

# Impact Social Samen Leven 's Actions in the Perspective of Bugis Community Customary Criminal Law Rules

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This research aims to know and understand the regulation of customary criminal law of the Bugis community against samen leven acts that violate customary norms and to know and understand the social impact on samen leven offenders in society. This research uses normative research methods, namely the type of research conducted by analyzing legal rules. This type of research is conducted by means of a literature study, namely by reading and analyzing written materials. The results show that customary criminal law still plays a role in upholding the norms of decency in society, especially in dealing with the phenomenon of samen leven . In Bugis society, the value of Siri'na Pacce reinforces the view that this behavior tarnishes honor and social balance, so customary sanctions are still applied even though national law has regulated it in the Criminal Law Code. In addition to being socially stigmatized, samen leven perpetrators also face impacts such as family disharmony and unclear child status. Therefore, customary law is still considered relevant in resolving cases culturally and maintaining social harmony in society. The recommendations of this research are 1. Socialization of the negative impact of samen leven and the importance of customary norms and laws need to be improved through education, media and communities so that the younger generation understands the consequences. 2. A policy that harmonizes customs and national laws is needed, so that the settlement of samen leven cases still consider cultural aspects, justice and protection for all parties.

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## INTRODUCTION

The Republic of Indonesia as a country that has various type diversity and culture as well as own various norms in in society . The many norms that exist in Indonesia are not make everyone who lives in Indonesia obeys or obey said . So from That optimization enforcement law become benchmark main in implementation regulation legislation .

Evolving norms in public own diverse form namely religious norms, norms of politeness , legal norms , and moral norms . Moral norms is a norm that emphasizes morals and ethics and development from values decency a individual caused by various factors , many public Indonesia which often ignore and violate values That even do prohibited things in moral norms mentioned .  
[1]

In South Sulawesi it is known a system related customs with evolving norms in society . System This arrange they almost everywhere aspect life . Starting from customs , politics , religion, social and law . One of them is Siri' 's value Pacce ( price self ) in Bugis society teaches about morality morality that in the form of recommendations , prohibitions , rights and obligations the dominant one action man For guard as well as maintain his honor .

However , the phenomenon same level or life together without bond a legitimate marriage , is considered violate law criminal custom Because contradictory with Siri' na values Pacce , which puts forward importance honor and morality in connection between men and women . Actions This

often happening among teenager or unmarried couple married , and can threaten stability values social and moral in Bugis society .

In society , the phenomenon same level often triggered by various factors , starting from lack of parental attention , influence pornography , to pressure from Friend peers . [2] In addition , mental and economic unpreparedness For married , and experience traumatic before or after marriage also becomes reason main the rise action This . As a result , the relationship is not legitimate This violating applicable norms in society , which prioritizes bond wedding as base main in life together .

In accordance with the listed in The 1945 Constitution of the Republic of Indonesia through Article 18B Paragraph (2) states: that : "The state recognizes and respects Unity public law custom along with rights traditional throughout Still alive and well with development public as well as the principles of the Unitary State of the Republic of Indonesia (NKRI), which are regulated in law . " Provisions This give runway constitutional for confession to existence public law custom along with the norms that apply therein , including law criminal customs that become an integral part of life public customs in Indonesia.

Customary law ( although No written ) as one of the source formation law national has also experienced development progress one way with development life public the customs surrounding it . Customary law is living law Because He operate feeling law public in a way real . This is it is possible Because law custom the ingrained and rooted in culture society . [3]

In the system Indonesian law , Article 412 of Law No. 1 of 2023 concerning the Criminal Code ( KUHP ) provides provision about sanctions criminal for every individuals involved in connection life together as husband wife without bond legitimate marriage . This article set that action the can charged criminal prison maximum 6 months or fine .

The purpose of chapter This is For protect values morality , ethics and integrity social that becomes base in life Indonesian society , as well as guard sustainability and honor institution marriage as foundation main in structure social and cultural aspects of the country.

Confession to public law custom No only just form formality , but also reflects state respect for rights traditional owned by the community Customs . Recognition This includes social , cultural and legal norms customs that still exist alive and relevant with current development . In context law criminal , law custom own important position as one of the source living law .

Criminal law custom is form rule a living and growing social in public custom For arrange connection social , maintaining harmony , and finish conflict or violation of customary norms . One of frequent violations set up in law criminal custom is moral behavior such as same level or life together without bond legitimate marriage . In society custom , samen level No only viewed as violation of moral norms, but also as threat to values social norms adopted by society .

