



***Cuci Kampung* as a Mechanism of Restorative Justice: Integrating Customary Law and Islamic Principles in the Rejang Lebong, Indonesia**

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Abstract: This study examines the *Cuci Kampung* tradition among the Rejang community in Rejang Lebong as a form of religious and cultural law enforcement rooted in local wisdom. The primary focus is on how this tradition functions as a restorative, educational, and spiritual mechanism for resolving customary violations through the *Jenang Kutei Customary Court*. A normative-empirical method was employed, which combines document studies, field observations, and interviews with customary and religious leaders to analyse the interaction between Islamic and customary norms within a plural legal system. The findings reveal that *Cuci Kampung* and *Jenang Kutei* serve as a form of living law that integrates customary and Islamic values, such as justice, repentance, and social responsibility. The implementation of John Griffiths' theory of legal pluralism clarifies how religious-cultural practices strengthen community-based justice systems. This research contributes to reinforcing models of restorative justice, which is grounded in local culture and provides a reference for integrating customary law into the formal legal system, as well as preserving local traditions as part of the development of national law.

Keywords: *cuci kampung*; *jenang kutei*; religious-cultural law; legal pluralism; living law.

Abstrak: Penelitian ini mengkaji tradisi *Cuci Kampung* di kalangan komunitas Rejang di Rejang Lebong sebagai bentuk penegakan hukum agama dan budaya yang berakar pada kebijaksanaan lokal. Fokus utama penelitian ini adalah bagaimana tradisi ini berfungsi sebagai mekanisme restoratif, edukatif, dan spiritual dalam menyelesaikan pelanggaran adat melalui Pengadilan Adat *Jenang Kutei*. Metode normatif-empiris digunakan, yang menggabungkan studi dokumen, pengamatan lapangan, dan wawancara dengan pemimpin adat dan agama untuk menganalisis interaksi antara

norma Islam dan adat dalam sistem hukum plural. Temuan menunjukkan bahwa *Cuci Kampung* dan *Jenang Kutei* berfungsi sebagai bentuk hukum hidup yang mengintegrasikan nilai-nilai adat dan Islam seperti keadilan, tobat, dan tanggung jawab sosial. Penerapan teori pluralisme hukum John Griffiths menjelaskan bagaimana praktik keagamaan dan budaya memperkuat sistem keadilan berbasis komunitas. Penelitian ini berkontribusi dalam memperkuat model keadilan restoratif yang berakar pada budaya lokal, serta memberikan acuan untuk mengintegrasikan hukum adat ke dalam sistem hukum formal, sekaligus melestarikan tradisi lokal sebagai bagian dari pengembangan hukum nasional.

Keywords: *cuci kampung*; *jenang kutei*; hukum agama dan adat; pluralisme hukum; hukum yang hidup.



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Introduction

Indonesia, a culturally rich nation, possesses a pluralistic legal system comprising national law, religious law, and customary law.¹ Customary law continues to play a significant role, particularly within traditional communities that uphold ancestral values and traditions.² One example is the Rejang ethnic group in Bengkulu Province, which maintains a customary legal system known as the *Jenang Kutei Court*.³ This institution serves as a means of resolving disputes, maintaining social order, and enforcing customary norms.⁴

The *Jenang Kutei Court* is a village-level customary institution that is inherited through generations within the Rejang community. Mr Hazairin described its existence in his dissertation *De Redjang: De Volksordening, Het Verwantschaps-, Huwelijks-, en Erfrecht* (1936), which Emong Soewandi translates. In the section on village judiciary (*Pengadilan Dusun*), Hazairin portrays the practice of the *Jenang Kutei Court* as a living customary legal system that operates effectively within Rejang society.

¹ Grendhard Djaga Mesa and Mardian Putra Frans, "Konflik Antara Hukum Adat dan Hukum Nasional: Kasus Kawin Tangkap di Sumba," *UNES Law Review* 6, no. 3 (March 2024): 8307-14, <https://doi.org/10.31933/unesrev.v6i3.1717>.

² Harniwati Harniwati, "Hukum Adat Di Era Modernisasi," *Journal of Global Legal Review* 2, no. 1 (April 2024): 41-52, <https://doi.org/10.59963/jglegar.v2i1.328>.

³ Sirman Dahwal and Zico Junius Fernando, "The Intersection of Customary Law and Islam: A Case Study of the Kelpak Ukum Adat Ngen Ca'o Kutei Jang in the Rejang Tribe, Bengkulu Province, Indonesia," *Cogent Social Sciences* 10, no. 1 (2024), <https://doi.org/10.1080/23311886.2024.2341684>.

⁴ Herlambang, Helda Rahmasari, and Randy Pradityo, "A Renewal Attempt at a Bill in Indonesia's Criminal Law: A Study of the Development in the Norm of Rejang Customary Law," *International Journal of Multidisciplinary Research and Analysis* 5, no. 7 (July 2022), <https://doi.org/10.47191/ijmra/v5-i7-09>.

“Only matters of great importance, such as an improper relationship between a person and another man’s wife or daughter, or mutual insults leading to minor quarrels or disputes—generally, any conflict that becomes public and cannot be resolved within the inner kinship circle—require the intervention of the village authorities. Once a dispute becomes a public matter, the village head (*ginde* or *proatin*) and his assistants will be involved in handling the case. A village head may have one or several assistants (*punggawo*), depending on the village's size. Together with the village elders, including several clan leaders, the village authorities form a council to assess the dispute and propose the best possible solution. This system also upholds the principle of reconciliation. If both parties agree to the proposed resolution—which often happens—the matter is considered settled, provided that the offending party complies with the accepted decision.”⁵

According to Hazairin, the *Jenang Kutei* customary court has long existed among the Rejang. When disputes cannot be resolved within the kinship group, a village-level adjudication is held. The village head and *punggawo* form a council to assess the case and propose a resolution. If both parties agree and the offender complies, the dispute is considered resolved.

