

Between Repair and Domination: *Ta'zīr*, Restorative Moderation, and Power in Kitab Simbur Cahaya of Bengkulu, Indonesia

Fauzan^{1*}, Sirajuddin¹, Ahmad Abas Musofa¹, Aldo Redho Syam²

¹Universitas Islam Negeri Fatmawati Sukarno Bengkulu, Indonesia

²Universitas Negeri Jakarta, Indonesia

Corresponding Author: fauzan@mail.uinfasbengkulu.ac.id

|| Received: 14-02-2026 | Revised: 02-07-2026 || Accepted: 21-07-2026

Abstract: Indonesian scholarship on religious moderation often treats local wisdom as a natural carrier of moderation, leaving the power dynamics of customary adjudication underexamined. This article asks whether the discretionary punishment (*ta'zīr*) provisions of Kitab Simbur Cahaya, a codified adat text still referenced in Bengkulu, Indonesia, can be read as moderate and restorative once those dynamics are taken seriously. Rather than assuming that answer, the study treats it as a question to be tested against field data. The research draws on nineteen in-depth interviews, direct observation of seven adjudication sessions and two peace ceremonies across four Bengkulu regencies, and documentary analysis of customary and archival records, analysed through interactive qualitative coding. The findings are deliberately mixed. Five recurring *ta'zīr* instruments, *musyawarah*, *denda adat*, public apology, *setawar sedingin*, and *jamuan perdamaian*, prioritise repair over retribution and partly enact the moderation principles of *'adl*, *tawazun*, and *tasamuh*. Yet the same forums route women's voices through male kin and soften sanctions for offenders close to adat elites, exposing where moderation fails on its own terms. The article's contribution is a Restorative Moderation Framework that reads *ta'zīr*-based systems critically rather than celebratorily, specifying three testable axes, restorativeness, moderation, and plural accommodation, along which any customary forum can be assessed. It reframes the recognition of living law in Indonesia's 2023 Criminal Code as an opening that demands scrutiny, not endorsement.

Keywords: Religious Moderation; *Ta'zīr* Law; Customary Law; Restorative Justice; Kitab Simbur Cahaya; Legal Pluralism.

Introduction

Kitab Simbur Cahaya is one of the few codified customary legal texts (*kitab hukum adat terkodifikasi*) in the Indonesian archipelago (Balitbangdiklat, 2023; Simanjuntak et al., 2025). Drafted in the Palembang Sultanate, it later circulated across southern Sumatra, including what is now Bengkulu Province (Andiko et al., 2024; Mursalin et al., 2023). Unlike most oral adat traditions, Simbur Cahaya survives as a written codification of rules on marriage, inheritance, agriculture, moral transgression, and communal sanctioning (Febriansyah et al., 2024; Jayanuarto et al., 2019). Its provisions combine Malay customary values (*adat Melayu*), Islamic legal principles (*syari'at Islam*), and locally evolved social norms (Khairiah et al., 2023; Ritonga & Gunawan, 2023). For Bengkulu communities, the text has long functioned as a legal reference, a moral charter, and a marker of cultural identity (Ikhwan et al., 2024; M et al., 2022).

This article concentrates on the *ta'zīr* provisions of Simbur Cahaya and their operation in contemporary Bengkulu. In classical Islamic jurisprudence, *ta'zīr* refers to discretionary punishment whose form and severity are determined by legitimate authority on grounds of communal welfare (*maslahah*), distinguishing it from the fixed penalties of *hudūd* and *qisās* (Kamali, 2020, 2023). What makes Simbur Cahaya's *ta'zīr* analytically interesting is not simply that it fuses Islamic discretion with Malay mediation, many adat traditions do so, but that it does so in a setting where the state, through Law No. 1 of 2023 on the new Criminal Code, now formally recognizes *hukum yang hidup dalam masyarakat* (living law) as a source of criminal norms (Butt, 2023; Rani et al., 2020). This recognition generates productive tension: it

legitimizes adat sanctioning while also subjecting it to questions of rights, gender, and accountability that the text was not originally designed to answer.

Whether Simbur Cahaya's *ta'zīr* practices can reasonably be described as moderate or restorative is therefore an empirical question, not a premise (Listyasari, W. D., et al., 2026). Writing on *moderasi beragama* in Indonesia often treats local wisdom as a natural carrier of moderation (Haitomi et al., 2022; Khasanah et al., 2023). Critical legal scholarship, by contrast, has noted that adat institutions can reproduce patriarchal authority, mute marginal voices, and exert informal pressure that resembles consensus more than it is (Nofialdi et al., 2025; Nurkhalifah, 2019). A careful study holds both possibilities open. Reading Simbur Cahaya only through a restorative-justice lens risks confirming what the lens is designed to see, reading it only through a power-critique lens risks dismissing community practices of repair as pure domination.

Bengkulu is a useful site for examining these tensions. The province is home to the Rejang, Serawai, Lembak, Pekal, Enggano, and Javanese transmigrant communities, and its residents practise Islam, Christianity, Hinduism, Buddhism, and indigenous religions (Mahdi & Mike, 2024; Mursalin, 2023). Indonesia's Religious Moderation Index recorded Bengkulu at 73.3 in 2021, above the national average, but behind the leading provinces (Balitbangdiklat, 2023). Everyday dispute resolution in Bengkulu runs through BMA structures and Simbur Cahaya-derived practice as well as through state institutions (Hayat et al., 2025; Jubba et al., 2024). The more useful question is therefore not whether adat sustains harmony in general, but under what conditions, for whom, and at what cost.

Earlier scholarship has approached Simbur Cahaya from several angles: legal-historical studies of its origins (Luthfi, 2022; Setiawan, 2022), documentation of its customary content (Fauzan, 2022; Ritonga & Gunawan, 2023), analyses of gender relations within the codex (Nurkhalifah, 2019), and comparative work on Sumatran adat (M et al., 2022; Zulkifli et al., 2024). Adjacent work on Bengkulu adat has examined Rejang customary courts (Andiko et al., 2024), inter-cousin marriage restriction (Mursalin et al., 2023), *cuci kampung* as a moral sanction (Susanti & Darmansyah, 2024), and the political-historical trajectory of clan-based leadership (Mahdi & Mike, 2024). Comparable studies elsewhere in Indonesia have analysed the Paoppangi Tanah sanction in Sulawesi (Syatar et al., 2025), the Doro caning tradition in Minangkabau (Ismail et al., 2023), the Tumbang Anoi agreement among the Dayak Ngaju (Syaikhu et al., 2023), and the Dou Donggo customary dialectic in Bima (Mutawali, 2021). This body of work is useful, but three theoretical gaps remain. *First*, the literature has not examined Simbur Cahaya through the combined lens of legal pluralism, socio-legal theory, and religious moderation; existing framings are largely internal to *fiqh jināyah* or descriptive adat documentation, without situating the codex within the wider question of how religious, customary, and state law compete and coexist (Griffiths, 1986; Merry, 1988; Tamanaha, 2021). *Second*, the power dynamics of Simbur Cahaya's adjudicative practice, who speaks in *musyawarah*, who is silent, and how compliance is secured, have been underexamined, despite sustained attention to similar dynamics in comparable Indonesian adat systems (Djawas et al., 2023; Kasim & Nurdin, 2020; Nofialdi et al., 2025). *Third*, the article-level implications of Indonesia's new Criminal Code for Simbur Cahaya-type practice have not been empirically worked out; existing commentary remains doctrinal (Butt, 2023).

