

Dayak Ngaju Traditional Marriage, Central Kalimantan: Concept and Juridical Review

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Abstract

This study aims to provide an explanation of the marriage system that exists in the Dayak Ngaju tribe, Central Kalimantan, and to explain that the Dayak Ngaju tribe has redundant customary institutions that have been recognized in the Regional Regulation of Central Kalimantan Province Number 16 of 2008 concerning Central Kalimantan Dayak Customary Institutions. Traditional marriages carried out by the community are used as a cultural characteristic of the Ngaju Dayak people, the existence of a Dayak Traditional Institution can strengthen traditional marriage because Dayak Traditional Institutions have rules and conditions that must be fulfilled by both men and women. If the rules or conditions are violated later will be obliged to pay a material fine. The purpose of holding a marriage agreement because it is to maintain the preservation of customs so that no divorce occurs. Because basically in all religions divorce is prohibited in a marriage, and the existence of a marriage agreement can be used as a guideline in a household so that they have the fear of not easily carrying out a divorce, because, in the marriage agreement, the parties must carry out the contents of the marriage agreement one way or another. parties must be able to pay the fine or singer

Abstrak

Penelitian ini mempunyai tujuan untuk memberikan penjelasan mengenai sistem perkawinan yang ada di suku Dayak Ngaju, Kalimantan Tengah, dan menerangkan bahwa, Suku Dayak Ngaju mempunyai Kelembagaan Adat sendiri telah diakui dalam Peraturan Daerah Provinsi Kalimantan Tengah Nomor 16 Tahun 2008 tentang Kelembagaan Adat Dayak Kalimantan Tengah. Perkawinan adat yang dilakukan oleh masyarakat dijadikan sebagai ciri khas budaya masyarakat Dayak Ngaju, adanya suatu Kelembagaan Adat Dayak dapat memperkuat mengenai perkawinan adat karena Kelembagaan Adat Dayak mempunyai aturan-aturan dan syarat-syarat yang wajib dipenuhi baik oleh pihak pria maupun pihak wanita. Bila aturan atau syarat itu dilanggar nanti akan berkewajiban membayar sebuah denda materiil. Tujuan dari diadakannya perjanjian kawin karena adalah untuk menjaga kelestarian adat istiadat dan agar tidak terjadinya suatu perceraian. Karena pada dasarnya diseluruh agama perceraian itu dilarang dalam sebuah perkawinan, serta adanya perjanjian kawin dapat dijadikan pedoman dalam sebuah rumah tangga agar memiliki rasa takut untuk tidak mudah melakukan sebuah perceraian, karena di dalam perjanjian kawin tersebut

para pihak harus menjalankan isi perjanjian perkawinan tersebut salah satu pihak harus mampu membayar denda atau singer.

I. Pendahuluan

Humans are social creatures who cannot live alone, they need communication with other humans. One of the basic human needs is to live together between men and women, to carry out a life together, it is necessary to have a marriage. Marriage is a marriage vow-binding ceremony that is celebrated or carried out by two people to formalize the marriage bond according to religious norms, legal norms, and social norms. Wedding ceremonies have many varieties and variations according to ethnic, religious, cultural, and social class traditions.¹

Indonesia is an archipelagic country, and each island has various cultures, ethnicities, religions, or beliefs held by the people. For indigenous peoples, marriage is not only a matter of a man and a woman. However, marriage also involves family and society. Apart from having a personal dimension, marriage also has a social dimension, namely as a social glue, especially in maintaining the balance and sustainability of society².

Marriage for everyone is important, so the regulations are regulated in legal norms. Article 28 B paragraph (1) of the 1945 Constitution states that "everyone has the right to form a family and continue offspring through a legal marriage."

In Central Kalimantan, the existence of the Adat Institution itself has been recognized in the Regional Regulation of Central Kalimantan Province Number 16 of 2008 concerning Central Kalimantan Dayak Customary Institutions. The task of this Adat Court is to achieve kinship, and peace and maintain the customs of the Dayak tribe as a whole.

