

Gender Equality in Islam: The Implementation of Adat Sanctions for Adultery Among the Malay Tribe in West Kalimantan

Muhammad Nur Khaliq¹

¹ Universitas Islam Sunan Kalijaga Yogyakarta, Indonesia, khalijogeaaliq@gmail.com

Mahmud Arif²

² Universitas Islam Sunan Kalijaga Yogyakarta, Indonesia, mahmudarif987@gmail.com

Wendi Parwanto³

³ Institut Agama Islam Negeri Pontianak, Indonesia, wendiparwanto2@gmail.com

Ali Rahman^{4*}

⁴ Universitas Islam Negeri Sjech M. Djamil Djambek Bukitittinggi, Indonesia, ali.rahman26dex@gmail.com

Meisya Anggraini Rizki⁵

⁵ Universitas Gadjah Mada, Indonesia, meisyaanggrainirizki@mail.ugm.ac.id



©2024 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution-ShareAlike 4.0 International License (CC-BY-SA) license (<https://creativecommons.org/licenses/by-sa/4.0/>)
DOI : <http://dx.doi.org/10.30983/humanisma.v8i2.9169>

Submission: August 25, 2024	Revised: October 12, 2024	Accepted : November 26, 2024	Published: December 30, 2024
-----------------------------	---------------------------	------------------------------	------------------------------

Abstract

This study aims to examine the gender dynamics in the implementation of basadosa sanctions for adultery cases in Sintang Regency, West Kalimantan. The study uses a qualitative research methodology. A descriptive-analytical approach will be applied to explore how these sanctions are implemented on male and female offenders, with a focus on gender differences and their impacts. This research will analyze the distinctions in the application of basadosa sanctions and the social, psychological, and economic consequences experienced by male and female offenders. The findings of this study regarding the application of basadosa sanctions in adultery cases in Sintang Regency, West Kalimantan, reveal significant gender inequality, with women often receiving harsher social sanctions compared to men. Social ostracism and humiliation are more frequently experienced by women, leading to more severe psychological and social impacts for them. This occurs due to social norms that view women as the guardians of family honor, while men are more often given leniency or forgiveness. The implications of this research provide critical insights into the influence of basadosa sanctions in reinforcing or challenging gender inequality, as well as providing policy recommendations to promote gender equality in the application of customary law.

Keywords: Gender Equality, Customary Sanctions, Adultery Cases

Abstrak

Penelitian ini bertujuan untuk mengkaji dinamika gender dalam penerapan sanksi basadosa terhadap kasus zina di Kabupaten Sintang, Kalimantan Barat. Penelitian ini menggunakan pendekatan metodologi penelitian kualitatif. Pendekatan deskriptif-analitik akan diterapkan untuk mengeksplorasi bagaimana sanksi ini diterapkan pada pelaku laki-laki dan perempuan, dengan fokus pada perbedaan gender dan dampaknya. Penelitian ini akan menganalisis perbedaan dalam penerapan sanksi basadosa, serta dampak sosial, psikologis, dan ekonomi yang dirasakan oleh pelaku pria dan wanita. Temuan penelitian ini tentang penerapan sanksi basadosa terhadap kasus zina di Kabupaten Sintang, Kalimantan Barat, memperlihatkan ketidaksetaraan gender yang signifikan, dengan perempuan sering kali menerima sanksi sosial yang lebih

keras dibandingkan laki-laki. Sanksi berupa pengucilan sosial dan penghinaan lebih banyak dialami oleh perempuan, yang menyebabkan dampak psikologis dan sosial yang lebih berat bagi mereka. Hal ini terjadi karena adanya norma sosial yang memandang perempuan sebagai penjaga kehormatan keluarga, sementara laki-laki lebih sering diberikan keringanan atau pengampunan. Implikasi penelitian ini memberikan wawasan kritis mengenai pengaruh sanksi basadosa dalam memperkuat atau menantang ketidaksetaraan gender, serta memberikan rekomendasi kebijakan untuk mempromosikan kesetaraan gender dalam penerapan hukum adat.

Kata Kunci: Kesetaraan Gender, Sanksi Adat, Kasus Perzinahan

Introduction

The customary law of adultery (*basadosa*) is a traditional regulation that serves as a guideline for addressing moral violations within the Malay community of Sintang Regency, West Kalimantan.¹ This law categorizes adultery into two main types: adultery for occupational purposes and adultery based on mutual consent, each subject to different assessments and sanctions. Perpetrators of adultery are sanctioned with customary fines, the amounts of which are determined by the customary council following an official hearing.² These fines are divided into several categories, including *supan kampung* fines, aimed at restoring the reputation of the community tarnished by the act; *supan orang tua* fines, as a form of respect and apology to the family of the perpetrator; and *supan terhadap istri tua* fines, imposed if the male perpetrator is already married. In cases where the female perpetrator becomes pregnant, the male is obligated to bear the living expenses of the woman and the child as part of his responsibility. This sanction system not only focuses on punishment but also reflects efforts to restore social harmony and ensure the rights of affected parties. However, the dominance of financial penalties raises questions about their effectiveness in deterring repeat offenses,

especially when compared to alternative sanction systems such as those prescribed in Islamic law.

In the context of gender equality, the implementation of *basadosa* customary law presents considerable challenges. Women often find themselves more vulnerable to the consequences of these violations, whether social, psychological, or economic. In cases of pregnancy, women bear the heavy burden of social stigma and additional responsibilities as single parents if male perpetrators fail to fulfill their obligations. Meanwhile, men are typically subjected only to material penalties, which, although binding under customary law, do not impose social consequences equivalent to those experienced by women. This reveals a potential gender disparity in the enforcement of customary sanctions, where women are disproportionately subjected to social discrimination compared to men.³ On the other hand, Islamic law imposes strict sanctions without gender distinction, prescribing stoning for adulterers who are married and 100 lashes plus one year of exile for those who are unmarried. This approach aims to uphold equal justice for all offenders without gender bias. The fundamental differences between customary law and Islamic law in regulating adultery highlight the dynamic interaction between local and universal values that need harmonization.⁴ Further studies are needed

¹ Agustinus Astono, Ya' Rakha Muyassar, and Ivan Wagner, "Perempuan Dayak Dalam Peran Menjaga Lingkungan Hidup Perspektif Ekofeminisme Terhadap Hukum Lingkungan Di Kalimantan Barat (Studi Kasus: Kecamatan Sengah Temila, Kabupaten Landak)," *Arus Jurnal Sosial Dan Humaniora* 4, no. 1 (April 9, 2024): 8–16, <https://doi.org/10.57250/ajsh.v4i1.308>.

² Beenish Riaz, "Win the Battle, Lose the War?: Strategies for Repealing the Zina Ordinance in Pakistan," *Muslim World Journal of Human Rights* 17, no. 1 (November 26, 2020): 89–103, <https://doi.org/10.1515/mwjhr-2020-0009>.

