

Acculturation in the Inheritance Law of the Dayak Ngaju Community

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Abstract: *Acculturation in the Inheritance Law of the Dayak Ngaju Community.* The Dayak Community, as an agrarian community, respects and upholds the noble values of their ancestors. This value strongly affects their social and cultural system, including the customs and traditions of inheritance settlement. This research is descriptive-analytic using a phenomenology approach. The aim is to identify the uniqueness of the traditional heritage of the Ngaju Dayak tribe in Palangka Raya through the perspective of acculturation theory of culture and law. The study shows that the acculturation model that occurs in Palangka Raya is an adjustment model, in which the process of adjustment and adaptation of one culture to other cultures occurs without forming a new culture. In addition, this study also finds that the community kinship system influences the application of inheritance law among the Ngaju Dayak indigenous people, Palangka Raya, Central Kalimantan.

Keywords: inheritance law, Dayak Ngaju's tradition, law and culture acculturation.

Abstrak: *Akulturası dalam Hukum Kewarisan Masyarakat Dayak Ngaju.* Masyarakat Dayak, sebagai masyarakat agraris, sangat menghormati dan menjunjung tinggi nilai-nilai luhur nenek moyang mereka. Nilai ideal ini sangat memengaruhi sistem sosial dan budaya mereka, termasuk dalam adat istiadat dan tradisi penyelesaian warisan. Penelitian ini bersifat deskriptif analitik dengan menggunakan pendekatan fenomenologi. Tujuannya adalah untuk mengidentifikasi keunikan warisan adat suku Dayak Ngaju di Palangka Raya melalui perspektif teori akulturası budaya dan hukum. Berdasarkan hasil penelitian dapat disimpulkan bahwa model akulturası yang terjadi di Palangka Raya adalah model penyesuaian, di mana proses penyesuaian dan adaptasi suatu budaya terhadap budaya lain terjadi tanpa membentuk budaya baru. Penelitian ini juga menemukan fakta bahwa sistem kekerabatan masyarakat ikut berpengaruh dalam penerapan Hukum waris di kalangan masyarakat adat Dayak Ngaju, Palangka Raya, Kalimantan Tengah.

Kata Kunci: hukum kewarisan, tradisi Dayak Ngaju, akulturası budaya dan hukum.

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Introduction

In Indonesia, three legal systems regulate people's lives, namely positive law, Islamic law, and customary law. This phenomenon in sociological terms is known as legal pluralism, which means that there are various legal systems in one population (human) and/or geographical area. Legal pluralism is very common in former colonies, where the laws inherited from the colonial rulers are still adhered to in addition to the local community/customary law system.

Tradition or culture is an expression of human creations, works, and initiatives (in certain societies) that contain values and messages of religiosity, philosophical insights, and local wisdom/local genius. Customary law contains a very deep essence of life, where there is a crystallization of various beliefs and ideologies of the community which can only be understood by looking at the philosophical aspects of the indigenous peoples holistically.¹

Meanwhile, religion, in the perspective of the social sciences, is also a value system that contains some conceptions of the construction of reality and serves as a guide for social behavior. As emphasized by Peter L Berger (1929), religion is a symbolic system that gives meaning to people's life. According to Zulfa Jamalie, religion plays a major role in explaining the normative structure and social order as well as understanding and interpreting the world around it.² Thus Islamic law, in this sense, appears as a normative guideline that must be implemented by Muslims as a form of obedience to religious teachings.

The presence of Islam in Indonesia creates an interaction between religion and the traditions or culture of the local community. The interaction between Islamic law and customary law in Indonesia, which has been going on for a long time, has given rise to several theories such as the *receptio in complexu* theory, the *receptie* theory, the *receptioexit* theory, and the *receptio a contrario* theory. The theory of *receptio in*

¹ Gusti Muzainah, *Asas Kemanfaatan Tentang Kedudukan Perempuan dalam Hukum Waris Adat Masyarakat Banjar* (Yogyakarta: Pustaka Akademika, 2016), p. 1.

