

An Islamic Criminal Law Review of Sasi Violations in Iha Village

Rita Defriza¹, Ahmad Faisal², Ade Arga Wahyudi³

Author Affiliations: STAIN Madina^{1,2,3}

E-mail: ritadefriza@stain-madina.ac.id, ahmadfaisal@stain-madina.ac.id,
adeargawahyudi@stain-madina.ac.id

Abstract

This study examines the sasi system as a customary legal mechanism within the community of Desa Iha, Maluku, and analyzes the nature of its violations through the lens of Islamic criminal law. Sasi is a local tradition aimed at preserving natural resources through collective prohibitions agreed upon by the community. Using a descriptive-qualitative approach, the research employed observation, in-depth interviews, and document analysis. The findings reveal that violations of sasi continue to occur, including theft, hoarding, and premature harvesting of protected crops. Customary sanctions such as fines and confiscation serve both preventive and corrective functions, aligning with the Islamic concept of ta'zīr punishments. From the perspective of maqāṣid al-sharī'ah, these violations may also be categorized as fasād fī al-arḍ (corruption on earth), as they damage both social order and ecological balance. Thus, integrating customary law and Islamic criminal principles presents a strategic approach to strengthening resource management systems grounded in justice and sustainability.

Keywords: Sasi, Customary Violation, Ta'zīr, Islamic Criminal Law, Maqāṣid al-Sharī'ah,

*Corresponding author: ritadefriza@stain-madina.ac.id

DOI: <https://doi.org/10.35905/aliftah.v6i1.14692>

AL-IFTAḤ with CC BY SA license. Copyright ©, the author(s)



1. Introduction

The people of Maluku, especially in the Ambon region, possess a local wisdom known as *Sasi*, which is a customary regulation governing the harvesting of natural resources, both from forests and the sea. The practice of *Sasi* is carried out as a form of environmental preservation and protection of limited natural resources. However, in recent decades, the practice of *Sasi* has weakened due to pressures of modernization, economic interests, and weak enforcement of customary sanctions. Communities that once obeyed the rules of *Sasi* now tend to

ignore them, resulting in social conflict and environmental damage. Violations of *Sasi* not only have ecological impacts but also disrupt the social order and collective values of society. This phenomenon raises important questions regarding the legal position of *Sasi* violations and the protection of the environment based on customary law. In this context, it is important to explore how Islamic criminal law can play a role in responding to the issue of violations against *Sasi*.

Research on *Sasi* has been widely conducted by anthropologists, sociologists, and environmental observers, focusing on aspects of custom, spirituality, and ecology (Harkes & Novaczek, 2002; Wekke, 2018). Several studies explain that *Sasi* is a local form of participatory and sustainable resource management. However, very few studies specifically examine violations against *Sasi* from the perspective of Islamic criminal law (Hallatu, 2020). Islamic legal literature mostly discusses crimes against individuals or the state but rarely discusses violations of local customs and the environment. This indicates a gap in the literature that needs to be bridged, particularly in the context of the intersection between local customs and Islamic law. Few studies link customary violations such as *Sasi* with the *ta'zīr* category in Islamic criminal law. Therefore, a new approach is needed to integrate customary norms and Islamic law contextually and comprehensively.

The urgency of this study lies in the effort to build a bridge between local wisdom and the Islamic legal system, especially in the context of environmental protection and social sanctions. This study seeks to fill the gap in the literature by positioning violations against *Sasi* as an issue of Islamic criminal law, not merely a matter of customary law. This is important to demonstrate that Islamic law is responsive to local realities and can synergize with customs as long as they do not contradict the principles of sharia. This research also offers a new perspective by interpreting violations against *Sasi* as part of *ta'zīr* offenses that are flexible and contextual. This approach shows novelty in harmonizing local values with the universal principles of Islam. Thus, this study is relevant both theoretically and practically, especially for the development of Islamic criminal law based on local culture.

This research aims to analyze violations of *Sasi* in forest and marine areas in Ambon from the perspective of Islamic criminal law. The specific objectives are: first, to identify the types of violations of *Sasi* rules and their impacts on the community. Second, to evaluate the customary sanction system applied in response to such violations. Third, to examine *Sasi* violations within the framework of Islamic criminal law, particularly in the *ta'zīr* category. Fourth, to develop a normative argument that sanctions against *Sasi* violations can be deemed valid according to sharia, as long as they fulfill the principles of justice and public interest (*maṣlahah*). Fifth, to offer an integrative framework between customary law and Islamic law in responding to environmental degradation. With these objectives, this research is expected to contribute critical and solution-oriented thoughts in the field of contemporary Islamic criminal law.

