

Resolution of Environmental Crimes by the Dayak Ngaju Indigenous Community through the Huma Betang Principle

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Abstract

This study examines the mechanisms for resolving environmental crimes practiced by the Dayak Ngaju indigenous community in Central Kalimantan, focusing on the Huma Betang principle as the foundation of their social and ecological values. Using a normative legal approach and the theoretical frameworks of De Voy and Leopold Pospíšil, the research reveals that Dayak Ngaju customary law is not only socially legitimate but also represents a form of living law that effectively maintains environmental balance and resolves conflicts through collective consensus. The Huma Betang principle, emphasizing communal solidarity, harmony with nature, and deliberation-based decision-making, serves as the cornerstone for both the imposition of sanctions and ecological restoration. The findings underscore the importance of recognizing customary law within the framework of legal pluralism and highlight the need to integrate indigenous legal systems into the national legal order to



strengthen ecological justice and enhance the effectiveness of environmental law enforcement.

Keywords

Huma Betang, Dayak Ngaju, Customary Law, Environmental Law, Legal Pluralism.

Introduction

Environmental degradation in Indonesia has become an increasingly complex and escalating problem over the years. Deforestation is one of the most pressing drivers of this crisis.¹ Indonesia ranks among the countries with the highest rates of forest loss worldwide. The primary drivers of this deforestation are land clearing for palm oil plantations, mining operations, and infrastructure development, which together have led to the loss of millions of hectares of tropical rainforest each year.² In addition, water pollution from domestic, industrial, and agricultural waste has contaminated more than 75% of rivers in Indonesia. In contrast, air pollution, particularly in major cities and regions frequently affected by forest fires such as Kalimantan and Sumatra, has led to dangerously high levels.³ Equally important, ecosystem degradation, including the destruction of coral reefs, peatlands, and habitats of endangered species, continues due to unsustainable human activities, further exacerbating the biodiversity crisis in Indonesia.⁴

Many environmental crimes in Indonesia are committed by two main actors: large corporations and local communities, both of which have

¹ Indah Nurul Ainayah, *Isu Lingkungan dan Kebijakan Publik: Tantangan Perubahan Iklim bagi Indonesia*, 2025, Accessed from: <https://fbhis.umsida.ac.id/isu-lingkungan-dan-kebijakan-publik/>, diakses tanggal 17 Mei 2025.

² Margono et al., "Primary Forest Cover Loss in Indonesia Over 2000–2012", *Nature Climate Change* 4, (2014): 730-735, <https://www.nature.com/articles/nclimate2277>.

³ Kementerian Lingkungan Hidup dan Kehutanan (KLHK), *Status Lingkungan Hidup Indonesia Tahun 2022*, (Jakarta: KLHK, 2022): 18-20.

⁴ United Nations Environment Programme (UNEP), *Global Environment Outlook 6: Regional Assessment for Asia and the Pacific*, (Nairobi: UNEP, 2020): 45.

significant impacts on ecosystems and environmental sustainability.⁵ Large corporations are often involved in illegal or semi-legal activities, such as large-scale deforestation, encroachment into protected areas, and the disposal of industrial waste into rivers or seas without proper treatment. For instance, numerous cases of forest and land fires (*karhutla*) have been linked to land clearing for palm oil plantations using slash-and-burn methods. According to Greenpeace reports, more than 50% of fire hotspots originate from corporate concession areas, highlighting the central role of corporate practices in driving environmental degradation.⁶

The Indonesian Minister of Environment and Forestry (LHK) under President Joko Widodo's administration, Siti Nurbaya Bakar, stated that the potential occurrence of forest and land fires (*karhutla*) in Indonesia can be predicted by identifying hotspots with a high probability of developing into active fire spots. As of October 2, 2023, a total of 6,659 hotspots were detected across Indonesia. Of these, approximately 80 percent were estimated to have a high potential to turn into active fires. Furthermore, Siti reported that the burned area had already reached 267,000 hectares and was expected to continue expanding, considering the weather conditions throughout September and early October 2023.⁷

From the perpetrators' perspective, corporations are among the main actors responsible for forest and land fires in Indonesia. Several companies have been implicated in legal cases related to these fires. Although regulations explicitly prohibit land clearing through burning, some corporate entities are still suspected of engaging in such practices either intentionally or through negligence. These actions constitute violations of the law and may result in criminal and administrative sanctions, including substantial fines. Case example:

⁵ Septhian Eka Adiyatma, Ana Silviana, and Dorcas Adesola Thanni, "Criminalizing the Guardians: Eco-Justice and Indigenous Struggles in Indonesia and Nigeria," *Indonesian Journal of Criminal Law Studies* 10, no. 2 (November 6, 2025): 901–50, <https://doi.org/10.15294/IJCLS.V10I2.33536>.