³ Iswantoro Iswantoro and Faiq Tobroni, "Rationalization of Islamic Legal Considerations in Marriage Dispensation: A Lesson from Katingan, Central Kalimantan," *Al-Manabij: Jurnal Kajian Hukum Islam*, November 25, 2022, 301–14, <https://doi.org/10.24090/mnh.v16i2.7074>.

⁴ Malik Ibrahim and Taufiqurohman Taufiqurohman, "Efektifitas Sinerj sebagai Pelaksanaan Sanksi Adat Dalam Hukum Perkawinan," *Tasyri': Journal of Islamic Law* 2, no. 2 (July 14, 2022): 205–24, <https://doi.org/10.53038/tsyr.v2i2.65>.

to evaluate how *basadosa* customary law can be adapted to align more closely with the principles of gender equality without losing its essence and relevance as a local regulation that preserves social harmony within the Malay community of Sintang. Integrating universal values of justice into this customary law could be a strategic step toward creating a more inclusive and equitable legal system.⁵

The customary law of *basadosa* applied in Sintang Regency serves as a tool to maintain the social order deemed moral and in accordance with the prevailing norms in the local Malay community. However, in practice, the enforcement of this law often results in imbalances in the treatment of male and female perpetrators, particularly in cases of adultery. Under *basadosa*, the sanctions imposed on adulterers consist of fines whose amounts vary depending on the type of violation,⁶ whether based on work or mutual consent. Although this customary law aims to uphold justice,⁷ in reality, women often bear much heavier social and psychological consequences than men. Women involved in adultery are often confronted with social stigma that destroys their reputation and relationships within the community,⁸ while men are typically only subject to financial penalties without any binding social repercussions.⁹ This condition creates inequality that further deteriorates women's position in the social structure and reinforces gender-based injustice. Therefore, a thorough evaluation of the enforcement of *basadosa* is necessary to align it with the evolving understanding of gender equality and provide fairer solutions for all parties, regardless of gender.¹⁰

The aim of this research is to critically analyze the implementation of *basadosa* sanctions for adulterers in the Malay community of Sintang Regency, with a focus on gender equality. This study aims to identify in detail the differences in treatment between men and women in the application of customary sanctions, as well as explore the extent to which gender justice principles are applied in *basadosa*. Additionally, this research will compare the concepts found in *basadosa* law with Islamic law, which emphasizes equality in the handling of adultery cases, where sanctions do not distinguish between genders. This study will also evaluate the social and psychological impacts of the customary sanctions on women, who often experience more intense social pressure within the community. With these objectives, this research is expected to make a significant contribution to the understanding of how *basadosa* can evolve to create a balance between local traditions and broader gender equality principles. This research will also offer recommendations for the development of more inclusive and just policies in the enforcement of customary law, as well as contribute to the empowerment of women in the Malay community of Sintang Regency.

Method

This study employs a qualitative method with a descriptive-analytical approach to explore gender dynamics in the implementation of *basadosa* sanctions for adultery cases in Sintang Regency. The primary focus of this research is to understand the social, psychological, and economic impacts of these sanctions on men and women and to analyze how customary law shapes gender inequality in practice. Data is collected through in-depth

⁵ F. Redhwan Karim, "Rethinking Women's Dress Prescriptions in the Qur'an: An Extratextual Reading of Zina," *Journal of Islamic and Muslim Studies* 6, no. 2 (June 2022): 82–112, <https://doi.org/10.2979/jims.6.2.03>.

⁶ Hassan M. Ahmad, "Re-Assessing the Evidentiary Threshold for Zinā' in Islamic Criminal Law: A De Facto Exemption Proposal," *Muslim World Journal of Human Rights* 18, no. 1 (September 27, 2021): 103–32, <https://doi.org/10.1515/mwjhr-2020-0021>.

⁷ Wissam H. Halawi, "Zinā and Gender (In)Equality in Ismā'īlī Druze Law," *Der Islam* 99, no. 2 (October 6, 2022): 514–51, <https://doi.org/10.1515/islam-2022-0023>.

⁸ Silvia Pellicer-Ortín, "Transgenerational Trauma, Shared Vulnerability and Interconnectedness in Zina

Rohan's The Small Book," *European Review* 29, no. 3 (June 6, 2021): 333–53, <https://doi.org/10.1017/S1062798720000678>.

⁹ Heather Coleman et al., "A Roundtable on Zina Gimpelevich's The Portrayal of Jews in Modern Bielarussian Literature," *Canadian Slavonic Papers* 62, no. 2 (April 2, 2020): 202–20, <https://doi.org/10.1080/00085006.2020.1754030>.

¹⁰ Alfonso Munte and Riam Esobio Korsina, "Martha Nussbaum's Feminist Philosophy on Body Autonomy and Its Relationship to the Experiences of Women Survivors of Child Marriage: A Case Study in Sukamara, Central Kalimantan," *Jurnal SUARGA: Studi Keberagamaan Dan Keberagaman* 1, no. 1 (July 26, 2022): 27–34, <https://doi.org/10.24090/suarga.v1i1.6571>.

interviews, participant observation, and the analysis of legal and customary documents. Interviews will be conducted with customary leaders, community figures, individuals who have experienced *basadosa* sanctions, as well as academics or legal practitioners familiar with this issue. A purposive sampling technique is used to ensure that participants have direct relevance to the research topic, while snowball sampling is applied to identify respondents who may be harder to reach but possess in-depth experience related to these sanctions. Participant observation will be carried out in communities that still enforce *basadosa* to gain firsthand insights into the customary law enforcement process and the community's social response to adultery violations. Additionally, document analysis will include an examination of customary legal texts, case records, and Islamic legal references to compare gender justice principles in both legal systems.

Data analysis is conducted thematically by identifying key patterns from interviews, observations, and relevant documents. Thematic categorization focuses on gender justice, socio-economic impacts, and the differential treatment of men and women in the implementation of *basadosa* sanctions. Additionally, a comparative analysis is carried out by examining the application of customary law in relation to the principles of justice in Islamic law, to assess the extent to which customary law considers gender equality. To enhance the credibility of the study, methodological triangulation is employed by comparing data from multiple sources, alongside member checking, where feedback from participants is sought to validate the research findings. Further validation is conducted through peer debriefing with scholars specializing in customary law and gender studies. From an ethical perspective, all participants will be clearly informed about the research objectives and process, and they will have the right to provide informed consent before participating in

interviews. This study adheres to the principle of non-maleficence, ensuring that the research does not cause any social, psychological, or legal harm to participants. Through this approach, the study aims to contribute to the development of more inclusive and gender-equitable policies within the customary legal system while providing deeper academic insights into the dynamics of gender inequality in culturally-based legal practices.

