International Journal of Educational Review, Law, and Social Sciences (IJERLAS)
ISSN: 2808-487X
Edition: Vol. 6 No.6 (2026)
https://radjapublika.com/index.php/IJERLAS/index

Comparison of Adultery on Criminal Law and Dayak Abai Customary Law

Aris Irawan[1]*, Asneliwarni[2], Fitri Wahyuni[3]
[1]Universitas Borneo Tarakan, Indonesia
[2]Institut Sains dan Teknologi Muhammadiyah Tarakan, Indonesia
[3]Universitas Islam Indragiri Riau, Indonesia
e-mail: arisirawan@borneo.ac.id, asneliwarni_edu@gmail.com, fw160586@gmail.com
*Corresponding Author: arisirawan@borneo.ac.id

Keywords:
adultery; criminal law; dayak abai; customary law.

Article Info:
Received:
14/07/2026
Revised:
19/08/2026
Accepted:
29/09/2026
Published:
04/11/2026

ABSTRACT

This research aims to answer two questions related to adultery in Indonesian Criminal Law and Dayak Abai customary law. The research method used is normative research on legal rules relating to the research variables. The research approach used is conceptual and comparative. The results of this research are as follows: first, adultery in the Criminal Code and Dayak Abai Customary Law have the same view, while the 2023 Criminal Code has a different view. Second, the purpose of punishment in the Criminal Code emphasizes retributive purposes, where punishment is given as a form of retribution for crimes committed by the perpetrators of these crimes, both in the new Indonesian Criminal Code, even though there have been criminal case resolutions outside the Criminal Code. However, Court still provides room for retributive settlements in its regulation. The new Indonesian Criminal Law emphasizes recovery, guidance, assistance, and freeing convicts from guilt. Meanwhile, Dayak Abai's customary law emphasizes punishment as an effort to compensate for losses, as well as an effort to prevent repetition; punishment for perpetrators is for the sake of natural balance, not revenge against the perpetrator. This comparison demonstrates that Dayak Abai customary law offers a more restorative and community-oriented perspective on punishment in adultery cases.

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International (CC BY-SA 4.0)

How to cite:
DOI: https://doi.org/10.5281/ijerlas.v6i6.6041

Introduction

When the Republic of Indonesia proclaimed its independence on August 17, 1945, several criminal law provisions were implemented by the state in dealing with crimes. On the one hand, unwritten legal provisions or customary criminal law spread throughout Indonesia. Furthermore, Dutch criminal law provisions also apply because, at the beginning of Indonesia's independence, there was no codification of Indonesian-made criminal law. Since the beginning, the national criminal law development system has tried to create criminal law provisions that are in accordance with the laws that exist in Indonesian society. Among the goals of developing a legal system in a country, including Indonesia, is how the country develops its legal system and eliminates the dominance of the legal system of colonial countries. Of course, criminal law that exists in society can be used as a source for the formation of a national criminal legal system in the future.[1]

[1] Alyusnan Yusuf and Edi Setiadi, "Penerapan Sanksi Bagi Pelaku Tindak Pidana Pencurian Menurut Hukum Pidana Adat Minangkabau Ditinjau Dari Hukum Pidana Positif," *Bandung Conference Series: Law Studies* 3, no. 1 (January 27, 2023), https://doi.org/10.29313/BCSLS.V3I1.5057.

Wirjono Prodjodikoro believes that criminal law is legal regulations regarding criminal matters. The word criminal in Indonesia means something that is punished by an agency that has the power to punish someone.[2] Soedarto believes that criminal law is a system of negative sanctions, which are applied when other means are inadequate so that criminal law is said to have a subsidiary function.[3]

There are at least five objectives of criminal law, namely: (1) to prohibit and prevent behaviours that cause or threaten unjustified and inexcusable great harm to individual or public interests; (2) to control public behaviours to commit crimes; (3) to protect innocent acts from being condemned as crimes; (4) to give fair warning about the nature of the acts declared to be offences; (5) to distinguish on reasonable grounds between serious and minor offences.[4]

There is also a legal system that continues to develop which originates from the habits that exist in that society. These habits continue to develop and become provisions that we know as customary law. Customary law is law that truly lives in the conscience of citizens which is reflected in their patterns of action in accordance with their customs and socio-cultural patterns that do not conflict with national interests.

Customary law also has its own characteristics. Not only it is unique when compared with national law, but the uniqueness of customary law is also visible when compared with others throughout Indonesia, for example, Dayak Abai customary law in Malinau district, North Kalimantan. The Dayak Abai custom is one of the many customs in Indonesia that still practices customary law and upholds ancestral values and still maintains. In its implementation, customary law has its own sanctions related to problems that are regulated and become customary in the community. These sanctions arise as a consequence of social dynamics in social life. One of the social dynamics that occurs in society is criminal acts. This criminal act often becomes a problem in society and even continues to grow over time, such as the crime of adultery.[5]

Dayak Abai is one of the Dayak sub-tribes, where the Dayak tribe itself is one of the many tribes in Indonesia and still adheres closely to the traditional values in their society. The Abai Dayak tribe is a tribe in Malinau Regency, it is also a tribe that has inhabited the Malinau district area, this is strengthened by the story related to the origin of Malinau district, namely Mal Inau which is taken from the Dayak Abai language which is means processing or cooking sago.[6]

In practice, the Abai Dayak tribe still upholds traditional values for a long time. Adultery in Dayak Abai Customary Law generally uses the term disturbing, that can be said that adultery in Dayak Abai customary law is sexual intercourse between a man and a woman who is not his wife and vice versa. It also recognizes as a process where, a person (man or woman) must make a report to the traditional administrator or traditional leader in the customary trial process.[7]

Adultery in Dayak Abai must be committed by a person who is married, or in other words, adultery can only be said to be adultery if one or both of the perpetrators are married. So, it can be said that adultery

---

[2] Jeane Neltje Saly et al., "Urgensi Sanksi Pidana Adat Dalam Pelanggaran Tindak Pidana Di Suku Dayak Guna Pemeliharaan Budaya Lokal Persfektif Keadilan Sosial," *JERUMI: Journal of Education Religion Humanities and Multidiciplinary* 1, no. 2 (December 1, 2023): 137–41, https://doi.org/10.57235/JERUMI.V1I2.1253.

[3] M.S Alfarisi, "POLITIK HUKUM PIDANA ADAT DALAM PEMBAHARUAN HUKUM PIDANA INDONESIA," *JURNAL YURIDIS UNAJA* 1, no. 1 (May 7, 2018): 15–33, https://doi.org/10.35141/JYU.V1I1.100.

[4] Wasidipa Maulana Firdaus, Dominikus Rato, and Fendi Setyawan, "KAJIAN KRITIS PEMBENTUKAN PERADILAN PIDANA ADAT KHUSUS ANAK DALAM SISTEM PERADILAN PIDANA ANAK (PEMIKIRAN FILSAFAT HUGO GROTIUS)," *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 2, no. 3 (June 14, 2023): 318–25, https://doi.org/10.55681/SEIKAT.V2I3.573.

[5] A. Irawan et al., "Legal Restoration Toward Children Victims Of Sexual Violence At The Border Of North Kalimantan, Indonesia," *Res Militaris* 12, no. 2 (2022).

