



IMPLEMENTATION OF THE "KRAMÉ VILLAGE" TRADITIONAL LAW IN RESOLVING THE CRIME OF THEFT IN THE SASAK TRIBE COMMUNITY (Study in Sade Traditional Tourism Village, Central Lombok)

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Abstract

The Krame Desa tradition as an alternative solution to criminal acts of theft in the Sasak tribal community in Central Lombok. The background to the choice of this theme was the existence of a mechanism for resolving criminal acts of theft among the Sasak Traditional Law community in the Sade Traditional Tourism Village, called Krame Desa. Krame Desa is an activity carried out by two or more people and a group of people to determine who is wrong and right in terms of defending the property rights of one person or many people by drinking the ground water from the grave of the guardian of Nyatuk. Based on the above, this paper raises the formulation Problem: How is the implementation of the "Krame Desa" Customary Law in resolving criminal acts of theft among the Sasak tribe community in the Sade Traditional Tourism Village, Central Lombok Regency? What is the Strength of the Decision to Settle the Crime of Theft Through the Village Temple in the Sade Traditional Tourism Village, Central Lombok Regency? Then this paper was written using empirical research using a sociological juridical approach and a case approach. The research location is in the Sade Traditional Tourism Village, Pujut District, Central Lombok. The data obtained by the author consisting of primary and secondary data will be analyzed using qualitative descriptive analysis techniques. The results of this research show that the meaning of Krame Desa is a mechanism for resolving disputes in the Sasak Customary Law community, especially in criminal acts of theft, where the philosophical basis is to restore magical and spiritual balance in society, in the process using oaths.

Keywords: *Village Krame, Sasak Tribe Customary Law, Crime of Theft*

1. INTRODUCTION

Legal reform in Indonesia requires values that are alive and inherent in the individuals of the people themselves. Indigenous customs and culture that originate from ancestors have become local wisdom and need to be preserved. The touch of traditional values is considered to have a meaning that is characteristic of the Indonesian nation which makes it different from other nations. As stated by Gustav Radbruch, reforming criminal law does not mean improving criminal law, but replacing it with a better one. Replacing it with products from the country's own culture which contain local wisdom rooted in the community. The history of the application of law in Indonesia records that many legal experts actually study customary law as the law that applies in Indonesian society. Legal pluralism is able to unify, become a solution and can even create peace in social life in society. Indigenous communities have the same pattern in resolving conflicts in society, namely controlling life in the community and imposing sanctions if there are violations so that recovery is very effective. Conflicts of interest that occur between indigenous communities in an area should be resolved through the role of indigenous community resolution institutions. Article 5 paragraph (3) sub b Drt Law Number 1 of 1951. Basically, customary criminal law is a living law and will continue to live, as long as there are people and culture, it cannot be abolished by legislation. If there is legislation that is made to abolish it, it will be useless, and could result in Indonesian legal legislation losing its sources and riches, therefore customary criminal law is more closely related to anthropology and sociology than statutory law.

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Law Number 1 of 2023 Article 2 states:

- (1) The provisions as intended in Article 1 paragraph (1) do not reduce the validity of laws existing in society which determine that a person deserves to be punished even though the act is not regulated in this Law.
- (2) The laws that live in society as intended in paragraph (1) apply in the place where the law lives and as long as they are not regulated in this Law and are in accordance with the values contained in Pancasila, the 1945 Constitution of the Republic of Indonesia, human rights, and general legal principles recognized by the people of nations.
- (3) Provisions regarding procedures and criteria for determining laws that exist in society are regulated by Government Regulations.

