

Legal Anthropology and the Carok Tradition in Madura: A Study of Local Wisdom in Conflict Resolution

by Moh. Rafi Maulana

Submission date: 26-Jul-2024 04:16PM (UTC+0700)

Submission ID: 2422681135

File name: Rafi_Maulana.docx (80.09K)

Word count: 6773

Character count: 34220

Legal Anthropology and the Carok Tradition in Madura: A Study of Local Wisdom in Conflict Resolution

^{1*}Moh. Rafi Maulana

Faculty of Law, Universitas Wiraraja Madura, Sumenep, Indonesia

²Evi Dwi Hastri

Faculty of Law, Universitas Wiraraja Madura, Sumenep, Indonesia

³Mhammad Khalid Ali

Master of Law, Postgraduate, Universitas Wiraraja Madura, Sumenep, Indonesia

Alamat: Jl. Raya Sumenep-Pamekasan KM 5 Patean, Sumenep

Korespondensi penulis: mrafimaulana87@gmail.com

Abstrak. The carok tradition is still a debate among Madura scientists and culturers. The Carok tradition in Madura is a complex social phenomenon and is full of cultural values and local wisdom in conflict resolution. This article is not intended to discuss or assess carok from a moral point of view. On the contrary, this article only analyzes in the study of Legal Anthropology the phenomenon of carok from the perspective of the authorities in resolving an internal conflict and legal norms in society that are viewed as a form of violence and contrary to other general norms in society. The type of research used is sociolegal legal research. The approach used is an interdisciplinary approach, which combines methodologies and perspectives from social sciences, name legal anthropology with legal analysis, such as the Madura carok tradition. The results of the study show that Carok is not only an act of violence, but also a symbol of honor and a recognized mechanism for the enforcement of customary law in the Madura community. The conflicts that lead to Carok are often triggered by violations of the norms of honor and self-respect, which are then resolved through physical duels as a form of social compensation. Although Carok is contrary to Indonesia's positive law that prohibits violence, the people of Madurese still view it as a legitimate and respectable way to resolve disputes. Thus, the legal anthropology approach is present as part of the interdisciplinary law to mediate the local wisdom owned by the Madurese people by understanding the social and cultural context behind the Carok practice, a more inclusive and sensitive policy can be developed.

Keywords: Carok Madura, Legal Anthropology, Local Wisdom

1. INTRODUCTION

Madura Island is one of the islands that is included in the province of East Java, Geographically Madura Island is in the Java Sea and the tip of the island of Java (Eriska Nur Tanzillah, 2021). It consists of four regencies, namely Sumenep which is at the far east, followed by Pamekasan and Sampang which are both in the middle, then the westernmost tip, namely Bangkalan. The length of Madura island is approximately 190 km, the widest distance is 40 km, and the overall area is 5,304 km, with a population of 4 million people. The island is surrounded by more than 100 small islands, both inhabited and uninhabited. The Madurese people themselves are famous for their cultural richness, there are a lot of cultures that are full of positive things, but these rights are covered by negative attitudes and behaviors from a small part of the Madurese people, Madurese people are also famous for having unique traits even in the 1980s Tempo magazine through its research placed the Madura Tribe in the top five most successful tribes in this

Received: April 02, 2024; Revised: April 15, 2024; Accepted: April 27, 2024; Published: April 30, 2024;

country because the Madurese people usually have a diligent nature, Tenacious, high-performing, religious, and open to change.

However, the attitude of the Madurese people is the most famous compared to their culture and nature, Most Madurese people have a tendency to be easily offended by their pride, even most people outside the island of Madura also think that Madurese people highly uphold their pride (Abd. Azis, Zaini Tamin AR, 2020). Because of this, a custom arose that prioritizes self-esteem among the people of Madura, the custom is known as Adat Carok (Barokatul Asiyah, 2021). The triggers for this carok are in the form of a struggle for a position in the palace, infidelity, land grabs, and can also be hereditary grudges (Emy Handayani, 2019).

The definition of the carok tradition is still a debate among Madura scientists and culturers, ¹however, the author agrees with the understanding expressed by anthropologist A. Latif Wijaya who explains that the Carok custom is an effort or method of dispute resolution (Sendy Pratama Firdaus, Muhammad Ghifari Fardhana Bahar, 2021) or a well-known and very inherent problem among the people of Madura Island, usually this Carok custom is carried out by men against men (Zaman, 2023). This custom has its own characteristics, namely by using a sharp weapon that originated from Madura Island, usually the weapon is known as Celurit.