The *Jenang Kutei Court*, a village-level customary institution passed down through generations, comprises the village head (*ginde*), the Customary Deliberation Council (BMA), the *imam* (leader of prayer), *khatib* (preacher), *bilal* (muezzin), *garim* (mosque’s keeper), and respected community figures, usually in an odd-numbered panel. This composition ensures collective, deliberative, and restorative dispute resolution while upholding local wisdom and community values.

A key practice within this system is the *Cuci Kampung* tradition, which serves not only as a symbolic ritual but also as a means of physical and spiritual purification. It restores harmony, strengthens social solidarity, and reaffirms the communal norms that underpin Rejang society.

In understanding the relationship between customary law and religious-cultural approaches, studying local practices such as the *Cuci Kampung* tradition becomes crucial. This tradition reflects a dispute resolution mechanism that continues to be upheld by the Rejang community, deeply rooted in traditional values and embedded in their collective consciousness. Its relevance becomes even more

⁵ Hazairin, *De Redjang: De Volksordening, Het Verwantschaps-, Huwelijks-, En Erfrecht (Personal Law, Kinship Law, Marriage Law, and Inheritance Law) Doctoral Thesis in Law, Batavia Law School, under the Supervision of Mr. J. M. J. Schepper, Defended on Friday, May 29, 1936, Translated by Emong Soewandi* (Curup: Andra Grafika, 2023).

apparent when examined in the context of integrating customary norms with religious principles and the accompanying cultural dynamics.

This study employs a normative-empirical method with a qualitative approach. The normative analysis focuses on legal documents and related to regulations, while the empirical analysis involves field observations and in-depth interviews. Data were obtained from official documents and key informants, including customary leaders, village officials, and community members. This approach was employed to examine the interrelationship between legal norms and social practices. The data were analysed qualitatively through reduction, categorisation, and interpretation to uncover substantive patterns and meanings.

Several previous studies have been conducted on the indigenous Rejang community in Bengkulu. One of them is Supardi Mursalin, Siti Nurjanah, and colleagues, through an article entitled "*Pecoah Kohon: The Restriction on Inter-Cousins Marriage in the Indigenous Rejang Society*."⁶ The article discusses the preservation of Rejang customary values in social life, particularly the customary prohibition against marriage between cousins who have a similar grandmother. Furthermore, a study conducted by Toha Andiko, Zurifah Nurdin, and Efrinaldi in an article entitled "*Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A Maqāṣid al-Sharī'ah Review*" demonstrates that the practice of restorative justice within the Rejang Lebong customary court generally aligns with the principles of *maqāṣid al-sharī'ah*, which is purposed to promote communal welfare (*maṣlahah*) through deliberation and reconciliation.⁷

Furthermore, a study by Mabur Syah, Nelly Marhayati, Habiburrahman, and colleagues, which is entitled "*The Interaction and Acculturation of Islamic Law and Rejang Customary Law in Rejang Lebong Regency*," published in the *Instinbat* journal, demonstrates the interaction and acculturation between Islamic law and Rejang customary law in Rejang Lebong Regency. Using a normative-empirical approach, the study found that Islamic values are integrated into various customary regulations such as *hukum cepalo mato*, *cepalo mulut*, and *cuci kampung*, which function to preserve morality and maintain social order. This cultural blending has led to the

⁶ Supardi Mursalin et al., "*Pecoah Kohon: The Restriction on Inter-Cousins Marriage in Indigenous the Rejang Society*," *Juris: Jurnal Ilmiah Syariah* 22, no. 1 (2023): 69–80, <https://doi.org/10.31958/juris.v22i1.9025>.

⁷ Toha Andiko, Zurifah Nurdin, and Efrinaldi, "*Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A Maqāṣid Al-Sharī'ah Review*," *Juris: Jurnal Ilmiah Syariah* 23, no. 1 (2024): 93–106, <https://doi.org/10.31958/juris.v23i1.12008>.

development of Rejang customary law, which conforms to Islamic law principles, thereby showcasing local-level legal pluralism⁸.

Furthermore, the study which is conducted by A. Al Farabi, titled *“Islamic Matrilineal: State Islamic Law and Daily Practices of Marriage and Divorce among People of Mukomuko-Bengkulu, Sumatra, Indonesia,”* reveals that extra-judicial practices of marriage and divorce among the Mukomuko community in Bengkulu represent a form of negotiation between Islamic law, state law, and the living customary law within society. Through fieldwork and a socio-legal analysis, Al Farabi demonstrates that these extra-judicial practices reflect the existence of legal pluralism.⁹ In Mukomuko, Bengkulu, local religious and cultural authorities continue to play a significant role alongside state law. These findings confirm that both Islamic and customary laws at the community level continue to function as living laws, adapting to local social and cultural contexts.¹⁰

Furthermore, the dissertation by Zayadi Hamzah entitled *“Islam in the Perspective of Local Culture: A Case Study on Rituals and Family Life Cycles of the Rejang Ethnic Group in Rejang Lebong Regency, Bengkulu Province,”* explores family rituals and life-cycle practices, highlighting the integration of Islamic values within the cultural traditions of the community. Using a qualitative approach, the study reveals that despite differences in how people practice their faith, the core of Islamic teachings can blend with local traditions, which is creating a harmonious relationship that strengthens community identity in the face of globalisation.¹¹

The difference between this research and previous studies lies in its primary focus, which highlights law enforcement based on religious and cultural values through the *Cuci Kampung* tradition in Rejang Lebong, Bengkulu, as a mechanism for conflict resolution and social restoration within the community. This study presents a new perspective on how local wisdom serves as an instrument for enforcing social norms in accordance with the principles of justice and Islamic legal

⁸ Ngadri Yusro. Maburur, Syah, Nelly Marhayati, Habiburrahman, Anida Yasmi, *The Interaction and Acculturation of Islamic Law and Rejang Customary Law in Rejang Lebong Regency*, Vol. 9. No (2024): 680–98.

⁹ Mega Puspita, “Kawin Sumbong : Pluralisme Hukum dalam Perkawinan Adat Kerinci, Provinsi Jambi” (masters, UIN Sunan Kalijaga Yogyakarta, 2023), <https://digilib.uin-suka.ac.id/id/eprint/59126/>.