⁶ Greenpeace Indonesia, *Kejahatan Perusahaan di Balik Kebakaran Hutan*, (Jakarta: Greenpeace. 2019): 12.

⁷ Kompas, "Menteri LHK: Dari 6.659 Titik Panas, 80 Persennya Berisiko Jadi Titik Api", 3 Oktober 2023, Dikases dari: <https://nasional.kompas.com/read/2023/10/03/21575541/menteri-lhk-dari-6659-titik-panas-80-persennya-berisiko-jadi-titik-api?page=all>, diakses tanggal 17 Mei 2025.

1. PT Kumai Sentosa (KS):⁸

A ruling by the Supreme Court of Indonesia (Mahkamah Agung) imposed an IDR 175 billion fine on PT Kumai Sentosa (KS), a palm oil plantation company, for causing forest and land fires in the Kotawaringin Barat Regency, Central Kalimantan.

2. PT Palmindo Gemilang Kencana:⁹

The Ministry of Environment and Forestry (KLHK) has sealed off an area of 372 hectares belonging to PT Palmindo Gemilang Kencana, located in Kameloh Baru Village, Sabangau District, Palangka Raya, Central Kalimantan. This administrative action marks the initial stage of the law enforcement process concerning allegations of land burning. The measure was carried out by the Directorate General of Environmental and Forestry Law Enforcement (Ditjen Gakkum KLHK) by installing prohibition signs and PPLH boundary lines at the site of the burned land.

In general, the practice of forest and land burning, often carried out to open plantation areas, remains a major cause of large-scale fires that lead to environmental degradation, public health hazards, and disruptions to social and economic activities. This condition reflects a significant environmental shift driven by massive natural resource exploitation, which has become one of the greatest challenges of the modern era. Environmental crimes such as illegal logging, land burning, and river pollution frequently occur, particularly in resource-rich regions like Central Kalimantan.

Ironically, the phenomenon of environmental destruction does not occur in isolation but is closely linked to agrarian conflicts and the marginalization of indigenous communities. Indigenous peoples, who for generations have lived in harmony with nature and relied on local wisdom to manage natural resources, have become the most affected group. In many cases, resource exploitation by external actors, especially

⁸ Raden Ariyo Wicaksono, “*Putusan Kasus Karhutla PT KS Jangan Jadi Macan di Atas Kertas*”, 22 Agustus 2023, Accessed from: <https://betahita.id/news/detail/9141/putusan-kasus-karhutla-pt-ks-jangan-jadi-macan-di-atas-kertas.html?v=1692715448>, diakses tanggal 17 Mei 2025.

⁹ Ade Sata, “*KLHK Segel 372 Hektare Lahan Karhutla PT Palmindo Gemilang Kencana di Palangka Raya*”, 06 Oktober 2023, Accessed from: <https://kalteng.inews.id/berita/klhk-segel-372-hektare-lahan-karhutla-pt-palmindo-gemilang-kencana-di-palangka-raya>, accessed 17 May 2025.

corporations with economic power and policy backing, has resulted in the seizure of customary lands, environmental degradation, and the erosion of indigenous participation in land governance.

These conflicts illustrate a structural imbalance in decision-making concerning natural resource management, where indigenous communities are often excluded from meaningful participation. However, the values and norms upheld by these communities, such as the principles of sustainability and ecological balance, have long proven effective in preserving the environment over the long term. Therefore, the neglect of indigenous rights within the context of development not only undermines justice but also exacerbates the ongoing ecological crisis.

