

## Settlement of Criminal Case of Insultation against Class (Article 156 of the Criminal Code) through the Dayak Ngaju Traditional Court

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### Abstract

*Within the Dayak community to resolve a case or dispute, it is often used through the customary court conducted by Damang. Damang is the traditional leader of the kademangan who functions as the customary head. The existence of Damang as a Customary Peace Judge is recognized and obeyed by the Dayak community in Palangka Raya. This study discusses two main problems, namely, first, the Ngaju Dayak customary justice system in resolving cases of insults to groups. Second, the effectiveness of the Ngaju Dayak customary courts in resolving cases of insult to groups can be described as follows: (1) That the Dayak indigenous people have traditionally had a way of settling disputes outside the court (commonly known as Alternative Dispute Resolution, where in resolving cases based on the results of the peace meeting in Tumbang Anoi 1894, namely 96 articles of Dayak customary law which is an express customary law (geschreven recht) used in the Dayak customary trial in the case of insulting groups carried out by Prof. Dr. Thamrin Amal Tomagola, (2) Legal mechanisms Dayak customs in resolving problems or cases, including cases of humiliation that occur to the Dayak community are in the form of (barunding), consultation (hapakat) and mediation (nyangkelang). The pattern carried out by Damang can be qualified as patterns of mediation settlement. n cases through the Dayak customary court, namely 1) simple, fast and low cost; 2) is voluntary; 3) guarantee confidentiality for each party, 4) more flexible case resolution.*

### Keywords

customary justice; insult to class; Ngaju Dayak customary law; Damang as customary head



## I. Introduction

Indonesia consists of various tribes with different customs whose lives are accompanied by rules of life that cannot be separated from their customs and are still bound by their respective customs. Therefore, some indigenous peoples still closely and uphold customary law to resolve disputes, disputes and or violations for the benefit of the nation and state in the context of national development, especially in the field of law.

At the law seminar and the formation of national law III which took place in Surabaya from March 11 to 15, 1974 which stated that the formation of national law must pay attention to the law that lives in society (The Living Law) (Assiddiqie, 2006). Through customary law and the renewal of national law which took place in Yogyakarta from 15 to 17 January 1975,

it has been concluded that customary law is one of the important sources for obtaining materials for national development (Atmaja, 2012).

When compared to the law in the West, customary law in our country by a group of people still does not get respect, while people think that customary law is outdated. This is because customary law is a community law that grows and develops from generation to generation. The current development period, customary law as community law in Indonesia, is getting more and more attention, especially in the context of developing national law, therefore, in the current development, development in the field of law is not left behind. This can be seen in every leadership period in our country, the legal side always gets very important attention. Likewise, customary law which is one of the sources of law that will be included in the discussion of national law has also received attention. Customary law is one of the sources of national law, not everything is taken in its entirety, but only a concept, principle and legal institution. This matter still needs to be filtered according to developments and it is hoped that customary law can make a contribution to the development of national law (Laujeng, 2003). Fostering national law does not mean creating new laws that have met the demands of a sense of justice and legal certainty, but fulfilling the demands of a sense of national instinct and the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia.

Therefore, to meet the needs of the Indonesian people in drafting laws National law requires legal principles that have lived and developed in Indonesian society, none other than customary law. Customary law is one of the important sources for obtaining materials for the development of national law.

Therefore, customary law occupies an important place in the framework and process of developing national law, especially aimed at the unification of law, however this does not mean that all materials of customary law can be transformed into national law, as has been said by Bushar Muhammad, namely:

In collecting the customary law investigation materials (from ethnography), our attitude towards these materials must have 2 (two) aspects, namely the negative aspect and the positive aspect. What is meant by the negative aspect is that from the outset, we will immediately separate customary institutions that cannot be included in improving the standard of living of the Indonesian people which are to be adjusted to the level of progress of the modern world or customary law institutions which according to human standards cannot be maintained in the life of modern society” (Riwut, 2003).

