



The existence of larwul ngabal customary law in the perspective of the youth generation in dula island, kota tual and its relevance to islamic teachings

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Received: December 18, 2022; reviews: 2; accepted: January 27, 2023

Abstract

Diversity is the nature of human nature, as well as the Indonesian nation, which has a pluralistic society. This pluralism is marked by the diversity of ethnicity, religion, language, and culture. These various variations give birth to life systems and legal norms, both written and unwritten as guidelines in regulating the behavior of the people in life which are contained in the form of traditions and laws. As a rule used to regulate the life of indigenous peoples, the existence of customary law occupies a very important position in realizing order and justice in society, in addition to existing national laws and regulations. The research method used in this research is qualitative-descriptive, and the results of this study explain

that, in the perspective of the younger generation, larvul ngabal customary law is part of local wisdom that must be maintained as a cultural identity. Every member of the community from any group who comes and mingle with the Kei community is able to assimilate themselves and accept well the existence of larvul ngabal customary law. On the other hand, the arrival of Islamic religious teachings which are generally part of the identity of immigrants does not degrade the existence of larvul ngabal customary law. In several ways, customary law of larvul ngabal is relevant to Islamic teachings in the context of balance of life, justice and togetherness.

Keywords

Customary law, Young generation, Islamic teachings

Introduction

Diversity is the nature of human nature (Susanto, 2011), as well as the Indonesian nation, which has a pluralistic society. This pluralism is marked by the diversity of ethnicity, religion, language, and culture (Sinaga, 1995). These various variations give birth to life systems and legal norms, both written and unwritten as guidelines in regulating the behavior of the people in life which are contained in the form of traditions and laws. This tradition forms a legal behavior in the form of custom.

Customary law is one of the legal systems that is still recognized and valid in Indonesia. In social life, the notion of customary law is often equated with customs. In fact, both have differences. In Indonesian, the word "adat" which means "custom", has the meaning "a person's behavior that is carried out in a certain way and continuously, which is then followed by the surrounding community for a long time". Whereas customary law in the Indonesian dictionary (Center for Language of the Ministry of National Education, 2001), is defined as unwritten law (based on custom), this meaning is closely related to local law in an area where it occurs (applies, exists, and so on). in one place only, not evenly or locally; made (produced, grown, lived, existed, and so on) in a place, so that in this study customary law is interpreted as local law which can be interpreted as a living law and grows in a place.

As a rule used to regulate the life of indigenous peoples, the existence of customary law occupies a very important position in realizing order and justice in society, in addition to existing national laws and regulations. In many areas in Indonesia, people's legal awareness is still heavily influenced by customary law rules that grow and develop. Therefore, the existence of customary law has an important role to regulate order and peace in society. It is undeniable that in some cases, people's obedience to customary law is often greater than (community's obedience to) written law. Customary law is used as a means of settlement, if a dispute or conflict occurs.

In line with the process and dynamics of the development of science and the very fast level of population mobility, the existence of customary law is also

affected, so that it experiences adjustment changes. Interaction between residents causes changes in values and shifts in various provisions in customary law, and there are even missing customary law provisions. Under these conditions, customary law, which has unwritten, elastic and flexible characteristics, becomes vulnerable to shifting or changing from its initial value. The absorption of customary law or customary law in written regulations is very important, because a good law is one that suits the needs of the community, because it has local wisdom values that are adhered to and understood by the local community. Therefore, in the formation of laws and regulations, it must pay attention to the value of local wisdom adopted by the community, it certainly has a sense of justice, especially in that area. One of them is customary law in the Kei Islands, Southeast Maluku.

The Kei Islands of Southeast Maluku have traditional arrangements and cultural diversity that still exist today. One part of the diversity of customs and culture that is still being maintained and preserved and framing the community in patterns of kinship relations is the customary law of Larwul Ngabal. Until now these customary laws still exist and are an integral part of people's lives, so that they become living laws (Mayasari Eka, 2018), which are made by the community as local wisdom values that are able to strengthen relationships with one another. others in family ties as well as rules or norms in resolving various conflicts related to the life of the local community (Daeng, 2000). In addition, living law dominates life itself which refers to knowledge of law, namely; First, modern legal documents such as contracts and so on; Second, direct observation of life, trade, cultural customs, habits and use of all aspects of life in the form of associations, which are not only recognized by law but also ignored or even prohibited by law as well (Ehrlich, 1975).