Results and Discussion

Gender Disparities in Customary Sanctions for Adultery in the Malay Tribe

The customary sanctions for adultery in the Malay Tribe in Sintang, West Kalimantan, often reveal a significant gender disparity in the treatment of male and female offenders. Although customary law is theoretically expected to apply equally, in practice, there is a clear gender imbalance in its implementation. For male offenders,¹¹ customary sanctions are typically lighter,¹² and their social status is not significantly affected. This is due to social norms that regard men, especially in patriarchal societies, as holding higher positions.¹³ In contrast, women involved in adultery cases often face much harsher consequences. Social sanctions such as exclusion, humiliation, and negative stigma can severely affect their social and economic life. This happens because the community tends to hold women more accountable for the occurrence of adultery, even though male offenders often play a significant role. This inequality shows that customary law, in practice, favors men and does not provide equal protection for women. In many cases, women are more easily ostracized or blamed for damaging the family's honor, while men are often forgiven or receive lighter sanctions. Therefore, reforms in customary law are necessary to ensure that both

¹¹ Yahaya Ibrahim Abikan, "Examining the Admissibility or Otherwise of Evidence Generated from Closed-Circuit Television (CCTV) and Deoxyribonucleic Acid (DNA) Test as Means of Proof of Zina Under Islamic Law," *Al-Manabij: Jurnal Kajian Hukum Islam* 17, no. 1 (May 5, 2023): 83–96, <https://doi.org/10.24090/mnh.v17i1.8172>.

¹² Safinatunnajah Safinatunnajah, "Efektivitas Penetapan Sanksi Adat Tindak Pidana Zina Dalam

Perspektif Hukum Islam," *Journal of Comprehensive Islamic Studies* 2, no. 1 (June 11, 2023): 33–48, <https://doi.org/10.56436/jocis.v2i1.172>.

¹³ Rizqa Febry Ayu, "Iddah Wanita Hamil Karena Zina Menurut Hukum Islam Dan Hukum Positif," *El-Usrah: Jurnal Hukum Keluarga* 4, no. 1 (June 30, 2021): 216, <https://doi.org/10.22373/ujhk.v4i1.10097>.

men and women involved in adultery cases are treated more fairly, eliminating the gender bias in the resolution of such cases.¹⁴

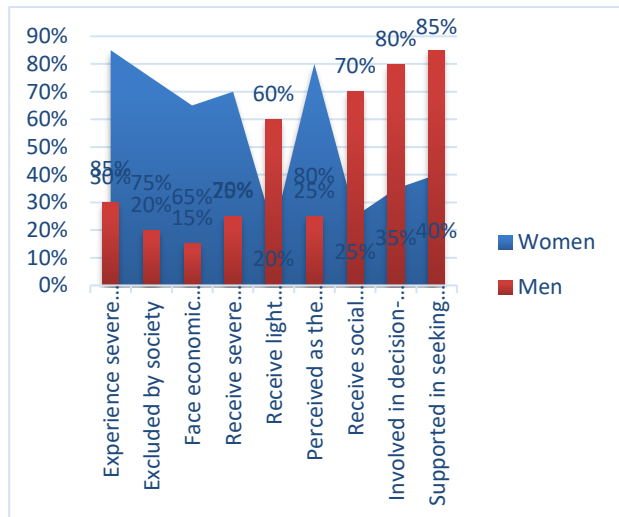


Figure 1. Gender Gap in Social Legal Treatment of Adultery Cases in Sintang Malay Society

Social views on women's dignity in adultery cases within the Malay community in Sintang, West Kalimantan, often result in more detrimental consequences for women than for men. In many cases, women involved in adultery are seen as individuals who have betrayed social norms and disrupted community morality.¹⁵ This causes them to face much harsher social sanctions, such as exclusion or rejection by society.¹⁶ The negative stigma attached to these women not only damages their reputation but also creates significant difficulties in their social and economic lives following the incident.¹⁷ Meanwhile, men involved in adultery are often given warnings or pardoned, as they are perceived as less responsible or because their role is still seen as dominant in the social

structure.¹⁸ However, under customary law, both male and female offenders should be treated equally and justly. This disparity in treatment leads to deeper social discrimination against women, which calls for special attention in the reform of customary law to ensure more just and equal protection for women involved in adultery cases. A fairer and gender-sensitive approach to customary law would help reduce the social stigma and provide better protection for the dignity of women within the community.

Customary law in the Malay tribe of West Kalimantan plays a significant role in regulating social behavior, including the enforcement of sanctions for adultery.¹⁹ While the intention of customary law is to uphold social order and protect community values, its application has the potential to either reduce or reinforce gender inequality. Historically, customary law has often reinforced patriarchal norms, treating men and women differently in the enforcement of sanctions. For instance, in cases of adultery, women are more likely to face harsh social and legal consequences, while men may be forgiven or receive lighter sanctions. This differential treatment reinforces the idea that men are the dominant figures in the social structure, and their actions are more easily overlooked, while women's behavior is held to stricter standards. However, there is a growing acknowledgment within the community that such practices do not serve the interests of gender equality. Some reformists argue that customary law can be a tool for reducing gender discrimination if

¹⁴ Mutiara Fahmi et al., "Punishment for Zina Muḥṣān Offenders in Aceh Qanun No. 6 of 2014 in the Perspective of Fiqh Al-Siyāsah," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 27, 2022): 346, <https://doi.org/10.22373/sjhh.v6i1.13363>.

¹⁵ Ngobizwe Mvelo Ngema and Desan Iyer, "Extra-Marital Child (Walad Al Zina) and His Right to Maintenance (Nafaqah): A Comparison of Islamic Law and South African Common Law," *Academic Journal of Interdisciplinary Studies* 12, no. 2 (March 5, 2023): 253, <https://doi.org/10.36941/ajis-2023-0046>.

¹⁶ Siti Maimunah et al., "Effectiveness Knowledge of the Prohibition of Zina in Islam towards Pre-Marriage Sex

Students at Nurul Huda Islamic Boarding School Surabaya," *Bali Medical Journal* 12, no. 3 (September 21, 2023): 2805–7, <https://doi.org/10.15562/bmj.v12i3.4353>.

¹⁷ Melanie Rae Perez, "Rape under Islamic Law: The Confusing Classification of Zina and Limitations in Getting Justice," *The International Journal of Religion and Spirituality in Society* 15, no. 1 (2024): 43–56, <https://doi.org/10.18848/2154-8633/CGP/v15i01/43-56>.

¹⁸ Budi Kisworo, "Tuduhan Berzina (Qazfu Al-Zina) Dalam Kajian Teologis Dan Sosiologis," *Al-Istinbath: Jurnal Hukum Islam* 5, no. 1 (May 9, 2020): 105, <https://doi.org/10.29240/jhi.v5i1.1433>.

¹⁹ Ahmad Muhajir, "Interview," 2024.

it evolves to reflect more equitable values. They propose revising certain practices and reinterpreting the roles of both men and women in adultery cases to create a more balanced and just system. These reforms would involve shifting the focus of customary law from reinforcing patriarchal views to upholding fairness and gender equality, where both men and women are treated equally, and their rights are protected without bias. Therefore, while the customary legal system has historically contributed to gender inequality, it has the potential to be reformed into a more progressive and inclusive system that works towards minimizing gender-based discrimination.

