

Learning from an Art Performance: The Indonesian and Islamic Laws' Perspectives on Psychodynamics of Fantasy Cannibals



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ABSTRACT: An artwork by an Indonesian young artist with a theme of eating human corpse had reaped controversy from various circles. The concept of art displayed by Natasha Gabriella Tontey, the artist-, was endocannibalism, a practice in which people eat the body of a dead person. In her art performance, she presented a dish of foods made from breast milk and baby sweat. To add to her artistic power, she showed processed foods served in the forms of tiny babies, baby brains, and several other horror menus. The artwork done was very controversial, so it is deemed necessary to conduct a review on her artwork from the conventional and Islamic laws' perspectives. The study is qualitative research employing descriptive analysis. The results indicate that Tontey's work as outlined in her performance violated both the Indonesian and Islamic laws.

KEYWORDS: cannibalism; makan mayit; eating human corpse; conventional law; Islamic law; *maqāsid fi al-jināyah*

I. INTRODUCTION

As an infamous social phenomenon in Indonesia, cannibalism is just an equally unsettling phenomenon in the world and in Southeast Asia. Several acts of cannibalism that occurred in various Southeast Asian countries have been able to attract the attention of the world community. Cannibalism is seen as something disgusting that traumatizes everyone who sees it. Some of the examples are the cannibalism of the brothers that took place in the Philippines in 2014 [1]. In 2020, Si Ouey from Thailand was a cannibal criminal with child victims [2]. Furthermore, Malaysia also had its own incident of cannibalism which involved a famous singer, Mona Fandey [3].

In the Indonesian context, the history of cannibalism has actually been discovered long ago when in 1292 an Italian colonizer conducted research on one of the tribes in Sumatra who performed cannibalistic rituals. This condition is strengthened by the many tribes and beliefs in Indonesian society that have certain mystical customs and customs, such as cannibalistic rituals. However, in consequent documentation, cannibalism in Indonesia gradually disappeared after in 1890 the Dutch colonial government banned all forms of cannibalism in the Dutch East Indies [4]. Nevertheless, after Indonesia's independence and until now, several tribes and beliefs in Indonesia still preserve the ritual of cannibalism as a form of belief as happened in the Korowai tribe in Papua, the Punan Dayak tribe in Kalimantan, the Tolai tribe in Papua, or the Batak tribe in Sumatra [5].

In some recent years back, Indonesian social media had been busy discussing an artwork of a young Indonesian artist which carried the headline *#makanmayit* (*#eating human corpse*). The then Indonesian Minister of Women Empowerment and Children Protection, Mrs. Yohana Yembise, strongly criticized it because the work violated a number of norms. To her, the incident was very unfortunate because an art of the nation's youngsters should be an expression of creativity that contains elements of beauty, and not, contrarily, violates the norms of moral, decency, and religion. She asserted further that the country protects its children even since they were still in their mothers' wombs. Such was not, according to her, reflected in the said artwork.

In this globalization era, the development of creativity and innovation by young artists is increasingly unstoppable. One of them is an artwork performed by an Indonesian. Anggi Kusuma reported via *kumparan.com* on March 3, 2017 that there had been an art show about dining [6]. It was titled as 'Makan Mayit' (eating corpse) because the dinner served food (i.e. snacks) in the form of baby dolls, fetuses and other scary dishes. The invited guests attending the event wore formal clothes in white. Another article in *detik.com* written by Tia Agnes on 28 February 2017 mentioned that the dish served in the dinner art

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performance were in the form of bread and cheese originating from breast milk and baby sweat fermentation mixed with yeast. There was also mushroom soup which was similar to baby ears. The bowls used came from empty-bellied and beheaded plastic baby dolls. There also served in baby-head bowls brain-shaped broccoli [7].

For common people and art connoisseurs, these things are beyond the limits of art and beyond common sense. Meanwhile, the artist argued that this event was held to express her anxiety over the consumption of breast milk and also the practice of stem cells therapy which, according to her, is similar to cannibalism, in the form of art. It seems that people are easy to determine such behavior as abnormal, especially when it is very obviously different compared to ordinary behavior in general. The assessment was further strengthened since her action that looked strange was not understood in the way she meant it. The artwork was considered by many to have exceeded its limits. The beauty that can be created by an artwork was not achieved. Contrarily, it even had created the opposite. The form of this artwork titled 'Makan Mayit' had changed from an art to a hatred work since it was thought to have tortured babies through the food served at the dinner. The form of food served was indeed of a baby's body in various parts. This is why it was considered as a form of cannibalism to infants.

Apart from being considered as torture to babies, her artwork is an immoral form and can have a traumatic effect on connoisseurs of this artwork. The effects of trauma instilled can also provide other negative effects that encourage psychopathic actions and provoke those art connoisseurs fantasize about eating real baby meat. Foods made from sweat and breast milk make guests who ate them become siblings, especially if the milk comes from the same source. Other impurities can also come from the forms of food served on that performance night. The food served that night could cause people who ate them have cannibal fantasies. Other people who saw the performance might also be inspired to do cruel things such as eating real baby's flesh. Eventually, they might do various ways to satisfy their fantasies. Therefore, it is feared that what they would do can cross the limits of normal human habits.