In every regency on Madura Island, there must be a Carok Custom, starting from Sumenep Regency which has the lowest number of carok cases to Bangkalan Regency which has the highest number of carok cases, This is based on the difference in attitudes in society in each district is different. The Carok custom will not arise spontaneously, but there is a very essential cause. Essentially, the Carok custom is a restoration of self-esteem related to property, thrones, and women, This problem of self-esteem then leads to the choice of life or death.

In carok, in general, the people of Madura use a traditional weapon typical of the Madura tribe, namely the "Celurit". The celurite used for the carok itself is in the form of a ¹sharp weapon in the form of a curved weapon that was originally used to cut grass (Aina Aurora Mustikajati, Alif Rizqi Ramadhan, 2021). In fact, most of the people of Madura island have the principle of "Lakona dagimg can ejai", lakona ate tada'tambana kajaba ngero'dara". The meaning of the principle is "Wounded flesh can still be sewn, but if the heart is wounded, there is no cure". From this principle, it can be seen that the people on Madura Island always prioritize their pride in the conception of society.

Although it seems that this Carok custom violates the applicable law in Indonesia, still this Carok custom is still maintained because the original Carok custom has a special method. The method of settlement with the Carok Customs itself has its mechanism, which in its implementation must be passed through stages as a requirement that a problem can be solved through the Carok Custom. The general public's knowledge of this tradition is only limited to the time of its occurrence, and is not rooted in the values and stages that cause many negative sentiments towards this carok custom. Therefore, I hope that as a writer this article can change the negative sentiments that exist in society in general.

2. THEORETICAL STUDIES

a. Hermeneutic Theory

The theories used in this study are Gadamer's hermeneutic theory and symbolic interactionism theory. The use of these two theories is because the paradigm used in this study is the constructivism paradigm. In a study, there is a very close relationship between paradigm and theory. The use of a particular paradigm will automatically result in the use of a theory that is relevant or one-way with that paradigm. When what is used in a study is the constructivism paradigm, then generally the theories used include hermeneutics theory and symbolic interactionism (Fathorrahim, 2023).

b. Symbolic Interactionism

This theory was originally developed by Weber. He stated that social action is an individual's action as long as his action has a subjective meaning or meaning for himself and is directed to others. On the other hand, individual actions directed at inanimate objects or physical objects alone, without being linked to the actions of others, are not social actions (Fathorrahim, 2023).

Some of the previous related research includes journal research from Aina Aurora Mustikajati, et al from the November 2021 edition of the *Intelektiva Journal* with the title "The Tradition of Madura Traditional Carok in the Perspective of Criminology and Alternative Case Resolution Using the Principle of Restorative Justice", this study also discusses the Madura carok and the purpose of the article is to examine the carok tradition in a criminological perspective also aims to examine efforts that can be carried out by law enforcement to prevent the occurrence of carok as a settlement for the Madurese community in the future by using the principle of Restorative Justice as a solution to replace the carok tradition. In contrast to the author's research which only explores the

phenomenon of carok from the perspective of the authorities and the daily experience of Madurese people about the meaning of carok, as well as the factors that cause it. The second research is a journal from Emy Handayani and Fatih Misbah with the title "Carok, 'At the Crossroads' of Positive Culture and Law", in addition to discussing carok madura, the research is more focused on the purpose of knowing the cultural values of carok ⁹and the extent to which Indonesian criminal law can accommodate the cultural values of carok. Meanwhile, the author's research focuses on being able to know the views of the Madura people regarding the carok culture of both Madura residents themselves and people outside Madura.

3. RESEARCH METHODS

This study uses the sociolegal law research method, a type of sociolegal law research is an approach in legal research that combines the analysis of laws and regulations and legal doctrine with the study of social phenomena that affect and are influenced by the law. This approach aims to understand how law functions in society, how law affects social behavior, and how social, economic, political, and cultural conditions affect the development and application of law. This approach can be used in studying community life as well as certain traditions and social customs (Nasution, 2009). The approach used is an interdisciplinary approach, namely combining methodologies and perspectives from social sciences, namely legal anthropology with legal analysis, like the Madura carok tradition.

The collection of legal materials uses observation and interview methods and is analyzed with Legal Systematics, namely classifying and organizing legal norms in a coherent structure to understand the relationship between norms in the event of Carok as a tradition of the Madurese community.

