

Artikel_Internasional_Customar y.pdf *by*

Submission date: 26-May-2023 06:41AM (UTC+0700)

Submission ID: 2101981317

File name: Artikel_Internasional_Customary.pdf (178.73K)

Word count: 5626

Character count: 28901

1 Customary Oath “Kaul” (Slaughter of Animals) in an Effort to Customary Dispute Resolution in the Village Tulehu

Husin Anang Kabalmay

Faculty of Syari'ah and Islamic Economic IAIN Ambon
Jl. Dr.H.Tarmizi Tahir Kebun Cengkeh Batu Merah Atas Ambon

1 Abstract:

In the village Tulehu, has been known to customary dispute resolution system called “customary oath “Kaul”,” namely the slaughter of animals using Islamic law, carried out with the approval of the king, imam of the mosque, and both parties to the dispute. “Customary oath Kaul”, carried out by slaughtering animals such as cows, buffaloes, goats or pigeons, conducted by imam of the mosque in Tulehu, housed in the disputed together the disputing parties or litigants. Slaughter of animals is done on the spot, or the object of dispute, and the slaughter of animals Kaul. The purpose of the customary oath Kaul in the village Tulehu, is to resolve civil disputes and criminal cases that occurred in the village Tulehu. Civil disputes are never resolved through the customary oath Kaul in the village Tulehu, among other land disputes, yard, plant, heritage. While the criminal case, among others, slandering others, accusing people of stealing, without evidence, accused the cheating, accusations of witchcraft to others.

Customary oath Kaul, in the village Tulehu, serve as a solution to the dispute by the parties, which can't be reconciled, outside the court process line. Customary oath Kaul in essence, has the power of the sacred, because it contains social sanctions are sourced directly Allah, whether it be illness, accident or death for those who recognize the rights of others are lying.

Keywords: customary oath Kaul, settlement of disputes, outside the court.

1. Introduction

After the Indonesian nation became an independent nation, the existence of genuine legal community (Village People/Pakraman in Bali) are recognized based on the spirit of article 18 of Law 1945. This means the original legal community with all devices, and authority available to him, still recognized. Similarly, the role of Justice of the Peace Village, still recognized its existence. This can be seen from the provisions of Article 1 paragraph (3) of Law No. 1/Drt /1951, which states: “The provisions mentioned in paragraph (1), not the slightest prejudice to the right of power to so far given to the judges of peace in villages as referred to in Article 3a RO.” In line with the above provisions, traditional leaders as Justice of the Peace Village, in dealing with the conflict in the community, continue to perform its function as a mediator, ie as facilitator closer view of the parties to the dispute, in order to reach an agreement. Mediation functions that run the Indigenous leader, will be able to avoid a formal judicial process, and replacing it with a system of institutional, community-oriented. Not a few cases of non-criminal nature, such as yard boundary disputes, inheritance disputes about trees that interfere with the neighbors, and so on, can be resolved, characterized by agreement by way of consensus, so that no conflict arises in the community.

Still acknowledges the role of Indigenous leader as Justice of the Peace Village, can help reduce the burden of the judiciary, as well as maintaining harmony residents of rural communities. Role that Justice of the Peace Village, also in line with the civil judicial process, namely on the occasion of the first hearing, the judge always advise the parties to make peace. When the judge's suggestion that peace is achieved, then it means that the parties can reach an agreement, so that the trial court should not be continued anymore. Indeed, not all cases of dispute, it could be done by Justice of the Peace Village. In such circumstances, the parties are still in dispute, is still able to continue his case in court. In the lands of the indigenous in the Moluccas in general, and the village Tulehu District Salahutu Central Maluku in particular, are known means of dispute resolution, through customary law, traditional criminal sanctions, and customs that lead to the Islamic law, and is believed to have a deterrent element, if it can be applied in resolving the dispute. Since ancient times Tulehu State, has known customary dispute resolution system, called “*Sumpah Adat Kaul*/Customary oath Kaul” (slaughter of animals), which is a customary way of resolving disputes, (using Islamic law), carried out with the approval of the king, imam of the mosque, and both sides to the dispute. Slaughtering animals, can be done on the spot, or the object of dispute, and the slaughter of animals “Kaul,” conducted by the imam of the mosque. It was, to respond to the frequent disputes among the villagers Tulehu.

