



Pocong Oath Law in Palembang City

Randi¹, Yoyok Hendarso², Dadang Hikmah Purnama³, Yosi Arianti⁴

Faculty of Social and Political Sciences, Sriwijaya University

Corresponding Author: [Randi randi@fisip.unsri.ac.id](mailto:randi@fisip.unsri.ac.id)

ARTICLE INFO

Keywords: Rationality, Pocong Oath, Tradition, Palembang

Received : 27, February

Revised : 20, March

Accepted: 25, April

©2024 Randi, Hendarso, Purnama, Arianti: This is an open-access article distributed under the terms of the [Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by/4.0/).



ABSTRACT

This research was motivated by the phenomenon of the pocong oath carried out by Lorong A Rahman Residents, RT 10/04, Kelurahan 1 Ilir, Ilir Timur II District Palembang City, which had shocked the public on social media. Besides that, this issue often occurs in the community. The pocong oath is closely related to shari'ah. The pocong oath is substantially the same as a cultural practice or a community custom; it is done when there is a dispute or problem of a mystical nature or to prove something. *Rationality* is essential to distinguish between the truth of belief and rationality, which refers to the basis for believing it. The findings of this study are that the religious point of view related to the pocong oath is that there must be a name of God and that it is a truth. The method used in this study is qualitative research with three data collection techniques, namely in-depth interviews, conservation and documentation.

INTRODUCTION

In Indonesia, the phenomenon of the pocong Oath has become a hereditary tradition and a behaviour system to prove something. Culture is the whole system of ideas, actions, and works of man to fulfil his life by learning, all of which are arranged in the life of society. According to Koentjaraningrat's definition, culture is the whole human being, the behaviour and results of behaviour ordered by the system of conduct that must be obtained by learning, and which are all arranged in the life of society. In contemporary sociology, the concept of risk society has provoked interest in reflexive modernization, which states that a criticism theory in society has replaced a critical theory of society. The reflexive critique of society has been democratized, which marks a significant separation between tradition and modernity in which traditional authority is constantly challenged.

Today, we face three interrelated problems: 1) Indonesians are of different tribes and diverse socio-cultural backgrounds. Various aspects of life show this plurality. As a result, an attitude that can overcome tribalism and regionalism is needed. 2) Society has changed as a result of development. This change is indicated by a shift in cultural value systems and emerging social mobility, followed by a change in the relationship between actions within a community group. Relationships between community members are also changing. It is recognized that these changes in values profoundly impact our lives as a nation. 3) Advances in communication and transportation technology have affected the intensity of cultural interactions, both between tribes and with foreign cultures. When a culture interacts with another, it becomes more critical and spreads quickly and widely. The changing cultural orientation sometimes influences the principles of society that build the nation's identity.

This study was conducted in Ilir Timur II District in Palembang City, South Sumatra. Palembang is located between 20.52° to 30.5° South Latitude and 104.37° to 104.52° East Longitude. Geographically, Palembang City has boundaries: North, East, West = Banyuasin Regency, South = Muara Enim Regency, and Ogan Ilir (Palembang Government Official Portal, 2019). Ilir Timur II District is located about 4.80 km from Palembang city centre and comprises six kelurahan with a total area of 10.82 km. Geographically, the Ilir Timur II sub-district is bordered by:

- Kalidoni sub-district and Sako sub-district to the north.
- Kalidoni sub-district to the east.
- Musi River and Seberang Ulu Dua District to the south.
- Ilir Timur Tiga sub-district to the west.

Below is information about the area, similarity percentage and number of islands in the Ilir Timur II District. In 2018, Ilir Timur II District had a total of 85,295 residents, with details of 47,319 men and 47,491 women. The population density is 8,762 people/km², with three ilir villages with the highest population density of 33,701 people/km². In the Ilir Timur II sub-district, there are fewer men than women, as shown by the sex ratio below 1000-00, which is 99.63, with a difference between men and women as many as 99 people. Ilir Timur II sub-district has 64,464 residents with ID cards. Most of the population is Muslim,

reaching 91 per cent of the total population, with only 9 per cent adhering to other religions, such as Protestantism, Khatolik, Hinduism, Buddhism, and others. Ilir Timur II sub-district has five religions: Islam, Khatolik, Protestantism, Buddhism, and Hinduism. The most significant number of Muslims is 80,129, Christianity is 1,884, Khatolik religion is 1,170, and Hinduism and Buddhism are 2,112.