4. RESULTS AND DISCUSSION

The Tradition of Carok Madura in the Historical Scope

Carok is a fighting tradition that is very inherent among the people of Madura, Etymologically Carok is interpreted as a fight. Carok was the result of an engineering form from the Dutch colonial government at that time who wanted to damage the image of Pak Sakera. The Dutch deliberately distributed celurit to the Blater (ordinary people) with the aim of damaging the image of Mr. Sakera as the legitimate owner of the celurit weapon. After many years of Dutch colonial rule leaving Madura Island, this Carok custom still

exists and continues to be maintained and considered as the culture created by its ancestors by the people of Madura and does not realize that it is the result of the engineering of the Dutch colonial government. In essence, the Carok custom is a defense of self-esteem when trampled on by others, which is usually related to property, thrones, and women or social, economic and political, which is carried out using weapons (Erwina Rachmi Puspapertiwi, 2024). Fundamentally, this Carok custom is just to maintain someone's honor. An ethnographic expression that states, "etambang pote mata is better pote tolang" which has the meaning of living to bear the feeling of shame, it is better to die in the ground, this expression is usually the motivation for a person to do Carok. Carok is an act of revenge, this is carried out by dueling (using celurit weapons) until there are victims who die, usually done in a one-on-one way and usually also carried out by men. Although sometimes there is a mass carok that is initially individual as well. From the definition of carok above, it can be concluded that the emergence of the Carok custom is because there is no peaceful way out so it must be with violence (Handayani & Misbah, 2019).

All Carok cases that occur are usually preceded by conflicts, although usually these conflicts are based on different problems, starting from women's issues, cases of accusations of stealing, seizure of inheritance, election results, revenge, and others. However, even though there are many problems behind it, the Carok Customs all refer to the same root, namely the feeling of malo or todus due to the abuse of self-esteem (dignity). Self-esteem is above all and very important (Noroyono, 2024), and to restore the self-esteem that is sliced, usually someone in Madura does the Carok Custom, and usually someone who will do Carok gets support from his social environment (Mustikajati et al., 2021). Whatever way Carok is done, usually the Carok perpetrator when he manages to win the duel or successfully kills his opponent will show a feeling of relief, satisfaction, and pride. The definition of self-esteem (dignity) in relation to the feeling of malo or todus that it causes when harassment occurs, these two things are the main triggering facts of a person in Madura to do carok, in addition to other factors. Likewise, other cases of carok that occur in the Madua area, always originate from the feeling of malo not always appearing unilaterally, but sometimes on both sides (Hastijanti, 2005).

One example of a carok case is a carok involving Kamaluddin and Mokarram when fighting Mat Tiken. Kamaluddin felt malo due to Mat Tiken's behavior that disturbed his wife, this was interpreted as harassment of Kamaluddin's self-esteem who was the husband of the wife who was harassed by Mat Tiken, From this incident the feeling of malo will arise in a Kamaluddin which is then poured into an invitation to do a

carok against Mat Tiken. Shame also does not only arise in Kamaluddin but also in a Mokaram who is one of Kamaluddin's cousins, which in the kinship system in Madura is included in the category of delem taretan. That's why Mokaram also participated in the invitation of Carok expressed by Kamaluddin to Mat Tiken, the feeling of malo la which was the basis for Mokaram to participate in Carok carried out by Kamaluddin and Mat Tiken, moreover Mokarram is a cousin whose family customs in Madura are highly respected (Rokhyanto & Marsuki, 2015).

The act of disturbing someone's wife or the act of infidelity is the most painful form of self-esteem abuse for men in Madura. Therefore, the method that is often used by men in Madura is by doing Carok, because according to them there is no other way to penetrate it except by killing people who disturb them (Jufri, 2019). Their principle is that I am married by the headman, witnessed by the crowd, and by fulfilling religious rules. So, whoever disturbs my wife, also directly disturbs my honor. Because the dignity and honor of a wife is a manifestation of the dignity and honor of her husband as well.

Wife is interpreted as bhantalla pate which means the foundation of death, In other expressions the act of disturbing someone's wife is called aghaja' nyaba, which has the same meaning as the act of risking one's life or joking with one's life. In social life, among the rights and obligations of society, the protection of women (wives) is part of the obligations of society. So that the act of disturbing the honor of a wife is often interpreted as an act of corruption (damaging the existing social order). The act of disturbing the honor of someone's wife is not only considered an act that harasses her husband's self-esteem, but also an act that deviates or damages the social order in Madura society. Therefore, according to the Madurese people's view, the perpetrator cannot be forgiven and must be killed.

Madurese people who are malo because they are harassed by their pride and then commit carok are called carok perpetrators. The intention of the perpetrator of the harassment is both parties, both the party who feels that his or her self-esteem is degraded or harassed (the party who attacks or the party who invites) and the party who is considered to have committed the harassment (the party who is attacked or the party who is invited). If a man who is harassed has his self-esteem, but it turns out that the man is afraid or does not dare to do carok, the consequence that will be obtained by a man who does not dare to do carok is that the people around him will ridicule him with the word lo'lake which means not reflecting a man. There is even a famous jargon among Madurese

youth, namely "Mon lo'bangal acarok ajjha'ngako oreng mhadure" which means that if you don't dare to do carok, don't claim to be a Madurese.

