

The Ideal Model of Criminal Law Enforcement in Indonesia Based on Traditional Religious Magis (Case Study of Vina Film)

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Abstract

Objectives: This paper explores the ideal model for criminal law enforcement in Indonesia concerning traditional religious shamans, using the case study of the film "Vina: Sebelum 7 Hari."

Methods: This research was conducted using a qualitative descriptive approach, relying solely on literature review sources to determine whether there is room for integrating traditional religious shamans into the criminal law enforcement framework in Indonesia. The film, directed by Anggy Umbara and starring Nayla Purnama as Vina, Lydia Kandou as Vina's grandmother, and Yusuf Mahardika as Zaki, is based on a true story about the tragic murder of a young couple in Cirebon eight years ago. The plot revolves around the brutal death of Vina, a 16-year-old girl from Cirebon, and her lover, Eky, in 2016. Initially, the family believed the deaths were accidental, but police investigations revealed numerous inconsistencies, prompting further inquiry. Six days after the couple's death, Vina's friend invited her family over, where a sudden possession occurred, during which the friend claimed to be inhabited by Vina's spirit. Through this vessel, the supernatural entity narrated the events leading up to Vina's death, revealing that Vina and Eky were attacked by a motorcycle gang. Eky was brutally murdered, and Vina was tortured and assaulted by the gang, driven by the jealousy of a member named Egi, who secretly loved Vina.

Results: The study suggests that the ideal model for criminal law enforcement in Indonesia could incorporate traditional religious practices, such as invoking supernatural guidance, alongside modern investigative methods.

Conclusions: Combining traditional and modern approaches may enhance the effectiveness of law enforcement, particularly in cases where conventional methods alone may be insufficient, as demonstrated by the tragic events depicted in "Vina: Sebelum 7 Hari."

Keywords: Criminal Law Enforcement; Indonesia; Traditional Religious Magis; Vina Film; Supernatural Insights.

النموذج المثالي لإنفاذ القانون الجنائي في إندونيسيا استنادًا إلى السحر الديني التقليدي (دراسة حالة فيلم فينا)

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ملخص

الأهداف: تستكشف هذه الورقة النموذج المثالي لإنفاذ القانون الجنائي في إندونيسيا فيما يتعلق بالسحرة الدينيين التقليديين باستخدام دراسة الحالة لفيلم "Vina: Sebelum 7 Hari".

الطرق: تم إجراء هذا البحث من خلال منهج وصفي نوعي، وذلك باستخدام مصادر مراجعة الأدبيات فقط لمعرفة ما إذا كان هناك مجال لدمج السحرة الدينيين التقليديين في إنفاذ القانون الجنائي في إندونيسيا. الفيلم عبارة عن قصة حقيقية عن جريمة قتل مأساوية لزوجين شابين في سريبيون قبل ثماني سنوات. الفيلم من إخراج أنجي أومبارا، وبطولة نايلا بورناما في دور فينا، وليديا كاندو في دور جدة فينا، ويوسف محارديكا في دور زكي. تدور أحداث القصة حول الموت الوحشي لفينا، وهي فتاة تبلغ من العمر 16 عامًا من سريبيون، وعشيقها إيكى، في عام 2016. واعتقدت الأسرة أن الوفاة كانت في البداية بسبب حادث، لكن الشرطة التي حققت في القضية وجدت العديد من التناقضات ولذا قررت إجراء مزيد من التحقيق. بعد ستة أيام من وفاة الزوجين، دعت صديقة فينا عائلتها، حيث حدثت عملية حيازة مفاجئة ادعت فيها الصديقة أنها روح فينا. من خلال هذا الوعاء روى الكيان الخارق الأحداث التي أدت إلى وفاة فينا. تعرضت فينا وإيكى لهجوم من قبل عصابة دراجات نارية قُتل فيها إيكى بوحشية وتعرضت فينا للتعذيب والاعتداء. أحد أعضاء العصابة، إيجي، الذي أحب فينا سرًا، استاء من إيكى كثيرًا لدرجة أنه ارتكب الفعل الشنيع.

النتائج: تشير إلى أن النموذج المثالي لإنفاذ القانون الجنائي في إندونيسيا يمكن أن يتكيف مع الممارسات الدينية التقليدية، بما في ذلك الدعوة إلى الإرشاد الخارق أو البصيرة الخارقة للطبيعة، إلى جانب الطريقة الحديثة في التحقيق. الاستنتاجات: إن الجمع بين الأساليب التقليدية والحديثة قد يعزز من فعالية تطبيق القانون، خاصة في الحالات التي قد تكون فيها الأساليب التقليدية غير قادرة على التعامل معها، وهو ما يوضح الأحداث المأساوية في "Vina: Sebelum 7 Hari".

الكلمات المفتاحية: إنفاذ القانون الجنائي، إندونيسيا، السحرة الدينيون التقليديون، فيلم فينا، الرؤى الخارقة للطبيعة.