The resolution of adultery cases within the customary legal framework of the Malay tribe in Sintang is deeply influenced by the participation of the community in decision-making processes, particularly through traditional councils (*musyawarah adat*). These councils play a crucial role in addressing cases of adultery, as they provide a platform for the community to voice opinions, share perspectives, and reach a consensus on how to resolve disputes. The involvement of both parties—the accused and the accuser—in the deliberations is fundamental to the customary law process. However, while this system is designed to be inclusive, the question arises as to whether it adequately considers gender equality in its decision-making processes. In practice, the outcomes of these discussions often reflect the patriarchal biases prevalent in the community, leading to decisions that may unfairly favor men. Women, who are typically viewed as the primary bearers of responsibility in cases of adultery, may be subjected to greater social stigma and harsher sanctions, while men are often given more lenient treatment.²⁰ This disparity arises from the traditional social roles assigned to men and

women, where men's authority and status are privileged, and women's actions are scrutinized more heavily.²¹ To address this, there is a need for reforms in the way *musyawarah adat* operates, ensuring that the deliberations are conducted in a manner that actively promotes gender equality. This could involve incorporating gender-sensitive perspectives into the decision-making process, educating community members about the importance of treating both men and women equally, and ensuring that decisions are made based on fairness rather than traditional gender biases. Additionally, the involvement of women's voices in these discussions is essential to ensure that their rights and dignity are adequately represented, thus fostering a more equitable resolution process that takes into account the rights and responsibilities of both parties without gender-based discrimination. Ultimately, transforming the *musyawarah adat* into a more inclusive and gender-conscious forum will contribute to achieving a fairer and more balanced resolution of adultery cases.

Social Sanctions for Women in Adultery Cases in the Malay Tribe

Adultery cases in the Malay community in West Kalimantan have far more severe social consequences for women compared to male offenders. Social sanctions imposed on women often involve exclusion and humiliation that tarnish their reputation and social standing within the community.²² This exclusion can manifest as being barred from social interactions, being expelled from family or friendship circles, and experiencing a significant drop in social status. Women involved in adultery are often perceived as having dishonored the family, which impacts their position in an already highly patriarchal social structure. This treatment contrasts sharply with

²⁰ Muhammad Heidi, "Interview," 2024.

²¹ Stephen K. Wegren et al., "Gender Inequality in Russia's Rural Informal Economy," *Communist and Post-Communist Studies* 50, no. 2 (June 1, 2017): 87–98, <https://doi.org/10.1016/j.postcomstud.2017.05.007>.

²² Nomusa Makhubu, "'This House Is Not for Sale': Nollywood's Spatial Politics and Concepts of 'Home' in Zina Saro-Wiwa's Art," *African Arts* 49, no. 4 (December 2016): 58–69, https://doi.org/10.1162/AFAR_a_00314.

that of men, who, despite being involved in the same act, often do not face similar social consequences. Men in this culture are frequently given leniency or even forgiven, due to their dominant role as heads of the family and as men in society. As a result, women involved in adultery not only face harsher legal sanctions but also bear the heavy burden of social stigma that can damage their personal and economic lives. They often feel isolated and find it difficult to continue their lives after such incidents, as many social and economic opportunities are closed off to them due to society's condemning view. This is why reforming customary law to be more gender-sensitive is crucial, ensuring that women receive fairer protection and are not victimized by unequal social norms.

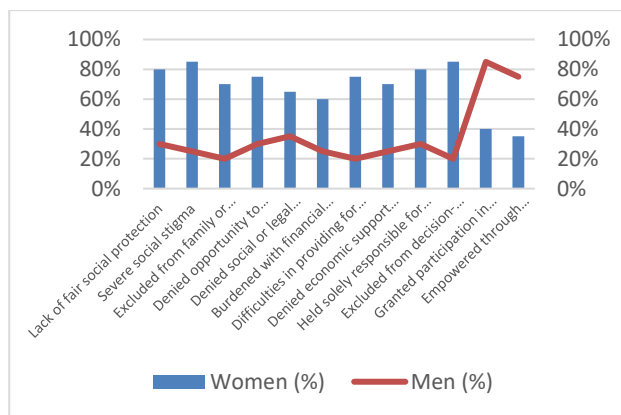


Figure 2. Legal Gaps Faced by Women in Adultery Cases in Sintang Malay Society

In the customary law system prevalent in the Malay community,²³ particularly in West Kalimantan, women often do not receive fair social protection in adultery cases, especially when compared to men. While customary law aims to maintain social harmony and protect the integrity of the community, in many cases, the protection

offered to women in such situations is limited and often exacerbates their position. While customary law acknowledges the importance of safeguarding family honor, women involved in adultery are often seen as having disrupted broader moral and social values, making them more accountable for the act. This treatment not only results in harsh social sanctions but also frequently overlooks women's rights to receive protection equal to that of men. In many cases, women are not given the opportunity to defend themselves or receive assistance in dealing with the social stigma attached to them. This shows that the customary law system, in its current form, reinforces social injustices for women rather than providing fair and equitable solutions. Therefore, reform is needed in the social protection system to ensure that women have equal access to legal and social protection. A revised, more inclusive, and gender-just customary law system could offer women better protection, including the right to be respected and treated fairly, without bearing the heavy social burden imposed by existing gender stereotypes.

The economic consequences for women involved in adultery cases within the Malay community in West Kalimantan can be profound, as customary sanctions often exacerbate their financial dependence. Customary law, in its enforcement of social sanctions,²⁴ places a significant burden on women, both in terms of direct financial costs and long-term economic difficulties. One of the primary ways this manifests is through the administrative costs associated with resolving such cases. Women, who are typically less economically independent than men in these communities,²⁵ may face difficulty affording the

²³ Ruth Jackson et al., "Landscape Multifunctionality in (and around) the Kafa Biosphere Reserve: A Sociocultural and Gender Perspective," *Landscape Research* 46, no. 1 (January 2, 2021): 50–63, <https://doi.org/10.1080/01426397.2020.1831460>.

²⁴ Oluwakemi D. Udoh, Sheriff F. Folarin, and Victor A. Isumonah, "The Influence of Religion and Culture on Women's Rights to Property in Nigeria," ed. Emmanuel

O Amoo, *Cogent Arts & Humanities* 7, no. 1 (January 1, 2020): 1750244, <https://doi.org/10.1080/23311983.2020.1750244>.

