


Between Customary Justice and Criminal Accountability: Dayak Bakumpai Adat Law in Domestic Violence Resolution

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Abstract

This study aims to analyze the role of Dayak Bakumpai's Adat Law in resolving domestic violence (DV) cases. Dayak Bakumpai Adat Law continues to play a significant role in community life, particularly in addressing family conflicts, including DV. Although customary mechanisms are often preferred at the community level for their emphasis on deliberation, reconciliation, and social harmony, they cannot legally replace formal criminal prosecution for DV cases under Indonesian law. Therefore, this study provides a nuanced analysis to avoid implying that customary sanctions, such as fines or community service, constitute a lawful substitute for state-enforced criminal accountability. This study adopts an empirical approach, using a descriptive qualitative method that includes literature reviews and interviews with customary leaders and local community members. Data were also collected through field observations to understand the process of resolving DV cases based on Dayak Bakumpai's Adat Law mechanisms. The study results reveal that Adat Law demonstrates flexibility in handling DV cases through deliberation involving families, customary leaders, and community leaders. This customary resolution mechanism effectively maintains social harmony and prevents conflict escalation. However, the study also identifies challenges arising from inconsistencies between customary and national laws. In some cases, customary sanctions are deemed too lenient for DV perpetrators, raising concerns about the protection of victims, especially women. Still, they hold no authority to terminate or replace criminal liability. Additionally, Adat Law has not been fully recognized within Indonesia's formal legal system, leading to a duality of legal approaches in addressing DV cases. This creates a potential duality in legal approaches and underscores the need to harmonize customary practices with the national criminal justice system to safeguard victims' rights while respecting local wisdom.

Keywords: Dayak, Adat Law, Domestic Violence (DV), Customary Sanctions

INTRODUCTION

Indonesia upholds pluralism in the legal field, recognizing the coexistence of Western (positive law), religious, and *Adat* Law. This legal pluralism reflects the cultural, traditional, and value diversity in Indonesian society, which comprises various ethnic groups, religions, and customs.¹ Each type of law has its role and function in regulating community life, nationhood, and state governance.²

Adat Law, for instance, represents local identity deeply rooted in traditional values. This law typically evolves within communities and has been passed down through generations. It serves as a guideline for resolving various issues, such as land disputes, inheritance matters, and conflicts between residents.³ In each region, *Adat Law* has distinct characteristics according to the values and norms adhered to by the local community. For example, the *Adat* Law of the Minangkabau in West Sumatra, which follows a matrilineal system⁴, differs significantly from that in Papua, which emphasizes patrilineal kinship.⁵ Nevertheless, *Adat* Law often remains an essential reference in resolving problems at the community level, particularly in rural or remote areas. These laws and moral norms emerge from the social context of specific communities and ethnic groups, including the Dayak people of Central Kalimantan, who still practice the Dayak *Adat* Law.

Adat Law continues to strongly influence the Community of *Adat* Dayak in Central Kalimantan, particularly in the provincial capital, Palangka Raya.⁶ Despite being classified as a developing city, the residents of Palangka Raya adhere to and apply the Dayak *Adat* Law. This community represents a sub-ethnic group within the

¹ Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48, <https://doi.org/10.15408/ajis.v23i1.32549>.

² Franz von Benda-Beckmann et al., eds., *Rules of Law and Laws of Ruling: On the Governance of Law* (Routledge, 2016), 1–30.

³ Artaji et al., "Resolution of Agrarian Conflicts on Plantation Land through Restorative Justice in Indonesia," *Lex Scientia Law Review* 8, no. 1 (2024): 107–36, <https://doi.org/10.15294/lsr.v8i1.14060>.

⁴ Aleena Sebastian, "Matrilineal Practices Among Muslims: An Ethnographic Study of the Minangkabau of West Sumatra," *Ethnography*, ahead of print, December 27, 2022, <https://doi.org/10.1177/14661381221147137>.

⁵ Frans Reumi, "Legal Pluralism Approaches and Customary Land Rights Disputes on Indigenous Law Communities of Sentani Papua," *Journal of Law, Policy and Globalization* 91 (November 2019): 45–58, <https://doi.org/10.7176/JLPG/91-07>.

⁶ Jannatin Nisa and Dahlianoor, "Eksistensi Hukum Adat Dayak Kalimantan Tengah Di Era Revolusi Industri 4.0," *Syarah: Jurnal Hukum Islam* 9, no. 1 (2022): 1–18, <https://journal.iainlhokseumawe.ac.id/index.php/syarah/article/view/237/100>.

broader Dayak Adat Law community found on the island of Borneo. A defining feature of Dayak Adat Law is its codification into a legal framework known as the *Tumbang Anoi* Adat Law, or the *Tumbang Anoi* Agreement⁷, dating back to 1894. This agreement marked a significant milestone in the history of the Dayak people, as it unified various sub-ethnic groups under a shared set of customary principles, fostering peace, cooperation, and cultural preservation.⁸

The *Tumbang Anoi* Agreement was initially intended to end prolonged conflicts between different Dayak sub-ethnic groups, including disputes over territory, resources, and cultural practices.⁹ One of the most notable aspects of Dayak Adat Law is its integration with modern national legal system. In Palangka Raya, customary leaders, often referred to as *adat* elders, work alongside government officials to address contemporary issues while preserving traditional values.¹⁰ For instance, land disputes, which are common in areas rich in natural resources, are often resolved through customary mechanisms rather than formal courts. This approach reflects the deep-rooted belief in restorative justice, where reconciliation and mutual understanding take precedence over punitive measures.¹¹

Another critical feature of Dayak Adat Law is its role in maintaining social cohesion. Rituals, ceremonies, and communal gatherings serve as platforms for reinforcing social bonds and transmitting cultural knowledge across generations. These events often involve storytelling, dance, and music, which convey moral lessons and historical narratives. For example, the *Tiwah* ceremony, a traditional ritual for honouring the deceased, underscores the importance of community solidarity and

⁷ Satriya Nugraha, "Eksistensi Hukum Adat Melalui Penerapan Singer (Denda Adat) Dalam Perceraian Suku Dayak Ngaju," *Belom Babadat: Jurnal Hukum Agama Hindu* 12, no. 1 (2022): 80–93, <https://doi.org/10.33363/bb.v12i1.787>.

⁸ Sitti Utami Haryanti, "The Treaty of Tumbang Anoi, 1894: Impact on Borneo's Social Structure," in *Trajectories of Memory*, 1st ed., ed. Melani Budianta and Sylvia Tiwon (Springer Nature Singapore, 2023), https://doi.org/10.1007/978-981-99-1995-6_4.

