



Article History	Received: 19-11-2025	Reviewed:26-11-2025	Accepted: 30-11-2025	Published: 01-12-2025
-----------------	----------------------	---------------------	----------------------	-----------------------

## THE TRADITION OF CAROK IN MADURA ACCORDING TO POSITIVE LAW AND ISLAMIC CRIMINAL LAW

Rizki Bagus Hidayatulloh<sup>1</sup> Deden Najmudin<sup>2</sup> Opik Rozikin<sup>3</sup>

<sup>1,2,3</sup> Universitas Islam Negeri Sunan Gunung Djati Bandung  
rizkibagus189@gmail.com

### ABSTRACT

*Carok is a cultural tradition in Madura, involving a fight or duel using a cerulit knife to restore one's pride and honor that has been trampled on by others. This tradition involves abuse and murder, and the perpetrators are not punished because there is a customary agreement. This is not in accordance with Islamic law and positive law. In Islamic Criminal Law, carok is categorized as a qishash-diyat crime. Meanwhile, according to Indonesian positive law, carok is a criminal act of murder as regulated in Articles 338-340 of the Criminal Code. This study aims to analyze the tradition of carok from the perspective of positive law and Islamic criminal law, including examining the sanctions for perpetrators of carok, the elements and stages of carok, and the customary agreements involved. This study uses a descriptive analysis method with a normative juridical approach. The type of data used in this research is qualitative, using secondary data sources with library research data collection techniques and deductive data analysis techniques. The results of this study show that the tradition of carok violates Positive Law and Islamic Criminal Law. In Islamic Criminal Law, perpetrators are subject to qishash-diyat, and in Positive Law, carok is a criminal act and violates the law. Therefore, carok as a tradition needs to be re-examined.*

**Keywords:** Carok, Tradition, Islamic Criminal Law, Positive Law, Murder

### ABSTRAK

*Carok merupakan tradisi budaya yang ada di Madura, berupa pertarungan atau duelling menggunakan cerulit untuk memulihkan harga diri dan kehormatan yang diinjak orang lain. Dalam tradisi tersebut berisi penganiyaan dan pembunuhan serta pelakunya tidak dihukum karena terdapat perjanjian adat. Hal ini tidak sesuai dengan Hukum Islam dan Hukum Positif. Dalam Hukum Pidana Islam, tindakan carok dikategorikan sebagai jarimah qishash-diyat. Sementara menurut hukum positif Indonesia, carok merupakan tindak pidana pembunuhan yang diatur dalam KUHP Pasal 338-340. Penelitian ini bertujuan menganalisis tradisi carok dari perspektif Hukum Positif dan Hukum Pidana Islam, termasuk mengkaji sanksi pelaku carok, unsur, tahapan carok, dan perjanjian adat di dalamnya. Metode penelitian ini menggunakan metode deskriptif analisis dengan pendekatan yuridis normatif. Jenis data penelitian ini adalah kualitatif menggunakan sumber data skunder dengan teknik pengumpulan data library research dan teknik analisis data deduktif. Hasil penelitian ini, tradisi carok melanggar Hukum Positif dan Hukum Pidana Islam. Dalam Hukum Pidana Islam pelaku nya dikenakan qishash-diyat, sedangkan dalam Hukum Positif carok adalah perbuatan hukum dan melanggar Undang-undang. Maka, carok sebagai tradisi perlu dikaji ulang.*

## INTRODUCTION

Indonesia is a country with a land area of 1,904,569 km<sup>2</sup>. This makes it the 14th largest country in the world. Indonesia is also the 6th largest country in the world in terms of number of islands, with more than 17,000 islands stretching from Sabang to Merauke. This geographical condition gives it a great deal of diversity, one of which is the diversity of traditions and cultures.<sup>1</sup>

Tradition is a legacy from ancestors or forefathers that is related to beliefs or convictions and has a specific function.<sup>2</sup> Kamus Besar Bahasa Indonesia (KBBI) defines tradition as customs passed down from ancestors that are still practiced in society and the assessment or assumption that existing methods are the best and most correct.