Amid the weaknesses of the formal law enforcement system, indigenous communities have continued to uphold their own mechanisms for conflict resolution and environmental management through customary norms and traditions. The Dayak Ngaju people, one of the largest indigenous groups in Central Kalimantan, adhere to a value system known as the Huma Betang Principle. This collective life philosophy emphasizes harmony, solidarity, and deep respect for nature.¹⁰ In this context, it is deeply ironic that environmental degradation often occurs alongside agrarian conflicts and the marginalization of indigenous groups such as the Dayak Ngaju, who have long preserved environmental sustainability through generations. Exploitative practices carried out in the name of development frequently disregard the role of indigenous communities, even though they possess local wisdom systems proven to maintain ecological balance. As observed by Capistrano and Colfer, indigenous peoples maintain a profound ecological relationship with forests and often serve as the primary guardians of these ecosystems.¹¹ When customary lands are seized, and corporate activities or large-scale development projects destroy forests, indigenous communities lose not only their living space but also their cultural identity and the customary legal systems that govern their way of life. Therefore, the recognition and integration of

¹⁰ Ni Nyoman Rahmawati, *Implementasi Nilai Kearifan Lokal (Huma Betang) Dalam Interaksi Sosial Masyarakat Dayak di Kota Palangka Raya*, Jurnal Tampung Penyang, Vol. XVII, No. 01, (2019):. 18-30.

¹¹ Doris Capistrano dan Carol J. Pierce Colfer, *The Politics of Decentralization: Forests, People and Power*, (London: Earthscan, 2005): 87.

customary law into the national legal system are essential components in the effort to achieve ecological justice, ensuring that indigenous values and wisdom continue to play a vital role in sustaining environmental harmony and social equity.¹²

In the context of environmental law enforcement, the Huma Betang principle is not merely a form of local wisdom but functions as a living and effective system of social control within the community. The principle emphasizes collective harmony, solidarity, and shared responsibility toward nature as integral to human existence. Among the Dayak Ngaju people, any violation against nature is regarded not only as an offense against the physical environment but also as a breach of the social and spiritual order. Consequently, environmental disputes are not always resolved through state law, but rather through customary legal mechanisms deeply rooted in cultural values and collective consensus.

This approach aligns with the theory of legal formation proposed by De Voy and Leopold Pospíšil, which emphasizes the importance of understanding law within an anthropological framework. De Voy views law as an integral part of culture and a component of a complex social system. From his perspective, law is not limited to written rules but also encompasses the norms, customs, and social practices that emerge from the community's interactions and lived experiences.¹³ Meanwhile, Leopold Pospíšil emphasizes that law is a cultural construct that varies across different societies. He rejects the positivist view that confines law to a state-made product, instead highlighting the importance of dispute-resolution processes that align with a community's social structure and local cultural values.¹⁴

On the other hand, Indonesia's national legal system, while formally recognizing the existence of customary law, remains largely dominated by a formalistic and positivistic approach. This often creates tension between customary dispute resolution mechanisms and the formal judicial process, particularly in cases involving environmental crimes. Within this context,

¹² Ben Boer, *Environmental Law Dimensions of Human Rights*, (Oxford: Oxford University Press, 2019): 112.

¹³ De Voy, *Law and Culture: An Anthropological Perspective*, (New York: University Press, 1982): 45.

¹⁴ Leopold Pospíšil, *Anthropology of Law: A Comparative Theory*, (New York: Harper & Row, 1971): 103–105.

a crucial question arises: how can the status and effectiveness of customary law in addressing environmental violations be integrated synergistically with the national legal system without undermining the identity and local values that have long preserved ecological balance?

Based on this background, it becomes essential to analyze the Dayak Ngaju indigenous community's resolution of environmental crimes by examining the Huma Betang principle and reflecting on it through the legal theories of De Voy and Leopold Pospíšil. This study makes a significant contribution to the development of a deeper understanding of legal pluralism, the coexistence and interaction of multiple legal systems, including state law, customary law, and the living social norms within communities.

By focusing on the customary mechanisms of environmental dispute resolution practiced by the Dayak Ngaju people, this research demonstrates that law does not solely originate from formal legislation, but also from local values that have organically evolved within indigenous societies. Hence, this study opens up space for an alternative perspective on environmental law enforcement, one that is more inclusive of local wisdom and oriented toward ecological justice. Such an approach has the potential to establish a legal system that is not merely repressive, but also restorative and transformative, rooted in the enduring harmony between humans and nature that lies at the heart of indigenous traditions.