The artist's idea that was considered crazy by others brought out criticism. This artist is a woman. A woman is supposedly, by nature, to conceive and give birth to babies. How can a prospective mother like her played a Saturday performance with a theme of fine dining by presenting babies as the object of dinner? Apart from that, the art performance of eating corpse is considered to be able to trigger someone's cannibal fantasies and can lead him/her to conduct various negative actions. Based on this background, it is necessary to discuss psychodynamics of fantasy cannibals in the perspective of Indonesian and Islamic laws considering that the majority of Indonesian people are Moslems.

II. LITERATURE REVIEW

In Bahasa Indonesia, the word that means *art* in English is *seni*. The word *seni* comes from the Sanskrit word *cilpa* which means coloured or *sucilpa* which means beautiful shapes or beautifully decorated. As a noun, it means coloring. This meaning then develops into all kinds of creativity that are so artistic. In the history book of art, *cilpacastra* is often mentioned. This is a book or guideline for *cilpins*, (i.e. art workers), who are nowadays called artists. Understanding of art is a personal and public expression of beauty which is collective [8]. In the medieval times, from the Latin language point of view, there were several terms such as *ars*, *artes*, and *artista*. *Ars* means a technique or craftsmanship, or dexterity and skill in carrying out anything. The word *artes* means groups that have such dexterity or proficiency. The term *artista* is a member of the group.

Experts' research shows that works of art or art itself have existed in the last 60,000 years ago. This can be proven from a cave wall in Southern France, in which there are paintings and nicks on the wall that used colors which were meant to depict ancient human life. This evidence is a reminder that modern paintings are full of expressions. There is a slight difference between ancient human art and modern one which is in the aim of creating the artwork. Primordial humans created works of art solely for the sake of socio-religious need whereas modern humans do it to satisfy themselves and describe the surrounding environmental conditions [9]. This is because modern humans are creatures who want to discover new things and have broader thinking abilities.

In art studies, there are two different views namely essentialism and relativism. To essentialists, art can be defined and determined in a precise and objective manner. However, contrarily to the relativists, or sometimes they are called contextualists-, art cannot be defined and measured objectively. Therefore, art must be understood subjectively and its position must be placed in other fields. Art must be understood contextually related to its relationship with cultural elements in a comprehensive manner. It also cannot be placed in a hollow space as an independent field, because it must be placed in a specific space called the "art world". In this special world, art can flourish [10].

Applied artwork or fine art is one type of art that is interpreted as an art that contains an aesthetic and beauty in which it contains usage or function values in everyday life apart from its aesthetic value. Fine art or applied art is also called applicative

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art which means that the work can be applied or used so that it has its function that can fulfill human needs. This fine art may take the form of architecture or pictures that is used to beautify buildings. Contrary to applied artworks, the pure artwork is created only to be enjoyed for its beauty. Therefore, unlike applied artworks that can be used in daily life, pure artworks are not created by considering its usage in daily life. In general, pure artworks contain a very high quality of aesthetic value.

Cannibalism is a phenomenon in which a living thing feeds on its own species, for example a dog eats another dog or a man eats another. This phenomenon is also called anthropophagus (from Greek, 'anthropos' means human and 'phagein' means eat). Etymologically, the word cannibal is absorbed from the Dutch language which is previously taken from Spanish. Cannibal implies people from the Caribbean; in this area there had been found such phenomenon of human beings ate others. Such phenomena were found not only in the Caribbean but also in America, for example in the tribes of Anasazi, Mayans, and Aztecs. Furthermore, they were also found in the Asia Pacific, for example in the Batak tribe of North Sumatra, the Dayak tribe of Kalimantan, the Asmat tribe in Papua, and several other tribes in West and East Papua, Fiji and other Melanesian regions.

Cannibalism in China emerged from episteme and science which had developed at a certain ancient time. Long time ago, some Chinese people boiled human meat for the treatment of tuberculosis (TBC). Pharmaceutical science states that human flesh was once used as medicine. Science had supported cannibalism practices carried out by humans to obtain drugs. This is the starting point why human behavior is greatly affected by science [11]. The science that discusses cannibalism is called cannibalogy in which it states that a creature can eat its own species for certain reasons. This tradition finally gave birth to a science in the form of the knowledge of eating the like [12].

Various studies have discussed a lot about cannibalism. Almost all research results show that cannibalism has become a tradition not only in Indonesia but also abroad. One country that has a long history of cannibalism tradition is the United States. Cannibalism traditions have existed since ancient times [13]. Research shows that a man can get more than 125,000 calories if eating one human body. This is why the tradition of eating fellow humans used to be a usual practice, especially at the time of war when there was no food available but carcasses of people who died during the war [14].

In Papua New Guinea, precisely in the Fore tribe, the habit of eating fellow human (i.e. cannibalism) had caused *kuru* disease. This disease was found in this tribe around 1950s. *Kuru* is taken from the language of the Fore tribe which means shivering or trembling. The symptoms caused the sufferers to experience difficulty in walking, losing control of their limbs, and losing control of their emotions. Within a year they wouldn't be able to stand alone, eat alone or use bodies' functions. Patients usually died several months after the disease reached its final stage [15]. Researchers suspect that this disease was caused by rituals that were often carried out by the Fore tribe. In a practice done by the tribe, when someone dies, his/her body, including parts of the brain and nerve cells, will be cooked and eaten. The tribe thinks that if the body is buried, it will be eaten by worms, if it is put on a stage, maggots will eat it. Therefore, it is far better that the dead body is eaten by people who love him/her rather than by worms and insects. Such ritual practice was often done by their women, so it is not surprising that this *kuru* disease infected many women than men of the tribe [16].