The word “tradisi” is taken from the english word *tradition*, according to the Cambridge Dictionary the word tradition is defined as “*a way of behaving or a belief that has been established for a long time, or the practice of following behavior and beliefs that have been so established*” This refers to long-established ways of behaving or beliefs, or practices that follow long-established behaviors and beliefs. Based on this definition, the term “tradition” refers to beliefs, thoughts, understandings, attitudes, habits, ways or methods, or individual or social practices that have long existed in society and have been passed down from generation to generation by ancestors. The transmission of traditions from generation to generation is usually done by word of mouth or through practices and examples set by the older generation (*elders*) for the younger generation, rather than through written instructions.<sup>3</sup>

Zamroni said that culture is a way of life recognized by a community that encompasses ways of thinking, behavior, attitudes, and values reflected in both physical and abstract forms.<sup>4</sup> Tradition and culture are generally difficult to separate or distinguish. This is because both tradition and culture blend or mix together and are practiced simultaneously by society. Therefore, it is only natural that people refer to tradition as always being accompanied by culture. Both are also the result of the creativity of humankind or certain community groups.

The vastness of Indonesia's territory, stretching from Sabang to Merauke, gives Indonesia a diversity of traditions and cultures. Each region has its own characteristics, and uniquely, there are several regional traditions that serve as a means of resolving disputes, one of which is the carok tradition in Madura. Carok is a cultural tradition in

---

<sup>1</sup> Sudarmi, “*Geografi Regional Indonesia*”. Yogyakarta: Mobius. 2017. Hlm. 21.

<sup>2</sup> Sumanto Al-Qurtuby, “*Tradisi dan Kebudayaan Nusantara*”. Semarang: Elsa Press. 2019. Hlm. 2.

<sup>3</sup> Sumanto Al-Qurtuby, “*Tradisi dan Kebudayaan Nusantara*”. Semarang: Elsa Press. 2019. Hlm. 5.

<sup>4</sup> Zamroni, “*Paradigma Pendidikan Masa Depan*”. Yogyakarta: Bigrafi Publishing. 2003. Hlm.148.

Madura, involving a fight or duelling using a cerulit knife to restore one's pride and honor that has been trampled on by others. Usually, carok fights are related to property, power, and women.<sup>5</sup>

According to Henry Arianto and Krishna in the ESA Unggul journal entitled “Tradisi Carok pada masyarakat adat di Madura” all cases of carok are motivated by different conflicts or problems. The issues in question are women's issues, inheritance disputes, accusations of theft, and revenge. Carok can result in serious injury or even death. However, in carrying out carok, both parties involved in the conflict must have the agreement of their respective families. Thus, after carok is carried out, the issue is considered resolved and there is no punishment for the perpetrators of carok.<sup>6</sup>

According to Latief Wiyata, the definition of carok “must contain at least five elements, namely acts or attempts to kill other men, abuse of dignity, especially related to the honor of women (istri), feelings of shame (*malo*), the existence of encouragement, support, social approval accompanied by feelings of satisfaction, and feelings of pride for the winner”.<sup>7</sup> From these definitions, it can be understood that carok involves abuse and murder.

In jurisprudence, assault is defined as an intentional act that causes injury, pain, and suffering. Murder, on the other hand, is the taking of another person's life. Anton M. Moelino defines murder as eliminating, killing (terminating, extinguishing) a life.<sup>8</sup>

The Criminal Code (KUHP) regulates assault and murder as criminal acts that violate Article 338 of the Criminal Code, Article 340 of the Criminal Code (Murder) and Article 351 of the Criminal Code (Assault). The penalties for each are as follows: Article 338 of the Criminal Code carries a maximum prison sentence of 15 years; Article 340 of the Criminal Code on murder carries the death penalty or life imprisonment or a maximum of twenty years in prison; and Article 351 of the Criminal Code on maltreatment carries a maximum prison sentence of two years and eight months or a maximum fine of four thousand five hundred rupiah. if the act results in serious injury, the penalty is imprisonment for five years; if it results in death, the penalty is imprisonment for a maximum of seven years.<sup>9</sup>

In Surah An-Nisa verse 93, it is stated that murderers will remain in hell forever and will not receive the mercy of Allah SWT. The following is the wording:

---

<sup>5</sup> Wahyu Prijo, “Carok, Budaya, dan Hukum”. Yogyakarta: Thafa Media. 2020. Hlm.5.

<sup>6</sup> Henri Arianto dan Krisna, “Tradisi Carok Pada Masyarakat Madura”. *Forum Ilmiah Indonusa*, Vol. 8 No. 2. 2011. Hlm. 147.