The phenomenon of pocong Oath occurred in Lorong A Rahman Resident, RT 10/04, Kelurahan 1 Ilir, IT II Palembang District, challenging to perform the pocong Oath because he had been slandered for committing sexual abuse against his own neighbour's child. Previously, the suspect initials A performed a pocong oath in front of Mushola Al Hannan and front of residents on Thursday, May 18, 2023, at 11.30 WIB. Suspect A said, "By Allah, I did not do, and this (pocong Oath) is my proof. Without any coercion intention from my conscience," This pocong Oath was carried out by A without the presence of the accuser or the complainant known as Rudi Wijaya and residents¹. Based on this, researchers are interested in studying the Pocong Oath titled "Pocong Oath in Palembang City". Researchers want to see how religious perspectives know the phenomenon of pocong vows. Based on the background of the matter.

This issue is related to research conducted by M. Sri Astuti Agustina in 2019. The results showed that the principle of the Supreme God provides guidelines for Indonesians to respect their religious freedom and worship their religion and beliefs. In social life, vows are fundamental. In civil cases, Herziene Indonesische Reglement (HIR) article 164 regulates oaths as evidence to better convince judges of the truth of dispute arguments. The execution of the Oath must be carried out in faith by the principle of the One True Godhead, which is the basis of Our Country. Those who play with vows will be tormented by God. A study by Abdul Kadir. Sabaruddin (2010) found that customary evidence is more effective in solving community problems, especially witchcraft problems in the Jember area, East Java, which have not been regulated in the Criminal Code. Second, in some cases, communities prefer to trust customary evidence over court proceedings because customary evidentiary processes proceed faster than court proceedings and are recognized as correct [4]. A study published in 2020 by I Gusti Ayu Maha Patni, I Made Suwitra, and I Ketut Sukadana. The analysis results show that in inheritance land disputes, the severance oath, also known as the decisoir oath, is given at the request of one of the parties to the opponent. Pocong, pulpit, temple, and cast oaths are examples of severance oaths decisoir used by the Hindu community in Bali. In the case of an inheritance land dispute, this Oath is used if no evidence is available. Decision No. 148/PDT. G/2016/PN GIN shows the evidentiary power of the severance oath to decide cases or disputes that have perfect, binding, and decisive evidentiary value [5].

A study by Anwar (2007) found that after the ceremony, clerks, assemblies, and judges produced minutes explaining the process of performing the pocong Oath. After that, the decision is entirely in God's hands, which will immediately inflict His damnation on the wrong person. By considering the two

perspectives on the concept of Mubalah in the Qur'an, as well as the practice and interpretation of the pocong Oath in Sumenep-Madura regency mentioned above, it can be concluded that the pocong Oath in Sumenep-Madura regency has a connection with the Mubalah event during the time of the Prophet Muhammad. This is because the pocong Oath in Sumenep-Madura regency has four characteristics found by the author in the Mubalah event during the time of the Prophet (PBUH):

- Resolving negotiation problems.
- Increasing the truth.
- Using media that spreads the truth while preventing mistakes.
- Reducing violence.

Thus, the pocong Oath in the Sumenep-Madura regency is a different type of Mubalah. This study differs from previous studies focusing on local reasons for the pocong Oath in Palembang City.

LITERATURE REVIEW

Pocong Oath Concept

Oaths in civil procedural law, as stipulated in HIR (Articles 135-158, 177), R.Bg. (Articles 182, 185, 314) and BW (Articles 1929-1945). Oaths as evidence are of three types: (1) decisoir oaths. A decisoir oath is given to one party at the request of the other party, which has the power to decide issues or resolve disputes. (2) Supplementary oaths. A suppletory oath is an oath that complements existing evidence. (3) An appraisal oath, also known as an appraisal oath, is given by a judge to the plaintiff to determine the amount of damages they are demanding. The estimator's oath is carried out or executed because, in Silverttek, the compensation money submitted by the party concerned often needs clarification, so there is no proof for compensation [7]. The procedures for implementing the Pocong Oath are substantially the same as cultural practices or community customs in carrying out the Pocong Oath when there are disputes or problems of a mystical nature. To strengthen public acceptance, this oath is carried out accompanied by witnesses, where the perpetrator performs the pocong oath witnessed by the parties. The parties who witnessed the pocong oath [8], including:

1. The perpetrator's family;
2. Witnesses to the truth conveyed in the sworn materials;
3. religious figures (ulama),
4. Designated public figures and
5. Representatives of local governments.

Examples of pocong oath processions that have occurred in Lumajang and are officially carried out before the Judge [9] are as follows:

1. The trial shall be opened and declared open to the public by the Magistrate.
2. The Judge asks the litigant about readiness to take the oath.