¹⁰ A. Al Farabi, “Matrilineal Islam: State Islamic Law and Everyday Practices of Marriage and Divorce among People of Mukomuko-Bengkulu, Sumatra, Indonesia” (Leiden University, 2023), <https://hdl.handle.net/1887/3672200>.

¹¹ Zayadi Hamzah, “Islam Dalam Perspektif Budaya Lokal: Studi Kasus Tentang Ritual dan Siklus Kehidupan Keluarga Suku Rjang Di Kabupaten Rejang Lebong Povinsir Bengkulu” Dissertasion, (Jakarta: Program Doktor UIN Jakarta, 2010), <https://doi.org/68>.

values, while also demonstrating the integration between customary and Islamic law within the framework of legal pluralism in Indonesia.

This study also aims to thoroughly and comprehensively explore the epistemic relationship between Islamic teachings and local culture within the *Cuci Kampung* tradition in Rejang Lebong Regency. Specifically, this research not only examines the normative compatibility between traditional practices and Islamic religio-cultural principles but also investigates the deeper dimension (hidden culture) that is inherent within the tradition. The primary focus is directed toward the pattern of interaction between religion and culture—whether the relationship is symbiotic, dominant, or represents a form of symbolic acculturation between Islamic law (*shari'ah*) and local custom (*'urf*).

By analysing the *Cuci Kampung* tradition within the framework of religious and culturally based law enforcement, the findings of this study are expected to strengthen the religious legitimacy of local cultural practices and contribute to the development of Islamic law that is more contextual, inclusive, and aligned with the socio-cultural realities of Indonesian society.

Legal Pluralism and the Accommodation of Islamic Values in the Rejang Customary Legal System

This study employs a *legal pluralism*¹² approach. The concept of legal pluralism, as articulated by John Griffiths, is a condition in which more than one legal order coexists and operates simultaneously within a given social field. He explains that: “I use the term of legal pluralism to describe a situation where there is more than one legal system in force within a society.”¹³ According to Griffiths,¹⁴ legal pluralism is not only a formal recognition of non-state legal systems, but also a social reality that reflects how multiple normative systems state law, customary law, and religious law, interact and function together in regulating human behaviour.¹⁵ This framework provides the foundation for understanding how Islamic legal values are accommodated within Rejang customary law, showing that the coexistence of these

¹² Sartika Intaning Pradhani, “Pendekatan Pluralisme Hukum Dalam Studi Hukum Adat: Interaksi Hukum Adat Dengan Hukum Nasional Dan Internasional,” *Undang: Jurnal Hukum* 4, no. 1 (2021): 81–124.

¹³ Hazar Kusmayanti et al., “Contradiction Implications of the Receptie a Contrario Theory in Minangkabau Inheritance,” *Justicia Islamica* 21, no. 2 (November 2024): 247–66, <https://doi.org/10.21154/justicia.v21i2.8859>.

¹⁴ John Griffiths, “What Is Legal Pluralism?,” *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (January 1986): 1–55, <https://doi.org/10.1080/07329113.1986.10756387>.

¹⁵ Miftahul Huda et al., “Tradition, Wisdom and Negotiating Marriage and Inheritance Disputes on Javanese Muslim,” *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 1, <https://doi.org/10.29240/jhi.v9i1.9887>.

systems does not create conflict but instead produces a dynamic and adaptive legal culture that reflects Indonesia's socio-cultural diversity.¹⁶

This concept is particularly relevant to the Rejang community's *Jenang Kutei Court*, where Islamic values such as justice (*al-'adl*) and social responsibility are integrated into customary law. It explains how religious, cultural, and social norms, as in the *Cuci Kampung* tradition, maintain social order and harmony without relying only on the state legal system. Through Griffiths' approach, the *Cuci Kampung* practice can be understood as a form of *living law* that thrives and functions effectively within the community, reflecting the coexistence between state law and religious-customary law, a distinctive feature of legal pluralism in Indonesia.

As the primary theoretical framework for analysing the *Cuci Kampung* customary practice within the *Jenang Kutei customary* judicial system of the Rejang community, the theory of legal pluralism emphasises that law does not derive solely from the state, but also from social norms and non-state legal systems, such as customary and religious law. In this context, Rejang customary law is viewed as a *living law*, a legal system that possesses its own authority within the community.¹⁷

To examine the relationship between customary law and Islamic law,¹⁸ the concept of Islamic legal accommodation toward local culture is employed, whereby Islamic values are analysed within the social and cultural framework of the community. This theory is operationalised by identifying the points of convergence between customary norms in the *Cuci Kampung* ritual and Islamic legal principles such as *islāh* (reconciliation) and *maṣlahah* (public interest).¹⁹

Through interviews, observations, and the examination of customary documents, this theoretical framework is applied to understand how the customary judiciary not only functions as a mechanism for conflict resolution but also serves as a medium for the transmission of religious and cultural values in a harmonious manner.²⁰ Thus, this framework enables the contextual and functional analysis of

¹⁶ Muhammad Adib Alfarisi et al., "Negotiating Customary Law and Fiqh Norms: The Transformation of the Mepahukh Tradition in the Indigenous Marriage Practices of the Alas People in Southeast Aceh," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 1 (May 2025): 72–93, <https://doi.org/10.24260/ijssls.1.1.9>.

¹⁷ Gordon R. Woodman, "Legal Pluralism and the Search for Justice," *Journal of African Law* 40, no. 2 (January 1996): 152–67, <https://doi.org/10.1017/s0021855300007737>.

¹⁸ Dinda Difia Madina, Zezen Zainul Ali, and Mega Puspita, "Aligning Islamic Law and Customary Law: Legal Dialectics in The Tradition of Forced Marriage in Jambi," *Justicia Islamica* 20, no. 1 (2023): 1–16.

¹⁹ Sumper Mulia Harahap, *Akomodasi Hukum Islam Terhadap Kebudayaan Lokal (Studi Terhadap Masyarakat Muslim Padangsidimpuan)*, 15, no. 2 (December 2016): 320–34.