According to Soepomo, customary law is law that is not written in legislative regulations, including regulations that exist even though they are not stipulated by these regulations, but customary law has legal force. I Made Widnyana stated that customary criminal law is the living law, which is recognized and obeyed by indigenous peoples continuously from one generation to the next. Violation of the rules and regulations is seen as being able to cause upheaval in society because it is considered to disturb the balance in society. Therefore, violators are given customary reactions, customary corrections or customary sanctions by the community through their customary administrators. According to I Made Widnyana, the role of customary sanctions recognizes the principle of balance, namely balancing the physical world and the magical world, because every customary criminal act results in disruption of balance, harmony and harmony in community life which results in damage to individuals and society. This disturbance must be restored, so as to create peace and harmony in society. In everyday life, Indigenous law communities must of course comply with the customary rules that have been implemented for generations. If these customary laws are not implemented or violate these customary laws, they will be subject to sanctions. Basically, a violation of custom is an action that violates the sense of justice and propriety that exists in society, resulting in disruption of the balance and peace of society. As a result of this violation, remedial efforts or customary efforts are required or also called customary reactions in the form of imposing obligations or imposing certain sanctions on the person who committed the violation. This is of course different from the provisions in criminal law. If an act violates the law, sanctions will be imposed as regulated.

In the Criminal Code (hereinafter referred to as the Criminal Code) it is emphasized that it adheres to the principle of legality, so based on this principle requires the existence of written rules (legislation) to determine an act as a criminal act. So, on this basis, people can be punished for committing criminal acts that are regulated in the Criminal Code so that people cannot be punished by the court for committing an act that violates Customary law, if an act that violates Customary criminal law is not declared a criminal act (offense) in law. In fact, customary criminal law shows its existence amidst the application of the principle of legality. Indonesia itself has so many customary laws where each region has different rules, including determining whether an act violates custom or not because in one area it may be an act that is permitted but in another area it is something that is not allowed. . One area in Indonesia that still maintains its customary law is the Sasak tribe community in the Sade Traditional Tourism Village, Central Lombok. "Even though in general dispute resolution outside of court only exists in civil disputes, in practice criminal acts are often also resolved outside of court through various discretions of law enforcement officials or through deliberation/peace mechanisms or forgiveness institutions that exist in society (family deliberation, deliberation village, customary deliberation, etc.)".

This shows that there is an alternative dispute resolution that exists in society, the community not only resolves it through the courts, but also people who still adhere to customary law prefer to resolve it through customary channels. Settlement through litigation must of course be based on state law, namely the Criminal Procedure Code (hereinafter referred to as the Criminal Procedure Code), this settlement is of course based on the alleged criminal act caused by a violation of criminal law. Settlement of criminal cases begins with investigations, investigations, prosecutions and examinations in the trial process in court until the implementation of the decision.



However, traditional communities have their own methods of resolution, as in the traditional law community of the Sade Traditional Tourism Village. In the Indigenous community of the Sade Traditional Tourism Village, in cases of madness, especially in the case of stealing, that is, if someone loses their property rights and accuses someone else and has the belief that that person took it, then in this case the solution can use Customary law, namely, through Village Krame. Krame Desa is an activity carried out by two or more people and/or a group of people to determine who is right and wrong in terms of defending the property rights of a person or many people by drinking ground water (the burial ground of the Nyatuk guardian).

Customary criminal law, in the view of the traditional community in the Sasak tribe, Sade Lombok Traditional Tourism Village, not only results in material losses but also immaterial losses. Immaterial losses require remedial measures, by imposing obligations on violators in the form of carrying out certain traditional rituals which aim to restore social imbalance. The Sasak tribal community of the Sade Lombok Traditional Tourism Village (hereinafter referred to as the Sasak tribe) has institutionalized a strong belief that violations of norms in daily life that have not been resolved according to the provisions of applicable customary law will cause disturbances. One use of customary criminal law in criminal matters can also be applied to cases of theft. According to the provisions of Article 362 of the Criminal Code regarding theft, it states: "Anyone who takes an item, which wholly or partly belongs to another person, with the intention of possessing it unlawfully, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of nine hundred rupiah."

Kahar Masyhur expressed his opinion about justice, there are three things about the meaning of justice, namely:

- 1) "Fair" is putting things in their place.
- 2) "Fair" is accepting rights without more and giving others without less.
- 3) "Fair" means providing the rights of each person who is entitled completely without more or less between those who have the right under the same circumstances, and punishing evil people or those who violate the law, according to mistakes and violations.