3. The Judge appoints a cleric to preside over the execution of the swearing.
4. The clergy orders the Applicant to bathe or purify his body, and after finishing bathing, the Applicant is instructed to sleep on his back on a shroud that has been prepared and then wrapped like, may it?
5. Then, the clergy lead the muqoddimah prayer and appoint an officer to recite Surat Yasin.
6. After Surat Yasin has been read, the clergy guide the Applicant to swear an oath that reads by the subject matter in dispute and the acts committed by the swearer himself.
7. After the Applicant has taken the oath, the Applicant is released from the shroud.
8. Then, the clergy declare the swearing complete, and the Judge presides over the subsequent trial.

The sentence of the oath is:

"By God I swear, that I ... Bin... As long as I marry/marry under the hand with ... binti..., never got the common property, as stated by the Respondent, because the property is all my personal property. By Allah, that what I say honestly, if I lie, then I am ready to receive doom, damnation, torture, and curse from Allah for my life".

The concept of rationality, especially in anthropology and comparative sociology, raises several problems. In the 19th century, anthropologists generally considered magic and religion irrational and were products of the mentality of pre-logic times. However, it is not easy to admit that a community can live in conditions of widespread irrational beliefs because the existence of language has in itself indicated the existence of logical rules (negate, identity, and no contradiction). There should have been general agreement that specific terms refer consistently to particular objects and that, for example, 'above' is the opposite of 'below'. Modern anthropology argues that: (1) beliefs that may seem absurd, such as that "all anal twins are the incarnation of a pair of birds", are, in fact, reasonable if they are placed in their fixed cultural context (2) knowing that my other beliefs are about the correct Mahan harvesting; (3) religious beliefs are expressive and symbolic, rather than informative and literal; Thus, religious belief is nonrational rather than irrational; critics of this view assert that by the above three criteria, there can be no belief that can be said to be national. In contemporary sociological studies, the influence of postmodernism has

reinforced scepticism about the possibility of trans-social agreements about constructing universal criteria of rationality.

METHODOLOGY

This research can be categorized as descriptive research and qualitative research types, a format that describes several variables related to the problem and the unit under study, questioning the relationship between variables. The purpose of this format is to explore and clarify a social reality. This research uses qualitative descriptive methods; pocong oath research in Palembang City is intended to be known in depth to determine and analyze related to pocong vows.

RESEARCH RESULT AND DISCUSSION

Religious Point of View Related to Pocong Oath in Palembang City

Narrated by Abu Dawud and a Nasai from Abu Hurayrah, the Prophet said:

"Do not swear by the name of your fathers nor by the name of your mothers, nor by the names of images, and swear not except in the name of Allah and swear not unless you are true (what is sworn)". (HR. Abu Dawud).

From the above hadith, there are two things related to vows. First, the oath must use the name of Allah, such as Wallahi or By Allah; *second*, what is conveyed is something genuine.

a. The Oath Must Use God's Name

The religious point of view taken is the Islamic point of view. The religious point of view of the pocong oath is that it is the same oath as mubahalah, but the medium is through the pocong oath. In Islam, vows are forbidden except in the right state. If you are in the wrong position and take an oath, it is feared that you will blame others. Do not let the oath be fooled around or used to take something that is not his right or tyrannise others (QS. a Nahl: 94). The fear is also that the pocong oath is a shirk. Because it uses symbols or shroud equipment such as pocong. Besides, what is feared is that the oath is a lie. According to the Holy Prophet (peace be upon him), the hadith al Bukhari of Abdullah bin Amr was the oath of lies among the great sins. The Prophet said: It means:

"The great sin is shirk to Allah, hurting both parents, killing, and swearing lying". (HR. Bukhari).

Based on the words of the Prophet Swear, ring lies are acts of shirk. Given the oath, it is difficult to see that the perpetrator lied or did not lie. So what happens is the relationship between the perpetrator and his God. In the Qur'an surah, al Baqarah verse 224, Allah says:

"Do not make (the name of) Allah in your vows an obstacle to doing good, being fearful and making islah among men. And Allah is All-Hearing and All-Knowing". (al Baqarah: 224).

From the verse above, God's name is made an oath, so what happens is that if you lie, you will immediately face God. Some people disagreed with the pocong oath, and all informants said they did not want to take the pocong oath. This is in line with what was conveyed by informants Mr ZN, Mr IAS, Mrs STI, Mrs SR, Mrs HB, and Mrs IT,

"but if I do I dare not, because we are guilty of the Almighty, the oath is directly opposite to God" (9-15/10/2023).

It means: "but if I do I dare not, because we are guilty of the almighty..."(9-15/10/2023).

