



Carok Culture's Impact on Law Enforcement in Bangkalan Madura: A Fascinating Case Study

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Abstract

Carok, a distinct cultural practice, is deeply entrenched in the societal fabric of the Bangkalan Madura community. Historically, it has been their primary method of resolving intricate issues, particularly those centred on wealth, honour, and disputes involving women. This culturally specific method of conflict resolution prompted an in-depth study. The primary objective was to discern to what extent law enforcement officers in Bangkalan Madura were influenced by Carok, a practice so interwoven into the community's daily life. Furthermore, it aimed to gauge the impact of the Carok culture specifically on the procedures and perspectives of the local police. The findings from this investigation were enlightening. It became evident that the Carok tradition isn't merely a fringe cultural practice but is, in fact, acknowledged and recognised by a significant portion of the Bangkalan community as a legitimate approach to problem-solving. This deep-rooted cultural acceptance has ramifications for the legal system. When it comes to upholding the law and seeking justice, both the police force and the prosecutor's office in Bangkalan face a unique set of challenges, unparalleled in communities without such ingrained traditions. These challenges arise because of the profound respect and recognition that the Carok practice commands. As a result, conventional legal methods, designed without the considerations of such cultural nuances, often fall short. They find themselves rendered ineffective, if not entirely redundant, against Carok practitioners. This tension between cultural respect and legal enforcement is a poignant reflection of the complexities of integrating traditional customs within the modern rule of law.



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A. INTRODUCTION

The Madurese, native to Madura Island, are steeped in a rich tapestry of history and culture. Predominantly populating this island, their presence is a testament to the region's cultural legacy. Over several decades, migration trends have shown that a notable number of Madurese have ventured beyond their homeland, seeking opportunities in foreign lands. This pursuit of broader horizons has not been in vain, as many have achieved commendable success overseas (Fatima et al, 2021). Historically speaking, Madurese culture stands out for its authenticity. When recounting tales of old or studying the oral traditions passed down through generations, one can't help but admire the genuine nature of this community. Their

bravery is the stuff of legends. Beyond tales of physical valour, this bravery also manifests in their determination to uphold their beliefs and values even in challenging circumstances. Their diligence, often remarked upon by scholars and observers alike, is a testament to their work ethic. They believe in giving their utmost, and their achievements are a reflection of this dedication. The way the Madurese communicate is distinctive. They're renowned for their forthright manner of speech, which can be both refreshing and, to the unacquainted, quite direct. Preferring clarity over excessive verbosity, their interactions encapsulate their true intentions and feelings without any facade. This penchant for straightforward communication is a clear representation of their core belief: that one's essence should shine through without pretence. Moreover, the Madurese are emblematic of thrift and discipline. These aren't just passing traits or habits. Instead, they are deep-seated values, inculcated from a young age and woven into the fabric of their daily lives. It's no exaggeration to say that these values have contributed immensely to their resilience and ability to prosper even in unfamiliar territories. Syarif highlighted another integral aspect of the Madurese ethos: their emphasis on self-esteem. It isn't just about personal pride or individualistic pursuits. In the Madurese societal structure, maintaining one's self-esteem and honour is pivotal. It dictates many of their social interactions and is central to understanding their community dynamics (Syarif, 2014).

The Madurese, hailing from Madura Island, uphold values deeply rooted in their historical and cultural fabric. One of the most profound philosophical principles they adhere to is captured in the phrase 'ka-tembheng pote mata, angok pote tolang dalam'. This powerful statement, when translated, resonates with an intense sentiment: it suggests that death is more favourable than leading a life tainted by shame (Suyanto, 2021). This philosophy, at its heart, unveils layers of fierce pride embedded within the Madurese psyche. It's not merely about physical survival or material success; it's about preserving one's honour and integrity, even in the face of the direst challenges (Hidayah, 2002). Their unwavering commitment to this belief showcases their unwillingness to see their prestige and esteem compromised. Such foundational values significantly shape the way the Madurese respond to situations, especially when they discern that their honour is at stake (Handayani, 2019). The very fabric of their societal interactions, choices, and actions is often dictated by this emphasis on maintaining personal and communal dignity. It's essential to comprehend this philosophical cornerstone when seeking to understand the intricacies of Madurese behaviours and reactions. At the heart of their societal dynamics lies a keen sense of honour, a pivotal pillar that shapes many of their interpersonal interactions. It is pivotal to understand the intrinsic temperament of the Madurese: they are often quick to take umbrage, especially when they perceive affronts, no matter how slight (Susanto, 2007). This immediate reaction, frequently a flare-up of temper, isn't merely a spontaneous outburst.