Different with part Western and Northern Europe , in Asia especially in Indonesia which upholds tall will tradition , culture , and religion, samen level No get legal recognition .

In Indonesia, a 2021 study entitled The Untold Story of Cohabitation explains that same level more Lots happened in Eastern part . Where the results researcher expert young from the National Research and Innovation Agency (BRIN) to data from Data collection Family 2021 (PK21) owned by the Population and Family Agency National Planning Agency (BKKBN) 0.6 percent wrong one region in Indonesia does same leven ( gather) buffalo ). From the population partner same leven ( gather) kebo ) , 1.9 percent among them currently pregnant when the survey was conducted , 24.3 percent aged not enough from 30 years , 83.7 percent high school educated or more low , 11.6 percent No working , and 53.5 percent other Work informally .

In addition , based on survey of the Center for Women's Studies at the Islamic University of

Indonesia (PSW-UII) in the Yogyakarta area in 2001, the pattern life sex free among child teenager in a way public and in the lodge or boarding houses , especially in the Yogyakarta City area , are developing the more Serious with more and more loose the control they have accept . So , more and more Lots trapped teenager to in pattern life sex free ( samen leven ) because various the influence they have accept . [4]

In 2002 , there was published results survey of the Institute for the Study of Love and Humanity and Training Center Business and Humanities (LSCK PUSBIH) towards Yogyakarta students . Research That done during three years , from July 1999 to July 2002, with involving approximately 1,660 respondents came from from 16 colleges high , both national and international private sector in Yogyakarta. From 1,660 respondents that's 97.05 percent confess Already is lost her virginity moment college , because Once do sex in pairs or same leven ( gather) kebo ). Reviewed from place they do sex free , as much as 63 percent do sex free in men's boarding house their partner . As many as 14 percent done at the girls' boarding house or House his rent . Furthermore, 21 percent in hotels spread across Yogyakarta and 2 percent again in place open tourism . The data above show that boarding house has become nest same leven ( gather) buffalo ). [5]

Actions same leven ( gather) buffalo ) this since Formerly has set up in the Qur'an, namely Surah Al-Isra verse 32 which explains that approaching adultery like choose bad roads and surah An-Nur verse 2 which explains punishment for adulterer ghairu muhsan , namely lashed 100 times.

Translation :

"And don't You approaching adultery; indeed adultery is is a heinous act . And one a bad way . " (QS Al-Isra: 32)

Translation :

"The adulteress and the adulterer men , scourge each one of them both of them a hundred times and do not feel sorry pity to both of them prevent You to ( implement ) Allah's religion ( law ) if You believe to God and the day Then . Let ( execute ) punishment on they witnessed by a group of believers . " (QS. An-Nur: 2)

From the excerpt paragraph the can understood that Allah SWT alone hates it very much man or activities that can be done damage self Alone especially No have connection legitimate both religiously and law . With the rise phenomenon same leven ( gather) kebo ) which occurs due to from a number of factors that can corrupting morals then from That writer interested For discuss title Analysis Legal Impact Social Samen Leven's Actions in the Perspective of Bugis Community Customary Criminal Law Rules .

## METHOD

Types of research applied in studies This study normative . [6] Study normative often called as study literature study normative is research involving assessment to aspect theory law , comparison law , philosophy , composition or structure , and strength remind a the law in which the language is used is Language law .

## DISCUSSION

### **Arrangement law criminal custom public Bugis to action same leven that violates customary norms**

One of common problems happens in some regions in Indonesia , namely same level . Same level or

another term for gather where is the buffalo is action stay together by men and women who don't bound in legitimate marriage . Or in short is life together like husband wife outside marriage . [7]

That matter No off from attention which society is the same leven ( gather) buffalo ) still occurs in various areas in Indonesia, including Bugis, show existence violation law criminal customs that apply in society local , as listed in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia states , "The state recognizes and respects Unity public law custom along with rights traditional throughout Still alive and well with development public as well as the principles of the Unitary State of the Republic of Indonesia (NKRI), which are regulated in Constitution ".

In law customs in Bugis until moment this , the people in life everyday Still Lots bound by a system of norms and rules its customs , which are sacred as well as sacred , where all in all That called The Commander consists of of 5 (five) principles namely : [7]

Ade, in everyday language interpreted with law or custom habit .

Talk , namely system law or the ins and outs beluk problem justice and enforcement law in a broad sense .

Rapang , namely parable , custom society and provisions or rules applicable law in life in society and the state , both those who can in the form of determination together ( assmaturuseng ) or juridprudence .

Wari, namely coating social or genealogy descendants .