This article therefore pursues three connected tasks. The first is to reconstruct, through field data and documentary sources, how *ta'zīr* operates today in Simbur Cahaya practice across four Bengkulu regencies. The second is to assess, rather than assume, how far that practice instantiates *wasathiyah* principles, and where it does not. The third is to develop a Restorative Moderation Framework that reads Simbur Cahaya through legal pluralism and critical restorative-justice scholarship, and to test that framework against the more uncomfortable features of the data: gendered silences in *musyawarah*, the weight of adat elite authority, and the gap between doctrinal moderation and local practice. The claim is not that Simbur Cahaya offers a finished answer to Indonesia's pluralism, but that it provides a usable case for thinking about what a plausible, non-idealized model of restorative moderation might look like. Read this way, the Bengkulu material speaks beyond Indonesia. It gives comparative socio-legal scholarship a portable way to test any religiously grounded customary forum, whether African, South Asian, or Pacific, not by asking whether it looks restorative, but by asking whether its restorative claims survive contact with the gendered and elite power relations that such forums routinely contain. That shift, from celebrating local

wisdom to interrogating it, is the contribution the article seeks to make to the global conversation on legal pluralism and indigenous justice.

Literature Review

Wasathiyah: The Principle of Moderation in Islamic Jurisprudence

Wasathiyah (moderation, middle path) derives from the Quranic characterization of the Muslim community as *ummatan wasatan* (Q.S. al-Baqarah: 143) and has long been elaborated as a normative principle in Islamic jurisprudence (Buaben, 2017; Ramadan et al., 2025; Zh, M. H. R., et al., 2026). Contemporary Indonesian scholarship treats *wasathiyah* as having three operational dimensions: '*adl*' (proportionality between offense and response), *tawazun* (avoidance of both leniency and severity), and *tasamuh* (tolerance within principled limits) (Haitomi et al., 2022; Kamali, 2020; Khasanah et al., 2023). For this study, these dimensions are not descriptions of what Simbur Cahaya is, but analytical variables against which adjudicative practices can be tested. A *musyawarah* session, for example, can be coded for whether the sanction was proportional to the offense ('*adl*'), whether the resolution avoided both excessive leniency toward powerful offenders and excessive severity toward marginal ones (*tawazun*), and whether the process accommodated minority or female voices (*tasamuh*), the last being the dimension where comparative scholarship has raised the sharpest concerns (Davids, 2017; Juliansyahzen & Ocktoberriyansyah, 2022; Musawwamah, 2020).

Restorative Justice: Principles and Indigenous Applications

Restorative justice, as articulated by Braithwaite (2023) and developed in Indonesian writing (Apituley et al., 2025; Ramadhanti et al., 2022), frames justice as repair of harm rather than infliction of proportional punishment. Its three standard components are encounter, amends, and reintegration (Ropei, 2022; Sinaga, M. N.A., et al., 2026). Comparative scholarship on indigenous restorative practices, Maori *whanau* conferencing, African *ubuntu* mediation, South Asian *panchayat* adjudication, has shown that many non-Western traditions articulate versions of these components that predate Western restorative-justice writing (Apituley et al., 2025; Syatar et al., 2025). Alongside these sympathetic accounts, there is a growing critical literature noting that indigenous and customary forums can mute victims (especially women) (Fatmawati et al., 2026), can disguise coercion as consensus, and can protect in-group offenders from accountability (Nofialdi et al., 2025; Nurkhalifah, 2019). Any serious application of restorative justice theory to Simbur Cahaya must engage with both bodies of work.

Customary Law in Kitab Simbur Cahaya

Simbur Cahaya emerged as a codified customary text during the Palembang Sultanate period (estimated seventeenth–eighteenth century) and later circulated across territories under the Sultanate's cultural orbit, including Bengkulu (Luthfi, 2022; M et al., 2022). Its provisions cover marriage and family, land and agriculture, offences and sanctions, and communal governance, organised by the holistic logic of adat rather than modern legal categories. Ritonga and Gunawan (2023) and Andiko et al. (2024) have shown that the codex's legal material reflects a syncretic process in which pre-Islamic Malay norms were progressively combined with Islamic legal principles, particularly in *ta'zīr*, *munakahat*, and *mu'amalat*. The result is a hybrid, neither purely adat nor purely *fiqh*, whose character now has to be read against the newly activated recognition of living law (Simanjuntak et al., 2025; Syaikh et al., 2023). The socio-historical reading adopted here draws on the tradition of *rechtsgeschiedenis* as elaborated by Indonesian legal historians, examining how norms emerge from the social, political, and cultural conditions of their formation (Luthfi, 2022).

Pluralism, Multiculturalism, and the National Legal System

Indonesia's legal order is one of the richest settings for what Griffiths (1986), Merry (1988), and Tamanaha (2021) call legal pluralism: the coexistence, within one political space of state law, religious law, and customary law, with overlapping and sometimes competing jurisdictions. Applied to Bengkulu, this framing has two implications. The *ta'zīr* practices of Simbur Cahaya are not pre-legal or extra-legal remnants that the state tolerates; they are a distinct normative order with their own institutions of

adjudication, proof, and sanction (Jubba et al., 2024; Sari et al., 2024). And the new Criminal Code's formal recognition of living law does not simply absorb adat into state law but reconfigures the power relation between them (Butt, 2023). Socio-legal theory adds that legal rules cannot be read apart from their social field; their meaning is produced and reproduced through the practices of courts, elders, litigants, and ordinary members (Kasim & Nurdin, 2020). A power-in-law perspective, drawing on Foucault's account of discipline and Weber's typology of authority, directs attention to how adjudicative settings can silence some voices even while formally including them, and how consensus can function as a technique of governance rather than an outcome of deliberation. Taken together, these perspectives do not settle the question of whether Simbur Cahaya is moderate or restorative; they raise the questions this article seeks to answer.

Where the Frameworks Pull Apart: Restoration, Pluralism, and the Gender Question

The four bodies of theory this article draws on do not rest together comfortably, and that friction is where its analytical purchase lies. Restorative justice promises to heal harm through encounter, amends, and reintegration, yet feminist legal scholarship has shown that informal, relationship-centred forums can expose victims to risks that formal courts are built to contain. Daly (2002) cautions that the familiar contrast between restorative and retributive justice is partly a myth, and that restorative processes do not by themselves deliver fairness. Writing on gendered harm, Stubbs (2007) argues that the appeal to apology, forgiveness, and the repair of relationships can place the heaviest burden on the victim, especially where she is asked to restore a community whose own norms helped produce the harm. The question restorative justice cannot settle on its own terms is whose relationships are being restored, and on whose authority. Where a customary forum is led by male elites, the restoration of communal harmony and the muting of a woman's complaint can be a single event narrated in two registers.

Legal pluralism sharpens this problem rather than dissolving it. Its core descriptive claim, that state, religious, and customary orders coexist as competing systems of authority (Griffiths, 1986; Merry, 1988; Tamanaha, 2021), is often read as if plurality by itself widens access to justice. The critical reply is that a plurality of orders can also multiply the sites at which inequality is reproduced, so that a woman turned away by one forum meets the same assumptions in the next (Nofialdi et al., 2025; Nurkhalifah, 2019). Indigenous-justice scholarship adds a third and opposing caution, warning against importing external standards that recast community repair as nothing but domination. This article does not adjudicate among the three positions; it holds them in tension and turns them into three separate questions to be put to a single forum: does it repair, does it accommodate competing legal orders, and does it distribute voice fairly across gender and status. The working premise is that a practice can answer one of these questions well and another badly. The findings below are read through exactly this strain, because the Bengkulu data describe a system that restores relationships and reproduces hierarchy in the same motion, which is why neither celebration nor blanket critique captures it.

