groups or people, often resulting from long-standing feuds or disputes over land, honour, or revenge. *Carok* episodes can be violent and even fatal, and they are firmly ingrained in local cultural and social dynamics. A feeling of honour and pride frequently drives conflicts, and they can be difficult to resolve through normal legal processes. *Carok* was well-known for the Madurese killing (maybe similar to *Hara-kiri* in Japan, *Sati* in India, and so on), which moved on from the beginning as honour killing to nowadays as criminalization. This article intends to conduct legal research, similar to socio-legal research, due to the experience of the author(s) as Madurese, and involving several native Madurese people

and figures in the research, such as religious leaders and law enforcers. As a result, this article found that *Carok* nowadays has identical meanings and punishment in Indonesian criminal law and Islamic law.

Keywords

Carok; Madura; Criminal Law; Islamic Law; Indonesia

Introduction

Carok is commonly regarded a cultural treasure from Madura. Several causes underlie this belief, including: *First*, *Carok* is an expression of preserving Madurese people's self-esteem after being harassed, and it is directly tied to cultural values that serve as behavioral rules. Thus, its existence cannot be linked with murder in general. *Second*, the resolution of *Carok* cases under state law has thus far placed a greater focus on formal procedural features, such as the fulfilment of the elements of the offence in the formulation of the article charged against the *Carok* perpetrator. State legislation ignores the individuality and originality of Madurese cultural values, particularly the defense of self-esteem or self-honor,¹ family, and religion. *Third*, the existence of criminal law as a tool for dealing with crime cannot be divorced from the diversity of community cultural values in settling disputes.²

Carok is a violent Madurese disagreement that results from a lack of self-esteem. *Carok* is widely regarded as an institutionalisation of Madurese violence, including attempted murder with sharp instruments. What males do to other men who are accused of harassing their self-esteem. *Carok* is a criminal conduct that violates Indonesian law because it has a negative impact on others, including the possibility of damage or death. Judges must use numerous phases and theories

¹ Yanwar Pribadi, "The Ultimate Vindication of Honor: Carok, Shame, and Islam in Madura, Indonesia," in *Shame, Modesty, and Honor in Islam*, ed. Ayang Utriza Yakin, Adis Duderija, and An Van Raemdonck, 1st ed. (London: Bloomsbury Publishing Inc, 2024), 99–112.

² Mahrus Ali, "Akomodasi Nilai-Nilai Budaya Masyarakat Madura Mengenai Penyelesaian Carok Dalam Hukum Pidana," *Jurnal Hukum Ius Quia Iustum* 17, no. 1 (2010): 84–102, <https://doi.org/10.20885/iustum.vol17.iss1.art4>.

when considering disputes, including the stages of analysing a criminal act, analysing criminal responsibility, and determining criminal procedures (the processes of contradicting, qualifying, and concluding).³

Even though it is referred to as Madurese culture and custom, *Carok* has recently taken on a new connotation, particularly among the Madurese. Based on the research results of an empirical investigation (with 195 participants), four attitudes of native Madurese individuals towards *Carok* culture were discovered, including: 75% were dissatisfied with the *Carok* tradition, 60% did not practise *Carok*, 77.38% solved difficulties wisely without *Carok*, and 77.40 did not conduct *Carok* because they followed state and religious regulations. Meanwhile, the five attitudes of Madurese groups regarding *Carok* are: 64.16% believe that *Carok* is not Madurese culture, 81.11% believe that Madurese people value peace, 86.11% believe that *Carok* does not represent Madurese, 82.44% believe that *Carok* is a horrible and illegal conduct, and 76.11% believe that they would tackle the matter properly and without using any tactics. Aside from that, it was discovered that the motivations for *Carok* were women, misunderstandings, inheritance, beliefs, stealing, and debts and receivables.⁴