<sup>7</sup> A. Latief Wiyata, “Carok: Konflik Kekerasan dan Harga Diri Orang Madura”. Yogyakarta: LkiS. 2013. Hlm.184-185.

<sup>8</sup> Anton M. Moelino, *et. al.*, *Kamus Besar Bahasa Indonesia*. Jakarta: Balai Pustaka. 1966. Hlm. 313-315.

<sup>9</sup> Kitab Undang-Undang Hukum Pidana (KUHP) Pasal 338, Pasal 340 dan Pasal 351.

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا ٩٣

*Meaning: Whoever kills a believer intentionally, his recompense is Hell, wherein he will abide forever. Allah is angry with him, has cursed him, and has prepared for him a great punishment. (QS. An-Nisa: 93)*<sup>10</sup>

Islamic criminal law regulates criminal acts of murder and abuse as qishash and diyat. Qishash in Islamic criminal law is defined as a punishment imposed on the perpetrator as retribution for their actions, such as killing, injuring, or damaging a body part. Meanwhile, diyat in Islamic criminal law is defined as a punishment that replaces qishash with property that must be paid by the perpetrator of murder to the victim or the victim's family with the intention of compensating for the perpetrator's actions. As explained in Q.S. Al-Maidah verse 45 regarding the punishment of qishash in the following verse:

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ ٤٥

*Meaning: "We have decreed for them (the Children of Israel) therein (the Torah) that life shall be repaid with life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds (too) shall be repaid with equal punishment. Whoever forgives (the right to retribution), it becomes an expiation for him. Whoever does not judge according to what Allah has revealed, they are the wrongdoers." (QS. Al-Maidah; 45)*<sup>11</sup>

Murder and abuse are categorized as qishash-diyat crimes. These are crimes against a person's physical well-being that can cause injury or pain, or even loss of limbs. The qishash punishment is adjusted according to the perpetrator's actions, such as the method or type of weapon used, and which part of the victim's body was abused by the perpetrator.<sup>12</sup> In addition, qishash sanctions that can be imposed on perpetrators can be changed to diyat punishment if the victim or the victim's family has forgiven the perpetrator for their actions against the victim, namely by paying a certain amount of compensation to the victim or the victim's family. If both punishments contain elements of forgiveness from the victim or the victim's family, the perpetrator will still receive a substitute punishment, namely ta'zir, or be handed over to ulil amri to be given a punishment that will later be reviewed and re-examined to determine whether the

<sup>10</sup> QS. An-Nisa: 93, "Al-Qur'an Al-KHOBIR". Bandung: Nur Ilmu. 2021.

<sup>11</sup> QS. Al-Maidah: 45, "Al-Qur'an Al-KHOBIR". Bandung: Nur Ilmu. 2021.

<sup>12</sup> M. Nurul Irfan, "Hukum Pidana Islam". Jakarta: Amzah. 2016. Hlm. 63.

perpetrator's act of abuse was intentional or not and to determine the severity of the punishment to be imposed.<sup>13</sup>

During the time of the Prophet Muhammad, there was an incident similar to carok, which was called *al-mubaroza*. *Al-Mubārāzah* (المبارزة) literally means a fight or one-on-one battle. In the context of Islamic history, especially in warfare, *al-mubārāzah* refers to a duel or one-on-one challenge between soldiers from two warring armies. This practice was common in warfare during the time of the Prophet Muhammad SAW and his companions, as well as in many battles in the early days of Islam. Technically, *al-mubārāzah* occurred before two large armies clashed, as part of a moral tactic and psychological strategy to test strength and intimidate the enemy. Usually, a formidable warrior from one side would step forward and challenge the opposing side to send a fighter of equal strength. This form is clearly seen in several major events in Islamic history.<sup>14</sup>

Carok is not carried out arbitrarily, because carok is the last resort in resolving disputes. Before carok is carried out, at least three rounds of deliberation must be held. If the dispute cannot be resolved through deliberation, then carok can be carried out. Both parties must also make an agreement beforehand, both between the disputing parties and their respective families, and promise not to seek punishment if one of them dies. Therefore, the perpetrator of carok is not subject to punishment. This tradition is not in accordance with the law, as assault and murder are clearly criminal acts that violate Article 338 of the Criminal Code, Article 340 of the Criminal Code (Murder), and Article 351 of the Criminal Code (Assault).