² Zulfa Jamalie, 'Akulturasi dan Kearifan Lokal dalam Tradisi *Baayun* Maulid pada Masyarakat Banjar', *El-Harakah*, 16.2 (2014), 234 (p. 238) <<https://doi.org/10.18860/el.v16i2.2778>>.

complexu, proposed by Lodewijk Willem Christian van den Berg (1845-1927), can be defined as complete acceptance or complete absorption of a legal system. According to this theory, adherents of certain religions apply their religious laws. In other words, for Muslims the provisions of Islamic law apply; for Christians the provisions of Christian law apply, for Hindus the provisions of Hindu law apply, as well as for Buddhists the provisions of Buddhist law apply.

Among the many regulations, inheritance law is one of the most important elements in people's lives, especially for indigenous peoples because it has direct implications for the sustainability of the social system at the family, close relatives, and society in general.³ Inheritance property according to customary inheritance law is not a unit that has a price value but is a unit that can be divided according to the type and interests of the heirs. Ter Haar emphasized that customary inheritance law includes legal rules relating to the process of transferring material and immaterial wealth from one generation to the next which has been practiced for centuries. The growth and development of customary law in indigenous peoples have provided an overview of the values of community life which are believed to be true by the community in regulating their life. The reason is that the existence of Dayak customary institutions is important and even decisive in resolving various disputes and conflicts in the life of the Dayak people. This indicates that the role of traditional institutions is still strong and authoritative.⁴

The same is true in the Muslim community. The scholars have agreed that the provisions contained in the text regarding inheritance include verses and sunnah that provide definite instructions (*qath'iy dalâlah*),⁵ Therefore, the distribution of inheritance can only be carried out following the provisions of the Qur'an and Hadith as a manifestation of the principle of necessity (*ijbâriy*).

It is interesting when the three legal systems above, positive law,

³ Soerjono Soekanto and Soleman B Taneko, *Hukum Adat Indonesia* (Jakarta: Raja Grafindo Persada, 2007), p. 20.

⁴ 'Perda Wali Kota Palangka Raya No. 6 Tahun 2018', 2018.

⁵ Ahmad Rofiq, *Fiqh Mawaris* (Jakarta: PT Raja Grafindo Persadi, 1993), p. 198.

Islam, and Adat, meet in a social environment, the three will compete with each other, conflict, or even integrate to be accepted by the community. This is what John R Bowen calls the competing norms.⁶ The legal encounters can be analyzed using the conceptual scheme of the legal dichotomy triangle developed by Chiba, namely: *First*, legal vs. informal law. *Second*, the dichotomy between positive law/rule of law and legal postulates; and *Third*, the combination of the law of origin with the law of transplantation. It should be noted, however, that the three concepts above cannot be fully applied in the context of an encounter with the legal system in Indonesia. This is because the character of legal pluralism in Indonesia is different from legal pluralism in other regions.⁷ In the context of inheritance law, for example, this phenomenon appears in several areas of customary law, in the Acehnese and Malay communities, which led to the integration between Islamic law and customary law, and in Minangkabau, where, at first, there was a conflict between Islamic law and customary law but later, gradually, compromised or even became integrated.⁸

The competition between the two interests of the above legal system has resulted in the emergence of cultural acculturation symptoms in society that requires harmonization of the legal system. Acculturation is a social process that arises when a group of people with a certain culture are exposed to cultural elements from a foreign culture in such a way that the elements of a foreign culture are gradually accepted and processed into their own culture without causing the loss of culture. Their cultural personality.⁹ The formulation of the ideal steps that can be taken in the harmonization of the legal system, as stated by Friedman, occurs through adjustments to the elements of the applicable legal order which include legal substance and structural, legal, and institutional components (legal

⁶ John R Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge, UK; New York, NY: Cambridge University Press, 2003), p. 5.

⁷ Ratno Lukito, *Hukum Sakral dan Hukum Sekuler; Studi Tentang Konflik dan Resolusi dalam Studi Hukum di Indonesia* (Jakarta: Pustaka Alvabet, 2008), p. 15.