Sara, that is related elements with Sharia Islam .

In law Bugis customs , concept Pangadareng which consists of Of the five principles , Ade , Bicara , Rapang , Wari, and Sara have role important in arrange order social and life in society . The perpetrator same leven ( alive together without bond marriage ) is considered violate principles custom This Because contradictory with upheld norms and values high by the Bugis community . The perpetrators same level violate Ade because wedding viewed as sacred things regulated by law Customs . Life together without formal marriage is considered contradictory with custom custom , which requires the existence of a legitimate process in a way custom For confess connection between men and women . With violate Ade, they damage order social and neglect values respected by Bugis society .

In the elements Talk , violation same level can brought to realm law custom If There is the party who feels disadvantaged or If look at need existence enforcement justice . Through Talk , the perpetrator same level Can charged sanctions custom Because considered to smear honor families and indigenous communities. This process aiming restore balance socially disturbed consequence action said . Rapang was also violated Because law Bugis customs have example past cases that become reference in handle violation . With referring to the decision custom previously , action same level rated as violation serious ever get punishment certain . Because of that that , behavior This contradictory with principle Rapang who guards continuity law custom .

In addition , violations against Wari happened Because connection without wedding official damage order social and tarnish the good name family . Lineage in Bugis culture is closely guarded , and descendants are born from connection same level considered No own clarity of legal status . As a result , the family perpetrator Can facing a debilitating social stigma position they in structure social custom .

Lastly , the related Sara element with Islamic law is also violated , because Islam requires wedding as the only one road legitimate For build connection between men and women . With violates Sara,

the perpetrator same level No only contradictory with custom but also religious law , so the more strengthen view negative public to behavior The fifth . element This braided as One unity organic in natural thoughts , feelings and identity social the so -called society with series .

The meaning of " siri " in Bugis society is very like that means until There is A proverb bugis which says "SIRI PARENRENG, NYAWA PA LAO", which means : " If price self has torn , then life lah the payment ". From here meaning series so tall until in public bugis , lost price self somebody only can returned with payment life by si party against even the person concerned even though . And Siri' when translated as feeling Embarrassed if do disgraceful actions and attempts For still guard attitude so as not to cause low price self somebody .

The Series of Things in a way lafdzhiyah Siri' means : Shame ( price) self ), while Pacce or in Language Bugis called Pesse which means : painful / spicy ( hard , strong) establishment ). So Pacce means kind of intelligence emotional For participate feel pain or trouble other individuals in community ( solidarity and empathy ).

The word Siri', in Makassar or Bugis, means " ashamed ". While Pacce (Bugis: Pesse) can means " no" cruel " or " pity " or " compassion ". The structure of Siri' in Bugis or Makassar culture exists four categories , namely : [8]

Siri' Ripakasiri ' , is the Siri' related with price self personal , as well as price self or dignity and honor family . Siri' type This is something taboo and forbidden For violated Because the stakes is life .

Siri' Mappakasiri'siri ' , Siri' type This relate with ethos Work . In Bugis philosophy it is stated , " Narekko darling your siri , your siri siri ' ." It means , if you have no shame so borrow it to those who are still have a sense of shame (Siri'). Likewise , vice versa , " Narekko English: siri'mu , aja ' mumapakasiri'- siri . " This means , if you have shame so Don't make embarrassed ( embarrassing ).

Siri' Tappela ' Siri (Bugis Teddeng Siri ' ), means shame somebody That lost " disturbed " because something thing . For example , when someone have debt and have promise For pay it so the the debtor try as strong as power For keep his promise or pay his debt as the time that has passed determined ( agreed ). When it arrives the time that has passed determined , if in debt it turns out No keep his promise , that It means he has to embarrass himself Alone .

Siri' Mate Siri', Siri" the one relate with faith . In the view of the Bugis/Makassar people, a person who has a siri marriage is the person inside himself Already No there is a little shame ( faith ) . People like This what else can I do will Once feel embarrassed , or the usual called as corpse living life .

In order to complete fourth the structure of the Siri' so Pacce or Pesse occupies One place , so that to form a known culture ( character ) with the term Siri' Na Pacce .