Judging from that jargon alone, Madurese people do Carok not because they simply do not want to be considered as cowardly, although there is also a fear of death, but also so that they are still considered Madurese. When viewed from the reality, this means that Carok is one of the ways of the Madurese people to express their ethnic identity. All of this further strengthens the assumption about carok that carok is not an act of violence in general, but an act of violence that is full of social and cultural meanings so that it must be understood in accordance with the values in it and also the contexts in it (Afif, 2018).

By referring to one of the examples of the carok case above, it can be concluded that the abuse of self-esteem is the same as the abuse of self-capacity. In fact, a person's social capacity cannot be separated from his role and status in social conception. This role and social status in empirical practice is not enough to be realized only by the individual concerned, but must also gain recognition from the person or social environment.

The Carok Tradition in the Perspective of Culture and Legal Anthropology

In formulating the problem contained in number two, I as the author prefer to use primary data as the basis for discussion. Primary data itself is data taken directly from the field, namely by going directly to the field. What I did as a writer to get a sample of the primary data I needed was by conducting interviews with related subjects, the subjects related to the formulation of the above problems were the general public who did not live on the island of Madura, while the topic that I raised to the resource persons was the Carok Customs found on the island of Madura. In the interviews I conducted with the relevant sources, there were several questions that I asked to get the data I needed. The following is a question that I asked the resource person (Ali, 2010) :

- a. Have you ever heard of the carok custom found on the island of Madura?
- b. What is your response to the correlation between ethics and morals in the Carok Customs in Madura?
- c. What is your response as a general public who does not live on the island of Madura regarding the Carok Customs found on the island of Madura?

Of the three questions that I raised to the speakers, the three questions are related to each other to formulate the problems contained in number two in the formulation of this research problem.

The first question is a very important question to be asked to the resource person, this is related to the insight possessed by the resource person. Before entering into a more complex scope in the Carok Custom, the resource person first knows or at least has heard what the Carok Customs is, if the resource person has never heard of the Carok custom, it can cause assumptions that are not based on anything.

The second question is also very important to question because many general people who live outside Madura think that carok itself is a form of behavior deviation that is contrary to social values and moral norms. However, this is considered by some Madurese people as a means to resolve the conflicts that occur, judging from this alone, there has been a difference in perspective between the general public and the Madura people. Self-esteem and good name are very expensive values for Madurese people so that the abuse of one's self-esteem must be paid dearly even if one's life is at stake. The correlation between the Carok Customs and the religious life in Madura society is a problem that is trying to be solved by looking at the aspects of customs and customs that apply from an ethical point of view.

The third question is the final question regarding the problem that I asked the speaker. Because the third question is a question whose content is a response or assessment of the carok custom found on the island of Madura. These responses and observations will later become the basis for the author to compare the perspectives between the general public and the indigenous people of Madura regarding the Carok Customs itself (Wiyata, 2002).

The following is the data that I have obtained from the results of interviews with several speakers.

a. First Question :

The first resource person I interviewed was a new student from the Faculty of Law, Wiraraja Sumenep University, the resource person was named Aditya Maulana, he came from the Banyuwangi area. Adit answered question number one as follows: Yes, I have heard of one of the customs that originated from the island of Madura

The second resource person I interviewed was a student from the Faculty of Health Sciences, the resource person was named Muhammad Nabil Makarim, he was from the Lamongan area. Nabil answered question number one as follows: Yes, I have heard and understood a little about the Carok Customs on the island of Madura. In my opinion, Carok is a custom that originated from Madura that usually brings together two individuals to fight for their self-esteem. Usually the carok uses a sharp weapon

which is usually referred to as a celurit. In essence, carok is a custom to fight for the self-esteem of a person when degraded by others.

The third resource person named Syahrin Shafa Akhsania, is a student of the Faculty of Agriculture, Syahrin comes from the Bondowoso area. Syahrin answered question number one as follows: He admitted that he had heard about the Carok Customs which originated from the island of Madura.

The conclusion of the three answers is that the speakers admitted that they had heard of the Carok Customs found on the island of Madura. However, not all speakers understand the mechanism contained in the Carok Custom.

b. Second Question :

Adit's answer to question number two is as follows: In my opinion, the correlation between ethics and morals in the concept of carok customs is very relevant to the characteristics that are embedded in the soul of the Madura people. Because the characteristics of the Madurese themselves who are brave and do not want to lose, making the carok custom does not cause controversy, but it becomes a characteristic that exists in the people of Madura in solving an existing problem and it does not violate ethics and morals that are indeed valid in Madura society.