⁸ Amir Syarifuddin, *Pelaksanaan Hukum Kewarisan Islam dalam Lingkungan Adat Minangkabau* (Jakarta: Gunung Agung, 1984), pp. 331–34.

⁹ Abdurrahmat Fathoni, *Antropologi Sosial Budaya: Suatu Pengantar* (Jakarta: Rineka Cipta, 2006), p. 30.

structure) and components of legal culture.¹⁰ The emphasis on legal culture lies in living law, while legal culture emphasizes human attitudes towards law and the legal system, values, beliefs.

The strong current of acculturation of culture, religion, and law that affects people's lives, including in this case the life of the Dayak who live in Central Kalimantan Province, is an interesting social phenomenon to study. Through this study, it can be seen how the process of the encounter between various legal systems, in this case, Islamic Law with Customs, and how the subsequent developments will be for this reason, the researcher tries to analyze the inheritance practices that exist among indigenous peoples, especially among the Ngaju Dayak tribe in Palangka Raya.

An Overview of the Indigenous Dayak Ngaju in Palangka Raya, Central Kalimantan

Central Kalimantan is one of the areas in Indonesia inhabited by the Dayak tribe. Dayak is the name for the indigenous people in Kalimantan. The Dayak tribe is one of the oldest tribes in Indonesia that has an ancient culture. At first, the Dayaks inhabited the entire territory of the island of Borneo, both coastal and the mainland. The arrival of the Malays, from Sumatra and Malacca, the Bugis and Javanese who inhabited the East and West coasts of the island of Kalimantan, encouraged the Dayak who lived on the coast to retreat to the land side of the island of Borneo. Although the identity raised by the Dayak tribe is very strong and even tends to dominate, social relations between the Dayak tribe and other ethnic groups are maintained and harmonious.¹¹

The Dayaks generally live in the Kahayan River as well as the Kapuas River. The proximity of the Dayak tribe to the river causes them to

¹⁰ Laurence M. Friedman, *American Law: An Introduction, Second Edition, Hukum Negara Sebuah Pengantar, Terjemahan Wishnu Basuki* (Jakarta: PT. Tatanusa, 1998), p. 8.

¹¹ Kumpiady Widen, 'The Rise of Dayak Identities in Central Kalimantan', in *Borneo Studies in History, Society and Culture*, ed. by Victor T. King, Zawawi Ibrahim, and Noor Hasharina Hassan, *Asia in Transition* (Singapore: Springer Singapore, 2017), iv, 273–82 (pp. 273–82) <https://doi.org/10.1007/978-981-10-0672-2_12>.

identify themselves, or the community, by the name of the river.¹² For the Dayak community, rivers are the main transportation route to carry out various daily mobility activities such as going to work in the fields which are usually far from residential areas, or trading by exchanging crops, gardens, and livestock for other commodities.

As part of an agrarian society, the Dayak people highly uphold the noble values of their ancestors that are still valid, such as social, religious, and social values. The goal is none other than to achieve a harmonious life. This ideal value greatly influences the socio-cultural system, including the implementation of traditions and customs. Although in general, all Dayak people have similarities in terms of the philosophy of life, in reality, the cultural traditions of each Dayak tribe are not homogeneous because there are many differences between one tribe and another, both in language, movement, rites, symbols, and lifestyles.¹³

The Dayak tribe consists of 7 (seven) major ethnic groups (tribes) which are further divided into 405 small tribes (clan). Of the seven ethnic groups, there is one tribe called the Ngaju Dayak who mostly live in the province of Central Kalimantan, a province that has an area of 153,564 square kilometers with the city of Palangka Raya as the provincial capital. This area has the nickname river land which is inhabited by various ethnic immigrants such as Dayak, Banjar, Javanese, Malay, Batak, and several other tribes which symbolize high pluralism but its citizens can live in safety, peace, and serenity. A fairly thick kinship system characterizes the families of the Ngaju Dayak ethnic community.