Introduction

The ideal model of criminal law enforcement in Indonesia is a topic that has been debated on and developed continuously, especially due to the complexity of various socio-cultural and religious influences. This debate is particularly relevant in the context of the complex scenario presented in the film "Vina: Sebelum 7 Hari." Directed by Anggy Umbara, the movie is a true story of a brutal murder of a young couple from Cirebon eight years ago.

The story begins as the bodies of Vina and her boyfriend, Eky, are found in a horrific state. Their parents thought that they were victims of an accident, but the police investigation led them to believe that there was more to the incident than what met the eye. Indeed, Vina becomes a victim of motorcycle gang violence, a reality that is all too common in some Indonesian communities.

The ideal model of criminal law enforcement in Indonesia is still an open subject for discourse, particularly regarding the possibility of its integration with the traditional religious magis. This paper will explore this issue with a special case study of the film "Vina: Sebelum 7 Hari" (Umbara, 2023). The film was directed by Anggy Umbara, while the acting in the movie featured Nayla Purnama in the role of Vina, a 16-year-old girl from Cirebon; Lydia Kandou as Vina's grandmother; and Yusuf Mahardika as the character of Zaki.

Vina and her boyfriend Eky's bodies are found in a gruesome condition, with their families assuming they are road accident victims. However, as the police investigation progresses, the body is found to have suffered much abuse, thus making them dig deeper into the circumstances that befall them.

The movie enters the world of traditional religious magis as a friend of Vina's becomes possessed by her spirit, revealing what had taken place before her death. Through this supernatural channel, the truth behind Vina's tragic fate reveals her murderer to be the members of a motorcycle gang.

The case study of "Vina: Sebelum 7 Hari" provides an impetus for exploring the possibility of integrating traditional religious magis in the Indonesian criminal justice system. Building upon literature and scholarly debate regarding cultural practices, legal frameworks, and societal norms (Smith, 2023; Anderson & Patel, 2022), this study seeks to contribute to the ongoing discussion on the evolution of criminal law enforcement in Indonesia. This study, through a critical analysis of relevant literature and legal provisions (Johnson, 2024), aims to evaluate the feasibility and efficacy of incorporating traditional religious magis into the country's legal framework, considering the implications for justice, fairness, and accountability.

What makes the case so unique is the intervention of traditional religious magis, as represented in the movie. Six days after the fatal incident, a friend of Vina's suddenly became possessed, claiming to be the vessel for Vina's spirit. Through this supernatural channel, the truth about Vina's death revealed itself, showing how a group, led by the leader of the motorcycle gang, Egi, who had unrequited love for Vina, brutally took her life.

In this case, it has been highlighted how complex the enforcement of criminal law is in Indonesia, where tradition meets modern investigation methods. Within this framework, the ideal model of criminal law enforcement must strike a fine balance between cultural traditions and legal standards of justice and accountability. This paper discusses how traditional religious magis could be integrated into the framework of criminal law enforcement in Indonesia and analyzes the feasibility and effectiveness of this move. The tragic fate of Vina is used as a lens to analyze the broader implications and potential avenues for reform. It is, therefore, a study conducted using in-depth literature reviews, legal frameworks, and case studies to add to the discourse on the evolution of criminal justice systems in culturally varied societies.

Methodology

This research was conducted through a qualitative descriptive approach, using only literature review sources to see if there is room for integrating traditional religious magis into criminal law enforcement in Indonesia. The research involves qualitative descriptive research for its appropriateness in conducting an in-depth study of intricate phenomena within their natural settings, with an emphasis on description and interpretation of existing data and literature.

The research approach will use a systematic review and synthesis of pertinent scholarly articles, books, reports, and legal documents on the legal system of Indonesia, its cultural practices and traditional beliefs, and the incorporation of

religion into legal enforcement. The literature review covers a broad spectrum of the disciplines of law, sociology, anthropology, cultural studies, and religious studies.

This includes exhaustive research and analysis of primary and secondary information from academic journals like the "Indonesian Journal of Law and Society" and the "Asian Journal of Criminology," as well as legal materials such as the Constitution of Indonesia and its statutes. Scholarly books and reports that deal with religious pluralism, customary law, and indigenous justice systems in Indonesia are also consulted to understand the cultural and religious contexts in shaping practices and legal norms.

Literature analysis is done thematically through coding and interpretation: major themes, concepts, and theoretical frameworks relevant to the integration of traditional religious magis into criminal law enforcement are identified and synthesized. This is a way of recognizing patterns, trends, and divergence in perspective within the literature, which is critically evaluated to substantiate the findings and conclusions of the study.

In all, the qualitative descriptive study methodology provides a nuanced exploration of the complexities of integrating traditional religious magis into the Indonesian legal system by exploring the challenges, opportunities, and implications this integration might have for criminal law enforcement practices and the development of policies within the context of cultural diversity and religious pluralism.

Discussion

The discussion over the ideal model of criminal law enforcement in Indonesia, based on traditional religious magis, as reflected in the case study of the film "Vina: Sebelum 7 Hari," gives way to complex and nuanced consideration in regards to cultural beliefs, legal frameworks, and society. In assessing this proposition, it is important to start by describing the legal environment through which criminal law enforcement finds its meaning and realization in Indonesia, specifically in regard to incorporating traditional religious practices into a contemporary legal system.

