



## The Pocong Oath as a Socio-Legal Mechanism of Conflict Resolution among Madurese Muslims

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### Abstract

*This study examines the role of the pocong oath within the Madurese Muslim community through a socio-legal lens, focusing on its legal validity and its capacity to mitigate social conflict. Data were collected through semi-structured interviews with six informant religious leaders, oath practitioners, and community members in Singosari District, Malang Regency. Using thematic coding, the analysis examined the social meanings, legitimacy, and effectiveness of the practice. The findings show that the pocong oath serves as an informal dispute resolution mechanism when formal legal avenues reach a deadlock, particularly in cases of accusations lacking strong evidence, such as witchcraft, theft, or adultery. Socio-culturally, the oath carries moral and symbolic weight that helps defuse potential conflicts and preserves both individual honor and community cohesion. These results demonstrate that legal practice is shaped not only by codified norms but also by cultural, religious, and local values. The study contributes to the discourse on legal pluralism and advances understanding of tradition-based justice mechanisms in Islamic law and conflict resolution.*

**Keywords:** Pocong Oath; Social Conflict; Harmony; Muslim Community.

### Abstrak

Studi ini mengkaji peran sumpah pocong dalam komunitas Muslim Madura melalui lensa sosial-hukum, dengan fokus pada validitas hukum dan kapasitasnya untuk mengurangi konflik sosial. Data dikumpulkan melalui wawancara semi terstruktur dengan enam informan tokoh agama, praktisi sumpah, dan anggota Masyarakat di Kecamatan Singosari, Kabupaten Malang. Dengan menggunakan pengkodean tematik, analisis meneliti makna sosial, legitimasi, dan efektivitas praktik tersebut. Temuan menunjukkan bahwa sumpah pocong berfungsi sebagai mekanisme penyelesaian sengketa informal ketika jalan hukum formal mencapai jalan buntu, terutama dalam kasus tuduhan yang tidak memiliki bukti kuat, seperti sihir, pencurian, atau perzinahan. Secara sosial-budaya, sumpah membawa bobot moral dan simbolis yang membantu meredakan potensi konflik dan menjaga kehormatan individu dan kohesi komunitas. Hasil ini menunjukkan bahwa praktik hukum dibentuk tidak hanya oleh norma-norma yang dikodifikasikan tetapi juga oleh nilai-nilai budaya, agama, dan lokal. Studi ini berkontribusi pada wacana tentang pluralisme hukum dan memajukan pemahaman tentang mekanisme peradilan berbasis tradisi dalam hukum Islam dan resolusi konflik

**Kata Kunci:** sumpah pocong; konflik sosial; harmoni; komunitas muslim.

## Introduction

Conflict is an inherent feature of social life, manifesting at both individual and community levels (Makhsusiyah & Musolli, 2023). Across societies, it often stems from competing interests, divergent values, or unequal access to resources (Sunarso, 2023). Although formal institutions such as courts exist, they frequently fail to provide timely or universally accepted resolutions. In such contexts, communities have developed alternative mechanisms of dispute settlement grounded in local traditions (Herlina, 2021; Ismail et al., 2022; Kurniawan et al., 2024; Widiawati, 2023). Among Madurese Muslims, the pocong oath exemplifies such a practice. It functions as an alternative path when accusations such as witchcraft, theft, adultery, or inheritance disputes cannot be substantiated through formal legal processes (Priambodo & Nugroho, 2024). The ritual is endowed with moral and religious authority, as it involves religious leaders, community participation, and sacred Islamic symbols. The endurance of the pocong oath demonstrates that law is expressed not only through codified norms but also through social practices shaped by cultural and religious values. This phenomenon is significant because it reflects legal pluralism in Indonesia, where state law interacts with local traditions and community beliefs.

Scholarship on the pocong oath is considerable. It is recognized as a form of dispute resolution within Muslim communities (Syam et al., 2023). Fuad (2014) argues that the practice originated as a modification by Islamic scholars of evidentiary procedures in Islamic courts. (Fuad, 2014) Islamic jurisprudence acknowledges two comparable forms of oaths mubalahah (Ibrahim, 2018; Sholeh & Nasrin, 2024; Supartini & Mashdurohatun, 2016), and li'an (Arifin, 2023). Both are invoked in cases where allegations are difficult to prove. While the pocong oath has gained communal acceptance as an alternative means of evidence, its legal validity remains disputed (Anisa, 2024). Notably, no comprehensive study has yet addressed its role in preventing the escalation of social conflict into violence.