[6] P S Ajiningrum, "UTARA KABUPATEN MALINAU KALIMANTAN TIMUR," *Stigma Journal of Science*, vol. 10, 2017; Suud Ema Fauziah, "KENDALA PROVINSI KALIMANTAN UTARA TERHADAP PEMBANGUNAN DAN PERMASALAHAN," in *Prosiding Seminar Nasional Humaniora Dan Saintek I: Pembangunan Wilayah Perbatasan Dan Pengembangan Sumberdaya Laut Tropis Kekurangan*, 2009.

[7] Santi Suarsih et al., "Analisis Kebijakan Dana Desa Untuk Pembangunan Kesehatan Di Kabupaten Malinau Dengan Pendekatan Segitiga Kebijakan," *Jurnal Sistem Kesehatan* 2, no. 4 (2017), https://doi.org/10.24198/jsk.v2i4.12500.

in Abai Dayak is an act of sexual intercourse between a man and a woman, one or both of whom are married, which must be based on a complaint or report from the aggrieved husband or wife.[8]

Adultery is considered reprehensible or prohibited by society, custom and religion. Adultery in the view of society or custom in general is a sexual relationship carried out by a person who is not yet legal within the scope of marriage or is not within the bounds of marriage. Even though sexual intercourse is consensual, the act is still considered illegal.[9]

Adultery is regulated in Article 284 of the Criminal Code. Based on Article 284 of the Criminal Code, the act of adultery is identical to *overspel* (coitus) which has a narrower meaning than adultery itself. It can only occur if one of the perpetrators or both perpetrators are marriage. Meanwhile, the act of adultery in society has a broader view.

Adultery is regulated in Articles 411 to Article 413 with an even broader expansion of the meaning of adultery. If Article 284 of the current Criminal Code views adultery as an act committed within the scope of marriage, then in the new Criminal Code, adultery views adultery as adultery both within the marriage and outside of the marriage.[10]

The differences between the Criminal Code and customary law regarding adultery will raise questions and various perceptions, not to mention that the provisions in the Criminal Code regarding adultery are seen as irrelevant to the moral values that exist in society. In this article, the researcher will compare the crime of adultery in the Criminal Code and customary law.

The novelty and urgency of the present study emerge most clearly when its findings are read against the existing body of scholarship on customary criminal law in Indonesia, which has thus far approached adat penal norms either as a question of legal-political theory or in relation to offences other than adultery. Alfarisi, examining the legal politics of accommodating customary criminal law within the reform of the national Criminal Code, confined his analysis to the normative desirability of such recognition rather than to any specific delict.[11] In a comparable doctrinal register, Yusuf and Setiadi assessed the imposition of sanctions upon perpetrators of theft under Minangkabau customary law as measured against positive law, thereby addressing a property offence rather than a transgression of marital fidelity.[12] Saly and colleagues, for their part, foregrounded the urgency of customary penal sanctions within Dayak society as an instrument for safeguarding local culture from the vantage point of social justice, yet stopped short of juxtaposing those sanctions with the provisions of the Criminal Code.[13] The institutional dimension has been mapped by Nelwitis and Afrizal, who examined the empowerment of adat courts in resolving criminal matters under the Salingka Nagari customary law of West Sumatra,[14] and by Firdaus, Rato, and Setyawan, whose critical,

[8] Henri Tetiawadi Henri and Lumadi Lumadi, "Sistem Informasi Publik Sekretariat DPRD Kabupaten Malinau," *Jurnal Bangkit Indonesia* 12, no. 1 (2023), https://doi.org/10.52771/bangkitindonesia.v12i1.223.

[9] Nelwitis A and Riki Afrizal, "PEMBERDAYAAN PERADILAN ADAT DALAM MENYELESAIKAN PERKARA PIDANA MENURUT HUKUM ADAT SALINGKA NAGARI DI SUMATERA BARAT," *UNES Journal of Swara Justisia* 7, no. 2 (July 3, 2023): 469, https://doi.org/10.31933/UJSJ.V7I2.342.

[10] Citranu, "Perjanjian Tumbang Anoi 1894 Sebagai Sumber Hukum Pidana Adat Dayak Ngaju," Tampung Penyang 17, no. 01 (December 12, 2019): 1–17, https://doi.org/10.33363/TAMPUNG-PENYANG.V17I01.395.

[11] M.S Alfarisi, "Politik Hukum Pidana Adat dalam Pembaharuan Hukum Pidana Indonesia," Jurnal Yuridis Unaja 1, no. 1 (2018): 15–33, https://doi.org/10.35141/JYU.V1I1.100.

[12] Alyusnan Yusuf and Edi Setiadi, "Penerapan Sanksi bagi Pelaku Tindak Pidana Pencurian Menurut Hukum Pidana Adat Minangkabau Ditinjau dari Hukum Pidana Positif," Bandung Conference Series: Law Studies 3, no. 1 (2023), https://doi.org/10.29313/BCSLS.V3I1.5057.

[13] Jeane Neltje Saly et al., "Urgensi Sanksi Pidana Adat dalam Pelanggaran Tindak Pidana di Suku Dayak Guna Pemeliharaan Budaya Lokal Persfektif Keadilan Sosial," JERUMI: Journal of Education Religion Humanities and Multidiciplinary 1, no. 2 (2023): 137–141, https://doi.org/10.57235/JERUMI.V1I2.1253.

[14] Nelwitis A and Riki Afrizal, "Pemberdayaan Peradilan Adat dalam Menyelesaikan Perkara Pidana Menurut Hukum Adat Salingka Nagari di Sumatera Barat," UNES Journal of Swara Justisia 7, no. 2 (2023): 469, https://doi.org/10.31933/UJSJ.V7I2.342.

Grotian reading located customary adjudication within the juvenile criminal-justice system.[15] Citranu, meanwhile, traced the Tumbang Anoi Agreement of 1894 as a written source of Dayak Ngaju customary criminal law, privileging historical legitimacy over substantive doctrinal comparison.[16] Even the present authors' earlier work on legal restoration for child victims of sexual violence in the North Kalimantan borderland, though it established a restorative frame within the same region, did not extend that frame to the offence of adultery.[17] Against this backdrop, the contribution of this study is both distinct and hitherto unaddressed: it places the construction of adultery under Article 284 of the Criminal Code, its expanded formulation in Articles 411 to 413 of the 2023 Criminal Code, and its conception within Dayak Abai customary law into a single comparative frame, and interrogates all three through the purpose of punishment. The urgency of the inquiry resides precisely in that intersection. Whereas prior studies treat living adat law and statutory reform as parallel but separate domains, the present research shows that Dayak Abai customary law already articulates a restorative, community-oriented rationale for punishment directed towards the restoration of cosmic balance and the compensation of loss rather than retribution, that anticipates the recovery-centred philosophy to which the 2023 Criminal Code now aspires. Demonstrating that convergence not only fills a gap left by the prevailing scholarship but also furnishes a normative argument for treating Dayak Abai customary law as a material source in the ongoing reform of Indonesian criminal law.

Method

This research is normative legal research, which is basically doctrinal research or theoretical legal research.[18] Normative legal studies are studies that study documents, namely by using secondary data, such as statutory regulations, court decisions, legal theory, legal foundations, and legal principles.[19] They can be the results of scientific work or the opinions of scholars. The article used the statutory approach, conceptual approach, and case approach.[20] They aim to look at the rules for adultery in each criminal law, both currently implemented in Indonesia. Law Number 1 of 2023 concerning the Criminal Code related to the Customary Criminal Law regarding adultery, the conceptual or doctrinal approach is related to criminal law theories as a tool of analysis, then the case approach and comparison are to compare the various rules.