Method

This study uses a qualitative, field-based design combining legal and historical approaches to examine how *ta'zīr* operates in Simbur Cahaya practice today in Bengkulu (Ikhwan, 2021). A socio-legal orientation frames the analysis: rules are read through the social settings in which they are invoked, interpreted, and enforced (Griffiths, 1986; Tamanaha, 2021). The researcher's own position as an Indonesian Muslim legal scholar based in a Bengkulu academic institution creates both access and risk. Access, because BMA leaders granted extended interviews and permitted direct observation of adjudication sessions that outsiders would not reach; risk, because shared cultural frames can produce confirmation of preferred narratives. Reflexivity was therefore treated as a methodological duty, not a gesture: the researcher kept a field journal noting moments of discomfort with informant claims, actively solicited disconfirming views from junior adat members, women, and non-Muslim residents, and submitted preliminary interpretations to two external legal scholars outside the research team for critique.

Four complementary approaches structure the investigation. The statute approach compares Simbur Cahaya provisions with national legislation, in particular Law No. 1 of 2023 on the Criminal Code. The

historical approach traces *ta'zīr* practice from the Palembang Sultanate through colonial administration to the present. The comparative approach contrasts Simbur Cahaya *ta'zīr* with Islamic *ta'zīr* jurisprudence and with restorative-justice theory. The sociological approach examines how *ta'zīr* functions within contemporary Bengkulu social dynamics. The research specification is descriptive-analytical, aiming to reconstruct *ta'zīr* practice in detail and to assess its relation to moderation against explicit analytical standards rather than in the abstract.

Field data were collected between March and October 2025 across four locations in Bengkulu: Kabupaten Seluma, Kota Bengkulu, Kabupaten Bengkulu Tengah, and Kabupaten Bengkulu Selatan, selected for their sustained BMA activity and multicultural composition. Informants were recruited through purposive sampling and then expanded through snowball referrals to reach less visible voices. Nineteen semi-structured interviews were conducted with BMA chairpersons (four), community leaders and Bengkulu historians (eight), academic lawyers (four), and three women who participate in adat deliberation in a consultative capacity. Interviews lasted 60–120 minutes, were audio-recorded with consent, transcribed verbatim, and translated where necessary. Participant observation covered seven adjudication sessions and two *jamuan perdamaian* ceremonies, which were documented in field notes and, where permitted, in photographs. Observation focused on who spoke, who was silent, how decisions were framed and announced, and how parties physically positioned themselves in the deliberation space. Documentary analysis drew on BMA minutes, colonial-era copies of the codex held in provincial archives, and relevant national legislation. Triangulation compared interview accounts against observation notes and documentary records, identifying both convergence and divergence. Data analysis followed the three-stage interactive model of Miles, Huberman, and Saldana (2014). In the first stage (data reduction), interview transcripts and field notes were open-coded line by line, generating an initial list of 147 descriptive codes covering acts, actors, utterances, and contexts. In the second stage, codes were grouped axially into 23 subcategories (for example, *musyawarah* procedure, gendered participation, sanction calibration, documentation gap, jurisdictional deference). In the third stage, selective coding produced five higher-order themes that structure the findings: (a) the five *ta'zīr* instruments and their situational use, (b) moderation principles in practice, (c) gender and adat elite power, (d) articulation with state law, and (e) transmission and institutional vulnerability. Coding was performed initially by the lead researcher and then peer-checked with a second coder; discrepancies were resolved through discussion. Credibility was established through member-checking of transcripts with eight informants and through triangulation; transferability is addressed through thick description of each observed adjudication.

Results and Discussion

Socio-Historical Formation of *Ta'zīr* Law in Kitab Simbur Cahaya

Field data and documentary analysis converge on the claim that Simbur Cahaya's *ta'zīr* provisions are the product of long legal syncretism rather than a single authorial design. BMA leaders in all four locations traced the codex to the Palembang Sultanate's cultural extension into Bengkulu's hinterland, during which the ulama and pemangku adat appear to have negotiated shared norms of sanctioning that incorporated *maslahah*, *adl*, and *ta'zīr*. The Chairperson of BMA Kabupaten Seluma framed this memory as follows: "Simbur Cahaya was born from the meeting of two wisdoms, the wisdom of our ancestors who knew how to maintain order, and the wisdom of Islam that taught justice and mercy. Neither was abandoned." A historian-informant in Kota Bengkulu offered a more contested account, noting that colonial administrators had also influenced the codex's written form, which complicates any claim that the document is purely indigenous. Both accounts coexist in the data, and the thematic analysis retained the tension between them rather than resolving it prematurely. The practical consequence is a sanctioning system that is flexible in calibration but uneven in documentation: two of the four regencies (Seluma and Bengkulu Selatan) maintain partial written records of recent adjudications; the other two rely almost entirely on oral memory.

Across observed sessions and reported practice, five *ta'zīr* instruments recur. Table 1 summarises their mechanisms and the moderation dimension each most clearly implicates. The Field Evidence column reports both where each instrument was actively used and, where relevant, the qualifications recorded during the seven directly observed adjudications.

Table 1. Forms of *Ta'zīr* Sanctions in Kitab Simbur Cahaya and Their Moderation Dimensions

Sanction Form	Mechanism	Restorative Function	Moderation Principle	Field Evidence
<i>Musyawarah</i> (Deliberation)	Community elders convene to hear both parties; consensus-based resolution	Restores relationships through dialogue; preserves the dignity of all parties	'Adl (justice); <i>Wasathiyah</i> (balance)	Active in all 4 locations
<i>Denda Adat</i> (Customary Fine)	Graduated monetary or material compensation calibrated to offense severity	Material restoration to the injured party; symbolic acknowledgment of wrong	Proportionality; non-excessive punishment	Seluma, Bengkulu Selatan
<i>Permintaan Maaf</i> (Formal Apology)	Public or semi-public acknowledgment of wrong with a witnessed apology	Moral rehabilitation of the offender; emotional restoration of the victim	<i>Tasamuh</i> (tolerance); reconciliation	All 4 locations
<i>Setawar Sedingin</i> (Purification Ritual)	Ritual washing and blessing ceremony symbolizing social cleansing	Spiritual-social purification; communal reintegration of the offender	Balance between material and spiritual	Seluma, Bengkulu Tengah
<i>Jamuan Perdamaian</i> (Peace Feast)	A communal meal hosted by the offender's family signifying reconciliation	Community witnessing of restored peace; collective celebration of harmony	<i>Maslahah</i> (communal welfare)	Active in all 4 locations

Observation nuanced the interview accounts in three ways. First, women were physically present in six of the seven *musyawarah* sessions observed but spoke directly in only one; in the other five, their concerns were voiced by male kin or by the female adat member present in a consultative capacity. Two interviewed women described this arrangement as culturally familiar rather than oppressive; a third called it "a limit we are still working on." The data therefore support neither a flat claim of gendered exclusion nor a confirmation of an idealized picture of egalitarian deliberation. Second, the calibration of *denda adat* varied not only with the severity of the offense but with the relative social standing of the parties. In two observed cases, fines imposed on offenders closely tied to adat elites were reduced after informal intercession; in one case, a fine imposed on an outside transmigrant worker was set at the upper end of the scale. This pattern is consistent with the power-in-law critique outlined in the literature review. Third, the *jamuan perdamaian* ceremony functioned effectively as public closure in low-severity disputes (minor theft, quarrels, broken promises), but informants across locations agreed that it is rarely used for violent offenses, and that in sexual-violence cases BMA routinely defers to state authorities, a boundary BMA leaders described approvingly but which critical informants described as strategic avoidance.