Unlike previous studies, this research offers a fresh perspective by framing the pocong oath not merely as a cultural ritual but as a social instrument for containing conflict before it escalates into open violence. The study investigates the practice of the pocong oath among Madurese Muslims through a socio-legal lens. It asks two central questions: (1) how is the legality of the pocong oath understood within the frameworks of formal law and Islamic law, and (2) to what extent does it operate as a non-formal mechanism for preventing the escalation of social conflict. Addressing these questions, the study aims to advance scholarship on Islamic law and conflict resolution while contributing to broader debates on legal pluralism in Indonesia. The article argues that the pocong oath provides the Madurese

community with a means of averting conflict escalation that might otherwise result in violence. It also functions as a vehicle for fostering harmony and social cohesion in the aftermath of conflict. More broadly, the study seeks to illuminate the cultural significance of the pocong oath and its relevance to the prevention of violence-prone social conflict.

### **Research Method**

This study employs a socio legal approach, which conceives of law not merely as codified rules but as a living social practice shaped by cultural values and social structures (Irianto, 2012). This approach is particularly appropriate for examining the meaning and function of the pocong oath, both within Islamic law and in the context of conflict resolution among the Madurese community. Fieldwork was conducted in Singosari District, Malang Regency, East Java, selected for its sizable Madurese Muslim population that continues to observe the pocong oath in settling disputes. Considerations of accessibility and the availability of knowledgeable informants also informed the choice of site.

Primary data were gathered through semi-structured interviews with six key informants: two religious leaders who had presided over pocong oath rituals (ZN and AR), two individuals who had directly participated in such rituals (JP and AM), and two community members who had witnessed them (NR and SH). Informants were recruited purposively. (Huda, 2022) Based on their direct involvement in the practice and their familiarity with local conflict dynamics. Secondary data were obtained from legal sources (statutes, the HIR, the KUHAP, and Islamic jurisprudence), scholarly publications, anthropological works, and prior studies. These sources were used to reinforce the normative analysis and to compare the pocong oath with instruments of both state and Islamic law.

Data were analyzed using thematic coding. Interview transcripts were systematically examined to identify recurring themes related to the motivations, procedures, legitimacy, and effectiveness of the pocong oath in conflict management. The analysis followed three stages: (1) data reduction through initial categorization, (2) identification of central themes, and (3) interpretation of findings within the framework of legal pluralism and conflict resolution (Maleong, 2018). Ethical standards were strictly observed, including obtaining informed consent from all participants, preserving anonymity, and ensuring the confidentiality of sensitive information. The researcher also clearly communicated the aims of the study to participants to guarantee that interviews were conducted transparently and voluntarily.

## Results and Discussion

### Conflict Resolution Grounded in Local Wisdom

Conflict is an inherent dimension of human life. It arises in diverse social contexts from competing interests, clashing values, differing perceptions, and the unequal distribution of power and resources. Importantly, not all conflicts require settlement through formal institutions such as the courts. In many traditional communities, including those in Indonesia, conflict resolution is rooted in local wisdom. Local wisdom knowledge generated and nurtured within particular communities embodies cultural, spiritual, and social values that have proven effective in sustaining harmony and social order (Herlina, 2021).

Local wisdom can be understood as an accumulated body of knowledge and practice handed down through generations within a community. It encompasses not only practical know-how but also the values, norms, and ethics that guide collective behavior. In the realm of conflict resolution, local wisdom often takes the form of informal mechanisms grounded in deliberation, mediation, and religio-cultural approaches that prioritize social harmony (Ismail et al., 2022). Indonesia's plural and multicultural society sustains a rich variety of such practices, including adat deliberations among the Minangkabau (Kurniawan et al., 2024), Sigajang Laleng Lipa among the Bugis-Makassar, (Azhari & Alimuddin, 2023) sangkep in Bali (Utami, 2017), and the pocong oath among Madurese Muslims. These practices reflect cultural adaptations that meet community needs for dispute resolution processes that are timely, just, and widely accepted by all parties involved.