Nabil's answer to question number two is as follows: The correlation between the carok custom and the ethics and attitude of the Madurese themselves in my opinion the Carok custom has a close relationship with the attitude of the Madurese people, because the Madurese will hold fast to their own pride and the existence of the carok makes the Madurese think that a self-esteem must be maintained and when there is a problem with other individuals, It is solved with the individual, but for the ethical issues themselves, the Madurese people are based on what has been taught by religion if religion says it is true, yes, true.

Syahrin's answer to question number two is as follows: Syahrin thinks that although morals and ethics can be universally applicable, there is still relativism when looking at culture, including this carok. In my opinion, it does not mean that carok was something immoral in his time because he was present to be an option for handling problems. However, for today, because we are citizens, we must still obey the applicable legal mechanism.

Conclusion: The speakers think that ethics and morals are related to the Carok Customs itself. According to the first speaker, he thinks that the existence of the Carok Customs can describe the ethics and morals of the Madurese people. The

second resource person also thinks that it is almost similar to the opinion of the second resource person. While the third speaker argued that ethics and morals are indeed related to the Carok Custom, but it must be underlined that the Carok Customs is a relevant culture in its time.

c. Third Question :

Adit's answer to question number three is as follows: From the point of view of Javanese people who have calm and angry characteristics, the carok custom is a custom that is quite extreme because the characteristic of the custom is a fight. Apart from the extremes of the carok custom, it is precisely the attraction in itself that is not only fighting and proving who is the strongest to fight to uphold and maintain the dignity and dignity of the family that is at stake.

Nabil's answer to question number three is as follows: According to Nabil, this Carok Customary is indeed contrary to the laws in Indonesia, especially the criminal law. But again, even though it violates existing regulations, this Carok custom is still a custom or identity of the Madura people. That identity must be maintained and preserved and must also remain to always keep up with the changing times.

Syahrin's answer to question number three is as follows: The carok custom is good when seen as a typical Madura culture, but it is not good if practiced. This statement comes because if carok is chosen as a last resort to solve the problem and finally a fight becomes a solution, it is certainly not right, Indonesia has a legal settlement mechanism

Conclusion: Each resource person has his own point of view regarding the Carok Customs in Madura. There is nothing wrong from the point of view of each source, because indeed none of the three speakers lived or was born on the island of Madura.

In answering the formulation of problem number three, the author uses the question and answer method to the resource persons who are native to Madura. There was only one question asked to the resource person What is your response as a Madurese person regarding the assessment from the community from outside Madura regarding the Carok Custom?

The above questions are very important to be questioned in order to be able to answer the problems contained in this study. The problem is the difference in perspective regarding the Carok Customs on the island of Madura. The following are the answers from some of the speakers that I have gathered:

1) Rendy Herdiansyah Yanuar

Rendy was the first resource person I interviewed, he is from Sumenep Regency, Sumenep City District. He is currently still studying S1 at Wiraraja University Law Study Program. Rendy's response to the assessment of the Carok Customs expressed by the people outside Madura is as follows: In my opinion, the assessment expressed by the people outside Madura regarding the Carok Customs is not wrong, they certainly must have their own perspective on this Carok Custom. But the problem is that if this perspective is not based on anything, the many bad stigmas about the Carok Customs are because most people out there only judge the actions of the Carok, not judge where the actions of the Carok can arise. A Carok custom will not grow spontaneously but there are mechanisms that have been established for people who want to do carok. Indeed, lately this carok custom has deviated from the rules contained in it. This is very unfortunate, most outsiders think that carok is a form of murder that does not humanize humans. In fact, if you look at the history, the Carok custom is a form of solving problems that humanized humans in its time. Before holding a carok, the carok actors are first advised to conduct a deliberation with the village elders, If there is no way to solve the problem, then that is where the Carok Customs emerged to be the final solution. It would be good if we wanted to express our opinion about customs in a region, at least we must first know the habits of the people or the history of the emergence of these customs so as not to produce a bad stigma against regional customs.