The gap between presence and voice rewards a closer look, because this is where the tension set out in the literature review shows up on the ground. Women were not shut out of the deliberation space. They took part, but through an arrangement that usually carried their words to the floor by way of male kin, so what counts as participation here is participation of an unequal kind. Stubbs (2007) calls this the blind spot of restorative models: a forum can count everyone in the room and still hear only some of them. Who actually spoke bears that out. The single session in which a woman addressed the council directly involved a marital dispute in which she was the complainant, which hints that a woman's own voice is let through when the matter reads as domestic and turned aside

when it touches communal honour. The women interviewed did not agree on what the arrangement meant. One treated it as ordinary: "For us, it is normal that men speak in the meeting, but women are still involved through the family." Another named its limit: "Women may be present, but it does not always mean that we can speak for ourselves." That split is itself a finding. It shows the gender norms of adat still being contested rather than settled.

The calibration of *denda adat* by social standing carries similar weight. On its own it looks like a minor procedural irregularity. Against the framework proposed here it becomes a direct test of whether the system meets its own standard of moderation. *Wasathiyah* asks for the avoidance of both severity and laxity, and a fine softened because the offender sits close to the adat elite is laxity toward the powerful, the mirror image of the upper scale fine handed to the transmigrant outsider. The two observed cases prove nothing on their own; they are too few, and the article does not treat them as a rule. Their use is diagnostic. They show that the moderation a system claims in its self-description is not the same as the moderation it delivers, and that what does the work is closeness to customary authority, not the gravity of the offence. One adat informant put it plainly: "In determining *denda adat*, we do not only look at the act itself, but also at who is involved, how close the family is to the adat structure, and whether the person still has a good relationship with the community. Sometimes the amount can be adjusted so that the matter does not become bigger." Measured against the standard of moderation, that candour is the problem. Adat sanctions are not arbitrary; their moderation simply tracks the social location of the person being judged. Here a power-in-law reading and a *wasathiyah* reading reach the same verdict, and this is the finding that most clearly sets this study apart from the descriptive accounts of Simbur Cahaya that came before it.

***Ta'zīr* Values and National Legal Development**

Interviews with legal academics and BMA leaders indicate that the new Criminal Code's recognition of living law is welcomed in principle but generates practical uncertainty. The principles BMA leaders most often invoked when asked what Simbur Cahaya shares with the new code were peaceful settlement, proportional sanctioning, moral responsibility of the offender, and protection of vulnerable groups. Three caveats recurred across the interviews. Practice varies meaningfully across sub-districts: urbanisation, declining adat authority, and generational turnover have weakened adjudication in some areas, especially closer to the provincial capital. Written documentation of *ta'zīr* decisions is thin; most rulings exist only in oral memory, creating urgent vulnerability to loss as senior adat figures retire or pass away. The jurisdictional question, which cases properly belong to BMA and which to the state, is unsettled, particularly in cases touching on domestic violence, child protection, and financial crime. Institutional strengthening and systematic documentation are therefore not optional additions but conditions of viability.

Table 2. Alignment Between Simbur Cahaya *Ta'zīr* Values and National Legal Reform Directions

Simbur Cahaya Value	National Legal Principle	Regulatory Basis	Implementation Challenge
Peaceful Settlement (<i>Musyawarah</i>)	Restorative Justice; Diversion	KUHP 2023, Art. 2; UU SPPA No. 11/2012	Uneven institutional capacity across regions
Proportional Justice (<i>Denda Adat</i>)	Proportionality of Sanctions	KUHP 2023, Sentencing Guidelines	Standardization vs. local flexibility tension
Offender Moral Responsibility	Rehabilitation Orientation	UU Pemasarakatan No. 22/2022	Limited integration with formal corrections
Protection of Vulnerable Groups	Gender-Sensitive Justice	UU PKDRT No. 23/2004; KUHP 2023	Patriarchal elements in some adat provisions
Community-Based Sanctioning	Living Law Recognition	KUHP 2023, Art. 2 & 597	Documentation deficit; jurisdictional boundaries

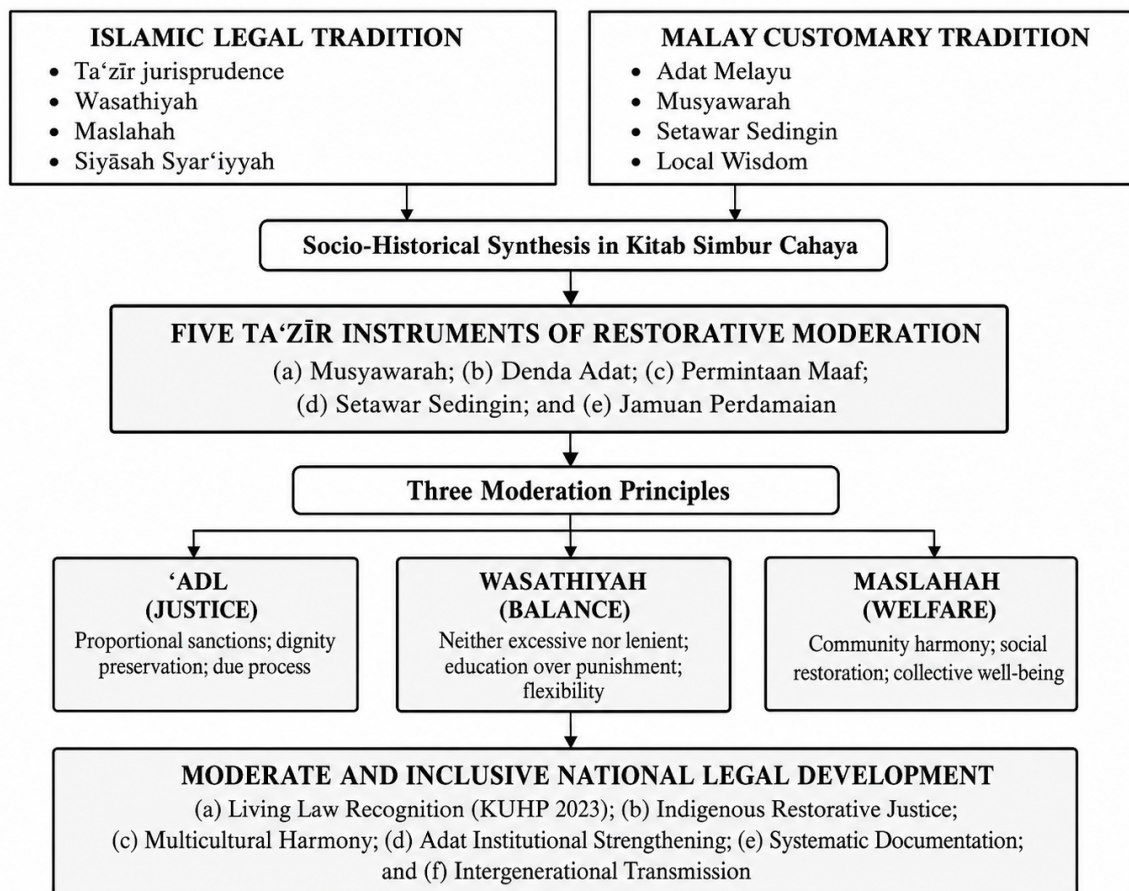


Figure 1. The Restorative Moderation Framework: Integrating Simbur Cahaya *Ta'zīr* with *Wasathiyah* and National Legal Reform (Source: Author's integrative theoretical construction based on field research and comparative legal analysis (2025). The Restorative Moderation Framework demonstrates how Simbur Cahaya's *ta'zīr* instruments operationalize Islamic moderation principles to contribute to inclusive national legal development).