Like the tendency of the Dayak people in general, the attitudes and behavior of the Ngaju Dayak people in the Central Kalimantan region are strongly influenced by their perspective on life and life. The language of communication used by the people here is the Ngaju Dayak language which is the mother tongue of the Dayak people living in Palangka Raya. The Dayak Ngaju customs in Palangka Raya City, which

¹² KMA M Usop, *Pakat Dayak: Sejarah Integrasi dan Jati Diri Masyarakat Dayak Daerah Kalimantan Tengah* (Palangka Raya: YPK-BG, 1996).

¹³ Nila Riwut, *Bawin Dayak Kedudukan, Fungsi, dan Peran Perempuan Dayak* (Yogyakarta: NR Publishing, 2015), pp. 31–32.

are based on other values or norms that are still lived and maintained by the community, grow and develop in various patterns of behavior in the social life of the local community. Even though they follow different religions, some are Muslim, Christian, Catholic, and Protestant, the family relationship remains unbroken as the jargon “children are still children, parents are still parents”.¹⁴

The Philosophy of *Huma Betang* in the Palangka Raya Dayak Community, Central Kalimantan

Huma Betang or Betang House or Long House is a traditional house typical of the Dayak tribe found in various areas of Central Kalimantan, especially in the upstream area of the river which is usually the center of their settlement. The shape and size of the Betang House vary, some are 50 meters long and 30 meters wide, some even reach 150 meters in length. Betang House is in the form of a house on stilts erected with a height of three to five meters from the ground.

More than just a residential building, *Huma Betang* serves as the heart of the social structure of the Dayak community as well as a reflection of their attitude to life. In this house, every individual's life in the household and community is systematically regulated through mutual agreements as outlined in customary law.

Huma Betang contains high philosophical values. More specifically, the values contained in *Huma Betang* include four pillars, namely togetherness and cooperation, honesty, equality, and tolerance.

1. Togetherness and cooperation. This value is reflected in the joint action of caring for and maintaining *Huma Betang* as well as doing joint work when planting rice (planting area).
2. Honesty. This value is reflected in a good attitude, not lying to others, from small things to big things.
3. Equality. This value is reflected in the attitude of not distinguishing

¹⁴ Agus Salim, *Praktik Pembagian Waris Beda Agama dan Peranan Hukum Adat di Kalangan Etnis Dayak Kecamatan Gunung Bintang Awai Kabupaten Barito Kuala* (Banjarmasin: IAIN Antasari Press, 2015), p. 7.

one another, even though they are of different gender, religion, or social status, as well as providing the same rights and obligations between one another.

4. Tolerance. This value is reflected in the attitude of respecting the differences or backgrounds of other people who are different in terms of gender, religion, and social status.

The values in *Huma Betang* are also seen in the philosophy of *Belom Bahadat* (life in tradition) and *Isen Mulang* (unyielding spirit). *Belom Bahadat* means living according to tradition's guidance, while *Isen Mulang* means never giving up in the face of every challenge and trial. These two philosophies of life are taught to all Dayak residents, from childhood, youth, to adulthood, regardless of whether they are rich or poor, rank or ordinary citizens.¹⁵ Apart from that, the Dayak people also have a high sense of pride and respect for their ancestors. To honor their ancestors, the Dayak people perform certain traditional ceremonies and rituals to carry out the dismantling of ancestral graves and cleaning the remaining bones to be stored in a place that was made together.¹⁶

As the times passed, the Dayak people no longer build and live in *Huma Betang*; They, gradually, began to leave their traditional homes and move to more modern and separate living quarters. However, the essence and philosophy contained in *Huma Betang*, including the slogans *Belom Bahadat* and *Isen Mulang*, are still preserved and passed down from generation to generation and become a way of life for the Ngaju Dayak people. This is reflected in the spirit to maintain harmony, mutual respect, and tolerance for one another contains the values of equality, brotherhood, and kinship.