Results and Discussion

The results and discussion section discuss the results of research related to adultery according to the provisions of the Criminal Code (KUHP) and Dayak Abai customary law, the criminal law provisions as a prohibited act of adultery. Discussion starts from the definition, scope and regulated elements, while in the provisions of the Dayak Abai customary law, as a law that lives in society, it is interpreted more broadly and specifically, more advanced in accordance with the development of society, because its nature is not written, but its decisions are absolutely obeyed by the entire community. Then, the legal comparison is conducted between sanctions in the Criminal law and the customary law of Dayak Abai regarding adultery, including a comparative table with the provisions of the new Indonesian Criminal Law that exist in Law Number 1 of 2023, how the most ideal Criminal Law provisions are currently implemented in dealing with the problem of adultery in Indonesia

[15] Wasidipa Maulana Firdaus, Dominikus Rato, and Fendi Setyawan, "Kajian Kritis Pembentukan Peradilan Pidana Adat Khusus Anak dalam Sistem Peradilan Pidana Anak (Pemikiran Filsafat Hugo Grotius)," SEIKAT: Jurnal Ilmu Sosial, Politik dan Hukum 2, no. 3 (2023): 318–325, https://doi.org/10.55681/SEIKAT.V2I3.573.

[16] Citranu, "Perjanjian Tumbang Anoi 1894 Sebagai Sumber Hukum Pidana Adat Dayak Ngaju," Tampung Penyang 17, no. 01 (2019): 1–17, https://doi.org/10.33363/TAMPUNG-PENYANG.V17I01.395.

[17] A. Irawan et al., "Legal Restoration Toward Children Victims of Sexual Violence at the Border of North Kalimantan, Indonesia," Res Militaris 12, no. 2 (2022).

[18] Johnny Ibrahim, Teori dan Metodologi Penelitian Hukum Normatif (Malang: Bayumedia Publishing, 2006), 57.

[19] Soerjono Soekanto and Sri Mamudji, Penelitian Hukum Normatif: Suatu Tinjauan Singkat (Jakarta: Rajawali Pers, 2015), 13–14.

[20] Peter Mahmud Marzuki, Penelitian Hukum, Edisi Revisi (Jakarta: Kencana Prenada Media Group, 2016), 133–137.

1. Adultery According to the Provisions of the Indonesian Criminal Code and Dayak Abai Customary Law

Based on the results of research conducted in Indonesia, no one has researched the provisions regarding adultery contained in the provisions of the Dayak Abai customary law, although there have been several studies that have examined the provisions prohibiting adultery in other Dayak customs,[21] however, there are various groups of Dayak customary communities in Indonesia's Abai Dayak traditions.[22] Therefore, it can be discussed based on several criminal provisions contained in Indonesia as follows:[23]

a. Adultery according to Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations.

In national law, adultery is regulated in Article 284 of the Criminal Code which states as follows:
(1) By a maximum imprisonment of nine months shall be punished:
l. a. any married man who knowing that Article 27 of the Civil Code is applicable to him, commits adultery;
b. any married woman who commits adultery;
2. a. any man who takes a direct part in the act knowing that the guilty co-partner is married;
b. any unmarried woman who takes a direct part in the act knowing that the guilty co-partner is married and that Article 27 of the Civil Code is applicable to him.
(2) No prosecution shall be instituted unless by complaint of the insulted spouse,
followed, if to the spouse Article 27 of the Civil Code is applicable, within
the time of three months by a demand for divorce or severance from board
and bed on the ground of the same act.
(3) In respect of this complaint Articles 72, 73 and 75 shall not be applicable.
(4) The complaints may be withdrawn as long as the judicial investigation has not commenced.
(5) If Article 27 of the Civil Code is applicable to the spouse, the complaint shall not be complied with as long as the marriage has not been severed by divorce or the verdict whereby severance from board and bed has been pronounced, has not become final.

Based on the formulation the provisions of Article 284 of the Criminal Code,[24] it can be said that adultery or fornication is a person, namely a married man, having sexual intercourse with a woman who is not his wife or a person, namely a married woman, having sexual intercourse with a person who is not her husband. Then, the husband and wife, who were harmed in this case, complained about this to the authorities.[25]

In Article 284 of the Criminal Code, it is also known that marriage is an absolute requirement for it to be said that the act of sexual intercourse is an act of adultery, or it can be said that without the existence of

[21] Iskandar A M, Theodorus Fied Herlando, and Eddy Thamrin, "KAJIAN PERANAN HUKUM ADAT DALAM PENGELOLAAN DAN PERLINDUNGAN HUTAN PADA MASYARAKAT ADAT DAYAK UUD DANUM DESA DEME KECAMATAN AMBALAU," *JURNAL HUTAN LESTARI* 10, no. 1 (June 18, 2022): 105, https://doi.org/10.26418/JHL.V10I1.46696.

[22] Citranu Citranu, "PENGATURAN DAN AKIBAT HUKUM TIDAK DILAKSANAKANYA PUTUSAN PERADILAN ADAT DAYAK," *Widya Kerta: Jurnal Hukum Agama Hindu* 4, no. 1 (June 30, 2021): 1–22, https://doi.org/10.53977/WK.V4I1.284.

[23] Rahmad Fahreza Setiawan and Lisnawati Lisnawati, "JIPEN: MENILIK HUKUM ADAT DAYAK PERSPEKTIF KAIDAH FIKIH JINAYAH," *Jurnal Ilmu Syariah Dan Hukum (JISYAKU)* 2, no. 1 (July 3, 2023): 59–70, https://doi.org/10.23971/JISYAKU.V2I1.6040.

[24] Istiklal Istiklal, Otong Rosadi, and Herman Bakir, "PERTANGGUNG JAWABAN PIDANA TERHADAP TERDAKWA TINDAK PIDANA PERZINAAN," *UNES Journal of Swara Justisia* 5, no. 3 (October 20, 2021): 312, https://doi.org/10.31933/UJSJ.V5I3.222.

[25] Putri Fransiska Purnama Pratiwi, Suprayitno Suprayitno, and Triyani Triyani, "Upaya Hukum Untuk Menjerat Tindakan Pelakor Dalam Perspektif Hukum Adat Dayak Ngaju," *Jurnal Cakrawala Hukum* 10, no. 2 (December 9, 2019), https://doi.org/10.26905/IDJCH.V10I2.3469.

a marital bond between the perpetrators, sexual intercourse outside of marriage cannot be threatened by this Article 284.[26]

Adultery can only be said to be adultery if the perpetrator is a married person, whereas those who are not married are only guilty of having participated in the act, even though the act was carried out with a married person. The act of sexual intercourse between two people, in this case, a man and a woman who are both married, constitutes adultery because the act of adultery is seen as a violation of marital fidelity, even if at the same time they are filing for divorce which stipulates that in 3 months since they filed for divorce, it is still considered adultery.[27]

If one of the perpetrators of adultery is not currently legally married, he cannot be sentenced to commit adultery, but is sentenced to have participated in committing adultery and be burdened with the same responsibilities as the adulterer himself. People who participate in committing adultery do not have to be married. He also does not have to submit to article 27 BW. While he knows that his adulterous friend is subject to article 27 BW. In other words, if one of the perpetrators of adultery is married, then even though his adulterous friend is not currently married, he can also be charged with adultery, although not as the perpetrator of the crime of adultery, but as the perpetrator of participating in committing adultery, but is subject to punishment.[28]

Articles 72 and 73 of the Criminal Code explain the possibility of certain matters such as the victims' family being able to represent the victim in making a complaint. Article 284 paragraph 2 of the Criminal Code also explains that adultery is a complaint offense, which the act cannot be processed or prosecuted if there is no prior complaint from the husband or wife who has been harmed. Furthermore, Article 75 of the Criminal Code determines the time limit for withdrawing a report or complaint, namely three months. This Article also does not apply based on the provisions in Article 284 of the Criminal Code, where Article 284 of the Criminal Code paragraph 4 provides a separate regulation that the complaint can be withdrawn during the examination in court.