In Islamic law, murder and assault are punishable by *qishash* and *diyat*. However, *qishash* is imposed on perpetrators who assault or murder an innocent person, whereas in carok, both perpetrators intend to injure or even kill each other.

Based on the above explanation, the author is interested in researching this issue and raising it in a journal with the title "The Tradition Of Carok In Madura According To Positive Law And Islamic Criminal Law".

## RESEARCH METHODS

The method used in this study is descriptive analysis. Descriptive analysis is a research method that involves collecting data as it actually is, then organizing, processing, and analyzing the data to provide an overview of the existing problems.<sup>15</sup>

---

<sup>13</sup> Eko Wahyudi, "Tindak Pidana Penganiayaan Dalam Fiqh Jinayah Dan Hukum Pidana Indonesia". *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam*, Vol. 20. No. 1. 2018. Hlm. 120.

<sup>14</sup> Andrian Saputra, "Duel Pembuka di Perang Badar" diakses tanggal 6 Novembver 2020 pukul 15.18 WIB.

<sup>15</sup> Sugiyono, "Metode Penelitian Kuantitatif Kualitatif dan R&D". Bandung: Alfabeta. 2013. Hlm. 83.

The approach used in this study is a normative approach. Normative legal research is research that has rules or legal regulations as its object. Normative legal research examines rules or legal regulations as a system related to a legal event. This research was conducted with the intention of providing legal arguments as a basis for determining whether an event was right or wrong and how it should be according to the law.<sup>16</sup>

The type of data in this study is qualitative data. Qualitative data is a type of descriptive data that focuses on the interpretation and understanding of the topic being studied. Qualitative data often takes the form of text, interview transcripts, field notes, and other documents.<sup>17</sup>

This research data collection technique uses the *library research* technique. This technique involves conducting an in-depth search for written materials or reading materials, such as those found in books and reports, that discuss topics similar to those covered in this study.<sup>18</sup>

The data sources in this study are primary and secondary data sources. Primary data sources are the main sources of data used in this study, based on: the 1945 Constitution, the Indonesian Criminal Code (KUHP), the Indonesian Criminal Procedure Code (KUHAP), and the Qur'an and Hadith. Amirin argues that primary data is data obtained from original or primary sources that contain research information or data.<sup>19</sup>

Data analysis techniques involve grouping and sorting research data into groups or categories. Afterward, the collected data is interpreted to obtain accurate results.<sup>20</sup>

## RESULTS AND DISCUSSION

### The Phenomenon of Carok as a Practice for Resolving Problems in Madura

The tradition of carok is one of the unique socio-cultural phenomena of the Madurese people that has been going on for centuries. Etymologically, carok means “to fight” or “to fight using a *celurit*” (a traditional Madurese weapon) to defend one's honor

---

<sup>16</sup> Soerjono Soekanto, “Pengantar Penelitian Hukum”. 3rd Ed. Jakarta: Universitas Indonesia. 1986. Hlm. 10.

<sup>17</sup> Koentjaraningrat, “Metode-Metode Penelitian Masyarakat”. Jakarta: Gramedia. 1981. Hlm. 40.

<sup>18</sup> Mappasere dan Suyuti, “Pengertian Penelitian Pendekatan Kualitatif. Metode Penelitian Sosial”. 2019. Hlm. 33.

<sup>19</sup> Tatang M. Amirin, “Menyusun Rencana Penelitian”. Jakarta: PT RajaGrafindo Persada. 1995. Hlm. 132.

<sup>20</sup> Rahmadi, “Pengantar Metodologi Penelitian”. Kalimantan: Antasari Press. 2011. Hlm. 92.