⁹ Anyualatha Haridison and Jhon Retei Alfri Sandi, "The Patterns of Collaborative Governance in Dayak Land, Central Borneo, Indonesia," *International Conference on Public Organization (ICONPO)*, Asia Pacific Society for Public Affairs (APSPA), August 28, 2019, 315–33, <https://doi.org/10.2139/ssrn.3513233>.

¹⁰ Arma Diansyah, "Damang's Existence as a Customary Justice of Peace in the Dayak Tribe Community in Palangkaraya," *Asian Journal of Social and Humanities* 2, no. 3 (2023): 616–31, <https://doi.org/10.59888/ajosh.v2i03.200>.

¹¹ Farid Achmad et al., "Examining the Urgency of Restorative Justice: The Indonesian Attorney General's Office and the Fight Against Corruption," *Proceedings of the International Conference on Cultural Policy and Sustainable Development (ICPSD 2024)*, Advances in Social Science, Education and Humanities Research, vol. 869 (2024): 384–91, https://doi.org/10.2991/978-2-38476-315-3_52.

spiritual continuity.¹² Such practices not only preserve cultural heritage but also foster a sense of belonging among the Dayak people.

The Dayak Adat Law community in Palangka Raya exemplifies the resilience and adaptability of *Adat* Law in the face of modern challenges. The *Tumbang Anoi* Agreement serves as a cornerstone of this legal tradition, promoting unity, sustainability, and social harmony.¹³ By integrating customary practices with modern governance and actively engaging in advocacy efforts, the Dayak people continue to uphold their cultural heritage while contributing to the broader development of Central Kalimantan. This unique blend of tradition and innovation highlights the enduring significance of *Adat* Law in shaping the identity and future of the Dayak community.

Various ethnic groups inhabit Central Kalimantan, including the Dayak, Banjar, Javanese, and other transmigrant communities. The indigenous people of Central Kalimantan, known for their customary institutions and laws that are still upheld, are primarily the Dayak. The Dayak represent a collective of native ethnicities in Central Kalimantan that possess customary rights, traditions, customs, and *Adat Law*, all of which are recognized as expressions of the nation's pluralism within the framework of the Unitary State of the Republic of Indonesia.¹⁴

In implementing their *Adat* Law, the Dayak people have established an institution known as *Kedamangan*, a Dayak customary institution, which operates within a hierarchical framework spanning national, provincial, district or city, sub-district, and village/urban village levels. This institution serves as the central governing body for the Dayak community, ensuring the enforcement of *Adat* Laws and the preservation of cultural traditions, while also addressing contemporary issues. At the village or urban village level, the *Kedamangan* is typically led by traditional

¹² Astrid Patricia Amiani, "The Revealed Value and Meaning of Accountability: The Dayaknese Ceremony of Hindu Kaharingan Religion," *Developing Country Studies* 8, no. 11 (2018): 55–59, <https://www.iiste.org/Journals/index.php/DCS/article/view/44985/46425>.

¹³ Dody Heryanto et al., "Penal Mediation in Settlement of Disputes of Hurt Dayak Ngaju Traditional Law," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 4, no. 3 (2021): 6161–68, <https://doi.org/10.33258/birci.v4i3.2421>.

¹⁴ Kumpiady Widen, "Orang Dayak Dan Kebudayaannya," *Jispar: Jurnal Ilmu Sosial, Politik Dan Pemerintahan* 12, no. 2 (2023): 207–18, <https://doi.org/10.37304/jispar.v12i2.9834>.

leaders called *Damang Kepala Adat* (customary heads), who are highly respected within their communities. These leaders are tasked with overseeing daily communal activities, mediating conflicts, and upholding *Adat* Laws. As custodians of tradition, they ensure that rituals, ceremonies, and communal practices align with the principles of Dayak *Adat* Law. Their decisions are generally reached through consensus, reflecting the community's collective wisdom and values.¹⁵

At the sub-district and district/city levels, the *Kedamangan* institution plays a crucial coordinating role across multiple Dayak villages or communities, working alongside local government officials to address broader issues such as land use, resource management, and inter-community disputes, thereby integrating *Adat* Law into formal governance and creating a balance between traditional and modern legal systems. This collaboration is particularly evident in resolving land conflicts or promoting environmental conservation, where customary leaders and government agencies jointly develop solutions that respect both customary rights and national regulations. At the provincial and national levels, the *Kedamangan* plays a strategic advocacy role, engaging in policymaking, legislative processes, and national forums to protect Dayak customary rights and raise awareness of the preservation of indigenous cultural and ecological heritage. One of the institution's core functions is conflict resolution through restorative justice mechanisms that emphasize reconciliation, compensation, and community harmony, often achieved via inclusive meetings led by customary leaders. Beyond governance, the *Kedamangan* preserves cultural heritage by organizing ceremonies like the *Tiwah* ritual, which strengthen communal bonds and transmit moral values to future generations. In adapting to contemporary challenges such as urbanization, industrialization, and external influences, the *Kedamangan* has embraced digital technologies to document *Adat* Laws, manage land ownership, and connect with urbanized community members, while also partnering with NGOs and academic institutions for research, education,

¹⁵ Lolita et al., "The Existence of Customary Law Community's Rights (Hak Ulayat) Over Land in Kalimantan," *Proceeding of the 1st International Conference on toward Kalimantan as the New Capital of the Republic of Indonesia (BICIHE)* 1 (June 2023): 403–13, <https://journal.iaisambas.ac.id/index.php/bicihe/article/view/2062/1709>.

and advocacy, ensuring that Dayak traditions remain vibrant and resilient in an evolving socio-political landscape.

The structured nature of Dayak customary institutions serves as a catalyst and support system, enhancing community participation and providing governmental support for the Dayak indigenous community. This approach fosters a sense of appreciation among community members, motivating them to take responsibility for justice, welfare, and peace within their community and its environment.¹⁶

Various issues can be addressed through Adat Law in Central Kalimantan, including cases of Domestic Violence (DV), which represent a serious and complex social challenge in Indonesian society. Such circumstances not only inflict physical and psychological harm on victims but also disrupt the stability and harmony of families and communities at large. Resolving domestic violence cases requires a comprehensive approach that encompasses multiple elements, including *Adat Law*, a legal framework that has evolved within the community.¹⁷

Domestic Violence (DV) cases have emerged as a significant concern for the government, as evidenced by the implementation of Law No. 23 of 2004 on the Elimination of Domestic Violence¹⁸ (hereinafter referred to as the Domestic Violence Elimination Law). This legislation was established as a legal reference due to perceived inadequacies in the criminal threats and sanctions outlined in the Criminal Code (Penal Code, hereinafter referred to as the KUHP). The enactment of this law reflects the state's commitment to strengthening legal protection for victims, particularly women and children, who are often disproportionately affected by domestic violence. Moreover, the Domestic Violence Elimination Law introduces a broader understanding of violence, encompassing physical, psychological, sexual, and economic abuse, thereby addressing gaps that previously existed in the KUHP.