²⁰ Wildani Hefni, "Pemikiran Hukum Nasional A. Qodri Azizy: Eklektisisme Hukum Islam Dan Hukum Umum," *Undang Jurnal Hukum* 5, no. 2 (December 2022): 481–511, <https://doi.org/10.22437/ujh.5.2.481-511>.

the interaction between the Rejang customary legal system and the fundamental principles of Islamic law.

The *Cuci Kampung* Custom in the *Jenang Kutei* Customary Judiciary of the Rejang Ethnic Group

The *Cuci Kampung* tradition is one of the customary practices that remains alive and is preserved among the Rejang community, particularly in Rejang Lebong Regency, Bengkulu. This tradition plays a vital role in maintaining social balance and the sanctity of the village area, as well as purifying it from elements believed to disturb the order and sacredness of the community.

The *Jenang Kutei* judiciary is a village-level customary court that the Rejang community has practised for generations. According to Ahmad Dibul Amda;²¹

“This institution typically consists of the village head or *ginde*, the Customary Deliberation Council (*Badan Musyawarah Adat* or BMA) comprising a chairperson and several members, as well as an *imam* (leader of prayer), *khatib* (preacher), *bilal* (muezzin), *garim* (mosque’s keeper), and respected community leaders. The odd-numbered composition involves various social elements, creating a dispute resolution mechanism that is both restorative and collective in nature.”

The *Jenang Kutei Institution*, comprising the village head, the Customary Deliberation Council (*Badan Musyawarah Adat*), the imam (Leader of Prayer), and community leaders, reflects the collective role of key social actors in dispute resolution. Its odd-numbered composition ensures deliberation, restorative decision-making that maintains social harmony. Serving as both a regulator of norms and a stabilising force, *Jenang Kutei* upholds restorative justice within the Rejang Lebong community. Suherman, former Regent:

“The *Jenang Kutei* Institution is an inseparable part of the Rejang community’s customary legal system, which functions to resolve various disputes and legal issues, whether between individuals or groups. He also stated that “the principle of restorative justice serves as the fundamental basis of this court, which focuses on peaceful resolution and the restoration of social relationships.” A trusted traditional leader leads this customary court. The decisions made “are guided by inherited customary norms and the values of justice consistent with Islamic teachings embraced by the community.”²²

The existence of the *Jenang Kutei Court* also demonstrates the vital role of

²¹ Ahmad Dibul Amda, Rejang Customary Leader, *Interview*, July 17, 2025

²² Suherman, former two-term Regent of Rejang Lebong (2005–2010 and 2010–2015), *Interview*, July 18, 2025.

customary law in maintaining harmony and social order within the Rejang community. Ahmad Hijazi, former Regent of Rejang Lebong, emphasised that:

“This institution reflects how customary law operates alongside national law, thereby creating a judicial system that is inclusive and responsive to the needs of indigenous communities. Thus, customary law is not only a complement but also a balancing force that enriches the national legal system with perspectives more attuned to local realities. The *Badan Musyawarah Adat* (BMA) in Rejang Lebong serves as a concrete example of how the harmonious integration between customary and national law can effectively maintain local order and justice.”²³

This statement highlights how customary institutions in Rejang Lebong serve as a bridge between customary and national law. The existence of the *Badan Musyawarah Adat* (BMA) as an institution that integrates traditional values with state regulations reflects a judicial system that is inclusive, responsive, and committed to maintaining local justice. This illustrates that customary law is not only a supplement to national law, but also a pillar that supports and enriches the national legal system with local wisdom adapted to the community’s social context.

The *Jenang Kutei Customary Court* also plays a vital role in resolving criminal cases by prioritising local and Islamic values. The structure of this court involves traditional leaders and community figures who act as mediators in the deliberative process of dispute resolution. In the era of regional autonomy,²⁴ each region in Indonesia is given broad opportunities to revive its local wisdom. This is regulated in Article 18B paragraph (2) of the 1945 Constitution, which states: “The State recognises and respects the units of customary law communities along with their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, as regulated by law.”²⁵

The regulations issued by the regency government that manages customs and customary judiciary of *Jenang Kutei* include the following matters:

1. Regional Regulation of Rejang Lebong No. 7 of 1998 on the Empowerment, Preservation, and Development of Customs, Traditions, and Customary Institutions.

²³ Ahmad Hujazi, former two-term Regent of Rejang Lebong Regency, *Interview*, July 19, 2025.

²⁴ Arief Budiono, Erlin Reniawati, and Mira Anjar Oktaviani, “Customary Penalty Sanctions for Adultery Crimes in Temon Village, Arjosari District, Pacitan Regency,” *Jurnal Hukum Novelty* 9, no. 2 (August 2018): 128–128, <https://doi.org/10.26555/novelty.v9i2.a10662>.

²⁵ Retno Kus Setyowati, “Pengakuan Negara Terhadap Masyarakat Hukum Adat,” *Binamulia Hukum* 12, no. 1 (August 2023): 131–42, <https://doi.org/10.37893/jbh.v12i1.601>.

2. The Implementation of Rejang Customary Law within the Rejang Lebong Regency Area based on Regional Regulation No. 2 of 2007.
3. Decree of the Regent of Rejang Lebong No. 93 of 2005 concerning the Compilation of Customs for Indigenous Communities in the Rejang Lebong Regency Area.
4. Decree of the Regent of Rejang Lebong No. 338 of 2005 concerning the Appointment of *Jenang Kutei* (Village Judges) within the Rejang Lebong Regency Area.
5. Regent Regulation of Rejang Lebong No. 27 of 2007 on the Duties of Jenang Kutei, Procedural Guidelines, and Attributes for Customary Activities in Villages and Urban Communities.
6. Regional Regulation of Rejang Lebong No. 5 of 2018 on the Recognition and Protection of Indigenous Law Communities.

The regional regulation of Rejang Lebong reinforces cultural identity and provides a legal framework for sustaining indigenous communities, thereby demonstrating the coexistence of customary and national law. The *Jenang Kutei judiciary*, grounded in leadership, integrity, and social influence, plays a central role in resolving disputes fairly and in accordance with local values.