The punishment in Article 284 of the Criminal Code for perpetrators of adultery is a maximum of nine months imprisonment. So, it can be understood that adultery in the Criminal Code is seen as a very light offense. Then, based on Article 284 of the Criminal Code as the basis for regulating adultery, it can be understood that the Criminal Code does not prohibit people from having sexual relations outside of marriage as long as one or both of them are not married. The proof system for the offense of adultery is also the same as other offenses, which are not specifically determined. This means that in terms of proof, the system used is the same as that stated in the Criminal Procedure Code (KUHAP).[29]

b. Adultery according to the new Indonesian Criminal Code in Law Number 1 of 2023

In the 2023 Criminal Code, adultery is regulated in Articles 411 to 413;

Article 411:

Paragraph 1: Every person who has sexual intercourse with someone who is not their husband or wife, shall be punished for adultery, with a maximum imprisonment of 1 (one) year or a maximum fine of category II;

Paragraph 2: No prosecution shall be carried out regarding criminal acts as referred to in paragraph 1 except on complaints: a. husband or wife for people who are bound by marriage. b. Parents or children for people who are not married;

Paragraph 3: Regarding complaints as intended in paragraph 2, the provisions as intended in Article 25, Article 26 and Article 30 do not apply;

---

[26] Kartono Kartono, "PENERAPAN SANKSI PIDANA TERHADAP PELAKU TINDAK PIDANA PERZINAHAN," *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum Dan Keadilan* 10, no. 1 (September 2, 2019): 123–34, https://doi.org/10.32493/JDMHKDMHK.V10I1.3181.

[27] Riskyanti Juniver Siburian, "Menggeser Paradigma Kontra Terhadap Kriminalisasi Pemerkosaan Dalam Rumah Tangga," *Lambung Mangkurat Law Journal* 5, no. 1 (March 31, 2020): 58, https://doi.org/10.32801/LAMLAJ.V5I1.118.

[28] Mutiara Fahmi, Muhammad Syuib, and Yunita Arnanada, "Pencabutan Hak Hadhânah Terhadap Istri Yang Berzina Berdasarkan Perspektif Tarjih Maşhlahah (Analisis Putusan Hakim Tingkat Banding Nomor: 59/Pdt.G/2017/MS-Aceh)," *El-USRAH: Jurnal Hukum Keluarga* 1, no. 2 (August 8, 2020): 221, https://doi.org/10.22373/UJHK.V1I2.7635.

[29] Istiklal, Rosadi, and Bakir, "PERTANGGUNG JAWABAN PIDANA TERHADAP TERDAKWA TINDAK PIDANA PERZINAAN."

Paragraph 4 A complaint can be withdrawn as long as the examination at the court hearing has not begun.

Based on the Article 411 of the 2023 Criminal Code, adultery is any act of sexual intercourse committed by a man with a woman who is not his wife and by a woman with a man who is not her husband.[30] In Articles 25 and 26 of the 2023 Criminal Code,[31] there is a possibility that complaints can be made by parents or guardians, blood relatives in a straight line, then in the case of the victim being under guardianship, the person who has the right to report is the guardian. This Article does not apply to Article 411 because the formulation of Article 411 of the 2023 Criminal Code, paragraph 2 also emphasizes that prosecution based on complaints from husbands or wives for those who are married and parents for those who are not married,[32] so that adultery in this Article is an offense of complaint.[33] This means that no prosecution will be carried out if the act is not reported first. Furthermore, Article 30 of the 2023 Criminal Code states that within a period calculated from the date the complaint is submitted, the complaint can be withdrawn by the complainant. This Article also does not apply to the provisions of Article 411 of the 2023 Criminal Code which is Article 411 of the 2023 Criminal Code.[34] It provides different provisions, namely, the complaint can be withdrawn as long as the examination in court has not begun.[35]

The elements of adultery in Article 411 of the 2023 Criminal Code include:

a. There is intentionality

The act of adultery must be committed by two people who like each other, or there is willingness in the act.

b. There is sexual intercourse

Sexual intercourse is an essential act of adultery, meaning that the act of sexual intercourse is required.

c. Complaint or report

In the event of adultery, a complaint or report is an absolute requirement for prosecution which means that a complaint becomes an important requirement for prosecution.

In Article 25: *(1) In the event that the Victim of a Crime warranting complaint is not yet 16 (sixteen) years old, the parents or godparents shall be the one who has the right to file a complaint. (2) In the event that the parents or godparents as referred to in paragraph (1) does not exist or the parents or godparents themselves are to be reported, the complaint shall be made by blood relatives in a straight line. (3) In the event that there are no blood relatives in a straight line as referred to in paragraph (2), the complaint shall be made by blood relatives in a lateral line up to the third degree. (4) In the event that the Victim of the Crime as referred to in paragraph (1) does not have a parent, godparent, or blood relative in a straight line vertically or laterally up to the third degree, the complaint shall be made by himself or herself and/or the caseworker.*

In Article 26: *(1) In the event that the victim of a crime warranting complaint is under guardianship, the one who has the right to file the complaint is the guardian, except for the victim of a crime warranting complaint who is under guardianship due to extravagance. (2) In the event that the guardian as referred to in paragraph (1) does not exist or the guardian itself are to be reported, the complaint shall be made by the husband or wife of the Victim or blood relatives in a straight line. (3) In the event that the husband or wife of the Victim or blood relatives in a straight line as referred to in paragraph (2) does not exist, the complaint shall be made by blood relatives in a lateral line up to the third degree.*[36]

[30] Sara Niner, "Gender Relations and the Establishment of the LGBT Movement in Timor-Leste," *Women's Studies International Forum* 93 (July 1, 2022): 102613, https://doi.org/10.1016/J.WSIF.2022.102613.

[31] Mas Putra Zenno Januarsyah et al., "The Renewal Policy of the Adultery Concept in Article 411 of the Law Number 1 of 2023 on the Indonesian Criminal Code," *Padjadjaran Jurnal Ilmu Hukum* 10, no. 1 (2023): 1–16, https://doi.org/10.22304/PJIH.V10N1.A1.

[32] Sohibul Hizbullah, Silfia Hanani, and Nofiardi Nofiardi, "Delik Zina Controversy in the Kuhp," *GIC Proceeding* 1 (July 31, 2023): 356–62, https://doi.org/10.30983/GIC.V1I1.126.

[33] Martin Daly, Margo Wilson, and Suzanne J. Weghorst, "Male Sexual Jealousy," *Ethology and Sociobiology* 3, no. 1 (January 1, 1982): 11–27, https://doi.org/10.1016/0162-3095(82)90027-9.

[34] Hizbullah, Hanani, and Nofiardi, "Delik Zina Controversy in the Kuhp."

[35] Irene Tinker, "Quotas for Women in Elected Legislatures: Do They Really Empower Women?," *Women's Studies International Forum* 27, no. 5–6 (November 1, 2004): 531–46, https://doi.org/10.1016/J.WSIF.2004.09.008.