Discussion

Simbur Cahaya as Indigenous Restorative Justice: Extending Comparative Legal Theory

Braithwaite's (2023) reintegrative shaming theory argues that effective sanctioning systems pair disapproval of the offence with reaffirmation of the offender's membership in the community. The five Simbur Cahaya instruments map onto this structure with considerable precision: *musyawarah* provides the encounter, *denda adat* operationalizes amends, formal apology enables moral acknowledgment, *setawar sedingin* ritualizes spiritual purification, and *jamuan perdamaian* enacts reintegration. An earlier version of this argument held that Simbur Cahaya is "more complete" than most Western restorative-justice models. The empirical and comparative evidence does not support that claim in a simple form. On the one hand, the Simbur Cahaya process covers material, moral, spiritual, and social dimensions in a single sequence, which is unusual in state-sponsored restorative conferencing. On the other hand, Western models typically include safeguards such as victim choice, professional facilitation, and monitoring of compliance that Simbur Cahaya practice, at least as observed, does not always match (Apituley et al., 2025). The defensible reformulation is that the two systems operate on different axes: Simbur Cahaya is stronger in communal reintegration and weaker in protecting individual rights; Western conferencing is the reverse. Neither dominates the other (Mufidah et al., 2022).

Wasathiyah in Practice: From Theological Principle to Operational Legal Value

The study's empirical material supports a cautious version of the claim that Simbur Cahaya operationalizes *wasathiyah*. The calibration of sanctions against offender circumstances, the preference for education over retribution, and the accommodation of non-Muslim neighbors in many dispute settlements instantiate '*adl*, *tawazun*, and *tasamuh* in ways the existing literature rarely documents empirically (Davids, 2017; Khasanah et al., 2023). At the same time, the observed gendered patterns of participation and the softening of sanctions for adat-aligned offenders sit uneasily with *wasathiyah*'s own internal requirement of balance. A principle of moderation that requires avoiding both severity and laxity does not license laxity toward the powerful. The Restorative Moderation Framework proposed here therefore treats *wasathiyah* as an evaluative standard, not only a descriptive label: the question is whether a given adjudication meets it, and the honest answer, from the field data, is "most of the time, but not always." This is a more useful analytical position than either full endorsement or blanket critique (Hidayat & bin Rosele, 2024; Juliansyahzen & Ocktoherrinsyah, 2022).

Implications for National Legal Development: Living Law and the New Criminal Code

The findings have direct implications for the implementation of Law No. 1 of 2023. Article 2 recognizes living law where a national statute does not provide an equivalent regulation. The Restorative Moderation Framework suggests four categories in which Simbur Cahaya practice can usefully complement state criminal law: low-severity interpersonal disputes where relationship restoration is central; honor-related conflicts where prosecution may escalate harm; inter-communal tensions where local *musyawarah* can contain drift; and first-time offender cases where rehabilitation outweighs deterrence in local communal welfare (Hayat et al., 2025; Mufidah et al., 2022). The framework also identifies categories where deference to state law is the moderate course: sexual violence and domestic abuse, where the gendered imbalances in adat adjudication risk compounding harm; serious property crime involving outsiders; and any case implicating rights claims under national and international human-rights instruments (Musawwamah, 2020). The distinction matters because a rhetorical celebration of adat can slide into licencing practices that require external correction.

Three challenges identified in the field extend this picture. The variation in *ta'zīr* practice across the four locations is not only a capacity problem but a legitimacy problem: where adat authority has decayed, residents increasingly bypass BMA in favour of informal neighbourhood settlement or state authorities, which suggests that living law cannot be assumed to be alive wherever it is formally recognised (Royani, 2025). The documentation deficit is compounded by its political dimension: several BMA leaders resisted systematic documentation on the ground that fixing oral decisions in writing would expose them to external critique and reduce the flexibility that *ta'zīr* requires. The concern is reasonable, but it complicates state efforts to integrate living law through written recognition (Hutabarat et al., 2024; Sari et al., 2024). The weakening generational transmission is a third challenge and the most structurally serious, because it erodes the interpretive community on which the code depends (Mahdi & Mike, 2024). Three interventions follow: systematic documentation of *ta'zīr* decisions across Bengkulu sub-districts; formal recognition and capacity strengthening of BMA as the institutional vehicle for living-law application; and integration of customary legal education into regional curricula. Each intervention carries a cost, formalisation, as noted, reduces flexibility, and the policy choice is a trade-off rather than a clear good.

The Restorative Moderation Framework as a Theoretical Contribution

The Restorative Moderation Framework integrates three bodies of literature that typically run in parallel: Islamic *wasathiyah* theory, restorative-justice scholarship, and Indonesian legal pluralism. Its value lies less in claiming a wholly new theory than in offering a compact analytical grid. Any *ta'zīr*-centred adjudication can be assessed along three axes, restorativeness (does it prioritize repair over retribution?), moderation (does it instantiate '*adl*, *tawazun*, and *tasamuh* toward all parties?), and plural accommodation (does it accommodate minority and state-law interests?). In Simbur

Cahaya practice, the first axis scores highest, the second is mixed, and the third is uneven. The framework, therefore, produces a structured, testable description rather than a ceremonial endorsement. It also travels with local adjustments it can be used to examine the Paoppangi Tanah sanction in Sulawesi (Syatar et al., 2025), the Doro tradition in Minangkabau (Ismail et al., 2023), the Dou Donggo practice in Bima (Mutawali, 2021), and non-Muslim customary systems in Aceh (Djawas et al., 2023).

The framework interacts with two prevailing assumptions in comparative legal writing. The first is that effective restorative justice requires secular institutional foundations. The Simbur Cahaya data show that religious authority can serve as a stable moral base for restorative practice, provided the religious authority in question includes internal resources for self-critique. Field informants consistently pointed to the Quranic grounding of *'adl* as the language used to challenge unfair sanctioning within the adat council itself. The second assumption is that Islamic criminal law (*fiqh jināyah*) is inherently punitive. The *ta'zīr* domain of *fiqh*, discretionary, contextual, welfare-oriented, is the clearest doctrinal resource for restorative practice inside Islamic law (Buaben, 2017; Mohiuddin & Borham, 2024; Syarbaini, 2023). What Simbur Cahaya shows is neither that religion rescues restorative justice nor that adat delivers what modern law cannot, but that, under specific institutional conditions, a religiously grounded customary tradition can produce outcomes consistent with moderation and repair, and, under other conditions, cannot. That contingency is the finding.