With the aforementioned social background, literature gap, and urgency, this study becomes significant and strategically valuable. Local wisdom such as *Sasi* is not merely a tradition but also a social mechanism that ensures environmental sustainability and community justice. Violations of *Sasi* must be viewed within a broader legal framework, including from the Islamic perspective that upholds *maṣlahah* and seeks to prevent *mafsadah*. Through the lens of Islamic criminal law, *Sasi* violations can be addressed not only based on custom but also with religious and ethical values. This will strengthen the position of customary law within Muslim communities and enhance ecological awareness rooted in spirituality.

The preliminary conclusion from this introduction is that Islamic law has great potential to accommodate and strengthen local systems such as *Sasi* for environmental protection. This study is grounded in the belief that the integration of local and Islamic values is a necessity in addressing contemporary social challenges.

2. Literature Review

a. Traditional Conservation

Traditional conservation refers to an environmental preservation system that evolved within local communities prior to the advent of modern legal frameworks.

This system is rooted in ancestral knowledge, spiritual values, and customary practices that honor ecological balance (Berkes, 2004). Across various indigenous communities in Indonesia, traditional conservation forms an inseparable part of social and cultural life. Concepts such as protected forests, no-catch zones, and seasonal harvesting periods serve as tangible examples of locally-based conservation. The people of Maluku, with their *Sasi* system, represent one of the most well-known and effective models of traditional conservation. The core value of this approach is to safeguard sustainability for future generations, rather than merely pursuing short-term exploitation (Allcott, 2011). As such, traditional conservation plays a critical role in shaping an ethical relationship between humans and nature.

Over time, traditional conservation has undergone changes and adaptations in response to social, political, and economic dynamics (Moguel & Toledo, 1999). Some communities have preserved their conservative values intact, while others have faced pressures from modernization and state policy. These developments have prompted interdisciplinary studies—such as political ecology, environmental anthropology, and customary law—to evaluate the effectiveness of traditional systems in contemporary contexts. Many researchers argue that traditional conservation is more sustainable than government-driven top-down approaches. Nevertheless, there remains a gap in integrating traditional systems into formal policy. Changes in livelihood patterns and the influx of global markets have also influenced the continuity of these systems. Therefore, the protection of traditional conservation requires a holistic approach that involves strengthening local communities and recognizing formal legal status.

Previous studies on traditional conservation have generally highlighted ecological, social, and cultural aspects in natural resource management (Author et al., 2021). Numerous works have examined local practices such as *Sasi* in Maluku, *Awig-awig* in Bali, and *Lubuk Larangan* in Sumatra as key case studies (Sumarsono, 2019; Uspayanti, 2021). These studies often focus on the success of local systems in maintaining ecosystems, promoting community participation, and fostering spiritual connections with nature. Such findings demonstrate that traditional conservation effectively prevents overexploitation and resource-use conflicts.

However, most research has yet to connect these conservation models with religious legal perspectives, particularly Islamic law. The existing literature largely emphasizes empirical and descriptive dimensions, rather than normative and juridical analysis. This opens up the opportunity for broader interdisciplinary approaches to explore conservation grounded in religious values.

One criticism of research on traditional conservation is its tendency to idealize local practices without considering internal community dynamics. Many studies fall into the trap of romanticizing custom as a singular solution, while in reality, local communities also undergo value shifts and practical transformations. Furthermore, there is a lack of investigation into how traditional systems interact with formal legal and religious frameworks. Research often overlooks the complexities of power relations, internal conflicts, and inequalities in the implementation of conservation systems. Additionally, the weak documentation of customary laws makes it difficult to formally legitimize these systems. The absence of a normative legal framework has hindered traditional conservation from being fully positioned within national and international legal systems. Therefore, a new approach is needed—one that critiques yet also builds a synthesis among custom, religion, and state law.

A promising direction for future research in traditional conservation lies in bridging local knowledge, national legal systems, and religious values as the foundation for environmental protection. This approach allows traditional conservation to be seen not merely as local culture, but also as part of a broader value system recognized by, among others, Islamic law. Customary-based conservation can be reinforced through the legal legitimacy of Islamic teachings, which emphasize ecological balance and prohibit destruction (*fasād*). Such integration has the potential to broaden formal recognition of local practices through juridical and normative frameworks. It can also support the reformulation of environmental policies that are more inclusive of indigenous communities. Consequently, traditional conservation may be sustained not only ecologically but also legally and theologically. In this way, collaboration among custom, religion, and law becomes the foundation for a just and sustainable future conservation system.

b. Customary Law

Customary law is a legal system that lives and evolves within Indonesian society through generations and is generally unwritten (Pongoliu et al., n.d.; Sudirman, 2019). It reflects the norms, values, and social structures of local communities in resolving disputes and maintaining order. In traditional societies, customary law serves as the foundation for various aspects of life, including agriculture, marriage, inheritance, and environmental management. Its flexible nature allows for adaptation to local contexts, resulting in significant variation from one region to another. One notable example of customary law relevant to environmental conservation is the *Sasi* system in Maluku. This form of customary law functions as a social control mechanism based on consensus and collective values. Thus, customary law plays a vital role in preserving social cohesion and communal harmony.