Instead, it's a complex interplay of their profound commitment to preserving their honour and the deeply ingrained value systems they uphold. This inherent sensitivity to slights, combined with their swift propensity towards anger, provides insight into occasional violent conflicts observed within the community. However, these disputes shouldn't be superficially attributed just to their temperamental disposition. To do so would be a gross oversimplification. Rather, they are more profound manifestations of an enduring dedication to safeguarding their esteemed cultural values and personal integrity. Each altercation, each perceived slight, is seen through the lens of their cultural pride and personal honour. In the larger context, understanding the Madurese requires more than merely acknowledging their quick temper. It involves delving into their cultural psyche, recognising the weight they place on honour, and acknowledging the lengths they might go to in its defence. Only then can one truly appreciate the intricate tapestry of emotions, values, and reactions that define this vibrant community.

For the Madurese, violent confrontations are frequently precipitated by feelings of "malo", or humiliation, especially when they perceive their dignity to have been slighted by others (Afif, 2018). To them, an affront to their self-worth is synonymous with undermining their innate capacity. Importantly, one's social capacity is inextricably linked to their role and standing within society. Merely possessing awareness of one's own significance proves inadequate; individuals inherently seek acknowledgment from their immediate social milieu. Within every social interaction, an unspoken but essential obligation for mutual respect prevails. Recognition and reverence for each individual's role and status within the community emerge as crucial elements in fostering harmonious social dynamics. This interconnected web of acknowledgment forms the bedrock of cooperative and cohesive social relationships. The desire for validation and respect transcends personal introspection; it weaves into the very fabric of communal bonds. The acknowledgment of an individual's worth and status by peers not only satisfies a psychological need for affirmation but also nurtures a profound sense of belonging and unity within the social structure. The reciprocity of recognition in social interactions serves as a linchpin for the overall well-being and equilibrium of the community. It is through the collective acknowledgment and reverence for diverse roles that a community thrives. This process creates a dynamic where individuals feel valued, contributing to a positive and supportive social environment. Failure to fulfill this unspoken obligation may lead to a breakdown in social cohesion, highlighting the pivotal role acknowledgment plays in shaping the intricate tapestry of human interactions.. However, there are instances when this tacit agreement breaks down. For the Madurese, any omission or outright denial of their societal role or status equates to rendering them as 'tada' ajhina' - essentially suggesting they're worthless or inconsequential. This is when the overpowering

sensation of 'malo' emerges, a feeling deeply embedded in their psyche (Rakhman, 2021; Ali, 2009). It's intriguing to delve into the Madurese language, where words like 'malo' and 'todus' reside (Anggraini et al., 2022). While both these terms are often translated into Indonesian as denoting 'shame', they possess distinct nuances in the Madurese sociocultural context. Contrary to initial impressions, 'malo' isn't merely an alternative expression for 'todus'. The latter, 'todus', encapsulates a reluctance or a lack of will to undertake a particular action, often due to various sociocultural barriers (Hidayat, 2020). The subtle differentiation between these terms underscores the rich tapestry of the Madurese linguistic landscape.

The intriguing concepts of 'todus' and 'malo' provide profound insights into human behavior and our responses to societal dynamics. 'Todus' typically symbolizes an internal conflict, surfacing when an individual deviates from accepted societal norms or established conventions. This departure triggers a cascade of introspection, leading to emotions like guilt or doubt as the person grapples with the implications of their non-conformity. On the flip side, 'malo' emanates from external sources, primarily rooted in the actions of others. This concept encapsulates the deleterious impact of belittling or demeaning behavior. Negativity emerges when someone dismisses another's value or overlooks their worth, whether intentionally or out of ignorance. 'Malo' thus represents the external forces that can adversely affect an individual's well-being, stemming from societal attitudes or interpersonal interactions. Together, these concepts underscore the intricate interplay between internal and external factors in shaping human behavior within a societal framework. 'Todus' reveals the internal struggle that accompanies deviating from established norms, emphasizing the internalized nature of societal expectations. Meanwhile, 'malo' sheds light on the external pressures and consequences that individuals face when subjected to derogatory actions, highlighting the importance of fostering a positive and respectful societal environment. Understanding the nuances of 'todus' and 'malo' offers a nuanced perspective on the complexities of human interaction and the delicate balance between individual autonomy and societal expectations.. Both terms underscore the need for self-awareness and mutual respect in navigating complex social terrains (Rakhman, 2021). Madurese individuals, when met with such derogation, invariably feel compelled to act defiantly in an effort to reclaim their tarnished self-esteem (Hasan, 2008).