Psychodynamics is a study of human personality. Human actions in daily life are determined by his/her ways of thinking, his/her inner feeling, and his/her will. The assumption of psychodynamics is connected to the human soul so that many events occur outside of his/her own consciousness. Freud said that psychodynamics can describe the dynamics of a person's unconscious in conducting his/her actions, such as his/her inner impulses, conflicts, and instinctive energy. Freud also has the belief that there are many human actions that occur under his/her subconsciousness so there are things that happen beyond one's awareness such as his/her desires and inner impulses. Such desires or inner impulses that are suppressed will remain alive in one's subconscious and will, at any time, demand satisfaction [17].

The life impetus or sexual instinct, also called *eros*, such as thirst, hunger, and sexual desire, is a human's inner impulse that can guarantee his/her survive and reproduction. The energy used in this life instinct is libido. The main purpose of one's sexual instinct is to vent it so any effort to reduce its drive cannot be done. However, the way to satisfy it can be different or varied because satisfaction to sexual desire can be obtained not only from genital organs. Likewise, all behaviors motivated by life instinct are similar to sexual behavior. Sexual satisfaction is very much related to the existence of someone's fantasy or imagination. Fantasizing or imagining is one of the symptoms of cognition which exists in our psyche as a result of recognition. Fantasizing can cause our imagination to create something that has not yet existed or in other words a new thing. Every person has and experiences different fantasies both consciously and unconsciously. An example of a conscious fantasy is a sculptor who makes a statue with his fantasy whereas an unconscious fantasy is like those of little children who employ their imagination in their imaginary stories [18].

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III. RESEARCH METHOD

This study was qualitative research, the data were collected by conducting studies of books, literatures, notes, and reports relating to the problem. In this case, the researchers tried to examine and analyze the psychodynamics of fantasy cannibals which had caused such controversy [19]. The method of study approach used in this research was the statutory approach by reviewing all laws and regulations relating to the issue(s) discussed. This study also employed the conceptual approach to understand the concepts of views or doctrines that develop in Islamic law that can be used as the basis for building legal arguments [20]. The method of data analysis used were: first, content analysis in the purpose of describing the research manifestations objectively, systematically, and quantitatively, and, second, comparative analysis to criticize the application of research methods that are discussed by studying and understanding the problem of study objectively [21]. In order to respond to human rights problems such as ritualistic cannibalism, the researcher wanted to focus on the artwork of Natasha Gabriella Tontey as one of the cannibalistic works of art.

IV. RESULTS AND DISCUSSION

A. RESULTS

Discussions related to the world of art are common including in Islam. This is because Islam itself often uses art as a means of spreading the religion. The introduction of religion to people who find it difficult to accept Islam indeed has been employing art as a media since it is deemed to be one of its appropriate means. In the past, the discussion of art was limited to traditional music, but now the sphere is broader and its scope is more complex. Therefore, contemporary Moslem scholars also discuss and examine the problems relating to art that are included in this millennial era. In the study of contemporary *fiqh* (Islamic jurisprudence), more specifically in the *fiqh* of art, it is stated that a subject of an image has an influence on its *halāl* (lawful) and *ḥarām* (forbidden) status. Images or an artwork with subject(s) that violate *'aqīdah* (belief), *sharī'ah* (law), and religious modesty, for example, will surely be forbidden by the majority of Moslems [22].

Addressing the art performer, Natasha Gabriella Tontey was listed as one of the graduates of Pelita Harapan University majoring in Visual Communication Design in 2011. Born in Jakarta on 24 August 1989, she had received many awards in arts. She had performed many exhibitions and publications on her artwork. She is lined up with millennial artists with unique characters. The uniqueness of her character can even create an artwork that is totally different visually [23]. She is a designer who also develops her personal project as an artist. One of her big projects that confiscated public attention was 'Makan Mayit' which was a dinner banquet with unusual menus. There were snacks of fetal form, food served in baby doll pieces, and other horror menus. It was held as a form of social experiment on the human's fear of taboo matters. One of the fears she raised was about cannibalism and of course she did not use real human flesh. She created a form of cannibalism propaganda in the form of food served at the banquet.

The artwork was connected to Tontey's interest in discussing fears with more global matters. She started with small things to discuss prior to bigger ones and her own question about the fear itself. Fear is a creation of certain individuals to control other fears. The closest example is the prohibition in the form of fear made by parents towards their children because the parents themselves have their own fears. Another example is issues about ghosts and other supernatural creatures or terrors made by certain people to control society. Fear is identified with cannibalism since cannibalism practices can cause fear. In film industry, cannibalism is included in the category of horror films [24].