[36] Istiklal, Rosadi, and Bakir, "PERTANGGUNG JAWABAN PIDANA TERHADAP TERDAKWA TINDAK PIDANA PERZINAAN."

c. Adultery According to Dayak Abai customary law

In traditional societal thinking, which prioritizes considerations between the world of birth and the unseen world, between human groups as a whole and individual people, as well as between community associations, the view is that an ideal society is one that is calm and has a harmonious atmosphere. Meanwhile, all actions that disturb this balance are a violation of the law.[37]

Actions that violate customary law are also known as customary offenses, namely actions or deeds of the community that are contrary to customary law give rise to sanctions.[38] There are many types of offenses that exist in society, including offenses related to security, public order in society, violations of the values of civility, decency and offenses related to customary land. Meanwhile, adultery itself can be said to be an offense related to moral values.[39]

Various forms of violations and crimes can actually be resolved through Dayak Abai customary law. The Dayak Abai customary law refers to the local wisdom values that live in the community. Violations can be resolved through customary law, namely theft, beating people and immoral crimes such as adultery. Where all forms of resolution are through deliberation involving the community and traditional stakeholders. One of the violations or crimes that is also resolved through customary deliberation is adultery.

In Dayak Abai customary law, adultery is known as "disturbing." The use of the word disturbing here needs to be understood with a different perspective in Indonesian. The term disturbing is used in the context of actions which lead to actions that have been carried out as adultery as a whole.

Disrupting Dayak Abai customary law is also one of the things that violates moral norms where there are various actions that are also part of crimes against morality. However, to be said to be an act of adultery or harassment, requires two parties to commit it consensually or without coercion, and the perpetrator must be married to one or both of them.

Adultery in Dayak Abai customary law is sexual intercourse committed by a person (man) with a woman who is someone else wife, or a person (woman) with someone else husband. Then a complaint or report is made by the aggrieved husband or wife to the traditional leader. Therefore, it can be said that marriage is an absolute requirement for an act to be considered adultery.[40]

Adultery is also seen or judged as a betrayal of marriage because the victim is the husband of the woman who commits adultery or the wife of the man who commits adultery. Meanwhile, the perpetrators are men and women who betrayed or who participated in the act. In cases of adultery, it is also known as a complaint offense, where if the act continues, a complaint or report is required from the husband or wife who has been harmed to the traditional leader.[41]

In Dayak Abai customary law, if an act of adultery is proven, there is a fine and a written statement not to repeat the act where if the agreement is violated, the fine given will be double the original fine.[42] The fine is in the form of a jar of rubies or a jar of red, the value of the item for which the claim is being made.

Based on this formulation, the elements of adultery in the Dayak Abai customary law can be formulated as follows:

1) There was intention (consensual), which means that this is done not only with the will of one person but also with the awareness of both people, in this case, a man and a woman;

[37] Pratiwi, Suprayitno, and Triyani, "Upaya Hukum Untuk Menjerat Tindakan Pelakor Dalam Perspektif Hukum Adat Dayak Ngaju."

[38] Citranu, "PENGATURAN DAN AKIBAT HUKUM TIDAK DILAKSANAKANYA PUTUSAN PERADILAN ADAT DAYAK."

[39] Setiawan and Lisnawati, "JIPEN: MENILIK HUKUM ADAT DAYAK PERSPEKTIF KAIDAH FIKIH JINAYAH."

[40] "The Fitz Patrick Lectures ON MEDICINE, MAGIC, AND RELIGION."

[41] Siburian, "Menggeser Paradigma Kontra Terhadap Kriminalisasi Pemerkosaan Dalam Rumah Tangga"; Pratiwi, Suprayitno, and Triyani, "Upaya Hukum Untuk Menjerat Tindakan Pelakor Dalam Perspektif Hukum Adat Dayak Ngaju."

[42] Gabriele Lattanzio, "Beyond Religion and Culture: The Economic Consequences of the Institutionalization of Sharia Law," *Emerging Markets Review* 52 (September 1, 2022): 100918, https://doi.org/10.1016/J.EMEMAR.2022.100918; V. JEFFERY EVANS, "Legal Aspects of Prenatal Sex Selection," *Sex Selection of Children*, January 1, 1983, 147–200, https://doi.org/10.1016/B978-0-12-088860-3.50013-1.

2) there was sexual intercourse, meaning that this must be accompanied by evidence or witnesses to the report of the adultery;
3) The perpetrator is a man or woman, one or both of whom are married; and
4) There must be a complaint from the aggrieved husband or wife.

Based on the explanation above, it can be seen that adultery in Dayak Abai customary law is not much different compared to the *ius cusonstitutum* which was in Article 284 of the Criminal Code where adultery is seen as sexual intercourse between a man and a woman, one or both of whom are married.

The question arises is what is the status if the perpetrator is someone who in this case, is both still single. It is not without reason that questions like this arise that adultery in Dayak Abai customary law itself is not much different from in Article 284 of the Criminal Code. This kind of thing was also something asked during an interview with Mr Mijung as the Dayak Abai traditional leader on Tuesday 09 May 2023 in *Sembuak Warod Village*. Mr. Mijung's states that if the act was committed by someone who was not married, then there would be no customary punishment. However, the two perpetrators of the act would be asked to proceed to marriage by the family of the man or woman.[43]

When there is a complaint, usually the traditional leader will provide clarification or what is usually known as open mouth, which is a deliberation process between the two parties or families to ask for confirmation whether they are willing to get married if both parties agree to continue the marriage. However, if one of the party refuses, the party who refuses will receive sanctions in the form of a fine, namely a jar or the value of the jar which becomes the fine item.[44]

Dayak Abai customary law also holds the view that customary rules relating to adultery still apply to indigenous peoples who commit it outside their customary territory as long as the elements that form the basis of the claim have been fulfilled. Where the act is committed outside the customary or village area and the perpetrator or victim is a customary or village community, they can still be prosecuted and tried through custom by making a report to the customary leader for a customary trial.

In the event that a customary hearing is held, the place where the customary hearing is held is at the house of the traditional leader. Then, the costs of the hearing are borne by the party requesting that the customary hearing or customary meeting be held. In this case, the report is the injured party at a cost which usually ranges from Rp. 1,000,000. In the customary trial process regarding the imposition of fines on the perpetrators of adultery/disturbing, there is a written agreement, where this written agreement is binding and can be used as the basis for a lawsuit to the authorities if it is violated, where in this agreement, there is a clause to pay the fine twice.

In this agreement, the perpetrator agree that he/she will not make the same mistake and is threatened with a fine of twice the previous fine. It can be the basis for prosecution if the perpetrator continues to repeat the act. The principles of justice to be achieved in handling adultery cases in Dayak Abai customary law are restorative justice. As Marian Liebmann explains the principles of restorative justice:

a) First, priority towards recovery and support for victims. This is certainly different from conventional criminal courts. Where the focus of conventional criminal courts is on the perpetrator of the crime even though the interests of the victim are defended, the allocation of legal objectives is not balanced.
b) Second, the responsibility of the perpetrator for his actions. The perpetrator must be punished but this is the same as responsibility for his crimes. Assuming responsibility means recognition and awareness that he has committed a crime, as well as actual recognition of how it happened and bearing the consequences of his actions, including returning the losses suffered by the victim.
c) Third, dialogue to reach an agreement. Dialogue needs to be carried out to understand the situation of both parties, especially the reasons why the perpetrator committed the crime. So, the dialogue in this matter is necessary.

[43] Adriana Gandasari et al., "Indigenous Knowledge Dataset of Dayak, Malay and Chinese Communities in Sintang Regency, West Kalimantan, Indonesia," *Data in Brief* 53 (April 1, 2024): 110147, https://doi.org/10.1016/J.DIB.2024.110147.