The Madurese, with their distinctive trait, have laid the foundations for the 'carok' tradition within specific sub-groups of their community. 'Carok' is viewed by the Madurese as an act of self-preservation, a response triggered by grave affronts, impolite behavior, or the violation of marital sanctity, particularly through acts of infidelity. This unique tradition is deeply rooted in the Madurese psyche, reflecting their unwavering commitment to preserving personal and communal honor. The Madurese consider 'carok' as a means of rectifying perceived wrongs

and maintaining the integrity of their social fabric. It serves as a response to actions that are deemed as severe transgressions against established norms, prompting a visceral reaction grounded in their profound sense of pride. The triggers for 'carok' are not taken lightly; they involve matters that strike at the core of Madurese values. Grave affronts and breaches of etiquette are met with a response that, in the eyes of the Madurese, restores balance and upholds the principles that define their community. The act becomes a form of justice, meted out within the confines of their cultural and social understanding. Understanding 'carok' requires delving into the Madurese worldview, where the preservation of honor takes precedence. It sheds light on how, within the Madurese sub-groups, this tradition acts as a mechanism for maintaining order and addressing perceived threats to the social order. In essence, 'carok' is a manifestation of the deep-seated values that govern Madurese society, providing insights into the intricacies of their cultural responses to perceived provocations (Rifai, 2007). Before committing to the intense act of 'carok', specific rituals such as 'remo' and familial prayer sessions are deemed requisite among the Madurese. These rituals serve as preparatory steps, allowing individuals to align themselves spiritually and mentally before engaging in the serious consequences of 'carok'. 'Remo' and prayer sessions within the family create a framework for seeking guidance and strength, contributing to a sense of communal support during this challenging process. Contrary to expectations, those who partake in 'carok' aren't ostracized within the Madurese community; instead, they command respect.

This respect stems from the adherence to cultural norms and the willingness to uphold the values that 'carok' represents. The act itself, viewed as a response to severe transgressions, is woven into the fabric of Madurese society, where those engaged in 'carok' are recognized for their commitment to preserving honor and maintaining the integrity of their community. However, there is a flip side to this tradition: If, within 40 days, an individual fails to resort to 'carok' after suffering a significant slight (notably in cases of infidelity), they face potential public humiliation and ridicule (Wiyata, 2002). The 'carok' tradition has been deeply rooted in the fabric of the Madurese community for generations (Tsabit, 2008). Law enforcement officials find themselves grappling with the Madurese tradition of 'carok,' employing both proactive and reactive strategies to curb its occurrence. The primary approach of these officers revolves around reconciliation, implemented either as a pre-emptive measure before the act of 'carok' unfolds or as a restorative effort post-event. In the face of this cultural practice, law enforcement takes on the role of mediators, seeking to prevent the escalation of conflicts by addressing underlying issues. Proactively, they engage in reconciliation efforts, attempting to resolve grievances and tensions before they culminate in a 'carok' incident. Reactively, after such events occur, law enforcement steps in to facilitate reconciliation processes, promoting understanding and resolution within the

community. This strategy acknowledges the cultural context of 'carok' while aiming to maintain peace and order. By incorporating reconciliation into their toolkit, law enforcement seeks to navigate the delicate balance between respecting cultural traditions and ensuring the well-being and safety of the community. Such interventions are vital since the concept of vengeance is a dominant factor in 'carok' incidents (Hastijanti, 2005; Juwanda, 2019). Given this cultural backdrop, a pressing research inquiry emerges: Are law enforcement officers in Bangkalan Madura influenced by the prevailing cultural norms, and to what degree does the 'carok' tradition shape the practices of the local police in Bangkalan?

B. RESEARCH METHOD

This study is an empirical legal examination, drawing from both primary and secondary sources. The primary data hinges on interviews conducted with key figures, specifically law enforcement officers within the police sector. Complementing this, the secondary data has been collated from previous academic research and an assortment of scientific journals, thereby offering a comprehensive insight into the topic at hand.

C. RESULTS AND DISCUSSIONS

The influence of culture on law enforcement officers in Bangkalan Madura

In the sprawling landscape of juridical activities, one entity stands resolutely at its core: law enforcement. This institution, often seen through the narrow prism of mere crime prevention, plays a multifaceted role that stretches from the initial conceptualisation of laws to their practical enforcement and later evaluation. To comprehend the vastness of its influence, one must delve into the intricate nuances of its involvement at every juncture of the legal journey. To begin with, let's consider the phase of the conceptualisation and formation of laws. While legislators are undeniably the architects of legal drafts, it is law enforcement that provides the necessary field insight, highlighting the practical challenges and on-ground realities. Their experiences, often distilled from the frontlines of societal order, provide invaluable feedback. This ensures that laws are not just theoretical constructs but are rooted in the actual needs and challenges of communities.