Actually, performing the artwork of 'Makan Mayit' as a cannibal fantasy psychodynamics has been Tontey's interest for a long time but it was only achieved at Koganecho, Japan. There, she opened a toy store that sold fictional stories about the dark history of Koganecho area that she mixed with Japanese ghost characters. She wrapped the toys in white bugs and only the story was visible. She wanted to sell Japanese fears to Japanese people with the aim of sharing knowledge with surrounding neighbors as well as observing and interacting directly with the community during the process of working there. Tontey's aim was simply to offer alternative ideas, trigger dialogues or debates, and open up the possibility of social reactions, - negative or positive, which are part of the field of art. The "Little Shop of Horrors" was a result of her residency at Koganecho Bazaar Yokohama, Japan in 2015. In the project, she presented "Little Shop of Horrors" as a fiction shop that offered various things about local horror stories. After a successful performance of her horror artwork in Japan, she tried to display the similar theme in Indonesia.

The artwork in Indonesia with the concept of 'Makan Mayit' was presented at Footurama, Kemang Timur Raya, Jakarta. The presentation took place since 28 January 2017. Especially for 'Makan Mayit', there were two banquet sessions conducted (on 28 January and 25 February 2017), with a total of 32 participants. Initially, the presentation just became a conversation in

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the circle of art lovers. The condition changed since a publication on Instagram by a country's celebrity and a gossip account, *@lambehturah* which triggered a particular attention to Tontey. A series of accusations emerged: the artist was considered a psychopath, her work was considered not educating, and the like.

The practice of cannibalism was almost the same as what was done by a cannibalistic couple in Russia. They said that they knocked their victims out with sedatives and then skinned their victims alive. Afterward, they ate parts of their victims' bodies, froze the remains or packed them in jars. The jars were filled with saline solution. At times, the couple tried to give those food to soldiers at a nearby academy where they worked and turn them into unwitting cannibals. This was done by shipping "canned human meat" into the soldiers' food. During the time in the police custody, the husband told the police that he and his wife had practiced cannibalism at least 30 times in the past two decades, as reported by the BBC [25]. What Tontey had done was almost similar to this tragedy in which she used original material for some of her artwork.

In addition to the name of foods which tends to be odd, it turned out that the material used was also shocking. There were baby-shaped cakes and soup that was served in breast milk storage bags. Tontey said, in these foods, real breast milk was the main ingredient. She also served some food in a form of a baby, the plates used were from hollowed plastic baby dolls. This is why many people criticized her artwork because she used babies as a symbol of cannibalism.

In her work, Tontey used a fictional approach by making a story of an orphanage selling babies. She, as a performer, became a sister of that orphanage. This refers to a research she did. There was a special message behind her artwork, as she claimed, which is she wanted to question where cannibalism desires started. There presents the concept of endocannibalism which is the practice of eating human body parts from the same social community, Tontey said that she was inspired by that social phenomenon.

She used babies as objects of her art due to the reason that many social phenomena that occur in today's society are related to babies such as abortion, sexual abuse of infants, physical violence to infants (pedophilia), baby trafficking, and other exploitation done to babies. These phenomena had put babies very vulnerable to become objects of crimes. Cannibalism in infants also takes place in the abandonment, disposal, and trade of infants. Among others, she also used breast milk and baby sweat because she wanted to know to which extend someone's cannibalistic desire arose by consuming the dish she served.

Tontey eventually wanted to associate her fear with cannibalism. For her, cannibalism is the most basic thing. When someone eats or enters something into his/her body, apart from feeling enthusiastic (because the practice of eating is something that gives pleasure on its own) there will also be a feeling of fear especially when eating something unknown. This becomes a reminiscent of her experience that eventually made her pescatarian which means that she did not eat beef, pork, rabbits and poultries or other living things except fish and seafood. However, how food can also trigger the feeling of fear itself, because we have long understood that eating means to put something into our body, digest and blend with it, is more interesting to be discussed.

Then, Tontey was interested in raising the issue of food and fear through the form of cannibalism in her art project. Again, talking about eating as a private matter, what if a performative dinner, the way she chose together with her event organizer, was held by trying to make a communal event which was naturally taboo. She expected such performance would trigger people to be more able to talk openly and think back on why cannibalism was taboo and not ethical.

Tontey thought that cannibalism is a practice of incorporation or unification because it might be based on the feeling of love of a human being towards others, let them be siblings, children or lovers. So, they eat their beloved dead bodies by the time they die. She found out that such practice does exist and is called endocannibalism. So, she became increasingly interested in designing and testing this cannibalism. Moreover, she herself is an artist who works on issues and themes regarding eating habits, culinary, and culture. Her artwork was then called performative dinner in which Tontey was involved in designing it. The term performance dinner was chosen because finally the main event was a dinner by inviting a limited number of guests. In the dinner there would be elements that were theatrical in nature, such as narration of locus, figures or actors, scripts, lighting, visuals and sound systems, as well as the main element which was the food menu.

Tontey was then involved in designing narratives, food order sequences, scripts and menus (together with a chef named Chandra Drews). In this event, the drama was designed in such a way starting from a subtle tone about questioning cannibals to those that were visually disturbing because of their vulgarity. Of course, she used symbols and visual attributes that supported the execution of her idea.

The first thing done was starting to serve foods made of breast milk and baby. sweat fermentation mixed with fruit yeast in sourdough or bread. She obtained breast milk from a volunteer mother. This mother said that she had excess stock of breast

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milk that made her confused about what to do with it. She had bought an additional refrigerator but her daily milk production was more than her baby could afford to drink. So, the fridges were full quickly and the milk needed to be donated immediately.