[44] Hugh R. Stanford et al., "Finding the Forgotten Spaces: Using a Social-Ecological Framework to Map Informal Green Space in Melbourne, Australia," *Land Use Policy* 141 (June 1, 2024): 107114, https://doi.org/10.1016/J.LANDUSEPOL.2024.107114; Pratiwi, Suprayitno, and Triyani, "Upaya Hukum Untuk Menjerat Tindakan Pelakor Dalam Perspektif Hukum Adat Dayak Ngaju."

d) Fourth, efforts to place the type of crime in its actual position. This of course refers to the honesty of the parties. In terms of fulfilling the responsibility of the perpetrator towards the victim, efforts are made to ensure that both the rights and condition of the victim can return to normal.
e) Fifth, the perpetrator tries not to repeat the same crime in the future. Recognition by the perpetrator usually refers to the perpetrator's unwillingness to repeat, but in several factors, he is forced to repeat so that real assistance in resolving the problem can minimize the repetition of the crime in the future.
f) Sixth, assist in integrating victims and perpetrators into society where the perpetrator is integrated into society in order to improve his good name. Likewise, victims need to be integrated into society. He did not need to be exiled because of the crimes he experienced.

2. Legal Comparison between Criminal Sanctions in the Criminal Code and the Dayak Abai Customary Law regarding Adultery

When imposing sanctions or criminal penalties, you must first pay attention to the applicable laws or regulations. The legislator is the one who determines the provisions relating to the crime, which not only relates to the *delictum* but the *crimen* regarding which acts can be punished. Imposing a crime is the part of the legislator on the basis of the principle of legality, which is referred to in Latin as *nullum crimen sine lage*. In various criminal laws and regulations, there are several criminal sanction provisions that can be used as a benchmark for what can be said to be sanctions for adultery in Indonesia.

a) Sanctions for adultery in Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations. For adultery in Article 284 of the Criminal Code, it is stated that acts that violate Article 284 of the Criminal Code are punishable by a maximum prison sentence of nine months. So, the sanctions for adultery in the Criminal Code or Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations State Gazette of the Republic of Indonesia II number 9 are categorized as the main crime, namely imprisonment.
b) Sanctions for adultery in the new Indonesian Criminal Law Provisions Law Number 1 of 2023. Adultery in the 2023 Criminal Code is divided into three articles, namely Articles 411, 412 and 413. In Article 411, adultery is threatened with imprisonment for a maximum of one year or a maximum fine of category II. So, it can be said that criminal sanctions in Article 411 of the 2023 Criminal Code are classified as basic crimes, namely imprisonment or fines. Criminal sanctions in Article 412 of the 2023 Criminal Code are categorized into basic crimes, namely imprisonment or a fine, with the threat of imprisonment for a maximum of six months or a category II fine if living together as husband and wife outside of marriage. When compared with the other two Articles, Article 413 of the 2023 Criminal Code is the most serious criminal threat, namely a maximum prison sentence of ten years if you have sexual intercourse with someone you know is your inner family member, and is categorized as the main crime, namely imprisonment.
c) Sanctions for adultery according to Dayak Abai Customary Law. In the case of adultery, the sanctions given are in the form of red crock, ruby Abai crock, or Mayo saduk crock. In the event that the item that is the object of the fine is ignored, it can be replaced for the value of the object of the fine. In the event that one of the perpetrators is married, a fine is imposed on both perpetrators, namely the man and woman, paying a fine to the wife or husband as the victim with a difference of two million rupiah, which is greater for the male perpetrator. Meanwhile, if both perpetrators are married, the fine must be paid by the perpetrator (male) to the husband (victim) and the perpetrator (female) to the wife (victim). The sanctions given are usually followed by a letter of agreement signed by the perpetrator so that it will not be repeated in the future. Where the agreement contains an agreement to double the fine if it is violated to double the original fine.

.

Table 1: Comparison of Adultery Regulations in the Criminal Code, Criminal Code 2023 and Dayak Abai Customary Law.

Comparison	Article 284 of the Criminal Code (Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations)	Articles 411-413 of the Criminal Code (Law Number 1 of 2023 concerning the Criminal Code)	Abai Dayak Customary Law
Definition of Adultery or Sexual Intercourse	Sexual intercourse between a man and a woman, one or both of whom are married.	1. Sexual intercourse with someone who is not husband/wife. 2. Living together as husband and wife. 3. Sexual intercourse with people he knows are his inner family.	Sexual intercourse between a man and a woman, one or both of whom are married. 10pt
Elements of criminal provisions for adultery	1. There was sexual intercourse 2. Done on the basis of mutual consent lor without coercion 3. Carried out by people one or both of whom are married 4. Complaint by the husband or wife who was harmed.	1. Having sexual intercourse or living together as husband and wife outside of marriage. 2. Done on the basis of mutual consent. 3. Done with someone who is not the husband or wife or done with one inner family. 4. Complaint by husband or wife for those who are married and parents for those who are not married.	1. There was sexual intercourse 2. Done on a consensual basis or without coercion. 3. Carried out by people one or both of whom are married 4. Complained by the husband or wife who was harmed.
Type of criminal act	The police cannot handle them before there is a complaint	The police cannot handle them before there is a complaint	It cannot be handled by the Customary Court before there is a complaint 0pt
Types of Criminal Sanctions	The maximum sentence is 9 months	1. Sexual intercourse with someone who is not husband/wife (a maximum imprisonment of 1 year or a maximum fine of category II) 2. Living together as husband and wife (a maximum sentence of 6 months or a maximum fine of category II). 3. Sexual intercourse with people knows are his inner family (a maximum imprisonment of 10 years).	Fines in the form of a Rubi Abai pot or Red pot for male perpetrators, and a Mayo saduk pot for female perpetrators. A fine for the amount of the item that is the object of the fine. 6pt
Purpose of Punishment	The aim of Retributive is to repay the crimes committed by the perpetrator of the crime.	It is not intended to belittle anyone but rather: - Prevent the commission of criminal acts - Coaching and mentoring to become a better person - Restoring balance due to conflict	- Restorative, to restore relations between the perpetrator, victim or the community directly affected. - Compensatory providing compensation to the victim by the perpetrator of a crime to repair the losses caused by the crime.

- Foster a sense of remorse and relieve the convict of guilt.	-Preventive prevention of criminal acts and prevention of criminal acts

Table 1 shows that the three legal orders converge on the conceptual core of adultery yet diverge sharply on how the offence is punished. Article 284 of the Criminal Code and Dayak Abai customary law define adultery identically, namely sexual intercourse in which one or both parties are bound by marriage, while the 2023 Criminal Code widens the definition to reach cohabitation and sexual intercourse outside any marital bond. All three treat adultery as a complaint offence that cannot be processed without a report from the aggrieved party. The decisive difference lies in the purpose of punishment: Article 284 is purely retributive and caps the sanction at a maximum of nine months' imprisonment, whereas both the 2023 Criminal Code and Dayak Abai customary law direct the sanction towards recovery, the restoration of social balance, and compensation for the harm caused.[45]