Interviews with informants reveal that the Madurese community continues to rely on local traditions for resolving disputes, especially when formal legal mechanisms are perceived as inadequate. The pocong oath is most often invoked in cases involving allegations of witchcraft, theft, or adultery offenses that are difficult to prove in court. One informant explained (JP, Interview, July 10, 2025):

*"The pocong oath is considered sacred and binding among the Madurese. If someone swears falsely, they are believed to be struck by a curse. Conversely, if they swear truthfully, the oath becomes a decisive means of affirming that truth."*

Another informant underscored its preventive function (AM, Interview, July 9, 2025):

*"The pocong oath is deeply feared because it is believed to embody an undeniable truth. If it is not performed promptly, tensions may erupt into conflict, particularly among relatives. Indeed, some had already signaled their readiness to resort to carok (a traditional Madurese duel, typically fought with sickle-shaped weapons, often to defend honor or resolve disputes)."*

Two religious leaders emphasized that the pocong oath is regarded as “*faster and more effective in calming communal emotions than enduring the lengthy court process*” (ZN and AR, Interview, July 12, 2025). This underscores the community’s preference for peaceful resolution and the preservation of family honor over reliance on formal litigation.

Conflict resolution rooted in local wisdom possesses several distinctive characteristics that differentiate it from formal mechanisms. (Astri, 2011) Foremost among these is its Community-Based orientation: disputes are addressed within and by the community itself, making the community the principal agent in preserving social harmony. This process unfolds in a familiar and collective setting, where decisions emerge from consensus rather than being dictated by written law or state authority. Responsibility for guiding the process typically falls to customary leaders, religious authorities, or elders who enjoy moral and social legitimacy in the eyes of the community (Wijaya, 2020). They are respected for their wisdom, integrity, and intimate knowledge of local norms. Their presence is indispensable, as they act not only as mediators but also as revered symbols of justice. They know the disputants personally and understand the social dynamics underlying the conflict.

Second, it emphasizes a restorative process. In conflict resolution grounded in local wisdom, the goal is not to punish the party deemed at fault but to repair social relationships between those in conflict. The priority is to restore community harmony, rebuild broken communication, and reestablish mutual trust and social responsibility. Rather than determining legal winners and losers, the focus is on enabling all parties to continue living side by side (Kurniawan et al., 2024b). This principle resonates strongly with the concept of restorative justice in modern legal theory, which highlights victim restoration, offender involvement, and community participation in conflict resolution. Within this framework, justice is not limited to punishment but encompasses the restoration of social order and a fuller sense of fairness (Badu & Kaluku, 2022; Garcia, 2020).

Third, religious and moral values constitute a central foundation of conflict resolution rooted in local wisdom (Zulfikar, 2023). Many customary practices are infused with spiritual elements, including beliefs in karma, curses, or divine retribution for injustice. Among Madurese Muslims, for example, the willingness to undergo the pocong oath is seen as proof of sincerity and truthfulness, since doing so dishonestly is believed to incur God’s wrath. Such convictions create strong moral pressure to speak truthfully, act justly, and avoid slander or baseless accusations. Religious values thus operate not only as spiritual symbols but also as effective mechanisms of social control, ensuring the integrity of conflict resolution without reliance on physical punishment or formal coercion. The restoration of social relations therefore carries both worldly and spiritual

dimensions, producing deeper and more enduring impacts on community life.

Fourth, the role of symbolism and ritual. In conflict resolution practices grounded in local wisdom, symbolism and ritual serve as crucial means of reinforcing social legitimacy (Stepanus et al., 2019). Resolution occurs not solely through rational deliberation or verbal exchange, but also through sacred symbolic acts. These may include oath rituals, the exchange of customary objects, peace ceremonies, or the pronouncement of vows before religious authorities or ancestral figures.

Fifth, social effectiveness. Models of conflict resolution based on local wisdom are often more widely accepted and demonstrably effective in preventing renewed conflict (Allolayuk et al., 2024). Active participation from multiple stakeholder disputants, customary leaders, religious figures, and other community members creates a collective sense of ownership of both the process and its outcomes. Unlike formal legal mechanisms, which tend to operate top down and cast citizens as passive objects, local wisdom approaches empower communities as active agents in shaping the direction and resolution of conflict.

Such collective participation fosters social trust and enhances the legitimacy of decisions reached. The outcomes are perceived not only as socially valid but also as emotionally and culturally resonant, being grounded in values deeply embedded within the community. Consequently, disputing parties feel heard, understood, and treated fairly, reducing the likelihood of renewed conflict or prolonged disputes. Beyond this, the consensus achieved collectively cultivates a shared commitment to safeguard peace and uphold mutual accountability within a framework of common values. In this way, conflict resolution does not conclude with the final decision but continues through the strengthening of social relations and the collective responsibility to preserve long term harmony.