It is worth stating plainly what this framework adds, since a fair objection is that restorative justice, *wasathiyah*, and legal pluralism are each already well theorised. The point is that, taken singly, none of the three can hold the others to account. Restorative-justice theory can describe the repair work the five instruments perform, but it carries no internal standard for asking whether that repair is fairly distributed, and its own critics explain why it tends not to ask (Daly, 2002; Stubbs, 2007). *Wasathiyah* supplies a normative standard of balance, but on its own it remains a theological ideal with no procedure for detecting the moments when a forum betrays it. Legal pluralism maps the coexistence of competing orders, yet it is famously silent on whether any given order is just. The contribution of the Restorative Moderation Framework is the mechanism that joins them: it converts *wasathiyah* from an ideal into a measurable test applied to restorative practice, and it uses the legal-pluralist insight about competing orders to specify the third axis on which a forum can fail. Its novelty is therefore not a new concept but a diagnostic procedure: a way of producing a determinate, falsifiable judgement, that a given adjudication is restorative, only partly moderate, and weak on plural accommodation, where the parent theories yield only general approval or general suspicion. The Bengkulu data earn this claim precisely because they do not flatter the framework. A tool that could only certify Simbur Cahaya as moderate would be an apology dressed as analysis; a tool that registers where Simbur Cahaya falls short of its own moderation is doing the work. The clearest evidence that the framework is analytical rather than celebratory is the set of cases it declines to endorse: the sessions where women were present but unheard, and the fines softened for offenders close to the adat elite. A theory tested by the data that contradict it, rather than confirmed by the data that suit it, is the more defensible contribution this study can claim.

Conclusion

This article has examined the application of *ta'zīr* law in Kitab Simbur Cahaya in Bengkulu and has proposed a Restorative Moderation Framework for reading that practice against legal pluralism, restorative justice theory, and *wasathiyah*. The socio-historical evidence shows that Simbur Cahaya is the outcome of a long syncretic negotiation among Malay adat, Islamic legal principles, and, at the margins, colonial administrative adaptation. The five recurring *ta'zīr* instruments, *musyawarah*, *denda adat*, formal apology, *setawar sedingin*, and *jamuan perdamaian*, often prioritize relationship repair and moral education over retribution, and often do instantiate *'adl*, *tawazun*, and *tasamuh*. They also reproduce gendered patterns of participation, calibrate sanctions in ways sensitive to adat-elite status, and leave important

categories of harm to the state. Law No. 1 of 2023, which recognizes living law, creates an opening for Simbur Cahaya-type practice in Indonesian criminal policy, but this opening cannot be fully realized without serious attention to documentation, capacity, and the boundary between adat and state jurisdiction.

The study carries three limitations that should shape how the findings are used. The empirical base covers four regencies within a single province; generalization to other parts of Sumatra or to other Indonesian adat systems requires further work. The seven directly observed adjudications cover mostly low- and medium-severity disputes; they do not test how Simbur Cahaya's practice behaves under the pressure of serious interpersonal violence. And the study's access to women's direct testimony was limited by existing gender conventions in the field; fuller accounts of female experience would benefit from a longer, ethnographically embedded design.

Three lines of further research follow. A comparative study across Indonesian adat codes, Simbur Cahaya alongside Minangkabau *nagari* practice, Acehese *reusam*, and Dayak *tumbang anoi*, would test the Restorative Moderation Framework across very different religious-legal terrains. A gender-focused study centred on women's narratives of adat adjudication is the clearest next step, drawing on the emerging critical literature on customary law and women's participation (Musawwamah, 2020; Nofialdi et al., 2025). A longitudinal study of how BMA practice adapts to the living-law recognition in the new Criminal Code, ideally over the first five years of its implementation, would clarify whether the framework's policy implications hold up in practice. Read together, these directions treat Simbur Cahaya not as a finished model of moderation but as a working site where the relation between adat, *shari'a*, and the state is still being made, which is probably the honest way to read any living legal tradition.

Acknowledgement

We would like to thank all those who helped in the process of researching, writing, and publishing this article.

Conflict of Interest

The author declares that there is no conflict of interest.

References

- Alsayd, A. D., Rusdi, I., Muhtar, A., & Setyaningrum, N. (2025). Love-Based Curriculum: Integrating Islam, Humanism, and Local Wisdom in Madrasahs. *Tunjuk Ajar: Journal of Education and Culture*, 1(2), 65–78. <https://doi.org/10.64929/ta.v1i2.32>
- Andiko, T., Nurdin, Z., & Efrinaldi. (2024). Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A *Maqāsid* Al-Sharī'ah Review. *Juris: Jurnal Ilmiah Syariah*, 23(1), 93–106. <https://doi.org/10.31958/juris.v23i1.12008>
- Apituley, L. G. F., Baroto, W. A., & Soplantila, V. D. (2025). Restorative Justice Arrangements in Civil Law, Common Law, and Indonesian Legal Systems. *Sasi*, 31(4), 374. <https://doi.org/10.47268/sasi.v31i4.3270>
- Ardiansyah, A. A., Fitrah, A., & Salman, F. M. Bin. (2025). Exploring Religious Moderation and Rahmatan lil-'Alamin Understanding among Prospective Professional Islamic Education Teachers. *Indonesian Journal of Islamic Religious Education*, 3(2), 251–262.
- Balitbangdiklat. (2023). *Praktik Baik Moderasi Beragama di Desa Rama Agung Bengkulu Utara*. Badan Litbang Dan Diklat Kemenag RI. <https://balitbangdiklat.kemenag.go.id/berita/praktik-baik-moderasi-beragama-di-desa-rama-agung-bengkulu-utara>
- Braithwaite. (2023). *Restorative Justice And Responsive Regulation In Environmental Governance*. Oxford University Press.
- Buaben, J. M. (2017). Kamali, Mohammad, Hashim: The Middle Path of Moderation in Islam - The Qur'anic Principle of Wasatiyyah. In *ICR Journal* (Vol. 8, Issue 3). Oxford University Press.