Method

This research employs a normative legal method¹⁵, characterized by a descriptive-prescriptive nature, to analyze the principles, norms, and theories relevant to the resolution of environmental crime within the framework of Dayak Ngaju customary law. The normative approach relies primarily on library-based research, focusing on law as a system of norms

¹⁵ Zico Junius Fernando and Muhammad Imanuddin, "Green Financial Crime in The Perspective of Islamic Law," *Khazanah Hukum* 7, no. 2 (June 28, 2025): 206–22, <https://doi.org/10.15575/KH.V7I2.39211>.

that exists in both written legislation and living social practices.¹⁶ Several approaches are integrated into the study. First, the Statute Approach is used to examine legal instruments related to environmental crimes, customary law, and the interaction between indigenous and national legal systems, particularly Law No. 32 of 2009 on Environmental Protection and Management and regulations recognizing indigenous legal communities. Second, the Conceptual Approach helps clarify and analyze fundamental concepts, including customary law, the Huma Betang principle, legal pluralism, ecological justice, and legal formation theories proposed by De Voy and Leopold Pospíšil. Third, a Historical and Sociological Approach is applied, though within normative limits, to contextualize the social dynamics and historical values of the Dayak Ngaju community, thereby illuminating how local wisdom operates as a normative framework beyond written law. The research utilizes three types of legal materials: primary legal materials, including statutory regulations and official legal documents; secondary legal materials, such as scholarly literature, journal articles, legal theories, and anthropological studies; and tertiary legal materials, including law dictionaries, legal encyclopedias, and indexes.¹⁷ The collected data are analyzed using content analysis to interpret and connect various legal sources and theoretical perspectives. This analytical process seeks to identify the coherence between the customary environmental dispute resolution practices of the Dayak Ngaju people and the principles of national environmental law, thereby offering a theoretical and normative framework for integrating indigenous justice into Indonesia's broader environmental legal system.

¹⁶ Kiki Kristanto et al., "The Convergence of Drug Trafficking and Terrorism: Uncovering the Dynamics of Narco-Terrorism," *Yustisia* 13, no. 3 (2024): 261–82, <https://doi.org/10.20961/yustisia.v13i3.81599>.

¹⁷ Mahrus Ali et al., "Deepfakes and Victimology: Exploring the Impact of Digital Manipulation on Victims," *Substantive Justice International Journal of Law* 8, no. 1 (May 15, 2025): 1–12, <https://doi.org/10.56087/SUBSTANTIVEJUSTICE.V8I1.306>.

Result and Discussion

A. The Meaning and Essence of the Huma Betang Principle

The Huma Betang Principle, or the philosophy of life of the Dayak people, is rooted in the values of togetherness, honesty, equality, and obedience to law. This concept underscores the importance of living harmoniously, helping one another, and respecting diversity within the community. The Huma Betang, a traditional longhouse inhabited by multiple families, serves as a symbol of these values, representing unity, mutual respect, and collective responsibility as the foundation of Dayak social life.¹⁸ The Huma Betang concept encompasses not only aspects of daily life but also serves as a guiding framework for building strong, harmonious social relationships within the Dayak indigenous community. The following are several core principles embodied in the Huma Betang philosophy:

1. Togetherness (Communal Spirit)
Life in the Huma Betang strongly emphasizes the importance of collective living and mutual cooperation in all aspects of daily life, whether in building the longhouse itself or in carrying out everyday communal activities.¹⁹
2. Honesty (Integrity)
Honesty is regarded as a fundamental value within the Huma Betang philosophy, believed to be the essential foundation for fostering unity and harmony among its inhabitants.²⁰
3. Equality

¹⁸ Anjelinus Loi, Dismas Kwirinus, and Heribertus Peri, "The Concept Of 'Huma Betang' As a Model of the Values of The Philosophy of Life of the Dayak Community in Central Kalimantan," *Jurnal Pendidikan Sosiologi Dan Humaniora* 14, no. 2 (October 14, 2023): 148–55, <https://doi.org/10.26418/J-PSH.V14I2.64914>.

¹⁹ Suwarno, *Budaya Huma Betang Masyarakat Dayak Kalimantan Tengah Dalam Globalisasi: Telaah Konstruksi Sosial*, Lingua, Vol. 14, No. 1, (Maret 2017): 94.