(self-respect or *mâra'*). In the view of the Madurese people, carok is not merely an act of violence, but a means of restoring the tarnished reputation of a family.<sup>21</sup>

Basically, the main motive behind carok is rooted in the values of honor and self-respect. A person is considered to have lost their self-respect if they allow their family to be insulted, their wife to be taken away, or themselves to be humiliated. In such circumstances, carok emerges as a form of “customary justice” that is believed to restore balance to the social order that has been damaged by such insults.<sup>22</sup>

For some Madurese people, carok is a manifestation of defending and maintaining honor through physical violence. In Madurese society, there is a widely known expression, *ango'an potèya tolang, ètèmbhang potèya mata*, which means it is better to die than to live in shame. A more emphatic slogan that shame is a heavy mental burden for Madurese men is also reflected in the expression *tambhâna malo, matè*, which means that the only cure for shame is death (killing someone to death).<sup>23</sup>

### Stages of Carok and Elements of Agreement in Carok Practice

Carok does not always occur spontaneously, but is often preceded by a series of unwritten agreements between the conflicting parties. In the context of Madurese culture, these agreements can be categorized as a form of “customary agreement.” In general, the stages of carok include:

#### 1. Challenges (*Bejing Tengka*)

One party sends a message or messenger to challenge the opposing party. This challenge serves as a call of honor so that the fight is considered valid according to custom. The party that does not respond to the challenge is considered a coward (*bhâjjâ'*).

#### 2. Determining the Time and Place

Both parties usually agree on the time and location of the fight. This agreement reflects a voluntary agreement between two parties who are both ready to fight.

#### 3. The Presence of Witnesses or Traditional Mediators

In some cases, a third party is present as a witness so that the carok is considered fair and does not violate traditional ethics.

#### 4. The Carok Battle

---

<sup>21</sup> Ema Ramdani, “Fenomena Budaya Carok Sebagai Nilai Kehormatan di Madura”. *Maliki interdisciplinary Journal (MIJ)*, Vol. 3 No.2. 2025. Hlm. 381.

<sup>22</sup> Ibid Hlm. 382

<sup>23</sup> A. Latief Wiyata, “Carok: Konflik Kekerasan dan Harga Diri Orang Madura”. Yogyakarta: LkiS. 2013. Hlm. 60

Once all agreements had been reached, the fight was carried out with machetes. The losing party was considered to have lost honor, while the winner was considered to have successfully restored the family's dignity.

#### 5. Social Reconciliation After Carok

After the fight is over, people usually do not hold grudges for long. In many cases, the victim's family accepts the outcome of the carok as redemption for the shame, rather than as a new source of hostility.

There are at least five elements included in the definition of carok, namely:<sup>24</sup>

- 1) Acts or attempts to kill other men;
- 2) Lowering of self-esteem, especially in relation to self-respect, women, and religion;
- 3) Feeling of shame;
- 4) The existence of encouragement, support, and social approval;
- 5) A feeling of satisfaction and pride for the winners.

### **Analysis of Agreement Arrangements in Carok Practices According to Positive Law and Islamic Criminal Law**

Article 1333 of the Civil Code states that: "An agreement is an act whereby one or more persons bind themselves to another or others."<sup>25</sup> In positive law, an agreement is considered valid if it meets the requirements specified in Article 1320 of the Civil Code (KUHPerdata), namely:<sup>26</sup>

1. The existence of an agreement between the parties involved;
2. The ability of the parties to enter into an agreement;
3. A specific matter; and
4. A lawful cause (causa).

Agreements in carok do fulfill the elements of consent and competence, because both parties are aware and willing to do so. However, the element of "lawful cause" is not fulfilled, because the purpose of the agreement is to commit violence or murder, which is clearly prohibited by law.

Article 1337 of the Civil Code states that "A cause is prohibited if it is prohibited by law, or if it is contrary to morality or public order".<sup>27</sup> Thus, agreements made in the context of carok are invalid and null and void, as their contents violate criminal law. In fact, such agreements can be categorized as criminal conspiracy, which increases the punishment for

---

<sup>24</sup> A. Latief Wiyata, "Carok: Konflik Kekerasan dan Harga Diri Orang Madura". Yogyakarta: LkiS. 2013. Hlm. 48.

<sup>25</sup> Kitab Undang-Undang Hukum Perdata (KUHPerdata) Pasal 1333.

<sup>26</sup> Ibid. Pasal 1320.

<sup>27</sup> Ibid. Pasal 1337.



the perpetrators as stated in Articles 55–56 of the Criminal Code concerning participation in criminal acts.