- <https://doi.org/10.52282/icr.v8i3.187>
- Butt, S. (2023). Indonesia's new Criminal Code: indigenising and democratising Indonesian criminal law? *Griffith Law Review*, 32(2), 190–214.
- Daly, K. (2002). Restorative Justice: The Real Story. *Punishment & Society*, 4(1), 55–79. <https://doi.org/10.1177/1462474022228464>
- Davids, N. (2017). Islam, moderation, radicalism, and justly balanced communities. *Journal of Muslim Minority Affairs*, 37(3), 309–320.
- Djawas, M., Sugirman, A., & Ali, B. (2023). The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia. *Ahkam: Jurnal Ilmu Syariah*, 23(1), 95–120.
- Fatmawati, F., Ahmad, H., & Kamilah, A. N. (2026). Women's leadership in Islamic higher education: Barriers, enablers, and pathways to empowerment. *Leadership in Muslim Societies*, 1(1), 1-18.
- Fauzan, F. (2022). Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law. *Al-Istinbath : Jurnal Hukum Islam*. <https://doi.org/10.29240/jhi.v7i1.4308>
- Febriansyah, F. I., Syam, A. R., & Permatasari, V. A. (2024). Barbarian Digital Society : A Legal Philosophy Perspective on Efforts to Overcome the Moral Degradation of Indonesian Netizens. *NOVUM: JURNAL HUKUM*, 11(4), 682–701.
- Griffiths, J. (1986). What is Legal Pluralism? *Journal of Legal Pluralism and Unofficial Law*, 18(24), 1–55.
- Haitomi, F., Sari, M., & Isamuddin, N. F. A. B. N. (2022). Moderasi Beragama dalam Perspektif Kementerian Agama Republik Indonesia: Konsep dan Implementasi. *Al-Wasatiyah: Journal of Religious Moderation*, 1(1), 66–83.
- Hayat, T. J., Anshori, M., Abas, A., & Arsyada, A. Z. (2025). Sufi Ethics and Religious Moderation Through A Revisit of Miftah Al-Şudūr For Contemporary Social Harmony. *Jurnal Lektur Keagamaan*, 23(1), 211 – 244. <https://doi.org/10.31291/jlka.v23i1.1311>
- Hidayat, M., & bin Rosele, M. I. (2024). Modernization Of Fiqh In Contemporary Era: A Study of Yusuf Al-Qardhawī's Fiqh Thought. *MIQOT: Jurnal Ilmu-Ilmu Keislaman*, 48(1), 73–87.
- Hutabarat, S. A., Judijanto, L., Rahim, E. I., Nuraeni, Y., Takdir, T., Zamrud, W. O., Citranu, C., Herman, H., & Yase, I. K. K. (2024). *Hukum Adat Indonesia: Sejarah dan Perkembangannya*. PT. Sonpedia Publishing Indonesia.
- Ikhwan, A. (2021). Metode Penelitian Dasar (Menenal Model Penelitian dan Sistemikanya). *Tulungagung: STAI Muhammadiyah Tulungagung*.
- Ismail, I., Hendri, N., & Nurhakim, P. R. (2023). Minangkabau's Doro Tradition: Coexistence of Customary Law and Islamic Law in Caning Punishment. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7(1), 579–601. <https://doi.org/10.22373/sjhk.v7i1.15904>
- Jayanuarto, R., Dimyati, K., Absori, A., Surbakti, N., & Damayanti, F. N. (2019). Psychological analysis of customary law as the spirit for indigenous people of bengkulu city indonesia. *Indian Journal of Public Health Research and Development*, 10(9), 902–906. <https://doi.org/10.5958/0976-5506.2019.02553.1>
- Jubba, H., Sudirman, Iribaram, S., Mokhtar, W. K. A. bin W., & Rasyid, R. (2024). Compromise of Islam and customary practices in the religious practices of the muslim community in Papua: a study of maqāsid syarī'ah. *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 24(2), 305–330. <https://doi.org/10.18326/ijtihad.v24i2.305-330>
- Juliansyahzen, M. I., & Ocktoberrihsyah. (2022). The Contemporary Maqāsid Sharia Perspective on Sexual Violence Provisions in the Indonesian Law Number 12 Year 2022. *Al-Manahij: Jurnal Kajian Hukum Islam*, 16(2), 269–286. <https://doi.org/10.24090/mnh.v16i2.7018>
- Kamali, M. H. (2020). *Actualization (Taf'il) of the Higher Purposes (Maqasid) of Shariah*. International Institute of Advanced Islamic Studies (IAIS).
- Kamali, M. H. (2023). Maqasid al-Shariah and Contemporary Ethical Challenges: Artificial Intelligence and Responsibility. *International Institute of Advanced Islamic Studies*.
- Kasim, F. M., & Nurdin, A. (2020). Study of sociological law on conflict resolution through Adat in Aceh community according to Islamic law. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 4(2), 375–397.
- Khairiah, Irsal, & Putri, N. (2023). Religious Harmony Forum (FKUB) Strategy in Increasing Religious Moderation Jurisprudence in Bengkulu Province. *Jurnal Ilmiah Mizani*, 10(1), 171 – 185.

<https://doi.org/10.29300/mzn.v10i1.2952>

- Khasanah, N., Hamzani, A. I., & Aravik, H. (2023). Religious moderation in the Islamic education system in Indonesia. *Qalamuna: Jurnal Pendidikan, Sosial, Dan Agama*, 15(1), 629–642.
- Kurniawan, E., Ahmad, H., & Muttaqin, M. Z. (2025). From content creators to zakat payers: The fatwa of Indonesian Ulema Council and the rise of digital fiqh. *Islamic Law and Social Issues in Society*, 1(2), 99–115.
- Kurniawan, A., Samae, S. B. M., & Arbi, H. (2025). From Judicial Discretion to Maqasid al-Shari'ah Reasoning: The Case of Marriage Dispensation at the Muara Bulian Religious Court, Indonesia. *Islamic Law and Social Issues in Society*, 1(1), 64–85.
- Listyasari, W. D., Kayen, H. S., & Haq, M. A. (2026). Charismatic Kiai Authority and Professional Learning Communities in Indonesian Pesantren. *Leadership in Muslim Societies*, 1(1), 55–74.
- Luthfi, M. I. (2022). Ketentuan Adat dan Regulasi Hukum di Kesultanan Palembang. *Soeloeh Melajoe: Jurnal Peradaban Melayu Islam*, 1(2), 1–9.
- M, S., Hakim, M. A. R. R., & Johari, E. (2022). The Simbur Cahaya Bangkahulu Constitutional Law as a Source of Indonesian Law: A Review of Local Wisdom and a Study of National Legal Education. *International Journal of Multicultural and Multireligious Understanding*, 9(12), 262. <https://doi.org/10.18415/ijmmu.v9i12.4223>
- Mahdi, I., & Mike, E. (2024). Clan Traditions and Social Justice: An Examination of Customary Leadership in Bengkulu Province. *Contemp. Readings L. & Soc. Just.*, 16, 324.
- Merry, S. E. (1988). Legal Pluralism. *Law & Society Review*, 22(5), 869–896.
- Miles, M. B., Huberman, A. M., & Saldana, J. (2014). Qualitative data analysis: A methods sourcebook. (No Title).
- Mohiuddin, A., & Borham, A. H. (2024). Globalization and Islamic education in Southeast Asia: A comparative study of Malaysia and Indonesia. *Journal of Islamic Educational Research*, 12(1), 45–62.
- Mufidah, Maulana, R., & Ahmad, L. F. (2022). Peradilan Adat sebagai Kerangka Restorative Justice dalam Penyelesaian Perkara Pidana di Indonesia. *Mizan: Journal of Islamic Law*, 6(2), 227–244. <https://doi.org/10.32507/mizan.v6i2.1623>
- Muhtar, A., Fatahillah, W., Sani, T., & Abdulghani, N. A. (2026). Digital Khul' and Algorithmic Mediation in Indonesia's e-Court: Redefining Female Agency in Islamic Family Law. *Islamic Law and Social Issues in Society*, 2(1), 109–129. <https://doi.org/10.64929/ilsis.v2i1.33>
- Mursalin, S. (2023). Acculturation of Islamic family values and Bengkulu local traditions in forming a Sakinah family. *J. Int'l L. Islamic L.*, 19, 123.
- Mursalin, S., Nurjanah, S., Sahat Marune, A. E. M., Sebyar, M. H., & Al Kindiya, H. (2023). Pecoah Kohon: The Restriction on Inter-Cousins Marriage in Indigenous the Rejang Society. *Juris: Jurnal Ilmiah Syariah*, 22(1), 69–80. <https://doi.org/10.31958/juris.v22i1.9025>
- Musawwamah, S. (2020). The Implementation of PERMA Number 3 of 2017 Concerning the Guidelines for Dealing with Women's Cases on Laws as an Effort of Women Empowerment in the Judiciary in Madura. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 15(1), 67–92.
- Mutawali, M. (2021). The Dialectics of Customary Law and Islamic Law: An Experience from Dou Donggo Customs of Bima, Indonesia. *AHKAM: Jurnal Ilmu Syariah*, 21(1).
- Nofialdi, Iska, S., Zainuddin, Yenti, F., & Sahid, M. M. (2025). 'Urf, Gender, and Customary Law: Negotiating Women's Participation in Boar Hunting in Minangkabau, Indonesia. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 25(2), 279–303. <https://doi.org/10.18326/ijtihad.v25i2.279-303>
- Nurkhalifah, W. (2019). *Relasi Gender Dalam Undang-Undang Simbur Cahaya Perspektif Hukum Islam (Pemikiran Asma Barlas)*. Universitas Islam Indonesia.
- Ramadan, M. I., Kurnianto, R., Syam, A. R., & Haq, M. A. (2025). Urban Muslim Widows' Empowerment: Islamic Values-Based Educational Model For Sustainable Development In Hijab Community. *Al-Madinah: Journal of Islamic Civilization*, 2(2).
- Ramadhanti, S. N., Nurensa, A., & Rianto, S. A. (2022). Konsep Restorative Justice Dalam Perbandingan Hukum Pidana Di Indonesia Dengan Hukum Islam. *PESHUM: Jurnal Pendidikan, Sosial Dan Humaniora*, 1(4), 417–423.