However, other scholars contend that *Carok* is not fundamentally illegal in the same way that stealing or assault are. However, the acts that occur during car accidents frequently involve aggression, which can result in injuries or even deaths. In that setting, the activities taken during a carol disagreement may be regarded illegal under the law because they involve acts of violence and may violate legal standards. The legal status of carol incidents varies depending on how they are regarded and addressed in the local legal system, as well as whether authorities prosecute them. Based on the findings of previous studies and the context presented above, the author strives to present more research by focusing on the problem points, namely: how is the problem

³ Muhammad Afif, "Penemuan Hukum Oleh Hakim Terhadap Kasus Carok Akibat Sengketa Tanah Dalam Masyarakat Madura," *Soumatara Law Review* 1, no. 2 (October 31, 2018): 298–313, <https://doi.org/10.22216/soumlaw.V1I2.3714>.

⁴ Rokhyanto Marsuki, "Sikap Masyarakat Madura Terhadap Tradisi Carok: Studi Fenomenologi Nilai-Nilai Budaya Masyarakat Madura," *El Harakah: Jurnal Budaya Islam* 17, no. 1 (2015): 71–83, <https://ejournal.uin-malang.ac.id/index.php/infopub/article/view/3086>.

of *Carok* in Madura and what is the definition of *Carok* from the perspectives of criminal law and Islamic law.

This research is an empirical legal study⁵ that looks at the public's perceptions of what *Carok* is and how it relates to criminal and Islamic law discourse. This is a sort of field research, with samples collected in Sampang, Madura.⁶ This research employs a descriptive approach, case approach, and norms.⁷⁸ In collecting data, the author carried out various data collection techniques, which are arranged based on a sequence of activity steps in the form of: First, carrying out documentation, namely recording specific data/documents from an existing object, so that realistic data and information are obtained to discuss the problems at hand. In this documentation data collection technique, the author collects data regarding records of *Carok* numbers that occurred, types, modes, causal factors, identities of perpetrators and victims, consequences of *Carok* written in the Sampang Police Investigation Report (BAP) and the Judge's Decision. Sampang District Court, records or documents of actions to resolve *Carok* outside the law, notes or documents regarding mitigation efforts carried out, such as decrees, peace agreement letters, etc., carried out by law enforcers and the community.

Next, the author carries out observations,⁹ namely direct observation of a symptom that appears at the research location, which is helpful as study material to be studied and discussed by theoretical references and statutory regulations. In this observation, the author carried out a review and direct observation of the locations where *Carok* occurs, community social systems, social systems, economic systems, political systems, culture, customs, habits, reactions of perpetrators, living victims, society, families of perpetrators or victims, relatives of perpetrators or victims, community leaders, kyai, ulama, law enforcers

⁵ Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum Di Indonesia*, 1st ed. (Malang: UMM Press, 2023).

⁶ Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif Dan Empiris* (Depok: Kencana Prenada Media Group, 2018).

⁷ Sholahuddin Al-Fatih and Ahmad Siboy, *Menulis Artikel Karya Ilmiah Hukum Di Jurnal Nasional Dan Internasional Bereputasi* (Malang: Inteligensia Media, 2021).

⁸ Zainudin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2018).

⁹ Suteki and Galang Taufani, *Metodologi Penelitian Hukum (Filasafat, Teori Dan Praktik)* (Depok: Rajagrafindo Persada, 2018).

after *Carok* occurs, the process of legal action carried out by law enforcers, especially the police before, during and after *Carok*, the process of non-legal actions carried out by the community before, during and after *Carok* occurs. This observation is essential to provide a comprehensive empirical picture of the data and information needed in this study.

Then, the final or third step, namely, interview.¹⁰ The interview is a way to obtain data by holding questions and answers with respondents. In this interview, the author conducts questions and answers directly, including: a). *Carok* perpetrators (who were found both in prison and on-site); b). The families, relatives, and relatives of *Carok* victims; c). Law enforcers (police, prosecutors, and judges) in the jurisdiction of Sampang Madura district; and 4). Community leaders, kyai/ulama (Islamic leaders), entrepreneurs, lecturers, and students from Sampang (including those living outside Sampang).