In Islamic law, an agreement is known as an 'aqd (contract), which is an agreement between two or more parties that gives rise to legal consequences.<sup>28</sup> The requirements for a valid agreement include:

1. The subject matter of the agreement must be lawful and not contrary to Islamic law.
2. The agreement must not contain elements of injustice or crime.
3. The agreement must bring benefits to the parties and society.<sup>29</sup>

Therefore, because the object of a carok agreement is to commit unlawful acts prohibited by Islamic law, such as murder, violence, or violations of the law, such agreements are automatically invalid and void according to Islamic law.

### **Sanction Regulations in Positive Law Related to Carok Acts**

Acts of carok that cause serious injury or death are regulated in the Criminal Code (KUHP). Several articles that can be applied to perpetrators of carok include:

1. Carok that is carried out spontaneously and results in death is subject to Article 338 of the Criminal Code: “Anyone who deliberately takes the life of another person shall be punished for murder with a maximum imprisonment of fifteen years.”
2. Carok is carried out with prior planning, such as challenging an opponent, preparing weapons, and choosing a location. Article 340 of the Criminal Code states, “Anyone who deliberately and with prior planning takes the life of another person shall be punished for premeditated murder with the death penalty, life imprisonment, or imprisonment for a certain period of time, up to a maximum of twenty years.”
3. Carok that causes serious injury but subsequently results in death. Punishable under Article 351 paragraph (3) of the Criminal Code: “If the act results in death, the perpetrator shall be punished with a maximum imprisonment of seven years.”
4. Articles 55 and 56 of the Criminal Code To prosecute parties who participate in or assist in carrying out carok, such as those who provide weapons or instigate violence.

### **Islamic Criminal Sanctions Against Perpetrators of Carok That Result in Death**

---

<sup>28</sup> Chairuman Pasaribu dan Suhrawadi K. Lubis, “Hukum Perjanjian Dalam Islam”. Jakarta: Sinar Grafika. 2004. Hlm. 1.

<sup>29</sup> Qomarul Huda, “Fiqh Muamalah”. Yogyakarta: SUKSES Offset. 2011. Hlm. 32.

Islamic criminal law is a rule in Islam commonly referred to as *jinayah*, which means crime or criminality. According to Ibn Nujm, as quoted by Awdah, *jinayah* is an act that harms the human soul or other parts of the body, such as killing, injuring, or beating.<sup>30</sup> Criminal offenses are also referred to as *jarimah*, which are acts that are prohibited or failure to carry out acts that are mandated by Islamic law. In *qanun jinayat*, these are punishable by *uqubah*, *hudud*, *qisas*, *diyat* and *ta'zir*.<sup>31</sup>

*Carok* is an act that requires prior preparation, and therefore can be classified as premeditated murder. According to Mardani in his book *Hukum Pidana Islam* (Islamic Criminal Law), a person can be said to have committed intentional murder if the following elements are fulfilled:

- a. The victim was a living human being.
- b. The murder was the result of the perpetrator's actions.
- c. The perpetrator deliberately caused the victim's death. <sup>32</sup>

*Carok* is an act of vigilante justice that involves physical violence that can result in loss of life. In Islam, life is one of the things protected by Islamic criminal law (*hifdzūn nāfs*). According to Islamic criminal law, *carok* is classified as intentional murder. As intentional murder, *carok* is clearly and strictly prohibited for the following reasons:<sup>33</sup>

- (1) The person killed is a human being whose blood is protected (*ma'sum addam*);
- (2) The crime resulted in the death of a person through torture, injury, slaughter, mutilation, and so on;
- (3) There was intent to take a person's life. In addition, it is clear that in the practice of *carok*, there is an element of intent as a result of hostility.

The punishment for intentional murder is based on the words of Allah and the hadith of the Prophet, as follows:

Q.S. Al-Baqarah (2) ayat 178 :

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَىٰ بِالْأُنثَىٰ فَمَنْ عَفِيَ لَهُ مِنْ  
أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ۚ ذَلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ وَرَحْمَةٌ ۚ فَمَنْ اعْتَدَىٰ بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ  
أَلِيمٌ ۝ ١٧٨

Meaning: "O you who believe, retribution is prescribed for you in the case of those who are killed: a free man for a free man, a slave for a slave, and a woman for a woman. Then whoever receives forgiveness from his brother, let him follow the way that is good, and let him who is forgiven pay the blood money to the one who forgives

<sup>30</sup> Sahid, "Epstimologi Hukum Pidana Islam", Cetakan ke 2. Surabaya: Pustaka Idea. 2015. Hlm. 3.