Along with the rapid development of the current era, let alone the Larwul Ngabal Customary Law, the local language of origin is sometimes not understood and understood by the Kei people, especially the younger generation. Many social changes have occurred where some of the younger generation do not understand customary law due to lack of socialization from indigenous peoples or the local government. So that the debate about customary law in a society remains quite an interesting study, even though there has not been a shift in an understanding, especially among young people who try not to study customary law anymore who tend to ignore and do not even know the law. Such a view is inseparable from the influence of globalization among some of the younger generation who are trying to leave old cultures passed down by their ancestors by looking at all aspects, it must be new, including the way of looking at a product of applicable laws.

Even though the customary law of larwul ngabal is something that is strictly followed and adhered to for generations by the Kei community (Manarisip, 2012). According to Resubun, Larwul Ngabal is a foundation or foothold for the Kei people in living their lives, both related to the behavior or actions of the Kei people (Yusuf et al., 2021). Not only that, larwul ngabal customary law is an honor in increasing social position and dignity and is the highest customary law order because it has a

very strategic position (Rauf, 2008). The customary law of larwul ngabal has seven articles which contain life values that are developed and agreed upon, namely; First, the Nevnev Law which regulates human life which has four articles. Second, the hanilit law which regulates morals and has two articles. Third, Hawear's Law, which regulates social rights and justice, has one article.

Previous research which is used as a reference in this study, namely; First, research conducted by Muhammad Yusuf, et al. in 2021 with the title "The Perception of Larvul Ngabal Customary Law in Overseas Kei Communities in Jayapura City, Papua Province". The results stated that many young Kei generations did not master the customary law of larwul ngabal and were unable to speak Kei. Second, research conducted by Rudini Hasyim and Marlyn in (Hasyim & Jane, 2022) entitled "The Relevance of Kei Larwul Ngabal's Customary Law in National Criminal Law Renewal". The results stated that the customary law larwul ngabal in which there is sasa sor fit is an agreed customary criminal law included in the preparation of the R-KHUP without reducing the essence of the existing legality principle.

Studies conducted by researchers show that the Customary Law of Larvul Ngabal is still firmly held by the Kei people, both in their ancestral lands and in overseas lands. However, in subsequent developments, this customary law was faced with two further challenges. This challenge is related to the perception of customary law among the younger generation, as well as the relevance of customary law to the development of religious teachings. Departing from the problem gap between the existence of larwul ngabal customary law with the perspective of the younger generation and its relevance to religious teachings. Where some of the youth there do not understand and master the customary law of larwul ngabal and the position of this customary law which is highly adhered to by the Kei community on Dula Island, Tual City, Maluku. On the other hand, the arrival of religions (including in this case Islam) to the land of kei certainly creates its own challenges.

Islam entered Maluku in the 14th century through Arab traders who came to the region to trade spices (Burhanudin, 2020; Hasim, 2019). On their way, they also spread Islamic teachings to the local population. In the 16th century, Islamic influence grew in Tual region by region, especially after Sultan Hairun of Ternate conquered the Tual region in 1580 and introduced Islam as the official religion there. From here, Islam became more widespread in the city of Tual and its surroundings, and became one of the dominant religions in the region. Even so, other religions such as Christianity and Hinduism still exist in the city of Tual and its surroundings today. Therefore, an in-depth study is needed regarding the position of larvul ngabal customary law in the perspective of the younger generation and the relevance of larvul ngabal customary law to Islamic teachings. These two things become the novelty of this article.

Based on the description above, the core problems to be studied by researchers include; First, what is the perspective of the younger generation

regarding the existence of larwul ngabal customary law? Second, what is the process of socializing customary law values among millennials? Third, what is the relevance of larwul ngabal customary law in Islamic teachings? The purpose of this study was to determine the perspective of the younger generation regarding the existence and process of socializing the values of the larwul ngabal customary law as the highest law of the Kei community on Dula island, Tual city, and its relevance to Islamic teachings.

Method

The research method used in this research is qualitative-descriptive. According to Mustafa and Hermawan in Imaduddin, et al. (Imaduddin et al., 2022) descriptive qualitative method is to reveal an empirical fact objectively and scientifically based on scientific logic and procedures and supported by strong methodology and theory in accordance with the disciplines occupied. The level of naturalness is the main thing in qualitative research, the researcher immerses himself in the problems and conditions that occur in the context of the researcher. Researchers are directly in the field to deal with various sides of events that occur during the observation process (Yusanto, 2019).