Alternative dispute resolution institutions, which is basically a form of dispute resolution outside the court, which is based on the agreement the parties to the dispute. As a consequence, the parties to the dispute should be voluntary, and should not be forced, by one party to the other party, but as a form of agreement, to resolve disputes outside the courts through the forum, the parties to the dispute must obey, obey throughout the proposed requirements (Wirjono Prodjodikoro, 1994).

This study aims to examine the implementation of customary oath “Kaul” (slaughter of animals), in the village Tulehu, as well as its role in the settlement of legal disputes, with alternatives outside court, and consequently against the parties to the dispute.

2. Theory Study

If that consensus can't be reached, both parties can request a third party, to resolve disputes (similar to a mediation). If the peace process as well, can't be achieved, those who feel harmed, usually when in this way the dispute can't be resolved, either party can continue the dispute, through litigation (Widyana, 1993: 106-107).

The terms of customary law, first introduced by C. Snouck Hurgronje, who called indigenous customary law as *recht*, in 1893, and the term was later institutionalized by Cornelis Van Vollenhoven, in the days of the Dutch East Indies. According to him, that the nature of customary law community embraced by customary law community, usually determined by two factors, namely genealogical, and territorial factors, so as to create communities customary law, which is patterned with a variety of properties and matrilineal, as well as parental.

Tulehu village communities, the majority of Muslims, continue to implement the customs rules, since Islamic law also recognize and justify customs, provided they do not conflict with Islamic law, with reason, as follows:

- 1) Indeed, the well-regarded by Muslims, then Allah, will also be considered good. (HR. Bukhari)
- 2) "Be ye as forgiving, and enjoin kindness, and turn away from the ignorant." (Surah Ali Imran, verse 134).

As one, the arguments of law (in Islam), Islam divides the customary law, into two parts:

- 1) Urf Sahih, that customary law does not conflict with the Qur'an, and the Sunnah (Hadith), did not justify the unlawful, and do not forbid the halal.
- 2) Urf imperfect (rejected Islamic law), because justify the unlawful, or forbid the halal.

Based on the above, according to the interested to do research on customary oath vows in Tulehu village, which is a traditional village, but residents/adherents of Islamic society.

Implementation of customary oath Kaul, related to law enforcement in indigenous communities. Citing the opinion Soerjono Soekanto, that in law enforcement who are often formulated, that "justice, security and public order," but law enforcement does not entirely, by law, this is because the actual law enforcement not only include Law Enforcement, but also Peace Maintenance. In essence, the rule of law is a process of settlement, between the values, rules, and real behavior, which aims to provide a sense of justice, or justice (Soerjono Soekanto, 1980).

To ensure fairness, the parties to the dispute do customary oath Kaul by using the pronunciation intention, (pronounced intention) for example as follows:

- (1) We (family), or I (individual) intends oath (Kaul), that if I do not do anything that is alleged to me, then I begged the accused me to be responsible, before God, and for those seven layers of the derivative gain reward his sentence, or otherwise.
- (2) We (family) has intended, that when this disputed land, really belong to us, then we ask God, to give directions to them (the other party), to be able to receive a sentence of seven layers derivative, or vice versa.

3. Implementation Process, and the Power Customary Oath “Kaul” in the Village Tulehu

As noted earlier, that since ancient times in the village Tulehu, has known system of dispute resolution in indigenous tradition called "Kaul" (slaughter of animals), which is a traditional way of dispute resolution (using Islamic law), carried out with the approval of the king, imam of the mosque, and both parties to the dispute. Slaughter can be carried out on the spot, or the object of dispute. Kaul slaughter carried out by the imam of the mosque.

According to Mr. Ismail Lestaluhu (interview dated March 27, 2014), the customary oath implementation of this customary oath Kaul made up of two kinds, namely:

3.1. Process Customary Oath “Kaul” Conducted by Two Parties

Implementation of this customary oath, carried out with the agreement of both parties, and they are also both wanted for the implementation of the oath, and usually, it is pursued through the village government as indigenous judges, and if it can't be reached, then both parties the dispute, agreed to the implementation of customary oath “Kaul”. A case in point, is:

3.1.1. Among Mr. ARL, et al. with Mrs. ML

- Object of the dispute: one houses in Kampung Baru Tulehu, and the first parcels of land in the village of Jembatan Dua.
- Year of the dispute: 1970
- Indigenous trial process in 1970, which was won by his maternal ML as Plaintiff, but the ARL, et al (lost) filed a lawsuit, to the Ambon District Court, and won by the ARL. From the financial side of the economy

