

Criminal Responsibility for Santet Practices in Simeulue Regency from the Perspective of Islamic Criminal Law

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Abstract: *Witchcraft or black magic is still believed to be an act that can cause harm to a person through occult science. The losses caused by witchcraft can be seen directly and clearly in witchcraft victims, but it is difficult to explain medically and scientifically. Although it cannot be proven based on criminal law, the impact of witchcraft can be known based on indications that are widespread in the victim, such as foreign objects found in the victim, causing physical and non-physical suffering for a long time, even causing the victim to die. The focus of this research is on how to resolve witchcraft cases through customary law in the Simeulue community. The method used is qualitative, with data obtained from interviews and supported by literature sources. The results of the study showed that the phenomenon of witchcraft in Langi Village, Teupah Village, and Suka Jaya Village in Simeulue Regency had a motive of displeasure between the perpetrator and the victim. Santet is not always used for evil, but can also be used for good, such as medicine, predicting the whereabouts of a person or lost item (tendung). In general, the people of Simeulue do not accept the presence of witchcraft (for evil) in their lives, but specific individuals still abuse witchcraft as a power to harm people. The abuse of witchcraft that causes others to suffer is not in line with the principles of Islamic criminal law. Witchcraft can be held accountable if proven to have committed a crime that causes harm to others, both physically, psychologically, or socially.*

Keywords: *Criminal Responsibility, Santet, Simeulue, Islamic Criminal Law*

Abstrak: Perbutan santet atau ilmu hitam masih dipercaya sebagai suatu perbuatan yang dapat menimbulkan kerugian pada seseorang melalui ilmu gaib. Kerugian yang ditimbulkan dari perbuatan santet dapat dilihat langsung dan nyata pada korban santet, namun sulit dijelaskan secara medis dan ilmu pengetahuan. Walaupun tidak dapat dibuktikan berdasarkan ilmu hukum pidana, akan tetapi dampak perbuatan santet dapat diketahui berdasarkan indikasi yang melekat pada korban santet seperti benda asing yang terdapat pada korban menyebabkan penderitaan fisik dan non fisik dalam jangka waktu lama, bahkan menyebabkan korban meninggal. Fokus penelitian ini adalah bagaimana penyelesaian kasus santet melalui hukum adat pada masyarakat Simeulue. Metode yang digunakan ialah kualitatif, data diperoleh dari wawancara dan didukung dengan literatur kepustakaan. Hasil penelitian menunjukkan fenomena santet di Desa Langi, Desa Teupah dan Desa Suka Jaya di Kabupaten Simeulue adanya motif ketidaksenangan antara pelaku dengan korban. Santet tidak selamanya digunakan untuk keburukan, tetapi dapat juga digunakan untuk kebaikan seperti pengobatan, memprediksi (meramal) keberadaan seseorang orang atau barang yang hilang (*tendung*). Pada umumnya masyarakat Simeulue tidak menerima kehadiran ilmu santet (untuk kejahatan) dalam kehidupan mereka, akan tetapi terdapat oknum tertentu yang masih menyalahgunakan ilmu santet sebagai kekuatan untuk membahayakan orang. Penyalahgunaan ilmu santet yang menyebabkan orang lain menderita tidak sejalan dengan prinsip hukum pidana Islam. pelaku santet dapat dimintai pertanggungjawaban jika terbukti melakukan kejahatan yang menimbulkan kerugian bagi orang lain, baik fisik, psikis, maupun sosial.

Kata Kunci: Pertanggungjawaban Pidana, Santet, Simeulue, Hukum Pidana Islam

A. Introduction

Based on the law, the state of Indonesia must be able to be present in the enforcement of criminal acts by making justice a tangible manifestation in its enforcement.¹ Providing protection and guarantee to all people of equal rights in the field of law is the most essential thing that must be realized.² The value of justice is realized not only to the victim, but also to the perpetrator, and society in general.³

The purpose of the law is to protect a human interest. The law has a goal to be achieved. The law's primary objective is to form an orderly social order, create order, and balance.⁴ With the achievement of order in society, human interests are hoped to

¹Bas Schotel, "Administrative Law as a Dual State. Authoritarian Elements of Administrative Law," *Hague Journal on the Rule of Law* 13, no. 1 (2021); Sebastian Lewis, "Precedent and the Rule of Law," *Oxford Journal of Legal Studies* 41, no. 4 (2021); Widayati, *Negara Hukum, Konstitusi, Dan Pembentukan Peraturan Perundang-Undangan* (Semarang: Unissula Press, 2016).

²Dieter Grimm, "Rule of Law and Democracy," in *Rule of Law vs Majoritarian Democracy*, 2021; Satria Unggul Wicaksana Prakasa, "Garuda Indonesia-Rolls Royce Corruption, Transnational Crime, and Eradication Measures," *Lentera Hukum* 6, no. 3 (2019).

³Wirjono Prodjodikoro, *Asas-Asas Hukum Pidana Di Indonesia* (Bandung: Eresco, 1989); Moeljatno, *Asas-Asas Hukum Pidana* (Jakarta: Rineka Cipta, 2002); I. Dewa Made Suartha, I. Dewa Agung Gede Mahardika Martha, and Bagus Hermanto, "Between Mental Illness, Criminal Policy Reform, and Human Rights: Discourse on Reformulation of The Article 44 Indonesia Criminal Code," *International Journal of Criminal Justice Sciences* 17, no. 1 (2022).