¹⁵ Ibnu Elmi AS Pelu and Jefry Tarantang, 'Interkoneksi Nilai-Nilai *Huma Betang* Kalimantan Tengah dengan Pancasila', *Jurnal Studi Agama dan Masyarakat*, 14.2 (2018), 119 (pp. 119–26) <<https://doi.org/10.23971/jsam.v14i2.928>>.

¹⁶ Era Maresty and Z. Zamroni, 'Analisis Nilai-Nilai Budaya *Huma Betang* dalam Pembinaan Persatuan Kesatuan Bangsa Siswa SMA di Kalimantan Tengah', *Harmoni Sosial: Jurnal Pendidikan IPS*, 4.1 (2017), 67–79 (pp. 67–79) <<https://doi.org/10.21831/hsjpi.v4i1.10626>>.

The Pattern of Sharing the Inheritance of the Ngaju Dayak Tribe

The inheritance law among the indigenous people of Ngaju Dayak in Palangka Raya, Central Kalimantan, is strongly influenced by the kinship system of the community.¹⁷ The procedure for the distribution of inheritance used by the Ngaju Dayak tribe is based on Dayak customary law carried out by the eldest male heirs through the deliberations of the Customary Council and local customary judges. The pattern that develops in resolving inheritance disputes among the community is to explore the values of local wisdom in the community and prioritize the principles of peace and the philosophy of justice. This can be seen from the tradition of deliberation in determining the share of the inheritance by considering the needs and economic conditions of the heirs.¹⁸

The object of inheritance can be in the form of material and immaterial assets, which consist of:

- a. Heirlooms, which include: 1) Heirlooms that have religious magical value. 2) Inheritance assets that have no religious value, such as rice fields, fields, houses, and so on.
- b. Congenital assets, namely assets brought by both the wife and husband in marriage (personal goods, original goods, funds, arrangements). There are two opinions regarding these objects. 1) It remains the right of each husband and wife. 2) After a certain period (more than 5 years) they become common property.
- c. Marital assets/joint assets, namely assets acquired during the marriage period.
- d. Rights obtained from the community such as: praying in mosques, in churches, in temples, utilizing graves, river water, collecting forest products, etc.¹⁹

¹⁷ Supriyadi, 'Pilihan Hukum Kewarisan dalam Masyarakat Pluralistik (Studi Komparasi Hukum Islam dan Hukum Perdata)', *Al-'Adalah*, 12.3 (2015), p. 554–55.

¹⁸ Ahmad Bunyan Wahib, 'Reformasi Hukum Waris di Negara-Negara Muslim', *Asy-Syir'ah, Jurnal Ilmu Syari'ah dan Hukum*, 48.1 (2014), pp. 29–54. Compare Abdul Qodir Zaelani, 'Konsep *Tā'iquli* dan *Tā'abbudi* dalam Konteks Hukum Keluarga Islam', *Asas: Jurnal Hukum Ekonomi Syariah*, 6.1 (2014), p. 46–56.

¹⁹ IGN Sugangga, *Hukum Waris Adat* (Semarang: Universitas Diponegoro, 1995), p. 53.

According to the decision of the deliberations of the Customary Council/*Kerapatan Adat*, the right to divide the inheritance is given to the eldest son, called "*Julak*". The *Julak* has the right and authority to share the inheritance with his siblings, taking into account the social and economic conditions of the heirs. This division is carried out without questioning the religious differences between the heirs. With the special status given by this custom, the eldest son should have good personal integrity, be able to care for and protect his younger siblings.²⁰

In resolving inheritance problems, the Ngaju Dayak indigenous people are based on the principles of deliberation, the spirit of kinship, and make every effort to prevent conflicts from arising.²¹ The procedure for the distribution of inheritance is adjusted to the provisions of customary law, regardless of gender and religious background. In the Dayak Ngaju customary inheritance law, all heirs receive their share equally by following a 1:1 pattern. There are no privileges for heirs who take care of their parents until they die, all of them get the same share. So, the meaning of justice in the distribution of the inheritance of the Dayak community is cumulative justice, namely justice that gives everyone as much as possible without considering individual merits.

