



Sumpah Pocong and Proof in Islamic Criminal Law

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Abstract:

This article aims to analyze the sumpah pocong as a proof method within Islamic law and modern criminal law. The shroud oath is a unique cultural phenomenon in Indonesian society, especially in dispute resolution and truth verification. Although the shroud oath originates from a traditional tradition that has become part of religious practice in some communities, its validity in the formal legal system is often questioned because it does not meet the standards of proof empirically recognized in Islamic law and positive law. This research employs a library research method with a descriptive qualitative approach, exploring literature related to sumpah pocong, other methods of proof in Islamic law, and its social and legal impacts. Data were collected through a review of academic literature, accredited journal articles, and the latest factual publications, which were then analyzed using content analysis techniques. The findings indicate that sumpah pocong holds significant moral and spiritual power in specific communities. However, its validity in the formal legal system is questioned because it does not meet the empirically recognized standards of proof. Sumpah pocong is more appropriately viewed as part of local traditions that can function in customary dispute resolution. However, it cannot replace more structured methods of proof in Islamic law and positive law. In conclusion, while sumpah pocong has social relevance, its integration into the formal legal system must be cautiously used to uphold broader principles of justice.

Key Words: *Sumpah Pocong, Islamic Law, Modern Criminal Law, Proof Methods, Legal System*

Abstrak:

Artikel ini bertujuan untuk menganalisis sumpah pocong sebagai alat pembuktian dalam konteks hukum Islam dan hukum pidana modern. Sumpah pocong merupakan fenomena budaya unik dalam masyarakat Indonesia, terutama dalam konteks penyelesaian sengketa dan verifikasi kebenaran. Meskipun sumpah pocong berasal dari tradisi adat yang telah menjadi bagian dari praktik keagamaan di beberapa komunitas, keabsahannya dalam sistem hukum formal sering dipertanyakan karena tidak memenuhi standar pembuktian yang diakui secara empiris dalam hukum Islam dan hukum positif. Penelitian ini menggunakan metode penelitian kepustakaan dengan pendekatan kualitatif deskriptif, yang mengeksplorasi literatur terkait sumpah pocong, metode pembuktian lain dalam hukum Islam, serta dampak sosial dan hukum dari penggunaannya. Data dikumpulkan melalui penelusuran literatur akademis, artikel jurnal terakreditasi, dan publikasi faktual terbaru, yang kemudian dianalisis menggunakan teknik analisis isi. Hasil penelitian menunjukkan bahwa sumpah pocong memiliki kekuatan moral dan spiritual yang signifikan dalam masyarakat tertentu, namun validitasnya dalam sistem hukum formal dipertanyakan karena tidak memenuhi standar pembuktian empiris yang diakui. Sumpah pocong lebih tepat

dilihat sebagai bagian dari tradisi lokal yang dapat berfungsi dalam konteks penyelesaian sengketa adat, tetapi tidak dapat menggantikan metode pembuktian yang lebih terstruktur dalam hukum Islam dan hukum positif. Kesimpulannya, meskipun sumpah pocong memiliki relevansi sosial, integrasinya dalam sistem hukum formal harus dilakukan dengan sangat hati-hati untuk menjaga prinsip keadilan yang lebih luas.

Kata Kunci: *Sumpah Pocong, Hukum Islam, Hukum Pidana Modern, Metode Pembuktian, Sistem Hukum*

INTRODUCTION

Sumpah pocong is one of the unique cultural phenomena in Indonesian society, especially in dispute resolution and truth verification. In Islamic criminal law, oaths are important proof that can be used when other evidence is insufficient (Randi et al., 2024; Dirkareshza et al., 2022). However, *sumpah pocong*, which originates from customary traditions and has become part of religious practices in some communities in Indonesia, raises many questions regarding its compatibility with the more formal and structured principles of Islamic law (Anggraini, 2023). Recent studies have highlighted the practice of *sumpah pocong* within the context of local law and how scholars' views differ regarding its compatibility with formal Islamic law (Anwar, 2023; Fauzan, 2022; Suryani, 2021). This article will examine how *sumpah pocong* is interpreted within the framework of Islamic criminal law and to what extent this practice can be considered valid or legitimate within modern law.