The value of justice needs to be applied in accordance with the conditions of society so that the objectives of the law itself, especially criminal law, can have an impact. Sahardjo stated that the aim of criminal law is to protect the public against actions that disrupt public order by threatening disruptive actions with the aim of preventing the disruptor. Settlement of criminal cases begins with investigations, investigations, prosecutions and examinations in the trial process in court until the implementation of the decision. However, traditional communities have their own methods of resolution, as in the traditional law community of the Sade Traditional Tourism Village. In the Indigenous community of the Sade Traditional Tourism Village, in cases of hand-craving, especially in the case of stealing, that is, if someone loses their property rights and accuses someone else and has the belief that that person took it, then in this case the solution can use Customary law, namely, through "Village Krame".

Based on the situation analysis described above, the author chose several things that were problematic in writing this journal. The issues that will be discussed include: What is the Mechanism for Implementing the "Krame Desa" Customary Law in resolving the Crime of Theft in the Sasak Tribe Community in the Sade Traditional Tourism Village, Central Lombok Regency? What is the Strength of the Decision to Settle the Crime of Theft Through the Village Temple in the Sade Traditional Tourism Village, Central Lombok Regency? The aim of this research is to find out how the "Krame Desa" Customary Law is implemented in resolving the crime of theft among the Sasak Tribe Community in the Sade Traditional Tourism Village, Central Lombok Regency. To examine the strength of the decision to resolve the crime of theft through the Village Temple in the Sade Traditional Tourism Village, Central Lombok Regency.

2. IMPLEMENTATION METHOD

The type of research used in this research is juridical empirical (anthropological). Anthropological research is a social research method which is the methods used by researchers to approach socio-cultural phenomena (cultural domain) in an EMIC manner, in order to describe people's views of their world (the world view). in the ethnographic approach it is called "from the native point of view" (an approach from the perspective of the community being studied). Anthropological researchers can develop their research settings about social situations: actors (people/activities), activities (activities), spaces (places), objects (physical objects/functions), acts (actions), events (events/for what purpose), time (time), goal (target/goal) and feeling (feeling), as well as carrying out his research until it approaches reality (reflective), and he will complete his research when no more socio-cultural phenomena are found in society. Anthropological research is qualitative, with an emphasis on DESCRIPTIVE INTERPRETATIVE, namely describing in full the socio-cultural phenomena of society, then interpretation from the perspective of the society concerned, producing a THICK DESCRIPTION (thick description of meaning). Anthropological research emphasizes a qualitative (inductive) approach, supported by a quantitative approach (deductive), but always starts with inductive, then deductive is used to obtain figures (tables), to increase the reliability of validity (trustworthiness) Anthropological research uses TRIANGULATION, which is a multi-method used when collecting and analyzing data that is used systematically. simultaneously (observation, interviews, document analysis, field notes, etc.)

3. RESULTS AND DISCUSSION**What is the Mechanism for Implementing the Customary Law "Krame Desa" in Resolving Crimes of Theft in the Sasak Tribe Community in the Sade Traditional Tourism Village, Central Lombok Regency.**

Indigenous law communities in their consciousness always prioritize communal interests, and prevent interference from individual interests in their social life. Disputes that occur between individuals and between groups, in the view of the Indigenous law community, are actions that disrupt common (communal) interests, and therefore must be quickly resolved wisely using traditional settlement patterns. Like the Sasak tribe community in the Sade Traditional Tourism Village, apart from being regulated by state law (criminal law), the community is also regulated by customary law (Sasak tribe customary law). Based on this, the Sasak tribe community in the Sade Traditional Tourism Village, if a member commits a criminal act in that area, then the settlement must first use the customary law that applies in that area, the customary law applies only within that village area. The resolution of cases of theft among the Sasak tribe community in the Sade Traditional Tourism Village was based on the existing Krame Desa or awik-awik. The model for resolving criminal acts of theft through Krame Desa, usually called gagar, is a legacy of our ancestors that is maintained to this day. To resolve criminal acts of theft through Krame Desa, this was initially based on a request or complaint from the injured party. So if someone loses their property rights and that person objects to this, that person will complain about this to the Village head and ask for Village Krame to be implemented. Or if someone has lost their property and accuses someone of having taken it, but that person does not want to admit it.