The development of customary law has faced significant challenges following colonialism and the modernization of national legal systems (Karepesina et al., 2013). Codified national laws often fail to accommodate the dynamic and contextual character of customary law. Although the 1945 Constitution of Indonesia acknowledges the existence of customary law, its implementation frequently depends on state recognition and legal bureaucracy. In the reform era, there has been a resurgence in the recognition of indigenous rights, including in natural resource management. Nevertheless, customary law is still seen as subordinate to state law and is underrepresented in the judicial system. Many indigenous communities have lost their legal rights due to the absence of formal recognition of the norms they uphold. This situation highlights the complex position of customary law between recognition, preservation, and marginalization.

Research on customary law has largely been conducted within the fields of legal anthropology and indigenous studies. Numerous studies have examined how customary law functions as an effective dispute resolution system with strong legitimacy in local communities. Other research has explored the interaction between customary law and state law in contexts such as agrarian disputes and environmental conservation. However, there is a notable lack of research linking customary law with Islamic law, especially in the field of criminal law. In

predominantly Muslim communities, customary law often interacts or even overlaps with religious norms. Yet, this pattern has not been systematically explored in academic literature. Therefore, the study of customary law still requires broader theoretical and methodological approaches.

One critique of customary law research is its tendency to view customary law as isolated from the development of other legal systems. These studies rarely investigate how customary law intersects, interacts, or conflicts with Islamic law, which is also prevalent in society. Moreover, many studies overlook the critical and normative aspects of sanction enforcement within customary law. They often fail to explain how customary sanctions relate to principles of justice and human rights. There is also a lack of documentation regarding changes in customary law brought about by globalization and modernity. As a result, understandings of customary law tend to be static and decontextualized. A more integrative and reflective approach to customary law is thus urgently needed.

A new direction in the study of customary law involves strengthening its position through the interlegality approach, which considers the intersection of customary law, state law, and Islamic law. This approach offers a space to construct a legal system that is both responsive to local contexts and normatively grounded in religious principles. By connecting customary law and Islamic law—particularly in addressing violations of collective norms such as *Sasi*—a new perspective on criminal punishment can emerge. This also contributes to a more contextual and locally rooted discourse in Islamic legal studies. Customary law, therefore, no longer stands alone but becomes part of an interconnected legal framework. This approach can support the revitalization of customary law within the broader framework of ecological and social justice. Hence, integrating customary law and Islamic law is a crucial direction for developing a community-based criminal justice system.

c. Islamic Criminal Law

Islamic criminal law is a branch of *shari'ah* that governs actions considered violations against the rights of God and human beings, and it stipulates corresponding punishments. It consists of three main categories: *hudūd* (fixed

punishments ordained by God), *qiṣāṣ-diyāt* (retaliation and compensation), and *ta'zīr* (discretionary punishments determined by authorities). The purpose of Islamic criminal law is to preserve the five *maqāṣid al-sharī'ah*: religion, life, intellect, lineage, and property. In the modern context, this legal system has evolved to accommodate contemporary issues, including environmental concerns. Debates over the application of Islamic criminal law have emerged alongside demands for social justice and within the context of pluralistic societies. Islamic criminal law is not merely legal-formal; it is also normative and moral in nature (Haq, 2017). Therefore, interpretive flexibility and adaptation are essential in applying Islamic criminal law in today's world.

The development of Islamic criminal law in the modern era involves reinterpretation of classical texts to remain relevant to contemporary issues (ISMAIL, 2005). Scholars and academics have advanced *maqāṣid*-based and contextual approaches, especially in interpreting the *ta'zīr* category. This enables Islamic criminal law to address social violations not covered under *hudūd* and *qiṣāṣ*, including offenses against the environment and local customs. In many Muslim countries, Islamic criminal law has been codified to a limited extent, but the concept of *ta'zīr* is widely employed to align with national legal systems. Environmental issues have gradually gained attention in Islamic legal discourse through the concept of prohibition against corruption or destruction (*fasād*) and the principle of stewardship (*khalīfah*). Nevertheless, studies on the environment within the scope of Islamic criminal law are still relatively new and developing (Fatoni, 2019). Therefore, the expansion of Islamic criminal law into environmental issues is becoming a crucial trajectory in contemporary scholarship.

Previous research in Islamic criminal law has largely focused on theoretical discussions of crime categories such as adultery (*zinā*), theft, murder, and slander (Syatar & Abubakar, 2020). Some studies also explore *ta'zīr* as a flexible category for imposing penalties on social and administrative violations. However, studies that link violations of environmental norms or local customs with the concept of *ta'zīr* remain scarce. Islamic legal discourse on the environment has been predominantly centered on *fiqh al-bi'ah* (Islamic environmental jurisprudence), not on criminal law. There is still a lack of efforts to develop a framework of Islamic

criminal law that can encompass local issues such as violations of *Sasi*. Furthermore, integration between Islamic criminal law and customary legal systems as a cross-legal approach is still rarely found (Syatar, 2018). This indicates that the interdisciplinary space between Islamic law and local studies remains largely unexplored.