This research is important because the *sumpah pocong* practice has legal dimensions and involves complex social and religious aspects. The main research question that seeks to be answered is: Why is *sumpah pocong* still considered relevant and effective in Indonesia's Islamic criminal law context, and how can this practice be understood within contemporary Islamic law? This question is significant because *sumpah pocong* often arises in criminal cases involving supernatural elements or local beliefs, which cannot always be easily explained through positive law or shariah.

Several previous studies have examined the mechanism of oaths in Islamic law. For instance, Muwahid (2021), in his study on the role of oaths in Islamic law, asserted that oaths can be used as proof when there is insufficient evidence to support a claim. However, Muwahid did not discuss the *sumpah pocong* as a specific form of oath developed in local culture. This contrasts with a study conducted by Djawas et al. (2024), which examined the interaction between customary law and Islamic law in Indonesia. That practices like *sumpah pocong* reflect a synergy between customary beliefs and Islamic law, although it is often not formally recognized by the law.

Suryani (2021) also examined the integration of customary law with Islamic law in Indonesia in *sumpah pocong*. In her research, Suryani emphasized that the *sumpah pocong* practice represents an example of the application of customary law in the process of proof integrated with Islamic law. However,

formal Islamic law does not explicitly support this form of oath. On the other hand, Fauzan (2022) further explored the validity of *sumpah pocong* in Indonesian courts, highlighting that although this practice is still carried out in some regions, its validity in formal law is often questioned, particularly due to the lack of explicit support from positive law.

Anwar (2023) provided a critical analysis of the relevance of *sumpah pocong* in modern Islamic law. According to Anwar, *sumpah pocong* remains relevant in communities that combine customary and Islamic law. However, the main challenge is how this practice can be integrated with modern Islamic law principles without compromising the essence of justice. This study provides insights that, although *sumpah pocong* still has a place in local practices, questions regarding its compatibility with formal law remain a subject of debate.

This article aims to fill the gap in the literature by comprehensively examining how *sumpah pocong* is practised and interpreted within the framework of Islamic criminal law. The approach used in this article is literature analysis combined with case studies to explore how *sumpah pocong* is used in legal practice in several regions of Indonesia. Thus, this article will enrich the academic literature on Islamic criminal law and provide practical guidance for policymakers and legal practitioners.

The literature used in this research includes various primary and secondary sources that discuss Islamic criminal law, oaths as a means of proof, and the interaction between customary law and Islamic law. A study by Anggraini (2023) mentioned that Islamic criminal law has a rigorous proof system where every form of evidence must be valid and beyond doubt. Anggraini also highlighted that oaths are important in this proof system but did not mention *sumpah pocong*. In contrast, Masyithoh and Habib (2024), in his research on customary law in Indonesia, noted that *sumpah pocong* is still used in several regions as proof in criminal cases. However, it is not formally recognized by state law.

This research will also examine how contemporary Islamic legal authorities view *sumpah pocong* and whether there have been efforts to integrate or reject this practice within a broader legal framework. On the other hand, this research will explore how society views *sumpah pocong* and its impact on the legitimacy of the law in the public's eyes. By understanding these dynamics, this research is expected to make a significant contribution to the development of Islamic legal theory, particularly in terms of how customary law can be accommodated within a more modern and inclusive legal system.

This article aims to significantly contribute to the academic discussion on proof in Islamic criminal law, focusing on *sumpah pocong*. This research is expected to answer critical questions regarding *sumpah pocong*'s relevance in modern law and provide deeper insights into how this practice can be accommodated within a broader and more formal framework of Islamic law.

RESEARCH METHODS

The research method used in this article is a library research method aimed at analyzing the *sumpah pocong* in the context of Islamic law and modern criminal law in Indonesia. The approach applied is descriptive qualitative, which allows the researcher to explore and understand the phenomenon of *sumpah pocong* through an in-depth review of relevant literature (Mathiasson & Jochumsen, 2022).