¹⁶ I Made Kastama and Ni Putu Paramita Dewi, "Keputusan Damang Pada Masyarakat Adat Dayak Dalam Menyelesaikan Kasus Perceraian Di Kalimantan Tengah," *Kertha Patrika* 43, no. 2 (2021): 182–96, <https://doi.org/10.24843/KP.2021.v43.i02.p05>.

¹⁷ Dewi Karya, "Tindak Pidana Kekerasan Dalam Rumah Tangga Yang Dilakukan Suami Terhadap Istri: Studi Kasus Di Pengadilan Negeri Gresik," *DiH: Jurnal Ilmu Hukum* 9, no. 17 (2013): 35–46, <https://doi.org/10.30996/dih.v9i17.248>.

¹⁸ Law No. 23 of 2004 on the Elimination of Domestic Violence.

In addition, this law affirms that domestic violence is a public offense, meaning that its prosecution lies within the exclusive authority of the state, regardless of whether the victim withdraws their complaint. This legal framework is intended not only to ensure accountability for perpetrators but also to reinforce the state's role in safeguarding human rights within the household sphere.

These were deemed too lenient and insufficient to deter perpetrators.¹⁹ The implementation of the Domestic Violence Elimination Law is beneficial in certain respects, particularly for women, who are disproportionately affected as victims of domestic violence situations.²⁰ However, enacting this law may also give rise to new challenges related to the potential for gender injustice.²¹

Legal protection refers to the safeguards implemented by the state through regulations enforced by the state or authorized entities, aimed at maintaining order within communal life and addressing associated matters. Law No. 23 of 2004 on the Elimination of Domestic Violence, in Article 1, point 1²² defines Domestic Violence (DV) as “any act against an individual, particularly women, that inflicts suffering or distress, whether physical, sexual, psychological, or through neglect, within the household. This definition also encompasses threats to commit such acts, coercion, or unlawful deprivation of freedom.” As a criminal offense regulated under Articles 44–49 of the Domestic Violence Law, DV falls under the exclusive domain of the state, which holds the authority to investigate, prosecute, and adjudicate criminal acts.²³

Indonesia, a nation characterized by its rich cultural and ethnic diversity, is home to numerous indigenous communities that operate under unique customary legal systems.²⁴ One notable indigenous group is *the Dayak Bakumpai*, primarily located in

¹⁹ Karya, “Tindak Pidana Kekerasan Dalam Rumah Tangga Yang Dilakukan Suami Terhadap Istri: Studi Kasus Di Pengadilan Negeri Gresik.”

²⁰ Nurhayu Handayani Putri et al., “Perlindungan Hukum Terhadap Korban Istri Akibat Kekerasan Dalam Rumah Tangga,” *Ulil Albab: Jurnal Ilmiah Multidisiplin* 3, no. 12 (2024): 12–29, <https://doi.org/10.56799/jim.v3i12.5645>.

²¹ Dudi Badruzaman et al., “Kesetaraan Gender Untuk Perempuan Korban Kekerasan Dalam Rumah Tangga,” *Justitia Et Pax: Jurnal Hukum* 36, no. 1 (2020): 127–41, <https://doi.org/10.24002/jep.v36i1.2475>.

²² Law No. 23 of 2004 on the Elimination of Domestic Violence Art. 1, Point 1.

²³ Soesilo Prayogo, *Kamus Lengkap Hukum internasional & Indonesia* (Wacana Intelektual Press, 2007).

²⁴ Sabrina Dwi Lestari and Abel Yap Shun Kit, “The Integration of Customary Law within the Framework of Indonesia's Constitutional Law in a Plural Society,” *IJALGOV: Indonesian Journal of Administrative Law and Local Government* 1, no. 1 (2024): 1–11, <https://doi.org/10.26740/ijalgov.v1i01.35852>.

Central Kalimantan. *The Dayak Bakumpai* community maintains a longstanding tradition of Adat Law preserved through generations. This *Adat* Law embodies the values, norms, and practices that govern the lives of its people and continues to function as a mechanism for resolving social conflicts.²⁵

The efficacy of Dayak Bakumpai's Adat Law in addressing various social conflicts, including domestic violence, has increasingly drawn academic attention, particularly in relation to human rights protection and local-level governance. Domestic violence constitutes a serious issue that undermines familial relationships, adversely affects children's development, and infringes upon fundamental individual rights. Given these consequences, managing DV cases at the grassroots level remains essential. However, from a criminal-law standpoint, it is necessary to clarify the extent to which customary institutions assert authority in cases that legally constitute criminal offenses. Although Dayak Bakumpai customary leaders often facilitate deliberation and reconciliation, these mechanisms do not constitute formal adjudication of criminal acts, nor do they possess lawful authority to replace or override state criminal procedures.²⁶

The statement is obvious, while customary resolutions, such as reconciliation agreements, the imposition of *adat* fines, or the payment of compensation, may contribute to restoring social harmony within the community, such outcomes are not automatically recognized as mitigating circumstances in criminal proceedings. Indonesian criminal procedure law does not provide explicit statutory grounds for treating *adat* decisions as grounds for reducing punishment. As a result, even when a case has been "settled" through *adat* mechanisms, the state remains obligated to pursue criminal prosecution in accordance with national law. Clarifying these boundaries strengthens the analysis of how Dayak Bakumpai Adat Law interacts with Indonesia's formal criminal justice system and highlights the duality that often emerges in communities where both systems operate simultaneously.

²⁵ Setia Budhi, "Rain, River and Religion A Study of Negotiating Identity of Bakumpai People in Kalimantan, Indonesia," *Ajbas: Australian Journal of Basic and Applied Sciences* 12, no. 9 (2018): 26–30, <https://doi.org/10.22587/ajbas.2018.12.9.4>.

²⁶ Fini Fajrini et al., "Determinan Sikap Tindak Kekerasan Dalam Rumah Tangga Di Provinsi Banten," *Aspirasi: Jurnal Masalah-Masalah Sosial* 9, no. 2 (2019): 173–89, <https://doi.org/10.46807/aspirasi.v9i2.1113>.