Traditional marriage in the Dayak Ngaju Tribe of Central Kalimantan, symbolizes mystical and social unity as well as a means of educating the community so that there is balance. Get involved in the marriage, relatives, friends, neighbors, and all residents, even witnessed many people through the ceremony. The traditional ceremony itself apart from having a sacred dimension can also be used as an educational medium, because this ceremony wants to

¹ Nurgiansah, T. H. (2021b). *Pendidikan Pancasila Sebagai Upaya Membentuk Karakter Jujur*. Jurnal Pendidikan Kewarganegaraan Undiksha, 9(1), 33–41.

² Sana Sintani, *Perkawinan Adat Dayak Ma'anyan Sebagai Ujud Pendidikan Masyarakat*, Jurnal Studi Kultural (2018) Volume III No. 1:51-56.

show the public that this is a husband and wife, with all the responsibilities and consequences that arise from the marriage³.

Traditional marriages also contain marriage agreements, marriage agreements are part of marriages by customary law in force in the Dayak Ngaju community, Central Kalimantan. For the Dayak Ngaju people, marriage is a bond between a man and a woman who agree to build a life together that has a noble and sacred foundation and confirmation.⁴

Dayak Ngaju traditional marriages have requirements that must be fulfilled before carrying out a marriage, because in the local customary belief system that if you do not carry out these requirements then you cannot carry out a traditional marriage, or you can even cancel the marriage.

2. Research methods

The research method used is the normative empirical method, in which the researcher directly observes areas and events related to the research focus which aims to explain a phenomenon in depth and is carried out by collecting data as deep as possible and using supporting data such as literature from previous research books and journals. The data used is data obtained from the main data source, namely, the researcher directly collects data on objects employing observation⁵.

3. Hasil Dan Pembahasan

Marriage is an event that has very broad consequences in the legal relationship between husband and wife. With this marriage, a bond arises that contains rights and obligations, for example, such as having the same residence, the obligation to be loyal to one's spouse to one another, and the obligation to provide a living that is spent on the household, and related to the inheritance rights of an asset.⁶

A discourse emerged about prenuptial agreements, namely an agreement that was projected as a weapon for women to prevent men as future husbands from practicing polygamy in the future. If a prenuptial agreement is made after the marriage has taken place, it will become a marriage agreement.

³ Ibid.

⁴ Susanto, Gatot, Konsep pemberian Palaku (Mahar) dalam adat perkawinan suku dayak di desa Pangkalan Dewa Kabupaten Kotawaringin Barat KALTENG perspektif hukum Islam, Skripsi UIN Sunan Kalijaga, Yogyakarta, Fakultas Syari'ah, 2010.

⁵ Sugiyono, Metodologi Penelitian Kuantitatif Kualitatif Dan R&D, Bandung: Alfabeta, 2013, h. 293.

⁶ Nila Riwayat, Manaser Panatau Tatu Hiang, Menyelami Kekayaan Leluhur, Yogyakarta: Pusakalima, 2003, h. 147.

Every prospective husband or wife before carrying out a marriage may enter into a marriage agreement or not and may determine its contents, as long as it does not violate Article 1320 of the Civil Code concerning the freedom to agree, the agreement can be canceled if it violates the Laws and Regulations. and do not violate the norms and morals that apply in society⁷.

It is different from the Dayak Ngaju people in Central Kalimantan, by carrying out religious ceremonies such as marriage ceremonies in the Dayak Ngaju people who can be referred to as "Pelek Rujin Pengwin". That is a marriage ritual ceremony and is one of the religious rituals that characterize the existence of the Dayak Ngaju tribe as an indigenous community group.

This was done because this marriage ritual was not only carried out by the Dayak people who still adhered to the Kaharingan Hindu religion, but also by the Dayak people who no longer embraced the Kaharingan Hindu religion. Marriage in customary law can be a matter of relatives, partnership, family, personal affairs, and family dignity, which depends on the structure of the society concerned.⁸.