⁴Alani Golanski, "A Structuralist Concept of the Rule of Law," *British Journal of American Legal Studies* 10, no. 1 (2021).

be protected.⁵ With the achievement of the goal, the law is tasked with giving the rights and obligations of individuals in society, authorizing and regulating how to solve legal problems, and maintaining legal certainty.⁶

The existence of events outside the ratio that are inherently mysterious, magical, supernatural, and smell of magic has become a shared secret of the Indonesian people. Some of the acts of witchcraft are white and black. White magic is commonly used for good, such as traditional ceremonies that are used for religious purposes and healing people. Meanwhile, the problem is witchcraft, which is black in nature or commonly known as black magic.⁷

In Indonesia, witchcraft is still believed to be an act that can cause harm to a person through occult science. The losses caused by the act of witchcraft can be seen directly and clearly against the victims of witchcraft, but it is difficult to explain medically.⁸ In various cases, usually, what happens to a person who is a victim of a witch is that there are painful wounds due to the presence of a foreign object contained in the victim of a witch, but the origin of the foreign object cannot be explained medically. The foreign object in question is in the form of nails, needles, hair, or other sharp objects. In fact, in more extreme cases, the act of witchcraft can not only make people suffer for a long time, both physically and mentally, but can also cause the victim to die.⁹

In the Criminal Code, efforts to criminalize acts regarding sedition in general aim to (a) prevent the occurrence of community fraud committed by people who claim to have supernatural powers to commit crimes, (b) prevent the public from looking for people who claim to have supernatural powers to help commit crimes, (c) prevent the public from playing judge of themselves against people who are considered to have supernatural powers, and (d) encourage the public to always think rationally,

⁵Faissal Malik et al., "Legal Protection for People with Disabilities in the Perspective of Human Rights in Indonesia," *International Journal of Criminology and Sociology* 10 (2021); Ngo Thi Minh Huong and Giao Cong Vu, "Criminal Justice Responses to Trafficking in Persons," *Journal of Southeast Asian Human Rights* 7, no. 1 (2023).

⁶Keith Cherry, "Introduction: Pluralism, Contestation, and the Rule of Law," *Constitutional Forum / Forum Constitutionnel* 30, no. 4 (2021); Marwan Mas, *Pengantar Ilmu Hukum* (Bogor: Ghalia Indonesia, 2011); Fernando I Kansil, "Sanksi Pidana Dalam Sistem Pemidanaan Menurut KUHP Dan Di Luar KUHP," *Lex Crimen* 3, no. 3 (2014): 26–34; Maria Ulfah, "Sanksi Pidana Pokok Dalam KUHP Dan RKUHP 2019 Sub Tema Tulisan : Sistem Perumusan Sanksi Pidana Dalam RKUHP," in *Prosiding Seminar Nasional Dan Call for Papers "Arah Kebijakan Hukum Pidana Indonesia, Analisis Terhadap Sejumlah Kebijakan Kriminal Kontroversial Dalam RKUHP"* (Bandung: Universitas Katolik Parahyangan, 2019), 247–70.

⁷Hendrik Hendrik, Henny Damaryanti, and Budimansyah Budimansyah, "The Criminal Policy On Regulation Concerning Black Magic In Indonesian Law," *International Journal of Multi Discipline Science (IJ-MDS)* 1, no. 1 (2018); Matthew Melvin-Koushki, "Magic in Islam between Religion and Science," *Magic, Ritual, and Witchcraft* 14, no. 2 (2019), <https://doi.org/10.1353/mrw.2019.0025>.

⁸Jianlin Chen and Phapit Triratpan, "Black Magic, Sex Rituals, and the Law: A Case Study of Sexual Assault by Religious Fraud in Thailand," *UCLA Pacific Basin Law Journal* 37, no. 1 (2020); <https://dzikra.com/780-ilmu-perdukunan-dalam-tinjauan-islam.html>, October 22, 2020, at 15:03 WIB.

⁹Anis Widyawati, "Criminal Policy of Adultery in Indonesia," *Journal of Indonesian Legal Studies* 5, no. 1 (2020); Mohammad Mahfud MD, *Politik Hukum Di Indonesia* (Jakarta: Rajawali Press, 2012).

objectively and scientifically for the progress of the nation and state.¹⁰ As the purpose has been explained, the formulation of the Criminal Code focuses on prevention activities against witchcraft practices carried out by witchcraft service providers. Prevent or eradicate the witchcraft profession that offers witchcraft services to harm or cause death. So what is criminalized is the act of offering, announcing, or providing witchcraft services to others to harm or kill with the help of witchcraft. We can see this formulation in the concept of the Criminal Code Bill, Article 252, as follows:

- (1) "Every person declares that they have supernatural powers, informs, gives hope, offers or provides services to others that because his actions can cause illness, death, or mental or physical suffering, a person is sentenced to a maximum of 3 (three) years in prison or a maximum fine of category IV.
- (2) If every person as intended in paragraph (1) commits the act to seek profit or make it a livelihood or habit, the penalty may be increased by 1/3 (one-third)."¹¹