²⁵ Tamer Koburtay, Jawad Syed, and Radi Haloub, "Implications of Religion, Culture, and Legislation for Gender Equality at Work: Qualitative Insights from Jordan," *Journal of Business Ethics* 164, no. 3 (July 16, 2020): 421–36, <https://doi.org/10.1007/s10551-018-4036-6>.

fees related to the adjudication of the case, such as court fees or other expenses related to the mediation process. Additionally, when a woman is ostracized or excluded from her family or community as part of the social sanctions, she loses valuable social networks that may have otherwise provided economic support. This not only affects her day-to-day livelihood but can also lead to significant difficulties in providing for her children, especially if there are children born from the adulterous relationship. The financial burden of raising a child in such a context can be overwhelming, as the woman may be left without the necessary resources or social support to ensure a stable and secure future for her child. Furthermore, customary law often places the responsibility for raising children on the mother, particularly when the father's involvement is minimal or absent, which only amplifies the financial strain on the woman. The economic dependency created by these traditional sanctions reinforces gender inequality, making it essential to critically assess the economic implications of customary law and its impact on women's autonomy. Reforming these practices is crucial to ensure that women are not economically marginalized or penalized by a legal system that disproportionately burdens them in cases of adultery.²⁶

The empowerment of women within the framework of customary law,²⁷ particularly in adultery cases, is a complex yet crucial issue that requires a careful balance. In many cases, the

existing customary legal processes tend to marginalize women, reinforcing their secondary status in society rather than offering them the chance to actively participate in their own defense or resolution of the case. To truly empower women, it is necessary for the customary law system to be reformed in a way that gives women a more prominent role in the resolution process, ensuring their voices are heard and their rights are protected. Women involved in adultery cases should be given equal opportunities to engage in the customary law proceedings, allowing them to present their perspectives, seek advice, and be active participants in negotiations. This would not only enhance their autonomy but also reduce the stigma they face in the process, as their involvement in the decision-making would be recognized as legitimate and important.²⁸ However, in order to prevent further marginalization, it is essential that the customary law system does not continue to operate within a patriarchal framework where women are predominantly seen as passive subjects of judgment.²⁹ One way to achieve this empowerment is by involving women in the deliberative councils (*musyawarah adat*) that decide the outcomes of such cases, ensuring that women have representation in the decision-making processes.³⁰ Additionally, educating community members, particularly the elders and leaders within the community, about the importance of gender equality and fair treatment can help shift the focus from blaming women to

²⁶ Ingrid Westendorp, "Personal Status Law and Women's Right to Equality in Law and in Practice: The Case of Land Rights of Balinese Hindu Women," *Journal of Human Rights Practice* 7, no. 3 (November 2015): 430–50, <https://doi.org/10.1093/jhuman/huv013>.

²⁷ Ikhwanuddin Harahap, "Women's Position in Patriarchal Kinship System," *Jurnal Ilmiah Peuradeun* 8, no. 1 (January 30, 2020): 129, <https://doi.org/10.26811/peuradeun.v8i1.340>.

²⁸ Putri Fransiska Purnama Pratiwi, Suprayitno Suprayitno, and Triyani Triyani, "Existence of Customary Law through Comparative Education between Dayak Ngaju Customary Law and National Law," *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and*

Social Sciences 3, no. 2 (April 8, 2020): 712–17, <https://doi.org/10.33258/birci.v3i2.882>.

²⁹ Muhammad Mutawali, "Customary Law of Dou Donggo Bima from the Perspective of Islamic and Indonesian Positive Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (June 29, 2022): 1–27, <https://doi.org/10.19105/al-lhkam.v17i1.6007>.

³⁰ Alga Oktario Alga Oktario and Syarkati, "Penerapan Sanksi Hukum Adat Cambuk Lidi terhadap Perbuatan Zina Sehingga Timbul Efek Jera di Desa Derati Kecamatan Kotapadang Kabupaten Rejang Lebong Tahun 2022/2023," *Jurnal Pancasila Dan Kewarganegaraan (JUPANK)* 3, no. 2 (December 20, 2023): 326–32, <https://doi.org/10.36085/jupank.v3i2.5047>.

acknowledging the shared responsibility in cases of adultery. This reform would not only empower women but also lead to a more equitable and just customary legal system that works to protect the rights and dignity of both men and women, without perpetuating traditional gender biases. Ultimately, women's empowerment in these processes would pave the way for a more inclusive society, where women are treated with fairness, respect, and equality, even in the context of socially sensitive issues like adultery.

Reform of Customary Sanctions to Achieve Gender Justice in the Malay Community

Changes in customary sanctions in the Malay community, particularly related to adultery cases, are crucial for achieving better gender justice.³¹ The current customary law tends to show inequality in the application of sanctions against women and men involved in adultery.³² The social sanctions that are harsher and more damaging for women, such as ostracism and humiliation, cause them to face much heavier consequences compared to men who are involved in the same act. In many communities, women are considered primarily responsible for maintaining family honor,³³ while men are often given leniency or even forgiven. This creates inequality that worsens women's position in an already highly patriarchal social structure. Reforms in customary law are necessary to eliminate these discriminatory practices, emphasizing fair protection for both parties, regardless of gender. By adopting the principle of gender equality in the application of adultery sanctions, society can create a legal system that is more inclusive, protecting the interests of the family and the community while also

respecting the rights of individuals, both men and women. One approach that could be considered is the introduction of more balanced sanctions that prioritize rehabilitation and mediation efforts, rather than just social punishment that exacerbates inequality. Such reform would be an important step toward improving the condition of women in customary societies and ensuring that they receive protection equal to that of men.

The views of religious leaders on the gender inequality that may arise in customary law are crucial to understanding the challenges and solutions that can be applied in customary law reform. Many religious leaders emphasize the importance of justice in society, which includes equal treatment for men and women in various aspects of life, including customary law.³⁴ Some religious leaders argue that gender inequality in customary law is often influenced by misconceptions about religious teachings and long-standing cultural traditions.³⁵ They believe that, for instance, in Islam, the rights and responsibilities of men and women are essentially balanced, and there is no religious basis for unequal treatment in cases such as adultery. Therefore, they encourage the implementation of more just and equal principles of Sharia, which do not consider gender as a factor in determining punishment or sanctions. Other religious leaders propose that the customary law practiced in the community be adjusted to align with more modern religious teachings that are responsive to contemporary social issues, such as gender equality. They support changes in the customary legal framework that would allow for better protection for women, ensuring that they are not

³¹ Slamet Turmudzi, "Interview," 2024.

³² Muhammad Syarif, "Peradilan Hukuman Pelaku Zina Pada Masa Nabi Muhammad SAW," *LAWYER: Jurnal Hukum* 1, no. 1 (April 2, 2023): 22–27, <https://doi.org/10.58738/lawyer.v1i1.138>.

³³ Iskandar Iskandar and Agus Salam, "Komparatif Hukum Islam Dengan Hukum Positif Sanksi Tindak Pidana Zina," *TASAMUH: Jurnal Studi Islam* 14, no. 1 (April 15,

2022): 144–54, <https://doi.org/10.47945/tasamuh.v14i1.589>.

³⁴ Syaiful Anam, "Interview," 2024.