One of the main criticisms of Islamic criminal law research is its tendency to be overly normative and insufficiently contextual. Many studies are entrenched in classical discourse without accounting for the evolving social and cultural dynamics of contemporary Muslim societies. In cases involving violations of local norms such as *Sasi*, Islamic law is often deemed irrelevant due to the absence of explicit references in classical *fiqh* literature. This reveals a limitation in exploring the practical dimensions of Islamic criminal law within indigenous communities. In addition, Islamic criminal law approaches often overlook power relations, social structures, and the presence of coexisting legal systems in society. The lack of integration with sociological and anthropological approaches renders Islamic criminal law rigid and isolated. Therefore, it is essential to develop an Islamic criminal law framework that is more open and responsive to local social and cultural contexts.

A new direction in Islamic criminal law research involves positioning *ta'zīr* as a dynamic space to respond to violations of social and environmental norms. In this context, violations of *Sasi* as a customary system may be analyzed as *ta'zīr*-type offenses, given their impact on public welfare and environmental damage. Integrating customary law and Islamic law through the concept of *ta'zīr* can provide normative legitimacy to customary sanctions. This also opens the door for revitalizing Islamic law in a way that is not only text-oriented but also context-sensitive and socially grounded. Such an approach allows Islamic criminal law to engage with local issues using a flexible conceptual framework. Thus, Islamic criminal law can become part of a hybrid legal system that respects local wisdom while upholding the universal values of Islam. This affirms the importance of context-based renewal of Islamic law in fostering ecological and social justice at the community level.

3. Method

This study employed a qualitative design with a descriptive-analytical approach to examine violations of *Sasi* from the perspective of Islamic criminal law. A qualitative approach was chosen for its capacity to explore meanings, values, and social constructions that live within customary communities. The focus of this research lies in interpreting both customary and religious norms concerning environmental violations. This approach allows the researcher to understand the contextual relationship between customary law and Islamic law. Furthermore, it is appropriate for exploring social practices that cannot be explained through quantitative methods. The design also enables the integration of normative data (Islamic legal principles) and empirical data (customary practices) for simultaneous analysis. Thus, this approach is suitable for comprehending the living law in the society of Ambon.

The types of data used in this study consisted of both primary and secondary sources. Primary data were collected through in-depth interviews with customary leaders, religious figures, individuals who violated *Sasi*, and village authorities. In addition, field observations were conducted to capture the implementation of *Sasi* and the enforcement of customary sanctions. Meanwhile, secondary data were obtained from customary documents, classical Islamic legal texts, regional regulations, and previous research findings. Data sources were selected purposively based on the relevance and capacity of the informants in addressing the research problem. The researcher also used documentation techniques to record customary procedures and key conversations during interviews. The combination of primary and secondary data served to strengthen findings and enhance the credibility of the analysis.

Data analysis was conducted using thematic analysis, which identifies patterns of meaning within qualitative data. The collected data were coded and categorized based on themes such as types of violations, forms of customary sanctions, and perspectives of Islamic law. Subsequently, the data were interpreted with reference to theories of customary law, *maqāṣid al-sharī'ah*, and the concept of *ta'zīr*. Data validity was maintained through source triangulation, methodological

triangulation, and discussions with key informants. The researcher also conducted cross-checking between field data and normative documents. The analysis process was carried out simultaneously with data collection to maintain the connection between facts and interpretation. Consequently, the analysis results are expected to provide a comprehensive and in-depth picture of the legal and social realities.

The selection of a descriptive-analytical qualitative design was grounded in the aim to understand legal issues in a deep and contextual manner. This study does not seek generalizations but rather a rich and reflective understanding of living legal practices. In the context of *Sasi*, this approach enables the exploration of symbolic and spiritual meanings behind violations as well as the responses of both customary and religious communities. Additionally, it supports the exploration of integration between customary law and Islamic criminal law, which requires cross-normative understanding. This design is also suitable for addressing research questions that are exploratory and interpretive in nature. The choice of design was based on the alignment between research objectives and the characteristics of the data. Therefore, this design is considered the most relevant for explaining the complexity of *Sasi* violations within the framework of Islamic law.

Ethical considerations were a critical aspect of this research, given the direct engagement with customary communities and religious values. The researcher ensured the confidentiality of informants' identities and used data solely for academic purposes. Research permission was obtained from authorized institutions and local leaders prior to data collection. The researcher also made efforts to uphold cultural sensitivity by adhering to local customs and respecting customary processes. During interviews, informants were given the right to refuse participation or withdraw at any time. Academic ethics were maintained by avoiding data manipulation and presenting findings objectively. As such, this research was conducted with accountability and ethical integrity toward all parties involved.

