

ABSTRAK

Penelitian ini bertujuan untuk menganalisis penerapan sanksi pidana adat terhadap pelaku tindak pidana pencurian di Desa Tantan, Kecamatan Sekernan, Kabupaten Muaro Jambi, serta mengidentifikasi kendala yang dihadapi dalam penerapannya. Metode penelitian yang digunakan adalah yuridis empiris dengan pendekatan deskriptif analitis. Data diperoleh melalui wawancara langsung dengan tokoh adat dan masyarakat serta studi dokumen terhadap peraturan dan praktik hukum adat setempat. Hasil penelitian menunjukkan bahwa sanksi adat masih berfungsi efektif dalam menyelesaikan perkara pidana pencurian, yang meliputi permintaan maaf, pemberian ganti rugi, arak keliling desa, dan bentuk hukuman lain berdasarkan musyawarah masyarakat adat. Namun, dalam pelaksanaannya terdapat kendala seperti sikap tidak kooperatif pelaku, ketidaksesuaian nilai sanksi dengan kerugian korban, dan intervensi hubungan kekeluargaan yang memengaruhi objektivitas pemuka adat. Selain itu, arus modernisasi juga berdampak pada menurunnya kepercayaan generasi muda terhadap hukum adat. Penelitian ini menegaskan pentingnya revitalisasi lembaga adat, dukungan regulasi dari pemerintah daerah, serta sinergi antara hukum adat dan hukum nasional dalam mewujudkan sistem hukum yang adil, bermanfaat, dan berakar pada nilai lokal.

Kata Kunci: Sanksi Adat, Pencurian, Hukum Pidana Adat.

ABSTRACT

This study aims to analyze the perpetrators of customary criminal sanctions for theft in Tantan Village, Sekernan District, Muaro Jambi Regency, and to identify the obstacles that befall its implementation. The research method used is empirical juridical with a descriptive analytical approach. Data were obtained through direct interviews with traditional and community leaders and document studies of local customary law regulations and practices. The results of the study indicate that customary sanctions still function effectively in resolving criminal cases of theft, which include apologies, compensation, village parades, and other forms of punishment based on deliberations by the customary community. However, in its implementation there are obstacles such as the perpetrator's uncooperative attitude, the inconsistency of the sanction value with the victim's losses, and the intervention of family relationships that affect the objectivity of customary leaders. In addition, the flow of modernization has also had an impact on the decline in the trust of the younger generation in customary law. This study emphasizes the importance of revitalizing customary institutions, regulatory support from local governments, and synergy between customary law and national law in realizing a fair, beneficial, and abolished legal system on local values.

Keywords: Customary Sanctions, Theft, Customary Criminal Law.