³⁵ Hj. Khusnul Haminah and Muhammad Zainal, "Studi Komparasi Dan Analisis Terhadap Tindak Pidana Kesusilaan Zina, Pemerkosaan Dan LGBT Dalam Perspektif KUHP Dan RKUHP 2015," *Justness: Jurnal Hukum Politik Dan Agama* 1, no. 1 (March 3, 2022): 84–112, <https://doi.org/10.61974/justness.v1i1.4>.

harmed by social norms that are gender-biased. In this regard, it is important for religious leaders to educate the community about the concept of justice in religion, which emphasizes equal treatment and respect for the dignity of every individual, regardless of gender. Thus, these proposed improvements could contribute to creating a more just customary legal system that aligns with broader gender justice values, while also enhancing the welfare and dignity of women in customary societies.³⁶

Integrating gender equality values into the process of customary law is essential to ensure that no party faces discrimination, particularly in cases of adultery. Customary law has long been a reflection of societal norms, and in many communities, these norms have been shaped by patriarchal structures that inherently favor men over women. To address this, gender equality principles must be incorporated into the very fabric of the customary legal system. One of the key steps toward achieving this goal is to ensure that both men and women are treated equally in terms of responsibility, rights, and sanctions in cases of adultery. In practice, this would mean rethinking the social sanctions imposed on women, which are often more severe than those imposed on men. While customary law traditionally places the burden of family honor on women, this view must be challenged to reflect a more equitable distribution of responsibility. By incorporating the idea of shared responsibility for maintaining family integrity, both men and women would be held equally accountable for their actions. Moreover, ensuring that women have an active role in legal proceedings and decision-making processes related to adultery cases would

foster an environment where both genders are empowered.³⁷ This could include providing women with the opportunity to participate in deliberative councils (*musyawarah adat*), where decisions are made about penalties or mediation. Additionally, customary law should be flexible enough to adapt to changing gender norms and offer avenues for reform, ensuring that gender equality is not just a theoretical concept but a practical reality within the legal system. By embedding these values into the legal framework, discriminatory practices would be gradually dismantled, paving the way for a more just and balanced society where both men and women receive equal treatment under the law.

Local wisdom plays a vital role in shaping the values and principles that govern communities, and its relevance in supporting gender equality, especially in the resolution of adultery cases, cannot be overstated. The Malay community, like many other indigenous cultures, has a rich tradition of local knowledge and values that could be harnessed to support gender equality. These traditions, often passed down through generations, include strong principles of mutual respect, justice, and community cohesion. If applied thoughtfully, these values can contribute significantly to a more gender-sensitive approach to customary law. In the context of resolving adultery cases, local wisdom can be used to highlight the importance of fairness, accountability, and the equal treatment of both genders. For example, some Malay *adat* traditions already emphasize the need for mediation and reconciliation over punitive measures.³⁸ These practices can be adapted to promote a more equitable approach, ensuring that both parties are

³⁶ dudi Badruzaman, “Tinjauan Hukum Islam Terhadap Fasilitator Perbuatan Zina,” *Tabkim (Jurnal Peradaban Dan Hukum Islam)* 3, no. 2 (October 5, 2020): 79–94, <https://doi.org/10.29313/tahkim.v3i2.6367>.

³⁷ Indung Wijayanto and Cahya Wulandari, “Harmonisasi Kitab Undang-Undang Hukum Pidana Dan Legal Culture Di Indonesia: Penanganan Zina Dan Permasalahannya,” *Halu Oleo Law Review* 4, no. 2 (September

28, 2020): 239, <https://doi.org/10.33561/holrev.v4i2.14298>.

³⁸ Syahrul Syahrul and Mukhtaruddin, “Sebuah Studi Komparatif Tindak Pidana Perzinahan Dalam Qanun Aceh Dan KUH Pidana Di Indonesia,” *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 4, no. 2 (September 11, 2022): 95–110, <https://doi.org/10.32505/lentera.v4i2.3959>.

treated fairly and without bias. Local wisdom can also emphasize the need for men and women to work together for the well-being of the family and the community, moving beyond traditional notions of male dominance and female subordination.³⁹ In doing so, it provides a framework for resolving conflicts that is rooted in respect for human dignity and equality. By integrating these principles into the customary law system, the community can shift toward a more gender-just society, where the resolution of disputes, including adultery cases, is handled in a way that upholds the rights and dignity of both men and women.⁴⁰ This process of reinterpreting local wisdom in light of contemporary gender equality norms can serve as a model for other communities seeking to reconcile tradition with modern values of justice and equality.⁴¹

Conclusion

This study highlights the urgent need to integrate gender equality into the application of customary sanctions for adultery within the Malay community in West Kalimantan. The findings reveal significant gender disparities in customary law, where women disproportionately suffer severe social consequences such as public humiliation, ostracism, and loss of dignity, while men often receive more lenient treatment. These inequalities are deeply rooted in patriarchal traditions that place the burden of family honor primarily on women, reinforcing structural gender imbalances. This study underscores the necessity for customary legal mechanisms to evolve, ensuring gender-neutral sanctions that emphasize rehabilitation and reconciliation rather than punitive measures. A reformed legal system based

on gender justice would uphold the dignity of all individuals, ensuring that adultery sanctions are applied fairly regardless of gender. Furthermore, this research highlights the importance of integrating contemporary gender theories into the reform process, as these theories provide valuable insights into eliminating discriminatory practices and fostering a more equitable customary legal framework.

One of the key findings of this study is the crucial role of religious leaders in advocating for gender equality within customary law. While Islamic teachings emphasize justice, fairness, and equal treatment for both men and women, traditional interpretations of customary law often diverge from these principles, leading to discriminatory enforcement. Religious leaders can serve as influential agents of change by promoting interpretations of justice that transcend patriarchal biases and fostering community acceptance of legal reforms. To bridge the gap between customary law and gender equality, collaboration among religious leaders, legal scholars, and policymakers is essential. As a concrete recommendation, local governments should implement structured educational programs to raise awareness of gender justice within customary legal systems, accompanied by community-based dialogues to facilitate gradual societal acceptance of legal reforms. Further research should explore the practical challenges of implementing these reforms, including resistance within communities, the role of local governance in shaping legal practices, and the effectiveness of educational initiatives in shifting societal attitudes. Additionally, examining the intersection of

³⁹ dwi Arini Zubaidah Rini, "Status Anak di Luar Nikah dalam Perspektif Hukum Positif dan Hukum Islam (Telaah Putusan Mahkamah Konstitusi Nomor 46/Puu-Viii/2010)," *Familia: Jurnal Hukum Keluarga* 4, no. 2 (December 26, 2023): 91–106, <https://doi.org/10.24239/familia.v4i2.87>.

⁴⁰ Marli Candra and Nanda Pricilia Nadhiva, "Tinjauan Filsafat Hukum Dalam Islam Terhadap Overspel Dan Zina," *Al-Jinayah Jurnal Hukum Pidana Islam* 6,

no. 2 (December 14, 2020): 450–76, <https://doi.org/10.15642/aj.2020.6.2.450-476>.