In the second amendment to the 1945 Constitution of the Republic of Indonesia, Article 18 B Paragraph (2) and Article 28 I Paragraph (3) which essentially states: first, recognize and respect the existence of customary law community units and their traditional rights. ; second, respecting cultural identity and the rights of traditional communities as part of human rights that must receive protection, progress, enforcement and fulfillment as well as recognition from the state, especially the government.

Peace through the Dayak customary trial against Prof. Dr.Thamrin charity Tomagola was given the name of the Dayak Maniring Tuntang Manetes Hinting Bunu, which literally means breaking a long-standing grudge towards peace towards a better direction between the Dayak people and the articles imposed on Prof. Dr. Thamrin Amal Tomagola was appointed by Mantir Hai (supreme judge) which consisted of Mantir-Mantir from Central Kalimantan, South Kalimantan, West Kalimantan and East Kalimantan.

According to A. Teras Narang, who at that time served as President of the National Dayak Customary Council (MADN), it would be taken from the Dayak customary law agreed in Tumbang Anoi in 1984 which was accepted and applies to all Dayak tribes throughout the island of Kalimantan including Sabah and Sarawak. In the Mantir Hai customary trial, they will hear demands from the Jahawen Team (Prosecutor) consisting of Lukas Tingles, Sabran Ahmad, Marthin Lutjen, Inun Maseh, Dr. Guntur Talajan and Dr. Siun Jarias (late).

From the above, the phenomenon that exists and is developing at this time, to obtain certainty, benefit and legal justice through the judicial process is felt to be too long-winded, expensive and unfair. According to Mazuki Darusman who said: The practice of law enforcement so far still prioritizes efforts to enforce or create order which in fact tends to be partial to the interests of justice seekers. Even though the law is not merely a formal product, but also a material product or substantive justice, this cannot be separated from justice and social peace. According to Pratiwi (2020) in social life, law and society are two interrelated things that can never be separated. Through instruments, unlawful behavior is prevented and repressive measures are pursued (Tumanggor, 2019). From the aforementioned provisions, it proves the existence of new developments regulated in this Law (Purba, 2019).

Dispute resolution through the courts has been proven to more or less cause disappointment and dissatisfaction to the disputing parties and the wider community. Public discontent is expressed in the form of cynical views, ridicule and contempt for the performance of the court because it is considered inhumane to the disputing parties, distances the disputing parties from justice, where trade in judge decisions takes place and others so that so many blasphemies are directed at the judiciary.

## **II. Research Methods**

Based on the problems studied, empirical legal research methods are used, namely the method used in this research is a descriptive qualitative research method, which is based on where the researcher is placed as a key instrument, by triangulation with the technique of checking the validity of the data by comparing the results of interviews with the research object or observational data.

## **III. Discussion**

### **The Ngaju Dayak Customary Court Process in Resolving Criminal Cases of Insults against Groups**

The method of settlement of the case referred to in this study is a method used in resolving a criminal case of insult to class, which is adjusted to the effectiveness and efficiency related to time, cost, energy, terms of dispute resolution, bargaining position, dissatisfaction, use of power excessive. Each community in accordance with its local wisdom will uphold truth and justice in their own way, as basic needs that form the basis of their social life. The way of enforcing truth and justice with a more natural local dimension at work does not just disappear with the presence of national law. It is only covered by the flurry of national law, but occasionally it will pop out through narrow gaps when the state's legal power weakens or there is community resistance because they think state law is not able to protect their rights.

Law cannot be separated from the soul and people's way of thinking, because law is born from society. Every legal product that is made to maintain order in society, must see and follow the culture in which the law will be applied. Law will not be effective if it is forced to apply to society. Law will not be able to marginalize all local strengths of the community in self-regulating. Therefore, a pattern and method of resolving cases are needed, so that the

community can obtain the justice they desire. One form of the solution is through a pattern of peaceful and familial case settlement.

In the Dayak community, in general the dispute resolution process eta or cases have their own procedures. Procedures for resolving disputes, whether involving violations of customs/customs, land disputes and criminal acts, in Dayak customary law, one of the prerequisites for settlement is that it must be carried out in a spirit of togetherness and high honesty from the disputing parties. This spirit arose among them because the Dayak people are people who uphold the philosophy of life "Belom Bahada". In this philosophy, honesty, a clean conscience, and love for peace among others are very important things so that life can run well. They believe, who does not want to admit their mistakes and ask for forgiveness then one day there will be a powerful power that will repay them.