Where when action same level violate mark series ' on pace as runway in return price self that has been violated consequence action this . [9] And where Bugis Makassar society holds firm mark from series ' on pace in his life from Formerly until now . Siri' Interpreted as encouragement For meaning to destroy other people when there is something smeared dignity himself and his family , then life is instead .

understanding series ' which has tried lifted from a number of expression lontara ' itself , shows that siri ' is nothing other than a consequences . [10]

## Impact Social To Samen Leven Actors in Society

Gather buffalo or same level known with designation ; cohabitation , ; living in non -motrimonial

union, [7] has cause a anxiety for public Because considered as a deviant act from existing values in the society , " Deeds same level considered as a an act that is not appropriate and inappropriate Correct For done as well as contradictory with the morals of Indonesian society ." Related with matter said , it was emphasized that of course action same level is deviant act as well as contradictory with mark as well as applicable norms in society . Actions same level considered as one of the from crime , because considered same level can cause a crime new or continued ( factor criminogenic ) such as , abortion , murder baby born No wanted and disposal baby as results consequence existence action same level As a result , Lots case same completed level brutally and taking the law into their own hands ( eigenrechting ) by the people who found it case this is in place they live and settle . [11]

Then If Already happen action same level No close possibility will bring up consequence from action same level said , the act same level will result bad and loss moreover for race women , [11] and deeds same level in perspective Bugis society has impact significant social , especially when viewed through lens values series ' on pace , because as is known Bugis society upholds tall series ' on pace ( price) self ) , some impact social that can arise when happen violation in customs , namely : [12]

**Social Stigma :** Individuals who violate Siri 's value Pacce often considered No immoral and get a negative stigma from public .

**Tension Interindividual or Group :** Violation against Siri' na Pacce can cause tension that leads to conflict physique or verbally to restore the honor that is considered tarnished .

Good in public custom and public general , violation to moral values and social norms , such as Siri'na Pacce and behavior same leven ( gather) kebo ) , often get a negative social stigma . Some examples of social stigma general is : [13]

#### Reproach from public

Perpetrator action same leven ( gather) kebo ) is very difficult escape from view as well as evaluation society , things This because of the perpetrators action This usually carry out the action within the scope life public for example House rental , boarding houses , and places lodging , the result reproach to the perpetrator action same leven ( gather) buffalo ) always happened . Reproach public that's what caused it existence attitude feel Embarrassed as well as feel set aside .

#### Disharmony in Family

Family and home is safe place as well as comfortable to someone , but matter That as if No applicable against the perpetrators action same leven ( gather) buffalo ) , Where matter the is things to look at No in line with norms and rules Where applies to life in society , so that when someone got do action This confirmed will happen disharmony in his family especially action the until cause pregnancy outside wedding .

#### The emergence Desire For Do Abortion

Actions same leven ( gather) buffalo ) this acts that are considered despicable Because action This is actions that violate norms and rules that apply to life in society , especially when the act This cause pregnancy outside marriage , to the perpetrators action This must swallow fact bitter in judgment negative given by society .

Evaluation negative given that's what causes the mentality of the perpetrators action same leven ( gather) kebo ) shaken so that when action the cause pregnancy outside a legitimate marriage , then appear desire do abortion or disappearance life baby that When things the done , which of course Where will There is threat punishment criminal Because matter the can categorized as crime .

### Unclear Status of Children

Children are a gift given by God. Birth a child is something happiness alone towards parents as well as family . But matter the precisely is thing where considered as problem where When the child the is results action outside legitimate marriage .

When the act same leven ( gather) kebo ) causes pregnancy , then child the No have clear biodata or status in a way administration population which ultimately child from results connection the will difficult get access service public .

The result of the child action This later the day will also more potential caught problems in life social , for example in problems osseous the There is words negative as well as actions bullying other .

### Early-age marriage

Actions same leven ( gather) buffalo ) is seen as disgraceful acts , especially when committing acts the result in pregnancy outside marriage . Pregnancy outside legitimate marriage this is what it is reason from the amount case wedding early in Indonesia.

Where the mentality is not yet formed For homeless stairs , readiness will financial , and completely thinking Not yet mature from perpetrator wedding early this , resulting in wedding the prone to caught will the problem where have a chance the occurrence quarrel in a way continuous , violence in House stairs (domestic violence) that ended divorce .

### Health Problems

Actions same leven ( gather) kebo ) this is what causes somebody do wedding early , generally minimal getting education about sexuality . In addition , socialization towards parents and society For use tool contraception during intercourse intimate which is also still low result in activity sexual , including in relationships intimate that takes place on the perpetrator wedding early what else is still aged under 18 years will more prone to the risk experience various problem infection infectious sexual for example , syphilis gonorrhea and Human Immunodeficiency virus (HIV) which can causes Acquired Immunodeficiency Syndrome (AIDS).