### **The Social Meaning of the Pocong Oath among Madurese Muslims**

Conflict is an intrinsic feature of human life, and societies have developed diverse mechanisms for addressing it, ranging from formal legal institutions to local traditions grounded in communal norms and values (Arsal et al., 2022; Diab et al., 2022; Nurdiansyah et al., 2023; Sukriono et al., 2025). Communities with strong adherence to custom often regard local traditions as more effective avenues of dispute resolution. By contrast, formal legal processes are frequently viewed as protracted, costly, procedurally rigid, and not always reflective of substantive justice (Azis et al., 2024). Among the traditions that endure is the pocong oath, which rests on the conviction that ultimate truth is determined by a transcendent power Allah SWT. It is typically invoked when accusations cannot be substantiated by conventional evidence, such as allegations of witchcraft,

theft, or adultery. In such cases, the aggrieved party may demand that the accused take the pocong oath as a demonstration of honesty.

The pocong oath is observed in various Muslim communities (Anisa, 2024), but it is particularly significant among the Madurese, whose strong religious orientation is coupled with a collective ethos that places a premium on dignity and honor. When accusations impinge on family reputation and cannot be proven in court, the pocong oath serves as an alternative means of affirming truth or restoring one's good name. It functions as a symbolic act of self-defense: those willing to undergo the ritual are regarded as truthful, as they are prepared to stake their very lives before God. Within Madurese belief, anyone who lies under the pocong oath will inevitably suffer divine retribution whether in the form of curses, misfortune, or even death within a given time.

JP, a Madurese community member who had once taken the pocong oath, remarked:

*"For the Madurese, the pocong oath is sacred and inviolable. Its ijabah (divine acceptance) is believed to be assured. Anyone who swears falsely will be cursed, whereas one who speaks truthfully finds the oath a decisive affirmation of honesty." (JP, Interview, July 10, 2025)*

AM offered a similar perspective:

*"The pocong oath is deeply feared because it is believed to embody absolute truth. Its purpose is to distinguish honesty from falsehood. If the oath is not promptly arranged, tensions may escalate into conflict, particularly among kin. Some had even prepared to engage in carok (a traditional duel of honor, often fought with sickles)." (AM, Interview, July 9, 2025)*

NR, a witness, highlighted its collective dimension:

*"When someone dares to take the pocong oath, the community accepts them as truthful. This eases tensions, as disputes and suspicions dissipate." (NR, Interview, July 12, 2025)*

SH, another witness, emphasized its preventive role:

*"I once witnessed a pocong oath. Following the ritual, families that had been at odds reconciled, fearful of defying the oath. It was far safer than waiting for the courts." (SH, Interview, July 12, 2025)*

AR, a religious leader, reflected on its moral weight:

*"Those who undergo the pocong oath are respected, as they are seen as unafraid of the truth. It brings greater reassurance to the community than the protracted path of formal litigation." (AR, Interview, July 12, 2025)*

M. Sufyan Raji Abdullah, as cited by Fuad, describes the procedure of the pocong oath as follows (Fuad, 2014). First, it is performed in the Jami'

Mosque, a central institution of Muslim life. The mosque is revered as a sacred space, serving not only as a site of worship but also as a center of social, educational, and communal activity (Karimullah, 2023; Safei & Armstrong, 2023). As the house of God (baitullah), it is believed to carry profound spiritual power. Muslims regard the mosque as a place where prayers are especially efficacious (mustajabah) (Mahayudin, 2024). For this reason, an oath uttered before Allah SWT in the sanctity of the mosque is believed to carry grave consequences. Performing the pocong oath there is thus intended to deter falsehood.

Second, the oath is conducted following Friday prayers. This timing parallels practices in Islamic criminal law, where punishments are sometimes carried out on that occasion. Friday prayer brings together a large congregation to hear the sermon and perform the ritual, ensuring both visibility and collective witness. It also serves as an act of moral exhortation (syiar) (Gunawan, 2018), reminding Muslims of the seriousness of swearing an oath and the responsibility it entails. Islamic teaching holds individuals accountable for their oaths, as expressed in the Qur'an, Surah Al-Maidah [5]: 89: those who swear deliberately and break it must expiate by feeding ten poor persons, providing them clothing, freeing a slave, or fasting for three days (Rif'ah et al., 2023). Friday itself is further believed to be a blessed day when prayers are most likely to be answered, especially the prayers of those wronged by unfounded accusations.