The scope of the research includes an analysis of the concept of *sumpah pocong*, its comparison with other methods of proof in Islamic law and positive law, and the social and legal impact of its use. The research focuses on identifying the validity and relevance of *sumpah pocong* in the formal legal system and how this practice may affect social cohesion and law enforcement in Indonesia.

The primary sources of this research are academic books, accredited journal articles, and the latest factual publications discussing aspects of Islamic law, customary law, and modern criminal law. Data was collected through a literature review from credible sources, including journals indexed by Scopus and Sinta. The primary tool for data collection is literature analysis, which involves selecting literature based on topic relevance, source credibility, and alignment with research objectives (Afriana et al., 2022).

The data analysis technique used is content analysis, aimed at identifying key themes, patterns, and arguments related to *sumpah pocong*. The data is analyzed by grouping information based on predetermined categories, such as legal, social, and cultural aspects, and evaluating the consistency between the analyzed literature and the research focus (Paul & Barari, 2022). The analysis process systematically compares findings from various sources to provide a comprehensive overview of *sumpah pocong* and its implications in the modern legal context. Conclusions are drawn based on a critical analysis of the reviewed literature, considering the strengths and limitations of each source.

RESULTS AND DISCUSSION

The Concept of *Sumpah Pocong* in Islamic Tradition

Sumpah pocong is a unique and controversial oath practice within the Islamic tradition in Indonesia. Generally, *sumpah pocong* is performed as an oath in severe situations, often related to conflicts or disputes that are difficult to resolve through conventional evidence. This oath is typically carried out with the individual being wrapped in a shroud, resembling a deceased person, and then swearing before God and witnesses that they are not guilty or are not lying in their statement. This practice has significant religious and social power, involving elements closely associated with death and the afterlife (Anwar, 2023; Fauzan, 2022; Suryani, 2021).

Sumpah pocong is a cultural practice rooted in the beliefs of Javanese, Sumatera and Madurese communities in Indonesia, where it has become an important mechanism for resolving disputes, notably when conventional

evidence is lacking. Historically, this oath has been linked to the supernatural, with participants believing that breaking the oath would result in divine punishment, such as sudden death or incurable illness. The practice is deeply embedded in local traditions and was later integrated into religious practices, though its formal recognition within Islamic law remains contentious (Nugraha, 2022; Setiawan, 2022; Wardhana, 2023).

While sumpah pocong continues to be practised in some regions, especially in rural areas, its alignment with Islamic law is debated. Islamic criminal law requires rational and verifiable evidence, whereas sumpah pocong relies on belief and supernatural sanctions, which some scholars argue is inconsistent with the rational principles of Islamic law (Anggraini, 2023; Fathoni, 2022). This tension highlights the struggle between local traditions and formal Islamic legal structures, particularly within a context of legal pluralism in Indonesia (Setiawan, 2023). Despite its lack of formal recognition, the practice remains a standard method for dispute resolution, especially when supernatural elements are involved (Faisal, 2021; H. Rahman, 2022).

The practice of sumpah pocong involves a ritual where a person is wrapped in a shroud and swears before God and witnesses, often in sacred places or mosques, to prove the truth of their statement (Hamzah, 2023; Setiawan, 2022). The belief in divine justice and immediate punishment for those who break the oath is central to the practice, making it a powerful tool for uncovering the truth in communities where formal legal mechanisms are seen as inadequate (Setiawan, 2023; Hasan, 2021; Murtadha, 2022). This has led to its continued use in conflict resolution in some Muslim communities, where the practice is considered legitimate and effective proof (Adnan, 2023; Syahputra, 2022).

In modern times, the belief in sumpah pocong is evolving, especially among the younger generation in urban areas, who tend to view it more as a myth or cultural artefact rather than a serious religious practice (Jones, 2022; Putra, 2022). This shift contrasts with rural communities, where the practice is still regarded as a genuine form of proof. As Indonesian society continues to change, so does the perception and function of sumpah pocong, highlighting the ongoing interaction between customary law and Islamic law in the country's legal landscape (Fitriani, 2023; Mardiana, 2023).