- Rani, F. A., Fikri, F., & Mahfud, M. (2020). Islam and National Law: A Formal Legal Review on Sharia Laws in Aceh. *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan*, 20(1), 47–57. <https://doi.org/10.30631/al-risalah.v20i1.521>
- Ritonga, J., & Gunawan, H. (2023). Undang-Undang Simbur Cahaya dan Hukum Islam di Kesultanan Palembang. *Nazharat: Jurnal Kebudayaan*, 29(1), 64–80.
- Ropei, A. (2022). Penerapan Restorative Justice Sebagai Alternatif Penyelesaian Masalah Pidana Berdasarkan Hukum Pidana Islam. *AL-KAINAH: Journal of Islamic Studies*, 1(2), 40–83.
- Royani, Y. M. (2025). *Internalisasi Nilai Hukum Pidana Islam dalam Hukum Positif di Indonesia (Studi Analisis Tindak Pidana Kesusilaan dalam KUHP Baru dan Regulasi di Luar KUHP)*. Penerbit Widina.
- Rusli, R. an, Azwar, A. J., Utami, D. A., & others. (2025). Rechtsstaat from the Perspective of Al-Ghazali and Ibn Khaldun. *International Journal of Law and Society (IJLS)*, 4(1), 1–21.
- Salim, A., Hermawan, W., Bukido, R., Umar, M., Ali, N., Idris, M., Willy, E., Mubarak, A. Z. S., Rasyid, A. F., & Yusuf, N. (2023). *Moderasi Beragama: Implementasi dalam Pendidikan, Agama dan Budaya Lokal*.
- Sari, B. P., Syahputri, D. O., Aprilia, D., & Amaliyah, Y. (2024). Harmoni Budaya Dalam Tradisi Bedabung Pada Kebudayaan Masyarakat di Kota Bengkulu. *Social, Humanities, and Educational Studies (SHES): Conference Series*, 7(3). <https://doi.org/10.20961/shes.v7i3.91567>
- Setiawan, M. (2022). Tinjauan Fiqih Jinayat Terhadap Pelaku Zina Menurut Kitab Undang-Undang Simbur Cahaya. *Minhaj: Jurnal Ilmu Syariah*, 3(2), 134–158.
- Simanjuntak, R. P., Setiaji, M. B., Putra, R. H., & Handika, S. (2025). Eksistensi Dan Dinamika Living Law Di Kota Bengkulu Dalam Menghadapi Perkembangan Sosio-Legal. *Jurnal Masyarakat Hukum Pendidikan Harapan*, 5(02).
- Sinaga, M. N. A., Fadhli, M., Al Fawaz, A. A., & Aulia, F. (2026). Digital Library-Based LMS with TRINGO Strategy: Cross-Tradition Approach for Technological Content Knowledge Development. *Educational Technology in Developing Countries*, 1(1), 43–62.
- Stubbs, J. (2007). Beyond Apology? Domestic Violence and Critical Questions for Restorative Justice. *Criminology & Criminal Justice*, 7(2), 169–187. <https://doi.org/10.1177/1748895807075570>
- Subchi, I., Zulkifli, Z., Latifa, R., & Sa'diyah, S. (2022). Religious Moderation in Indonesian Muslims. *Religions*, 13(5). <https://doi.org/10.3390/rel13050451>
- Suleman, Z. Z., Tungkagi, D. Q., Suleman, Z., Kau, S. A. P., & Salleh, M. A. (2025). Negotiating Islamic Moderation: The Interplay of Sharia and Local Culture in Gorontalo, Minangkabau, and Banten. *Jurnal Ilmiah Al-Syir'ah*, 23(1), 50 – 69. <https://doi.org/10.30984/jis.v23i1.3527>
- Susanti, A., & Darmansyah, A. (2024). Analysis of Moral Repressive Actions through the Implementation of Local Customary Norms: 'Cuci Kampung' in Bengkulu City. *Heritage*, 5(2), 88–95.
- Syaikhu, S., Hamdi, F., Ahmad, S., Ihsan, R. N., & Husain, M. Z. (2023). The Maqashid Sharia Construction on Inheritance in Dayak Ngaju Customs within the Tumbang Anoi Agreement. *El-Mashlahah*, 13(2), 181–202. <https://doi.org/10.23971/el-mashlahah.v13i2.7375>
- Syam, A. R., Wiyono, B. B., Imron, A., & others. (2023). Leadership behaviour of a boarding school in Indonesia. *Pegem Journal of Education and Instruction*, 13(1), 100–108.
- Syarbaini, A. (2023). Konsep Ta'zir Menurut Perspektif Hukum Pidana Islam. *Jurnal Tahqiq: Jurnal Pemikiran Hukum Islam*, 17(2), 37–48.
- Syatar, A., Anugra, R., Hasan, H., Izzah, I., & Hammad, H. A. A. (2025). Revitalizing the Paoppangi Tanah Customary Sanction in Sulawesi, Indonesia: A Fiqh Jinayah Perspective. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 25(2), 257–278. <https://doi.org/10.18326/ijtihad.v25i2.257-278>
- Tamanaha, B. Z. (2021). *Legal Pluralism Explained: History, Theory, Consequences*. Oxford University Press.
- Zh, M. H. R., Sari, C. M., Thaariq, Z. Z. A., Sumalee, I., & Kamilah, A. N. (2026). Enhancing conceptual understanding in Islamic education through a hypercontent digital flipbook in blended learning: Evidence from Indonesian madrasah. *Educational Technology in Developing Countries*, 1(1), 1–22.
- Zulkifli, Z., Zikri, A., Artiningsih, D. W., Zainuddin, Z., & Helim, A. (2024). Revitalizing 'Urf in State Legal Development: The Case of Minangkabau Marriage Traditions. *Al-Istinbath: Jurnal Hukum Islam*, 9(2), 841–862. <https://doi.org/10.29240/jhi.v9i2.11034>