One of the legal issues frequently encountered in the Dayak Bakumpai community is domestic violence (DV). DV encompasses any form of violent act committed by one household member against another, resulting in physical, psychological, or sexual harm, as well as neglect. The consequences of DV can adversely affect victims, perpetrators, and society at large, leading to fear, trauma, disability, suicidal tendencies, diminished self-confidence, and damage to social relationships. According to data from the National Commission on Violence Against Women (*Komnas Perempuan*), there were 544,452 cases of domestic violence reported in Indonesia over 17 years (2004-2021). Of these cases, 36,367 occurred in the last five years (2017-2021).²⁷ This data underscores that domestic violence remains a significant legal issue that requires effective intervention. However, not all incidents of domestic violence are reported or addressed through formal legal channels. Many victims remain silent or resolve the matter through family or customary methods. DV inflicts negative impacts on victims in physical, psychological, and social domains. Therefore, it is essential to implement effective legal measures to prevent and address instances of domestic violence.

One legal approach is to integrate *Adat* Law within the community. *Adat* Law comprises a system of norms, values, and rules that govern the lives of indigenous peoples across various aspects, including dispute resolution. This legal framework offers advantages such as flexibility, local wisdom, and active community participation.²⁸ However, *Adat* Law also encounters challenges regarding harmonization, recognition, and protection under national law.

One ethnic group with *Adat* Laws is the Dayak Bakumpai. The Dayak Bakumpai is a sub-ethnic group of the Dayak Ngaju who practice Islam. They primarily inhabit the banks of the Barito River basin in South Kalimantan and Central Kalimantan.²⁹ The Dayak Bakumpai has been significantly influenced by the Banjar people's language,

²⁷ Tsarina Maharani and Bayu Galih, "Sepanjang 2004-2021, Komnas Perempuan Catat 544.452 Kekerasan Dalam Rumah Tangga," *Kompas.Com* (Jakarta), September 28, 2021, <https://nasional.kompas.com/read/2021/09/28/10181941/sepanjang-2004-2021-komnas-perempuan-catat-544452-kekerasan-dalam-rumah?page=all>.

²⁸ Oetje Salman Soemadiningrat, *Rekonseptualisasi Hukum Adat Kontemporer: Telaah Kritis Terhadap Hukum Adat Sebagai Hukum Yang Hidup Dalam Masyarakat*, 2nd ed. (Alumni, 2011).

²⁹ Tjilik Riwut, *Kalimantan Membangun Alam, Dan Kebudayaan*, 1st ed., ed. Nila Riwut (NR Pub, 2007).

culture, *Adat* Law, and architecture. Consequently, both culturally and in terms of *Adat* Law, the Dayak Bakumpai belong to the Banjar cultural group, although linguistically, they are closely related to the Ngaju language.³⁰ However, Dayak Bakumpai Adat Law also faces several challenges in dispute resolution, particularly in cases of domestic violence (DV). These challenges include a lack of legal awareness among community members, limited access to justice for victims, insufficient legal protection, and inadequate coordination between *Adat* Law and national law. Additionally, Dayak Bakumpai's Adat Law has the potential to perpetuate discrimination and subordination of women due to the influence of patriarchal values and local culture.³¹

Adat Law, as practiced by the Dayak Bakumpai community, often reflects deeply entrenched patriarchal norms that have historically influenced social hierarchies by prioritizing male authority in familial, economic, and decision-making spheres while relegating women to subordinate roles. A notable example is the inheritance system, where ancestral property and land rights are typically passed down to male heirs, limiting women's economic independence and reinforcing their dependency on male family members. As explained by Soekanto (1972), the inheritance system in Indonesian customary law is strongly influenced by principles of lineage, which in many cases follow a patrilineal or male-line descent system. In societies such as the Batak and Lampung, inheritance involves not only material assets but also symbolic rights and leadership, which are passed down to male descendants. This aligns with the patriarchal structure of Dayak Bakumpai customary law, where sons are prioritized in receiving inheritance such as land and houses, while daughters are often excluded. This disparity reinforces women's structural dependence on male figures within the family and community.³² Additionally, customary dispute-

³⁰ Liadi H.Fimeir et al., "Politics Identity and Electoral Contestation Among the Bakumpai Tribes (a Geopolitical Survey at Central Kalimantan) Subtitles: Politics Identity, Prespective Political Education on Beginner Voters," *Proceedings of the 1st International Conference on Education and Social Science Research (ICESRE 2018)*, Advances in Social Science, Education and Humanities Research, vol. 287 (2019): 106–10, <https://doi.org/10.2991/icesre-18.2019.22>.

³¹ Ilhamsyah et al., "'Kujukuran' Competition in Bakumpai Tribe Marriage: An Islamic Review," *The International Journal of Social Sciences World* 4, no. 2 (2022): 325–33, <https://doi.org/10.5281/ZENODO.7426508>.

³² Unlike Dayak communities, Minangkabau society follows a matrilineal kinship system, with descent and inheritance traced through the maternal line. See Afnaini and M. Syamsudin, "Changes in the Inheritance System of

resolution mechanisms frequently exhibit gender bias, as decisions are predominantly made by male elders who may marginalize women's perspectives, particularly in sensitive matters such as domestic violence, divorce, or child custody. The coexistence of *Adat* Law with national legal frameworks further complicates the issue, as Indonesia's laws and international human rights commitments promote gender equality. Yet, their implementation remains inconsistent at the local level. In areas where *Adat* Law is influential, like among the Dayak Bakumpai, tensions often arise between preserving cultural traditions and upholding constitutional guarantees of equality. Addressing this challenge requires inclusive legal reforms that involve local communities, especially women, in dialogues about the gender impacts of *Adat* Law, fostering awareness and cultural shifts that align customary practices with modern human rights standards.

The recognition of indigenous law communities in Article 18B (2) of the 1945 Constitution³³ provides a constitutional basis for the state's obligation to respect and protect traditional rights, including customary law. However, as Ardiansyah et al. (2015) highlight, this recognition is conditional and is often inconsistently implemented in practice. In the context of the Dayak Bakumpai, although customary law remains the primary reference for resolving domestic and household violence issues, this constitutional guarantee has not fully ensured protection for women within the patriarchal framework of customary law.³⁴

This article addresses that research gap by focusing on the application of Dayak Bakumpai *Adat* Law in resolving Domestic Violence (DV) cases, a topic rarely discussed in current literature. It explores not only the operational mechanism of customary justice in DV resolution but also critically analyzes its interaction with

Pusako Tinggi Assets and Their Impact on the Minangkabau Traditional Inheritance System,” *Prophetic Law Review* 4, no. 2 (2022): 222–40, <https://doi.org/10.20885/PLR.vol4.iss2.art5>; Soerjono Soekanto, “Inheritance Adat Law in Indonesian Peasant Society,” *Malaya Law Review* 14, no. 2 (1972): 244–58, <https://law.nus.edu.sg/sjls/wp-content/uploads/sites/14/2024/07/669-1972-14-mal-dec-244.pdf>.