***Carok* in Various Perspectives**

Carok is considered essential depends on the perspective from which it's viewed. In the context of the communities where it occurs, some may perceive it as necessary for cultural, social, or historical reasons. 1). Cultural Perspective: In some areas of Indonesia, particularly Madura, *Carok* is deeply ingrained in the local culture and traditions. It is a way to uphold honour, settle disputes, and maintain social order according to traditional norms; 2). Social Perspective: *Carok* may serve as a form of social control or justice system within communities where it is practised. Some may view it as necessary to resolve conflicts deeply rooted in local social dynamics; 3). Historical Perspective: *Carok* may have historical significance, dating back to ancient practices or regional conflicts. In this sense, it is essential for preserving cultural heritage or identity.

However, from a broader perspective, particularly from a legal or human rights standpoint, carol is not considered essential or acceptable. It often involves violence and can result in harm or loss of life, which

¹⁰ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2020).

conflicts¹¹ with principles of law and human rights. Whether *Carok* is considered essential depends on the values and perspectives of the individuals and communities involved and the broader societal context in which it occurs.

A. *Carok* in Madura: Criminal Action or Local Tradition?

Carok, translated from Old Kawi (an Indonesian indigenous language), means "to fight." Individuals, groups, or families do *Carok*. According to the cultural value system, *Carok* is a trait of the Madurese people. *Carok* is also a tradition of defending the family's self-esteem and dignity, and *Carok*'s activities are regarded as things that can elevate his morality, identity, and family. On that premise, the Madurese people have always defended their self-esteem and dignity with all their might. *Carok* is conducted with Madurese's original weapon, particularly the *celurit* (are'), by dealing one-on-one with fellow males.¹²

The word and term *Carok* became popular during the Dutch colonial period after Sakera's (Madura's hero to fight against Dutch in 18th century).¹³ At the time, the Madurese people banded together to resist colonization. Therefore, the Dutch adopted the tactic of fighting alongside the players. The spirit of togetherness became known as *Settong Dara* (closed meaning to one blood, one soul). The Dutch intentionally gave the *celurit* to harm Sakera's reputation. So, the *celurit* is well-known as a weapon of the bad guys and rebels. Since then, many Madurese people have remedied the problem with *celurit*, also known as *Carok*.¹⁴

¹¹ Tontowi Tontowi and Mufaroha Mufaroha, "Peran Penyuluh dalam Upaya Meminimalisir Budaya Carok di Wilayah Konflik di Madura," *Jurnal Kajian Hukum Islam* 8, no. 1 (2021): 26–34, <https://doi.org/10.52166/JKHI.V8I1.24>.

¹² Nur Baiti et al., "The Relevance of Carok and Settong Dara from a Historical Perspective to Reduce Madura's Negative Stigma," *SOSHUM: Jurnal Sosial Dan Humaniora* 13, no. 1 (2023): 54–62, <https://doi.org/10.31940/SOSHUM.V13I1.54-62>.

¹³ Melina Nur Hafida et al., "Kajian Historis Carok di Madura Pada Masa Kolonialisme Belanda," *Agastya: Jurnal Sejarah Dan Pembelajarannya* 14, no. 1 (2024): 29–38, <https://doi.org/10.25273/AJSP.V14I1.18568>.

¹⁴ Baiti et al., "The Relevance of Carok and Settong Dara from a Historical Perspective to Reduce Madura's Negative Stigma."

Crime data of *Carok* for the last ten years in the Madura Regional Police jurisdiction reveals a total of 2,048 cases. The threat of criminal legal sanctions in *Carok* cases is not consistently applied and may appear to be very light, especially if the perpetrator or his family makes "*nabang*" efforts, i.e. approaches law enforcement to get a light sentence. What was particularly concerning was a *Carok* instance many months ago in which dozens of people stabbed each other over a land dispute between a village head and a former village head. There were numerous casualties in each camp due to the large number of supporters.