Furthermore, as the name suggests, 'enforcement' is at the heart of their mandate. However, this isn't just about apprehending offenders. It's about understanding the spirit of the law, interpreting its nuances, and ensuring its equitable application. In the United Kingdom, the police service embodies the principle of 'policing by consent'. This idea, rooted in British tradition, signifies that the power of the police comes primarily from the collective consent of the public, rather than statutes. It underscores the necessity for law enforcement to operate within the confines of public trust, transparency, and accountability.

Moreover, law enforcement agencies also play a pivotal role in community outreach and education. By organising programmes, workshops, and engagement sessions, they bridge the gap between the legal world and the common citizen. They demystify laws, ensuring that individuals are not only aware of their rights but also their responsibilities. This proactive approach aids in not just preventing crime but fostering a society where laws are respected and upheld. In the post-enforcement phase, law enforcement becomes crucial in the evaluation of laws. Their first-hand experience in applying laws presents a unique perspective. Are the laws serving their intended purpose? Are there unforeseen consequences or loopholes that malicious actors exploit? Answers to these questions, often found in the annals of law enforcement agencies, shape amendments and reforms. Their feedback loops back to legislators, ensuring the evolution of the legal framework in response to changing societal needs. However, it's also essential to acknowledge the challenges faced by law enforcement. Operating at the intersection of societal expectations, legal mandates, and ground realities is no easy task. Their decisions, always under the public microscope, require a delicate balance of discretion, empathy, and authority. Training, therefore, is paramount. In the British context, training isn't just about procedural knowledge; it encompasses understanding cultural nuances, ethical considerations, and developing an ethos of service. (Fakrulloh, 2005; Jazuli, 2016). At its core, law enforcement is a complex interplay of diverse human behaviours, each representing distinct interests, operating within the framework of collectively agreed-upon rules (Saepullah, 2017; Shanty, 2014). Legal scholars have long debated the role and essence of law enforcement within society. While some might perceive it merely as the embodiment of written statutes, many experts believe it to be much more intricate than just the mechanical execution of laws. They contend that its scope extends far beyond this simplistic view. It is not merely about the black and white application of statutes but an exploration of the myriad greys in between. Law enforcement, as proposed by these scholars, transcends the written word to engage with the nuances of human behaviours and interactions. This suggests that officers are not just implementers of predetermined rules; they are interpreters of complex human dynamics. This more expansive interpretation means that law enforcement isn't a passive entity, applying rules in a vacuum. Instead, it is actively entwined with the social fabric, requiring a profound understanding of human nature and societal nuances. Therefore, effective law enforcement demands not just legal knowledge, but also empathy, insight, and discretion. (Wiharma, 2017). The study of law demands a nuanced understanding that goes beyond mere theoretical constructs. While legal textbooks provide essential frameworks and delineate principles, they often fall short of capturing the full essence of the law as it operates in real-life contexts. Thus, it becomes pivotal to distinguish between these theoretical models and the law's practical application. In many instances, the scenarios portrayed in textbooks can appear

clear-cut and straightforward. However, when these same principles are applied to actual situations, the complexities and intricacies of human behaviour, societal norms, and unique circumstances come into play, often making the application of the law far less linear than anticipated. Therefore, within the sphere of legal studies, there's a growing emphasis on understanding the "law in action", which examines how statutes, regulations, and legal principles are enacted and enforced in real-world situations. This contrasts with the traditional focus on the "law in the books", which is primarily concerned with the theoretical and documented aspects of legal principles. In essence, for those engaged in the legal field, it's not just about understanding what the law states but also appreciating how it operates, evolves, and adapts in genuine contexts. This highlights the dynamic and multifaceted nature of law and its ever-evolving relationship with society. (Wiharma, 2017). This distinction underscores the necessity for a more nuanced and practical approach to understanding and implementing law, highlighting the dynamism and fluidity inherent in the field.

In this case, law enforcement is a joint effort. It is the responsibility of every member of the community according to their respective abilities, which must be pursued in various fields of life for the welfare of the people (Maemunah, 2019). In the Republic of Indonesia Law. No. 6 of 1974 concerning the Basic Provisions of Social Welfare stated:

- a) That the struggle of the Indonesian nation aims to achieve a just and prosperous Indonesian society, both in terms of material and spiritual health, which upholds the dignity and human rights and human obligations following Pancasila, can only be achieved if the community and the state are at a level of social welfare. As best as possible and comprehensive and equitable.
- b) It must be jointly pursued by the entire community and the government based on kinship. It must be an integral part of national development efforts towards raising the people's standard of living.