4. Results and Discussion

a. *Sasi* in the Life of the Iha Village Community

Field observations reveal that *Sasi* continues to play a significant role in the lives of the Iha Village community, particularly in the management of natural

resources such as nutmeg, coconut, and certain marine products. In daily practice, *Sasi* is not merely regarded as a customary regulation but has become an integral part of the community's socio-economic cycle. As stated by Mr. M. Latua (Head of Kewang) during an interview on May 15, 2025: "*Sasi* is not only about prohibition—it is about how we safeguard what God has entrusted to this land. It is a mandate, not just a tradition." This statement illustrates that *Sasi* is understood as a collective responsibility rooted in spiritual and customary values. In various events, the community gathers for customary rituals of *Sasi* opening and closing ceremonies, conducted in nutmeg plantations or coastal areas. Observations indicate that *Sasi* rituals are carried out solemnly and attended by all community levels, including school children and religious leaders. This demonstrates the strong educational and cultural dimensions of *Sasi* in preserving collective values and environmental sustainability.

Changes in the *Sasi* management system were evident from an interview with Mr. R. Loupatty (former village secretary), who explained that the current *Sasi* harvest management is conducted through open auctions rather than collective distribution, as practiced in the past. He remarked, "Now we hold auctions to ensure transparency, and those who win the bid must also take responsibility for protecting what they have paid for." Observations during the nutmeg auction in June 2025 showed that the event was attended by customary leaders, village authorities, and interested buyers. The winning group gains exclusive rights to manage the *Sasi*-designated plantation for a certain period and is obliged to protect the area from theft or overexploitation. This shift is seen as a form of adaptation to the increasingly complex socio-economic reality. As noted in field notes, this mechanism introduces a new system of accountability where managers are not only harvesters but also environmental stewards.

However, interviews and observations also point to a shift in community behavior toward the conservation values embedded in *Sasi*. A young resident, Mr. D. Wattimena (aged 26), commented, "In the past, our elders feared violating *Sasi*, but now many young people are indifferent, especially if they need quick money." This attitude reflects intergenerational challenges in sustaining *Sasi* practices. In some cases, minor violations were observed, such as premature harvesting of

nutmeg or unauthorized access to protected areas. This suggests that although *Sasi* remains recognized as customary law, collective discipline and social surveillance are weakening. According to Ms. N. Latuheru (female customary figure), this decline is attributed to modern lifestyles and the erosion of cultural knowledge due to insufficient cultural education in schools. Therefore, the primary challenge lies not only in the system itself but in the regeneration of values and collective spirit to uphold tradition.

The types of crops currently covered under *Sasi* have also become more limited compared to the past. According to Mr. T. Manusama (senior farmer in Iha Village), crops like dammar, rattan, and kenari are rarely included in *Sasi* anymore due to a decline in cultivation. He stated, "Nowadays people mostly plant nutmeg and coconut because those give annual income. The rest are hard to find." Observations in several plantation areas confirmed that most productive lands are now planted with nutmeg and coconut, while other crops have been abandoned or turned into secondary land. This shift implies that *Sasi* has become more economically oriented rather than ecologically driven, as it was in the past. Nonetheless, conservation values are still preserved through community agreements, such as prohibiting harvests before maturity or limiting the amount of produce collected. Thus, despite changes in commodity types, the essence of conservation and ethical use of natural resources is still collectively upheld.

Overall, *Sasi* practices in Iha Village illustrate a process of cultural adaptation to changing times, yet remain firmly rooted in customary principles and collective responsibility. An interview with the Raja (traditional leader) of Iha Village affirmed that each nutmeg harvest season, residents consciously hand over management to the village government for auction arrangements and *Sasi* period establishment. He explained, "Once we see signs of nutmeg fruiting, we call for a meeting. All residents know, this is part of our customary rule that we continue to follow." This indicates that *Sasi* retains strong social legitimacy and remains embedded in the structure of local governance. Observations of village deliberative meetings also show broad participation and a consensus-driven atmosphere. Therefore, it can be concluded that *Sasi* in Iha Village is a concrete example of a living customary legal system that endures through social innovation and collective

commitment. Despite the pressures of modernity, this practice continues to be reinforced through the integration of customary values, religious norms, and economic strategies.

b. Violations of *Sasi*

In the social life of Iha Village, two traditional prohibition systems are widely recognized: *Sasi* and *Mataka'o*. Both function as mechanisms of social control over the use of natural resources but differ fundamentally in scope and character. An interview with Mr. M. Latua (Head of Kewang) on May 15, 2025, explained: "*Sasi* is for the benefit of the village, while *Mataka'o* is used only by certain families to protect their personal property." *Mataka'o* is typically applied by customary family units (*mata rumah*) to privately safeguard their crops and is believed to contain magical elements, even posing potential spiritual harm. Field observations noted that *Mataka'o* is often marked by red symbolic objects, such as cloth or liquid, representing blood and danger. In contrast, *Sasi* signifies a collective prohibition serving communal interests and is regulated through customary mechanisms involving village authorities and community leaders. This distinction highlights why *Sasi* holds a broader role in natural resource governance in Iha Village.