Mrs. ML relatively weak, so he was not able to move / upgrade to the process of appeal to the High Court. But with the belief, that the object of the dispute is right, he filed this lawsuit to the Supreme Court most to Allah, by the way Kaul directly through the Ulama. Truth even then arrived, which in 1984 began to appear the victim of the ARL; wives, children die in consecutive, brother of the AL, and his children, sick, and there were crazy, and last, child ARL named HL, died in 1998. Then they realize, that this is the result of a dispute the house, and the land above. Because the ARL family agreed, to return to the two disputed that, to the Family Mrs. ML, and condoned by the children of Mrs. ML.

3.1.2. Among Mr. AO, with Mr. IN, et al.

- Dispute Location: Kampung Tengah in village Tulehu
 - Object dispute: first parcels of land
 - Year: March 2007
 - Indigenous trial process, carried out several times, but the two sides did not get an agreement, so that the solution offered is customary oath Kaul and agreed by both parties. Customary oath "Kaul" implemented over the disputed land, which is led by King Village Tulehu, John Saleh Ohorella, and as executor of the slaughter of a goat, is the Imam of the village Mosque Tulehu, Mr. H. Abdullah Lestalu.
- Customery Oath "Kaul" process, carried out as follows:
- Goat Kaul provided by Party Plaintiff Mr. AO.
 - Customary oath "Kaul" led by King Village Tulehu (John Saleh Ohorella) with directives, that please both sides, reassuring, and sincere, for the sake of truth. God is most Great judge, therefore, if the rights to this land really belongs to Mr. IN, et al, then Mr. IN, et al will survive in the world, and afterlife. But, if not right, God will bring down the punishment in the form of the death of Mr. IN, et al, as well as descendants. Further to Mr. AO, because you do not occupy this disputed land, it must be sincere, and elated, that sooner or later, the truth will come. Submit this matter to God, to decide, and I'm kinship and brotherhood remains braided. Furthermore, the two sides shake hands. Then Imam Mosque Tulehu, procession slaughter, and the goat meat distributed to the poor.

3.1.3. Between Mr. AKT, with Mr. IN, et al.

- Dispute Location: Kampung Baru Village Tulehu
 - Object dispute: first parcels of land
 - Year: September 2007
 - Indigenous trial process, carried out several times, but the two sides did not get an agreement. Then the solution offered, is Customary oath "Kaul", and approved by both parties. So do Customary oath "Kaul" on land disputes, led by King Village Tulehu (Mr. John Saleh Ohorella), and as executor of slaughter goats, were Mr. Imam Mosque Tulehu Village (Mr. H. Abdullah Lestalu).
- Customery Oath "Kaul" procession, performed as follows:
- Goat Kaul, provided by Party Defendants Mr. AKT.
 - Customery Oath "Kaul" led by King Village Tulehu (John Saleh Ohorella) with directives, that please both sides reassuring, and sincere for the sake of truth. God is most Great judge, therefore, if the rights to this land really belongs to Mr. AKT, then Mr. AKT will survive, in this world and hereafter. But if not right, then God will bring down the punishment, such as death of AKT and its offspring. Further to Mr. IN, et al, as brothers do not occupy this disputed land, it must be sincere and heartened, that sooner or later the truth will come, and submit this case to Allah to decide. I'm kinship and brotherhood remains braided. Furthermore, the two sides shook hands, then Imam Mosque Tulehu village, slaughtering procession, and the goat meat distributed to the poor.

Informants also added, that the Customery Oath "Kaul" of this kind, a lot is done to resolve land disputes.

3.2. The process of Customary Oath Vows Conducted by Unilateral

In resolving the dispute, or problems with using the customary oath "Kaul" of this type, usually carried out directly, without the knowledge of the other party, by bringing the animal (goat or pigeon) to the imam of the mosque, to be slaughtered. Examples:

3.2.1. Defamation

In 1972, Mrs. FT accused of stealing gold (earrings), and reported to the police by the Mrs. JL, et al. Mrs. FT, classified as poor. Mrs. FT got a wide variety of threats on the part of Mrs JL, et al, and Mrs. FT held overnight in the Police Sector Salahutu. Mrs. FT was very embarrassed. Because Mrs. FT conscious not steal the earrings, then Mrs. FT perform the customary oath "Kaul" through Imam mosque, and six years later the truth came. Appears casualties Mrs. JL, the last in 1998 one of the mother's family JL, (mother HL) suffered a sudden illness, the symptoms are the same as the previous victims. Mrs. family became aware of the result of the defamation, so that families Mrs. JL apologized to the Mrs. FT and Mrs. FT makes water bidder (*paleo*), so that the Mrs. HL recovered from his illness.