⁴¹ Ariskanis Delpada, "Proses Penerapan Sanksi Pidana Adat bagi Pelaku Perzinahan (Tafuui) pada Masyarakat Abui dan Upaya Penanggulangannya di Desa Lembur Barat, Kecamatan Alor Tengah Utara.," *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 4 (August 15, 2023): 1177–86, <https://doi.org/10.59141/comserva.v3i4.903>.

customary law with national and international human rights standards could provide a broader perspective on the pathways toward a more just and inclusive legal system.

References

Journal

- Abikan, Yahaya Ibrahim. "Examining the Admissibility or Otherwise of Evidence Generated from Closed-Circuit Television (CCTV) and Deoxyribonucleic Acid (DNA) Test as Means of Proof of Zina Under Islamic Law." *Al-Manabij: Jurnal Kajian Hukum Islam* 17, no. 1 (May 5, 2023): 83–96. <https://doi.org/10.24090/mnh.v17i1.8172>.
- Ahmad, Hassan M. "Re-Assessing the Evidentiary Threshold for Zinā' in Islamic Criminal Law: A De Facto Exemption Proposal." *Muslim World Journal of Human Rights* 18, no. 1 (September 27, 2021): 103–32. <https://doi.org/10.1515/mwjhr-2020-0021>.
- Alga Oktario, Alga Oktario, and Syarkati. "Penerapan Sanksi Hukum Adat Cambuk Lidi terhadap Perbuatan Zina Sehingga Timbul Efek Jera di Desa Derati Kecamatan Kotapadang Kabupaten Rejang Lebong Tahun 2022/2023." *Jurnal Pancasila Dan Kewarganegaraan (JUPANK)* 3, no. 2 (December 20, 2023): 326–32. <https://doi.org/10.36085/jupank.v3i2.5047>.
- Astono, Agustinus, Ya' Rakha Muyassar, and Ivan Wagner. "Perempuan Dayak Dalam Peran Menjaga Lingkungan Hidup Perspektif Ekofeminisme Terhadap Hukum Lingkungan Di Kalimantan Barat (Studi Kasus: Kecamatan Sengah Temila, Kabupaten Landak)." *Arus Jurnal Sosial Dan Humaniora* 4, no. 1 (April 9, 2024): 8–16. <https://doi.org/10.57250/ajsh.v4i1.308>.
- Ayu, Rizqa Febry. "Iddah Wanita Hamil Karena Zina Menurut Hukum Islam Dan Hukum Positif." *El-Ushrah: Jurnal Hukum Keluarga* 4, no. 1 (June 30, 2021): 216. <https://doi.org/10.22373/ujhk.v4i1.10097>.
- Badruzaman, Dudi. "Tinjauan Hukum Islam terhadap Fasilitator Perbuatan Zina." *Tabkīm (Jurnal Peradaban Dan Hukum Islam)* 3, no. 2 (October 5, 2020): 79–94. <https://doi.org/10.29313/tahkim.v3i2.6367>.
- Candra, Marli, and Nanda Pricilia Nadhiva. "Tinjauan Filsafat Hukuman Dalam Islam Terhadap Overspel Dan Zina." *Al-Jinayah Jurnal Hukum Pidana Islam* 6, no. 2 (December 14, 2020): 450–76. <https://doi.org/10.15642/aj.2020.6.2.450-476>.
- Coleman, Heather, Amelia M. Glaser, Maria Paula Survilla, and Zina Gimpelevich. "A Roundtable on Zina Gimpelevich's The Portrayal of Jews in Modern Bielarussian Literature." *Canadian Slavonic Papers* 62, no. 2 (April 2, 2020): 202–20. <https://doi.org/10.1080/00085006.2020.1754030>.
- Delpada, Ariskanis. "Proses Penerapan Sanksi Pidana Adat bagi Pelaku Perzinahan (Tafuui) pada Masyarakat Abui dan Upaya Penanggulangannya di Desa Lembur Barat, Kecamatan Alor Tengah Utara." *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 4 (August 15, 2023): 1177–86. <https://doi.org/10.59141/comserva.v3i4.903>.
- Fahmi, Mutiara, Nurhayati Ali Hasan, Iskandar Usman, Amiruddin Abdullah, and Muhibuddin Hanafiyah. "Punishment for Zina Muḥṣān Offenders in Aceh Qanun No. 6 of 2014 in the Perspective of Fiqh Al-Siyāsah." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 27, 2022): 346. <https://doi.org/10.22373/sjkh.v6i1.13363>.
- Halawi, Wissam H. "Zinā and Gender (In)Equality in Ismā'īlī Druze Law." *Der Islam* 99, no. 2 (October 6, 2022): 514–51. <https://doi.org/10.1515/islam-2022-0023>.
- Harahap, Ikhwanuddin. "Women's Position in Patriarchal Kinship System." *Jurnal Ilmiah Peuradeun* 8, no. 1 (January 30, 2020): 129. <https://doi.org/10.26811/peuradeun.v8i1.340>.
- Hj. Khusnul Hitaminah, and Muhammad Zainal. "Studi Komparasi Dan Analisis Terhadap Tindak Pidana Kesusilaan Zina, Pemerkosaan Dan LGBT Dalam Perspektif