Legal Proof in Islamic Criminal Justice and its Functions and Criteria

Proof in Islamic criminal law is one of the most critical aspects of upholding justice. The concept and theory of proof in Islamic law are based on Sharia principles that prioritize justice, truth, and caution in determining a person's guilt. In Islamic law, proof is about gathering evidence and how the evidence can be trusted and conforms to the rules established by Sharia. This principle emphasizes the importance of intention, the purity of the proof process, and the obligation to avoid doubt when imposing punishment (Al-Mahdi, 2021; Alotaibi, 2021; Rahim, 2022).

Proof in Islamic criminal law is firmly grounded in the Qur'an and hadith, which are the primary sources of Sharia. From the perspective of Islamic law, the goal of proof is to ensure that the punishment imposed is fair and beneficial for society. Therefore, Islamic criminal law sets a very high standard of proof, where guilt must be proven in a way that leaves no doubt. This is evident from the concept of *fiqh*, which distinguishes between clear and unclear evidence (Rahman, 2022; Yusuf, 2023).

The recognized means of proof in the Islamic legal system is *baying*, which includes several specific forms of evidence. One of the primary forms of evidence is *shahadah* or testimony, where the witness must be someone of high moral integrity and trustworthiness (Al-Mahdi, 2021; Syamsuddin, 2023). In criminal cases such as Zina (adultery), for instance, four male witnesses who directly witnessed the act are required to provide proof. This requirement reflects the strict standard of proof in Islamic criminal law (Anwar, 2023; Faisal, 2021).

In addition to *syahadah*, other forms of evidence are recognized in Islamic law, such as *qasamah*, which involves an oath from the victim's family in cases of murder without eyewitnesses. *Qasamah* allows the victim's family to seek retribution for the death of their relative by taking 50 oaths that the accused is the murderer. However, this practice also raises debates among scholars due to the risk of oath abuse without concrete evidence (Rahim, 2022; Setiawan, 2022).

Furthermore, *iqrar* or confession, is also recognized as evidence in Islamic criminal law. A confession made by the accused must be voluntary and free from coercion, and it is considered a strong form of proof. However, the confession must be scrutinized to ensure that no coercion or manipulation is involved (Ho, 2021; Hamzah, 2023).

In Islamic criminal law, proof plays a crucial role in ensuring justice, as it aims to uphold the integrity of the judicial process while protecting the innocent. The system is designed to be highly cautious, as errors in judgment can have severe consequences both in this life and the hereafter. Proof ensures that valid and sufficient evidence supports accusations, preventing wrongful punishment and safeguarding the rights of the accused (Rahman, 2021). This principle aligns with the core values of Sharia, which emphasize truth and justice as central tenets of the legal system.

Islamic law sets strict criteria for proof, particularly in cases involving serious crimes such as adultery (*zina*) or murder. One essential form of evidence is the testimony of witnesses (*syahadah*), who must be individuals of integrity and without personal interest in the case. The crimes, four male witnesses who directly observed the act are required for the evidence to be valid (Yusuf, 2023). Confessions (*iqrar*) are also recognized, provided they are voluntary and not coerced, as a confession obtained under duress is considered invalid (Zaid, 2023).

In cases where witnesses are unavailable, such as in murder cases, *qasamah* (oaths by the victim's family) can be used. However, this evidence is controversial and must be handled cautiously to avoid misuse (Hamid, 2023).

Islamic law also prioritizes the principle of doubt (*dar'ul hudud bisyubhat*), meaning that any uncertainty regarding the guilt of the accused must prevent the imposition of punishment, especially for hudud offences.

Modern developments show that some Islamic legal scholars are increasingly considering including forensic evidence, such as DNA and fingerprints, in criminal proceedings. While there is ongoing debate about their compatibility with Sharia law, such evidence is gradually being accepted in certain countries that implement Sharia, as it provides greater certainty and accuracy in establishing guilt (Faisal, 2023). This adaptability demonstrates how Islamic criminal law continues to evolve with technological advancements while preserving its core principles of justice and truth.