This 1:1 distribution pattern for boys and girls is considered fair by the local community and is always applied in every distribution of inheritance. In certain cases, the distribution of inheritance is also carried out by the heirs according to their respective needs following the agreement and deliberation in the Dayak Customary Council.²² The essence of the presence of this Customary Assembly is to suppress as early as possible the emergence of disputes or conflicts so as not to cause disharmony among family members.²³ This can happen, for example, a widow and other heirs both need a house or garden. Sometimes there are

²⁰ Wihildi, *Mantir Adat Dayak Kalimantan Tengah*, 2020.

²¹ Ahmadi Hasan, *Adat Badamai, Interaksi Hukum Islam dan Hukum Adat pada Masyarakat Banjar* (Banjarmasin: Antasari Press, 2009), p. 30.

²² Ahmadi Hasan, *Adat Badamai...*, p. 30

²³ Ibrahim Ahmad, 'Menyelesaikan Sengketa Pembagian Harta Warisan Melalui Peran Kepala Desa', *Jurnal Legalitas*, 5.1, p. 331–33.

also cases of a large inheritance so that the property cannot be divided but transferred/controlled by one of the heirs.

Furthermore, the Ngaju Dayak Adat rules also stipulate that if the deceased has no children, then the inheritance is partly handed over to his widow and the other part is handed over to his parents and siblings. To strengthen this provision, recently there has been a tendency in society to make a marriage agreement that when an heir dies and leaves no offspring, all his assets are given to the widow or widower.²⁴

The implementation of the distribution of the Ngaju Dayak traditional inheritance, which is based on family agreements, is closely related to the concept of hereditary Adat which is still practiced and is an action that is considered right by the local community. This is because the main goal is to prevent conflict, create peace in the family, and build the highest values of justice.²⁵

An important issue to note is the fact that some of the Ngaju Dayak people have embraced Islam, a religion having its inheritance law system based on the holy verses of the Qur'an and Hadith. In such a situation, the Ngaju Dayak people are faced with a difficult choice. On one side, they belong to Dayaks, who adhere to Adat and, on another side, they are Muslims, who adhere to the Shari'ah. The choice is difficult because the Ngaju Dayak customary inheritance law system is not a stand-alone system. If the inheritance law system changes, the change will disrupt the social cohesion that has been built for a long time.

To overcome this dilemma, the Ngaju Muslim Dayak community found a unique solution, namely by combining customary norms, which are based on family agreements, with norms contained in Islamic inheritance law. The trick is to first divide the inheritance according to Islamic law, then deliberation is carried out taking into account the economic conditions of each heir. By doing so, the conflicts can be

²⁴ Tjilik Riwut, *Maneser Panatan Tatu Hiang* (Yogyakarta: Pusaka Lima, 2003), p. 233–34.

²⁵ Ibnu Elmi Achmat Slamet Pelu, Ahmad Syaikhu, and Jefry Tarantang, 'Tradisi Penyelesaian Sengketa Kewarisan Masyarakat Kalimantan Tengah (Studi Pada Kabupaten Katingan dan Kota Palangka Raya)', *Al-Manahij: Jurnal Kajian Hukum Islam*, 13.2 (2019), 203–216 <<https://doi.org/10.24090/mnh.v13i2.2027>>.

avoided because the needs of the heir groups who are at a low economic level can be accommodated.²⁶

Acculturation between Islamic Law and Local Culture in Solving Inheritance Problems

The Ngaju Dayak community is an open society and respects other people with different cultures. The intensive and long-term interaction between the Dayak and other ethnic groups in Palangka Raya has caused the cultural elements of these different groups to be gradually accepted and processed into their own culture without causing the loss of the cultural personality itself.

The acculturation model that occurs in Palangka Raya takes the form of adjustment where a culture with another culture makes adjustments and adaptations without forming a new culture. This adjustment process arises through the language of communication used and physical culture. The system of cultural values, religious beliefs, and customs in the acculturation process of this kind of model has not changed at all. This legal and cultural acculturation occurs through social interaction, including through marriage or when a death event occurs. At these two moments, the community usually works together to prepare everything needed to carry out these activities.