The belief system of the Dayak Ngaju people mostly still adheres to the Hindu Kaharingan religion, the belief in kaharingan is one of the original religions of the archipelago which has survived to this day. The Kaharingan religion existed in Kalimantan before other religions entered⁹.

Marriage has such an important position in life in the Dayak Ngaju community, for this reason, the marriage customs are very well regulated so that the values contained in a marriage can be maintained. In this regard, the Central Kalimantan Regional Government made and stipulated the Central Kalimantan Provincial Regulation Number 16 of 2008 concerning Central Kalimantan Dayak Customary Institutions¹⁰.

The rules set to refine the Regional Regulation of the Province of Central Kalimantan Number 14 of 1998 concerning Peace in the Province of Central Kalimantan, which are considered to be incompatible with existing developments in society and the demands for Regional Autonomy¹¹.

Dayak customary institutions are a social organization that develops and can grow in the Dayak community along with its history. Dayak Customary Institutions have a right and obligation as well as the authority to administer,

⁷ Mardani, Hukum Perkawinan Islam di Dunia Islam Modern, Jakarta: Graha Ilmu, 2011, H. 18.

⁸ Imam Sudiyat, Hukum Adat Sketsa Asas, Yogyakarta: Liberty, 2000, h. 107.

⁹ Departemen Pendidikan dan Kebudayaan Pusat Penelitian Sejarah dan Budaya, Sejarah Kebangkitan Nasional Daerah Kalimantan Tengah, (Palangka Raya: Proyek Penelitian dan Pencatatan Kebudayaan Daerah Departemen Pendidikan dan Kebudayaan, 1978/1979), 14-15

¹⁰ Peraturan Daerah Provinsi Kalimantan Tengah Nomor 16 Tahun 2008 tentang Kelembagaan Adat Dayak di Kalimantan Tengah, Pemerintah Provinsi Kalimantan Tengah, Sekretariat Daerah Biro Hukum, 2008, h. 1

¹¹ *Ibid.*

regulate and resolve a problem that arises in the Dayak community by referring to the customs, habits, and customary law of Dayak¹².

Dayak customary institutions in Central Kalimantan have a hierarchy that is almost similar to courts in Indonesia, this is regulated in the Regional Regulation of the Central Kalimantan Province Number 16 of 2008 in Article 4 which consists of the National Dayak Customary Council (MADN), Dayak Customary Council (DAD)) Central Kalimantan Province, City District Dayak Traditional Council (DAD), District Dayak Traditional Council (DAD), and finally the Village/Kelurahan Dayak Traditional Council (DAD)¹³.

The Dayak Customary Institution in South Kalimantan has a philosophy that is *Belom Bahadat* which has the meaning of humanizing humans, means that it means that every community activity related to problems or related to activities that are directly related to the law, the way to solve it is by using peaceful means or by using deliberations. by Pancasila, the 4th precept "populist led by wisdom in deliberations/representation"¹⁴.

Included in traditional marriage, the Dayak Traditional Institution has its own rules for carrying out a traditional marriage, namely, the groom must be able to fulfill the conditions specified in the Marriage Agreement According to the Central Kalimantan Dayak Ngaju Customary Procedures issued by the Kedamangan of Palangkaraya City¹⁵.

Marriage agreements according to the Ngaju Dayak Customs were born from a habit of the people, namely actions that are carried out repeatedly and continuously, giving rise to a law that will later be obeyed as positive values of life. this pattern can be accepted by the community as something binding and obeyed by the community and can be felt as an obligation that must or must be carried out. So that this habit becomes a custom that applies in society¹⁶.

The conditions specified are that the groom must be able to provide "Fulfillment of the Hadat Marriage Path". This term in Indonesian can be interpreted as "dowry" in a marriage, the groom's party gives an item to the bride at the time of the marriage ceremony, which can be given in cash or in debt.¹⁷

In fulfilling the Hadat Marriage Road 17 conditions must be met by the groom to marry the bride, namely Palaku, Saput, Clothing, Sinjang Entang, Lapis Luang, Tutup Uwan, Garantung Kuluk Pelek, Bulau Singah Pelek, Duit Lapis

¹² *Ibid*, h.5

¹³ *Ibid*, h 7-8.