Data collection technique

The data collection techniques that the researchers used in this study were library research and field studies. Literature study is the activity of collecting materials that have relevance to research originating from scientific journals, books, media reports, or previous literature (Moto, 2019). This literature study was conducted to obtain theoretical information so that researchers have a strong theoretical basis as a scientific result. While field study is a form of field learning in which observation activities occur to uncover actual facts in order to obtain data by going directly to the field. Field studies are a scientific method that is carried out with an operational design including observation, interviews, and documentation so that more accurate results are obtained (Ahmad & Laha, 2020).

Data analysis technique

This research was carried out according to the design of Milles and Huberman in Lisanti, et al. (Lisanti et al., 2021), which begins with data collection, then the collected data is reduced and presented either in the form of tables, diagrams or narratives and ends with drawing conclusions. This conclusion is supported by valid data so that the conclusions put forward can be accurate and reliable. For more details, consider the following image:

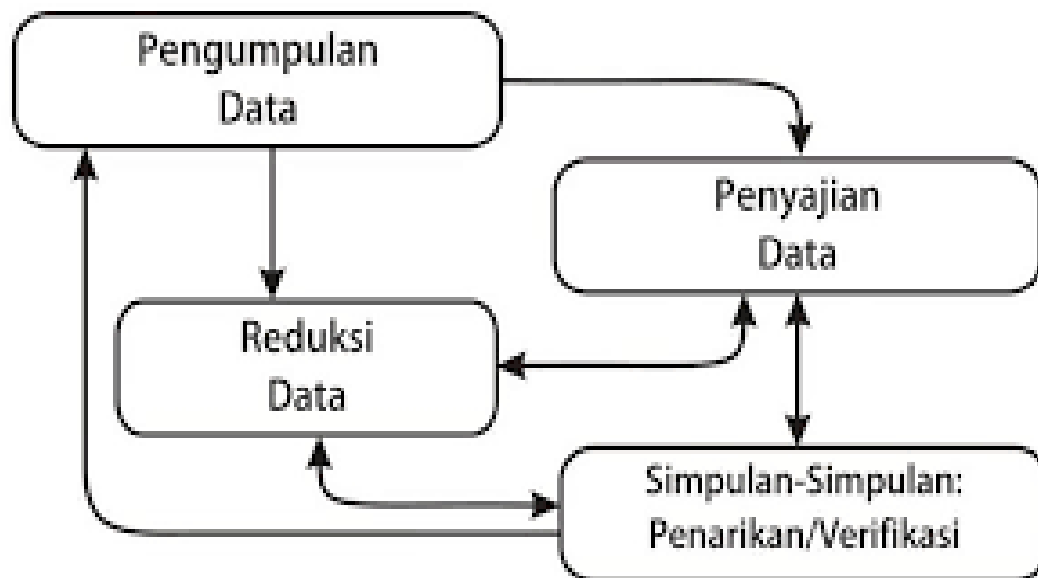


Figure 1. Data analysis techniques according to Miles and Huberman

Results and Discussion

In terminology studied from several aspects including principles, theoretical norms and practices as conveyed by Farid, customary law is known as, "law that lives in society", "living law", "legal values and a sense of justice that lives in society". "unwritten law", and "customary law" (Sinta, 2021a). Communities that have customary law, in this case referred to as customary law communities, are community units that have legal units, government units and environmental units whose existence is recognized and protected by the constitution (Sinta, 2021b).

Customary law is a law whose existence will continue to exist and be enforced as long as the customary community still exists and empowers this law which cannot even be abolished by statutory regulations (Sinta, 2021b), so that each generation born within the existing indigenous community become an important role holder in maintaining local wisdom or culture that exists in an area.

Adat, as described above, is an inseparable part of the life of the customary law community and in this case the people in the Kei Islands, Southeast Maluku. The existence of Larwul Ngabal's customary law has an important role in regulating a good life within the Kei Islands community, in line with what Rumkel stated that Larwul Ngabal's customary law has even been used as a guide in moving forward in civilization which expresses rejection of social inconsistencies and the arbitrariness of power, to create a more harmonious order and maintain balance in people's lives. This then makes the customary law of Larwul Ngabal remain the main social glue that is still passed down from generation to generation and is still respected and obeyed by the people of the Kei Islands to this day (Rumkel, 2013a).

The undeniable influence of globalization has an impact on how the younger generation perceives cultural values and local wisdom that exist in their environment, this is also shown by the ongoing debate about customary law in a

customary law society and the younger generation later as young people and the next generation who tend to be indifferent and try not to study existing customary law again (Rumkel, 2013b).

