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Legal Pluralism and Democracy in a Divided Society: The Practices of Sumpah Pocong and Qur'anic Oaths in Resolving Witchcraft Accusations in Banyuwangi after the 1998 Violence to the 2020s

Latif Kusairi[1*], Dhanang Respati Puguh[2], Yetty Rochwulaningsih[3], Ferdi Arifin[4]

[1], Postgraduate Doctoral Program in Historical Science, Diponegoro University, Semarang/ Universitas Islam Negeri Raden Mas Said Surakarta
[2, 3] Faculty Members of the Doctoral Program in History at Diponegoro University.
[4,] Southeast Asia Social Inquiry, The University of New South Wales, Sidney Australia

[*] Corresponding author: latifkusairi2018@gmail.com

Abstract

This study examines the practices of *sumpah pocong* (shroud oaths) and Qur'anic oaths in resolving witchcraft (*santet*) accusations in Banyuwangi from the aftermath of the 1998–1999 violence to the 2020s, using a legal pluralism perspective. The study employs a qualitative method with historical and socio-cultural approaches through interviews, observation, documentation, and literature review. The findings indicate that *sumpah pocong* and Qur'anic oaths do not have the status of formal evidence under state law but possess strong social legitimacy as mechanisms of community-based normative justice. Both practices bring together state law, customary law, Islamic values, and local norms in conflict resolution and violence prevention. Collective memory of the 1998–1999 witchcraft-related violence further reinforces the role of these rituals as mechanisms of reconciliation and social restoration. These findings demonstrate that legal practices in Banyuwangi are plural and continuously negotiated between the requirements of formal legal certainty and the community's need for justice, social harmony, and legitimacy.

Keywords: Legal Pluralism, Customary Law, *Sumpah Pocong*, Qur'anic Oaths, *Santet*, Banyuwangi.

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Introduction

Banyuwangi, a region in East Java, is characterized by considerable social, cultural, and religious diversity. Within its communities, belief in *santet* (witchcraft) has long been embedded in local cultural constructions. *Santet* is understood not only as a form of magic believed to cause harm from a distance, but also as a cultural framework for explaining events that are difficult to understand rationally, including mysterious illnesses, sudden deaths, economic failures, and other social problems. Under certain circumstances, such beliefs may develop into accusations against particular individuals, resulting in stigma, social exclusion, conflict, and even violence (Beatty, 1999).

The issue of *santet* becomes more complex when it encounters the formal legal system. State law relies on evidence, testimony, and material proof to establish the truth of an event. By contrast, communities with strong spiritual beliefs may employ moral, religious, and customary mechanisms to determine truth. This difference in how truth is established indicates the operation of multiple normative systems within society and provides an important context for examining legal pluralism in Banyuwangi (Benda-Beckmann, 2011).

In this context, legal pluralism does not merely refer to the coexistence of state and customary law. More broadly, it involves interaction and negotiation among various normative sources that regulate behavior and resolve disputes. In Banyuwangi, state law interacts with customary norms, Islamic values, the authority of *kiai*, community leaders, village governments, and locally established mechanisms of conflict resolution. When formal legal procedures are perceived as inadequate for addressing disputes rooted in beliefs about *santet*, communities may turn to local mechanisms that possess stronger social legitimacy (Soepomo, 1982; Benda-Beckmann, 2011).

This issue has an important historical dimension, particularly the violence against people accused of practicing *santet* in 1998–1999. The violence occurred amid economic crisis, political instability, weakening state authority, and the rapid spread of rumors and collective fear following the collapse of the New Order. Accusations of *santet* consequently developed from social suspicion into collective violence. More than one hundred people were reportedly killed in Banyuwangi and surrounding areas between July and October 1998. These events left profound trauma and collective memories that continue to influence how the community responds to accusations of witchcraft (Forum Keadilan, 1998; Herriman, 2007).

The violence of 1998–1999 also highlights the complex relationship between law and society. When the state failed to provide effective protection while customary mechanisms and religious authority were weakened, conflict resolution could turn into vigilantism. Accusations

of *santet* also became intertwined with political tensions and anti-communist narratives. Weak law enforcement responses created opportunities for communities to act outside formal legal procedures (Herriman, 2007; Cribb, 2006).