Based on the results of initial observations made by the researcher on one of the people of Suka Jaya, East Simeulue District, Simeulue Regency, as one of the figures who often treat sick people (shamans), either affected by witchcraft, witchcraft, or other diseases, the researcher obtained some important data as follows:

First, the development of witchcraft in Simeulue. In the past, the people of Simeulue were considered to have black magic (santet) because they still believed in mystical things, but now they have changed into the people of Simeulue who are good, polite, friendly, helpful, and obedient to religion. This development can be measured from four dimensions of stereotypes, namely *the direction* of assessment from negative to positive assessment, *intensity*, namely negative stereotypes against the Simeulue community weakened and positive stereotypes strengthened, *accuracy* is the truth of negative stereotypes that have never actually happened or have never been experienced and *special content* that is, a new description of the Simeulue people was formed, namely people who were obedient to religion, had a good attitude, honesty, politeness, friendliness and helpfulness.

Second, there are different types of witchcraft in Simeulue. Santet is the process of harming, harming, and acting evil to someone or a target. The trick is with remote black magic that uses many mediums. These media are sent by shamans or smart people hired by the guardian. Among the mediums used are needles, iron, wire, nails, weed dolls, wooden dolls, jinn/astral creatures, wild animals, chicken eggs, spell paper, poisonous water, objects, or parts of our own bodies.

Udin, a supernatural figure who is quite famous in Simeulue Regency, told a lot

¹⁰V. Tymoshenko, "The Doctrine of the Purpose of Criminal Punishment in Modern European Political and Legal Thought," *Uzhhorod National University Herald. Series: Law*, no. 70 (2022); Beatriz E Mayans-Hermida and Barbora Holá, "Punishing Atrocity Crimes in Transitional Contexts: Advancing Discussions on Adequacy of Alternative Criminal Sanctions Using the Case of Colombia," *Oxford Journal of Legal Studies* 43, no. 1 (2023).

¹¹The Criminal Code of Indonesia, p. 57.

about his experiences with the supernatural, especially witchcraft. Every day, seven to ten people affected by black magic came to him to ask for healing. The diseases suffered by patients are, on average, successfully treated through their rituals. Actually, he can also stalk people, but he does not want to, even if the person forces it, because he only treats people who are affected by witchcraft, and he also treats patients without asking for wages, only giving money or other materials as sincerely as the patient gives.

Before sentencing the patient to be affected by a witch, he first meditated and contemplated the patient through his inner eyes. Once he was sure that he was affected by the witchcraft, he immediately treated the patient with the usual rituals. Simply by giving bargained water and performing the ritual of bathing, the patient is believed to be cured of the supernatural disease, and giving water and this bathing ritual is indeed a unique way in each therapy. The goal is to cleanse negative auras from inside the patient's body. If the witchcraft is very heavy, he will perform the ritual bath more than once until the patient is completely healed.¹²

From the variety and phenomenon of the meaning of magic, it is still worth studying how magic is in the mufasir's view when interpreting the Qur'an verses that talk about magic. This magic has existed since the Prophet Solomon (AS). Allah SWT gave a miracle to the Prophet Sulaiman AS, which was to command humans, animals, and jinns as his royal army.¹³ As Allah SWT says in the Qur'an Surah al-Baqarah 102, *"And they followed what the satans read in the reign of Solomon (and they said that Solomon practiced magic), even though Solomon was not a disbeliever (did not practice magic), only the satans were disbelievers (practicing magic). They taught magic to mankind and what was revealed to the two angels in the land of Babylon, Harut and Marut, but they did not teach anyone before saying: "We are only a trial (for you), so do not disbelieve." So they learned from the two angels that by magic, they could divorce a man from his wife. And they (sorcerers) do not give mudharat with their magic to anyone, except with Allah's permission. And they learn something that does not harm him and does not benefit him. Indeed, they have believed that whoever exchanges it (the Book of Allah) for magic will have no profit for him in the Hereafter, and it is a very evil thing for them to sell themselves with magic. If they knew."*

In the Qur'an, Surah al-Baqarah verse 102 states that with all the abilities (miracles) that Allah SWT gave to the Prophet Solomon, the disbelievers accuse the Prophet Solomon of being nothing but a sorcerer who teaches his magic to his followers, even though all of it is just the work of Satan. Magic in past lives can be seen from two perspectives. First, from a religious point of view, and second, from a non-religious point of view. In its development, this non-religious point of view is more put

¹²Interview with Abdul Abbas, East Simeulue, June 27, 2020.

¹³Bamar Eska, *Sihir, Santet Dan Tenung Ditinjau Dari Agama Islam Dan Kristen* (Surabaya: Bintang Pelajar, 2007); Valerie I. J. Flint and G. F. Grant, "Magic and Divination in the Middle Ages: Texts and Techniques in the Islamic and Christian Worlds," *Journal of the History of the Behavioral Sciences* 34, no. 4 (1998).

forward by the aspect of science or science in modern times, where there is a shift in meaning that was originally basically magic. Still, according to their view, this is identified with magic. It is different according to Islamic teachings or knowledge that magic is magic, magic is magic. Magic is still an act that can damage the aqidah and monotheism of a Muslim because it is very close to shirk.