The *Sasi* system is supported by a set of prohibitions mutually agreed upon by the community and the managing group. Based on observations conducted from April to June 2025, five main rules were enforced during the *Sasi* closed season (*tutup Sasi*): (1) harvesting nutmeg before the opening ceremony is prohibited, (2) collecting coconuts under any condition is forbidden, (3) selling produce to buyers from outside Iha Village is not allowed, (4) hoarding harvests in forests or plantations is restricted, and (5) regular inspections of hamlets and homes are conducted twice a week. These rules are announced publicly via the *marinyo* (customary town crier) using loudspeakers, especially during power outages. According to Ms. Latuheru (a female customary leader), this communication system ensures that all residents, without exception, are aware of the prohibitions and their consequences. Violations result in social and economic sanctions, such as monetary fines or confiscation of produce. The researcher noted that enforcement is carried

out collectively, with both *kewang* and villagers participating in monitoring during the *Sasi* closed period.

Common violations include theft of nutmeg and coconut, smuggling of produce before the official *Sasi* opening, and hoarding of harvests. According to Mr. R. Loupatty, a former *Sasi* manager, "The most frequent violation is stealing coconuts at night or secretly selling them to outsiders, even though the sanctions are clear and severe." As recorded in customary documents, sanctions include fines of IDR 10,000 per fruit imposed on the tree owner and IDR 250,000 on the *Sasi* manager, along with confiscation of harvests if sold illegally. In several cases, violations were committed by non-residents unfamiliar with *Sasi* boundaries. Therefore, tighter surveillance is needed, particularly during the harvest season when the risk of violations increases. Based on observations and focus group discussions (FGDs), such violations not only damage the harvest but also erode social trust and the integrity of long-standing customary laws.

Despite these violations, a survey of 88 respondents revealed that 71 individuals (80.68%) still fully support the existence and implementation of *Sasi*. This support stems from a communal awareness that *Sasi* is a cultural heritage with strong ethical and conservation values. Most respondents stated that *Sasi* contributes to more orderly and higher-quality harvests, resulting in greater economic benefit. Nutmeg and coconut are considered primary commodities, cultivated by nearly every household and commanding high prices in local and national markets. According to Mr. Wattimena, a young farmer, "Without *Sasi*, people would get greedy. They'd harvest prematurely, and the quality would drop. Now, everyone waits for the *Sasi* opening before harvesting." This indicates that *Sasi* is not merely a system of prohibition but also a strategy for regulating agricultural production and distribution. Collective commitment to *Sasi* is shaped by the understanding that economic, ecological, and social benefits can only be sustained through adherence to customary rules.

In conclusion, *Sasi* violations in Iha Village reflect the ongoing challenge of preserving collective ethics amid economic pressures and shifting social values. Nevertheless, the core strength of *Sasi* lies in its flexible regulations and the continuous oversight by managers, traditional authorities, and the community. By

consistently enforcing the “closed” and “open” *Sasi* periods, the community is reminded that natural resources must not be exploited indiscriminately. The *Sasi* opening ritual, held only when signs of crop ripeness appear, serves as an important symbol of social agreement and respect for natural cycles. The time between the *Sasi* closing and opening periods functions as a moment of reflection, social solidarity, and assurance of resource sustainability. Therefore, although violations persist, the *Sasi* system remains relevant and resilient, continually renewed through customary agreements and community support grounded in long-term awareness of its benefits.

c. Analysis of *Sasi* Violations in the Perspective of Islamic Criminal Law

Violations of the *Sasi* system in Iha Village, when analyzed from the perspective of Islamic criminal law, can be classified as *ta'zīr* offenses. These are acts not explicitly defined or sanctioned in the Qur'an or Hadith but are considered socially harmful and require punishment by a ruler or legal authority. In this context, actions such as harvesting nutmeg or coconut before the official *Sasi* opening, illegally selling crops, or hoarding produce during the closed period constitute violations of collective community rights (Aripin et al., 2016). Based on the principles of *ḥifẓ al-māl* (protection of wealth) and *ḥifẓ al-bi'ah* (protection of the environment) in *maqāṣid al-sharī'ah*, such violations contravene the core values of Islamic law, which emphasize justice, social responsibility, and environmental sustainability. In Islamic jurisprudence, acts that harm the broader community fall under the category of *jināyah* against public interest and may warrant punishment in accordance with the principle of public welfare (*maṣlahah*).