Interestingly, before the violence reached its peak, Banyuwangi communities had already developed social and religious mechanisms for addressing accusations of *santet*. One such practice was *sumpah pocong*, a ritual oath performed while the accused person was wrapped in a burial shroud. By the end of 1997, this practice was still used to reduce communal anxiety and resolve witchcraft accusations without violence. However, during 1998, mechanisms such as expulsion, mediation, and oath-taking gradually lost their authority, and some disputes escalated into murder (Kusairi, 2021).

In the post-violence period, *sumpah pocong* and *sumpah Al-Qur'an* gained renewed significance as mechanisms of reconciliation. *Sumpah pocong* employs the symbolism of a burial shroud to represent complete submission to God and willingness to accept divine consequences if the oath is false. *Sumpah Al-Qur'an*, meanwhile, derives its moral authority from the Qur'an as a sacred source. Both practices therefore function not only as religious rituals but also as mechanisms for rebuilding social trust and restoring community relations (Azra, 2013; Umar, 2026).

From a legal perspective, the position of these rituals is particularly significant because they operate between formal law and social norms. *Sumpah pocong* has no formal evidentiary status within the Indonesian legal system, and accusations of *santet* cannot constitute grounds for punishment without legally valid evidence. Conversely, intimidation, assault, arson, threats, and other forms of violence against alleged practitioners constitute violations of the law (Kusairi et al., 2026).

Therefore, *sumpah pocong* and *sumpah Al-Qur'an* should not be regarded as substitutes for state law. Rather, they can be understood as forms of social or normative justice that may prevent disputes from escalating into violence. In Banyuwangi, these rituals may possess strong social legitimacy because they directly involve religious leaders, community figures, and local residents in the process of conflict resolution (Kusairi et al., 2026).

These practices also reveal an important relationship between law and democracy. Democracy requires respect for citizens' rights, nonviolent conflict resolution, and protection against arbitrary action. In Banyuwangi, oath rituals can play a constructive role when they are used to stop threats, reduce collective anger, and prevent the recurrence of violence. Nevertheless, they may also create problems when accused individuals are subjected to social

pressure to prove their innocence. For this reason, such mechanisms should remain within the framework of state law, human rights, and the presumption of innocence (Kusairi et al., 2026).

Collective memory of the violence of 1998–1999 is also crucial to understanding the transformation of these rituals. The experience of mass killings has made accusations of *santet* highly sensitive within Banyuwangi society. In this context, *sumpah pocong* and *sumpah Al-Qur'an* can be interpreted as community efforts to prevent the recurrence of past violence. The rituals provide a space in which the accused, their families, religious leaders, village authorities, and community members can confront suspicion and restore social relations. Thus, collective memory functions not only as a source of trauma but also as a basis for developing social mechanisms of violence prevention (Kusairi, 2022).

Based on this background, this study examines the practices of *sumpah pocong* and *sumpah Al-Qur'an* in resolving accusations of *santet* in Banyuwangi from the aftermath of the 1998–1999 violence to the 2020s. The study approaches these practices not as substitutes for state law, but as forms of legal pluralism that demonstrate the negotiation of state law, customary norms, Islamic values, social authority, and collective memory. This perspective is important because conflict resolution does not always take place through formal legal institutions; it may also occur through social and religious mechanisms that possess significant legitimacy at the community level. The study therefore contributes to scholarship on legal pluralism by demonstrating how a community shaped by experiences of violence develops conflict-resolution mechanisms oriented toward social justice, reconciliation, and the prevention of violence.

Methods

This study employs a qualitative research method using a historical, socio-cultural, and legal approach to examine the practices of *sumpah pocong* (shroud oath) and *sumpah Al-Qur'an* (Qur'anic oath) in resolving witchcraft (*santet*) accusations in Banyuwangi from the 1998–1999 violence to the 2020s. The qualitative approach is used to understand the meanings, beliefs, experiences, and social practices underlying the use of ritual oaths. The historical approach is employed to trace the transformation of witchcraft accusations and mechanisms of conflict resolution from the period of communal violence in 1998–1999 to contemporary Banyuwangi. Meanwhile, the socio-cultural approach examines the relationship between religion, local traditions, collective memory, and community authority. The legal approach is used to analyze the interaction between state law, customary law, Islamic norms, and socially recognized mechanisms of dispute resolution. This framework allows the study to examine *sumpah pocong*

and *sumpah Al-Qur'an* not merely as religious rituals, but as forms of social normativity within a plural legal environment (Geertz, 1960; Benda-Beckmann, 2011).