The customary dispute resolution practices commonly carried out by the Rejang Indigenous Law Community can be described as follows:²⁶

1. *Jang Community*: A patrilineal kinship unit that practices exogamous marriage, usually inherited from one side, with members often spread across different locations.
2. *Kutei*: An autonomous and independent unit of the original Indigenous Law Community, which consists of lineages (*jurai*) or clans (*suku*) living in one settlement;
3. *Jang Customary Law*: A set of binding norms in the Jang indigenous community, which integrates values like kinship, cooperation, consensus, propriety, spirituality, religiosity, wisdom, and prudence to resolve issues within their customary law territory.
4. *Rejang Customary Judiciary*: A formal dispute-resolution mechanism in the Rejang customary community, whose purpose is to maintain social balance and ensure compliance with customary rules.

²⁶ Herlambang and Herlita Erike, "Sustainability of Rejang's Indigenous Law in Completion of Criminal Acts: Perspective of the Principle of Deliberation," *Atlantis Press*, November 2019, 175-80, <https://doi.org/10.2991/icils-19.2019.31>.

5. *Kelpiak Ukum Adat*: A collection of documents outlining the procedures for resolving disputes within a specific Rejang customary law jurisdiction
6. *Jenang Kutei*: A customary judicial body of Jang leaders with the authority to enforce and uphold the customary legal system.
7. *Dispute Resolution Venue*: The process is conducted within the jurisdiction of the Rejang customary law where the conflict, dispute, or customary case occurred.

The initial stage in resolving violations of Rejang customary norms begins at the family level of the offender. The family seeks to settle the matter internally through discussion and mediation. This process aims to find a fair and acceptable solution for all parties involved. Resolution at the family level is crucial for maintaining harmony and preventing conflict from escalating to higher levels. If the issue cannot be resolved at this stage, it proceeds to the next stage, namely the *Kutei* customary deliberation (*musyawarah adat kutei*).²⁷

In Rejang customary law, offences related to immoral acts or adultery are divided into several categories based on the level of violation and the consequences arising from the act.²⁸ *First*, the violation known as *kerbau bekubang di tengah dusun* (a buffalo wallowing in the middle of the village) occurs when a person who is not a resident (a temporary dweller or guest) commits adultery within another village's territory. This offence carries sanctions in the form of a *kutei* fine ranging from 12 to 24 *ria*, one goat, *punjung mentah* (a ritual offering), and ritual materials such as *tepung setawar* (cleansing flour). *Second*, the offence of *berzinah menga'em sampai melahirkan anak* refers to adultery that results in pregnancy and gives birth to a child out of wedlock. In this case, after the child is born, the offender is subject to sanctions including one goat, *punjung mentah*, a *kutei* fine of 6 to 12 *ria*, *sirih sesanggan berbua* (a betel-leaf offering with fruit), 100 green coconut fronds, *gemuk manis* (sweet oil), salt and tamarind, *tepung setawar*, and the performance of the *Cuci Kampung* (village purification) ritual as a form of social cleansing. *Third*, adultery resulting in pregnancy involving more than one male partner is considered a severe violation that deeply tarnishes the honour of the village. The offenders are each fined six *ria* multiplied by the number of perpetrators (for example, three men = 18 *ria*), one goat,

²⁷ Herlambang Perdana Wiratraman, "Adat Court in Indonesia's Judiciary System: A Socio-Legal Inquiry," *Journal of Asian Social Science Research* 4, no. 1 (August 2022): 43–62, <https://doi.org/10.15575/jassr.v4i1.62>.

²⁸ Maburur, Syah, Nelly Marhayati, Habiburrahman, Anida Yasmi, *The Interaction and Acculturation of Islamic Law and Rejang Customary Law in Rejang Lebong Regency*.

and a *kutei* monetary fine. They are also required to undergo the *Cuci Kampung* ritual.²⁹

The *Cuci Kampung* (village cleansing) ritual is usually led by a customary institution known as *Jenang Kutei*, a traditional body that functions as the customary judiciary within the Rejang community. *Jenang Kutei* holds the authority to resolve matters related to violations of customary norms, including conflicts between residents, moral or decency violations, and events believed to cause “social illness” or spiritual disturbances within the community.³⁰ Before the ritual is carried out, a customary deliberation (*musyawarah adat*) is held to identify the issues that have arisen, determine the offenders, and formulate the form of purification to be performed in accordance with local customary values and norms.

In this context, the *Cuci Kampung* ritual serves as a component of the customary legal process, encompassing not only repressive aspects but also preventive and rehabilitative elements. The ritual's function is evident in its reinforcement of customary sanctions, while also facilitating the offender's reintegration into the community's social structure.³¹ Therefore, this tradition holds a close relevance to the values of restorative justice.³² This is also recognised in various modern legal systems, including in Islamic law.

Furthermore, the implementation of the *Cuci Kampung* ritual demonstrates a strong integration between spiritual, social, and legal aspects. This reflects that the Rejang community does not separate worldly affairs from the hereafter, the sacred from the profane, or law from morality.³³ At this point, *Jenang Kutei* serves as an institution that not only enforces customary law but also preserves religious values and local cultural wisdom. Studying this practice is crucial for understanding how Rejang customary law can coexist harmoniously with Islamic values, particularly within a society that has undergone a process of cultural Islamization. One concrete example of the *Cuci Kampung* ritual in Rejang Lebong Regency is when it is

²⁹ Badan Musyawarah Adat (BMA) of Rejang Lebong Regency, *Lepeak Hukum Adat Jang of Rejang Lebong Regency* (Curup, 2012), 56–61.

³⁰ Mursalin et al., “Pecoah Kohon: The Restriction on Inter-Cousins Marriage in Indigenous the Rejang Society.”

³¹ Annisa Rahmadiana, Putri Nabilah, and Tiara Rahmawati, “Kajian Kriminologis Atas Sanksi Adat ‘Cuci Kampung’ Terhadap Pelaku Zina,” *Journal of Judicial Review* 24, no. 1 (June 2022): 19–19, <https://doi.org/10.37253/jjr.v24i1.5817>.