3.2.2. Defamation

In 1996 Mr. IT, et al, accusing Mrs. AN, as the artisan witchcraft. The accusation led to an argument between the two sides, which is ultimately the husband of Mrs. AN, named Mr.KM, was severely beaten, and fell down, by Mr. IT. Salahutu the Police Sector, which address this issue, not arrest, even impressed siding. Mr. KM was not guilty, and sacrificed. At the moment of the Feast of Sacrifice (Eid al Adha 1417 H), Mr. KM do customary oath "Kaul" in the courtyard of the village Mosque Tulehu, by submitting a goat slaughtered by Imam Mosque Tulehu village.

Informants also noted, that process like this, which is called the Customary oath "Kaul" unilateral, and usually this process, carried out during the moment Idhul Adha celebrations. (Interview with Mr. Ismail Lestaluhu).

Based on the above data, it can be argued, that the customary oath vow, which is carried out to resolve the dispute, had a very sacred powers, and has a magical value, which is actually perceived by the parties, which is depriving another person unlawfully.

According to Upu John Saleh Ohorella, that the customary oath vows (slaughtering) is a customary dispute resolution using animals as a medium for the legal verification process, to have the right or not, the parties to the dispute, the object of which is the reason of the dispute. (Interview dated April 17, 2014).

The same statement, explained also by the imam traditional mosque Tulehu village (Upu Abu Lestaluhu). From interviews with the two figures above, at different times they say, that the main purpose of holding this customary oath "Kaul", is to seek justice, and this justice from Allah. Therefore, when there is a case, traditional village government acting as customs judges, did not dare to decide his case, if the evidence submitted by both parties to the dispute, it can't guarantee, and provide solution of the case. (Interview dated April 20, 2014).

Meanwhile, according to Upu Muhammad Tehupelasury (member Saniri Tulehu village), that the human search for truth is very difficult. Therefore, when there is a dispute, relating to the boundary of the village, especially with regard to a plant, which is right in the middle of the boundary between two or more people and equally claim, that the plants have at their disposal. If problems like this arise, and can't be solved properly by them, and because human potential is mostly perform deviant behavior, thus giving birth to an imbalance in the society. Then in accordance with the customary rules applicable in Tulehu village, government officials Tulehu indigenous village, which has the authority as a judge, would resolve the case. (Interview dated March 15, 2014).

Based on research data obtained by the author in the field, it is known, that the customary oath "Kaul", entered into force on Tulehu village started there.

In the land dispute resolution processes, at first both parties to the dispute, reported the government to the village as a traditional institution, then the village held a meeting of government commission, which could be led by the king Tulehu village, and can also be led by the Secretary of the village, and was attended by all Saniri village, who served in the month, which is called the soa months, by bringing both sides to the dispute, along with witnesses designated by both parties. After the committee meeting held, and if it does not give birth to an agreement, about who is entitled to the land, the king (village head) and the entire village Saniri offers traditional offering the customary oath "Kaul", as a way out of the last, to decide the dispute. If both parties to the dispute claimed, and agreed to be implemented customary oath vows, then it is delivered to the imam of the mosque, as the executor to carry out the customary oath "Kaul" (slaughter of animals), with confidence, that real justice is only possessed by Allah, The One Almighty God. Slaughter of animals is used as a means to seek God's justice.

While the process of implementation of the criminal case, such as, rape, insult others, accused of stealing people, and accused the affair, resolved not through the committee meeting by foreign governments, but they are directly facing the prince of the mosque, and asked that carried out the customary oath "Kaul."

Tulehu Villagers believe that Allah, The One Almighty God, creator of the whole universe and its contents, and then entrust the angels and prophets to keep it. Because the core of the prayer read by prince mosque, which acts as a judge the customary oath "Kaul" is to Allah, but through "ahlul ghaib," the prophet who they believe keep the universe, to then be forwarded to Allah, The One Almighty God.