However, the party feels aggrieved also has a sincere intention to provide forgiveness and forgiveness to the perpetrator. Usually, after the customary trial, between the perpetrator and the victim there is no longer any sense of hostility or revenge. Therefore, after the decisions of the Customary Manner or Damang are issued and all decisions are carried out (singer or fines are paid in full), the next step is to carry out a reconciliation ceremony between the disputing parties.

With a sincere desire to make peace, the disputing parties become human beings who are "belom Bahadat", then the settlement of disputes by the Traditional Mantir or Damang will result in real peace. Therefore, in every dispute resolution by the Traditional Mantir or Damang, they first emphasize to the disputing parties that the Adat trial to be held is based on a sincere intention in which they want to become non-Christian human beings. Without that sincere intention, the effectiveness of the settlement to make peace is difficult to carry out properly.

As for the stages or steps for the settlement disputes or customary violations, namely:

a. Summoning of the disputing parties.

After there is a complaint, the Mantir Adat immediately prepares a summons to the reported party.

b. Determination of the Trial Date, and Notification to the witnesses

After the summoned party or its representative wants to come to the Customary Mantir, the Customary Mantir shall determine the trial date after obtaining the approval of the reporting party. The trial date is set no later than one week after the reported party reports himself to the Customary Mantir. The reported arrival must produce a self-report certificate signed by the Customary Mantir. The date of this trial will be notified by the Customary Mantir in writing to the disputing parties. In the notification letter, a form for the willingness of the witnesses to be present at the hearing is attached, which is submitted by the disputing parties directly to the respective witnesses. This willingness letter will have to be brought in the first trial.

c. Convening of a trial by the Customary Mantir

The trial of a case is carried out a maximum of three times by the Customary Mantir. Decisions must be made as soon as possible at the first or second trial. If a decision is not possible at the second trial, then a decision must be made at the third trial. Postponement of the decision at the first trial can be done if the witnesses are not present or it is necessary to carry out a field commission (in the case of land disputes). If the parties in this third trial still do not want to accept the draft decision made, then the settlement of the case is submitted to the Damang who is within the scope of the sub-district, with a maximum delivery time of one week. The submission of the case to the Damang is submitted in writing by attaching various documents that have been included in the trial at the Customary Mantir level. However, the submission of the case

to Damang can only be carried out if each party has strong evidence or witnesses. If it is only based on a stubborn attitude, insistence, and does not want to hear other people's opinions, then the decision should be taken by the Customary Mantir at the latest in the third session.

d. Settlement of Cases by Damang

The time for settlement of cases by Damang is carried out a maximum of two months, in two sessions. The trial was carried out in the village of origin of the case which was attended by the traditional mantir and witnesses who had been present in the first to the third trial. The first trial was to hear the statements of the litigants and witnesses. If it turns out that a commission (review of the object of dispute) is no longer needed, then a decision must be made in the first session.

e. The Trial Procedure

The order in which the Adat Mantir and Damang is held is as follows:

1. Opening, namely a statement by the Adat Mantir and or Damang regarding the trial at that time. The things that were conveyed were:
    - a. Identity of the reporting party and the reported party
    - b. The object of the case in question.
    - c. The identity of the witnesses of each Party.
    - d. Affirmation to the disputing parties and witnesses to speak the truth in court, as a human being who wants and will remain "Belom Bahadat"
  2. Taking traditional oaths (not religious oaths) from the disputing parties and witnesses. In this traditional oath, it is necessary to do the tawur/pisur who first summons the spirits to give them the strength and ability to speak the truth in court.
  3. Taking Information from the reporting party.
  4. Retrieval of the Reported Party's Information.
  5. Taking Statements of Witnesses.
  6. The reading of the conclusions by the Customary Mantir or Damang based on the statements of the disputing parties and witnesses. In the event that a commission has been carried out, the results of the review of the object of the case are also conveyed, or if there will be a review then this will also be announced/negotiated, the maximum period is three days.
  7. Suspension of the trial for some time (maximum one hour) by the Customary Mantir or Damang, to give them the opportunity to negotiate on the draft Decree. In this negotiation, articles of customary law were also discussed which were violated by the litigating parties, especially those deemed guilty (referring to the 96 articles of customary law resulting from the Tumbang Anoi meeting)
  8. Submission of the Draft Decision. On this occasion, the articles of customary law that had been violated were also read out and the singer's sanctions and/or the amount of fines to be paid by the guilty party.
  9. Submission of responses from the disputing parties.
  10. Decision-making and minutes of the trial.
  11. Signing the Decision.
  12. The peace ceremony is in the form of bargaining accommodation, slaughter of animals/party and/or Hasapa, if no agreement is found. This hasapa is carried out at the level of the case handled by Damang.
- f. The procedure for taking the customary oath of the disputing parties and witnesses  
The customary oath is carried out regardless of the religion adopted by the disputing parties, namely the reporting party and the reported party as well as the witnesses. This traditional oath should be taken or led by a Tawur/Pisur or basir balian. The customary oath contains the following:

1. Provide information correctly.
2. Stating that the person concerned has sworn to himself and is willing to bear all the repercussions that will occur in his life if he tells a lie (*pandak age, he is atun rajaki, kana haban kapehe, the connection will be iye kabuat and kare anak jaria, friend pahari*).
3. Stating that he will accept all decisions made with an open heart, not holding grudges and will carry out his obligations according to the decisions to be taken.

The following case example is regarding the criminal act of insulting a group by Pro. Dr. Thamrin Amal Tomagola, a sociologist at the University of Indonesia, which was held on Saturday, January 22, 2011 in Palangka. The trial using the Ngaju Dayak customary law became a very important day for the Dayak indigenous people and Prof. Dr. Thamrin Amal Tomagola himself. Dragged Prof. Dr. Thamrin Amal Tomagola in the future The Dayak Customary Trial began with his statement when he was an expert witness in the immoral case of Nazriel Ilham (Ariel Peterpan), at the Bandung District Court, Thursday, December 2, 2010. In the trial, Prof. Dr. Thamrin Amal Tomagola said that based on the results of his qualitative research using 10 "Dayak" women as a sample, he concluded that "the Dayak community considers sexual intercourse without being tied to marriage as normal". Following this statement a demonstration against Prof. Dr. Thamrin Amal Tomagola took place in throughout Kalimantan, including the Hotel Indonesia roundabout, Jakarta. When, when asked by lecturers from the University of Palangka Raya (Unpar) to present the results of his research at Unpar, he replied "no time". This means that he views insults against an ethnic collective in this country as unimportant, and no special time is needed to resolve them. This is the second form of insult. The third insult, he did when he hoped that the "customary fine on him should not be too big because he is only a lecturer".

As a result of Prof. Dr. Thamrin Amal Tomagola has invited reactions in the form of protests and demonstrations from various elements of the Dayak community in Pontianak, West Kalimantan, in Palangkaraya, Central Kalimantan, East Kalimantan and South Kalimantan, as well as the Dayak community who live in Jakarta.

Statements of attitude and strong protests also came from the National Dayak Customary Council (MADN) through its President, Agustin Teras Narang, which contained the following demands:

1. Expressing objections and strong protests against the statement of Br. Thamrin Amal Tomagola who has hurt the feelings, dignity and worth of the Dayak community, as well as insulted the customs of the Dayak Tribe which emphasizes "belom bahadat" (manly and customary life) in all aspects of the life of the Dayak community.
2. Mr. Thamrin Amal Tomagola must be held accountable his actions personally before the law and the demands of the Dayak customary law, in order to avoid disharmony and horizontal conflicts that can damage the joints of life in society, nation and state
3. Demand Mr. Thamrin Amal. Tomagola to immediately apologize for his statement openly and in writing through print and electronic media to the entire Dayak community, no later than one week.