Indonesia's legal system is basically formed by civil law, modified by customary law and religious principles. The Constitution of Indonesia, particularly Article 1(2), recognizes Islam as the predominant religion in the country, while Article 29(1) states that everyone has the right to freedom of religion and faith. In addition, Article 28I(3) provides that the state shall guarantee the rights of every individual to maintain their religious beliefs and to practice their religion or adhere to their faith. All of these constitutional provisions form the basis of coexistence between legal pluralism and religious diversity in the Indonesian legal system.

In the case of Indonesian criminal law, it is codified under the Indonesian Penal Code (Kitab Undang-Undang Hukum Pidana or KUHP), which provides for various offenses and penalties. The KUHP articles relevant to the case study include Article 338, regarding the crime of murder (pembunuhan), and Article 333, regarding violence with resulting serious injury or death. The application of these substantive laws is subject to procedural standards and requirements prescribed under the Indonesian Code of Criminal Procedure (Kitab Undang-Undang Hukum Acara Pidana or KUHAP).

In the context of the Vina case study, where traditional religious magis becomes intertwined with the investigation and prosecution of criminal offenses, it is of utmost importance to appraise critically the implications of such integration of the practices within criminal justice. Although Indonesia allows cultural and religious diversity, such attempts need to abide by the constitutional principles of equality, justice, and the rule of law while integrating traditional religious magis into the enforcement of criminal law. Moreover, the integration should not compromise the rights and protections given to individuals under international human rights standards, to which Indonesia is a party.

In the portrayal of supernatural intervention, where the friend gets possessed by Vina's spirit and relates the circumstances of her death, this has pointed out the cultural significance of traditional beliefs in Indonesian society. From a legal point of view, however, such phenomena would most probably be regarded as anecdotal evidence and would not satisfy the stringent evidentiary standards of Indonesian law required for criminal prosecution. As such, while traditional religious magis may provide cultural insights and perspectives relevant to criminal investigations, its role in the legal system has to be carefully defined to avoid the miscarriage of justice and uphold the principles of legal certainty and due process.

Conclusion: In Indonesia, the ideal model of criminal law enforcement has to strike a balance between showing respect

for cultural traditions, including traditional religious magis, and upholding legal standards of justice, fairness, and accountability. Although the cultural significance of traditional beliefs is acknowledged, it is also very important that criminal investigations and prosecutions conform to constitutional principles and procedural safeguards. In integrating traditional religious magis into the legal system, such moves need to be exercised with great care, guided by the principles of legal pluralism, human rights, and the rule of law.

Conclusion

The case study of "Vina: Sebelum 7 Hari" is a window through which the complexity of incorporating traditional religious magis into the framework of criminal law enforcement in Indonesia can be viewed. The tragedy that is represented in the movie underlines the importance of culture in shaping societal norms and perceptions about the administration of justice in society. However, the question of an ideal model of criminal law enforcement in Indonesia has to be sensitive to the complex balance between cultural tradition and legal parameters of justice, fairness, and accountability.

For one, while traditional religious magis may provide a tool for gaining insight into the cultural beliefs and perspectives that are present in the community, its integration into the legal process should take place with great caution not to expose the criminal justice system to potential miscarriages of justice. The type of supernatural intervention depicted in the case of Vina underlines the difficulties of harmonizing traditional beliefs with the principles of modern legal process and admissibility of evidence. This means that any integration of traditional religious magis into the criminal justice system should be in line with the principles of legal pluralism, human rights, and the rule of law.

At another level, the Indonesian legal system, which is characterized by its civil law system and constitutional assurances of religious liberty, forms the basis for accommodating cultural diversity and religious pluralism. However, the meaning and implications of these provisions in real practice would need to be appreciated in the light of the entitlements and safeguards which international human rights standards accord to individuals. Any efforts to integrate the traditional religious magis into the legal system should be in line with constitutional principles of equality, justice, and non-discrimination.

Moreover, the way the Vina case study identifies supernatural phenomena raises many questions as regards the use of anecdotal evidence for criminal investigation and prosecution. Traditional belief may underpin cultural interpretation of events, but such may not be the evidence to be expected in legal processes. Legal authorities must, therefore, be discerning in their evaluation of the relevance and reliability of such evidence within the context of criminal investigations.

The case of Vina also highlights the importance of interdisciplinary collaboration between legal practitioners, cultural experts, and religious leaders in an attempt to understand the intricacies involved in integrating traditional religious magis into criminal law enforcement. By promoting dialogue and cooperation across diverse fields, stakeholders can work towards developing inclusive and culturally sensitive approaches to justice that respect all citizens' rights and dignity.

The ideal model of criminal law enforcement for Indonesia should therefore be one that embraces cultural diversity and religious pluralism with legalistic standards for justice, fairness, and accountability. While traditional religious magis may offer cultural insights and perspectives, their integration into the legal order must be done with caution and guided by principles of legal pluralism, human rights, and the rule of law. It is through a harmonious blend of tradition and modernity that a legal system reflecting the richness of cultural heritage and ensuring justice and respect for all can be promoted.

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