The sanctions applied in the *Sasi* system—such as monetary fines per fruit, confiscation of harvests, and social restrictions—are in line with the principles of *ta'zīr* in Islamic criminal law. Under *ta'zīr*, punishments are not fixed but are left to the discretion of judges or customary authorities, provided they do not contradict Islamic values. The customary sanctions in Iha Village demonstrate both restorative and preventive characteristics; they are not solely punitive but aim to restore social order and deter future violations. This approach aligns with the concept of *al-siyāsah al-shar'īyyah* in Islamic legal theory, where the state or traditional leaders

are authorized to formulate policies and impose laws that serve the public interest (Haq, 2017). Thus, the mechanism for enforcing sanctions against *Sasi* violations is justifiable within the Islamic criminal law framework as a form of social intervention that upholds justice and communal harmony.

Furthermore, *Sasi* violations can be related to the Qur'anic concept of *fasād fī al-ard* (corruption on earth), as mentioned in verses such as al-A'rāf [7]: 56 and al-Baqarah [2]: 205. Irresponsible exploitation of natural resources—including unauthorized harvesting during the closed *Sasi* period—is seen as a breach of divine trust and a form of ecological destruction. In an interview, Ustadz A. Rumbia, a local religious leader in Iha Village, emphasized: "*Sasi* is actually in line with Islamic teachings. Violating *Sasi* is akin to betraying a trust, and Islam takes a firm stance against such damage." This statement underscores the congruence between customary norms in *Sasi* and Islamic values, particularly in maintaining environmental balance and protecting communal rights (Arfan, 2013; Mun'Im, 2021). Therefore, violating *Sasi* can be considered not only a customary offense but also a sinful act from an Islamic perspective, as it harms others and undermines the principle of sustainability in God's creation.

In addition, Islamic criminal law acknowledges the authority of *'urf ṣaḥīḥ* (legitimate custom) as a source of law, as long as it does not contradict the foundational principles of the Sharia. In this regard, the *Sasi* system may be regarded as a form of *'urf ṣaḥīḥ* that operates within a Muslim community and functions as a basis for localized legal decision-making. This aligns with the legal maxim *al-ʿādah muḥakkamah* (custom is legally binding), meaning that beneficial and well-established customs can be used as legal reference points. Consequently, imposing sanctions for *Sasi* violations is not foreign to Islamic law; rather, it represents a localized expression of Islamic legal principles rooted in social reality. The integration of customary and Islamic values also creates a contextualized legal harmony, allowing communities to embrace both religious and traditional norms as complementary forces in maintaining social order.

In conclusion, violations of *Sasi* carry significant relevance when analyzed from the perspective of Islamic criminal law. Acts that harm the community and degrade the environment call for fair and proportional sanctions. Through the

approaches of *ta'zīr* and *maqāṣid al-sharī'ah*, the customary sanction system in Iha Village exemplifies how Islamic criminal law can be locally applied. This further demonstrates that Islamic law is dynamic and adaptable to local values that promote communal well-being. Harmonizing customary law with Islamic jurisprudence is a strategic step in developing a legal system that is responsive to both societal needs and modern ecological challenges. Therefore, strengthening customary legal systems such as *Sasi* through Islamic approaches not only enhances the effectiveness of sanctions but also deepens the community's spiritual awareness of the divine trust to preserve nature and collective life.

5. Conclusion

The *Sasi* system in Iha Village represents a customary legal mechanism that functions both as a means of natural resource management and as a tool of social control. Over time, this practice has undergone a transformation—from a collective redistribution system to an auction-based model—as an adaptive response to shifting social and economic dynamics. Nevertheless, the local wisdom embedded within *Sasi* has been preserved, upholding ancestral heritage that emphasizes environmental sustainability and equitable distribution of natural yields. Violations of *Sasi*—including theft, hoarding, and premature sale of crops—continue to occur, disrupting social stability and threatening the sustainability of the local ecosystem. From the perspective of Islamic criminal law, such violations fall under the category of *ta'zīr*, for which sanctions may be imposed to safeguard public welfare. They may also be classified as *fasād fi al-ard* (corruption on earth), as they damage ecological order. Islamic legal values have shown alignment with local customary norms and, in fact, serve to reinforce the moral and spiritual legitimacy of the *Sasi* implementation. Therefore, strengthening the synergy between customary law and Islamic law is crucial in supporting a fair, sustainable, and contextually relevant system of natural resource governance.