### Dropout

As is known school is place We to add knowledge as well as place beginning We make ideals and the future , but when someone do action same level this is what causes pregnancy , then No seldom We meet perpetrator same leven ( gather) kebo ) forced must separated school and sacrificing the future Because own responsibility new that is as parents , even No will escape from existence gossip environment around from place his residence . [14]

It is deeply regretted typing action same level like discussion previously , where cause so Lots problem , in fact until moment This Still Not yet Can reached by the rules law national . Actually when we see Again about action same level , then things to do We get is action the is an act that is not in line or actions that are No direct violate Other laws . The laws in question that is :

Constitution Number 16 of 2019 concerning change on Constitution Number 1 of 1974 concerning Marriage . Marriage is things to be assessed as something holy and sacred . That thing in accordance with Article 1 of Law No. 16 of 2019 concerning change on Law no. 1 of 1974 concerning Marriage state that : " Marriage is bond born inner between a man and a woman as husband wife with objective to form family or House the happy and eternal ladder based on Belief in the one and only God." Follow matter Article 2 paragraph (1) of Law no. 16 of 2019 concerning change on Law no. 1 of 1974 concerning Marriage that states that : " Marriage is valid , if done

according to the laws of each religion and its beliefs That ."

Based on matter the can writer say that when someone namely men and women who do action same level , then matter the is a actions that are No direct to injure or No pay attention order The law aims to as means For arrange life society , which one if matter This Keep going continuously happen will result in existence from marriage that is valued as something holy and sacred in accordance with Law no. 16 of 2019 concerning change on Law no. 1 of 1974 concerning Marriage will the more eroded . This is supported with data from the Central Statistics Agency (BPS) stating that in 2023 the number marriages in Indonesia as many as 1,577,255. This figure it turns out decrease as much as 128,000 if compared to with 2022. Meanwhile If in One decade final number marriage in Indonesia is declining as much as 28.63 percent . [15]

Constitution Number 24 of 2013 concerning change on Constitution Number 23 of 2006 concerning Administration Population . In Article 1 paragraph (10) of the Law Number 24 of 2013 concerning change on Constitution Number 23 of 2006 concerning Administration Population state that : " Registration Resident is Population biodata recording , recording on reporting Incident Population and data collection Resident prone to Administration Population as well as publishing Document Population in the form of card identity or letter information population ." Following matter mentioned , Article 1 paragraph (11) of the Law Number 24 of 2013 concerning change on Constitution Number 23 of 2006 concerning Administration Population state that : " The event Population is incident experienced The population must reported Because bring consequence to publishing or changes to Family Card , Resident Identity Card and/ or letter information population other covering move come , change address , and residence status limited become stay remain ." Based on matter the can writer conclude that when somebody namely , men and women do action same level , then official note taking civil which is officials who do recording incident important , no can publish or emit card family because of No existence deed marriage or marriage book . Not only That only , when action same level result in ectopic pregnancy a legitimate marriage , then child from results connection the later will have insufficient status or biodata clearly resulting in child the difficult get access service public . This is can it is said is a actions that are No direct to injure or No pay attention order Purposeful law as means For arrange life society . Although Law No. 1 of 1946 concerning the Criminal Code No arrange in a way explicit about same level , not means action the can with free carried out throughout areas in Indonesia.

## CONCLUSION

Criminal law custom Still own strong role in guard balance social , especially in handle phenomenon the gathering that is considered violate moral norms . And the law custom still applicable as arranged in Constitution 1945 basis in Article 18B Paragraph (2), and implemented in several area as part from the appropriate living law with values local . One of them is the Bugis community where the customary norms Still play a role important in maintain moral norms , especially in handle action same level Where violate principle Pangadareng which consists of from Ade, Bicara , Rapang , Wari, and Sara. Violation this is also contradictory with Siri 's value Pacce , concept guard price self and dignity . Same level considered damage order social , defamation family , and violate custom as well as religious law , so that Can charged sanctions custom For restore balance social . Actors same level in Bugis society faces impact social serious , such as social stigma , disharmony family , encouragement For abortion , unclear status of the child , and the risk wedding early . They are also vulnerable to separated school and problems health . Violation This trigger anxiety public Because considered violating customary and legal norms national , such as Constitution marriage and law administration population , which regulates importance wedding legitimate in build family and care order social .

For optimizing it , government , academics , and figures public need increase socialization about impact negative same level as well as the importance of customary and legal norms in guard order social . Education This can done through schools , media, and communities local for the generation



young more understand consequence law and social from action mentioned and necessary There is more policies clear in harmonize law customs and laws national related case same level . Government can accommodate values custom in system law national For ensure that settlement case still consider aspect culture , justice , and protection for all parties involved .

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