Book II of the Criminal Code contains formulations regarding certain criminal acts included in the crime group, and then book III contains violations. If you look closely, it turns out that there are elements that are always mentioned in each formulation, namely regarding behaviour or actions, even though there are exceptions such as "persecution" in Article 351. Meanwhile, wrongdoing and violating the law are sometimes included and sometimes not included. Moreover, finally, the element of responsibility is not included at all. In addition, many include other elements around or regarding the object of the crime or the act specifically for specific formulations. From the formulations of certain criminal acts in the Criminal Code, it can be seen that there are 11 elements of criminal acts, namely:

- a) Behaviour;
- b) against the law;
- c) Mistakes/Omissions;

- d) Constitutive consequences;
- e) accompanying circumstances;
- f) Additional requirements for criminal prosecution;
- g) Additional conditions for aggravating the crime;
- h) Additional conditions for being convicted;
- i) The legal object of the crime;
- j) The quality of the legal subject of the crime;
- k) Additional conditions for commuting.

The term 'Carok', while often associated with notions of murder or assault in the context of the Criminal Code, presents a rather narrow understanding. Delving deeper into its cultural roots provides a more nuanced perspective. At its essence, Carok is not simply an arbitrary act of violence. Instead, within the cultural milieu from which it originates, it represents a consensual duel. Such duels are not spontaneous; they are steeped in time-honoured traditions and operate within a specific framework recognised and upheld by the community. Carok serves a critical purpose: addressing grievances and settling disputes. Instead of a mere outbreak of aggression, it's seen as a method of restoring balance and honour. The participants, with a shared understanding of the duel's significance, willingly engage, while the community plays a pivotal role in ensuring the duel's integrity and the adherence to its associated traditions.. This ritual is not simply an outburst of violence; rather, it is an intricate cultural event that reflects distinct values and societal conventions. To truly grasp the intricacies of Carok, one would do well to refer to Figures 1 and 2. Such traditional methods of conflict resolution underscore the profound complexity of cultural customs, which might sometimes be in tension with established legal systems. Given its roots and significance, understanding Carok necessitates a deeper dive into its surrounding culture rather than a mere legal evaluation.



Figure 1. *Carok in Madura* (source: <https://publika.rmol.id/read/2023/06/06/576880/carok-madura>)



Figure 2. Carok in Madura (Source: detik.com)

In the Bangkalan Madura community, the Carok phenomenon isn't merely seen as a violent act. Instead, it emanates from an ingrained desire to safeguard one's honour and self-worth (Hidayat, 2012; Abdullah, 2016). Rather than interpreting it as a straightforward act of murder, the locals perceive it as a reflection of profound values tied to dignity and respect. This tradition speaks volumes about the community's unique perception of what constitutes honour and how far individuals are willing to go to defend it. The understanding and context of Carok, therefore, transcend standard definitions and delve into the intricate cultural tapestry of the Bangkalan Madura people.

According to an interview with Mr. Arifin, the Head of the Bangkalan District Attorney's Office, on 26th April 2021, The rich cultural landscape of Bangkalan Madura significantly shapes the intricacies of law enforcement in the region. This influence is not merely academic; it is keenly felt by the law enforcement officers stationed within this unique cultural tapestry. These officers, acutely aware of the nuances and values deeply woven into the community, have consistently leaned towards a more proactive and preventative approach in their operations. Operating in this context, officers understand the importance of building bridges with the community. As such, rather than solely relying on punitive measures, they frequently embark on community counselling and sensitisation programmes. This approach is underscored by a commitment to culturally-sensitive dialogue. There's an understanding that forging stronger connections can enhance respect for the rule of law. Officers, therefore, actively involve traditional leaders in their initiatives. By bringing these community stalwarts on board, law enforcement aims to weave the principles of law-abiding behaviours into the community's broader fabric, ensuring that violations of the law become exceptions rather than norms. A standout element within Bangkalan Madura's cultural mosaic is the profound respect and veneration the community holds for its religious figures, especially the Kyai or Ulama. The influence these figures command is formidable, often surpassing the sway held by conventional law enforcement agencies. It's not merely a matter of deference; the word of a Kyai

or Ulama in Bangkalan Madura is tantamount to a divine decree. When these revered figures speak, the community doesn't merely listen; they heed, internalise, and act without a second thought. This profound reverence for religious leaders isn't a fleeting cultural trend but is a tradition steeped in centuries of historical and social evolution. The position of the Kyai or Ulama has been cemented over generations, and their voice resonates with an authority that's both spiritual and communal. Any counsel, directive, or guidance emanating from these leaders is received by the community not as mere advice but as a sacred command. It's this unique reverence, embedded in the very soul of Bangkalan Madura, that law enforcement must understand and navigate.