The author conducted preliminary research and found no cases of *Carok* at the Sampang District Court office. The defendant (*Carok* culprit) had just emerged from the courtroom prisoners' waiting area and was making his way to the courtroom. The motive was vengeance, as the defendant had committed a *Carok* deed that resulted in the death of the perpetrator's sibling. The offender was the enemy's own family. This incident is considered normal in the Sampang community; what is extraordinary is that the crime scene (TKP) was actually in the court building.

From a legal standpoint, there is social policy, or society's efforts to better the lives of its citizens.¹⁵ Social policy is divided into two areas: social welfare policy, which aims to increase welfare, and social defense policy, which focuses on defending society. This aspect of social defense strategy is known as criminal policy, and it refers to society's rational efforts to combat illegal conduct under any conditions. Three aspects of this criminal policy stand out; The *first* is the criminal justice system, which is a collection of justice systems that use criminal law as a framework for dealing with situations in their respective settings. If a crime is committed, a criminal system is established. The use of this approach has been ineffective in suppressing *Carok* behaviour. *Carok* has been shown to exist, and its numbers are expanding in both quantity and mode.

Second is the development of mass media. The role of mass media is very important in socializing, and the act of *Carok* is uncultured. *Third*, in criminal policy, there is prevention without punishment,

¹⁵ Ruhenda Ruhenda et al., "Tinjauan Trias Politika Terhadap Terbentuknya Sistem Politik Dan Pemerintahan Di Indonesia," *Journal of Governance and Social Policy* 1, no. 2 (December 2020): 58–69, <https://doi.org/10.24815/gaspol.v1i2.18221>.

namely prevention without using criminal law. This prevention is very important. It is remembering that this effort is more focused on prior to the emergence of *Carok*, which can take the form of counseling and moral and ethical development, both through formal and non-formal channels. In a broader context, looking at *Carok* legally must also be seen in social, economic, cultural, and political dimensions. In terms of preventing *Carok*, it must be seen in the social dimension of why *Carok* is carried out, in the economic dimension of why *Carok* is carried out, and in the political dimension of why *Carok* is carried out. Thus, efforts to prevent *Carok* must also be seen holistically in these dimensions.

In a criminological view, criminal behavior must be seen as a result because, behind it, there are motivating reasons for the crime (known as *mens rea*, from Greek language and idioms).¹⁶ Legal issues must not be seen solely from the material side but must be seen from the sociological and psychological side. In the context of *Carok*, sociologically, whether the *Carok* carried out is a symbolic, rational action caused by the threat to the status and position of the perpetrators of *Carok*. Psychologically, *Carok* must also be seen from its fundamental causes, namely, whether the act of *Carok* is an action to maintain and maintain and defend the self-esteem, oppression, exclusion/marginalization of the perpetrator of *Carok* or his family, or his relatives or group.

Such a vision, it is very important that any actions and efforts taken to prevent *Carok* can be carried out appropriately and correctly, according to formal State law and living's law, in this case, the Madurese people. So, based on the brief historical explanation, language terms, and numerous scientific methodologies discussed above, it is possible to infer that *Carok* in Madura is a criminal crime rather than a custom or cultural heritage.

B. Between *Carok*, *Hara-kiri* and *Sati*: Is it same?

Madurese people adhere to the proverb *katembheng pote mata ang'o'a poteya tolang*, which means that instead of suffering shame, it is better to live on the ground. This proverb is attached to every individual

¹⁶ Davut Akca et al., "Criminal Justice, Actus Reus and Mens Rea," in *Forensic Psychology, Crime and Policing*, ed. Karen Corteen et al. (Policy Press, 2023), 108–13.

in the Madurese community, indicating that efforts to maintain the self-esteem of each individual from the Madurese community are very high. The *Carok* tradition is considered an effort to resolve a matter involving honor and dignity. In the ancient Kawi language, *Carok* means "fight". In practice, *Carok* is carried out between individuals, groups and families. The cause of *Carok* is usually the struggle for the throne in the palace, extramarital affairs, and even land disputes. Even though it has been passed down from generation to generation, the term "*Carok*" did not appear either from the 12th century AD, the period when the Madurese kingdom was led by Prabu Cakraningrat until the 17th century AD, during the reign of Penembahan Semolo.¹⁷