The research was conducted in Banyuwangi Regency, East Java, particularly in communities where accusations of *santet* and ritual oath practices have occurred. The temporal scope covers the period from the 1998–1999 anti-witchcraft violence to the 2020s. The 1998–1999 violence is treated as an important historical context because it produced collective trauma and memories that continue to influence community responses to subsequent accusations of *santet*. Contemporary cases of *sumpah pocong* and *sumpah Al-Qur'an* are examined as part of the continuing negotiation between local mechanisms of conflict resolution and the formal legal system. One of the contemporary cases discussed in the research is the ritual oath involving an elderly resident in Wongsorejo Village on January 18, 2025. This case is analyzed within the longer historical trajectory of witchcraft accusations and communal violence in Banyuwangi.

Data Collection

Data were collected through observation, semi-structured interviews, documentation, and library research. Observation was used to examine the social environment, community responses, religious authority, and cultural meanings surrounding ritual oaths. The observation focused particularly on how communities respond to accusations, how religious and community leaders participate in conflict resolution, and how the outcomes of ritual oaths are accepted by the wider community.

Semi-structured interviews were conducted with local residents, religious leaders (*kiai*), community elders, village officials, family members of accused persons, and academics or researchers familiar with Banyuwangi society and the history of the 1998–1999 violence. The interviews explored several themes, including perceptions of *santet*, the meaning and legitimacy of *sumpah pocong* and *sumpah Al-Qur'an*, the authority of religious and customary leaders, community perceptions of formal law, and the role of ritual oaths in preventing violence and restoring social relations. Interviews were also used to understand how collective memories of the 1998–1999 violence influence contemporary attitudes toward accusations of *santet*.

Documentation included newspaper reports, archival materials, photographs, legal documents, village records where available, and previous scholarly publications concerning *santet*, communal violence, ritual oaths, customary law, religion, and collective memory in Banyuwangi. Historical sources concerning the 1998–1999 violence were used to reconstruct the social and political context in which accusations of *santet* developed. Contemporary media and

documentary materials were used to identify changes in community responses to such accusations.

The study also employed library research to strengthen the historical and theoretical analysis. Secondary sources included books, journal articles, theses, and scholarly works concerning legal pluralism, customary law, Islamic social practices, Javanese and Banyuwangi religious culture, communal violence, and collective memory. Anthropological studies by Geertz and Beatty were used to understand the relationship between religion, ritual, and local belief systems (Geertz, 1960; Beatty, 1999). Studies on Indonesian legal pluralism were used to examine the coexistence and interaction between state law and customary norms (Benda-Beckmann, 2011). Historical studies concerning the Banyuwangi violence were used to understand the relationship between *santet*, political instability, collective fear, and communal violence (Herriman, 2007; Nordholt & van Klinken, 2007).

Data Analysis

The collected data were analyzed using descriptive-analytical and historical interpretive techniques. The analysis consisted of four stages: data reduction, categorization, interpretation, and conclusion drawing. First, the data were classified according to major themes: (1) accusations of *santet*; (2) the 1998–1999 communal violence; (3) *sumpah pocong*; (4) *sumpah Al-Qur'an*; (5) state law; (6) customary law; (7) Islamic norms and religious authority; (8) collective memory; (9) democracy and social reconciliation; and (10) prevention of communal violence.

Second, the categorized data were interpreted through the perspective of legal pluralism. The analysis focused on how different normative systems operate simultaneously in Banyuwangi. State law emphasizes formal evidence, legal procedures, and the protection of citizens, while customary and religious mechanisms emphasize moral responsibility, communal trust, spiritual authority, and social harmony. In this sense, *sumpah pocong* and *sumpah Al-Qur'an* are analyzed as socially legitimate mechanisms without treating them as substitutes for formal legal procedures.

Third, the research examines the relationship between these mechanisms and democratic values. The analysis considers whether ritual-based conflict resolution contributes to peaceful dispute settlement, protection from mob violence, restoration of social relations, and community participation. At the same time, the research critically considers the potential tension between community pressure and individual rights, particularly the principles of legal certainty, equality before the law, and the presumption of innocence.