Based on this, it can be seen that this Krame Desa action can only be carried out for one case of theft, but usually in the Sade Traditional Tourism Village, several cases that occur first are collected so that Krame Desa is carried out en masse. In implementing Krame Desa, there is no distinction between the objects being worked on because if someone objects to the loss of the object and asks for Krame Desa to be carried out then Krame Desa will be carried out. The data on cases resolved through Krame Desa is as follows: Finding witnesses and evidence, Krame Desa is not only for objects of high economic value but all objects. If during these 2 (two) weeks the items that have been lost are acknowledged by the thief then in this case the hamlet head or village krame administrator will resolve it amicably and mediate between them. It can be said that the hamlet head or village head as a mediator but this is different from the mediation process in general, in this case the perpetrator is not met with the victim but rather the hamlet head acting on behalf of the



perpetrator meets with the victim and then consults with the victim and provides compensation twice (twice). fold to the victim. So if there is an acknowledgment that items have been lost then the work will not continue and both parties forgive each other. Forgiveness in working on is something that can free the perpetrator from working on it and forgiveness must be achieved if the perpetrator admits his actions. This is related to the article in the Draft Law on the 2013 Criminal Code (hereinafter referred to as the Draft Criminal Code), in Article 55 paragraph (1) letter J states that in sentencing, consideration must be given to: forgiveness from the victim and/or his family; Of course, this is in accordance with the provisions in the criminal code, except that the criminal investigation can free the perpetrator from the crime and erase the act, whereas in the Criminal Code Bill it is only a sentencing guideline that the judge must consider when carrying out the sentence so that it is possible not to impose a crime.

However, if there is no acknowledgment of the lost items, Krame Desa will continue. After all the loss data is collected, the village krame officers will have a deliberation to determine the place, time and determine which residents will carry out the Village Krame. If Krame Desa is implemented en masse then all male residents of the Sade Traditional Tourism Village who are adults and have been married must take part in the implementation of Krame Desa. Men in the Sade Traditional Tourism Village community bear a great responsibility. How could it not be that a man as a leader in the family must be responsible for all members of his family, so that before carrying out this work the man must ask the family members whether one of the family members has ever stolen or not. Moreover, if a family has a child whose behavior is not good, then the father must ensure that the child never commits such an act. As stated by Mr Lalu Minakse: As in the case that occurred in 1965 where in the village the residents lost their cows but none of the residents admitted to the act so it was carried out en masse, but before the Krame Desa procession (drinking groundwater) was carried out, the brother of the perpetrator who stole the cow admitted to the act. to the village head because he knew about his brother's actions, so he acknowledged and compensated twice. As in awik-awik, it is not only the perpetrator who is being worked on but also the testimony of people who know, have seen and heard. So the brother who knew about the act admitted it because he was afraid of the consequences that could happen to his family.

After determining the place, time and who will work on it, there will be notifications through mosques and leaflets which are usually posted in public places that Krame Desa will be implemented. After the announcement of Krame Desa, all residents must participate in its implementation. If the head of the family cannot participate in implementing it after Krame Desa is announced, another family can represent him, but with his permission, if there is no permission from the head of the family, other family members cannot following the Village Krame Procession. As emphasized in the awik-awik regarding the provisions and membership of Krame Desa, for every member of the Sade Traditional Tourism Village community who is unable to carry out Krame Desa activities on the appointed day for certain (reasonable) reasons, he or she may nominate one of their family or friends. or anyone who can be trusted to represent him. As for residents who, when the work is about to be carried out, deliberately leave the village without notification, they can be considered fugitives and must carry out the work when they are found. This is stipulated in the awik-awik that for someone who becomes a fugitive, if the person concerned has been found, he is obliged to drink a certain number of drinks which he never follows.