One of these demands asked Prof. Dr. Thamrin Amal Tomagola to be brought before a customary trial. Dayak, who received a response from the person concerned by sending two people the envoy to Palangka Raya, namely Mrs. Nia Syarifudin , Chairman of the National Alliance for Unity in Diversity and Mrs. Pdt. Emmy Sahertian, who was received by the President of MADN Dr. A. Teras Narang, SH and other traditional figures. During the meeting, the President of MADN presented 3 (three) alternatives that Prof. Di. Thamrin Amal Tomagola had to undertake, namely: First, so that Prof. Dr. Thamrin Amal. Tomagola apologized. The Däyak community nationally in the national and local media, and the

delivery of the apology was carried out in Palangka Raya. Second, so that Prof. Dr. Thamrin Amal Tomagola is processed through the Dayak Customary Court to determine everything that must be fulfilled. Third, if the first and second alternatives are not implemented, they will be pursued through positive law in force in Indonesia. Of the three alternatives, it turns out to get a response from Prof. Dr. Thamrin Amal Tomagola who is willing to come to Palangka Raya to undergo the Dayak Customary Assembly.

Dayak Customary Trial against Prof. Dr. Thamrin Amal Tomagola was given the name Dayak Maniring Tuntang Manetes Hinting Bunu Customary Court, which literally means "severing a long-standing grudge towards peace towards a better direction between the Dayak community and those on trial". Articles that will be imposed on Prof. Dr. Thamrin Amal Tomagola was appointed by Mantir Hai (Judge Agung) which consisted of mantir from Central Kalimantan, South Kalimantan, West Kalimantan, and East Kalimantan, with a composition of 4. (Four) people from Central Kalimantan and East Kalimantan. , South Kalimantan and West Kalimantan are 1 (one) person each, so that Mantir Hai or Judges are 7 (seven) people. According to A. Teras Narang as the President of the Assembly. The National Dayak Customs (MADN) will be taken from the agreed Dayak Customary Law in Tumbang Anoi in 1984 which was accepted and applied to all Dayak tribes throughout the island of Kalimantan, including Sabah and Sarawak. Antir will hear demands from the Jahawen Team (Prosecutor) consisting of Lukas Tingkes, Sabran Ahmad, Martin Lutjen, Inun Maseh, Guntur. Talajan, and Siun Jarias.

The indictment and the charges against the Offenders Prof.Dr. Thamrin Amal Tomagola is taken from the articles contained in the Tumbang Ano Agreement of 1894. The articles are articles related to criminal acts of humiliation, namely:

1. Article 13, which reads:

*Singer Sala Basa with Oloh Beken* (Fine for misbehavior towards others).

Case: His actions or behavior towards someone or another person in a direction that brings shame, damage to one's good name, threatens, by someone against another man/woman or against other people's belongings.

Sanctions:

Such actions or behavior can be punishable by a 15-30 kati ramu punishment.

2. Article 50, which reads:

*Singer Tandahan Randah* (Traditional fines for arbitrary accusations).

Explanation:

Anyone who carelessly accuses and demeans others, is light-hearted, presumptuous; insulting, degrading other people so as to humiliate others by speaking that pierces the heart, the meaning of this article can be imposed on him *singer with a low mark*.

Sanction:

*Batun singer* 30-45 kati ramu (2-3 jipen) bears the cost of the party. peace, customary to eat together, forgive each other and *hurt*.

3. Article 52, which reads:

*Singer Tandah Sin-Sala* (traditional fine for accusations of adultery), namely slandering and accusing a person and the community is subject to *Singer Tandahan Sin Sala*, Papas Dawa.

Explanation:

A man or woman A accuses B of having committed adultery with him, while he himself does not dare to hasapa (oath) according to custom. While B is ready to swear (hasapa in custom). If so, it turns out to be slandering B, and party B can sue under this article.

Penalty:



Threatening A to pay for B 30-60 kati potions, and bear all the costs of the customary peace party as necessary.

4. Article 68, which reads:

Singer Tekap Bau Mate (traditional fine according to the shame of the face and eyes that are contaminated especially on the part of women), namely someone who commits an act that humiliates the Dayak community is fined with Singer Tekap Bau Mate (customary fine for pollution of dignity and self-esteem).