¹⁴ Cahya Wulandari, Penal Mediation: Criminal Case Settlement Process Based on the Local Customary Wisdom of Dayak Ngaju, *Lex Scientia Law review*, Volume 6 Number 1, June 2022.

¹⁵ Safiuddin, Sahrina. 2018. Hak Ulayat Masyarakat Hukum Adat dan Hak Menguasai Negara di Taman Nasional Rawa Aopa Watumohai, *Jurnal Mimbar Hukum*, Volume 30 No. 1 Februari.

¹⁶ Suryansyah Murhaini, *Singer Dalam Pusaran Perubahan Masyarakat Dayak Ngaju*, Kalbar : Lembaga Literasi Dayak, 2016, h. 65

¹⁷ <https://kbbi.web.id/maskawin>

Ruji, Lamiang Turus Pelek, Waist Pananan Pahinjean Kuman, Rapin Tuak, Timbuk Tangga, Duit Turus, Bulau Ngandun or Panginan Jandau, Juntung Amak, and finally Batu Kaja¹⁸.

The first and most important condition is "Palaku" or what is known as dowry. In general, the value of "Palaku" has been determined by the bride's side, but in the Marriage Agreement made by the Kedamangan City of Palangkaraya that "Palaku" must be 5 (five) pikul Garantung or it can be replaced with a piece of land. The concept of giving "palaku" in marriage customs must be preceded by the existence of a deliberation that will later reach a consensus in granting a "palaku". The marriage that will be carried out can fail or be canceled due to the "Palaku" cannot be fulfilled by the groom¹⁹.

The second requirement is "Saput" in the form of five kati Garantung which can be replaced with Rp. 500,000, - (Five Hundred Thousand Rupiah), the third requirement is "Clothes", the clothing here contains 4 (four) Kati Garantung or can be replaced with Rp. 400,000,- (four hundred thousand rupiah). The fourth condition is the existence of "Sinjang Entang", these conditions have 2 (two) items that must be fulfilled, namely 1 (one) sheet of "Tapih" and 1 (one) sheet of "Bahalai".

The fifth requirement is "Lapik Luang" which consists of 1 (one) piece of Bahalai Cloth. The sixth requirement is "Close Uwan" which consists of 2 (two) meters of black cloth. The seventh condition is the "Kuluk Pelek Garantung" which consists of 1 (one) Garantung replaced with Rp. 1.500.000,- (one million five hundred thousand rupiah). The eighth requirement is "Bulau Singa Pelek" which consists of 1 (one) gold piece or can be replaced with a pair of 24-karat gold wedding rings.

The ninth requirement is "Duit Lapik Ruji", which consists of 1 (one) Silver Ringgit. The tenth condition is "Lamiang Turus Pelek" which consists of 1 (one) Shoot Lilis Lamiang. The eleventh requirement is "Pinggan Pananan Pahinjean Kuman", which consists of a complete set of cutlery. The twelfth requirement is "Rapin Tuak" which consists of sufficient Tuak Drinks. Tuak can be interpreted as an alcoholic drink made directly by the people of Central Kalimantan.

¹⁸ Damang Kepala Adat adalah pimpinan Adat dan Ketua Kerapatan Mantir Perdamaian Adat tingkat kecamatan yang berwenang menegakkan hukum Adat Dayak dalam suatu wilayah Adat yang pengangkatannya berdasarkan hasil pemilihan oleh para kepala desa/kelurahan, para ketua Badan Permusyawaratan Desa, Lembaga Kemasyarakatan Kelurahan, para Mantir Adat Kecamatan, para Ketua Kerapatan Mantir Adat Perdamaian desa/kelurahan yang termasuk dalam wilayah kedamangan tersebut. (Perda Kalimantan Tengah No 16 tahun 2008)