<sup>31</sup> Mardani, "Hukum Pidana Islam". Jakarta: Prenada Media Group. 2019. Hlm. 2.

<sup>32</sup> Ibid. Hlm. 90.

<sup>33</sup> Wahyu Prijo, "Carok, Budaya, dan Hukum". Yogyakarta: Thafa Media. 2020. Hlm. 70.

*in a way that is good. That is an easing from your Lord and a mercy. But whoever transgresses after that will have a painful punishment."*<sup>34</sup>

The Prophet Muhammad SAW said:

يُقْتَلُ أَنْ وَإِمَّا يُفْدَى أَنْ إِمَّا النَّظْرَيْنِ بِخَيْرٍ فَهُوَ قَتِيلٌ لَهُ قَتْلٌ مَنْ

Meaning: *Whoever whose family member has been killed can choose between two options: he can choose diyat (blood money) or he can choose to have the perpetrator killed (qishash).* [HR al-Jamâ'ah].

Qishash, according to Islamic criminal law, is defined as a punishment imposed on the perpetrator as retribution for their actions, such as killing, injuring, or damaging a body part. Meanwhile, diyat, according to Islamic criminal law, is defined as a punishment that replaces qishash with property that must be paid by the perpetrator of the murder to the victim or the victim's family with the intention of compensating for the damage caused by the perpetrator's actions.<sup>35</sup>

The amount of diyat to be paid for the victim of intentional murder (*`Amd*) is 100 camels, divided into three types: 30 hiqah camels (female camels aged 3 years and entering their 4th year), 30 jadha'ah camels (female camels aged 4 years and entering their 5th year) and 40 khalifah camels (pregnant female camels). If camels are not available, the payment is replaced with an equivalent monetary value. This diat payment must be taken from the perpetrator's personal assets and must be paid in cash (no installments are allowed).<sup>36</sup>

## CONCLUSION

1. The tradition of carok is one of the unique socio-cultural phenomena of the Madurese people that has been practiced for centuries. Etymologically, carok means to fight or battle using a celurit (a traditional Madurese weapon) to defend one's honor (self-respect or *mârâ'*). Basically, the main motive behind carok is rooted in the values of honor and self-respect. A person is considered to have lost their self-esteem if they allow their family to be insulted, their wife to be taken away, or if they themselves are humiliated. In such circumstances, carok emerges as a form of "customary justice" that is believed to restore balance to the social order that has been damaged by such insults.

---

<sup>34</sup> Al-Qur'an, Al-Baqarah:178.

<sup>35</sup> Sudarti, "Hukum Qishash Diyat: Sebuah Alternatif Hukuman Bagi Pelaku Kejahatan Pembunuhan Berencana Di Indonesia". Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam, Vol. 12. No. 1. 2021. Hlm. 39.

<sup>36</sup> Muslim Ibrahim, "Diyat Dalam Fiqh Jinayat (Suatu Perbandingan). Aceh: Bandar Publishing. 2016. Hlm. 17.

2. There are five elements included in the definition of carok, namely: acts or attempts to kill other men; humiliation, especially related to honor, women, and religion; feelings of shame; social encouragement, support, and approval; and feelings of satisfaction and pride for the winner. The stages of carok include: the challenge (bejing tengka), the determination of the time, and social reconciliation after the carok.
3. Agreements in the tradition of carok are invalid because they do not meet the requirements of an agreement, namely the element of "lawful cause" as stipulated in Article 1320 of the Civil Code (KUH Perdata). This is because the purpose of such agreements is to commit acts of violence or murder, which are clearly prohibited by law. Article 1337 of the Civil Code states that "A cause is prohibited if it is prohibited by law or if it is contrary to morality or public order." Thus, agreements made in the context of carok are invalid and null and void because their content violates criminal law. In Islamic law, carok agreements are also invalid because the object of a carok agreement is to commit acts that are prohibited by sharia, such as murder and violence. Therefore, such agreements are automatically invalid and void according to Islamic law.
4. In positive law, spontaneous carok that results in death is punishable under Article 338 of the Criminal Code with a maximum imprisonment of fifteen years. Carok that is premeditated, for example, challenging an opponent, preparing weapons, and choosing a location, is punishable under Article 340 of the Criminal Code with the death penalty, life imprisonment, or imprisonment for a certain period of time, with a maximum of twenty years. Meanwhile, carok that causes serious injury and subsequently death is punishable under Article 351 paragraph (3) of the Criminal Code with a maximum imprisonment of seven years.
5. According to Islamic Criminal Law, carok is classified as intentional murder. The punishment for intentional murder is qishash or diyat, based on the Qur'an, Surah Al-Baqarah verse 178, and hadith. Qishash, according to Islamic criminal law, is defined as a punishment imposed on the perpetrator as a form of retribution for their actions, such as killing, injuring, or damaging a body part. Meanwhile, diyat, according to Islamic criminal law, is defined as a punishment that replaces the qishash sanction with property that must be paid by the murderer to the victim or the victim's family with the intention of compensating for the damage caused by the perpetrator's actions.