Consequently, this cultural landscape occasionally poses challenges for state law enforcement officers. Their authority is sometimes overshadowed by the commanding influence of these religious figures, particularly when there's a perceived discord between traditional values and codified legal systems. For instance, when addressing Carok-related incidents, law enforcement officers frequently collaborate with local clerics or religious figures. Mediation efforts, when bolstered by the presence of these esteemed figures, yield higher success rates. Their involvement ensures that directives are not only heeded but also implemented with conviction. Illustratively, the interplay between religious leadership and the police, especially in averting potential Carok incidents, can be visually encapsulated in Figure 3. The harmonised efforts of these two pillars of authority underscore the necessity for a synergistic approach in understanding and addressing community-specific challenges.



Figure 3. Dissolution of the carok action by the police (Source: Antaranews.com)

Carok Culture in the Perspective of Law Enforcement Efforts

The Madurese, a vibrant community hailing from the Madura Island in Indonesia, have always exhibited a deep-rooted emphasis on the principles of

deliberation. Their cultural underpinnings largely focus on discourse, negotiation, and finding the middle ground. Such cultural traits serve dual purposes: firstly, they bolster stronger communal ties, fostering unity and mutual understanding, and secondly, they actively seek to restore any disruptions in the societal equilibrium caused by conflicts. The importance of maintaining balance and restoring harmony after disputes is paramount in the Madurese way of life. The belief is that conflicts, left unresolved, not only sour individual relationships but also threaten the broader social fabric. In this regard, the Madurese approach is commendable, as it recognises the need for healing rifts and ensuring that community bonds remain intact. However, the harmony of this intricate system has occasionally been challenged by the introduction and enforcement of state law. One must appreciate that every legal system, including the state law in Indonesia, carries with it distinct characteristics. These are often shaped by historical, political, and societal influences that might differ substantially from the cultural nuances of individual communities such as the Madurese. Therein lies the crux of the tension. The state law, in its bid to enforce a uniform code of conduct, sometimes appears at odds with the deeply ingrained values and traditions of the Madurese. While the law seeks uniformity and often adopts a one-size-fits-all approach, the Madurese ethos is built on dialogue and bespoke solutions tailored to the unique intricacies of each dispute.

These clashes are not just philosophical but have practical implications. On the one hand, there is the Madurese community's tendency to resolve matters internally, through community elders or traditional mechanisms. On the other hand, the state pushes for legal routes, which, while structured, might feel impersonal and detached to the Madurese. It's worth noting that the antagonism is not a result of the state law being inherently unjust or the Madurese traditions being incompatible with modern jurisprudence. Instead, the strain arises from the seeming incongruence between the two. The enforcement of certain state regulations might inadvertently sideline or even invalidate traditional Madurese resolution mechanisms, which, to the community, have stood the test of time and have been essential in maintaining societal equilibrium. This brings forth a compelling argument for cultural sensitivity in the application and formation of state laws. Legal systems should ideally be malleable enough to accommodate the traditions and values of the diverse communities they govern. An appreciation of the Madurese way of life, their emphasis on deliberation, and their methods of conflict resolution can offer valuable insights. Incorporating these insights into the broader legal framework can pave the way for a more harmonious coexistence between state laws and traditional practices (Syamsuddin, 2008; Syamsuddin, 2008). One of the defining features of the Madurese is their profound sense of community. The fabric of Madurese society is woven with threads of intense camaraderie. It's evident in their institutionalised social bonds, encapsulated in the

phrase 'oreng dedhi kancah', which translates to 'other people become friends'. The Madurese life revolves around a pervasive ethos of unity, whether it concerns family matters, kinship, or neighbourly relations. At its core, this unity is based on mutual assistance and collaboration, with each member playing a crucial role in the community's collective well-being (Taufiq, 2021; Iskandar, 2004).

Mr Sigit Nursiyo Dwiyo, the Head of Criminal Investigation at the Bangkalan Police, offered some insight into this cultural-legal dynamic in an interview on April 27, 2021. He emphasised that while the law's application should be unequivocal, the community's nuances must be considered. Legal counselling, spearheaded by Babinkamtibmas and bolstered by influential community figures like the kyai, plays a pivotal role in this. The dynamics of handling 'Carok' cases have evolved over time. Whereas perpetrators once would voluntarily present themselves at police stations, a shift has occurred. Surrendering now offers the perpetrator a protective shield under the law. Conversely, evading the law places them at risk, with their families often seeking vengeance, underscoring the deeply-rooted revenge element inherent in 'Carok' incidents.