³² Ananta Putri Nuroktaviani, Ashadi L. Diab, and Muhammad Hadi, “Upaya Tokoh Adat Menangkal Tindakan Asusila Perspektif Al-Urf (Studi Kelurahan Lempuing Kota Bengkulu),” *KALOSARA Family Law Review* 1, no. 1 (August 2021), <https://doi.org/10.31332/.v1i1.2992>.

³³ Ade Saptomo and P Windraji, *The Existence of Rejang Customary Law in Case Settlement in Rejang Lebong Regency*, 2024.

performed for a couple involved in a premarital pregnancy. According to Hayatullah Humaini:

“The ritual takes place after the couple’s child reaches 40 days. It begins with a goat slaughter for a communal feast, followed by *Basmalah* recitation, a speech from the Customary Deliberation Council (BMA) head, Istighfar, and a customary whipping. The whip has ten coconut fronds, administered by five people with ten lashes each (100 total), carried out by the village head (*Ginde*), imam, BPD head, the offender’s parents, and other community leaders.”³⁴

The ceremony concludes with a prayer for safety, advice from the *Ginde*, and a communal meal as a form of restoring social relationships. Field observations reveal that the procession is conducted with solemnity and transparency, with residents serving as witnesses and actively participating in social oversight and collective learning. The ceremony functions as more than just punishment; it symbolises the offender's reintegration into the community. The tradition demonstrates that the Rejang customary court considers a holistic sense of justice not only in law enforcement but also in restoring social and economic balance within the community through sanctions that are educational, preventive, and reparative.³⁵

Jenang Kutei sessions follow structured procedures set by the Customary Deliberation Council (BMA) of Rejang Lebong. The process begins with pre-trial registration and the signing of a reconciliation agreement by all parties. A panel of three to five respected customary leaders, knowledgeable in customary law, is then formed, with any additional preparations completed before the official session.³⁶ At the opening session, the presiding officer reads the rules of procedure that govern the trial to ensure order and fairness. These rules include prohibitions on bringing sharp weapons or dangerous objects, restrictions on calling witnesses who are direct family members of the parties involved to avoid bias, and bans on including individuals who may disrupt the session. All participants are required to seek permission from the presiding officer before speaking, and the panel’s decisions are

³⁴ Hayatullah Humaini, Village Imam of Tasikmalaya, North Curup, Rejang Lebong Regency, *Interview*, June 3, 2025.

³⁵ M. Baksir, Administrator of the Customary Deliberation Council (*Badan Musyawarah Adat*, BMA) of Rejang Lebong Regency, interview by the author, Rejang Lebong, June 3, 2025

³⁶ Badan Musyawarah Adat (BMA) of Rejang Lebong Regency, *Guidelines on Customary Law, Cepalo, Violations of Customary Law, and Regional Regulations, Regent's Regulation of Rejang Lebong Regency on the Customary Deliberation Council of Rejang Lebong Regency* (n.d.), 42.

final and binding. Participants are also not allowed to leave the courtroom without the officer's permission.³⁷

The session then officially begins with an opening by the presiding officer. The plaintiff presents a detailed report or complaint, supported by evidence and witnesses. The defendant is then allowed to provide statements and rebuttals, followed by the examination of witness testimonies. After the hearing process is completed, the panel holds a closed discussion to formulate a preliminary decision. This initial decision is then read aloud to all parties, allowing them to respond or object. Finally, the panel convenes a meeting to determine the final decision of the session.³⁸

The session concludes with the signing of the minutes and a statement of reconciliation if the parties agree with the decision. A prayer also accompanies the closing of the session as a sign of respect for the community's customary and religious values.³⁹ In the *Cuci Kampung* ritual, the court process enforces procedural norms while integrating restorative justice and reconciliation. Serving as moral and spiritual cleansing, symbolic sanctions – such as lashes with green coconut fronds and collective rituals complement court sessions in maintaining harmony and social order within the Rejang Lebong customary community.⁴⁰

***Cuci Kampung* Custom as a Religious-Cultural Manifestation of the Rejang Lebong Community**

The *Cuci Kampung* tradition among the Rejang people embodies a form of local wisdom rich in legal, social, and spiritual values. It functions as a collective mechanism to restore social balance following violations of customary norms through ritual processes, deliberations, and the application of customary sanctions. This tradition is not only understood as a ceremonial procession but also as a social instrument that carries moral, religious, and functional significance.

Through this practice, the Rejang Lebong community establishes an internal mechanism to maintain order, correct deviant behaviour, and restore social harmony. From a religious and cultural perspective, the value contained within it

³⁷ Jati Nugroho, "Restore Recognition of Legal Pluralism as A National Law Development Model That Is Justice," *Law & Justice Review Journal* 1, no. 1 (June 2021): 32–36, <https://doi.org/10.11594/lrjj.01.01.05>.

³⁸ Ahmad Faizir Sani (Chairperson of BMA) Rejang Lebong, *Interview*, September 7, 2025.

³⁹ Badan Musyawarah Adat (BMA) of Rejang Lebong Regency, *Lepeak Hukum Adat Jang of Rejang Lebong Regency*, 46.

⁴⁰ Rahmadiana, Nabilah, and Rahmawati, "Kajian Kriminologis Atas Sanksi Adat 'Cuci Kampung' Terhadap Pelaku Zina."

intersects with the principles of justice, deliberation, repentance, and social responsibility.⁴¹

1) *Justice and the Prevention of Immorality*

The *Cuci Kampung* tradition embodies restorative justice, restoring social balance through collective customary practices. Aligning with religious and cultural values, violations are addressed not just as individual faults but as threats to communal harmony. Rituals, prayers, and consensus are employed to restore balance, with a focus on transformation rather than punishment.⁴²

2) *Deliberation and Collective Leadership*

Cuci Kampung is carried out through forums of customary leaders, religious figures, and the community, reflecting collective leadership and consensus. It incorporates the Islamic concept of *shūrā*, strengthening decision-making based on local culture. This approach supports local democracy and serves as a spiritual path to achieve fair and widely accepted results.