²⁰ Yustina Wahyu Wulandari, *Pendekatan Humanis Dalam Falsafah Huma Betang Untuk Meminimalisir Gesekan Konflik Etnis*, Sepakat: Jurnal Pastoral Kateketik, Vol. 8, No. 2, (September 2022): 115-123.

Within the Huma Betang, there are no distinctions of social or economic status. All residents are considered equal and enjoy the same rights and responsibilities within the community.²¹

4. Obedience to Customary Law

The Dayak community adheres to a customary legal system that governs daily life in the Huma Betang, and every resident is obliged to comply with these customary laws as a reflection of respect for communal order.

5. Tolerance

The Huma Betang embodies a spirit of coexistence amid diversity, including religious and belief-system differences, fostering mutual respect among all inhabitants.²²

6. Consensus (Deliberation)

Important decisions within the Huma Betang are made through deliberation and collective agreement (*musyawarah mufakat*), ensuring that every voice is heard and unity is maintained through dialogue.²³

7. Living with Custom (Belom Bahadat)

This principle emphasizes the importance of living with proper manners, ethics, and cultural decency in social interactions, reflecting the moral foundation of Dayak life.²⁴

8. Living in Peace (Belom Penyang Hinje Simpei)

This value highlights the significance of peaceful coexistence, togetherness, equality, harmony, and tolerance as the essence of a balanced and sustainable communal life.²⁵

²¹ Sabda Budiman, Yelicia, Maria Lidya Wenas, *Filosofi Huma Betang Suku Dayak Ngaju Sebagai Upaya Pembinaan Gereja Secara Kontekstual Berdasarkan Kisah Para Rasul 2:42-47*, e-journal-iakn-manado.ac.id: 1.

²² Kemenag Kabupaten Kotim, 2021, *Rumah Betang Simbol Kerukunan di Kalimantan Tengah*, Diakses dari: <https://kalteng.kemenag.go.id/kotim/opini/627/Rumah-Batang-Simbol-Kerukunan-Di-KalimantanTengah#:~:text=Semua%20ini%20tidak%20lepas%20tekd,Tengah%20dan%20Indonesia%20pada%20umumnya.>, accessed April 21, 2025.

²³ *Ibid.*

²⁴ Rio Septianor, 2023, *Implementasi Nilai-Nilai Falsafah Huma Betang Bagi Masyarakat Adat Dayak Ngaju Kalimantan Tengah*, Diakses dari: <https://www.kompasiana.com/rioseptianor6010/640d9ed73555e476c86021c2/implementasi-nilai-nilai-falsafah-huma-batang-bagi-masyarakat-adat-dayak-ngaju-kalimantan-tengah>, accessed April 21, 2025.

²⁵ *Ibid.*

Togetherness lies at the core of this principle, in which every individual is expected to work collaboratively, share responsibilities, and support one another across various aspects of life. Honesty serves as the foundation for fostering healthy interpersonal relationships, ensuring that communication and interaction are grounded in mutual trust. Equality reinforces the idea that every member of the community, regardless of social status, has equal rights and that no discrimination exists among individuals. All inhabitants of the Huma Betang are treated equally, cultivating a strong sense of solidarity and unity within the community.

Moreover, obedience to law underscores the importance of adhering to the customary rules and norms that govern daily life. The customary law upheld by the Dayak people serves to maintain order and communal welfare, emphasizing conflict resolution through deliberation and consensus (*musyawarah mufakat*). The Huma Betang also embodies the values of mutual respect and tolerance. Within it, differences in religion, belief, and social background are recognized and respected. The Dayak people living in the Huma Betang are taught to coexist peacefully, to embrace diversity, and to preserve social harmony as a reflection of their enduring commitment to communal life and shared humanity.