2) Sri Indah Lestari

Tari is the second resource person I interviewed, she is also from Sumenep Regency, Kalianget District. Tari is still pursuing her S1 studies at the Islamic University of Indonesia, Law Study Program. Tari argued that the Carok Customs in Madura is a form of the habits of the Madura people who are hard-natured, so that the way to solve the problem must go through a harsh way, namely the Carok Customs itself. But even so, this Carok custom is rich in cultural values from the Madura people, values that highly uphold self-esteem, values that prioritize family, and values that are very thick with the geography of the island of Madura itself. That's why I am sad when this Carok custom has a bad stigma among people outside Madura, even though if we study the values contained in the carok custom, we will know how the carok custom arises, not necessarily appearing like people

killing each other. The bad stigma that arises in the outside community has resulted in the emergence of judgments that demean the Madurese people, whether it is an assessment that thinks that the morals of the Madurese people are very low because of the Carok Custom. My hope as a Madurese is that outsiders can be wiser when assessing a custom in the region and hopefully can appreciate the differences in existing customs. The conclusion of the responses expressed by the above speakers is as follows:

The Carok custom on Madura Island is a form of social identity that must be maintained in each individual, because social identity is something very meaningful for individuals because it is related to their social status. The existence of the carok custom must be maintained in line with the increasingly rapid changes of the times without having to change the essence contained in the carok custom. The problem that is happening now is the shift in the essence contained in the Carok Custom, the Carok Customs now reflect more brutalism and selfishness among the people of Madura, this is what causes the Carok Customs to be considered terrible by people outside Madura. In fact, if we follow the rules contained in it, we will find high meanings of togetherness and family. The implementation of the original carok must be preceded by family deliberation. Deliberations must also be carried out with the opposing party's family. When there is no consensus in the deliberations or there is no other way to agree, then the carok mechanism is used as a final solution method. If indeed the method of carok has been determined, then the person who wants to carry out carok must follow the next rules. The rules that must be met are asking for blessings from ²the family, carried out in a quiet place far from the reach of the community, dressed in traditional Madura clothes (sakera clothes), using celurit as a weapon, the celurit used must be exchanged first between the two parties before doing the carok, and the last is to ask what messages will be conveyed to the family when losing the fight. The mechanism I mentioned earlier is very rarely applied today, Carok is now undergoing an evolution by following this increasingly instant era. Even in this day and age, mass fights and brawls that use celurite are considered carok, even though fights that can be said to be carok are when following the mechanism contained in them. This change is what makes the stigma bad in the community outside Madura, The difference in perspective that occurs is due to the shift in the

essence of the carok custom itself, the assumption that carok is an inhumane custom can be broken when outsiders know the mechanism to hold carok.

The Carok custom in Madura has its own mechanism, there are rules in order to be able to organize Carok. These rules have been determined since ancient times, the intelligence of the previous people who made the rules made the Carok Customs have their own perspective of justice. The value of justice contained in the Carok Customs is based on the attitude and habits in the Madura people which indeed want it as a way to solve problems that are fair for them. Rules that are rich in the value of togetherness and kinship can appear in a solution to a problem that can cause casualties, the value of togetherness and kinship must be maintained even though the Carok custom can harm one of the parties who commits carok. In order for the aggrieved party to still feel fair, a rule is held to ask for a message or will to his family if one of the parties loses in doing Carok.

The current problem is the shift in the values contained in the carok itself. Carok in today's day and age seems to follow the instant development of the times, people no longer follow the rules contained in the carok. That is what causes a bad stigma among the outside community, the perception that there is no sense of humanity in the carok appears due to the change in the carok among the Madura people themselves. Therefore, there is nothing wrong in the perspective of the outside community regarding the perception of the Carok Custom, because the perception is born from assumptions that do not see the depth of a Custom.

CONCLUSIONS AND SUGGESTIONS

The perspective between the people outside Madura and the people of Madura regarding the Carok tradition is indeed slightly different, most people outside Madura consider the Carok tradition to be a form of problem solving that is not humane or inhumane. The criticism arises because of the tradition of Carok which is increasingly instant in each era (the evolution of carok), Nothing is justified in this case either the criticism from the outside community or the change regarding carok in the Madura community. Criticism from the outside community only assesses when the carok has taken place, whether it is sympathy for the dead or injured victims, which leads to an objective assessment from the people outside Madura, From this assessment, a stigma emerged among the outside community which was initially discriminated against by the initidu and then spread word of mouth and caused a bad stigma against the Carok Custom. In fact, if we judge from the perspective of looking at the

values of the carok, whether it is from history or from others, we will find a different point of view.

Meanwhile, according to the Madurese themselves, the Carok custom is a form of mechanism for solving a problem that is suitable to be applied based on the culture and character of the Madurese people. The Carok settlement method is a form of settlement that highly upholds justice according to the Madurese people, because in that way the Madurese can redeem all behaviors that degrade or harass their self-esteem, this self-esteem is the decisive or something that can cause carok among the people of Madura. Even so, this Carok custom does not arise arbitrarily or spontaneously, in contrast to ordinary fights among the general public.