The term "*Carok*" began to appear during the Dutch colonial period around the 17th century AD. The history of *Carok* is parallel and is always associated with the sickle weapon. At that time, the Dutch occupied the archipelago, including the island of Madura, without exception. There were many incidents of violence targeting the Madurese people, at least when the VOC trading company set foot in Madura for the first time. (Wiyata, 2002) The history of *Carok* can be known through the development of Madurese folklore. Initially, *Carok* started when a fight broke out between Sakera, a sugar cane foreman at a Dutch sugar factory, and Brodin, Markasan and Carik Rembang, Dutch henchmen. Carik Kembang, at that time, was ordered by the Dutch to find land to expand the sugar factory. Carik Kembang also used sneaky methods by terrorizing landowners in order to get cheap prices. Violence and the lure of wealth are also used to persuade landowners to sell their land. Seeing this incident, Sakera was moved to defend the small community. Sakera tried various things to thwart Carik Rembang's efforts until one day, Carik Rembang reported Sakera to the Dutch. Knowing that someone was interfering with his efforts, the Dutch wanted to kill Sakera by ordering one of the heroes named Markasan. Markasan also met Sakera during break time at the sugar cane factory to invite Sakera to a battle of strength. Not short of wits,

¹⁷ Aina Aurora Mustikajati, Alif Rizqi Ramadhan, and Riska Andi Fitriyono, "Tradisi Carok Adat Madura Dalam Perspektif Kriminologi Dan Alternatif Penyelesaian Perkara Menggunakan Prinsip Restorative Justice," *Jurnal Ekonomi, Sosial & Humaniora* 3, no. 4 (2021): 95–107, <https://www.jurnalintelektiva.com/index.php/jurnal/article/view/650>.

the Dutch discovered Sakera's weakness from his fellow student, Aziz. Long story short, Sakera was paralyzed by the Dutch and then hanged.¹⁸

The indigenous Madurese people see the *Carok* tradition as a just resolution to a problem because, in this instance, they can make up for the humiliation they feel from the defamation of their honour or self-worth by harming or even killing an opponent.¹⁹ This is in line with the Madurese population's adopted proverb, Angolan pote toiling *etembheng pote mata*, which translates to "it is better to die than to live and have to endure shame", according to the history of car kits. *Carok* represents masculine dominance because the *Carok* tradition was influenced by factors about riches, thrones, and women. Men participate in the *Carok* ritual by battling one on one with a sharp sickle until one dies, at which point the victor takes the title.

The *Carok* tradition must also fulfil several conditions, including kadigdajan (self-defence training), tamping spring (asking for supernatural immunity spells), and banda (capital adequacy). Kadigdajan or self-defense training can be likened to having an umbrella ready before it rains, or *Carok* practitioners must train themselves to avoid losing in a fight. Tamping sereng or asking for supernatural immunity spells proves that the perpetrator of the *Carok* is afraid of the consequences of defeating the *Carok* itself, namely death. This condition shows that Madurese society still strongly believes in animism and dynamism. The final condition, namely banda, means sufficient capital, or what is meant is that it does not matter what amount of capital is spent because the winner of the Soroka will get a higher position than the previous position, both sociologically and culturally.²⁰

Apart from *Carok*, the practice of taking one's life in other world traditions, in India, is known as Sati. The oldest religion, Hinduism, contains a large number of sacraments. The most significant and divisive sacrament is sati, often referred to as suttee, which is the burning alive of a woman with her deceased husband. A lady dies with her husband because she feels it is her duty. The origins of sati are a contentious

¹⁸ Aurora Mustikajati, Rizqi Ramadhan, and Andi Fitriyono.

¹⁹ Mohamad Fauzi Sukimi B, "Carok Sebagai Elemen Identiti Manusia Madura Carok," *Akademika* 65 (2004): 91–110.