Living by Custom (*Belom Bahadat*) emphasizes the importance of proper manners and ethical conduct in the social interactions of the Dayak indigenous community. Among the Dayak Ngaju people, this ethical concept known as “*Belom Bahadat*” holds a central place in their cultural identity. *Belom Bahadat* represents a system of moral principles, norms, and customary rules that has developed throughout the Dayak Ngaju’s history, shaped by their social and cultural environment. It functions as a code of ethics that governs appropriate and respectful behavior, guiding individuals on how to interact harmoniously and beneficially both within their own community and with outsiders. This ethical framework not only preserves social order but also reinforces the Dayak Ngaju’s values of respect, mutual care, and communal integrity.²⁶ This principle teaches every individual to live with mutual respect, uphold courtesy and proper

²⁶ M.P. Lambut, *Tantamau; Tatanan Kehidupan Pribumi Borneo Sepanjang Zaman* (Kalsel: PT. Arutmin Indonesia Tambang Satui, 2003): 128-129.

conduct, and behave in accordance with the noble values embedded in their customary culture. Belom Bahadat encourages individuals to always act politely, avoid conflict, and maintain harmonious relationships with others in the community. By upholding this principle, the Dayak indigenous people can preserve social harmony and foster mutual respect and understanding. Meanwhile, Living in Peace (Belom Penyang Hinje Simpei) is a principle that emphasizes the importance of peaceful coexistence, togetherness, equality, harmony, and tolerance among members of the Dayak indigenous community. It reflects the community's deep commitment to sustaining a balanced, inclusive, and compassionate social order, where peace is not merely the absence of conflict but the active cultivation of unity and respect within collective life.

This principle teaches that a prosperous and fulfilling life can be achieved when individuals respect one another, work together, and coexist peacefully. Belom Penyang Hinje Simpei emphasizes the importance of tolerance toward differences, whether in religion, ethnicity, or worldview, while upholding equality and harmony in all aspects of social life. By practicing this principle, the Dayak indigenous community can build mutually supportive relationships, foster a sense of security and trust, and sustain communal life in an atmosphere of peace and mutual respect.

The Huma Betang, a traditional longhouse inhabited by multiple families, serves as both a physical and cultural symbol of these core values. This traditional house serves not only as a residence but also as a communal space for gathering, discussion, and celebrating unity within the community. It represents the balance between private and collective space, reflecting the Dayak principle of togetherness, where every family lives side by side and maintains harmonious relationships with one another. Overall, the Huma Betang principle serves as a way of life that emphasizes honesty, equality, and solidarity as fundamental to achieving social and cultural well-being. It encourages the community to support one another, uphold customary principles and social norms that have evolved over centuries, and continuously embrace diversity as an essential element of peaceful and sustainable communal life.

B. Implementation of the Huma Betang Principle in the Resolution of Environmental Crimes by the Dayak Ngaju Indigenous Community in Central Kalimantan

The Huma Betang principle is a highly respected philosophy of life among the Dayak Ngaju indigenous community in Central Kalimantan. This principle emphasizes the core values of togetherness, harmony, equality, tolerance, and justice in social life. Huma Betang is not only a reference to the traditional longhouse that symbolizes the identity of the Dayak Ngaju people, but also represents a communal way of life that prioritizes deliberation and consensus (*musyawarah untuk mufakat*) in resolving disputes, including those related to environmental crimes. In the Dayak Ngaju customary system, the resolution of criminal acts is not viewed merely through the lens of formal punishment, but rather through a restorative and communal approach. Conflict or wrongdoing is addressed through deliberation, where all parties involved, the offender, the victim, and the wider community, are allowed to engage in dialogue and reach a mutually beneficial agreement. This process aims not only to enforce accountability but also to restore damaged social relationships, reflecting a restorative rather than repressive justice model, deeply rooted in the community's cultural values and sense of collective responsibility.

An example of the Huma Betang principle in resolving criminal acts is the customary deliberation process (*musyawarah adat*), which involves customary leaders, tribal chiefs, and other community members. In this setting, disputes or offenses are addressed collectively through dialogue, guided by consensus and a moral responsibility to restore harmony within the community. In the modern legal context, the resolution of criminal acts within the Dayak Ngaju indigenous community has been formally recognized and regulated under Article 8 letter (c) of the Regional Regulation of Central Kalimantan Province No. 16 of 2008 on Dayak Customary Institutions in Central Kalimantan. This provision stipulates that the *Damang*, or customary chief, is entrusted with the authority to resolve disputes, conflicts, or criminal violations both during the initial examination phase and in the final adjudication stage in accordance with the procedures established under customary law. This recognition affirms

the legitimacy of indigenous legal systems as integral to Indonesia's broader framework of legal pluralism.