¹⁹ Gatot Susanto, "Konsep Pemberian Palaku (Mahar) Dalam Adat Perkawinan Di Desa Pangkalan Dewa, Kabupaten Kotawaringin Barat, Kalimantan Tengah (Perspektif Hukum Islam, Skripsi, Universitas Islam Negeri Sunan Kalijaga, 2010, Yogyakarta, h. ii

The thirteenth requirement is "Timbuk Tangga", which consists of each family providing Rp. 250,000 (two hundred and fifty thousand rupiah). The fourteenth condition is "Duit Turus" which provides each party with Rp. 50.000,- (fifty thousand rupiah). The fifteenth condition is "Bulan Ngandung/Panginan Jandau" which is borne jointly by the groom or the bride. The sixteenth condition is "Juntung Amak" which is a set of bedding that is borne or provided by the groom's side. The seventeenth condition or the last condition is "Batu Kaja" which is in the form of Bulau Singah Pakang which is given at the time of the Pakaja Manantu party.

The seventeen conditions above in a traditional marriage must be carried out and cannot be paid in installments or stages, it must be one unit because these conditions must be sought by the groom before marriage, if these seventeen conditions are not met then the traditional marriage can be canceled²⁰.

The Marriage Agreement according to the Central Kalimantan Dayak Ngaju procedure also stipulates several rules that must be implemented by the bride and groom, namely that the rules regulate that property acquired during a marriage in a marriage bond becomes joint property. Meanwhile, if one of the parties dies and does not have children, then the property acquired while living in a marriage bond is entrusted to the husband/wife who is still alive. Heirs who died and half share for those who are still alive, while "Palaku" is the right of the woman²¹.

If one of the parties dies, while already having children, then the property acquired while living together in a marriage bond becomes the right of the child, and the surviving party provided that if the surviving party remarries, then the property fully belongs to the child. , while "Palaku" remains the right of the woman.

If there is a divorce, living in a state of not having children, then all property acquired while living together in a marriage bond is divided in half, but if you have children, then the property fully becomes the right of the child, while "Palaku" remains the right of the woman.

The last rule is that if the woman commits a mistake or violates her husband resulting in a divorce, then the woman is willing to pay "Singer" or what can be called a customary fine of 50 (fifty) grams of 24-karat pure gold to the husband.

²⁰ Murhaini, Suriansyah, *Singer dalam Pusaran Perubahan Masyarakat Dayak Ngaju*, Kalbar: Lembaga Literasi Dayak (LLD), 2016.

²¹ Murhaini, Suriansyah, *Singer dalam Pusaran Perubahan Masyarakat Dayak Ngaju*, Kalbar: Lembaga Literasi Dayak (LLD), 2016.

The Dayak Ngaju people of Central Kalimantan have an expression "Hakam Belom Until Bones Hentang" which means that they live together until they carry bones. Its meaning is to live together until one husband or wife dies of them. Here it is clearly stated in a marriage that must uphold a marriage bond must be maintained and maintained even until the death ceremony of the party who died first²².

The procession and customary marriage rules of the Dayak Ngaju must be carried out because it contains a very deep meaning, namely the existence of an agreement or symbol, all of which aim to strengthen or perpetuate their marriage so that divorce does not occur. Even according to the contents of the agreement, a divorce is a taboo that should not happen²³.

The concept of a marriage agreement as a binding law for husband and wife, if it is related to the theory of Michael P. Johnson, it can be called the concept of Structural Commitment, which also influences a person's decision to remain in a marriage bond.²⁴

The concept of structural commitment in traditional marriages can be related to customary sanctions, customary sanctions given in marriage as an effort to deter the perpetrators of a divorced marriage by paying for the losses suffered by the victim or making amends so there is no way to take revenge. The sanctions also contain respect for and respect for others and the values of justice. The concept of justice itself, which can be in the form of compensation and efforts to restore balance to the order of life, is the reason for the Dayak people to use the term *singer* (traditional fine)²⁵.

The marriage agreement can be seen in the Ngaju traditional marriage agreement, South Kalimantan, that the agreement is to anticipate if unwanted things happen in the marriage or at least minimize the act of divorce in the life of the people of Palangkaraya, South Kalimantan.