³³ The Constitution of the Republic of Indonesia (1945). Art. 18B, Para (2).

³⁴ Fitrian Ardiansyah et al., *Forest and Land-Use Governance in a Decentralized Indonesia: A Legal and Policy Review*, Occasional Paper no. 132 (Center for International Forestry Research (CIFOR), 2015), <https://doi.org/10.17528/cifor/005695>.

national legal frameworks, especially Law No. 23 of 2004 on the Elimination of Domestic Violence.

By doing so, this study contributes to the scholarly discourse on legal pluralism and the ongoing efforts to reconcile traditional justice systems with universal human rights norms, particularly in the context of gender-based violence in indigenous settings. This article fills a gap in the literature by examining how Dayak Bakumpai's *Adat* Law addresses domestic violence (DV) cases and how it can be reconciled, both theoretically and practically, with Indonesia's formal legal system, particularly in relation to gender justice.

METHODOLOGY

This study employs an empirical research methodology that directly observes actual behavior, representing a social phenomenon within the community that is not formally documented. The research highlights the juridical aspect as an analytical framework that enhances understanding of law in the context of social life, integrating legal concepts with the realities individuals experience in their daily lives.³⁵ Given the nature of the data to be collected, the data collection tools will include document analysis, observations, and interviews, all of which will be processed into elements that support this research.

Empirical legal research refers to the examination of unwritten, favorable laws governing individuals' behavior in social interactions. This behavior encompasses actions that must be followed, whether commands or prohibitions.³⁶ The objective of legal research is to comprehend and articulate situations related to legal norms and to analyze the functioning of these norms within society. Empirical legal research, also known as sociological legal research, is commonly referred to as field research. This type of legal inquiry emphasizes concrete analysis and observation of the

³⁵ Muhaimin, *Metode Penelitian Hukum*, 1st ed. (Mataram University Press, 2020).

³⁶ Abdulkadir Muhammad, *Hukum Dan Penelitian Hukum*, 1st ed. (Citra Aditya Bakti, 2004).

implementation of legal norms and their influence on societal behavior and social structures.³⁷

RESULT AND DISCUSSION

The Existence of Dayak Bakumpai Adat Law in the Resolution of Domestic Violence Cases

The Dayak people are among the most prominent ethnic groups on the island of Borneo, Indonesia, and possess a rich cultural heritage and profound local wisdom.³⁸ Their existence has become an integral part of the region's history and development. While many facets of Dayak's life have been explored and understood, numerous aspects remain concealed and have not been fully uncovered by outsiders, including their *Adat Law*. This *Adat Law* is an inseparable component of the Dayak people's cultural identity, reflecting values, norms, and beliefs transmitted from generation to generation.³⁹

Dayak Adat Law is formally recognized in the Regional Regulation of Central Kalimantan Province No. 16 of 2008, which governs the Dayak Customary Institution⁴⁰ (hereinafter referred to as the Customary Regulation). This regulation is a significant aspect of life for the people of Central Kalimantan, as it officially recognizes Dayak customary institutions, including their organizational structures and the norms and values upheld by the Dayak community. This recognition not only reflects respect for cultural heritage but also constitutes an effort to preserve the Dayak people's unique and valuable cultural identity.⁴¹ This regulation recognizes the importance of preserving and developing the Dayak people's customs, traditions, and culture. The local government is encouraged to offer necessary

³⁷ Peter Mahmud Marzuki, *Penelitian Hukum*, Edisi Revisi (Kencana, 2017).

³⁸ Effrata, "Fenomenologi Sosial Suku Dayak Maanyan," *Jurnal Sociopolitico* 4, no. 1 (2022): 13–22, <https://doi.org/10.54683/sociopolitico.v4i1.55>.

³⁹ Chris Apandie and Endang Danial Ar, "Huma Betang: Identitas Moral Kultural Suku Dayak Ngaju Kalimantan Tengah," *Journal of Moral and Civic Education* 3, no. 2 (2019): 76–91, <https://doi.org/10.24036/8851412322019185>.

⁴⁰ Regional Regulation of Central Kalimantan Province No. 16 of 2008 on Dayak Customary Institution.

⁴¹ Jhon Retei Alfri Sandi, "Aktualisasi Hak-Hak Masyarakat Adat Dayak Melalui Peran Lembaga Dewan Adat Dayak Kalimantan Tengah (DAD-KT)," *Wacana: Jurnal Ilmu Sosial Dan Ilmu Politik Interdisiplin* 8, no. 2 (2021): 321–41, <https://e-journal.upr.ac.id/index.php/Jwcn/article/view/3659/2820>.

support through policies and programs to safeguard and promote this cultural heritage.⁴² Consequently, the values and traditional practices passed down through generations can remain preserved and relevant in contemporary society.

This regulation explicitly defines the role of Dayak customary institutions, particularly concerning the resolution of customary disputes, the execution of customary ceremonies, and the traditional management of natural resources. These institutions are acknowledged as local authorities essential for fostering social harmony and ensuring environmental sustainability within their communities.⁴³ Consequently, the roles and functions of these customary institutions are reinforced, enabling them to fulfill their responsibilities following the existing legal framework.

Lastly, this regulation governs the relationship between customary institutions and local governments, outlining the mechanisms for coordination and cooperation. This relationship is essential for safeguarding the customary rights and interests of the Dayak community while ensuring sustainable, equitable natural resource management.⁴⁴ Through this regulation, Dayak customary institutions will be able to play a more significant role in regional development while preserving and celebrating the cultural identity of the Dayak indigenous community.

One of the prominent subgroups within the Dayak community is the Dayak Bakumpai, the majority of whom reside in Central Kalimantan, particularly in Baru Village, Dusun Selatan Subdistrict, Barito Selatan Regency.⁴⁵ In this village, the *Adat* Law of the Dayak Bakumpai is highly regarded and actively implemented in daily life. The presence of this *Adat* Law not only serves as a cultural heritage but also functions as an effective instrument for maintaining social harmony and addressing

⁴² Yopie Susanto, "Dampak Kedudukan Kelembagaan Adat Dayak Kedamangan Dalam Peraturan Daerah Provinsi Kalimantan Tengah Nomor 16 Tahun 2008 Tentang Kelembagaan Adat Dayak Di Provinsi Kalimantan Tengah Terhadap Hak-Hak Masyarakat Hukum Adat Dayak" (Thesis, Universitas Atma Jaya, 2015), <https://repository.uaij.ac.id/id/eprint/7933>.