From this comparison the study derives its principal finding: the effective application of the adultery provision does not depend on the length of imprisonment but on the capacity of the sanction to restore the disturbed social order. Article 284's short, retaliatory sentence neither reflects the living values of society nor repairs the injury suffered by the family and community, so that its enforcement remains largely symbolic.[46] A more effective model emerges from the convergence between the 2023 Criminal Code's recovery-oriented philosophy and Dayak Abai customary law's restorative and compensatory sanctions, that is, retaining the complaint mechanism, which respects the initiative of the aggrieved family, while replacing purely retributive imprisonment with restorative resolution and compensation to the victim and the community. Accordingly, the adultery provision is applied most effectively when its purpose of punishment adopts the restorative and compensatory logic of Dayak Abai customary law as a material source in the reform of national criminal law.[47]

Conclusion

This study compared the crime of adultery under Article 284 of the Criminal Code, its expanded formulation in Articles 411 to 413 of the 2023 Criminal Code, and its conception within Dayak Abai customary law, examining all three through the purpose of punishment, and two conclusions follow. First, conceptually, Article 284 of the Criminal Code and Dayak Abai customary law share the same understanding, namely that adultery is sexual intercourse between a man and a woman where one or both are bound by marriage, so that marriage is an absolute requirement for an act to be considered adultery. The 2023 Criminal Code departs from this view by treating adultery more broadly, as sexual relations between persons who are not husband and wife, cohabitation outside of marriage, and intercourse with someone known to be a close family member. Second, the three legal orders differ in the purpose they assign to punishment. Sanctions under the Criminal Code emphasise retribution, in which punishment is imposed as a form of retaliation for the offence committed, and although settlements have been reached outside the Code, the courts still leave room for retributive resolution. The 2023 Criminal Code, by contrast, prioritises recovery, guidance, assistance, and the release of the convict from guilt, while Dayak Abai customary law

[45] Mas Putra Zenno Januarsyah et al., "The Renewal Policy of the Adultery Concept in Article 411 of the Law Number 1 of 2023 on the Indonesian Criminal Code," Padjadjaran Jurnal Ilmu Hukum 10, no. 1 (2023): 1–16, https://doi.org/10.22304/PJIH.V10N1.A1; Citranu, "Pengaturan dan Akibat Hukum Tidak Dilaksanakanya Putusan Peradilan Adat Dayak," Widya Kerta: Jurnal Hukum Agama Hindu 4, no. 1 (2021): 1–22, https://doi.org/10.53977/WK.V4I1.284.

[46] Kartono, "Penerapan Sanksi Pidana terhadap Pelaku Tindak Pidana Perzinahan," Jurnal Surya Kencana Satu 10, no. 1 (2019): 123–134, https://doi.org/10.32493/JDMHKDMHK.V10I1.3181; Istiklal, Rosadi, and Bakir, "Pertanggung Jawaban Pidana terhadap Terdakwa Tindak Pidana Perzinaan," UNES Journal of Swara Justisia 5, no. 3 (2021): 312, https://doi.org/10.31933/UJSJ.V5I3.222.

[47] M.S Alfarisi, "Politik Hukum Pidana Adat dalam Pembaharuan Hukum Pidana Indonesia," Jurnal Yuridis Unaja 1, no. 1 (2018): 15–33, https://doi.org/10.35141/JYU.V1I1.100; Putri Fransiska Purnama Pratiwi, Suprayitno, and Triyani, "Upaya Hukum untuk Menjerat Tindakan Pelakor dalam Perspektif Hukum Adat Dayak Ngaju," Jurnal Cakrawala Hukum 10, no. 2 (2019), https://doi.org/10.26905/IDJCH.V10I2.3469.

directs punishment towards restoring the original situation, compensating for loss, and preventing repetition, so that the sanction serves the balance of the community rather than revenge against the perpetrator. Taken together, these findings show that Dayak Abai customary law already articulates a restorative, community-oriented rationale for punishment that anticipates the recovery-centred philosophy to which the 2023 Criminal Code now aspires, and thus supports treating Dayak Abai customary law as a material source in the ongoing reform of Indonesian criminal law.

Acknowledgement

The authors would like to express their sincere gratitude to the Institute for Research and Community Service, Universitas Borneo Tarakan, for its support and assistance during the preparation and completion of this research/publication. The support provided by the institution has contributed significantly to the successful completion of this work.

Author Contributions Statement

Aris Irawan contributed to the conceptualization, research design, data collection, data analysis, and drafting of the initial manuscript, as well as to the literature review, methodology, interpretation of findings, and manuscript revision. The second and third authors contributed by providing supervision, critical review, and final approval of the manuscript. All authors have read and approved the final version of the manuscript and agree to be accountable for all aspects of the work.

AI Usage Statement

The authors declare that the use of Artificial Intelligence (AI) tools in this work was strictly limited to supportive functions, including language editing, grammar checking, and improving the clarity and readability of the manuscript. AI tools were not used to generate the core ideas, conduct substantive analysis, interpret data, or draw scholarly conclusions. The authors retain full responsibility for the originality, accuracy, and academic integrity of the content. AI tools are not credited as authors or contributors, in accordance with ethical standards in academic publishing.

Conflict of Interest

The authors declare that there is no conflict of interest in the writing, research process, analysis, interpretation, or publication of this article. All findings presented in this study are the result of the authors' independent academic work and are based on objective legal analysis that can be examined, verified, and evaluated for its scholarly independence. The authors further affirm that this article was not influenced by any personal, financial, institutional, or other interests that could affect the neutrality, originality, or scientific novelty of the research.

References

Ajiningrum, P S. "UTARA KABUPATEN MALINAU KALIMANTAN TIMUR." Stigma Journal of science 10, no. 1 (2017).

Alfarisi, M.S. "POLITIK HUKUM PIDANA ADAT DALAM PEMBAHARUAN HUKUM PIDANA INDONESIA." JURNAL YURIDIS UNAJA 1, no. 1 (2018): 15-33. https://doi.org/10.35141/JYU.V1I1.100.

A, Nelwitis, and Riki Afrizal. "PEMBERDAYAAN PERADILAN ADAT DALAM MENYELESAIKAN PERKARA PIDANA MENURUT HUKUM ADAT SALINGKA NAGARI DI SUMATERA BARAT." UNES Journal of Swara Justisia 7, no. 2 (2023): 469. https://doi.org/10.31933/UJSJ.V7I2.342.

Citranu, Citranu. "PENGATURAN DAN AKIBAT HUKUM TIDAK DILAKSANAKANYA PUTUSAN PERADILAN ADAT DAYAK." Widya Kerta: Jurnal Hukum Agama Hindu 4, no. 1 (2021): 1-22. https://doi.org/10.53977/WK.V4I1.284.

Citranu, Citranu Citranu. "Perjanjian Tumbang Anoi 1894 Sebagai Sumber Hukum Pidana Adat Dayak Ngaju." Tampung Penyang 17, no. 01 (2019): 1-17. https://doi.org/10.33363/TAMPUNG-PENYANG.V17I01.395.

Daly, Martin, Margo Wilson, and Suzanne J. Weghorst. "Male sexual jealousy." Ethology and Sociobiology 3, no. 1 (1982): 11-27. https://doi.org/10.1016/0162-3095(82)90027-9.

EVANS, V. JEFFERY. "Legal Aspects of Prenatal Sex Selection." Sex Selection of Children (1983): 147-200. https://doi.org/10.1016/B978-0-12-088860-3.50013-1.

Fahmi, Mutiara, Muhammad Syuib, and Yunita Arnanada. "Pencabutan Hak Hadhânah Terhadap Istri Yang Berzina Berdasarkan Perspektif Tarjih Maşhlahah (Analisis Putusan Hakim Tingkat Banding Nomor: 59/Pdt.G/2017/MS-Aceh)." El-USRAH: Jurnal Hukum Keluarga 1, no. 2 (2020): 221. https://doi.org/10.22373/UJHK.V1I2.7635.