The second menu was in the form of mushroom soup, but in her narration Tontey mentioned it as baby's ear, accompanied by the broth of coconut milk served in breast milk bags. Then vermicelli and blood-red tofu were served in plastic baby doll plates. This dish was quite vulgar visually but it used daily food ingredients. At this stage, Tontey questioned why cannibalism was considered taboo and was never discussed? Who made decision of what we could and should not eat?

It might be in this section that the dialogue with the audiences often took place. Many answers came up, ranging from the view that it is unethical to eat the dead body. of one's brothers and others, it is a form of humiliation to the corpse, and so on, to those who feel disgusted because they also have same parts of the body with what they were served. The disgust feeling, even though the body parts might have been in the form of steak, may be triggered because we then relate it to our own organs so it seemed that we were eating our own hands or brain.

The dinner was then closed with a dessert in the form of sponge cake which was designed to be a brain shape for which Tontey had seen such tutorial about it on Youtube. During the meal, she played her role and told about her anxiety as a nurse who often found babies dumped and murdered. In response to social situations, she also tried to question her fears for anything to discuss together. Her expectation was, of course, that this art project did not merely talk about fear openly in the context of eating or consuming, but also in our life as citizens who were often triggered by paranoid feelings towards other citizens which then led to violence [26].

When her desire to create masterpiece was constrained by the limitations of ideas, the idea of this corpse feast was born. She hoped that with such idea of an original masterpiece which might be the only one in the world would make her a special artist who deserved appreciation towards the quality of her work. But she forgot that people with healthy personalities are capable to trust and be trusted without manipulating the trust itself.

Tontey has succeeded in launching her latest work. Through the realization of the project she planned, of course, she wanted to gain trust and appreciation in the quality of her work. Since the public had believed in her capability, they eventually came and wanted to witness the work she had. Unfortunately, they were disappointed; the work she glorified was made above the grief of others. She created her work without considering the feeling of solidarity to others. This is a manipulation of the trust that others gave to her.

It is a possibility that Tontey has not entered the level of personality disorder. She was supposed to have symptoms of a personality disorder called narcissistic personality disorder. Someone will be said to be a sufferer if they have at least 5 out of these 9 characteristics: exaggerating his/her achievements and talents, feeling him/herself as a great person, often needs admiration and praise from others, fantasizing about unlimited success, beauty, power and fame, assuming that he/she is a special and unique person so he/she only wants to mingle with people who have high status or classy institutions, feeling that he/she has the right to get special treatment or other people must follow his/her wishes, exploiting other people to get what they want, not able to recognize or empathize with others' feelings and needs, and being arrogant and over proud.

The art performance of 'Makan Mayit' is a manifestation of sick art and the expression of sadism. Sadism is a cruel, savage, and rude behavior in order to gain satisfaction by hurting others. Sadism originates from the desire that no one interferes in his/her affairs and all people are under the control of his/her authority. Tontey used babies as a form of visual media in art. Meanwhile, babies are a gift. They are helpless living creatures. Hence, using babies for sadism performance in the name of art will only be done by people who have sadism drive in their heart and brain.

This event can trigger a person to become an exocannibalism, which is a person who suffers a mental disorder. He/she will consider such performance just as a form of pleasure or a means to scare others. If someone is affected by Tontey's artwork, he/she can become a cannibal because he/she wants to practice it directly or he/she will have curiosity to torture other humans and eat them. Such fantasy surely can bring disaster, increase one's aggressiveness and harm others.

Babies are susceptible to crimes, so Tontey raised the theme with a hope that we as commoners who enjoy art, will protect our babies from any crime. But, on the other hand, her work actually could encourage anyone to act more cruelly towards the babies. The impact would not only cause trauma to anyone who watched her work but also trigger someone to imagine as if he/she was fantasizing about eating a real baby. Indirectly, the form of empathy she expected to emerge was lost and replaced by a sadism behavior.

Cannibalism satisfies the perpetrators who are usually very secluded and hateful. Most cannibals are extreme loners, have no friends, and are full of bitterness. To them, killing and eating their victims are their way out. If being let free, a cannibal

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will almost certainly return to prey for other victims out of addiction. Historically, the practice of eating people is indeed old but it has been morally abandoned as an uncivilized practice.

Psychopathic behavior usually involves aggressive, criminal or sexual behavior for example serial killing or raping. However, there is also another type which is only related to social behavior, such as Tontey. She created an artwork of eating corpse that used baby-shaped food as a visual medium to eat without any feeling of guilty or sorry due to her own assumption that her work as an art is normal.

The same approach should be applied to cannibalism. Here, once again, framing the reporting of *#makanmayit* becomes important. Unfortunately, some media even carried out extensive interviews with Tontey. She, surely, defended her right to perform artwork and defended the freedom of art. Hopefully, appropriate experts can certainly talk more about the possibility of the emergence of copycats who may be inspired to actually practice cannibalistic fantasies like her artwork in the real world.

In the fourth volume of her book titled *Ourselves*, Charlotte Mason discussed at length about how great is the human imagination, but on the other hand, it can make the mind become sick when constantly supplied with negative ideas [27]. Therefore, everyone must always sort on what kind of imagination he wants to care for and let it develop. Not everything we can imagine needs to be fertilized, let alone brought into reality.