Third, the oath-takers are treated as if they were corpses: they are wrapped in burial shrouds (kain kafan), placed on their backs with the head to the north and the feet to the south, and assisted in reciting the shahada, the declaration of faith (Fuad, 2014). This stage is laden with symbolism. Islam teaches the certainty of death, a theme repeatedly affirmed in the Qur'an. Every individual will be held accountable in the hereafter (Khan & Ali, 2016), and matters left unresolved in this life will be brought before Allah SWT for judgment, as expressed in Surah At-Tin [95]: 8 (Fathurrosyid et al., 2023). Justice is a foundational principle in Islam (Riwanto & Suryaningsih, 2022), and no one's rights may be denied on the basis of unfounded accusations. The Prophet Muhammad instructed that accusations must be supported by evidence (Djafri et al., 2024). In cases of adultery, the accuser must produce four eyewitnesses; failing this, they are subject to 80 lashes if free, 40 if enslaved, and a permanent disqualification from serving as witnesses (Sudarti & Najib, 2021).

Fourth, during the ritual, a Qur'an is held above the head of the oath-taker as they recite: "By Allah, I swear that I did not commit what so-and-so has accused me of. If the accusation is true, may Allah curse me, whether sooner or later." In Islamic teaching, invoking Allah's name in an oath carries consequences in both this world and the hereafter if the statement is false. Fifth, after the oath is pronounced, the individual is prayed over as if

they were a deceased person, and supplications are offered. The parties and community members then join in prayer, seeking Allah SWT's forgiveness, guidance regarding the disputed matter, and protection from any calamities resulting from the conflict (Fuad, 2014). Prayers led by religious leaders are believed to calm emotions and mitigate social unrest within the community.

The findings reveal that the pocong oath holds a dual significance: it functions as a means of proof in disputes that defy formal legal resolution, while simultaneously serving as a symbol of honor and social solidarity. This dual role reflects the cultural ethos of the Madurese, who place paramount importance on dignity and kinship ties. Lacking a standardized procedure, the pocong oath is best understood through the lens of legal anthropology as a ritual saturated with symbolic meaning. The use of burial shrouds, its performance in the mosque, and the public recitation of the oath collectively confer both social and religious legitimacy upon the practice. In this regard, the pocong oath is not merely a spiritual act but also a social mechanism for sustaining balanced relationships within the community (Chandra et al., 2024).

From the perspective of socio-legal studies, the practice illustrates how law is experienced as a "living law," rooted in local values and communal practices (Sulistio et al., 2025). The pocong oath operates as a restorative mechanism, emphasizing the repair of relationships and the preservation of social harmony rather than the binary determination of legal guilt or innocence (Utama, 2021).

### **Legality and Judicial Status of the Pocong Oath**

Although the pocong oath carries profound symbolic significance, its legal status as evidence remains highly contested. Neither the civil nor criminal codes of procedure formally recognize it as admissible evidence. Article 164 of the *Herzien Indonesisch Reglement (HIR)* and Article 284 of the *Rechtreglement voor de Buitengewesten (RBg)* identify five forms of evidence: documentary proof, witness testimony, presumptions, confessions, and oaths (Harahap, 2017; Mertokusumo, 2002). By contrast, Article 184 of the *Indonesian Code of Criminal Procedure (KUHAP)* enumerates five categories of admissible evidence: witness testimony, expert opinion, documents, indications, and the defendant's statement (Latupeirissa et al., 2023). Civil procedure law, however, does recognize oaths in three distinct forms. The first is the decisive oath (*sumpah pemutus, decisoir*), demanded by one party of the other when a claim lacks sufficient evidentiary support (Fakhriah, 2023a). Under Article 156 HIR / Article 183 RBg, this oath may serve as the sole basis for judgment. If the party asked to swear refuses, the oath may be redirected to the requesting party. The decisive oath thus possesses binding force, conclusively settling the dispute

(*litis decisoir*) (Wazzan, 2018). The second is the supplementary oath (*sumpah pelengkap, suppletoir*), which a judge may impose to complement otherwise insufficient evidence, such as when only a single witness is available (Ilmi, 2022). The third is the evaluative oath (*sumpah penaksir, aestimatoir*), administered by the court to a plaintiff for the purpose of estimating damages or assigning a specific value when the claimed amount cannot be established with certainty. This oath provides the judicial basis for determining compensation or other financial obligations (Soroinda & Nasution, 2022).