Then the case has been submitted to the prince of the mosque, to be solved using customary oath "Kaul", usually imam of the mosque collect throughout the prince of the mosque, to disseminate information relating to the matter, or dispute submitted. During the meeting, the prince of the mosque and then decide the exact time, to the implementation of customary oath "Kaul."

This customary oath "Kaul," usually carried out in accordance with the day and time agreed upon by the princes of the mosque. They gathered in one house, or mosque to pray to Allah, The One Almighty God, in order to give a sign to the parties to the dispute are. Goats, or other animals, serve as one of the conditions, which are used to carry out the customary oath "Kaul." The slaughter of animals intended that anyone who is entitled to the object of the dispute. At the time of the slaughterhouses, can be determined what the result, which will be felt by persons who are not entitled to the object of the dispute.

If the case is filed, relating to the types of dispute mentioned above, the parties to the dispute, are required to slaughter animals, such as goats, or squab (pigeon). Then the two sides, are obliged to shake hands, in the presence of the prince of the mosque. After both sides shake hands, then the prince of the mosque prays survivors, of each party, with the aim that anyone who is entitled to be getting back their rights.

Strength customary oath “Kaul” (slaughtering of animals) it is relative, depending on the initial agreement which is intended, and mandated to imams. Physically sanction of customary oath “Kaul,” is not perceived as sanctions from positive law, but psychologically keenly felt. This occurs because the sanctions came from Allah.

Sanctions psychic perceived by the parties acknowledge, that he is right in the dispute, and he’s not eligible, the penalty depends on the agreement of both parties. If both parties agree to sanction death, then death will be experienced by those who recognize their rights that lie. Clearly, that the customary oath “Kaul” that vow, a prayer or petition to Allah, who is real, and can quickly be sanctions, whether it be illness, death in the family, even up to seven offspring will die, as a result of the oath. Who sanctioned it, are those who claim property rights of others as their right, it is against the law (lie).

The phenomenon is in accordance with legal pluralism which sees, that the law it can be entrusted how the legal system operates, working together in everyday life. That is in the context of what he chose (a combination of) certain legal rules, and in what context he chose rules, and other justice system. This means, that how your issue was resolved by selecting the institutions which can be selected to solve it, such as by way of negotiation, mediation, and arbitration, or also through the judiciary.

4. Role of Traditional Institutions Resolving Disputes in Indigenous Through Customary Oath “Kaul”

Customary law community, is incarnated in the overall regulatory decisions legal functionaries, who have authority, and influence in the implementation, applicable immediately, and followed wholeheartedly.

A. Rahman Kaoy say, that customary law is born and nurtured by the decisions of the citizens of the legal community, especially the decision-making authority, from the head of the people who assist the implementation of law-enforcement actions, or in the event that the decision is contrary to the interests of the judges, which responsible for adjudicating disputes, as long as such beliefs, is not contrary to the belief of customary law.

If the dispute is resolved by customary law, according to A. Rahman Kaoy, that ensured its completion would be easier. Resolving issues with the customary law, certainly there is no excess, and the burden carried by the police as a tool of positive law, also will be lighter. Various disputes, if solved positively assessed the law could lead to excesses, for example, someone who is guilty and then sentenced to prison, and one day could lead to a sense of revenge in the future.

Law enforcement officers gave the opportunity in advance to the customs agency, to resolve disputes or disputes in the traditional village respectively. The types of disputes are resolved through the customary oath “Kaul,” such as:

- a. land disputes
- b. Land rights
- c. Insulting others
- d. Accusing people of stealing
- e. Accusing people of cheating.

Based on the types of disputes that can be resolved through the customary oath vow, it can be said, that the start of the civil matters to criminal matters can be resolved through customary law vows. Obviously, if in a given time nor disputes can be resolved, or there are those who are not satisfied, then the dispute can be brought to the village government to implement the customary oath “Kaul.”

According to Mr. John Ohorella, as the king of the village Tulehu, that in resolving various disputes, many sanctions that could be imposed on the offenders, among others:

- a. Advice
- b. Warning
- c. Apology in front of the crowd
- d. Fine
- e. Damages
- f. Ostracized by society
- g. Excluded from the village community
- h. Revocation of customary title
- i. Will get the punishment until it can lead to death depending on the intentions pronounced during the process of implementation of the oath.
- j. And other forms of sanctions in accordance with custom. (Interview dated March 18, 2014).