Although Carok is contrary to Indonesia's positive law which prohibits all forms of physical violence, the practice is still considered legal and honorable in Madurese society. This indicates that there is a tension between customary law and state law, which requires a more integrative and sensitive approach to the local cultural context. Thus, the legal anthropology approach is present as part of the interdisciplinary law to mediate the local wisdom owned by the Madurese people by understanding the social and cultural context behind the Carok practice, a more inclusive and sensitive policy can be developed.

The author hopes that future researchers will be more serious in researching the Carok Customs in Madura, starting from conducting direct exploration in the field and meeting or interviewing indigenous figures who better understand and know the Carok custom itself, in order to produce more reliable data and more in-depth data about the Carok Custom. Find the positive values contained in the carok custom, because the carok custom is rich in cultural values, but unfortunately these values are increasingly disappearing with the development of social changes among the people of Madura island. In order for the carok custom, which is the identity and pride of the Madura people, to have more positive sides, that positive side will later change the stigma in the general public.

The local government and local traditional leaders are also expected to control aspects of social change in the Madurese community so as not to eliminate the essence of the Carok Custom. Traditional Leaders have an important role so that the existence and essence of carok are maintained, therefore Traditional Leaders on Madura Island are expected to be able to emphasize the rules contained in carok, so that the carok itself is considered humane by the general public, educate young people in Madura to know the true form of carok, carok that will be rich in cultural values and carok that is rich in sacred things. This is expected to change the thinking of the Madurese people who give a stereotype of carok to ordinary fights,

not all fights can be considered as carok. Traditional leaders need to emphasize that carok is not a fight that can be carried out carelessly. Carok is a custom that is used to solve a problem when there is no solution anymore and carok must remain in accordance with the rules contained in it (Asiyah & Muttaqin, 2021).

DAFTAR REFERENSI

- 13 Abd. Azis, Zaini Tamin AR, M. (2020). Genealogi Carok Di Madura; Perspektif Psikologi Sosial. *Al-Ibrah*, 5(1), 28–48.
- 5 Afif, M. (2018). Penemuan Hukum Oleh Hakim Terhadap Kasus Carok Akibat Sengketa Tanah Dalam Masyarakat Madura. *Soumatara Law Review*, 1(2), 298–313.
- 6 Aina Aurora Mustikajati, Alif Rizqi Ramadhan, ska A. F. (2021). Tradisi Carok Adat Madura Dalam Perspektif Kriminologi Dan Alternatif Penyelesaian Perkara Menggunakan Prinsip Restorative Justice. *Intelektiva*, 3(4), 95–107.
- 8 Ali, M. (2010). Akomodasi nilai-nilai budaya masyarakat madura mengenai penyelesaian carok dalam hukum pidana. *Jurnal Hukum Ius Quia Iustum*, 17(1), 85–102.
- 14 Asiyah, B., & Muttaqin, D. (2021). Aspek-Aspek Psikologis dalam Budaya Carok. *Insight: Jurnal Pemikiran Dan Penelitian Psikologi*, 17(2), 392–402.
- 3 Barokatul Asiyah, D. M. (2021). Aspek-aspek psikologis dalam budaya Carok. *Jurnal Insight Fakultas Psikologi Universitas Muhammadiyah Jember*, 17(2), 392–402. <https://doi.org/10.32528/ins.v%vi%i.2059>
- 2 Emy Handayani, F. M. (2019). Carok, 'Di Persimpangan' Budaya Dan Hukum Positif. *Rnal Crepido*, 1(1), 23–31.
- 12 Eriska Nur Tanzillah, M. N. (2021). Tinjauan Yuridis Sosiologis Atas Tindak Pidana Budaya Carok Berdasarkan Pasal 340 KUHP. *PAGARUYUANG Law Journal*, 5(1), 1–17.
- 20 Erwina Rachmi Puspapertiwi, A. N. D. (2024). Akar Sejarah dan Tradisi Carok di Madura, el Celurit yang Kerap Timbulkan Korban Jiwa. Publikasi oleh Kompas.com. <https://www.kompas.com/tren/read/2024/01/15/183000565/akar-sejarah-dan-tradisi-carok-di-madura-duel-celurit-yang-kerap-timbulkan>
- 9 Fathorrahim, M. S. (2023). Penyelesaian perkara carok dalam perspektif hukum adat masyarakat madura. *DEKRIT (Jurnal Magister Ilmu Hukum)*, 13(2), 150–171.
- 2 Handayani, E., & Misbah, F. (2019). Carok, 'Di Persimpangan' Budaya Dan Hukum Positif. *CREPIDO*, 1(1), 23–31.
- 5 Hastijanti, R. (2005). Pengaruh Ritual Carok Terhadap Permukiman Tradisional Madura. *DIMENSI (Journal of Architecture and Built Environment)*, 33(1).
- 22 Jufri, M. (2019). Nilai keadilan dalam budaya carok. *Jurnal Yustitia*, 18(1).