Finally, the study uses a historical interpretation to connect contemporary practices with the collective memory of the 1998–1999 violence. The analysis examines how memories of past violence influence contemporary community efforts to prevent accusations of *santet* from escalating into physical violence. Thus, the historical dimension is not treated merely as background information but as an important factor in explaining the persistence and transformation of ritual-based conflict resolution.

Data Validity and Ethical Considerations

To ensure the credibility of the findings, the study applies source triangulation by comparing information from interviews, observations, archival materials, media reports, photographs, and academic literature. Triangulation is particularly important because accusations of *santet* involve sensitive religious, cultural, and social beliefs. Differences between oral testimony, documentary sources, and historical records are considered during the interpretation process rather than being treated as errors.

Ethical considerations are also central to the research. Because accusations of *santet* can affect an individual's reputation, social relations, and personal security, the identities of sensitive informants and individuals involved in particular cases are anonymized where necessary. Interviews were conducted with respect for informants' consent, privacy, and right to decline questions. The research also avoids treating accusations of *santet* as established facts and instead examines them as social beliefs, accusations, and cultural constructions.

Through this methodological framework, the study seeks to explain how *sumpah pocong* and *sumpah Al-Qur'an* have functioned as socially legitimate mechanisms for resolving *santet* accusations in Banyuwangi after the 1998–1999 violence. More importantly, the study examines how these practices reveal the negotiation between state law, customary law, Islamic values, community authority, and democratic principles. The methodology therefore positions ritual oaths within the broader problem of legal pluralism: how communities construct justice, resolve disputes, and prevent violence when formal legal institutions coexist with locally embedded normative systems (Soepomo, 1982; Benda-Beckmann, 2011)

Results and discussion

Witchcraft in Banyuwangi: From Cultural Protection to Social Fear

Historically, beliefs in witchcraft in Banyuwangi can be traced to the cultural and spiritual traditions of the Blambangan Kingdom. Among the Using community, mystical knowledge was initially understood as a form of protection (*ilmu kasekten*) against external threats rather than

as a means of harming others. Over time, however, distinctions between protective and destructive forms of mystical power became blurred. Black magic (*santet*) increasingly came to be associated with illness, death, misfortune, and social conflict (Saini, 2018; Headley, 2000; Saputra, 2007).

Within the Using worldview, *santet* was embedded in a cosmology that connected humans, nature, spirits, and supernatural forces. Ritual media such as dolls, banana tree hearts, clothing, hair, photographs, and other personal objects were believed to establish a symbolic connection between the practitioner and the victim. Illness, unexplained pain, psychological disturbances, and sudden death could therefore be interpreted as signs of supernatural attacks (Elson, 2007; Mujab, 2018).

These beliefs also had important social and psychological dimensions. Witchcraft accusations often emerged from jealousy, economic competition, interpersonal disputes, and conflicts over social status. Thus, *santet* was not simply a supernatural belief but also a cultural language through which communities interpreted misfortune and social tensions. Collective belief could transform suspicion into social reality, producing fear, exclusion, and stigmatization (Andalas & Budi, 2021).

Modernization has not eliminated these beliefs. Instead, their forms have adapted to contemporary conditions. Traditional ritual objects have increasingly been replaced or supplemented by photographs, digital images, and other forms of personal identification. At the same time, rumors of *santet* can circulate rapidly through social media and messaging applications. This demonstrates that modernization changes the medium of witchcraft discourse without necessarily eliminating its cultural logic. Belief in *santet* continues to be sustained by collective memory, social anxiety, and local understandings of morality and justice (Smith-Hefner & Sears, 1998; Kusairi, 2022b).

From Witchcraft Accusations to Mass Violence, 1997–1999

The most dramatic transformation occurred during the political and economic crisis of 1997–1999. The Asian financial crisis, the weakening of the New Order, political uncertainty, and declining state authority created conditions in which rumors of *dukun santet* spread rapidly. Until late 1997, accusations were generally addressed through customary mechanisms such as expulsion (*boyong*), mediation by village elders, and religious oaths. These mechanisms provided nonviolent ways of restoring social order (Kusairi, 2021b).