Explanation:

A man who dares to persuade and run away B's daughter without the knowledge of his parents and siblings (elopement) can be subject to a fine. This act is known as hatamput. Traditionally, this kind of behavior is very embarrassing for B's heirs.

Penalty:

A fine of 30-45 kati ramu to the family of B. If this fine has been fulfilled, then it is allowed to make a consensus regarding the way of marriage and the wedding party. A bears the cost of the traditional peace party and the cost of the trial.

That the articles indicted against Prof. Dr. Thamrin Amal Tomagola are the same as those contained in the Criminal Code (KUHP), namely the articles on offenses against insults.

The traditional trial which took place at Betang Tingang Nganderang was attended by hundreds of people and elements of the Dayak community to witness the trial procession as well as witness the customary trial, which was marked by the distribution of money directly to all present. Furthermore, Tim Jehawen (the Prosecutor) entered the courtroom, which then the violator (Prof. Dr. Thamrin Amal Tomagola) was presented to the courtroom, after that Mantir Hai (the judges) also entered the courtroom which consisted of Lewis KDR as the Chairman of the Customary Council, Eliason (a member), N. Sanusi Ringo (a member), Haspan Hamdani (a member), Basel A. Bangkan (a member), Silvanus Raput (a member) and Simpei Ilun (a member) by asking for the grace of God Almighty, opened the trial by confirming that the trial was open to the public, marked by beating the *garantung* three times. After that, it was followed by the handover of a set of traditional goods in the form of *Sengoku Basara* from Prof. Thamrin Amal Tomagola and Tim Jehawen (Prosecutor) to the Chairperson of the Mantir Hai (Traditional Assembly). This means the handing over of *Sangku Basara* to the chairman of the Customary Assembly Council with good intentions so that *hinting bunu* (customary disputes) can be tried with a *aik* by Mantir hai resulting in the decision of *manetes hinting bunu*. After the submission of the *sangku. Basara*, then Chairman of the Customary Assembly, Lewis KDR. invites Tim Jehawen (the Public Prosecutor) as a public prosecutor representing the Dayak community to submit his letter of demand, which contains:

1. Demand that the customary violators in the trial, taking into account the provisions of the Dayak Customary Law, that the Dayak Customary Assembly in Palangka Raya, which examines and adjudicate the customary violations by the violators, declares that the person concerned has violated the articles of Dayak customary law as follows:
  - a. The customary sanction in Article 13 is 15 - 30 kati ramu.
  - b. The customary sanction in article 50 is 30-40 kati ramu and bears the costs of the Manetes Hinting Bunu ceremony and the Traditional Peace Ceremony.
  - c. The penalty for Article 52 is 30 - 60 kati ramu.
  - d. The customary sanction in article 68 is 30-40 kati ramu.
2. Furthermore, requesting the Dayak Customary Assembly to decide on the Dayak Traditional Singer against the Offenders as follows:



- a. Offender's apology to the entire Dayak community before the Dayak customary assembly, both nationally through local and national electronic print media, as well as Dayak traditional media.
- b. Fines such as Articles 13,50, 52 and 68 are realized by giving 5 garantung.
- c. Bear the cost of the traditional peace ceremony of Rp. 87,000,000, - (eighty seven million rupiah).
- d. Destroy the results of his research concerning humiliation and harassment of the Dayak community.
- e. Ordered the Offender to withdraw his testimony before the Bandung District Court Panel of Judges in the Ariel porn video case.

After hearing the demands by the Jehawen Team, the Chairperson of the Dayak Customary Assembly asked the violators questions, namely:

1. Is Mr. Prof. Dr. Thamrin Amal Tomagola in good health? Is Mr. Have you really heard all of these demands?
2. Are you able to understand the contents of all the demands (singer adat) made against you?
3. Is Mr. can accept and seriously fulfill all the customary demands that have been mentioned above?