Several scholars have classified the *pocong* oath as a decisive oath (*sumpah pemutus*) (Juanda, 2016; Patni et al., 2020; Towoliu, 2022; Wazzan, 2018), on the grounds that it satisfies the requirements for that category: the absence of corroborating evidence and its initiation by the disputing parties themselves. Yet, framing the *pocong* oath in this way raises serious legal concerns. Unlike judicial oaths, it is not administered before a panel of judges but rather before religious or community leaders and the public. The ritual is also imbued with mystical elements that lie beyond the scope of modern legal reasoning. This context renders the *pocong* oath especially vulnerable to social pressure. A refusal to participate can easily be interpreted by the community as an admission of guilt, even in the absence of legal proof. Such dynamics compromise the principles of presumption of innocence and fairness in legal proceedings (Akbar, 2022; Ferguson, 2016). The *pocong* oath thus produces ambiguity between legal truth and social truth. While widely perceived as a means of establishing truth within the community, its outcomes often diverge from—or even contradict—the evidentiary process of the courts. This creates a dualism between socially sanctioned truth and the determinations of formal law. Furthermore, the *pocong* oath is open to misuse, enabling parties to manipulate public opinion or exert moral pressure on adversaries, thereby undermining substantive justice.

Beyond the preceding debate, Sudikno Mertokusumo—cited in Fakhriah—offers a valuable perspective. Within the framework of civil procedural reform, he maintains that evidentiary rules should not be codified in a rigid, exhaustive manner within a single article, as was the case under the older provisions of the HIR and RBg. Law, by nature, is dynamic and evolves in tandem with social change. Excessive rigidity constrains judicial discretion in interpreting and developing the law, thereby impeding its growth. Ideally, evidentiary rules should be articulated as general or “blanket” norms broad principles not spelled out in detail but designed with sufficient flexibility to accommodate evolving legal needs without continual statutory amendment (Fakhriah, 2023b). Such flexibility ensures durability and long-term relevance. In relation to this study, this perspective suggests that judges should retain the discretion to determine

whether the pocong oath may be considered admissible evidence, taking into account the social conditions and context in which it arises.

Islamic jurisprudence also recognizes decisive oaths, most notably *mubahalalah* and *li'an*. The word *mubahalalah* derives from the Arabic root *bahala*, meaning "to invoke mutual curses." In doctrinal terms, it denotes a solemn appeal to Allah SWT to unleash His curse and punishment upon whichever party is lying in a dispute over matters of creed ('aqidah) (Ibrahim, 2018). Unlike ordinary oaths, *mubahalalah* carries exceptional gravity: it is undertaken collectively with family members and involves an explicit invocation of divine wrath upon the dishonest party. The scriptural foundation for *mubahalalah* lies in Qur'an Surah Ali 'Imran [3]: 61, which recounts a theological encounter between the Prophet Muhammad (peace be upon him) and a Christian delegation from Najrān. When rational discourse failed to yield consensus, the verse authorized *mubahalalah* as a means of settling disputes that transcend human reasoning (Sholeh & Nasrin, 2024). At its core, the practice embodies courage grounded in trust in divine justice. Most jurists have cautioned against the use of *mubahalalah* as judicial evidence. The Shafi'i and Maliki schools acknowledge its existence as a spiritual and moral practice but reject its application as a legal foundation in judicial rulings (*qadha*). Within the Hanbali tradition, scholars such as Ibn Qayyim al-Jauziyyah and Ibn Taymiyyah permitted its use in matters of creed, particularly against groups deemed heretical after rejecting clear proofs from the Qur'an and Sunnah. By contrast, the Hanafi school adopted a more restrictive position, advising against its implementation in any legal context. On this basis, *mubahalalah* cannot be admitted as evidence in Islamic judicial proceedings. (Farid, 2013).

Reflecting on the pocong oath, Kyai ZN, a religious leader from Singosari District, Malang Regency, remarked:

*"In truth, the pocong oath has no foundation in Islamic doctrine. Islam recognizes only oaths reinforced by mubahalalah and grounded in the Qur'an. Yet in practice, the pocong oath has become so deeply rooted in local tradition that it is treated as truth, particularly within the Madurese community. For this reason, it continues to be used. Ultimately, however, responsibility for such an oath lies with Allah. If a person speaks truthfully and has not committed the act alleged, he incurs no sin and may even earn divine reward for upholding the truth. But if he lies, he will bear the burden of sin for his false testimony, both in this world and in the hereafter."* (ZN, Interview, July 12, 2025)