Customary oath “Kaul” (slaughtering of animals) is a model, or the customary means of dispute resolution,

using Islamic law in for in the village Tulehu, with the slaughter of animals (goats), or squab (pigeon). Customary oath "Kaul," is a form of dispute resolution, out of court, which is based on the agreement of the parties to the dispute are. This vow customary oath, ordinary implemented to resolve disputes that occur in rural communities Tulehu. But unfortunately, now the role of traditional institutions somewhat marginalized by the various conditions that occur in Maluku, which is often "dispute" led to the implementation of customary forgotten. In 1999 the conflict in the Moluccas, as well as a variety of problems in the village itself, causes people did not think to hold the customary and traditional law, moreover pass it on to the younger generation.

Life that is based on customary law, now only rooted in the life of the older generation only. Changing times coupled with modernization, has designated the customary rules of community life, particularly young people. No wonder if now comes the concerns about the sustainability of the indigenous communities.

Now this has happened degradation in Maluku, an understanding of customary law in the community. It was, carrying two impact as well, to the development of customary law. The first impact, local wisdom eroded by the entry of a culture that came from various parts of the world, through a variety of ways. The second impact, is a positive impact, which is all about traditional and customary law, are now beginning to be discussed up to the level of academics on campus. With this adjustment, the expected implementation of customary law Maluku in general, and in particular customary law Tulehu village, in daily life of indigenous peoples to maintain their communal era is returned through Article 18b paragraph (2) of the Act of 1945, that "the State recognizes and respects units customary law communities, along with their traditional rights, all still alive, and in accordance with the development of society, and the principle of the Unitary Republic of Indonesia, which is regulated by law."

Currently, efforts are underway back forming customary institutions, in the whole province of Maluku, as a province of Maluku, which consists of the traditional villages, both traditional village Islam and Christian indigenous villages. It aims, in order to maintain local wisdom, that of the people of Maluku.

Based on the Decree of the Minister of Home Affairs No. 11 of 1984, on Development, and Development at Village Level customs, setting problem Indigenous agencies, has had a concrete legal basis. Thus, the Maluku provincial government can regulate coaching, development, and preservation of customs.

Customs public function, is to realize a harmonious relationship, in public life. In the village Tulehu alone, according to Mr. M. Nur Tawainella, that custom and the legal process can hardly be separated. Therefore, in any collection of people, who live in a community, or known by the customary oath vows (the term for rural communities Tulehu), the public should have a customs agency, which consists of representatives from government, religious leaders, and the adviser.

Along the way, custom in the village Tulehu can't be separated with Islamic law. A little look back, any regulations based on the Shari'a is always written by a Qadi Malikul 'Fair, which is then implemented by the villagers Tulehu as is customary in the community.

At the present time, all forms of traditional and customary law applies solely in regulating human life, or the life of society. Every movement, and behavior in social interaction is always clad custom frame, so that whatever is done, is always reviewed, or adapted to custom sizes. By using a custom benchmark, and customary law, consciously or not, automatically had to wear religious yardstick. It can be seen from the customary and traditional laws that govern about domestic life, until the customs and customary laws governing livelihood. Of organizing religious ceremonies, and civic ceremonies, and education, to efforts to resolve the dispute.

5. Conclusion

Implementation of the customary oath "Kaul" in the village Tulehu done to resolve civil disputes and criminal cases that occurred in the village Tulehu. Civil disputes are never resolved through the customary oath "Kaul" in the village Tulehu, including land disputes, yard, plant, heritage. While the criminal case, among others: slandering others, accused of stealing people without evidence, accused the cheating, accusations of witchcraft to others. Customary oath "Kaul" made by slaughtering animals such as cows, buffaloes, goats or pigeons, conducted by imam of Tulehu, housed in the disputed together the disputing parties or litigants.

Customary oath "Kaul" in the village Tulehu, contribute to give a solution to the parties to the dispute can't be reconciled, outside the court process line. Customary oath "Kaul" in essence, aims to get the essential justice of God. Because it is customary oath "Kaul," have the power of the sacred because it contains social sanctions are sourced directly Allah, whether it be illness, accident or death for those who recognize the rights of others are lying.

6. Implications Research

It is expected that the entire village community Tulehu, given the customary oath "vows (slaughtering of animals) is a local wisdom Tulehu villagers, who still live in the community, it must be maintained and preserved, as a dispute resolution outside the path of litigation.