- KUHP Dan RKUHP 2015.” *Justness: Jurnal Hukum Politik Dan Agama* 1, no. 1 (March 3, 2022): 84–112. <https://doi.org/10.61974/justness.v1i1.4>.
- Ibrahim, Malik, and Taufiqurohman Taufiqurohman. “Efektifitas Sinerjitas Sebagai Pelaksanaan Sanksi Adat Dalam Hukum Perkawinan.” *Tasyri’: Journal of Islamic Law* 2, no. 2 (July 14, 2022): 205–24. <https://doi.org/10.53038/tsyr.v2i2.65>.
- Iskandar, Iskandar, and Agus Salam. “Komparatif Hukum Islam Dengan Hukum Positif Sanksi Tindak Pidana Zina.” *TASAMUH: Jurnal Studi Islam* 14, no. 1 (April 15, 2022): 144–54. <https://doi.org/10.47945/tasamuh.v14i1.589>.
- Iswantoro, Iswantoro, and Faiq Tobroni. “Rationalization of Islamic Legal Considerations in Marriage Dispensation: A Lesson from Katingan, Central Kalimantan.” *Al-Manabij: Jurnal Kajian Hukum Islam*, November 25, 2022, 301–14. <https://doi.org/10.24090/mnh.v16i2.7074>.
- Jackson, Ruth, Abinet Shiferaw, Befikadu Melesse Taye, and Zegeye Woldemariam. “Landscape Multifunctionality in (and around) the Kafa Biosphere Reserve: A Sociocultural and Gender Perspective.” *Landscape Research* 46, no. 1 (January 2, 2021): 50–63. <https://doi.org/10.1080/01426397.2020.1831460>.
- Karim, F. Redhwan. “Rethinking Women’s Dress Prescriptions in the Qur’an: An Extratextual Reading of Zina.” *Journal of Islamic and Muslim Studies* 6, no. 2 (June 2022): 82–112. <https://doi.org/10.2979/jims.6.2.03>.
- Kisworo, Budi. “Tuduhan Berzina (Qazfu Al-Zina) Dalam Kajian Teologis Dan Sosiologis.” *Al-Istinbath: Jurnal Hukum Islam* 5, no. 1 (May 9, 2020): 105. <https://doi.org/10.29240/jhi.v5i1.1433>.
- Koburtay, Tamer, Jawad Syed, and Radi Haloub. “Implications of Religion, Culture, and Legislation for Gender Equality at Work: Qualitative Insights from Jordan.” *Journal of Business Ethics* 164, no. 3 (July 16, 2020): 421–36. <https://doi.org/10.1007/s10551-018-4036-6>.
- Maimunah, Siti, Rusdianingseh, M. Shodiq, Arif Helmi Setiawan, Nety Mawardah Hatmanti, and R. Khairiyatul Afiyah. “Effectiveness Knowledge of the Prohibition of Zina in Islam towards Pre-Marriage Sex Students at Nurul Huda Islamic Boarding School Surabaya.” *Bali Medical Journal* 12, no. 3 (September 21, 2023): 2805–7. <https://doi.org/10.15562/bmj.v12i3.4353>.
- Makhubu, Nomusa. “‘This House Is Not for Sale’: Nollywood’s Spatial Politics and Concepts of ‘Home’ in Zina Saro-Wiwa’s Art.” *African Arts* 49, no. 4 (December 2016): 58–69. https://doi.org/10.1162/AFAR_a_00314.
- Muhammad Mutawali. “Customary Law of Dou Donggo Bima from the Perspective of Islamic and Indonesian Positive Law.” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (June 29, 2022): 1–27. <https://doi.org/10.19105/al-lhkam.v17i1.6007>.
- Muhammad Syarif. “Peradilan Hukuman Pelaku Zina Pada Masa Nabi Muhammad SAW.” *LAWYER: Jurnal Hukum* 1, no. 1 (April 2, 2023): 22–27. <https://doi.org/10.58738/lawyer.v1i1.138>.
- Munte, Alfonso, and Riam Esobio Korsina. “Martha Nussbaum’s Feminist Philosophy on Body Autonomy and Its Relationship to the Experiences of Women Survivors of Child Marriage: A Case Study in Sukamara, Central Kalimantan.” *Jurnal SUARGA: Studi Keberagamaan Dan Keberagaman* 1, no. 1 (July 26, 2022): 27–34. <https://doi.org/10.24090/suarga.v1i1.6571>.
- Ngema, Nqobizwe Mvelo, and Desan Iyer. “Extra-Marital Child (Walad Al Zina) and His Right to Maintenance (Nafaqah): A Comparison of Islamic Law and South African Common Law.” *Academic Journal of Interdisciplinary Studies* 12, no. 2 (March 5, 2023): 253. <https://doi.org/10.36941/ajis-2023-0046>.
- Pellicer-Ortín, Silvia. “Transgenerational Trauma, Shared Vulnerability and Interconnectedness in Zina Rohan’s *The Small Book*.” *European*

- Review* 29, no. 3 (June 6, 2021): 333–53. <https://doi.org/10.1017/S1062798720000678>.
- Perez, Melanie Rae. “Rape under Islamic Law: The Confusing Classification of Zina and Limitations in Getting Justice.” *The International Journal of Religion and Spirituality in Society* 15, no. 1 (2024): 43–56. <https://doi.org/10.18848/2154-8633/CGP/v15i01/43-56>.
- Pratiwi, Putri Fransiska Purnama, Suprayitno Suprayitno, and Triyani Triyani. “Existence of Customary Law through Comparative Education between Dayak Ngaju Customary Law and National Law.” *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences* 3, no. 2 (April 8, 2020): 712–17. <https://doi.org/10.33258/birci.v3i2.882>.
- Riaz, Beenish. “Win the Battle, Lose the War?: Strategies for Repealing the Zina Ordinance in Pakistan.” *Muslim World Journal of Human Rights* 17, no. 1 (November 26, 2020): 89–103. <https://doi.org/10.1515/mwjhr-2020-0009>.
- Rini, Dwi Arini Zubaidah. “Status Anak di Luar Nikah dalam Perspektif Hukum Positif dan Hukum Islam (Telaah Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010).” *Familia: Jurnal Hukum Keluarga* 4, no. 2 (December 26, 2023): 91–106. <https://doi.org/10.24239/familia.v4i2.87>.
- Safinatunnajah, Safinatunnajah. “Efektivitas Penetapan Sanksi Adat Tindak Pidana Zina Dalam Perspektif Hukum Islam.” *Journal of Comprehensive Islamic Studies* 2, no. 1 (June 11, 2023): 33–48. <https://doi.org/10.56436/jocis.v2i1.172>.
- Syahrul, Syahrul, and Mukhtaruddin. “Sebuah Studi Komparatif Tindak Pidana Perzinahan Dalam Qanun Aceh Dan KUH Pidana Di Indonesia.” *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 4, no. 2 (September 11, 2022): 95–110. <https://doi.org/10.32505/lentera.v4i2.3959>.
- Udoh, Oluwakemi D., Sheriff F. Folarin, and Victor A. Isumonah. “The Influence of Religion and Culture on Women’s Rights to Property in Nigeria.” Edited by Emmanuel O Amoo. *Cogent Arts & Humanities* 7, no. 1 (January 1, 2020): 1750244. <https://doi.org/10.1080/23311983.2020.1750244>.
- Wegren, Stephen K., Alexander Nikulin, Irina Trotsuk, and Svetlana Golovina. “Gender Inequality in Russia’s Rural Informal Economy.” *Communist and Post-Communist Studies* 50, no. 2 (June 1, 2017): 87–98. <https://doi.org/10.1016/j.postcomstud.2017.05.007>.
- Westendorp, Ingrid. “Personal Status Law and Women’s Right to Equality in Law and in Practice: The Case of Land Rights of Balinese Hindu Women.” *Journal of Human Rights Practice* 7, no. 3 (November 2015): 430–50. <https://doi.org/10.1093/jhuman/huv013>.
- Wijayanto, Indung, and Cahya Wulandari. “Harmonisasi Kitab Undang-Undang Hukum Pidana Dan Legal Culture Di Indonesia: Penanganan Zina Dan Permasalahannya.” *Halu Oleo Law Review* 4, no. 2 (September 28, 2020): 239. <https://doi.org/10.33561/holrev.v4i2.1429>.

Interview

- Anam, Syaiful. “Interview,” 2024.
- Heidi, Muhammad. “Interview,” 2024.
- Muhajir, Ahmad. “Interview,” 2024.
- Turmudzi, Slamet. “Interview,” 2024.