By contrast, the oath of *li'an* is recognized as admissible evidence in Islamic judicial proceedings (Mansyur, 2019). *Li'an* refers to the solemn oath sworn by a husband before a judge when accusing his wife of adultery without the four witnesses mandated by Islamic law. It is most frequently

employed in divorce cases (Kusmayanti, 2020). The practice is rooted in Qur'an Surah al-Nur [24]: 6-7 and is codified in Article 127 of the Compilation of Islamic Law (KHI), which regulates its administration in the Religious Courts. Under this procedure, the husband must swear four times that his accusation is true, and on the fifth oath he invokes Allah's curse upon himself if he is lying. The wife is entitled to respond with an equivalent set of counter-oaths: four affirmations that the allegation is false, followed by a fifth in which she calls down Allah's wrath upon herself if her denial is untruthful (Wardaningtias & Anisah, 2020). The oath of \*li'an\* carries binding legal consequences. Once both spouses have sworn before the Religious Court, the marriage is deemed nullified (*fasakh*) (Ekayanti & Ridwan, 2020). Moreover, any child born of such a dissolved marriage is not legally recognized as the father's offspring, unless paternity can be established through other valid evidence (Prasetyo, 2021).

In performing their judicial functions, judges operate within the social and cultural contexts in which disputes arise (Naufal Husni, 2021). In certain civil and socially embedded disputes, they may take local traditions into account as part of the process of legal reasoning. This aligns with Article 5(1) of Law No. 48 of 2009 on Judicial Authority, which obliges judges to explore, recognize, and reflect the legal values and sense of justice that live within society (Baidi & Mulyana, 2024; Dewanto, 2020). Local traditions, however, do not automatically constitute legal norms; they must acquire legitimacy through judicial interpretation. Judges are empowered to engage in legal discovery under the principle of *ius curia novit* (Wicaksana, 2018), which presumes that judges are fully knowledgeable of the law. Courts, therefore, cannot refuse to adjudicate a case on the grounds that the law is absent or ambiguous (Januartha et al., 2023). In matters of evidence, judges exercise discretion in determining whether a given fact has been sufficiently proven. With respect to the *pocong* oath, judges may decide whether it holds evidentiary weight. Such determinations fall within the broad scope of judicial discretion, so long as they adhere to the principles of fair trial. In this capacity, the *pocong* oath may serve as an indicator of the morality and honesty of the disputing parties.

### **Pocong Oath as a Mechanism for Preventing Conflict Escalation among Madurese Muslims**

Within Madurese Muslim communities, the *pocong* oath is regarded as a form of social control that helps prevent disputes from escalating into open violence (Harpendya et al., 2022). Conflict escalation is rarely spontaneous; rather, it reflects the cumulative effect of several interrelated factors. First, communication breakdowns. Poor or ambiguous

communication between individuals or groups often gives rise to misunderstanding, particularly in the absence of clarification (*tabayyun*). This problem is exacerbated by the circulation of rumors and hoaxes (Amin, 2017). In such contexts, vague or contradictory information heightens tensions, while careless or unwise speech can be taken as an insult, sparking new disputes. Second, historical grievances. Conflicts do not emerge in a vacuum. Unresolved disputes from the past may generate resentments passed down across generations (Jayusman et al., 2019). These grievances are often inflamed by provocation, whether internal or external, aimed at exploiting social divisions for particular interests. Such provocation may involve incitement or opinion-shaping that intensifies hostility and drives communities to act beyond the bounds of rationality (Lestari & Parihala, 2020). Third, erosion of trust in law enforcement. Escalation is accelerated when communities perceive that formal legal institutions are incapable of delivering justice. This perception is reinforced by signs of bias or lack of professionalism among law enforcement officers (Marti et al., 2025). As a result, communities increasingly shift away from formal channels of dispute resolution toward informal mechanisms that they regard as fairer and more expedient.

Conflicts that originate as personal disputes can escalate into open confrontation. What begins between two individuals may rapidly draw in broader networks, especially in communities bound by strong social ties. As each party mobilizes support from its social group, disputes can escalate into collective violence, with anarchic acts posing serious threats to social stability and public security (Rudi, 2024). Timely intervention is therefore crucial to prevent further deterioration. Such intervention should not be understood merely as repressive action by law enforcement. More importantly, it must center on reconciliation, facilitation, and culturally and religiously informed approaches that engage with the root causes of conflict. Effective intervention requires attention to social structures, local values, and the influence of key community actors (Astri, 2011).