This research uses qualitative research methods, using a statute approach and a conceptual approach. The types of research used are library research and field research. Data was obtained through interview techniques with sources who were considered to know the object of the research.

B. The Phenomenon of Santet in Simeulue

The phenomenon of witchcraft or the incident of witchcraft in the Simeulue community began when a person was affected by witchcraft because of resentment, envy, and heartache, so that with the news, there was a witch stalking between the perpetrator and the victim of witchcraft. The phenomenon of witchcraft once occurred in Suka Jaya Village, East Simeulue District where there was a resident who was affected by a pellet type of witchcraft and *seven gambong* (seven bulges) in the stomach, he was pelleted by a witch from the Land of Karo, he *pelleted* a resident of the Jaya Tribe named Rajumin, it turned out that the one who stalked Rajumin was a woman from Karo who was Rajumin's ex-girlfriend, while Rajumin himself is married and has 3 children. Rajumin, his wife and children were all demonized by Rajumin's ex-girlfriend's wife, he was hurt to Rajumin because he was left married by Rajumin, and Rajumin's family suffered from the disease of *seven gambong* and their stomachs hardened, then possessed by demons until he was unconscious and wanted to run into the sea to commit suicide, it turned out that the assailant wanted to kill Rajumin's family, but finally Rajumin's family brought them, all to the place of *muden* (smart people) who can treat them, and finally they and their families can be cured of their illness because of Allah's permission through the *intermediary of the muden* (smart people).¹⁴

This witchcraft event also occurred in Langi Village, Alafan District. There were cases of witchcraft in the Simeulue *bau-bau* language (stupid-stupid), *mantauhek* (demon possession), *Simeulue stone sijundai* (made crazy to climb the wall), *seven gambong* (the belly was bulging) or enlarged like a pregnant person but hard, over time the stomach will rot purulent and cause someone to die, *stabbing* (swollen neck, bleeding and purulent, unable to eat and drink) ulcers that do not heal. Usually, the person who is in the community is a good figure, does not just pray, mingles with the community, but he performs santet, even though he understands that santet is dangerous and a big sin. He prays not for Allah but so that he will not be suspected by the public if he often stalks, so that the public also thinks that it is impossible for him to be a stalker because he never stays in his prayers. We usually hear the word

¹⁴Interview with Sahrima with residents of Suka Jaya Village, March 16, 2021

hypocrite.¹⁵

The phenomenon of witchcraft also occurs in Teupah Village, West Teupah District, there is one of the villagers who *is mangguno-guno* (using) beautiful girls he likes, with a type of poisonous stabbing and *mantauhek* (possession) for girls who reject him, this witch is a young man named Sabirin, sadly the victims of witchcraft are opposite each other or fighting with each other who are suffering from *mantauhek disease* (possessed), all parties of the victim's parents were looking for *muden* (smart people) who were great and able to treat *mantauhek* (possessed) disease, then *the muden* (smart person) was able to treat and find out who the perpetrator was and immediately report to Mr. *Keucik* (Village Head), then at that time also the community and youth of Teupah Island looked for the perpetrator and secured the perpetrator, when the perpetrator was secured in the Their Village Office checked the cellphone of the perpetrator and it turned out that the contents of the perpetrator's cellphone were photos of the woman who had the *mantauhek* (possessed) disease.

When asked for information from the perpetrator about his behavior towards the girl, but the perpetrator did not confess his crime because the community was upset and finally forced or judged the perpetrator until he hit with a stick and stepped on the perpetrator but there were no signs of pain in the perpetrator or bleeding even though he had been beaten and kicked, then the community called *muden* (smart people) who treated the *victims of mantauhek* and the *muden* (smart people) beat the perpetrator with a bar or black taro three times and doused the victim with water, only then did the perpetrator scream and ask for forgiveness from *the muden* (smart person) and the perpetrator confessed his crime.¹⁶ Santet in Simeulue has experienced a decline from ancient times to the present. It is not as bad as in the past, because the old parents have died, and their descendants have not continued or studied the witchcraft sciences owned by their parents and now the development of Islam in Simeulue has greatly improved, the people no longer think primitively and supernaturally, so most of the people of Simeulue no longer learn and have witches. But it is possible that there are still one or two Simeulue people who are still studying and have witchcraft until now.

C. Practices and Rituals of Santet in the Simeulue Community

The practice of witchcraft can usually only be done by shamans with a certain level of knowledge because it involves the help of jinn. This practice included in black magic is often carried out by sending a certain object or medium to the victim, the object has been given a certain potion or woman by the shaman to like the victim when it is sent into their body. When viewed from the practical fines used, there are several types of objects known to the Simeulue people, including:

1. Needles, for foot pain/paralysis, so that the organs can no longer move

¹⁵Interview with Marhamah with residents of Langi Village, March 18, 2021

¹⁶Interview with Harisah of Teupah Village, March 17, 2021

2. Nails, this medium is delivered to make the throat hurt when swallowing. usually, the nails used are large and rusty
3. Wire and various metals
4. The straw doll that presents as a victim, the disease will pierce the rattan and even burn the doll to cause pain to the victim's body
5. Eggs, sent to blind the victim's eyes
6. Photo of the victim (pellets)
7. *Tuhek ali* (fish bones), for the disease can be (can be toxic)
8. Teluh, this practice is carried out by sending disgusting or dangerous animals such as scorpions, snakes, worms, maggots, and lizards
9. Shroud of the recently deceased
10. Miang bambu, for the practice of making victims cough up blood

The practice of *tendung* (santet) used or doing an activity must have its own purpose, and both activities are carried out individually and in groups. Likewise, in customary practices or community habits, usually providing benefits and goals to the general public, habits that are often carried out will eventually become a custom in the community concerned.