Moreover, the people of Bangkalan hold dear certain cultural values, including politeness, respect towards elders, and deference to traditional leaders. Law enforcement officers, recognising the importance of these values, often incorporate them into their operational strategies. Beyond the emphasis on etiquette and decorum, the Bangkalan cultural matrix also cherishes familial values. Consequently, law enforcement often endeavours to mediate, prioritising amicable settlements between disputing parties before any formal judicial process. This approach acknowledges the importance of maintaining societal harmony and reflects a nuanced understanding of the delicate balance between codified law and deeply-held cultural mores.

Handling the problem of carok cases cannot be equated with premeditated murder cases because carok is a hereditary culture which Madurese people think is permissible. After all, it is a local custom. For this reason, it is necessary to cooperate with local traditional leaders to socialize with the Madurese community that problem-solving can be done by making a police report or by mediating with local leaders, not with carok culture, because this is prohibited by law in Indonesia. There are two things that the Bangkalan Police do in approaching the Carok case settlement, namely:

1. Repressively
 - a) Visiting the crime scene / conducting crime scene processing.
 - b) Requesting statements from witnesses.
 - c) Request Visum et repertum.
 - d) Arrest and examine the suspect.
 - e) Doing filing.
 - f) Submit case files to the public prosecutor.

2. Preventively

- a) Provide understanding to both parties who are having problems.
- b) It is empowering community leaders, both religious leaders and community leaders.
- c) They are conducting raids on sharp weapons to minimize the use of sharp weapons in the event of a dispute.

For example: if the police officers receive information that person A holds a grudge related to a problem with person B, the police can take preventive action steps.

On Tuesday, April 27, 2021, Mr. Sigit Nursiyo Dwiyoogo, the Head of the Criminal Investigation Unit of the Bangkalan Police, revealed a concerning aspect of his job. Due to his involvement in handling the Carok case, he had faced threats from the Bangkalan community. This instantaneous reaction from the community was palpable not only to Mr. Dwiyoogo but also resonated strongly within the Bangkalan Police Investigation Team. Such incidents underscore the profound impact of the Bangkalan Madura Community's culture on law enforcers, whose primary obligation is to impartially and rigorously enforce the law. The backlash, often spearheaded by the families of the alleged perpetrators, creates a pressure-cooker environment for investigators, with repercussions sometimes extending to their own families.

In high-tension situations, mediation presents itself as a most suitable resolution. The inclusion of community leaders in this process not only expedites case resolutions but also infuses a more empathetic dimension into law enforcement. Mediation, particularly in the realm of criminal law, adopts a reconciliatory stance. It aspires to bridge the gap between the offenders and their victims, fostering an environment for mutual deliberation. The primary objective is to reach a consensual understanding regarding the consequences of the crime and to determine a fair form of restitution. This approach, by fostering dialogue, encourages accountability and understanding, rather than solely relying on punitive measures. The involvement of respected community figures ensures that the outcomes are more likely to be accepted and respected within the community, creating a harmonious blend of traditional values and legal frameworks. In essence, it's a method that combines the formalities of the law with the nuances of the community's cultural ethos, ensuring a balanced and compassionate approach to justice (Raharjo, 2008; Raharjo, 2010; Nadyanti, 2018). Reconciliation in criminal law typically involves a mediator, often associated with law enforcement, governmental bodies, NGOs, or a revered figure within the community. This direct engagement with both the offender and the victim marks a paradigm shift in criminal justice's approach. Instead of adhering to a traditionally regimented system defined by stringent procedures, it leans towards a more empathetic, human-centred interpretation. The essence of mediation is not rooted in punitive

measures but revolves around healing and promoting harmony. By bringing together the perpetrator and the victim, the objective becomes remedying the distress caused to the individual, mending the ripples in the community, and repairing the broader societal fabric. This approach recognises the inherent human need for understanding and closure, ensuring justice transcends mere retribution. (Flora, 2018; Arief, 2018 & Ambarsari; Setyowati, 2020; Alhakim, Prasetyo & Budi, 2023; Antony, 2023). This collaborative effort, pivotal in resolving Carok-related disputes, is visually represented in Figure 4. The comprehensive involvement of all vested parties serves as a testament to the efficacy of this method, advocating for a blend of traditional conflict resolution with modern legal principles.



Figure 4. The involvement of all parties in solving the carok problem (source: <https://csws.fisip.unair.ac.id/2021/04/fgd-pemetaan-alternatif-sosial-budaya-carok-di-madura-sesi-bangkalan/>)

De Jonge provides a nuanced perspective on the genesis of violent actions within the Madurese community. He identifies two pivotal causes that have sowed the seeds of such behaviours. Firstly, historical neglect by the governing authorities towards the Madurese has played a significant role. The government's lack of attention and apparent indifference towards the community's welfare and needs has been a source of simmering discontent. This oversight is not merely a matter of material neglect, but also one of recognition, leading to feelings of marginalisation within the Madurese community. Secondly, arising as a consequence of this neglect, there's been a palpable erosion of trust between the Madurese and the governmental structures. Over time, this mistrust has solidified, making the community more reliant on its internal mechanisms to address disputes and conflicts. With waning confidence in official channels, the Madurese have often turned to their traditional modes of conflict resolution. Regrettably, these modes sometimes manifest as acts of violence, enacted with a degree of arbitrariness, largely disregarding formalised legal systems and regulations.