Implementation of *Sumpah Pocong* in Legal Processes

Although originating from local traditions and not formally recognized in classical Islamic criminal law, *sumpah pocong* has been used in some criminal cases in Indonesia as proof and holds significant moral and spiritual weight. The implementation of *sumpah pocong* in legal processes typically occurs in communities where traditional customs and beliefs in supernatural forces remain strong. This practice is often used as a last resort when conventional evidence, such as witnesses or confessions (Setiawan, 2023), cannot establish the truth in a criminal case.

In practice, *sumpah pocong* is carried out with a severe and sacred procedure. The person taking the oath is usually wrapped in a shroud, resembling a corpse, and placed in a sacred place, such as a mosque or a burial ground (Kusairi, 2022). They then swear before God and witnesses present that they are not guilty or that their statements are factual. The belief behind this practice is that God will soon punish those who lie under a *sumpah pocong*, either through sudden death or other calamities. This belief makes *sumpah pocong* highly regarded as a means of proof, especially in cases involving serious accusations such as murder or adultery.

However, the use of *sumpah pocong* in formal legal systems remains a subject of debate. In the context of Islamic law, oaths are recognized as a means of proof, but only under strict conditions and in certain circumstances. For example, in Islamic criminal law, an oath (*qasamah*) can be used in murder cases where there are no witnesses, allowing the victim's family to swear that the defendant is the murderer. However, *qasamah* follows strict rules and can only be used as supplementary evidence, not as primary proof (Alotaibi, 2021). In this regard, *sumpah pocong* does not have a firm grounding in Sharia, as it relies more on supernatural elements rather than rational and empirical evidence.

In some areas of Indonesia, *sumpah pocong* has become part of the customary judicial process recognized by local communities (Randi et al., 2024). For example, in Madura, *sumpah pocong* is often used to resolve complex disputes through formal legal processes. Local communities view *sumpah pocong* as a

legitimate way to end disputes and reach an agreement, as they believe that no one would dare to lie under such an oath without facing serious consequences.

However, it is important to note that *sumpah pocong* is not recognized by the Indonesian state legal system. Indonesian courts, whether civil or religious, generally do not accept *sumpah pocong* as valid evidence in formal legal proceedings. This is due to the nature of *sumpah pocong*, which is more traditional and supernatural and not aligned with modern legal principles that prioritize evidence that can be verified rationally and objectively {Formatting Citation}.

Nevertheless, *sumpah pocong* remains an integral part of the legal culture in some Indonesian communities. Its implementation in customary legal processes demonstrates how customary law and Islamic law can interact and influence each other in local contexts (Lubis, 2023; Setiawan, 2023). Ultimately, *sumpah pocong* functions more as a symbol of values such as honesty and integrity, which, though not officially recognized by formal law, still hold an important place in the social and religious lives of specific communities in Indonesia.

One real-life example where *sumpah pocong* was used as proof occurred in Sumatera (Anggraini, 2023). This case involved a land dispute between two families that had been ongoing for years without resolution through formal legal channels. Both parties claimed the land belonged to their family, but no written evidence or strong witnesses supported either side. Eventually, one party challenged the other to perform *sumpah pocong* as a final method to resolve the dispute. After several failed mediation attempts, both parties agreed to participate in *sumpah pocong* as the last proof to settle the disagreement.

In Islamic criminal law, proof is essential to ensure justice and maintain the integrity of the judicial process. The legal system is designed with caution to prevent wrongful punishment, as errors in judgment can have severe consequences in this life and the hereafter (Rahman, 2021;). Proof ensures that only valid and sufficient evidence supports accusations, safeguarding the rights of the accused and aligning with Sharia's core principles of truth and justice.

Islamic law sets strict criteria for evidence, particularly for serious crimes like adultery (zina) and murder. The testimony of witnesses (syahadah) is critical, requiring individuals of integrity and without personal interest in the case. For Zina, four male witnesses who directly observed the act are needed for valid evidence (Yusuf, 2023). Confessions (iqrar) are also accepted, but only if given voluntarily and not under duress, as coerced confessions are invalid (Zaid, 2023).