B. DISCUSSION

1. Psychodynamics of Fantasy Cannibals by Natasha Gabriella Tontey in the Perspective of Indonesian Laws

The artwork of Natasha Tontey had violated the norms of decency, propriety, and religion. If it is proven to violate the Indonesian law, the article 282 of the Indonesian Penal Code regarding decency or propriety will be likely subjected to her. The article states that:

1. Any person who either disseminates, openly demonstrates or puts up a writing of which he knows the content or a portrait or object known to him to be offensive against decency, or produces, imports, conveys in transit, exports or has in store, or openly or by dissemination of a writing, unrequestedly offers or indicates that said writing, portrait or object is procurable, in order that it be disseminated, openly demonstrated or put up, shall be punished by a maximum imprisonment of one year and four months or a maximum fine of three thousand rupiahs.
2. Any person who disseminates, openly demonstrates or puts up a writing, a portrait or an object offensive to decency, or produces imports, conveys in transit, exports or has in store, or openly or by dissemination of a writing unrequestedly offers or indicates that said writing, portrait or object is procurable, in order that it be disseminated, openly demonstrated or put up, shall, if he has serious reasons for suspecting that the writing, portrait or object. is offensive to decency, shall be punished by a maximum imprisonment of nine months or a maximum fine of three thousand rupiahs.
3. If the offender makes an occupation or a habit of the commission of the crime described in the first paragraph, a maximum imprisonment of two years and eight months or a maximum fine of five thousand rupiahs may be imposed.

Regarding this article, Mr. R. Soesilo, an Indonesian law expert, explained that the said writing, portrait or object must violate the feeling of modesty and/or the feeling of decency, for example, a porn book, obscene images or obscene statues, and so on. The nature of being obscene or not of the said objects must be determined based on public opinion, each event must be reviewed individually, and very much dependent on the customs in that community.

Some photographs about Tontey's art project were uploaded on social media. They sparked public debate because such very unusual artwork so called 'Makan Mayit' can be subjected to violate the Indonesian Act No. 11 of 2008 on Electronic Information and Transactions especially the Article 27 paragraph (1) regarding prohibited conducts that states: "Any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible electronic information and/or electronic documents with contents against propriety".

Tontey has fulfilled the element "knowingly" which means that the perpetrator "wants" and "knows" consciously that her actions were carried out without rights. What is meant by "without rights" here is an act against the law in the form of uploading a number of photographs of her work of 'Makan Mayit' in the form of babies as her visual media so that they spread virally in the community.

Indeed, immoral acts are not explicitly mentioned at all in the said article but rather it talks more about forms of dissemination of pornographic material, pornography, gambling, and/or acts of violence that should be prevented by legal regulation. The use of the term "violating propriety" (aanstotelijkvoor de eerbaarheid) in the formulation of Article 27 paragraph (1) of the said Act shows that the legislators chose a term that has a broader scope. The legislators prefer a comprehensive

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regulatory model with a wider scope not only in one area but in all fields of law. Therefore the scope of actions that violate decency or propriety is very broad in terms of their forms, modes, and characteristics that occur or will occur.

The penalty that can be imposed onto Tontey for her violation is the Indonesian Act No. 11 of Article 45 paragraph 1 which states: "Any person who satisfies the elements as intended by Article 27 paragraphs (1), (2), (3), or (4) shall be sentenced to imprisonment not exceeding 6 (six) years and/or a fine not exceeding Rp 1.000.000.000 (one billion rupiahs)."

Tontey's anxiety leads to the symptoms of anxiety disorder. Indeed, everyone experiences anxiety from time to time. It is something normal and natural and is an ordinary reaction to various difficulties or problems of life that anyone faces. However, to most people, anxiety without proper handling can be a chronic problem. Such feeling can turn out to be a very severe and tiring disorder under certain conditions. In such a case, this is no longer an ordinary or normal anxiety. Such persons experience high level of anxiety that disrupt them consistently. So, anxiety disorder is included as a serious mental illness. People with this disorder usually have great and excessive anxiety, and often time their feeling of anxiety cripples them. Actually, there are quite a lot of people who suffer from this anxiety disorder. From existing studies, it has been revealed that anxiety disorder is pretty common, affecting almost 17% of the world population.

2. Analysis of Tontey's Artwork of 'Makan Mayit' in the perspective of Maqāṣid Sharī'ah fi al-Jināyah (Objectives of Jurisprudence on Criminalization)

The purpose of giving sanction or punishment in the Islamic *sharī'ah* (Islamic jurisprudence) is the realization of the purpose of Islamic law itself, which is retaliation to bad conducts, as a general prevention, as a special prevention, and a protection to the rights of victims. Criminalization is intended to provide suffering imposed on someone as a result of his/her actions violating the rules [28]. In another version, punishment with certain penalties is intended to bring benefit to people and prevent tyranny or adversity [29].

Limitation of punishment is for the needs and benefit of the community. If the benefit of the community demands that the punishment is aggravated, then so it be. The vice versa applies. This shows that punishment is not allowed to exceed or less than the benefit of the general public [30]. Ibn al-Qayyim explained that the basis and principle of the Shariah are to realize the benefit of mankind in the world and the hereafter. According to him, all the Islamic laws contain the values of justice, grace, benefit, and wisdom. Whenever these four values are not contained, then the law cannot be called *sharī'ah* [31], [32], [33].