- ² Mustikajati, A. A., Ramadhan, A. R., & Fitriyono, R. A. (2021). Tradisi carok Adat Madura dalam Perspektif Kriminologi ⁶ dan Alternatif Penyelesaian Perkara Menggunakan Prinsip Restorative Justice. *JURNAL EKONOMI, SOSIAL & HUMANIORA*, 3(04), 95–107.
- Nasution, S. (2009). *Metode Research (penelitian ilmiah)*.
- Noroyono, B. (2024). ¹¹Sejarah Carok, Legenda Sakera, dan Dimensi Pidana Berbalut Hukum Adat. Publikasi ¹¹oleh Republika.id. <https://news.republika.co.id/berita/s7f0q0409/sejarah-carok-legenda-sakera-dan-dimensi-pidana-berbalut-hukum-adat>
- ³ Rokhyanto, R., & Marsuki, M. (2015). Sikap Masyarakat Madura terhadap Tradisi Carok: Studi Fenomenologi Nilai-Nilai Budaya Masyarakat Madura. *El Harakah: Jurnal Budaya Islam*, 17(1), 71–83.
- ⁷ Sendy Pratama Firdaus, Muhammad Ghifari Fardhana Bahar, B. M. R. S. (2021). Menilik Budaya Carok pada Masyarakat Madura dalam Sistem Hukum Adat di ²³Indonesia. *Jurnal Hukum Lex Generalis*, 2(3), 236–248. <https://doi.org/https://doi.org/10.56370/jhlg.v2i3.45>
- ¹⁵ Wiyata, A. L. (2002). *Carok; Konflik Kekerasan & Harga Diri Orang Madura*. Lkis Pelangi Aksara.
- ¹⁰ Zaman, A. A. (2023). Tradisi carok dalam perspektif kriminologi dan sistem pidana di Indonesia. *Jurnal Ilmiah Wahana Pendidikan*, 9(24), 9–17. <https://doi.org/https://doi.org/10.5281/zenodo.10403911>

Legal Anthropology and the Carok Tradition in Madura: A Study of Local Wisdom in Conflict Resolution

ORIGINALITY REPORT

9%

SIMILARITY INDEX

6%

INTERNET SOURCES

6%

PUBLICATIONS

3%

STUDENT PAPERS

PRIMARY SOURCES

1	K Ratnasari, M Sholihah, A R Masrukhin, Aminullah, A Zaeni. "The Maduresse culture: term of "carok"", IOP Conference Series: Earth and Environmental Science, 2021 Publication	2%
2	ojs2.pnb.ac.id Internet Source	1%
3	Submitted to Universitas Negeri Surabaya The State University of Surabaya Student Paper	1%
4	Submitted to University of Witwatersrand Student Paper	1%
5	journal.uib.ac.id Internet Source	1%
6	www.jurnalintelektiva.com Internet Source	<1%
7	www.rewangrencang.com Internet Source	<1%

8

lib.unnes.ac.id

Internet Source

<1 %

9

Fathorrahim, M. Sholehuddin.

"PENYELESAIAN PERKARA CAROK DALAM
PERSPEKTIF HUKUM ADAT MASYARAKAT
MADURA", Jurnal Magister Ilmu Hukum, 2023

Publication

<1 %

10

jurnal.peneliti.net

Internet Source

<1 %

11

republika.co.id

Internet Source

<1 %

12

repository.upnjatim.ac.id

Internet Source

<1 %

13

prosiding.muktamardosenpmii.com

Internet Source

<1 %

14

repository.ubaya.ac.id

Internet Source

<1 %

15

repository.uinsa.ac.id

Internet Source

<1 %

16

ejournalwiraraja.com

Internet Source

<1 %

17

journal.50sea.com

Internet Source

<1 %

- 18 Asep Awaluddin, Maragustam Siregar, Mufrod Teguh Mulyo. "Marriage According to Syaikhona Kholil Bangkalan in the Perspective of Islamic Educational Values", Jurnal Dinamika, 2023
Publication <1 %
-
- 19 Saipul ., Ishomuddin ., Wahyudi ., Tri Sulistyaningsih. "Rational Choice in Transfer of Agricultural Commodities the People of Terusan Raya Barat Village, Bataguh District, Kapuas Regency, Central Kalimantan", International Journal of Humanities, Social Sciences and Education, 2023
Publication <1 %
-
- 20 www.kompas.com
Internet Source <1 %
-
- 21 journal.unibos.ac.id
Internet Source <1 %
-
- 22 lsfdiscourse.org
Internet Source <1 %
-
- 23 m.growingscience.com
Internet Source <1 %
-