Based on the interview results, people are still afraid to swear because they directly face their gods even though they are right. The community is Taku Kuwait if the pocong oath is performed, even if it is in a position of righteousness or innocence. People are also afraid because the pocong symbol is a shock for some people; what is feared is the shadow of the pocong.

b. The Oath is True

The oath taken is an oath in the right state. Because of the oath, there is the name of God. According to Mr IAS (63), the pocong oath is mubahalah because it is the name of Allah, but the medium used is a shroud-like pocong. It is feared that it is wrong. The following are the results of an interview with Mr. IAS 963)

"The oath is like a mubahalah because there is the name of Allah, the mention is like a bias oath, but the medium used is a shroud like a pocong" (9-15/10/2023).

That is: the oath is like a mubahalah because there is the name of Allah, the mention is like an ordinary oath, but the medium used is a shroud like a pocong" (9-15/10/2023).

The pocong oath is forbidden in Islam because the Prophet did not teach about the pocong oath. The community also agreed that the pocong oath should not be carried out like the interview with Pak ZN (63):

"The pocong oath is not good jugo, if biso don't, swear don't, because the oath is a promise to God, just like the oath of the regent, president, but after it becomes there are still many who are corrupt so it violates the promise..."

It means: "The pocong oath is not good jugo, if biso don't, swear don't, because the oath is a promise to God, just like the oath of the regent, president, but after it becomes there are still many who are corrupt so it breaks the promise..."

From the Islamic religious point of view, the pocong oath is not allowed because it is contrary to Islamic law. The taking of oaths must be believed in the heart and the name of Allah SWT. As the Prophet (peace be upon him) once said:

"Whoever swears by anything other than Allah has disobeyed or shirked." (HR Tirmidhi)

Based on the general view of Islam, the pocong oath is not allowed because it is contrary to Islamic law.

CONCLUSIONS AND RECOMMENDATIONS

Oaths must use God's name, The fear is that the pocong oath is a shirk because it uses symbols or shroud equipment such as pocong. Besides, what is feared is that the oath is a lie. In the hadith al Bukhari of Abdullah bin Amr, according to the Holy Prophet (peace be upon him), among the great sins was the oath of lies. The Prophet said: It means: *"The great sin is shirk to Allah, hurting both parents, killing, and swearing lying"*. HR. Bukhari). The oath is valid; the oath taken is an oath in the right state. Because of the oath, there is the name of God. According to Mr IAS (63), the pocong oath is mubahalah because it is the name of Allah, but the medium used is a shroud-like pocong.

ADVANCED RESEARCH

In writing this article the researcher realizes that there are still many shortcomings in terms of language, writing, and form of presentation considering the limited knowledge and abilities of the researchers themselves. Therefore, for the perfection of the article, the researcher expects constructive criticism and suggestions from various parties.

REFERENCES

- A. K. Sabaruddin, "Pembuktian Hukum Adat Sebagai Solusi Alternatif Penyelesaian Kasus di Masyarakat (The Verification through Custom Law as An Alternative Solution In The Case Solving)," *Risal. Huk.*, vol. 6, no. 1, pp. 24-28, 2010.
- Anwar, "Konsep Mubalah dan Praktik Sumpah Pocong di Kabupaten Sumenep-Madura," p. 102, 2007.
- I. G. A. M. Patni, I. M. Suwitra, and I. K. Sukadana, "Kedudukan Sumpah Pemutus dalam Pembuktian Sengketa Tanah Waris," *J. Konstr. Huk.*, vol. 1, no. 2, pp. 315-319, 2020, doi: 10.22225/jkh.2.1.2563.315-319.
- I. Z. Fuad, "SUMPAH POCONG: Upaya Konstruksi Fiqh Kultural Khas Indonesia Iwan," *J. Huk. Islam* Vol. 12, Nomor 1, vol. 12, no. 1, pp. 63-86, 2014.
- M. S. A. Agustina, "Asas Ketuhanan Yang Maha Esa pada Penggunaan Sumpah Sebagai Alat Bukti," *J. Fak. Huk. Univ. Tulungagung*, vol. 5, no. 1, p. 49, 2019, [Online]. Available: <https://journal.unita.ac.id/index.php/yustitia/article/download/212/196>.
- R. B. F. Pasaribu, "Kebudayaan dan Masyarakat," pp. 91-100.
- Rifqi Kurnia Wazzan, "Sumpah pocong sebagai sumpah decissoir (kasus di pengadilan agama lumajang)," pp. 1-14, 2019.
- S. H. dan B. S. T. Nicholas Abercrombie, *Kamus Sosiologi*, 1st ed. Yogyakarta: Pustaka Pelajar, 2010.

Randi, Hendarso, Purnama, Arianti

Wahyudin, "Kekuatan Hukum Sumpah Sebagai Alat Bukti Dalam Hukum Acara Di Indonesia," no. 1, pp. 1-27, 2015.