3) *Repentance and Social Awareness*

The *Cuci Kampung* ritual embodies collective repentance for violations that disrupt customary order. It combines individual acknowledgement of wrongdoing with communal reflection on shared values. Through sacred water, prayers, and symbolic cleansing, the ritual restores social solidarity, reinforces collective identity, and serves as a preventive mechanism against future transgressions.⁴³

4) *Caning Punishment as a Form of Ta'zīr*

In Rejang customary law, caning serves symbolic and educational purposes. As a form of *ta'zīr*, it maintains social order without intending harm, signalling the seriousness of customary violations. The practice reinforces norms, restores trust, and provides moral guidance, which functions as a religious-cultural instrument rather than mere punishment.⁴⁴

5) *Customary fines ensure moral and spiritual accountability.*

In the *Cuci Kampung* tradition, customary fines serve as a mechanism for moral and spiritual accountability, addressing harm to individuals, the community, and shared values. They promote atonement and restore social harmony.

⁴¹ Saptomo and Windraji, *The Existence of Rejang Customary Law in Case Settlement in Rejang Lebong Regency*.

⁴² Andiko, Nurdin, and Efrinaldi, "Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A Maqāṣid Al-Sharī'ah Review."

⁴³ Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (2024): 64–82.

⁴⁴ Mohamed Azam Mohamed Adil and Luqman Chuah Abdullah, "The Application of Shari'ah Principles of Ta'zir in Malaysian Common Law: A Maqasid-Based Proposal," *ICR Journal* 7, no. 1 (January 2016): 47–64, <https://doi.org/10.52282/icr.v7i1.283>.

Thus, each stage of the *Cuci Kampung* ritual not only represents a cultural symbol but also serves as a moral instrument that actively reinforces the religious and cultural identity of the Rejang Lebong community. One of the key mechanisms within this ritual is the imposition of customary fines, which carry profound significance as a form of moral and spiritual accountability.

At the religious level, the *Cuci Kampung* tradition,⁴⁵ in the Rejang customary community, is not merely a cultural ritual, but a tangible manifestation of Islamic legal values that have been harmoniously integrated into the local socio-cultural context. This ritual emphasises the principles of restorative justice, focusing on the restoration of social and spiritual balance as the primary foundation for maintaining communal harmony. Thus, *Cuci Kampung* is not only a ritual moment but also an essential medium for repairing relationships among community members that conflicts, violations, or social disorder may have disrupted.

The implementation of the *Cuci Kampung* ritual is permeated by religious elements that reinforce its spiritual dimension. Activities such as communal prayers carry collective spiritual significance, involving the entire community in seeking forgiveness and blessings. The regular recitation of *istighfar* serves as a reminder of past sins or mistakes, encouraging participants to purify their hearts and minds to achieve spiritual cleanliness. Furthermore, the caning procession conducted by respected community and customary leaders is not only a physical symbol of purification or discipline but also a function to reinforce moral and religious authority. This practice reminds the community of the importance of adhering to religious and customary norms to maintain a harmonious balance in life.⁴⁶

The *Cuci Kampung* ritual also highlights the strong interconnection between religion and social governance in the Rejang community. Islam serves not only as a foundation for personal belief but also as a normative framework that unites the community in moral and social responsibility. This collective awareness internalises religious values into every aspect of social interaction, so that problem-solving and conflict resolution are guided by restoration, forgiveness, and the repair of relationships rather than mere punishment or retaliation. Consequently, religion

⁴⁵ Octaviany Shendy, Subanrio, and Harijanto Andry, "Implementation of Mega'em (Adultery) Customary Sanctions According to Rejang Customary Law in Tanjung Karet Village, Air Besi District, North Bengkulu Regency," *Master's thesis*, (Bengkulu: University of Bengkulu, 2019).

⁴⁶ Atika Susanti, *Analysis of Moral Repressive Actions through the Implementation of Local Customary Norms : 'Cuci Kampung' in Bengkulu City*, 14, no. 6 (2024): 684–94.

plays a central role in maintaining social cohesion while reinforcing the identity of the Rejang customary community.⁴⁷

Through the *Cuci Kampung* ritual, the Rejang customary community demonstrates how Islamic law can be dynamically and contextually applied within the framework of customary law, creating a value system that not only regulates behaviour but also reinforces spiritual depth and social solidarity. This reflects an inclusive and adaptive model of religiosity that accommodates local needs and values while preserving the sanctity of Islamic teachings as an ethical code and guide for communal life. Within this framework, *Cuci Kampung* transcends mere tradition; it serves as a holistic socio-religious mechanism that binds the community through strong moral and spiritual ties, functioning as a vital tool for maintaining order, justice, and social balance within the Rejang community.⁴⁸

Understanding *Cuci Kampung* as a holistic socio-religious mechanism can be analysed through Griffiths' concept of living law, where social norms are dynamic, recognised, and practised in daily life. This method illustrates how customary laws and Islamic values collaborate to establish a cohesive, context-sensitive dispute resolution system within the Rejang Lebong community. In practice, *Cuci Kampung* exemplifies living legal pluralism, integrating Islamic values with customary law to resolve conflicts while restoring social and spiritual balance.⁴⁹ It demonstrates how customary norms and religious principles interact dynamically, accommodating the community's multi-dimensional legal identity and affirming customary law as a legitimate and effective mechanism for inclusive, sustainable social governance.⁵⁰

In the legal pluralism approach, the *Jenang Kutei* customary court clearly demonstrates how customary law provides substantial space for religious values to be integrated into restorative and educational dispute resolution mechanisms. In the context of the *Cuci Kampung* practice, customary law is not separate from the religious dimension, which is deeply embedded in the daily life of the Rejang community. This approach views religion as a source of morality and a guide for life, while simultaneously forming a normative social framework that makes customary legal processes more humane and spiritually meaningful. The presence of religious rituals in this process underscores that norm enforcement is not only a

⁴⁷ Mursalin et al., "Pecoah Kohon: The Restriction on Inter-Cousins Marriage in Indigenous the Rejang Society."