## REFERENCE

### 1. Book

- Amirin, M. Tatang. 1995. *Menyusun Rencana Penelitian*. Jakarta: PT RajaGrafindo Persada.
- Huda, Qomarul. 2011. *Fiqh Muamalah*. Yogyakarta: SUKSES Offset.
- Ibrahim, Muslim. 2016. *Diyat Dalam Fiqh Jinayat (Suatu Perbandingan)*. Aceh: Bandar Publishing.
- Irfan, M. Nurul. 2016. *Hukum Pidana Islam*. Jakarta: Amzah.
- Koentjaraningrat. 1981. *Metode-Metode Penelitian Masyarakat*. Jakarta: Gramedia.
- Mardani. 2019. *Hukum Pidana Islam*. Jakarta: Prenada Media Group.
- Moelino, M, Anton. 1996. *Kamus Besar Bahasa Indonesia*. Jakarta: Balai Pustaka.
- Pasaribu, Chairuman dan Lubis, K. Suhrawadi. 2004. *Hukum Perjanjian Dalam Islam*. Jakarta: Sinar Grafika.
- Prijo, Wahyu. 2020. *Carok, Budaya, dan Hukum*. Yogyakarta: Thafa Media.
- Rahmadi. 2011. *Pengantar Metodologi Penelitian*. Kalimantan: Antasari Press.
- Sahid. 2015. *Epstimologi Hukum Pidana Islam*, Cetakan ke 2. Surabaya: Pustaka Idea.
- Soekanto, Soerjono. 1986. *Pengantar Penelitian Hukum*. 3rd Ed. Jakarta: Universitas Indonesia.
- Sudarmi. 2017. *Geografi Regional Indonesia*". Yogyakarta: Mobius.
- Sugiyono. 2013. *Metode Penelitian Kuantitatif Kualitatif dan R&D*. Bandung: Alfabeta. 2013.
- Sumanto Al-Qurtuby. 2019. *Tradisi dan Kebudayaan Nusantara*. Semarang: Elsa Press.
- Suyuti, Mappasere. 2019. *Pengertian Penelitian Pendekatan Kualitatif. Metode Penelitian Sosial*.
- Wiyata, A. Latiet. 2013. *Carok: Konflik Kekerasan dan Harga Diri Orang Madura*. Yogyakarta: LkiS.
- Zamroni. 2003. *Paradigma Pendidikan Masa Deapan*. Yogyakarta: Bigrafi Publishing.
- Krisna, Henri. "Tradisi Carok Pada Masyarakat Madura". *Forum Ilmiah Indonusa*, Vol. 8 No. 2. 2011.

## 2. Journal

- Krisna, Henri. "Tradisi Carok Pada Masyarakat Madura". *Forum Ilmiah Indonusa*, Vol. 8 No. 2. 2011.
- Ramdani, Ema. "Fenomena Budaya Carok Sebagai Nilai Kehormatan di Madura". *Maliki interdisciplinary Journal (MIJ)*, Vol. 3 No.2. 2025.
- Sudarti. "Hukum Qishash Diyat: Sebuah Alternatif Hukuman Bagi Pelaku Kejahatan Pembunuhan Berencana Di Indonesia". *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam*, Vol. 12. No. 1. 2021.
- Wahyudi, Eko. "Tindak Pidana Penganiayaan Dalam Fiqh Jinayah Dan Hukum Pidana Indonesia". *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam*, Vol. 20. No. 1. 2018.