This situation changed sharply in 1998. The killing of Soemarmo Adi marked an important turning point because an accusation that had previously been managed through customary

mechanisms escalated into murder. Subsequent attacks developed into wider violence, particularly during July–October 1998. The weakening of state authority and the decline of traditional and religious mediation allowed mobs to assume the role of judge and executioner (Kompas, 1998; Herriman, 2007).

The violence cannot therefore be explained by belief in witchcraft alone. Accusations of *santet* intersected with economic hardship, political instability, anti-communist memories, and local power struggles. Rumors about former PKI members, mysterious "ninja" killers, and alleged attacks on *kiai* intensified collective fear. Some victims were community leaders, teachers, farmers, and other respected figures, suggesting that witchcraft accusations could function as a political and social instrument for eliminating perceived enemies (Herriman, 2013; Cribb, 2006).

The circulation of official documents, including the Regent's radiogram, further complicated the situation because some communities interpreted administrative instructions as authorization to act against alleged witches. Consequently, the Banyuwangi violence reflected not simply superstition but the convergence of rumor, political manipulation, historical trauma, weak state authority, and communal fear.

The 1998–1999 violence left a profound collective trauma. Families fled their homes, social relations were disrupted, and Banyuwangi became stigmatized as a center of witchcraft. The memory of violence subsequently influenced how communities responded to new accusations. This historical experience helps explain why mechanisms such as *sumpah pocong* and *sumpah Al-Qur'an* remained important as alternatives to violent forms of conflict resolution.

Religion, Authority, and the Transformation of Conflict Resolution

Religion occupied an ambivalent position in the history of witchcraft accusations in Banyuwangi. Islamic leaders could reinforce communal fears, but they could also prevent violence by providing mechanisms of reconciliation. In particular, *kiai*, village leaders, and religious institutions played an important role in transforming accusations into ritualized processes of clarification.

The Banyuwangi experience demonstrates a shift from violence as a means of establishing truth toward ritual as a means of restoring social order. Before and after the 1998 violence, religious authority remained important because communities considered an oath before God morally binding. This authority enabled religious leaders to mediate disputes when formal legal mechanisms were considered insufficient or inaccessible.

The persistence of these practices also reflects the interaction between Islam and local traditions. From the perspective of Islamic jurisprudence, *sumpah pocong* is not a prescribed

Islamic ritual. Rather, it can be understood as a local cultural practice (*urf*) that incorporates Islamic elements, particularly the oath in the name of Allah, Qur'anic recitation, prayer, and the authority of the *kiai*. Thus, its significance lies less in formal religious doctrine than in its social acceptance and symbolic power.

Sumpah Pocong and Sumpah Al-Qur'an as Reconciliation Mechanisms

Following the traumatic violence of 1998, *sumpah pocong* emerged as one of the most dramatic cultural mechanisms for addressing accusations of witchcraft. The ritual usually involves wrapping the accused person in a white burial shroud and requiring them to declare their innocence before God and the community. The symbolism of death creates a powerful moral situation: the person taking the oath is understood to be surrendering themselves to divine judgment.

Cases reported in Banyuwangi, including those involving Matawi and his wife and later cases in Cluring and Wongsorejo, demonstrate a similar pattern. Accusations initially generated rumors, social exclusion, threats, and fear. Religious leaders and village authorities then intervened and proposed an oath ritual as an alternative to physical confrontation. Following the ceremony, community members were encouraged to accept the oath and discontinue intimidation. In this sense, the ritual functioned as a mechanism of de-escalation and social reconciliation (Subekti & Kusairi, 2019; Detik News, 2020, 2025).

The *sumpah Al-Qur'an* operates according to a similar principle but without the symbolism of death. The accused swears before the Qur'an and witnesses, usually under the guidance of a religious leader. It may be employed in disputes concerning witchcraft, property, inheritance, debt, family conflict, or other accusations. The sacred status of the Qur'an provides the oath with moral authority and encourages disputing parties to accept the outcome.

The difference between the two rituals is therefore primarily symbolic. *Sumpah pocong* emphasizes mortality, divine judgment, and the seriousness of the accusation, while *sumpah Al-Qur'an* emphasizes the sacred authority of the Qur'an. Both, however, transform a potentially violent dispute into a public moral process in which truth is symbolically entrusted to God.