The act of 'Carok' epitomises the climax of these tensions and the community's reaction to them. Far from being a mere act of violence, Carok

symbolises a community's deep-seated desire for justice, equilibrium, and closure. This becomes particularly resonant in scenarios where the community perceives that formal systems have not met their expectations or have let them down. It's a poignant reflection of their need to take matters into their own hands when they feel inadequately represented or unheard by official channels. Carok, in essence, underscores the lengths a community will go to in order to restore balance and achieve a sense of justice, particularly when they believe institutional avenues have fallen short. This complex interplay between tradition, emotion, and justice is a stark reminder of the multifaceted nature of societal responses to perceived injustices. (De Jonge, 2006; Bustami, 2014). This situation illuminates the wider ramifications of the relationship between the state and its communities. When communities perceive themselves as marginalised or neglected by official state mechanisms, there's a tendency for them to become introspective. In such instances, they often revert to their indigenous traditions, values, and methods of resolving disputes. This gravitation towards time-honoured practices underscores the profound importance of these customs in the collective psyche. It serves as a reminder of the inherent value communities place on their historical frameworks, especially when they feel contemporary systems fall short. Essentially, the state's perceived inattentiveness can inadvertently bolster a community's reliance on its deep-rooted customs as a source of guidance and resolution. This dynamic underscores the delicate balance that state apparatuses must maintain in acknowledging and respecting local traditions whilst implementing overarching governance. In the case of the Madurese, the result is Carok – a manifestation of both their sense of justice and their disillusionment with formal governance. For policymakers and stakeholders, understanding this dynamic is crucial. It underscores the importance of engagement, recognition, and the establishment of trust between communities and their governing bodies. Addressing the root causes identified by De Jonge can pave the way for a more harmonious coexistence, where traditional practices can coalesce with modern governance, reducing the prevalence of violent outcomes. The Madurese situation is an alarming illustration of the potential fallout from state neglect. As described by De Jonge, when state institutions withdraw or fail to provide adequate support, communities often revert to traditional practices, some of which can be violent. Such a retreat is not just a return to antiquity but a manifestation of the desperate need for order and social coherence in the face of perceived abandonment. The consequences of this retreat are far-reaching. It underscores the vital importance of fostering trust, understanding, and mutual respect between state bodies and local communities. Such connections are not just about mollifying contemporary challenges but about crafting a future where tradition and modernity do not stand at odds. Instead, they merge, harmoniously leveraging the strengths of both to deliver balanced governance. By heeding the lessons from the Madurese situation, there's an

opportunity to usher in an era of collaborative governance. In this model, the state doesn't overshadow or undermine community practices. Instead, it works hand in hand with them, ensuring that the cultural richness of tradition enriches the broader strategies of modern governance. This approach not only enhances the effectiveness of state initiatives but also respects and integrates the intrinsic value of community traditions.

D. CONCLUSION

The Carok tradition, deeply ingrained within the Bangkalan Madura community, is viewed by its members as a legitimate means of resolving disputes. Such widespread acceptance and recognition of Carok within the community pose significant challenges to formal law enforcement entities, particularly the police and prosecutors. The inherent intricacies and nuances of this cultural practice often create hurdles, making the application of standard legal procedures on Carok perpetrators a complex task. Given the stature and significance of Carok in the community's ethos, it isn't simply a matter of enforcing statutory regulations. Instead, law enforcement has to navigate the maze of community values, beliefs, and practices to ensure that justice is served without undermining the very fabric of the community's identity. To facilitate a more harmonious approach to law enforcement, the police often lean towards mediation as a primary conflict-resolution tool. Central to this mediation process is the involvement of key community figures, including respected religious leaders. Their role is pivotal. They bridge the gap between traditional values and modern legal imperatives, educating the community about the inherent legal violations associated with Carok. While the community might view Carok as an immediate solution to conflicts, these mediatory interventions serve to highlight the broader legal implications and promote more lawful means of addressing disputes. This approach underscores the importance of collaborative law enforcement, where traditional cultural practices are acknowledged, but the community is also sensitised to the wider legal landscape they are a part of. In essence, the aim is to meld tradition with modernity, ensuring that cultural practices evolve in harmony with the rule of law.

E. REFERENCES

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COMPETING INTEREST

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