These situations and conditions are a threat to every Customary Law, including Larwul Ngabal, because according to Pradja in Rumkel (Rumkel, 2013b) there are at least five important factors for the existence of customary law communities, which include:

1. Orderly human unity;
2. Settled in a certain area;
3. Having rulers (Kings);
4. Have tangible and intangible wealth. The members of the unit each experience life in society naturally according to the nature of nature, and no one from the members of the unit can separate himself and;
5. There is customary law that is obeyed by each member.

This shows that in maintaining the existence of customary law communities, it is not only necessary for customary law, but that customary law must be obeyed by each of its members or indigenous peoples. Therefore, the presence of the next generation is very important in preserving local wisdom or existing culture, not only knowledge and recognition of applicable customary law, in this case the customary law of Larwul Ngabal, but complying with and making it a guide in life in the Kei archipelago community as customary law community.

The Existence of Larwul Ngabal Customary Law Based on the Perspective of the Young Generation

The Kei Islands community is a pluralistic society with a high plurality of religions and languages. The existence of Larwul Ngabal customary law is very important in this case to strengthen community solidarity and uphold tolerance with Larwul Ngabal customary law as the mediator which must be respected by every citizen.

In this study, to find out the perspective of the younger generation in the Kei Islands with the conditions of its plural society, interviews were conducted with several informants from different ethnicities, including; Arab ethnicity, Chinese ethnicity, Makassar Bugis, Toraja and Buton ethnicity, Javanese, Madurese, Sundanese and several other mixed ethnic groups with different perspectives according to the lives of their respective community groups.

Interviews with ethnic Arab and Chinese informants stated that the origin of the arrival of their predecessors to the Riau archipelago was in the 17th to 18th century AD, with the arrival of the Arab ethnicity aiming to propagate Islam and carry out trade while the ethnic Chinese only came to trade and then settled because they felt comfortable with their survival in the Kei Islands. The two ethnic groups then decided to settle in the Kei Islands and mingle with the local community by also obeying the Larwul Ngabal customary law and marrying either Chinese or Arab ethnic men and Kei women and vice versa.

The good relations that are created from the existing culture of life create awareness of the existence and urgency of Larwul Ngabal Customary law making young people of Arab and Chinese ethnicity who settle and continue their lives in the Kei Islands still uphold the values of Larwul Ngabal Customary law. Even though the Chinese tend to be more closed off from other ethnicities, in society they still use the customary law of Larwul Ngabal as a guideline. Likewise, what was conveyed by the Arab ethnic informant, that he upholds the values contained in the customary law of Larwul Ngabal, one of which is the philosophy which states "hir aini fo hir aini itdd fo itdd" which means "That it is their obedience that what is what belongs to someone is still his, and what we own will be ours". a form of deviation in their religious law, but to obey the customary law of Larwul Ngabal as an effort to uphold and maintain tolerance in living in a pluralistic society.

Then from interviews conducted with ethnic Bugis Makassar informants, it was found that their arrival was much earlier than the Chinese and Arab ethnicities, but their arrival was only to trade to sell their products so they did not settle there and just settled and carried out the process of intermarrying with local residents. at the beginning of the 19th century. The Bugis ethnic group is one of the most active in broadcasting the Islamic religion and in sponsoring the construction of places of worship and education. In implementing the Larwul Ngabal customary law, the Bugis ethnicity carries out and obeys the Larwul Ngabal customary law to prevent inter-ethnic conflicts and can live a peaceful, peaceful and prosperous life until now.

The results of interviews conducted with informants who represented the existence of Javanese, Madurese and Sundanese ethnic groups indicated that their presence at first was only to carry out civil and military duties in an effort to safeguard the state. Then after transportation in the Kei Islands ran smoothly, several Javanese, Sundanese and Madurese ethnic groups began to arrive with trade missions as well as Madurese ethnic groups who were also engaged in collecting marine products such as sea cucumbers, lola and yapen-yapen in the Kei islands and surrounding. In the process of adaptation, the Javanese, Sundanese and Madurese ethnic groups have also intermarried with the native people of the Kei islands, so that they can understand and carry out the traditions and culture of Kei including the customary law of Larwul Ngabal until now.