Krame Desa must be held on Wednesday, at the Wali Nyatuk Graveyard. The implementation was carried out on Wednesday because the soil that will be mixed with the water that will be drunk during the Krame Desa implementation must be taken from the grave of Wali Nyatuk. The Nyatuk guardian's grave is only opened on Wednesdays, this could possibly be a will from the Nyatuk guardian before he died. The land is taken by the Mangku and several village krame administrators. The land that has been taken cannot be shown to other people except on Wednesdays and the land is kept by the Mangku. The people of the Sade Traditional Tourism Village hold the grave of the Nyatuk guardian very sacred so that the people really respect the provisions that have been implemented for generations. The media used in this work process are water placed in a kettle, as well as soil taken from Nyatuk's grave.

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Before this implementation, the Mangku will perform unseen prayers addressed to the guardian of Nyatuk. After performing the unseen prayer, the Mangku will walk to the location where Krame Desa is held, namely the grave of the guardian of Nyatuk. When carrying out Krame Desa, Mangku must wear all white clothes. Arriving at the cemetery, after the residents have gathered, the residents, led by the kiyai, will recite Surah Yasin together. After the yasin reading is finished, the officer will announce the type of loss and what has been acknowledged and remind the public what will happen to them if they do not acknowledge it, so the community is encouraged to acknowledge it first before drinking groundwater. This confession was not made openly but secretly. Usually the perpetrator will confess to the head of his hamlet, so that when the work is to be carried out, it is not the perpetrator who admits his actions in front of the work officer but rather the head of the hamlet. This means that the person who committed the theft came from that village and the confession was very confidential. This is intended to protect the perpetrator, his honesty is highly appreciated and his courage to reveal his actions, apart from that, to avoid ridicule from the public and to prevent mass outrage that could disturb the peace so that this matter is kept secret.

After this process, the Mangku will carry out the next process, namely drinking groundwater by mixing the soil with the water in the jug that has been provided along with Moringa leaves and banyan leaves. Before the process is carried out, the Mangku will recite an oath which reads "Whoever has done or knows he will fall like a Moringa leaf (while shaking off the Moringa leaf), and whoever has never done, seen, heard and known will be safe as someone who takes refuge under a banyan leaf." In Sasak terms it is called *embal bao*. So after that the officers will call the residents one by one starting from the hamlet whose residents have lost a lot. Then the mangku will give the mixed soil water to drink with banyan leaves if each person drinks only 2 (two) drops of the water. After the event was over, residents were allowed to leave the place. During this work-in-progress event, it was witnessed by the sub-district head, police chief and posramil, while the police during this process will maintain security for the smooth running of the event.

According to people's beliefs, for people who are sick or those who have not seen or heard of it, the water they drink will be medicine for them so that they will feel better than before, which in the Sasak tribe is called *bubus temer*. If we describe the flow of resolving criminal acts of theft through Krame Desa, it is as follows: Based on this, of course it is very different from how it is implemented if a theft case is processed through litigation. Settlement of cases in court institutions based on formal law is of course carried out through predetermined procedures, as in criminal law the basis for procedural law is the Criminal Procedure Code (hereinafter referred to as the Criminal Procedure Code), while case resolution is based on values. Social values outside formal law, for example customary law, are oriented towards achieving peace and harmony in community life. Based on this, of course the Draft Criminal Code has taken into account the values that live in society, of course by fulfilling traditional obligations, which can take the form of village cleansing rituals, it can restore the balance that exists in society. As for the description of the solution if the work is not carried out, the mechanism is as follows:

As is known, society has at least two types of conflict resolution institutions, namely:

1. Traditional conflict resolution institutions, which originate from the people's political and legal systems and take place traditionally
2. Dispute resolution institutions are built from the country's political and legal systems.

Krame Desa as part of the traditional law of the Sasak tribe in resolving criminal acts of theft reflects the values that live in society where *garap* prioritizes forgiveness and peace for all residents, both perpetrators and victims. This of course reflects restorative justice in the *garap* tradition. As stated by Bagir Manan, quoted by Arifin Rada, the customary law system (in Indonesia) does not recognize the difference between public law and private law, what exists is customary law. The resolution of criminal incidents in customary law communities is not that different from the methods of resolving civil disputes. There are two approaches to resolving criminal incidents, namely the magical aspect and the material aspect. The magical aspect is related