In the absence of witnesses, qasamah, or oaths from the victim's family, can be used in murder cases. However, this method is controversial and must be handled cautiously to prevent misuse (Hamid, 2023). Islamic law also upholds the principle of doubt (dar'ul hudud bisyubhat), meaning punishment should not be imposed if there is any uncertainty about the accused's guilt, particularly for hudud offences.

With modern advancements, some Islamic legal scholars are increasingly open to incorporating forensic evidence, such as DNA and fingerprints, into criminal proceedings. Though debates about their compatibility with Sharia persist, such evidence is gradually accepted in certain Sharia-implementing countries, offering greater accuracy and certainty in establishing guilt (Faisal, 2023). This demonstrates the evolving nature of Islamic law while maintaining its foundational principles of justice and truth.

The Validity of Sumpah Pocong in the Context of Modern Law

Sumpah pocong is a customary practice long observed in Indonesia, particularly in Java and Madura, to resolve disputes or prove truth in situations where physical evidence is insufficient or difficult to obtain. However, in modern criminal law, the validity and relevance of *sumpah pocong* have become the subject of serious debate (Kartika, 2023; Nugraha, 2022; Siregar, 2023). This discussion focuses on how *sumpah pocong* is viewed within the framework of contemporary law from a legal and ethical/moral perspective.

In modern criminal law, proof must be based on evidence that can be verified and objectively measured. Modern law emphasizes principles of justice supported by empirical evidence, such as credible witnesses, forensic evidence, and written documentation. In this regard, *sumpah pocong*, which relies more on supernatural beliefs and traditional rituals, is considered incompatible with internationally recognized standards of proof. Some legal experts argue that using *sumpah pocong* in modern judicial contexts may undermine the integrity of the legal system because it does not meet the criteria of objective and testable evidence (Prasetyo, 2021).

Furthermore, the validity of *sumpah pocong* in the modern criminal justice system is also questioned due to the lack of a strong legal foundation in Indonesia's national laws. Indonesian law, which is primarily based on Dutch law and adaptations from various legal sources, including Islamic law, does not recognize *sumpah pocong* as a legitimate means of proof. Courts in Indonesia, whether civil or religious, do not accept *sumpah pocong* as valid evidence in official legal proceedings. This is because *sumpah pocong* is more ritualistic and traditional, contradicting modern law's rational and systematic principles (Adnan, 2022; Setiawan, 2023).

However, despite not being formally recognized in the modern legal system, *sumpah pocong* still holds relevance in specific social and cultural contexts. In some communities, *sumpah pocong* is considered a compelling and legitimate dispute resolution mechanism, particularly when formal legal processes are considered inadequate or unreliable (Kusairi, 2022). In societies that strongly uphold local traditions and beliefs, *sumpah pocong* possesses significant moral and spiritual power, serving as a deterrent to lying and a tool for upholding justice (Setiawan, 2022).

Nevertheless, the relevance of *sumpah pocong* in modern contexts must also be carefully considered. On the one hand, using *sumpah pocong* can be seen as a way to respect local traditions and allow customary legal systems to play a role in dispute resolution. On the other hand, there is a risk that accepting *sumpah pocong* could open the door to practices that do not align with modern legal principles, such as the use of unverifiable evidence or an overemphasis on supernatural elements (Hamzah, 2023).

Therefore, in discussions about the validity of *sumpah pocong* within modern criminal law, it is important to balance respect for local traditions with the need to adhere to internationally recognized legal standards. While *sumpah pocong* has a place in local culture and tradition, its use in the formal legal system should be highly restricted and accompanied by strict oversight to ensure that broader principles of justice are not compromised. Some scholars also argue that better legal education and broader access to the formal justice system can help reduce reliance on practices like *sumpah pocong* by offering stronger and more reliable alternatives for dispute resolution (Lubis, 2023).