The pocong oath functions as a form of social intervention, grounded in local wisdom, to contain the escalation of conflict in Madurese society. Disputes that begin as personal matters can quickly take on a communal dimension, as the Madurese are renowned for their strong social cohesion and enduring primordial bonds. Personal grievances are often reinterpreted as collective ones, particularly when questions of honor, family reputation, or communal standing are involved. If left unresolved, such disputes may erupt into violence, including mob attacks or *carok* – ritualized duels fought with sickles. Accusations of sorcery (*santet*) exemplify this dynamic. Reports in online media document instances where communities have attacked alleged sorcerers, even in the absence of legal proof (Dasuqi, 2020; Purwoko, 2011; Solichah, 2022). For the families of the

accused, such allegations represent an affront to their honor and may provoke retaliation. Core cultural concepts such as *abhâsân* (honor) and *malô* (shame) serve as moral anchors in Madurese social life. As one interviewee (AM) explained, the willingness to undergo the pocong oath is often driven by the threat of violent reprisals involving family members. In such situations, the ritual serves as a “safety valve,” preventing disputes from spilling over into broader communal violence.

Sumpah pocong operates as a non-formal mechanism commonly used to address disputes in the absence of rational evidence. In cases of alleged witchcraft (*santet*), Article 252 of Law No. 1 of 2023 on the Criminal Code provides:

*"Anyone who claims to possess supernatural powers, or who informs, promises, offers, or provides assistance to others on the grounds that such powers can cause illness, death, or mental or physical suffering, shall be subject to imprisonment of up to one year and six months, or a fine of up to Category IV."*

Although such cases may be pursued through formal legal channels, communities often prefer sumpah pocong to resolve witchcraft accusations. Formal proceedings oblige the accuser to present evidence through witness testimony, expert opinion, or official records such as medical examinations processes that are both time-consuming and costly. By contrast, sumpah pocong requires minimal expense and, more importantly, is seen as more effective in restoring social harmony, since formal mechanisms rarely eliminate the stigma and communal tensions surrounding witchcraft allegations.

Sumpah pocong functions not only as a mechanism of conflict resolution but also as a powerful means of restoring social harmony. Among the Madurese, where honor is central to communal life, disputes involving serious accusations – such as defamation or moral misconduct – can easily escalate into prolonged tension. Sumpah pocong provides a culturally legitimate middle ground, enabling the parties to assert their truth without resorting to violence or turning to formal legal institutions that are often perceived as inadequate. Performed publicly in the presence of religious leaders, community members, and at times extended kin, the ritual gradually diffuses social tension and re-establishes a sense of balance. Agreeing to undergo sumpah pocong is widely interpreted as a profound expression of sincerity, integrity, and honesty – qualities that are deeply aligned with Islamic teachings and held as defining virtues of faith. For many within the Madurese Muslim community, the outcome of the ritual is regarded as the “final truth” to which respect must be given. In this way, sumpah pocong operates as a process of reconciliation, capable of repairing fractured relationships between individuals, families, and even

neighborhoods. It rebuilds trust, reinforces communal solidarity, and preserves a harmonious social order without igniting further conflict.

## Conclusion

This study demonstrates that *sumpah pocong* functions as a non-formal mechanism of dispute resolution within the Madurese Muslim community, particularly in contexts where formal legal institutions are perceived as unable to deliver outcomes that are satisfactory, credible, or socially legitimate. Its authority derives from sacred Islamic symbolism and its public, communal performance, both of which are believed to minimize suspicion, restore honor, and prevent disputes from escalating into open conflict. These findings reaffirm that law should not be understood solely as codified rules but also as a living practice embedded in social relations. From the perspective of legal anthropology, *sumpah pocong* operates as a symbolic ritual that reinforces moral order and communal solidarity, while from a socio-legal standpoint it illustrates legal pluralism, where state law coexists with Islamic norms and local traditions despite the absence of formal juridical recognition. The contribution of this research lies in conceptualizing *sumpah pocong* as a socio-legal instrument that bridges law, religion, and culture, thereby enriching scholarly debates on legal pluralism in Indonesia and broadening our understanding of locally rooted mechanisms of conflict resolution. Practically, these findings do not suggest the legalization of *sumpah pocong*, but rather recommend that formal judicial institutions develop a more culturally responsive approach by acknowledging and, where appropriate, constructively engaging with community based dispute resolution mechanisms to enhance social trust and access to justice. Nevertheless, this study is subject to clear limitations: it is confined to the Madurese Muslim community in Singosari, East Java, relies on a relatively small number of purposively selected informants, and adopts a qualitative methodology that prioritizes depth over breadth, thereby limiting generalizability and the ability to capture regional variation across Indonesia. Future research is therefore recommended to employ comparative and multi sited approaches, involve larger and more diverse participant samples, and integrate mixed methods in order to assess the dynamics, impacts, and potential risks of ritual based dispute resolution practices within Indonesia's plural legal landscape more comprehensively.

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