to efforts to restore the magical balance that was disturbed due to criminal incidents carried out in the form of certain ceremonies such as providing offerings or sacrificing animals as "ransom". The extreme is sanctions in the form of expelling or expelling violators from the relevant legal community. The material aspect relates to efforts to reconcile the relationship between the perpetrator (the perpetrator's family) and the victim (the victim's family). This was also done with various peace ceremonies between the two parties. Another form is the obligation of the perpetrator (the perpetrator's family) to do something, such as declaring guilt, apologizing, giving compensation or a certain fine. Customary law practice pays great attention to the interests of victims, both material and immaterial. These practices are none other than "restorative justice" which has become a tradition of Indigenous law communities.

Meanwhile, if you go through litigation which is based on criminal law (KUHP) which adheres to retributive justice which is based on revenge punishment, of course it is very different from restorative justice which is contained in the Differences in Retribution and Restorative Paradigms. Differences in Restorative Retribution in Customary law. According to Peachey as quoted by M. Hatta 84, namely: The differences between the retributive and restorative paradigms are as follows: Philosophical basis: Achieving justice by giving retribution for the suffering/pain caused. Forgiveness as a basis for improving relationships between people. How the perpetrator is sentenced to an appropriate or more severe punishment. The perpetrator regrets the action, promises (by providing compensation if necessary) to focus on the perpetrator. The victim and the perpetrator. Based on this, Indonesian criminal law, which adheres to retributive justice, places more emphasis on achieving retributive justice for the suffering/pain caused by imposing appropriate or more severe punishment on the perpetrator. This is of course very different from customary law which prioritizes peace to rebalance life. who are disturbed as a result of the violation. Punishment in criminal law refers to the physical, but in customary law (in this case Krame Desa) the law refers to a person's inner self.

In the Krame Desa tradition, it also better reflects the values that exist in restorative justice, because in the garap tradition it gives the perpetrator the opportunity to take responsibility for what he has done by providing compensation to the victim. Forgiveness from the victim and compensation is considered more appropriate when compared to prison sentences (as in the Criminal Code) because for the people of the Sade Traditional Tourism Village, with forgiveness and compensation, life in society will become peaceful again. Susan Sharpe, as quoted by I Wayan Riding, revealed 5 (five) key principles of restorative justice, namely:

1. Contains full participation and consensus
2. Trying to heal the damage or loss that occurs as a result of a crime
3. Providing direct accountability from the perpetrator in full
4. Reuniting communities that have been divided or separated due to crime
5. Providing resilience to the community in order to prevent criminal acts.

Non-litigation dispute resolution is the resolution of disputes outside of court which is based on fair law, and this settlement can be classified as a high quality settlement, because the settlement is resolved in this way, without leaving any residue of hatred and revenge completely, because that is the basis for resolving disputes in a thorough manner. non-litigation is conscience and implementing the law at the level of values. As in the Krame Village settlement, there will be no hatred and enmity or mutual grudges between the parties because of their high level of trust and compliance with the work.

The Strength of the Decision to Settle the Crime of Theft Through Krame Desa

The fact that Indonesian society is heterogeneous, pluralistic is because Indonesia itself consists of various religions, tribes, cultures, and different arrangements between one tribe and another. So, law in Indonesia should be formed, or compiled to meet the needs of a pluralistic society, as it is known that the main source of law in Indonesia is law (which is a reflection of the will of the authorities in governing society), so that it can provide an illustration of the differences with law which is norms that grow and develop in society, which reflect the laws that grow and are appropriate and fair for the society concerned. So the law will be strong if the law is based on the

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order or norms that exist in that society. In a society that upholds customary law, even though in reality state law is applied according to the principle of legal centralism, customary law is more dominant in regulating people's lives because it is considered more beneficial to the parties in resolving cases or disputes than positive law. This happens in the Bunkate community who prefer to use solutions through customary law because according to the community using customary law is more profitable than national law. As Mr. Wahyudi said:

“However, the use of customary law is more profitable and stronger than national law compared to the use of customary law in different ways. Lamun te kadu national law lamun thief wah te law yes bau malik repeat pegawai ne lamun te kawih Customary law ye ndek na bani ngulangi pegawai ne. Te kawih national law hukam ne ndk na suwe”;

It means:

"Using customary law is more profitable and more effective than national law and using customary law the procedures are faster. And if you use national law, if a thief has been punished, he can repeat his actions, but if you use customary law, he will not dare and use national law, the sentence will not be long";

Mr. Wahyudi's statement is in line with what Inaq Rein said.