The Islamic law positions the benefit of individuals and community in high level. Hence, to guard the community against a crime sometimes necessary punishments must be sentenced, for example killing the perpetrator, isolating him/her to prevent him/her from conducting crimes to the public, giving him/her death sentence, or imprisoning him/her for life, as long as he/she has not repented and not changed his/her attitudes [34].

All criminalization that result in the benefit of individuals and preserve the benefit of the community must be legally carried out. Therefore, it should not be limited by only applying certain penalties without considering other sanctions. Educating the crime perpetrators should not be understood as a form of revenge to them, but rather as a means for ameliorating them. All criminalization with their various forms carries the motives of education, improvement, and prevention that differs from one to another according to the difference of crime conducted. So, in Islam, criminalization is referred to as a form of love (mercy) and kindness from God to His servants [35].

Islam is the most perfect way of life that brings grace for the entire universe Islam continues to live and is always in accordance with the times and all the conditions faced by mankind, elastic, and not stagnant. God is the Most Wise (al-Ḥakīm) so He does not create all creatures just for a play or full of ignorance. He will not regulate a law in vain because He has no need at all to His servants. All of His commands, bans, refinement, prohibitions, and permission solely for the benefit of mankind so that they are far from digression and harm.

In Islamic jurisprudence, the term *sadd al-ẓari'ah* is wellknown. More or less it means the principle of *fiqh* on prevention. The term *sadd al-ẓari'ah* originates from two words: *sadd* and *ẓara'i*. *Sadd* means to close or clog, *ẓara'i* means mediator, whereas *ẓari'ah* means the path that leads to something. Terminologically, according to al-Qarafi, *sadd al-ẓari'ah* means cutting the path of *mafsadah* (damage) as a way to avoid the damage itself [36]. Hence, even though an act is free from the elements of damage whereas it is considered to become a path or means of damage then that act must be prevented from occurring. With similar statement, according to al-Shaukani, *al-ẓari'ah* is a problem or case that is physically permissible but will deliver to prohibited actions (*al-mahzur*) [37], [38], [39].

From the definitions above, the researchers can conclude that the purpose of Islamic law enactment by God is for the sake of *maṣlaḥah* (goodness) for mankind. Here, mankind is generally interpreted not only Moslems but all people. The

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following is the explanation of the two basic aspects of the criminalization formulation in *fiqh al-jināyah* (the Islamic Jurisprudence on Criminalization), namely:

a. Retribution.

The retributive function of a criminalization is the subject most widely discussed by experts in *fiqh al-jināyah*, in addition to its deterrence function. This seems to be influenced by the existence of the Quranic verses which discuss a lot about this aspect of retribution. For example, God says in the Holy Quran Surah (QS) al-Māidah (5): 33: "The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter" [40]. In another verse, He says in QS al-Maidah (5): 38: "As to the thief, male or female, cut off his or her hands: a punishment by way of example from Allah for their crime. And Allah, is exalted in power, full of wisdom" [40].

Considering "retribution" as a legal reasoning behind criminalization, there are two things that inherently become the elements that must exist in it: (a) the assertiveness of a punishment, and (b) the compulsion of giving punishment to perpetrators of crimes [41]. Compared to other law systems on crime, the form of punishment guided in Islamic law is viewed as the most severe one.

Such severity of punishment, according to the researches, is due to the strictness of the legal theory of proofing in Islamic law on crimes. In this law, evidence and prejudice are not known. Compare this with the evidences set out in Article 184 of the Indonesian Crime Procedure Code. According to this legal book, valid evidence is (a) witness testimony, (b) expert testimony, (c) letter, (d) clues, or (e) the defendant's statement. The Article 188 states further that the clues as mentioned in letter (d) may be in the forms of actions, events or circumstances, which are due to conformity, both between one another, or with the crime itself, indicating that a crime had taken place and who did it, and these clues can only be obtained from witness statements, letters and statements of the accused, and valued by the judge based on his/her conscience [42]. In Islam, prejudice is sin and is prohibited as mentioned in QS al-Ḥujurāt (49): 12 which reads: "O ye who believe! Avoid suspicion as much (as possible) for suspicion in some cases is a sin" [40]. Therefore, in its trial system, proofing cannot be based on *ẓann* (prejudice) but must be certain. Here is one of the differences between Islamic law on crimes and the Western ones.

b. The Deterrence Aspect of Criminalization

Deterrence becomes a legal reasoning on the imposition of a punishment. The main objective is to prevent the recurrence of the crime in the future. Unlike retribution which tends to look back from the time of occurrence of the crime, the deterrence is projected for the future namely the necessity of a preventive measure so that such crime does not recur.

The effect of deterrence has two objectives: internal and general ones. In the internal aspect, the deterrence is aimed to the perpetrator of the crime in order to deter him from repeating his/her evil actions while in general the deterrence is aimed to the public in general to make them afraid of committing crimes. Thus, the basic nature of this deterrence is instilling fear of criminalization. In general, the nature of deterrence against criminalization is still accepted as one of the effective forms of justification in the punishment prosecution process.