⁴⁸ Zayadi Hamzah, "Islam Dalam Perspektif Budaya Lokal : Studi Kasus Tentang Ritual dan Siklus Kehidupan Keluarga Suku Rjang Di Kabupaten Rejang Lebong Povinsir Bengkulu."

⁴⁹ Mega Puspita and Khairul Umami, "Interlegality of Marriage Law: Tracing the Dynamics of Sumbong Marriages Practices in Jambi," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 15, no. 1 (2024): 90–110.

⁵⁰ Pradhani, "Pendekatan Pluralisme Hukum Dalam Studi Hukum Adat."

matter of formal law but also functions as moral education that fosters collective awareness of the importance of harmony and shared responsibility.⁵¹

Furthermore, the *Cuci Kampung* practice illustrates that the enforcement of social morality is not based on rigid or coercive state mechanisms, but through a collective and participatory approach. Problem-solving is grounded in a social contract that has long been internalised by the community, combining respect for shared norms outlined by both custom and religion. This process enables the community to play an active role in regulating its own lives, maintaining social order without compromising humanity and solidarity.⁵² Thus, *Cuci Kampung* serves as a tangible example of how customary law and religion function as effective social instruments in reconstructing justice, fostering social healing, and strengthening community bonds.

From a social perspective, *Cuci Kampung* functions as a crucial instrument in the process of social restoration, providing space for repentance and reconciliation between offenders and the community. This ritual not only signifies the application of sanctions or legal consequences for violators but also emphasises efforts to restore the offender's peace and social standing within the community.

Thus, *Cuci Kampung* enables the re-establishment of fractured relationships, which offers offenders the opportunity for purification while receiving forgiveness from the community. This reflects a high degree of humanism in the Rejang customary legal system, where justice incorporates compassion and social reintegration.

The uniqueness of the Rejang customary legal culture lies in its ability to harmonise values of justice, compassion, and solidarity within social conflict resolution. Through collective and inclusive ritual mechanisms, the community is encouraged to view conflicts not only as legal issues but also as human concerns requiring the restoration of social relationships and the maintenance of communal harmony. This approach emphasises that customary justice is not only about retribution or punishment but also a collective healing process grounded in solidarity and shared responsibility. In this way, *Cuci Kampung* serves as a social

⁵¹ Dahwal and Fernando, "The Intersection of Customary Law and Islam: A Case Study of the Kelpak Ukum Adat Ngen Ca'o Kutei Jang in the Rejang Tribe, Bengkulu Province, Indonesia."

⁵² Syariful Alam, Nu'man Aunuh, and Yaris Adhial Fajrin, "The Concept of Restorative Justice in Islamic Criminal Law: Alternative Dispute Settlement Based on Justice," *KnE Social Sciences*, ahead of print, Knowledge E, January 2024, <https://doi.org/10.18502/kss.v8i21.14779>.

platform that strengthens unity and preserves the social resilience of the Rejang community as it navigates the dynamics of life.⁵³

The continuity of the *Cuci Kampung* tradition provides essential evidence that Rejang Lebong customary law is not only a heritage but also continues to live and transform dynamically in accordance with contemporary societal needs. The religious and cultural values embedded within it, besides serving as a unique artistic and spiritual identity, also function as a source of inspiration and a significant reference for developing a national legal system that is inclusive, just, and oriented toward restorative conflict resolution.⁵⁴

Conclusion

This study shows that the *Cuci Kampung* ritual and the *Jenang Kutei* customary judiciary represent a dynamic form of living law that harmoniously integrates Rejang Lebong customary norms with Islamic ethical teachings – particularly justice, repentance, and communal responsibility. Situated within John Griffiths' theory of legal pluralism, these findings contribute conceptually by illustrating how non-state normative orders can co-exist with, and even complement, formal law through restorative, community-driven mechanisms. The study enriches pluralism scholarship by demonstrating that Indigenous-Islamic hybrid institutions not only resolve disputes but also cultivate social cohesion and moral rehabilitation, challenging the assumption that state law is the sole source of legitimate authority. The implications for legal pluralism are significant: such traditions provide a viable model for integrating customary institutions into Indonesia's national legal framework without eroding their cultural authenticity, thereby supporting more inclusive pathways of legal development. Nevertheless, this research is limited by its reliance on localised ethnographic and normative data, which may not fully capture variations across other Rejang communities or similar traditions elsewhere. Future studies could compare restorative customary courts across regions, analyse

⁵³ Yeti S. Hasan, Sarlis Mooduto, and Nur Lazimatul Hilma Sholehah, "Restorative Justice Berbasis Kearifan Lokal Dalam Penyelesaian Tindak Pidana Ringan di Era Digital," *Journal of Law, Society, and Islamic Civilization/Parental: Jurnal Hukum dan Budidaya* 13, no. 2 (October 2025): 143-143, <https://doi.org/10.20961/jolsic.v13i2.108339>.

⁵⁴ Nilna Aliyan Hamida, "Adat Law and Legal Pluralism in Indonesia: Toward A New Perspective?," *Indonesian Journal of Law and Society* 3, no. 1 (March 2022): 1-1, <https://doi.org/10.19184/ijls.v3i1.26752>; A. Malthuf Siroj, Ismail Marzuki, and Elkhairati Elkhairati, "Transformation and Future Challenges of Islamic Law in Indonesia," *al-istinbath: Jurnal Hukum Islam* 8 (May 2023): 95-95, <https://doi.org/10.29240/jhi.v8i1.6618>; Sardjana Orba Manullang, "Understanding the Sociology of Customary Law in the Reformation Era: Complexity and Diversity of Society in Indonesia," *Linguistics and Culture Review* 5 (July 2021): 16-26, <https://doi.org/10.21744/lingcure.v5ns3.1352>.

their interaction with judicial bureaucracy, or explore how digital governance and modernisation influence the continuity of Indigenous legal institutions.

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