Based on this, people have more confidence in customary law compared to national law. Customary law certainly has the force of force, the force of force of Customary law, as law in general has three things, namely:

1. Power applies sociologically

Power applies sociologically, meaning that the law is actually obeyed by members of the public, even though it is not expressly stated in writing in a statutory regulation. Satjipto Rahardjo said that: Customary law is living law, meaning that sociologically, Customary law is truly real and consciously obeyed by members of the community as its supporters. This view is also in line with what Van Vollenhoven said that customary law, even though it is not formally written down in statutory regulations, is actually obeyed by the community. This kind of acting power is also called material acting power.

2. Power applies juridically

Juridical force means that the law has the ability to be enforced on members of society. This coercive power is because the law has been established by authorized officers, legal functionaries who have the authority granted by law. Legal officers or authorized officers or legal functionaries are personifications of the state, or personifications of law, as personifications of the state or law, they have sovereignty so they also have the authority and power to force someone to submit to the law. Based on the power, authority and authority they have, officers or authorities or legal functionaries are also authorized to impose sanctions, fines or even physical torture, if someone violates the law or refuses to obey their orders.

3. Strength applies philosophically

This means that the strength of the law's enactment has a philosophical basis. For example, the philosophical basis of a law can be sought and found in the law itself, namely the basis on which the law was created. Why was the law made, what objectives were to be achieved with the law?

The legal strength of the law, in this case customary law, depends on the context. The context in which customary law applies consists of the socio-cultural context in which customary law grows, lives and develops. Even though the law is not written, it is obeyed consciously and wholeheartedly, so its material force is strong, conversely, if the law is obeyed after it has been promulgated, its formal force is thick. Based on this, if you look closely at the garap which is part of Customary law, it has sociological force where the Bunkate people truly and consciously obey these regulations. As for legal matters, work on it has the ability to force it to be implemented. This is reflected in the working decision. The decision in the garap tradition is pronounced by the traditional leader at the time of the work, the traditional leader explains the confession of the



unnamed perpetrator as well as the return of the goods he has taken as well as the fine that has been decided, as for members of the Bunkate community who do not want to carry out the work, at that opportunity The traditional leader also announces this and the person will be subject to sanctions. As for the community, after the decision is read, they dare or deliberately protect and serve the person who has been punished, they will be subject to the same sanctions, even an additional fine. For the Bunkate community, *garap* is the highest law, according to H. Abdillah, the nature of the *garap* decision is binding and coercive. That this decision is binding on all residents of the Sade Traditional Tourism Village community and must be obeyed is said to be compelling because it is mandatory and must be implemented by the community, otherwise they will receive sanctions. Meanwhile, if a case of theft has been resolved through *Krame Desa*, it cannot be forwarded to the authorities, just to *Krame Desa*.

The local government really respects the *Krame Village* tradition carried out by the Bunkate community. This can be seen if there is a report of a theft case, the authorities will ask whether the case has been resolved by *Krame Desa* or not, if yes then the authorities do not want to accept the case because it is sufficient that *Krame Desa* has resolved it. The Draft Criminal Code itself has accommodated the provisions in *Krame Desa* as part of customary law, with the provisions in Article 145 letter d regarding the abolition of prosecutorial authority if the resolution is outside the process. With the provisions of this article, one of the conditions for a prosecution to fail because it is resolved outside the process is to accommodate the values of customary law that exist in Indonesia. Barda Nawawi Arief stated: "More detailed provisions regarding settlement outside the process as a basis for the termination of prosecutorial authority should be further regulated in the Draft Criminal Procedure Code."