The purpose of *tendung* or santet carried out by a person is a form of custom and habit of the local community in looking for alternative solutions and there is no need to go to the authorities because it takes a long and long time, so in this case santet is a path that will be taken by a person if they experience a disaster such as loss and others.

Based on the results of interviews conducted by researchers to find lost items, it can be done with several implementation alternatives, including being able to use water that is recited a certain prayer by *muden* (smart people), so that the lost items can be seen by *the muden*.¹⁷ In addition, the implementation of *tendung* can also be done with photo media if you want to find a missing person, and it is usually done at night so that *muden* can fully concentrate on performing rituals to find the missing person.¹⁸ The implementation of *the tendung* can also be done without using tangible media, but it can also be done by asking when the loss event occurred. After knowing the time of the loss event, *the muden* will determine the day based on the calculation of the right month to perform *the tendung*.¹⁹

a. Various rituals of witchcraft

Ritual, according to the great dictionary of the Indonesian language, is an ordinance in religious ceremonies. Therefore, ritual is a strictly regulated behavior, carried out according to its provisions that are different from daily behavior. If done

¹⁷Interview with Udin, as a *muden* as well as a traditional leader, Suka Jaya Village, March 16, 2021.

¹⁸Interview with Kadil, as a *muden*, Suak Buluh Village, March 18, 2021

¹⁹Interview with Mus, as a *muden*, Suka Jaya Village, March 16, 2021

according to the provisions, the ritual is believed to bring blessings or luck because it is believed to be in the presence of something sacred. In terms of the purpose of rituals, they can be differentiated into:

- 1) The ritual that aims to get the pleasure of Allah and the reward that is to be achieved is happiness.
- 2) Rituals that aim to get a reward in the world.
- 3) A ritual whose purpose is to ask for forgiveness for mistakes made.

In terms of rituals, they are carried out differently. Some rituals are performed individually, and some are done in groups. According to George Homans, the ritual starts from anxiety. In terms of its level, George Homans divides anxiety into two, namely:

- 1) Primary anxiety is the awareness of the inability to achieve a goal through the abilities and skills possessed.
- 2) Secondary anxiety, namely worry if the ritual is not done correctly, or worry that the habit is not carried out as it should.

Meanwhile, C. Anthony Wallace reviews the ritual in terms of its reach, which is as follows:²⁰

- 1) Rituals as technology, such as ceremonies related to labor matching activities.
- 2) Rituals are therapy, such as ceremonies to treat and prevent unwanted things.
- 3) Rituals, such as ideological, mythical, and ritual, are combined to control moods, values, sentiments, and behaviors for a good group.
- 4) Ritual as salvation, for example, someone with a mystical experience.
- 5) Ritual as revitalization (strengthening or livelihood). This ritual is similar to salvation, which aims at salvation but focuses on the community.

There are several witchcraft rituals found among the people of East Simeulue District, namely:

- 1) On Wednesday and Friday nights, the asantet meditates or performs rituals on the beach, asceticism near the naked rock, and goes around the stone and prepares offerings to be given to his demon or jinn, whom he keeps, and begins to interact with them (demons)
- 2) Every Wednesday night, the pilgrims perform rituals by climbing a banana tree without wearing clothes and giving offerings in the form of free-range chicken eggs, bananas, boiled chicken, water, fire, and red jasmine flowers, and the ritual place is far from the village and difficult to reach
- 3) On certain nights, on Wednesday/Friday nights, the person cannot take a shower and cannot clean their bowel movements

²⁰Ahmad Fa'iq Barik Lana, "Ritual and Motivation of Pilgrimage at the Tomb of Sheikh Ahmad Mutamakhin Kajen Village, Margoyoso District, Pati Regency" (Sunan Kalijaga State Islamic University, Yogyakarta, 2015), 8-11.

- 4) Every 3 months, he has to take a tumbal by killing people through the witchcraft he sends
 - 5) Once a month on Friday night, he had to stay silent in an empty house or room that he used as a place where he stayed for one night without doing any activities, just sitting, giving offerings, and starting to communicate with the genie he kept to improve his black magic
- b. The Secret Life of Sicily in Simeulue
- 1) Sipenyantet can't stare into other people's eyes for long because it can reduce his black magic
 - 2) There are also sniffers that cannot eat any type of meat
 - 3) Snoop Dogg can't get enough food
 - 4) Sipenyantet, when sitting, cannot be stepped on
 - 5) The shadow cannot be stepped on or passed by people

D. People's Views on Santet in Simeulue

Witchcraft is an animist belief that is not justified by Islamic teachings. Although animist beliefs are aimed at primitive societies, beliefs and even practices still exist among people who live in the era of globalization and modernity today. The nuances of witchcraft in the people of East Simeulue District and several other areas currently still thrive like mushrooms in the rainy season. This certainly needs serious attention from both religious leaders and the government.