After hearing the answers, understanding and acceptance and readiness of the violators to fulfill the demands, the session was suspended to provide the opportunity for the Panel of Judges at the Customary Session with other members of the panel of judges to conduct deliberation, and after the trial was reopened, the Chairman of the Panel of Judges read the decision as follows

1. Customary violators must apologize to the Dayak community in front of the Dayak customary assembly for all their violations, in addition to previous apologies;
2. Indigenous violators must comply with the Dayak adat singer, based on Article 13 yo.to 50, 52 and 68, manifested by submitting 5 pikul garantung;
3. Violators must bear the costs of the Manetes Hinting Bunu Ceremony under article 27 Singer Tetes Hinting Bunu with the Dayak Peace Ceremony of: Rp. 77,777,700; (seventy-seven million, seven hundred and seventy-seven thousand, seven hundred rupiah); which must be carried out after the trial is over;
4. Ordered customary violators to withdraw their testimonies which were stated before a panel of judges at the Bandung District Court (West Java) in the case of the NAZRIL IRHAM (ARIEL) Porn Video case;
5. Ordering customary violators to destroy. results of research concerning humiliation, harassment of the Dayak community;
6. The decision of the Dayak Customary Council today, Saturday, 22nd 2011, is final and binding.

After listening and hearing the decision of the Dayak Customary Council, Prof. Dr. Thamrin Amal Tomagola as the violator stated that he accepted the decision and stated his application to the Dayak community and then handed over a singer fine, namely the surrender of the garantung to the Panel of Judges at the Dayak Customary Session, which the Panel of Judges then handed over to the President of the National Dayak Customary Council five times. Furthermore, on the same day the Jehawen Team (Public Prosecutor) immediately executed or carried out the decision of the Panel of Judges for the Dayak Customary Session and made a Minutes.

In order to create peace between the Dayak indigenous people and Prof. Dr. Thamrin Amal Tomagola as the Offender, and in order to end disputes or disputes or individuals with the Dayak community, it was continued with the Tampung Tawar event, and continued with

the slaughter of animals from Prof. Dr. Thamrin Amal Tomagola for a traditional party consisting of 1 (one) cow, 1 (one) buffalo, 1 (one) goat, 3 (three) pigs, and 10 (ten) chickens and in the evening it was held friendly thank you for the entire procession of the Dayak Maniting Tuntang Manetes Hinting Bunu traditional trial, which was also attended by Prof. Dr. Thamrin Amal Tomagola.

From the series of Dayak customary court proceedings, there are at least 4 (four) important points that can be used as lessons, namely:

1. That every ethnic group, including the Dayak tribe in Kalimantan, has values and norms that are believed and practiced and therefore it is an obligation for ethnic groups and other parties to always maintain, respect and respect their existence.
2. That problems, disputes, disputes, conflicts or disputes that occur between fellow nationals and or between ethnic groups, are not always resolved through positive legal channels applicable in Indonesia, but can be resolved through customary law which can play a strategic role in settlement and resolution. conflicts or disputes that occur in the community in the spirit of deliberation and consensus.
3. That the heterogeneity of ethnic groups and nations in Indonesia must be used as strategic social capital in building and realizing the Unitary State of the Republic of Indonesia which is based on Pancasila and has Bhinneka Tunggal Ika.
4. Whereas by holding a customary trial against Prof. Dr. Thamrin Amal Tomagola, it is hoped that there will be no more incidents or actions that can disturb or injure the dignity of the Dayak Indigenous People.

#### IV. Conclusion

1. That the Dayak indigenous people have traditionally had a way of resolving disputes outside the court (which is commonly known as the Alternative Dispute Resolution, which is to settle cases based on the results of the peace meeting in Tumbang Anoi 1894, namely 96 articles of Dayak customary law which are written customary law. (geschreven recht) used in the Dayak customary trial in the case of insults to groups carried out by Prof. Dr. Thamrin Amal Tomagola.
2. The mechanism for the Dayak customary law in resolving problems or cases, including cases of insults that occurred in the Dayak tribe community is in the form of (barunding), consultation (hapakat) and mediation (nyangkelang) Damang's pattern can be qualified as patterns of mediation settlement, while the effectiveness of case settlement through Dayak customary courts is 1) simple, fast and low cost; 2) is voluntary; 3) guarantee confidentiality for each party, 4) more flexible case resolution.

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