Bibliography

- Effand, Ziwa (1987). *Hukum Adat Ambon- Lease*, Jakarta: Pradnya Paramita.
- Gazalba, Sidi (1974). *Antropologi Budaya Gaya Baru*. Jakarta: Bulan Bintang.
- Ihrom, L.O. (ed.) (1981). *Pokok-pokok Antropologi Budaya*. Jakarta: Gramedia.
- Koentjaraningrat (1976). *Manusia dan Kebudayaan di Indonesia*. Jakarta: Jambatan.
- (1981). *Pengantar Ilmu Antropologi*. Jakarta: Aksara Baru, 1981.
- Lubis, Ali Basya (1970). *Asas-asas Ilmu Bangsa-bangsa*. Jakarta: Erlangga.
- Koesnoe, Moh (1979). *Catatan-catatan Terhadap Hukum Adat Dewasa Ini*, Surabaya: Airlangga University Press.
- Prodjodikoro, Wirjono (1994). *Bunga Rampai Hukum*, Jakarta: Ichtiar Baru.
- Purba, Rehngena (1999). *Sejarah Asal-Usul Desa Serta Masyarakat Hukum Adat*, (Studi Kasus di Kabupaten Karo Rumah Kabanjahe Kec. Kabanjahe).
- Republik Indonesia. *Undang-Undang Dasar RI Tahun 1945*.
- , *Undang-undang Nomor Nomor 1/Drt/1951*
- Soekanto, Soerjono (1980). *Pokok-pokok Sosiologi Hukum*, Jakarta: Rajawali Press
- (1983). *Hukum Adat Indonesia*, Jakarta: RajaGrafindo Persada.
- Soekanto (1996). *Meninjau Hukum Adat Indonesia*. Jakarta: PT RajaGrafindo.
- Widjaja, Gunawan (2001). *Alternatif Penyelesaian Sengketa*, Jakarta: RajaGrafindo Persada.
- Informan:
1. John Ohorella (king village Tulehu)
 2. Upu Muhammad Tehupelasury (member Saniri village Tulehu)
 3. Upu John Saleh Ohorella (traditional leaders village Tulehu)
 4. Upu Abu Lestaluhu (Imam traditional mosque village Tulehu)
 5. M. Nur Tawainella (community leaders village Tulehu)
 6. Ismail Lestaluhu (community leaders village Tulehu)

Drs. Husin Anang Kabalmay, MH is a lecture at the Faculty of Syariah and Islamic Economic State Islamic Religious Institute (IAIN) Ambon. He teaches Justice in Indonesia, and Legal Study. Ph.D Student. Doctoral program students at Hasanuddin University Makassar.

The IISTE is a pioneer in the Open-Access hosting service and academic event management. The aim of the firm is Accelerating Global Knowledge Sharing.

More information about the firm can be found on the homepage:
<http://www.iiste.org>

CALL FOR JOURNAL PAPERS

There are more than 30 peer-reviewed academic journals hosted under the hosting platform.

Prospective authors of journals can find the submission instruction on the following page: <http://www.iiste.org/journals/> All the journals articles are available online to the readers all over the world without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. Paper version of the journals is also available upon request of readers and authors.

MORE RESOURCES

Book publication information: <http://www.iiste.org/book/>

Academic conference: <http://www.iiste.org/conference/upcoming-conferences-call-for-paper/>

IISTE Knowledge Sharing Partners

EBSCO, Index Copernicus, Ulrich's Periodicals Directory, JournalTOCS, PKP Open Archives Harvester, Bielefeld Academic Search Engine, Elektronische Zeitschriftenbibliothek EZB, Open J-Gate, OCLC WorldCat, Universe Digital Library, NewJour, Google Scholar



Artikel_Internasional_Customary.pdf

ORIGINALITY REPORT

17%

SIMILARITY INDEX

16%

INTERNET SOURCES

1%

PUBLICATIONS

3%

STUDENT PAPERS

PRIMARY SOURCES

1

iiste.org

Internet Source

8%

2

1library.net

Internet Source

6%

3

Submitted to Regenesys Business School

Student Paper

3%

4

Submitted to Universitas Negeri Semarang

Student Paper

1%

Exclude quotes On

Exclude bibliography On

Exclude matches < 1%