Regarding the views of community leaders, Hamzah Aslan (45 years old), as the head of Suka Jaya Village, explained that the practice of witchcraft is something that they do not accept and like to happen in their community, and do not want the community to do it. This is because the practice of witchcraft is very unsettling for the community and makes people anxious and afraid. Community leaders in this case are still unable to do much, due to witchcraft, which is supernatural and cannot be proven. In addition, there is no state legal process for practitioners of witchcraft, so community leaders are very overwhelmed in eradicating witchcraft practices in society.

The same thing was explained by Abu Hairan (55 years old), the Head of Suak Buluh Village, that the practice of witchcraft in the community is automatically not accepted. The practice of witchcraft is very dangerous, the danger posed not only to the people affected by witchcraft disease, but also to the witch owners themselves. Abu Hairan said that, in general, witchcraft experts in the community are not introverted people, not close to the community, scary faces, have rings and necklaces with magical powers, but they are people who have a position and are open to the community, for example having been an imam in the mosque, having good speech, having good religious knowledge, and always participate in gampong and sub-district level events. Community leaders and residents believe that all of this was done to cover up the traces, so that the public would not suspect.²¹

²¹Lana, "Ritual and Motivation of Pilgrimage at the Tomb of Sheikh Ahmad Mutamakkin Kajen

Departing from the socio-religious ideals that should exist in society, the influence of the practice of witchcraft on the community is very large, especially in socio-religious activities. The results of an interview with Mr. Sahmil (60 years old), a resident of Suak Buluh, that the witch doctor sends diseases to his victims is indiscriminate; the most important thing is that the victim makes even a slight mistake. The existence of this practice is very influential for the community, one of which triggers hostility between witchcraft experts and the victim's family.²²

Nurkamisah (52 years old), one of the community leaders, said that one of the influences of the practice of witchcraft is to slow down the community's economic growth. The slow economic growth is due to the fact that many people are afraid to set up a business. The advancement of society in the economic field is one of the triggers for becoming a victim of the practice of witchcraft. Mrs. Nurkamisah continued her story that many witches in East Simeulue District are given to people with sufficient wealth due to envy. Rich people should not be underestimated. The influence of witchcraft practice, in addition to the economic field, is also in the social field, as explained by Hamzah Aslan (45 years old), Head of Suka Jaya Village. according to him, the influence of witchcraft experts in the social field includes the following:²³

1. Loss of mutual trust

The existence of the practice of witchcraft in the community of Central Simeulue District has had an influence on the loss of mutual trust both between individuals and individuals, groups with groups, and between villages in Central Simeulue District. The practice of Santet has made many people close themselves off from other communities. This is done for safety. The loss of trust in the community has resulted in the emergence of a culture of self-isolation, as stated by Hamzah Aslan (45 years old), due to the presence of Santet experts in his village, making him close himself off from other communities, this is done so that he is safe from the practice of santet, because santet is also mostly done through clothes, food, and drinks.

2. Severance of friendship

The practice of witchcraft is a phenomenon that cannot be denied its existence in the social life of the community. The practice of witchcraft has resulted in disturbed social relations both between the community and the owner of the witchcraft and the community with other communities. In addition, the families of victims who died due to the influence of witchcraft mostly have feelings of resentment towards witchcraft experts. So it causes hostility in society.

3. Restless

Village, Margoyoso District, Pati Regency.”; Lien Iffah Naf’atu Fina, “When Islamic Spirituality Meets Magic: Aḥmad Ibn ‘alī Al-Būnī (d. 622/1225) and the Science of Letters,” *Ulumuna* 20, no. 2 (2016).

²²Interview with Sahmil, ordinary people, Suak Buluh Village, March 17, 2021

²³Interview with Hamzah Aslan, Head of Suka Jaya Village, March 18, 2021

The nuances of witchcraft practices occur in the midst of the people of the Central Simeulue District, making the community uneasy. Because, based on the author's interview with Ferawati (30 years old), Mrs. Keucik of Suka Jaya Village, people who have witchcraft knowledge can harm anyone, including the family of witchcraft experts. In addition, witchcraft experts in looking for victims try to find the faults of others. So many people feel uneasy because they can become victims of the practice of black magic in the community.

4. Fear of setting up a business

The influence of witchcraft practices in the community makes most residents feel afraid to make efforts to improve their standard of living. The advancement of community businesses provides opportunities for witch owners to do bad things, such as making merchandise not sell well or causing people to experience strange diseases until they die. So that with this, people are less confident to open a business.

a. Types of Santet in Simeulue

In the Simeulue community, it is known that there are several types of witchcraft that often occur, including: (a) *Mantauhek* (possessed by demons), (b) *Sijundae* (made crazy), (c) *Seven gambong* (large and hard stomach), (d) *Guno-guno* (pelleted), (e) *Bau-bau* (made unconscious and speechless clear), (f) *Tikam* (swollen neck), (g) *Jogi-jogi* (suddenly swollen face, legs, mouth), (h) *Tinggam* or *peragat* (white cloth containing a photo or name) planted in the yard of the victim's house.

b. Proving the case of witchcraft under customary law in Simeulue

From the results of interviews with Simeulue traditional leaders, the system of proving witchcraft cases according to customary law has several stages of proof, including:

- 1) Initially, the customary/community had suspected the perpetrator, then every night they stalked the perpetrator until they caught the perpetrator performing rituals or performing his actions to stalk the target he was referring to
- 2) He gathered several smart people to do/send a reply from the perpetrator, who made the perpetrator unable to resist and made him lose, then told him to surrender himself to the village traditional leader to be given direction and repent of the perpetrator from his magic, and promised not to repeat it

E. Settlement of witchcraft cases under customary law

The settlement of witchcraft according to Simeulue customary law will be given punishment for witchcraft according to customary law Simeulue will be given punishment for witchcraft according to the applicable customary law. The punishment is:

1. Paying a fine with a goat, then making a thanksgiving event and giving directions so that the perpetrator is aware and repentant, promising not to repeat his actions

2. Then there was also the punishment of being expelled from the village and not being given permission to live in the area anymore
3. There is also a punishment for witchcraft to be bathed with orange water, water of 7 types of flowers, and elephant grass water to eliminate magic

The settlement of the witchcraft case in Simeulue will be punished according to the crime that has been committed by the perpetrator.

F. Santet in the Perspective of Islamic Criminal Law

Santet is something that is done by the witch from the deception of the jinn and superstitious things, in that way it can cause concern for a person who is affected by the witch (victim) to experience a disability as suggested by the act of the witch by visualizing a person who is targeted with water media. Animists believe that the human body is made up of spirits fused with breath and shadows that permeate the astral (physical) body derived from flesh and blood. After death, the spirit retains its spiritual qualities while its astral body lives. The spirits of some people have the ability to move to other people or animals. The people and animals chosen to possess can be arranged according to the owner's will. Sometimes, the spirit can also be incorporated into previously soulless objects. This is how one takes revenge by utilizing soulless objects to fill; these objects are usually made of sand, nails, hair, wire, etc. The Javanese refer to a shaman as someone with supernatural skills and other mystical beliefs.

Meanwhile, people who study or teach witchcraft are forbidden because in studying witchcraft, there is shirk, and shirk is one of the great sins, but this gives rise to different interpretations. Some say that the perpetrator is a disbeliever if it contains things that cause disbelief. But if not, then the perpetrator is not a kafir. The sin of witchcraft, according to the Prophet Muhammad, is the same as associating with Allah (shirk) and the sin of disobedience to parents. Meanwhile, shirk is a great sin that is not forgiven. The Qur'an confirms in Surah an-Nisa verse 48. *"Indeed, Allah will not forgive (sin) for associating with Him (shirk), and He forgives anything other than (shirk) for whom He wills. Whoever associates with Allah, he has indeed committed a great sin."* In another verse, it is stated that the act of shirk is an injustice. *"And (remember) when Lukman said to his son, when he taught him, "O my son! Do not associate with Allah, indeed associating with (Allah) is indeed a great tyranny."*

In a sahih hadith, it is stated, "Harun bin Sa'id al-Aili conveyed to me from Ibn Wahb, from Sulaiman bin Bilal, from Tsaur bin Abu Al-Ghairs, from Abu Hurairah that the Prophet said, *'Stay away from the seven destructive deeds. "He was asked what it is, O Messenger of Allah? He said, "associating with Allah, practicing magic, killing souls that Allah forbids except for the right reasons, eating the property of orphans, eating usury, fleeing from the battlefield, and accusing good and innocent believers of adultery". (HR Bukhari).*

People in Indonesia still believe in the world of shamanism, seen from people

who do not know much about technology and modernization, such as rural communities to urban communities, which can be said to be modern. This shows that the existence of shamans in the midst of society is still widely believed and needs their services. In terms of witchcraft, it is an activity that aims to influence others physically and mentally in a way that cannot be seen by the naked eye and from a distance. There are many types of magic or witchcraft; some are called *guna-guna* and pellets, but all the types of witchcraft above have the same purpose, which is to influence others. Usually, this witch is used by a shaman or psychic to do negative things, such as harming someone who is hated or hurting someone who has broken their heart, but in practice, witchcraft is not only used to hurt but can be more than hurt, namely, to the death of someone affected by witchcraft. Some use witchcraft to make the opposite sex infatuated; men usually do this to get the heart of a woman they want.²⁴

The act of witchcraft carried out by a person has a relationship and agreement that must be fulfilled between the witcher and the devil, as Wahid Abdussalam Bali said about magic, which is an agreement between witches and demons. The agreement was accompanied by the condition that the witch must carry out some of the forbidden acts or forms of polytheism as a reward for the devil's help to him, as well as obedience to him in fulfilling all his demands.²⁵ The act of witchcraft is apparent based on the help of the jinn, as the jinn will help the witcher on the condition that there is a reward or offering. The greater the disbelief of the witch, the greater the devil's obedience to him, and the faster he fulfilled his request. If the witch does not want to carry out or fulfill the acts of kufr ordered by the devil, then he will not want to be his helper and will not obey them.²⁶

Witchcraft is a problem that can harm a person or a group, so its existence needs to be eliminated, and the perpetrators of the witchcraft can be subject to punishment. Regarding this, scholars or mujtahid imams give their opinions on the act of witchcraft committed by a person, namely:

- a. Imam Malik RA said, *"The witch who performs his magic and there is no one else to help him, is like the one mentioned by Allah SWT in His words: 'Indeed, they have believed that whoever exchanges it (the Book of Allah) for magic, there will be no profit for him in the Hereafter' (al-Baqarah verse 102)." Imam Malik thinks that the witch was killed if he himself did it.*
- b. Ibn Qadamah r.a. said, *"The punishment that is appropriate for the witch is to be killed."*
- c. Imam al-Qurthubi r.a. said that the jurists disagreed about the appropriate punishment for witches who are Muslim and a dhimmi. As for Imam Malik RA, he is of the opinion that if a witch performs witchcraft alone, with a speech (mantras)

²⁴Briyan Eko Fitriyanto, "Community Response to the Santet Phenomenon: Study in Kampong Nambahdadi Terbanggi Besar Sub-District of Central Lampung Regency" (University of Lampung, Lampung, 2017); Muna Hamzan, "Guidelines on the Practice of Magic According to the Islamic Perspective," *International Journal of Islamic Studied and Social Sciences* 2, no. 2 (2020).

²⁵Wahid Abdussalam Bali, *Ruqyah Jin, Magic Dan Terapinya* (Jakarta: Ummul Qura, 2014), 547.

²⁶Bali, *Ruqyah Jin, Magic Dan Terapinya*.

that contains disbelief, he should be killed, not asked to repent, and his statement of repentance will not be accepted.

- d. Ibn Mundzir r.a. said, "If a person admits that he has committed witchcraft with utterances (mantras) that contain disbelief, then he should be killed if he does not repent. If the mantras he uses in stalking do not contain infidelity, then the witch should not be killed. If the witch causes a crime that violates the law of qishash, then the witch must be qisas if he does it intentionally. As for crimes that do not contain qishash, they are subject to diyat."²⁷
- e. Al-Hafizh Ibn Hajar (r.a.) said, "According to Imam Malik, the law for a witch is the same as the law of a zindik person, which is that he is not accepted for repentance and is killed as a hadith, if it is proven that he has done it. This opinion was also expressed by Imam Ahmad bin Hanbal.

G. Conclusion

The practice of witchcraft has long been present and developed in the midst of the people of East Simeulue District. Efforts to prevent the practice of witchcraft in Simeulue Regency, especially those that occur in the four villages studied, can be said to be not optimal. This is marked by the fact that there are still people who believe in the power of evil spirits, demons, jinn, and other pet ghosts as a force other than God to get what they want. This is clearly seen in Islam as an act of shirk that Allah SWT hates very much.

Some people's belief in spirits, demons, jinn, and ghosts poses a great danger to others. One of the dangers posed is that it requires its adherents to give tumbal. Victims who become tumorous usually suffer from diseases that are very difficult to cure, so many die. In this case, the community believes that the ghost of the witch's expert pet eats the victim's body supernaturally. As a result, the victim's body gradually became thin, and she died. The types of diseases believed by the people of East Simeulue District due to the influence of witchcraft take various forms, including *gayong disease*, *Sijundae*, *Tujuh Gambong*, *Tikam*, *Biso*, and other diseases, such as poison.

People who suffer from the disease can die in a short time. For community leaders, the practice of witchcraft is completely unacceptable because the practice endangers and interferes with the comfort of their lives. Community leaders continue to try to prevent things related to the practice of witchcraft, but the practice of witchcraft that still exists in the people of East Simeulue District until now has a significant influence on the community. People feel restless and afraid to set up a business, and there is a disconnection of friendship between the community and those who have a witch, as well as the relationship between the community and other communities. The impact on witchcraft is that they are ostracized, hated, and even expelled, so that many witchcraft experts commit suicide.

Community leaders in East Simeulue District have also made many efforts to

²⁷Wahid Abdussalam Bali, *Pakar Ilmu Gaib Dari Timur Tengah Tolak Sihir Cara Islam* (Solo: Aqwam Media Profetika, 2008).

overcome this, including: providing religious teaching through lectures at mosques, bathing the owner of the witch in the sea to eliminate the knowledge he has; vowing not to repeat the practice of witchcraft; drinking water soaking verses of the Quran; reported to the authorities (police), to expel the witch perpetrators from the village. Prevention efforts that community leaders have carried out have not fully impacted the decline in witchcraft practices in the East Simeulue District. This is shown by the practice of witchcraft still being practiced in the area.

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Interview

Abdul Abbas, a village head from East Simeulue, June 27, 2020. Interview with Hamzah Aslan, Head of Suka Jaya Village, March 18, 2021

Kadil, a village head, Suak Buluh Village, March 18, 2021

Mus, as a village head, Suka Jaya Village, March 16, 2021

Sahmil, a community of Suak Buluh Village, March 17, 2021

Sahrima, a community of Suka Jaya Village, March 16, 2021

Marhamah, a Community of Langi Village, March 18, 2021

Harisah, a Community of Teupah Village, March 17, 2021

Udin, a village head and traditional figure, Suka Jaya Village, March 16, 2021.

Statute

Draft Law of the Republic of Indonesia Year 2019 Concerning the Criminal Code

Criminal Code of Indonesia

The Criminal Code of Indonesia (KUHP)