Fauziah, Suud Ema. "KENDALA PROVINSI KALIMANTAN UTARA TERHADAP PEMBANGUNAN DAN PERMASALAHAN." Prosiding Seminar Nasional Humaniora dan Saintek I: Pembangunan Wilayah Perbatasan dan Pengembangan Sumberdaya Laut Tropis kekurangan (2009).

Firdaus, Wasidipa Maulana, Dominikus Rato, and Fendi Setyawan. "KAJIAN KRITIS PEMBENTUKAN PERADILAN PIDANA ADAT KHUSUS ANAK DALAM SISTEM PERADILAN PIDANA ANAK (PEMIKIRAN FILSAFAT HUGO GROTIUS)." SEIKAT: Jurnal Ilmu Sosial, Politik dan Hukum 2, no. 3 (2023): 318-325. https://doi.org/10.55681/SEIKAT.V2I3.573.

Gandasari, Adriana, Markus Iyus Supiandi, Thomas Joni Verawanto Aristo, Ursula Dwi Oktaviani, Dinn Wahyudin, Asep Herry Hernawan, Anastasia Selvi, Fiony, and Mawardi. "Indigenous knowledge dataset of Dayak, Malay and Chinese communities in Sintang Regency, West Kalimantan, Indonesia." Data in Brief 53 (2024): 110147. https://doi.org/10.1016/J.DIB.2024.110147.

Henri, Henri Tetiawadi, and Lumadi Lumadi. "Sistem Informasi Publik Sekretariat DPRD Kabupaten Malinau." Jurnal Bangkit Indonesia 12, no. 1 (2023). https://doi.org/10.52771/bangkitindonesia.v12i1.223.

Hizbullah, Sohibul, Silfia Hanani, and Nofiardi Nofiardi. "Delik Zina Controversy in the Kuhp." GIC Proceeding 1 (2023): 356-362. https://doi.org/10.30983/GIC.V1I1.126.

Irawan, A., Y.A. Zein, L.Y. Prakoso, B. Pramono, and A. Rahman. "Legal Restoration Toward Children Victims Of Sexual Violence At The Border Of North Kalimantan, Indonesia." Res Militaris 12, no. 2 (2022).

Istiklal, Istiklal, Otong Rosadi, and Herman Bakir. "PERTANGGUNG JAWABAN PIDANA TERHADAP TERDAKWA TINDAK PIDANA PERZINAAN." UNES Journal of Swara Justisia 5, no. 3 (2021): 312. https://doi.org/10.31933/UJSJ.V5I3.222.

Januarsyah, Mas Putra Zenno, Dwidja Priyatno, Somawijaya, and Widiada Gunakaya. "The Renewal Policy of the Adultery Concept in Article 411 of the Law Number 1 of 2023 on the Indonesian Criminal Code." Padjadjaran Jurnal Ilmu Hukum 10, no. 1 (2023): 1-16. https://doi.org/10.22304/PJIH.V10N1.A1.

Kartono, Kartono. "PENERAPAN SANKSI PIDANA TERHADAP PELAKU TINDAK PIDANA PERZINAHAN." Jurnal Surya Kencana Satu : Dinamika Masalah Hukum dan Keadilan 10, no. 1 (2019): 123-134. https://doi.org/10.32493/JDMHKDMHK.V10I1.3181.

Lattanzio, Gabriele. "Beyond religion and culture: The economic consequences of the institutionalization of sharia law." Emerging Markets Review 52 (2022): 100918. https://doi.org/10.1016/J.EMEMAR.2022.100918.

M, Iskandar A, Theodorus Fied Herlando, and Eddy Thamrin. "KAJIAN PERANAN HUKUM ADAT DALAM PENGELOLAAN DAN PERLINDUNGAN HUTAN PADA MASYARAKAT ADAT DAYAK UUD DANUM DESA DEME KECAMATAN AMBALAU." JURNAL HUTAN LESTARI 10, no. 1 (2022): 105. https://doi.org/10.26418/JHL.V10I1.46696.

Niner, Sara. "Gender relations and the establishment of the LGBT movement in Timor-Leste." Women's Studies International Forum 93 (2022): 102613. https://doi.org/10.1016/J.WSIF.2022.102613.

Pratiwi, Putri Fransiska Purnama, Suprayitno Suprayitno, and Triyani Triyani. "Upaya Hukum untuk Menjerat Tindakan Pelakor dalam Perspektif Hukum Adat Dayak Ngaju." Jurnal Cakrawala Hukum 10, no. 2 (2019). https://doi.org/10.26905/IDJCH.V10I2.3469.

Saly, Jeane Neltje, Adelia Nindya Kirana, Laurene Patricia, Monica Wijaya, Sonya Davinia, and Valentina Febriyanti. "Urgensi Sanksi Pidana Adat dalam Pelanggaran Tindak Pidana di Suku Dayak Guna Pemeliharaan Budaya Lokal Persfektif Keadilan Sosial." JERUMI: Journal of Education Religion Humanities and Multidiciplinary 1, no. 2 (2023): 137-141. https://doi.org/10.57235/JERUMI.V1I2.1253.

Setiawan, Rahmad Fahreza, and Lisnawati Lisnawati. "JIPEN: MENILIK HUKUM ADAT DAYAK PERSPEKTIF KAIDAH FIKIH JINAYAH." Jurnal Ilmu Syariah dan Hukum (JISYAKU) 2, no. 1 (2023): 59-70. https://doi.org/10.23971/JISYAKU.V2I1.6040.

Siburian, Riskyanti Juniver. "Menggeser Paradigma Kontra terhadap Kriminalisasi Pemerkosaan dalam Rumah Tangga." Lambung Mangkurat Law Journal 5, no. 1 (2020): 58. https://doi.org/10.32801/LAMLAJ.V5I1.118.

Stanford, Hugh R., Joe Hurley, Georgia E. Garrard, and Holly Kirk. "Finding the forgotten spaces: Using a social-ecological framework to map informal green space in Melbourne, Australia." Land Use Policy 141 (2024): 107114. https://doi.org/10.1016/J.LANDUSEPOL.2024.107114.

Suarsih, Santi, Deni Kurniadi Sunjaya, Elsa Pudji Setiawati, Guswan Wiwaha, Dewi Marhaeni Herawati, and Fedri Rinawan. "Analisis Kebijakan Dana Desa Untuk Pembangunan Kesehatan Di Kabupaten Malinau Dengan Pendekatan Segitiga Kebijakan." Jurnal Sistem Kesehatan 2, no. 4 (2017). https://doi.org/10.24198/jsk.v2i4.12500.

"The Fitz Patrick Lectures ON MEDICINE, MAGIC, AND RELIGION.." The Lancet 190, no. 4921 (1917): 919-924. https://doi.org/10.1016/S0140-6736(01)56296-0.

Tinker, Irene. "Quotas for women in elected legislatures: Do they really empower women?." Women's Studies International Forum 27, no. 5-6 (2004): 531-546. https://doi.org/10.1016/J.WSIF.2004.09.008.

Yusuf, Alyusnan, and Edi Setiadi. "Penerapan Sanksi bagi Pelaku Tindak Pidana Pencurian Menurut Hukum Pidana Adat Minangkabau Ditinjau dari Hukum Pidana Positif." Bandung Conference Series: Law Studies 3, no. 1 (2023). https://doi.org/10.29313/BCSLS.V3I1.5057.