²⁰ Aurora Mustikajati, Rizqi Ramadhan, and Andi Fitriyono, "Tradisi Carok Adat Madura Dalam Perspektif Kriminologi Dan Alternatif Penyelesaian Perkara Menggunakan Prinsip Restorative Justice."

subject among academics due to inconsistent information. However, because Sati practice and its advantages in the hereafter have been described in numerous Hindu religious writings, both explicitly and indirectly, Hindus view it as a sacred rite.²¹

A widow would self-immolate on her husband's funeral pyre as part of the ancient Hindu custom known as sati, or suttee. The custom was founded on the idea that a wife should be devoted to her husband until death. India was the primary location of sati practice, especially among specific social and religious groups. The practice of sati was quite contentious and generated strong feelings in favour of and against it. Opponents saw it as a kind of violence against women and coercion, while supporters saw it as an expression of purity, devotion, and fidelity. The British colonial authorities in India banned sati at the beginning of the 19th century because they believed it to be barbaric and a violation of human rights. Isolated sati occurrences persisted despite the law's prohibition, albeit they gradually decreased in frequency. Nowadays, sati is widely disapproved of and seen as unlawful.

According to some academics, Goddess Sati was the first person to burn herself alive. Since the Goddess Sati was the first to self-immolate, the word "*sati*" comes from her name. Another manifestation of *Sati*, mass suicide, or *jauhar*, was carried out by Rajput Hindu women to spare themselves from the enemy's grasp at the conclusion of the conflict. When a monarch in certain Indian countries passed away, his court officials and attendants would often accompany him. According to some academics, sati is a woman's required duty, and she must pass away beside her husband's corpse in order to atone for all of their family's misdeeds and to keep herself and her family from becoming a source of shame. Women who refuse to perform sati are often pushed to self-immolate by others, and some have even attempted to toss them violently into the flames. However, a large number of other academics disagree, arguing that the sati is a chosen act rather than a required one. According to their beliefs, a Hindu widow is given some time to consider sati—whether she wishes to pass away with her husband's corpse or live on.²²

²¹ Mohammed Shamsuddin, "A Brief Historical Background of Sati Tradition in India," *Din ve Felsefe Araştırmaları* 3, no. 5 (2020): 44–63.

²² Shamsuddin.

Sati, which means "virtuous woman" in exact translation, is a ritual that the wife follows to support, care for, and shield her husband. As a "ritual necessary in order to regain and achieve ultimate devotion to her husband," sati can be understood. Many feminist researchers from the West dispute whether a woman has agency in making this decision, but they frequently neglect to consider the surrounding circumstances. Sati is a Colonial practice meant to show how different restrictions imposed by the colonial state have limited the practice and, as a result, certain Hindu ceremonies. While many postcolonial feminists vehemently disagree, many Western feminists, including Mary Daly, consider widows as "the victims of a patriarchal society imposing violence against widows." Some academics contend that universality principles underpin reasoning like Daly's. They draw attention to the fact that these assertions—which see sati through a purely Western feminist lens—cannot declare activities to be inherently bad. Scholars that only use this lens disregard diverse cultures, beliefs, and perspectives on the world, such as those held by Hindu women in India.²³

Beside *Carok* and Sati, in Japan, *harakiri*, or *seppuku*, is forbidden. It's been forbidden for many centuries. The samurai class was known to engage in this custom as a means of upholding their honour or avoiding disgrace. However, the practice of seppuku was legally outlawed along with the dissolution of the samurai class during the Meiji Restoration in late 19th-century Japan, which saw profound social, political, and cultural upheavals. In Japan today, suicide is prohibited in all forms, and laws and policies are in place to discourage it. In addition, contemporary Japanese society encourages mental health awareness and offers networks of assistance to individuals experiencing suicide thoughts or other mental health problems.