Sumpah pocong, as a form of proof in the context of local traditions in Indonesia, has several fundamental differences compared to other methods of proof recognized in Islamic law and modern positive law (Setiawan, 2023). This comparison is important to understand how *sumpah pocong* fits within the broader legal framework and interacts with internationally recognized proof principles.

In Islamic law, the recognized methods of proof according to Sharia include several forms, such as *syahadah* (testimony), *iqrar* (confession), and *qasamah* (an oath by the victim's family in cases of murder without witnesses). *Syahadah*, for example, is the testimony provided by individuals with high moral integrity and no conflicts of interest in the case. *Syahadah* plays a crucial role in the Islamic legal system because valid testimony is considered strong and reliable evidence (Alotaibi, 2021). On the other hand, *iqrar* or the confession of the accused, is also recognized as strong evidence, provided it is given without coercion or pressure. Such a confession can form the basis for imposing punishment, but it must be ensured that the confession was made voluntarily and truthfully.

Compared to *syahadah* and *iqrar*, *sumpah pocong* relies more on supernatural elements and local traditions rather than empirically verifiable evidence. *Sumpah pocong* involves a ritual believed to have moral and spiritual power, but it lacks a strong foundation in formal Islamic law (Isnaniah et al., 2024). For instance, in *qasamah*, the victim's family's oath is conducted under strict supervision and is only used as supplementary evidence in murder cases with no witnesses. While *qasamah* shares some similarities with *sumpah pocong* regarding using an oath as evidence, *qasamah* is strictly regulated by Sharia and is accepted as part of the Islamic legal system.

In modern positive law, recognized methods of proof include forensic evidence, written documents, witnesses, and confessions. Forensic evidence such as DNA, fingerprints, and CCTV footage is considered the gold standard in proving criminal cases in many countries, including Indonesia (Costa, 2022). These types of evidence are advantageous because they can be scientifically tested and verified, providing a more objective basis for imposing punishment. In this context, *sumpah pocong* cannot be directly compared to forensic or other physical evidence, as it does not meet the empirical verification standards required in modern legal systems.

Furthermore, positive law also governs proof to protect the rights of the accused, ensuring that both parties can test and cross-examine any evidence presented in court. This differs from *sumpah pocong*, which is more one-sided and does not allow cross-examination or further testing. The criticism of *sumpah pocong* in the context of positive law is that this practice can easily be misused, especially if a person feels compelled to take the oath due to social pressure or fear of societal stigma (Anggraini, 2023).

The comparison between *sumpah pocong* and other methods of proof also shows that *sumpah pocong* is more suitable in specific social and cultural contexts, where local traditions and beliefs play an important role in dispute resolution. However, in more formal and structured legal contexts, such as recognized Islamic law or modern positive law, *sumpah pocong* cannot be regarded as equivalent to other methods of proof that are more reliable and widely accepted.

CONCLUSION

Sumpah pocong, while deeply rooted in local traditions and considered effective in resolving disputes within specific communities, faces significant challenges in its application within formal legal systems that prioritize empirical and rational evidence. Compared to other recognized methods of proof in Islamic law, such as *syahadah* (testimony) and *iqrar* (confession), as well as forensic evidence in positive law, *sumpah pocong* does not hold the same validity because it relies more on supernatural beliefs than on verifiable evidence. The social impact of *sumpah pocong* includes maintaining social cohesion and resolving conflicts at the community level. However, it also presents risks of abuse and potential violations of human rights. In a legal context, *sumpah pocong* creates a dilemma between respecting local traditions and adhering to internationally recognized legal standards.

Practically, this article highlights the importance of a balanced approach between respecting local cultures and ensuring justice in line with modern legal principles. Therefore, dialogue between Indigenous communities, the government, and legal practitioners is essential to find solutions that allow traditions like *sumpah pocong* to remain in Indonesia's legal culture while ensuring that fundamental principles of justice are not compromised. The integration of *sumpah pocong* into a more formal legal framework must be

approached with great caution and accompanied by strict oversight to prevent potential misuse.

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