4. Conclusion

South Kalimantan, especially Palangkaraya, has a customary institution that regulates the Dayak community in various rules, both cases and marriages. The Dayak Customary Institution has a process that is simple, straightforward,

²² Tjilik Riwut, Kalimantan Membangun Alam dan Kebudayaan, cet. Ke 2, (Sleman Yogyakarta: NR Publishing, 2007), hal. 469.

²³ Riswanto, Dody. 2019. Falsafah Huma Betang di Kalimantan Tengah: Sebuah Pergulatan Identitas Konselor Dayak Muslim, Jurnal Ilmiah Syiar Jurusan Dakwah, Volume 19 No. 01 Januari – Juni.

²⁴ Michael P. Johnson, *The Tripartite Nature of Marital Commitment: Personal, Moral, and Structural Reasons to Stay Married*, (The Pennsylvania State University) dalam "Journal of Marriage and the Family", Vol 61, No.1, Februari 1999, 161.

²⁵ Haba, John. 2010. Realitas Masyarakat Adat di Indonesia: Sebuah Refleksi, Jurnal Masyarakat & Budaya, Volume 12 No. 2.

and can be understood and accepted by the community, even though an ordinary person can understand the law itself..

The Dayak Customary Institution is based on the philosophy "Belom Bahadat" or the meaning is (to live in a civilized manner). The meaning of "Belom Bahadat" means humanizing humans, which means that it has the meaning that every community activity is related to problems or related to activities that are directly related to the law, the way to solve it is by using peaceful means or by using deliberation.

Traditional marriages in Central Kalimantan, especially the Dayak Ngaju people, have their own rules and conditions. In the Marriage Agreement According to the Central Kalimantan Dayak Ngaju customary procedure issued by the Kedamangan of Palangkaraya City which requires the groom to provide "Pemenuhan Jalan Hadat Kawin".

"Pemenuhan Jalan Hadat Kawin" can be interpreted as a mandatory fulfillment that must be prepared at the time of marriage, these conditions consist of 17 (seventeen) that are mandatory and must be fulfilled by the groom to marry the bride, namely Palaku, Saput, Pakaian, Sinjang Entang, Lapik Luang, Tutup Uwan, Garantung Kuluk Rim, Bulau Singah Rim, Duit Lapik Ruji, Lamiang Turus Rim, Waist Pananan Pahinjean Kuman, Rapin Tuak, Timbuk Tangga, Duit Turus, Bulau Ngandun or Panginan Jandau, Juntung Amak, and the last one is Batu Kaja.

If the seventeen conditions above are not carried out, it will result in the marriage being canceled, and the fulfillment must be in one unit, not in installments. In addition to fulfilling these requirements in the Marriage Agreement According to the Adat Ngaju Customary Procedures of Central Kalimantan, it is also written regarding the rules after marriage, both when divorced, whether divorced or divorced, have different consequences. The point is that these rules should not be violated, because if they are violated, both the bride and groom will be fined.

The purpose of having a fine in the Dayak Ngaju traditional marriage ceremony, Central Kalimantan is so that there is no divorce other than divorce because one of them dies, and this rule also underlies the philosophy of "Belom Bahadat" that every human being must love one another, love, be fair and not hurt one with another.

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Damang Kepala Adat adalah pimpinan Adat dan Ketua Kerapatan Mantir Perdamaian Adat tingkat kecamatan yang berwenang menegakkan hukum Adat Dayak dalam suatu wilayah Adat yang pengangkatannya berdasarkan hasil pemilihan oleh para kepala desa/kelurahan, para ketua Badan Permusyawaratan Desa, Lembaga Kemasyarakatan Kelurahan, para Mantir Adat Kecamatan, para Ketua Kerapatan Mantir Adat Perdamaian desa/kelurahan yang termasuk dalam wilayah kedamangan tersebut. (Perda Kalimantan Tengah No 16 tahun 2008)

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