For many years, *asharakiri*, or ceremonial suicide by disembowelment, also known as seppuku, has been a common motif in Japanese theatre and literature. In Japan, the samurai class has long used this honourable and customary method of death. In the West, there has been a noticeable tendency to interpret suicide behaviour in terms of psychiatric and psychological ideas. Seppuku research raises significant

²³ Cheyanne Cierpial, "Interpreting Sati: The Complex Relationship Between Gender and Power In India," *Denison Journal of Religion* 14, no. 1 (June 16, 2017), <https://digitalcommons.denison.edu/religion/vol14/iss1/2>.

questions about the applicability and legitimacy of this kind of "psychologism" when it comes to non-Western societies like Japan. As a socially and culturally mandated and positively sanctioned role-behavior in highly formal and close-knit human groups and classes, as well as in hierarchical organisations, seppuku has been fostered in Japan's socio-cultural tradition. Although seppuku has become relatively rare in modern Japan, suicides connected to one's role-performance appear to have persisted until the 20th century. In the end, one of the keys to understanding the intricate connection between suicide and Japanese culture is seppuku.²⁴

Based on the explanation above, there are similarities and differences between *Carok*, Sati and Hara-kiri. The equation is taking one's life, either one's own or another person's life. Also, the effort to take one's life is a form of tradition to maintain honor²⁵ and is legitimized by religious practices and community beliefs. Meanwhile, the difference lies in the object of the murder itself. *Carok* takes another person's life or can be called murder, while Sati and Harakiri take one's own life or commit suicide

C. *Carok* from Criminal Law and Islamic Law Perspective

Carok is a combat between men, usually one-on-one, motivated by dispute. *Carok* is a fight with sharp weapons between one person and another (mainly men) or in a group that is usually preceded by an agreement or agreement regarding time and place; the *Carok* tradition itself contains and fulfills elements of violence that might result in death.²⁶ *Carok* in Madurese society has been carried out for a long time; the implementation of *Carok* is caused by harassment/insults towards either the wife, sister or others so that the husband or brother of the

²⁴ Toyomasa Fusé, "Suicide and Culture in Japan: A Study of Seppuku as an Institutionalized Form of Suicide," *Social Psychiatry* 15, no. 2 (June 1980): 57–63, <https://doi.org/10.1007/BF00578069/METRICS>.

²⁵ Sarah Panzer, "Death-Defying: Voluntary Death as Honorable Ideal in the German-Japanese Alliance," *Central European History* 55, no. 2 (June 1, 2022): 205–22, <https://doi.org/10.1017/S0008938921000959>.

²⁶ Akbari Amarul Zaman and Taun Taun, "Tradisi Carok Dalam Perspektif Kriminologi Dan Sistem Pidana Di Indonesia," *Jurnal Ilmiah Wahana Pendidikan* 9, no. 24 (2023): 9–17, <https://doi.org/10.5281/zenodo.10403911>.

victim who is the victim of harassment feels that their dignity has been trampled on because, according to Madurese society, a wife is a form of honor for Madurese men, the honor and dignity of the wife is a symbol of the honor of the husband, insulting the wife.

So that way, *Carok* is a symptom of efforts to defend and maintain self-esteem through physical violence. In this context, the phrase *ango'an poteya tolang etembeng poteya mata* says it is better to die than live in disgrace. Dignity (self-respect) is extremely important to Madurese people. When connected with the *Carok* culture, any denial of self-respect becomes a critical issue, which can also be viewed as harassment.²⁷ *Carok* can be categorized as a crime if it causes death and fulfills the elements of other criminal acts by the provisions of the Criminal Code. Several provisions in the Criminal Code that can categorize *Carok* as a criminal offense include:

1. Article 182 (duel): "A maximum prison sentence of nine months is threatened: 1. Whoever challenges a person to a duel or orders a person to accept a challenge, if this results in a duel; 2. anyone who deliberately continues a challenge if this results in a duel."
2. Article 338 (murder): "Whoever deliberately takes the life of another person is threatened with murder with a maximum imprisonment of fifteen years."
3. Article 340 (premeditated murder): "Whoever intentionally and with premeditation takes the life of another murder with premeditation, with the death penalty or imprisonment for life or a certain period, a maximum of twenty years."
4. Article 351 (persecution): "Persecution is punishable by imprisonment for a maximum of two years and eight months or a fine of up to four thousand five hundred thousand rupiah. 2) If the act results in serious injury, the guilty person is punished with imprisonment for a maximum of five years. 3) If the act results in the death of a person, then the guilty person is punished with imprisonment for a maximum of seven years. 4)

²⁷ Erie Hariyanto, "Carok vs Hukum Pidana (Proses Transformasi Budaya Madura Kedalam Sistem Hukum Indonesia)," *KARSA: Journal of Social and Islamic Culture* 12, no. 2 (2007): 180–85, <https://doi.org/10.19105/karsa.v12i2.141>.

With abuse is equated with intentionally damaging a person's health."

5. Article 353 (premeditated assault): "1) Persecution that is premeditated is punishable by imprisonment for a maximum of four years. 2) If the act results in serious injury, then the guilty person is punished with imprisonment for a maximum of seven years. 3) If the act results in the death of a person, then the guilty person will be punished with imprisonment for a maximum of nine years."
6. Article 354 (serious abuse): "Anyone who intentionally seriously injures another person is threatened with serious abuse with a maximum prison sentence of 8 years. If the act results in death, the guilty person is threatened with imprisonment for a maximum of 10 years."
7. Article 355 (premeditated serious ill-treatment): "(1) Serious ill-treatment carried out with prior planning is punishable by a maximum imprisonment of twelve years. (2) If the act results in death, the guilty person is threatened with imprisonment for a maximum of fifteen years."

Carok can be considered a criminal act if the rules and conditions outlined in the Criminal Code are met. So, how is *Carok* considered in terms of Islamic law? Even while Islamic law permits everyone to safeguard their right to self-respect, the presence of *Carok* as a means of preserving self-respect cannot be supported. The postulates of Islamic law that allow someone to defend their dignity by fighting, let alone killing their opponent, lack credibility. Islamic law allows only governmental agents to commit wishes, adultery, or apostasy as punishment for murder. Aside from that, its implementation must be proportionate in the sense of adhering to the appropriate state laws of a country.²⁸

According to Ghazalian perspectives, the five pillars of *maqashid sharia* are the preservation of religion, self, intellect, offspring, and money. The purposes of Islamic law (*maqashid sharia*) are the multifaceted goals of any principles and norms drawn from Islamic law

²⁸ Bagis Syarof and Faiq Tobroni, "Alasan Harga Diri Pada Praktek Carok (Tinjauan Ham dan Hukum Islam)," *Tahkim* XVI, no. 1 (2020): 86–105.

on daily activities and any.²⁹ So, taking a life or killing is something that is strictly prohibited in Islam. This contradicts the five pillars of *maqashid sharia*, namely *hifz an-nas*, or protecting the soul. Islam teaches its people to love each other, and murder is one of the major sins.

Conclusion

Based on this debate, it is possible to conclude that *Carok* is the same under criminal and Islamic law, but it may be different in terms of meaning and position in society when compared to Sati and harakiri. The same thing implies that *Carok* is regarded as hazardous, not as a cultural legacy, but as a crime. In criminal law, *Carok* is considered a criminal act since it can potentially violate Criminal Code Articles 182, 338, 340, 351, 353, 354 and 355. Meanwhile, according to Islamic law, the act of *Carok* breaches *maqashid sharia*, specifically *hifz an-nas*, or guarding the soul. Because *Carok* may take life and cause death.

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²⁹ Yunice Karina Tumewang, Herlina Rahmawati Dewi, and Hanudin Amin, "Over a Decade of Maqashid Sharia Studies: A Bibliometric Analysis and Direction for Future Research," *Journal of Islamic Accounting and Business Research*, 2023, <https://doi.org/10.1108/JIABR-08-2022-0207>.

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