⁴³ Dede Suryanto, "Dinamika Pelaksanaan Hukum Adat Dayak Ngaju Dalam Penyelesaian Sengketa Tanah Di Kalimantan Tengah," *Vyavahara Duta: Jurnal Ilmiah Ilmu Agama Dan Ilmu Hukum* 19, no. 1 (2024): 68–76, <https://doi.org/10.25078/vyavaharaduta.v19i1.3174>.

⁴⁴ Rico Septian Noor, "Upaya Perlindungan Hukum Terhadap Eksistensi Masyarakat Hukum Adat Di Kalimantan Tengah," *Morality: Jurnal Ilmu Hukum* 4, no. 2 (2018): 115–31, <https://jurnal.upgriplk.ac.id/index.php/morality/article/view/98/78>.

⁴⁵ Nasrullah, "Identitas Orang Bakumpai: Dayak Dan Muslim," *Proyeksi: Jurnal Ilmu-Ilmu Sosial Dan Humaniora* 19, no. 2 (2015): 54–61, <https://doi.org/10.26418/proyeksi.v19i02.461>.

various issues within the community, including cases of domestic violence (DV). The *Adat* Law of the Dayak Bakumpai is integral to the lives of residents in the surrounding villages of Bakumpai. Despite significant modernization and social development in Indonesia, this *Adat* Law persists and is upheld by the local community. Its enduring presence can be attributed to its transmission across generations and its effectiveness in maintaining balance and harmony within social interactions.⁴⁶ For the Dayak Bakumpai people, *Adat* Law embodies more than just a set of rules; it represents a way of life essential for fostering positive relationships among individuals, communities, and the natural environment.⁴⁷

In village life, the *Adat* Law of the Dayak Bakumpai functions not only as a mechanism for resolving internal community issues but also as the primary framework for addressing more serious cases, such as domestic violence (KDRT). Domestic violence is a complex and sensitive matter that often necessitates a distinct approach compared to other legal cases. In this context, the efficacy of Dayak Bakumpai's *Adat* Law is evident, as it prioritizes not only the enforcement of regulations but also the restoration of social relationships that the violence may have disrupted.⁴⁸

In the Dayak Bakumpai community, *Adat* Law is regarded as a comprehensive system that governs interpersonal relationships while encompassing spiritual and religious dimensions. The Dayak Bakumpai people hold a deep conviction that transgressing *Adat* Law can elicit the displeasure of *Ranying Hatalla* (God) and their ancestors, potentially resulting in misfortune for the individual infringing the law and the community. Consequently, adherence to *Adat* Law is paramount, with

⁴⁶ Wahyu and Nasrullah, "Malacak, Manatak, Maimbul: Kearifan Lokal Petani Dayak Bakumpai Dalam Pengelolaan Padi Di Lahan Rawa Pasang Surut," *Komunitas: International Journal of Indonesian Society and Culture* 4, no. 1 (2012): 36–45, <https://doi.org/10.15294/komunitas.v4i1.2394>.

⁴⁷ Teguh Musa Wiguna et al., "Huma Betang-Based Resolution of Mining Land Conflicts: Belom Bahadat Legal Culture of Bakumpai Dayak Community in Central Kalimantan, Indonesia," *Lex Localis: Journal of Local Self-Government* 22, no. 3 (2024): 47–65, [https://doi.org/10.52152/22.3.47-65\(2024\)](https://doi.org/10.52152/22.3.47-65(2024)).

⁴⁸ Malik Ibrahim and Taufiqurohman, "Efektifitas Siner Sebagai Pelaksanaan Sanksi Adat Dalam Hukum Perkawinan: (Studi Pada Komunitas Suku Dayak Bakumpai Di Kabupaten Barito Utara Kalimantan Tengah)," *Tasyri': Journal of Islamic Law* 2, no. 2 (2022): 205–24, <https://doi.org/10.53038/tsyr.v2i2.65>.

sanctions imposed not only of a physical or material nature but also incorporating spiritual elements to restore disrupted harmony.⁴⁹

The resolution of domestic violence cases under the Dayak Bakumpai Adat Law typically begins with a deliberation involving all relevant parties, including the perpetrator, the victim, their families, and community leaders. The objective of this deliberation is to reach consensus among all involved and to ensure that the resolution is equitable and conducive to restoring disrupted social relations. During this process, the *Damang*, the customary leader and adjudicator within the Dayak Bakumpai Adat Law system, is pivotal in guiding the discussion and rendering appropriate decisions.

In this context, the *Damang's* role is not merely judicial but also deeply reconciliatory.⁵⁰ As a mediator, the *Damang* seeks to address the underlying causes of conflict while emphasizing communal harmony and the preservation of familial bonds. This approach reflects the core principles of restorative justice, which prioritize healing and reintegration over punitive measures. However, the efficacy of this system in addressing domestic violence is often complicated by cultural norms that may inadvertently normalize or downplay certain forms of abuse, particularly when they occur within the private sphere of the family.

Legal Challenges and the Interaction between Adat Law and State and Islamic Law Frameworks

One key challenge lies in the perception of domestic violence itself. Within the Dayak Bakumpai community, acts of domestic violence are frequently viewed through a lens of familial privacy rather than as violations of individual rights. This perspective can lead to a reluctance to impose formal sanctions on the perpetrator, as the primary goal is to maintain family unity and avoid public shame. Consequently, resolutions often involve symbolic gestures such as apologies, compensation payments (known locally as *adat* fines), or ritual ceremonies aimed at restoring

⁴⁹ Michael B. Hooker, *Adat Law in Modern Indonesia*, East Asian Historical Monographs (Oxford University Press, 1978).

⁵⁰ Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology*, 3rd ed. (Basic Books, 2001).

balance within the community. While these measures may temporarily ease tensions, they do not necessarily address the root causes of violence or provide adequate protection for the victim.

One key challenge lies in the perception of domestic violence itself. Within the Dayak Bakumpai community, acts of domestic violence are frequently viewed through a lens of familial privacy rather than as violations of individual rights or criminal conduct. This perspective often results in a reluctance to impose formal sanctions on the perpetrator, as the primary goal is to maintain family unity and avoid public shame. Consequently, resolutions frequently involve symbolic gestures such as apologies, compensation payments (*adat* fines), or ritual ceremonies intended to restore communal harmony. While these measures may ease tensions at the surface level, they do not address the structural causes of violence, nor do they provide long-term protection or legal certainty for the victim. From a criminal law perspective, this tendency to treat domestic violence as a private matter is problematic, as it obscures the legal reality that domestic violence constitutes a criminal offense under Articles 44–49 of the Domestic Violence Law⁵¹ and therefore must be processed through the state's formal justice system.