Based on this, customary law has contributed to the reform of the Criminal Procedure Code by taking into account the values that exist in society. Even though this work is forcing people to carry it out, it is because work is believed to be something that binds their souls so that they feel that work is always monitoring their actions, thus giving birth to an attitude of obedience to existing regulations. "*Krame Desa* has maintained village security, since the existence of village farming has become more peaceful and peaceful, its existence must continue to be carried out and preserved because cultivating is a legacy of the ancestors of cultivating to unify the village community"; Based on this, a law is obeyed because the law comes from society and of course is a reflection of the values that apply in that society. As Eugen Ehrlich puts it:

The focus of legal development does not lie in legislation, nor in court decisions or in science in the field of law, but in society. In fact, the rules that are followed in people's lives are real living law, the law has a much broader scope than the norms created and determined by government institutions. This means that the law will be effective if it reflects the values that exist in society. Ehrlich further emphasized that state law should be in accordance with or in harmony with the values that live in society, lest law makers create laws and implement laws that conflict with the laws that live in society. Based on this, Indonesian law, especially criminal law, should explore the values of local wisdom that exist in society so that law enforcement can fulfill the sense of justice in society.

4. CONCLUSION

Based on the problem formulation and discussion described in the previous chapter, it can be concluded that:

1. The *Krame Desa* mechanism in resolving criminal acts of theft in the Sasak Traditional Law community begins with complaints from residents who have lost their property to the hamlet head, after which the officers will announce at the mosques in the Sade Traditional Tourism Village that *Krame Desa* will be implemented, after The officers will wait for this announcement for approximately 2 weeks, to provide an opportunity to acknowledge or participate in implementing *Krame Desa*. If there is a confession from the perpetrator who has taken the items, it will be completed at this stage and will be resolved amicably. However, if there is no confession from the perpetrator, then a deliberation will be held to

IMPLEMENTATION OF THE "KRAMA VILLAGE" TRADITIONAL LAW IN RESOLVING THE CRIME OF THEFT IN THE SASAK TRIBE COMMUNITY (Study in the Sade Traditional Tourism Village, Central Lombok)

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determine the place, time and readiness of those who will carry out Krame Desa. After deliberation, the officers will again announce through the mosque and leaflets the time for the work to be carried out. On Wednesday morning Mangku, the kiayai or hamlet head will take soil to the grave of Wali Nyatuk. After that, Mangku performed the unseen prayer addressed to Wali Nyatuk. After that, the Mangku will be carried out. When you arrive at the location where the work is being carried out, the Yasin reading will be continued together led by the kiyai, after that the officer will announce and remind all residents to admit their actions because of the serious consequences they will receive if they lie, after that the Mangku The first ritual will begin by taking an oath and then the community will be called one by one according to the hamlet starting from the one where the residents have lost a lot. After that, the village krame process will begin, led by the Mangku by drinking water that has been mixed with the soil of Wali Nyatuk's grave using banyan leaves in turns. . So after the groundwater drinking event, the community was allowed to leave the location where Krame Desa was held.

2. The power of the decision to resolve criminal acts of theft through Krame Desa is binding and coercive. That this decision is binding on all residents of the Sade Traditional Tourism Village community and must be obeyed is said to be compelling because it is mandatory and must be implemented by the community, otherwise they will receive sanctions. Meanwhile, if a case of theft has been resolved through Krame Desa, it cannot be forwarded to the authorities, just to Krame Desa.

Suggestion

1. The author's advice is for the people of the Sade Traditional Tourism Village to maintain the Krame Desa tradition because it is the original law of the Sasak tribe and Krame Desa is very effective in resolving cases of theft where there are limited witnesses and evidence and for the provincial government to make the Sade Traditional Tourism Village a model village. still maintain their customary laws so that villages in Lombok, especially those that still maintain customary laws, can follow the example of these villages in resolving criminal acts of theft through Krame Desa. Bearing in mind that not all villages that still maintain their customary laws resolve theft cases through Krame Desa.
2. The values of customary law that have been accommodated in the Draft Law on the Criminal Code should be maintained, especially in terms of sanctions in the form of fulfilling customary obligations and also in the case of the abolition of prosecutorial authority due to settlements outside the judicial process.



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