In preserving and ensuring that the people of the Kei Islands can understand and obey the customary law of Larwul Ngabal, the most important role in the socialization process is in the smallest unit of society, namely the family. In line with what was conveyed by informants from various ethnicities who live in the Kei Islands, that the understanding and process of living according to the law of Larwul Ngabal is carried out from generation to generation. All traditional traditions and rituals that are carried out in every event that exists, such as death and marriage, are still carried out through the customary traditions that apply there.

As those who have an educating role in the family, parents also make the Larwul Ngabal customary law a guide in educating their children. This is done to

prevent deviant behavior in the future and so that later it is ready to enter the social class that exists in the wider social unit.

Even though today, the rapid development of communication science and technology has made the younger generation, the generation who understands this novelty more, have a mindset that is starting to differ and more or less influence their perspective on life. However, the culture of mutual cooperation, which is called Maren, in working individually or in groups usually runs smoothly and well without any social barriers because the key community social philosophy is helping or helping with the central point being Maren so that this process continues to run well as a whole. hereditary.

Apart from the culture of working and working together, there is also the "Yelim" tradition which is the action of parents who always recommend to the younger generation as the next generation to continue to preserve the existing culture so that in adapting to the progress of the times they still imitate the existing good cultures. In preserving it not only internally, there is also the "Holtom" tradition which is a narrative of history as a guide for the Kei people in living their traditional life.

The Relevance of Larwul Ngabal Customary Law with Islamic Teachings

In social reality, it is found that there is a mutually influencing relationship between customary law and religious teachings, both at the level of symbols and values. Religion contains symbols and a set of values that are transcendent based, while customary law contains symbols and a set of values based on the environment. On the basis of this view, customary law and religion will work in rhythm and minimize conflict in the social life of its adherents.

In relation to larwul ngabal customary law, the basic principle of larwul ngabal customary law is to balance the relationship between humans, nature and God. Larwul Ngabal also emphasized the importance of justice, local wisdom, and togetherness in managing people's lives. Both legal systems share the same moral values. The customary law of Larwul Ngabal emphasizes the importance of fairness, honesty and decency in acting. This is in line with the values taught in Islamic teachings, which also place justice and honesty as important values in life. In the context of Islamic teachings, larwul ngabal customary law has strong intersections and relevance, namely:

1. **Balanced relationship:** In Islamic teachings, the principle of balance in the relationship between humans, nature and God is also very important. In the Qur'an, humans are considered as caliphs on earth, who are given the responsibility to maintain the balance of nature and carry out God's commands. This principle is similar to the concept of Larwul Ngabal.
2. **Justice:** Justice is a very important principle in Islamic teachings. The concept of justice in Islam includes social, economic, and political aspects. This principle of justice is also emphasized in the customary law of Larwul Ngabal.

3. Local wisdom and togetherness: Islamic teachings recognize the importance of local wisdom and togetherness in maintaining harmony in society. This is in line with the Larvul Ngabal principle which emphasizes the importance of local wisdom and togetherness in managing people's lives.

In practice, the customary law of Larvul Ngabal can interact with Islamic teachings in a harmonious way, the two legal systems and values mutually respect and acknowledge the diversity and uniqueness of each.

When viewed from the perspective of reception theory (literally, the word reception means reception or meeting), adat larvul ngabal has a position as a recipient, and Islamic teachings of Islam are in an accepted position. Thus Islamic teachings are accepted as part of customary law. So outwardly, its position is no longer independent as Islamic teachings but as part of customary law. However, in Ter Haar's view, custom and religion are two different and contradictory things. This is motivated by the different starting points of these two things, adat departs from the results of reflection on the reality that occurs in society, while Islamic teachings depart from revelation and interpretation of it.

The reception theory view was also rejected by Hazairin. In Hazairin's view, this reception theory is irrelevant to the social conditions of Muslims in Indonesia. According to him, the law that applies in Indonesian society is Islamic teachings, while customary law can be accepted as long as it does not conflict with Islamic religious teachings. This view is further known as the theory of *receptio in contrario*, which was coined by Hazairin and further developed by Suyuti Thalib.

Conclusion

From the discussion that has been presented above, it is concluded that larvul ngabal customary law in the perspective of the younger generation is part of local wisdom that must be maintained as a cultural identity. Every member of the community from any group who comes and mingle with the Kei community is able to assimilate themselves and accept well the existence of larvul ngabal customary law. On the other hand, the arrival of Islamic religious teachings which are generally part of the identity of immigrants does not degrade the existence of larvul ngabal customary law. In several ways, customary law of larvul ngabal is relevant to Islamic teachings in the context of balance of life, justice and togetherness.

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