Moreover, women's involvement in customary deliberations remains limited. Although female elders or representatives may occasionally participate, decision-making authority is predominantly held by male leaders, including the *Damang*. This gender imbalance can lead to outcomes that insufficiently consider the needs, interests, and safety of female victims. Decisions may prioritize the perpetrator's reintegration into the community over the victim's security, potentially leaving the victim vulnerable to recurring abuse. Such dynamics can further result in social pressure on victims to accept reconciliation or return to the marital household, even when it is unsafe. This pressure carries legal implications under Articles 10–12 of the Domestic Violence Law⁵², which guarantee victims the right to protection, assistance, psychological recovery, health services, and freedom from intimidation. When

⁵¹ Law No. 23 of 2004 on the Elimination of Domestic Violence Art. 44-49.

⁵² Law No. 23 of 2004 on the Elimination of Domestic Violence Art 10-12.

customary mechanisms encourage or coerce victims into reconciliation, they may inadvertently undermine these statutory rights and expose victims to renewed harm. From a legal standpoint, the interaction between Dayak Bakumpai Adat Law and Indonesia's national criminal law framework adds further complexity. Under national legislation, particularly Law No. 23 of 2004 on the Elimination of Domestic Violence, domestic violence is unequivocally recognized as a criminal offense that triggers state obligations to investigate, prosecute, and sanction perpetrators. Customary institutions, however, do not possess legal authority to adjudicate criminal cases, including domestic violence. Their role is limited to facilitating social reconciliation rather than issuing legally binding decisions. Furthermore, customary resolutions such as *adat* fines, apologies, or compensation are not automatically recognized as mitigating circumstances in court proceedings, as Indonesian criminal law provides no explicit statutory basis for treating *adat* outcomes as mitigating factors in criminal liability. This means that even when disputes appear to be resolved at the customary level, the state remains obligated to pursue formal criminal proceedings in accordance with due process.

Another critical issue arises when victims are encouraged, or pressured, to address domestic violence exclusively through customary forums. Such pressure can impede the victim's legal right to file a police report, thereby obstructing access to justice. Statements such as "do not report this to the police," "solve it through *adat*," or "this is a household matter" may constitute intimidation that directly conflicts with the victim's legal right to seek protection from the state. This dual system of justice, where cultural norms supersede legal obligations, risks compromising the rights of women and weakening the enforcement of criminal law in rural areas.

To address these challenges, it is imperative to foster more substantial alignment between customary practices and national legal standards. Efforts should prioritize enhancing the capacity of customary leaders, including the *Damang*, to recognize domestic violence as both a cultural concern and a criminal offense with legal consequences. Training on gender sensitivity, human rights, and legal literacy would equip customary leaders with the tools needed to handle cases more equitably and

in compliance with national law. Likewise, increasing community awareness of formal legal remedies could empower victims to exercise their rights without fear of social exclusion. Such measures are essential to ensuring that customary mechanisms support, rather than undermine, the state's obligation to protect victims and uphold justice.

This study interviewed Mr. Ahmad, the Head of Desa Baru, a village in the Dayak Bakumpai area. According to Mr. Ahmad, the deliberation process is a fundamental aspect of Dayak Bakumpai's Adat Law. "In every case, we prioritize deliberation to reach a fair agreement for all parties. The *Damang* listens to the statements from both parties and the witnesses, then decides on the appropriate sanctions according to the prevailing customs," Mr. Ahmad explained. This approach illustrates that Dayak Bakumpai's Adat Law strongly emphasizes the principles of restorative justice, which focus not only on punishing the perpetrator but also on recovery and reconciliation. The sanctions imposed in domestic violence (KDRT) cases under Dayak Bakumpai *Adat* Law typically consist of two components: material sanctions and spiritual sanctions. Material sanctions may include fines that the perpetrator must pay to the victim or the community as compensation for the harm inflicted. These fines are commonly paid in goods of significant cultural and economic value, such as gold, livestock, or agricultural products. The objective of these sanctions is to deter the perpetrator and to ensure that the victim receives justice. Spiritual sanctions, conversely, encompass customary rituals designed to cleanse the perpetrators of their sins and restore spiritual equilibrium within the community.⁵³ These rituals may include offerings to ancestors or purification ceremonies conducted by the Dayak Bakumpai people at sacred locations. The offerings typically consist of animals, such as chickens or pigs, presented during a ceremony led by community elders. The entire community is invited to engage in this ceremony, emphasizing that the resolution of a domestic violence (KDRT) case is not

⁵³ Yolanda Cristin and Desi Natalia, "Ritual Miempu Dalam Pemahaman Masyarakat Suku Dayak Ma'anyan Paku Di Desa Runggu Raya," *Satya Widya: Jurnal Studi Agama* 7, no. 1 (2024): 20–38, <https://doi.org/10.33363/swjsa.v7i1.1046>.

solely a personal matter between the perpetrator and the victim but a collective concern for the entire community.

The resolution process through *Adat* Law presents several advantages over the formal legal system. One significant benefit is its speed and cost-effectiveness compared to formal court proceedings, which often involve lengthy proceedings and substantial costs. Furthermore, *Adat* Law is grounded in well-established, widely recognized values and norms within the local community.⁵⁴ This familiarity facilitates the acceptance and implementation of decisions made by customary leaders, such as the *Damang*, by all parties involved.

Lev (1962) noted that in the post-revolutionary period, the role of the Supreme Court became crucial in shaping interpretations of customary law, particularly in inheritance cases. Judges began to interpret customary law critically, not merely accepting discriminatory traditional practices, but aligning them with principles of justice and contemporary values. This illustrates that customary law is not a static entity but can be reformed by judicial authorities who understand its social context. In the case of Dayak Bakumpai customary law, such an approach is essential to ensure that the resolution of domestic violence cases is not solely based on patriarchal norms.⁵⁵

While the *Adat* Law of the Dayak Bakumpai has demonstrated effectiveness in addressing cases of Domestic Violence (KDRT), its implementation continues to encounter various challenges. A significant challenge lies in integrating *Adat* Law with the national legal system, which is more formal and bureaucratic.⁵⁶ Communities often face a dilemma when conflicts occur between customary and national law, particularly in cases involving criminal offenses under state legislation.

⁵⁴ Heryanti, "Kajian Filsafat Tanggungjawab Negara Terhadap Nilai-Nilai Kearifan Lokal Masyarakat Hukum Adat," *Halu Oleo Law Review* 1, no. 1 (2018): 75–85, <https://doi.org/10.33561/holrev.v1i1.2351>.