In this study concerning Tontey's artwork, it can be said that her work has deviated from religious principles and norms in the perspective of the Islamic jurisprudence's objectives. Observing it from the Islamic side of view, it is a certainty that more attention deserves to be paid on the matter, specifically on the form of deviation she had conducted. In Islam itself art is not a bad thing, however if performing or presenting it publicly brings up a deviation and results in the presence of parties who feel disadvantaged, agitated, and disturbed, it is very important to conduct an in-depth study about it.

In the authors' opinion, the study of Islamic law on crimes is actually not much different to that of the conventional one, apart from the fact that in Islamic law it is more in the form of applying deterring punishment. This is largely intended to deter the perpetrator from his/her crimes through punishment he/she receives. Nonetheless, even though Indonesia a country with its majority of people are Moslems, the application of Islamic law of crime has not been implemented and rather it still uses the conventional one.

As a criminal phenomenon that endanger humanity, ritualistic cannibalism of course must be responded to in the name of belief and ideology. In Islam, maintaining human existence and realizing the benefit of humans is one of the main visions in the Islamic law study discourse. This concept is not merely a generalization from Islam regarding ritualistic cannibalism, but a contribution of thought and actualization of the dynamics of Islamic legal thought which has been linked through the *maqāṣid sharī'ah* (religious objectives) approach. Furthermore, the role and position of Islamic law scholars so far must be able to

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respond and mitigate all phenomena and problems in society that have implications for harm and crime in society. Needless to say, it is one of the objectives of Islamic law in order to maintain human existence on earth [43].

Although the phenomenon of cannibalism is referred by some groups to as an art performance, several state regulations and Islamic law call it a form of crime. It is agreed that the act of cannibalism was a serious human rights crime [44]. In fact, some of the world's tribes who still perpetuate cannibal rituals are labeled serious human rights violators. Thus, in such condition, the world and Islam agree that human existence must be maintained through state regulations and the provisions and concepts of *maqāṣid sharī'ah* [45].

Through the transcendental sources that are Al-Quran and Sunnah, Islam spreads and lays out the universe in its perfect, harmonious and beautiful form. The esoteric meaning of the order of the universe shows that Allah loves beauty (art). Art is a manifestation of various senses of beauty contained in the human soul, presented by means of communication tools into a form that can be captured by the senses of hearing (sound), sight (painting), or displayed through motion (dance, drama). Works of art are not simply a report of facts but rather a projection of an artist's inspiration, emotion, preference, appreciation or value consciousness.

Islam is a religion that corresponds with human nature, whether in mind, love, taste, will, lust, nature, feeling and reason. In the soul, feeling, conscience and human heart is embedded a sense of love for beauty (art) that can move the soul, intimacy, compassion, pleasure, hatred, revenge, jealousy and envy. Ideally, art in Islam is a reflection and expression of the beauty of the Islamic form of nature, the environment, life and humans that unites truth and beauty. Therefore, Islam has measured standards in appraising a work of art, whether it is in the category of *ḥalāl* (permissible), *makruh* (better avoided) or even *ḥarām* (unlawful).

Referring to the principles of art in Islam, the author considers the art of eating baby corpses displayed by Tantoy as leaving messages of harassment of human dignity, contrary to noble moral values, contrary to the principle of beauty in Islam. The moral message that is supposedly carried in the work of cannibalism is actually buried with a show that triggers sadistic acts towards babies. The concept of Islamic art aims to guide humans to realize the concept of monotheism, devotion and human perfection (*insān kamīl*) who carry out the mandate to realize universal benefits (*maqāṣid sharī'ah*). Art born from the concept of monotheism will lead art lovers and connoisseurs to become more civilized and dignified human beings. Islam does not approve of various artistic expressions that aim for and trigger pride, exhibitionism, lust, or that mar human dignity, let alone give rise to crimes, sadism, murder and cannibalism. Art that gives birth to criminal acts is contrary to the values of *maqāṣid sharī'ah*, especially *maqāṣid sharī'ah fi al-jināyah*.

In the concept of *fiqh jināyah* which discusses various legal consequences for criminal acts that are threatened with punishment of *qishas* (compensated), *hudud* (determined punishment) and *ta'zir* (which is carefully pondered by the government), the goal is to maintain the safety of human souls and their dignity. Tantoy's artwork, in this case, is deemed as having the potential to precipitate certain degrees of sadism, especially toward babies, either in the form of pure violence or pedophilia, and acts of disrespect toward the dead, as taught by Islam.

V. CONCLUSION

Natasha Gabriella Tontey, an Indonesian artist, had performed an artwork that was unique, different, strange, and difficult to define its meaning and purpose through an art performance with the theme of 'Makan Mayit'. Observing it from the conventional law, it was a violation of decency. In addition, she also offended the Indonesian Act on Electronic Information and Transaction; this was evidenced by the distribution of photos about her art project which she uploaded freely on social media. Everything related to 'Makan Mayit' performance was almost entirely uploaded. This had reaped a lot of criticism from various groups of community and even a petition was signed up protesting her work. Likewise, when her work is observed from the point of view of the Islamic law of crimes, it certainly had violated the aesthetic of art itself. Many parties felt uncomfortable with the work she chose so that, again in the Islamic point of view, it is necessary to carry out medical treatment or deterring efforts to her and those who supported the project execution. The plan for further research related to this theme is to conduct further research on the real effects caused by Tontey's artwork performance of 'Makan Mayit' and to look at people's various perceptions and preventive measures they take towards the effects of this artwork.

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