REFERENCES

- Allcott, H. (2011). Social norms and energy conservation. *Journal of Public Economics*, 95(9–10). <https://doi.org/10.1016/j.jpubeco.2011.03.003>
- Arfan, A. (2013). MASLAHAH DAN BATASAN-BATASANNYA MENURUT AL-BÛTHÎ (Analisis Kitab Dlawâbith al-Mashlahah fi al-Syarî'ah al-Islâmiyyah). *De Jure: Jurnal Hukum Dan Syar'iah*, 5(1). <https://doi.org/10.18860/j-fsh.v5i1.2999>
- Aripin, M., Padangsidempuan, I. H. I., & Pengertian, A. (2016). Eksistensi Urf Dalam Kompilasi Hukum Islam. *Jurnal Al-Maqasid*, 2(1).
- Author, •, Uspayanti, R., Butarbutar, R., Hiskya, J., Sajriawati, A., & Fadiah, A. •. (2021). Local Wisdom and its Implication for Nature Conservation. *Rigeo*, 11(5). <https://rigeo.org/menu-script/index.php/rigeo/article/view/772>
- Berkes, F. (2004). Rethinking community-based conservation. In *Conservation Biology* (Vol. 18, Issue 3). <https://doi.org/10.1111/j.1523-1739.2004.00077.x>
- Fatoni, S. (2019). Fungsionalisasi Nilai Islam Dan Local Wisdom Dalam Pembaruan Hukum Pidana. *Justicia Islamica*. <http://jurnal.iainponorogo.ac.id/index.php/justicia/article/view/1598>
- Hallatu, T. G. R. (2020). The role of religious sasi in environmental conservations. In *IOP Conference Series: Earth and Environmental Science* (Vol. 473, Issue 1). <https://doi.org/10.1088/1755-1315/473/1/012082>
- Haq, I. (2017). Jarimah Terhadap Kehormatan Simbol-simbol Negara; Perspektif Hukum Pidana Indonesia dan Hukum Pidana Islam. *DIKTUM: Jurnal Syariah Dan Hukum*, 15(1), 11–25. <https://doi.org/10.1017/CBO9781107415324.004>
- Harkes, I., & Novaczek, I. (2002). Presence, performance, and institutional resilience of sasi, a traditional management institution in Central Maluku, Indonesia. *Ocean & Coastal Management*, 45(4–5), 237–260.
- ISMAIL, S. G. (2005). *KONTEKSTUALISASI PIDANA ISLAM DI INDONESIA (Studi terhadap Konsep Pencurian dalam Pidana Islam dan Penerapannya di Indonesia)*. repository.umy.ac.id. [http://repository.umy.ac.id/bitstream/handle/123456789/3150/Laporan penelitian Diknas 2005.pdf?sequence=1](http://repository.umy.ac.id/bitstream/handle/123456789/3150/Laporan%20penelitian%20Diknas%202005.pdf?sequence=1)
- Karepesina, S. S., Susilo, E., & Indrayani, E. (2013). Eksistensi hukum adat dalam melindungi pelestarian sasi ikan lompaa di Desa Haruku Kabupaten Maluku Tengah. *ECSoFiM (Economic and Social of Fisheries and Marine Journal)*, 1(1).
- Moguel, P., & Toledo, V. M. (1999). Biodiversity conservation in traditional coffee systems of Mexico. In *Conservation Biology* (Vol. 13, Issue 1). <https://doi.org/10.1046/j.1523-1739.1999.97153.x>

- Mun'Im, Z. (2021). Peran kaidah fikih dalam aktualisasi hukum islam: Studi fatwa yūsuf al-qaraḍāwī tentang fiqh al-aqalliyāt. *Al-Manahij: Jurnal Kajian Hukum Islam*, 15(1). <https://doi.org/10.24090/mnh.v15i1.4546>
- Pongoliu, H., Jafar, U., Djalaluddin, M., & ... (n.d.). Eksistensi Hukum Waris Adat dalam Masyarakat Muslim di Kota Gorontalo dalam Perspektif Sejarah. ... *Diskursus Islam*. http://journal.uin-alauddin.ac.id/index.php/diskursus_islam/article/view/6866
- Sudirman, M. (2019). Pernikahan Adat Bugis (Suatu Kajian Perspektif Hukum Islam). *El-USRAH: Jurnal Hukum Keluarga*, 2(2).
- Sumarsono, A. (2019). Traditional Sasi wisdom in Papua-based nature conservation. In *IOP Conference Series: Earth and Environmental Science* (Vol. 235, Issue 1). <https://doi.org/10.1088/1755-1315/235/1/012092>
- Syatar, A. (2018). *Pemikiran Ramadhan al-Buti tentang al-'Uqubah al-Islamiyah dan Relevansinya dengan Pemidanaan dalam Sistem Hukum Indonesia*.
- Syatar, A., & Abubakar, A. (2020). *Filosofi 'Uqubah Islamiyah Versi Ramadhan Al-Buti; Relevansi dengan Pemidanaan dalam Sistem Hukum Indonesia*. Alauddin University Press.
- Uspayanti, R. (2021). Local Wisdom and its Implication for Nature Conservation. *Review of International Geographical Education Online*, 11(5), 292–302. <https://doi.org/10.48047/rigeo.11/5/30>
- Wekke, I. S. (2018). Environmental Conservation of Muslim Minorities in Raja Ampat: Sasi, Mosque and Customs. In *IOP Conference Series: Earth and Environmental Science* (Vol. 156, Issue 1). <https://doi.org/10.1088/1755-1315/156/1/012038>