Between Fear, Faith, and Social Justice

The findings indicate that *sumpah pocong* and *sumpah Al-Qur'an* cannot be understood merely as supernatural or religious practices. They function as mechanisms of social control, conflict management, reputation restoration, and communal reconciliation. Their effectiveness

derives from the community's shared belief that lying under a sacred oath carries divine consequences.

At the same time, these rituals reveal a tension between formal law and customary justice. From the perspective of Indonesian law, accusations of witchcraft have no evidentiary basis for criminal punishment, while intimidation, assault, persecution, and arson against alleged practitioners constitute offenses. Similarly, *sumpah pocong* does not possess formal juridical authority. Nevertheless, communities may consider it more persuasive than formal procedures because it operates within their cultural and religious framework.

The persistence of these rituals demonstrates that modernization and formal legal institutions have not completely displaced local mechanisms of conflict resolution. Instead, Banyuwangi society continues to negotiate between state law, Islamic authority, customary traditions, and collective memory. In this process, *sumpah pocong* and *sumpah Al-Qur'an* provide culturally meaningful alternatives to violence.

Overall, the history of witchcraft in Banyuwangi reveals a significant transformation: from mystical knowledge associated with protection, to social suspicion and mass violence, and eventually toward ritualized reconciliation. The transition demonstrates how collective memory of violence can encourage communities to seek nonviolent mechanisms for resolving accusations. Consequently, *sumpah pocong* and *sumpah Al-Qur'an* should be understood not simply as remnants of traditional belief, but as living cultural institutions through which Banyuwangi communities negotiate truth, morality, social harmony, and justice.

The Legal Position of *Sumpah Pocong* in Banyuwangi Society

In Banyuwangi society, *sumpah pocong* occupies a unique position at the intersection of religious practice, cultural tradition, and community-based conflict resolution. It cannot be understood merely as a mystical practice, but also as a means through which communities construct perceptions of truth, restore individual dignity, and reduce social tensions. In the context of *santet* accusations, *sumpah pocong* becomes particularly significant because such accusations are often difficult to resolve through formal evidentiary procedures. Communities may therefore rely on religious authority, the symbolism of death, and the belief in accountability before God as a means of resolving disputes (Geertz, 1960; Beatty, 1999).

From the perspective of state law, the position of *sumpah pocong* must be understood carefully. Indonesian law recognizes oaths within judicial proceedings, particularly in civil cases. However, the recognition of an oath as a form of evidence does not mean that every type of oath practiced in society automatically has the same legal status. Procedural law recognizes

specific forms and functions of oaths within judicial proceedings. Therefore, *sumpah pocong*, as a socio-religious practice, does not automatically constitute formal legal evidence within the judicial system (Benda-Beckmann, 2011).

In cases involving *santet*, the distinction between legal truth and social truth becomes particularly clear. State law establishes truth through legal procedures, evidence, testimony, and judicial mechanisms. Communities, by contrast, may construct perceptions of truth through oaths, religious beliefs, the authority of *kiai*, and communal acceptance. A person who voluntarily undergoes *sumpah pocong* may be perceived by the community as someone willing to take responsibility for their statement before God. Thus, the principal power of the ritual does not lie in empirically proving whether *santet* exists, but rather in its symbolic capacity to convince the community and resolve suspicion (Beatty, 1999; Kusairi, 2022).

From the perspective of legal pluralism, this situation demonstrates that state law is not the only normative system influencing social behavior. In Banyuwangi, formal legal norms interact with customary norms, Islamic values, the authority of *kiai*, community leaders, and social mechanisms that have developed over generations. *Sumpah pocong* operates within this normative space. It does not replace state law, but may function as a community-based normative mechanism for managing conflict and restoring social relations. The practice therefore demonstrates negotiation among different sources of legitimacy in determining truth and resolving disputes (Benda-Beckmann, 2011; Soepomo, 1982).

The social function of *sumpah pocong* becomes particularly significant when placed within the historical context of the 1998–1999 violence in Banyuwangi. The experience of killings directed against people accused of practicing *santet* left profound trauma and collective memories. Under such circumstances, *santet* accusations were no longer merely matters of belief but could develop into stigma, social exclusion, threats, and violence. The violence occurred amid political crisis, weakening state authority, and the spread of rumors throughout society (Herriman, 2007; Cribb, 2006). Consequently, when communities choose *sumpah pocong* as a means of resolving disputes, the ritual can function as a mechanism for preventing conflict from escalating into violence (Kusairi, 2022).