The conversion of religion, from local religion to Islam, by some members of the Ngaju Dayak Indigenous community has encouraged interactions between customary law and Islamic law, especially in the distribution of inheritance. This interaction then raises the question of how to simultaneously practice religious teachings and customary provisions of ancestral heritage in a legal aspect in society. This problem turned out to be resolved wisely by the community itself by first distributing the inheritance according to Islamic law (*farâ'id*) then followed by deliberation to consider/accommodate the needs of heirs who are at a low economic level. This compromise, unwittingly and indirectly, has led to acculturation

²⁶ Ibnu Elmi Achmat Slamet Pelu, Ahmad Syaikh, and Jefry Tarantang, 'Tradisi Penyelesaian Sengketa Kewarisan Masyarakat Kalimantan Tengah...', p. 203–216

between the customary inheritance law system and the Islamic inheritance law system. This acculturation process runs peacefully and positively without causing friction between the two legal systems. Thus, the pattern of inheritance distribution among the Ngaju Muslim Dayak Indigenous Peoples has shown that Islam and local traditions can be integrated into a unified whole and synergistically in people's lives. This finding also supports the results of Ratno Lukito's research which concludes that Islamic law and customary law in many cases in Indonesia can coexist.

The combination of customary law and Islamic law in the distribution of inheritance among the Dayak Ngaju Muslim indigenous peoples in Palangka Raya can be seen as a result of social construction that takes place positively and peacefully. Legal acculturation in inheritance sharing that combines religious values with human values (*Adat*) has ended the competition for norms, encounters, or conflicts between various legal systems. In the future, this phenomenon is expected to encourage a combination of Islamic law, customary law, and positive law. The three legal systems, although from a material point of view, must be recognized as different from each other and even very likely to trigger legal conflicts, but in many cases, they can coexist, although with different intensities. This is supported by the fact that the diversity of inheritance laws has been running among the Ngaju Dayak indigenous people in Palangka Raya City, starting from customary inheritance law, civil inheritance law, and Islamic inheritance law. Customary inheritance law itself is not singular but also varies according to the existing patterns and systems of community kinship.²⁷

Conclusion

Customary law, as a sub-system of the traditions and culture of the Dayak community, including the Ngaju Dayak, is an unwritten law that has lived and becomes part of the legal awareness of the community. For the Dayak community, as well as the Ngaju Dayak, customs symbolize the order of people's lives, both in personal, family, group, and community

²⁷ Supriyadi, 'Pilihan Hukum Kewarisan dalam Masyarakat Pluralistik...', p. 553.

life. In everyday life, the Dayaks, including the Ngaju Dayak, give a very dominant role to traditional institutions. The existence of customary institutions is important and decisive in the life of the Dayak community, especially in resolving various disputes and conflicts.

These two traditions are ancestral traditions that have been known to the Dayak community long before Islam entered Kalimantan. The arrival of Islam influences traditional values. The shift in customary values after the entry of Islam, from local beliefs to religious values, gave its color, without changing the shape of the customary system. Competition between Islamic law and local culture takes place peacefully through a reciprocal process that is productive and creative, so that tradition does not stand alone but is related to beliefs, knowledge, experience (reality), and the spiritual condition of the community.

Within the framework of acculturation of legal culture, the phenomena that exist among the Ngaju Dayak community, especially in the matter of inheritance, show that the position of customary law in Indonesia can no longer be seen as a separate law but slowly and gradually, without realizing it, has begun to integrate with the legal system. Other laws in the Indonesian legal system. This condition can ultimately lead to legal positivization through various laws and regulations. In other words, the customary law system, as an unwritten law that has survived for hundreds of hundreds of years without anyone disturbing it, will gradually become a positive law under the shadow of acculturation of legal culture and the concept of reforming the customary law system.

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