⁵⁵ Daniel S. Lev, "The Supreme Court and Adat Inheritance Law in Indonesia," *The American Journal of Comparative Law* 11, no. 2 (1962): 205–24, <https://doi.org/10.2307/838708>.

⁵⁶ Jessica Aurelia et al., "Tantangan Dan Potensi Peradilan Adat Sebagai Access to Justice Melalui Pengakuan Hukum Adat Dalam UUD 1945," *Jurnal Ilmiah Wabana Pendidikan* 10, no. 8 (2024): 564–69, <https://doi.org/10.5281/zenodo.11108866>.

They must choose between honoring the *Adat* Law traditions upheld for generations and complying with the formal laws enforced by the state.

In addition to customary and state law perspectives, the issue of domestic violence examined in this article is also closely connected to Islamic law, particularly considering that the Dayak Bakumpai community predominantly adheres to Islam. Islamic law places strong emphasis on the protection of human dignity (*ḥifẓ al-naḥs*), family integrity (*ḥifẓ al-nasl*), and justice within marital relationships as part of the objectives of Islamic law (*maqāṣid al-sharīʿa*)⁵⁷. Acts of domestic violence fundamentally contradict core Islamic legal principles, as Islam strictly prohibits harm (*ḍarar*), oppression (*ẓulm*), and abusive conduct within the household⁵⁸. While Islamic jurisprudence recognizes reconciliation (*ṣulḥ*) as a legitimate and commendable mechanism in resolving family disputes, such reconciliation is not intended to justify or perpetuate violence, but rather to restore justice and prevent further harm⁵⁹. Therefore, the interaction between Dayak Bakumpai Adat Law and domestic violence cannot be conceptually detached from Islamic legal norms, especially in assessing whether customary resolutions align with Islamic principles of justice, victim protection, and moral accountability. This relevance situates the present study within the broader discourse of Islamic law in plural legal systems, particularly concerning the harmonization of adat practices, state law, and Islamic normative values in addressing gender-based violence⁶⁰.

From an Islamic legal perspective, the concept of adat is closely related to the Arabic term *ʿādah*, which literally means habit, custom, or practice. Linguistically, *ʿādah* is often used synonymously with *ʿurf*, referring to practices that are commonly known and socially recognized. Scholars such as Abu Sinnah and Muhammad Mustafa al-

⁵⁷ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (The International Institute of Islamic Thought, 2007), <https://iiit.org/wp-content/uploads/Maqasid-Al-Shariah-as-a-Philosophy-of-Islamic-Law-Combined.pdf>.

⁵⁸ Mohammad Hashim Kamali, *Maqāṣid Al-Sharīʿah: Made Simple*, Occasional Papers Series 13 (International Institute of Islamic Thought, 2008).

⁵⁹ Shouket Allie and Professor Najma Moosa, “Exploring the Concept of Conciliation (Ṣulḥ) as a Method of Alternative Dispute Resolution in Islāmic Law” (Master’s Thesis, University of the Western Cape, 2019), <https://uwcscholar.uwc.ac.za/items/e90d2f30-5cac-41ed-aadc-0d63526e01d5>.

⁶⁰ Anggraeni, “Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints.”

Syalabi distinguish these terms by emphasizing that *'ādah* denotes repetitive conduct or practices that become habitual, whether at the individual level (*'ādah fardhiyyah*) or the collective level (*'ādah jamā'iyyah*), while *'urf* refers to recurring social practices that are accepted by persons of sound reasoning.⁶¹ In Islamic legal theory, such customs are not inherently rejected; on the contrary, Islam acknowledges and accommodates local customs in social life as long as they do not contradict fundamental principles of Islamic law. This normative openness provides a doctrinal basis for the continued application of customary law within Muslim communities, including the Dayak Bakumpai, while simultaneously requiring that adat-based practices, particularly in sensitive matters such as domestic violence, remain aligned with Islamic ethical imperatives of justice, protection from harm, and the safeguarding of human dignity.

According to Gluckman (1949), customary law in Indonesia cannot be separated from the underlying social structure and community organization. It operates within autonomous communities that integrate both genealogical and territorial factors. In the context of the Dayak Bakumpai, this structure explains how male customary leaders hold dominant roles in resolving conflicts and establishing norms, including those within the domestic sphere. When patriarchal values are deeply embedded in such structures, women's access to justice becomes significantly limited.⁶²

The Dayak customary leader, *Damang*, in the Barito Selatan region, is dedicated to fostering strong relationships with law enforcement officials, including the police and the judiciary. This collaboration seeks to identify methods for *Adat* Law and formal law to coexist harmoniously without conflict. One initiative involves integrating elements of *Adat* Law into the formal legal process, allowing both legal systems to complement one another and deliver more comprehensive justice for the community.

⁶¹ Ian Alfian et al., "Al-'Urf dan Al-'Adah: Relevansi dan Tantangannya dalam Pembentukan Hukum Ekonomi Islam," *J-HES: Jurnal Hukum Ekonomi Syariah* 8, no. 2 (2024): 109–19, <https://doi.org/10.26618/j-hes.v8i2.16326>.

⁶² Max Gluckman, "Adat Law in Indonesia," *Journal of Comparative Legislation and International Law* 31, no. 3/4 (1949): 60–65, <https://www.jstor.org/stable/754246>.

CONCLUSION

The Dayak Bakumpai Adat Law remains an essential component of the community's cultural heritage. It continues to play a meaningful role in addressing Domestic Violence (DV) cases through mechanisms rooted in consensus, restorative justice, and social harmony. Its emphasis on reconciliation and the restoration of social and spiritual balance reflects a holistic worldview that has long helped preserve communal cohesion. However, applying Adat Law in DV cases poses significant challenges within Indonesia's national criminal justice system. Domestic violence is legally classified as a criminal offense under the Domestic Violence Law, and its prosecution falls within the exclusive authority of the state. As such, customary sanctions, although socially meaningful, cannot substitute or override the formal legal obligations to protect victims and prosecute perpetrators. The tension between these two legal systems often places communities in a difficult position, particularly when cultural expectations favor reconciliation. At the same time, national law requires protecting victims and ensuring criminal accountability.

In some cases, customary practices that pressure victims to maintain family unity may inadvertently contravene the victim's statutory rights to safety, assistance, and unrestricted access to formal justice mechanisms. Nonetheless, the growing collaboration between customary leaders and state law enforcement represents a constructive pathway toward harmonizing these differing approaches. Strengthening this synergy through legal literacy, gender-sensitive training, and clear procedural guidelines could help integrate community-based wisdom with national legal standards, ultimately fostering a more responsive, equitable, and culturally grounded system of justice for DV victims.

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