In practice, *kiai*, community leaders, village authorities, and residents may act as mediators. The accused person is given an opportunity to declare their innocence before the community, while residents are encouraged to accept the oath and discontinue intimidation. In this way, the ritual transforms a potentially violent conflict into a more controlled social process. *Sumpah pocong* and *sumpah Al-Qur'an* can therefore function as mechanisms of de-escalation, reputation restoration, and social reconciliation (Subekti & Kusairi, 2019; Kusairi, 2021).

Nevertheless, *sumpah pocong* also raises important critical issues. The ritual may serve as a means of reconciliation when performed voluntarily and intended to prevent threats or violence. However, it may become problematic when an accused person is subjected to pressure from the community and compelled to prove their innocence through the ritual. Under such circumstances, *sumpah pocong* may reveal the vulnerability of individuals to social pressure. Its practice therefore should not undermine the presumption of innocence, the protection of citizens' rights, or the state's responsibility to provide legal protection (Kusairi et al., 2026).

Accordingly, state law should not treat *sumpah pocong* as a substitute for formal legal proceedings. At the same time, it should not be viewed merely as an irrational practice without social significance. Within Banyuwangi society, the ritual performs important functions as a mechanism of mediation, reputation restoration, collective emotional control, and violence prevention. Its position is therefore better understood as a living normative and social mechanism within the community**,** rather than as an instrument that replaces the judicial system (Benda-Beckmann, 2011; Kusairi et al., 2026).

Ultimately, *sumpah pocong* demonstrates how Banyuwangi communities negotiate the relationship between state law, customary norms, Islamic values, and local beliefs. The ritual does not determine truth in a juridical sense, but it can generate social acceptance of a particular resolution. This is precisely where the significance of *sumpah pocong* lies within the framework of legal pluralism: it is neither state law nor a substitute for state law, but a social mechanism that interacts with formal law in maintaining social order and preventing violence (Benda-Beckmann, 2011; Kusairi, 2022).

In the post-1998–1999 violence context, this meaning becomes even more significant. *Sumpah pocong* can be understood as a transformation from violence-based conflict resolution toward ritual-based reconciliation. Whereas accusations of *santet* could previously escalate into mob violence, the oath ritual provides a social space in which communities can manage fear and entrust questions of truth to moral and religious mechanisms. Thus, the continued practice of *sumpah pocong* demonstrates that memories of past violence generate not only trauma but also the possibility of developing social mechanisms to prevent violence from recurring (Kusairi, 2022; Herriman, 2007).

Conclusion

From a legal perspective, *sumpah pocong* and *sumpah Al-Qur'an* do not possess formal juridical authority within the Indonesian legal system because accusations of *santet* cannot be empirically proven through conventional evidentiary standards. Indonesian criminal law emphasizes

rational evidence, witness testimony, and material proof, whereas allegations of witchcraft are generally rooted in belief, fear, and communal suspicion. Consequently, individuals accused of practicing *santet* cannot legally be punished solely on the basis of supernatural allegations. On the contrary, acts of intimidation, persecution, arson, assault, and mob violence directed against accused persons constitute criminal offenses that violate human rights and the rule of law.

Nevertheless, this study demonstrates that *sumpah pocong* and *sumpah Al-Qur'an* continue to function as culturally legitimate mechanisms of dispute resolution within Banyuwangi society. In communities where formal legal procedures are often perceived as incapable of resolving conflicts involving mystical accusations, sacred oath rituals become alternative forms of social reconciliation grounded in morality, religion, and communal trust. Although these rituals are not formally recognized as legal evidence by the state, they frequently possess stronger social legitimacy than modern legal procedures in the eyes of local communities.

The persistence of these practices reflects the ongoing tension between state law, customary law, and religious belief in contemporary Indonesia. On one hand, the state seeks to uphold legal certainty and protect citizens from vigilantism and false accusations. On the other hand, local communities continue to rely on customary and spiritual mechanisms to preserve social harmony and prevent open conflict. Therefore, the existence of *sumpah pocong* and *sumpah Al-Qur'an* illustrates how law in Indonesian society is not solely shaped by formal legal institutions, but also by cultural values, collective memory, and local concepts of justice that continue to survive amid modernization.

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