According to the provisions of Article 1, point 24 of the Regional Regulation of Central Kalimantan Province No. 16 of 2008 on Dayak Customary Institutions in Central Kalimantan, the regulation states that:

"The Damang Head of Custom is the customary leader and Chairperson of the Council of Customary Peace Mantir at the sub-district level, who holds the authority to enforce Dayak customary law within a customary jurisdiction."

Furthermore, Article 7, paragraph (2) of the same regulation provides that:

"To ensure the effective implementation of their main duties and functions, the Damang Head of Custom is assisted by the Council of Customary Peace Mantir or Let Adat at the sub-district and village/urban village levels."

Thus, the process or mechanism for resolving disputes, conflicts, or criminal offenses within indigenous communities in the present era has been formally regulated through procedural customary law, led by the Damang Head of Custom and assisted by the Council of Customary Peace Mantir (Kerapatan Mantir Perdamaian Adat) or Let Adat, operating at the sub-district and village levels. In practice, the Damang, together with the Council of Customary Peace Mantir or Let Adat, convenes to seek the most appropriate and just solution to the problem at hand. The decisions reached typically refer to several forms of customary sanctions as stipulated under Article 32 of the Regional Regulation of Central Kalimantan Province No. 16 of 2008 on Dayak Customary Institutions in Central Kalimantan. These sanctions serve not only as punitive measures but also as restorative instruments aimed at restoring balance and harmony within the community.

Based on the provisions of the aforementioned article, the types of sanctions that may be imposed by the Council of Customary Peace Mantir (Kerapatan Mantir Perdamaian Adat) or Let Adat, whether at the village/urban village or sub-district level, include the following:

1. Advice or reprimand, delivered either verbally or in writing;

2. Formal apology, expressed either orally or in written form;
3. Singer (a local term referring to a fine or compensation payment);
4. Temporary exclusion from the indigenous community of the village/urban village, during which the offender is prohibited from participating in customary activities for a specified period;
5. Expulsion from the community, which entails the termination of all social and customary relations between the offender and the indigenous community for an indefinite period;
6. Revocation of customary titles or honors;
7. Other sanctions in accordance with the prevailing customary laws in the respective region.

The customary sanctions of the Dayak Ngaju people, such as fines (singer) and other forms of penalties, are derived from the Tumbang Anoi Peace Conference of 1894, which produced 96 articles that serve as the primary legal framework for resolving disputes and determining customary sanctions. These articles continue to guide the Dayak Ngaju community in maintaining justice and social harmony. For example, Singer Hatulang Belom (Divorce Fine), stipulated in Article 3, is imposed on couples who divorce. Meanwhile, the Singer Biat Himang (Minor Injury Fine) provision in Article 23 applies to cases of unintentional minor injuries, with the amount of the fine determined by the severity of the injury. In the context of environmental violations, customary sanctions typically include:²⁷

1. *Article 41 – Singer Tuwe Talian (Customary Fine for Water Pollution Using Fish Poison “Tuba”) If an individual or a group of people are bathing in a river, lake, or swamp and suddenly discover that the water has been contaminated by fish poison (tuba) used by others without prior notice to the downstream community or those sharing the same water source, such an act is considered a customary offense. The affected party has the right to demand a customary fine (singer tuwe talian) from the polluter, ranging from 15 to 30 kati ramu, depending*

²⁷ JDIH Unnes, 96 *Pasal Hukum Adat Tumbang Anoi*, Diakses dari: <https://jdih.unnes.ac.id/f/96-pasal-hukum-adat-perjanjian-damai-tumbang-anoi-674db5d2b4330-1-67f623275f05c-2?passcode=>, accessed 17 May 2025.

on the severity of the violation as determined by the customary leaders.

2. *Article 87 – Singer Karusak Pahewan, Karamat, Rutas, and Tajahan (Customary Fine for the Destruction of Sacred or Forbidden Places). Anyone who damages sacred or restricted sites, such as pahewan, karamat, rutas, or tajahan, believed to possess spiritual significance, is subject to a customary sanction. In ancestral beliefs, humans must uphold ethical conduct toward the spiritual world, including the unseen spirits believed to dwell there. Any act of disrespect, burning, tree cutting, or theft in these sacred locations is considered a disruption to the environmental and spiritual balance. The offender may be fined 15–30 kati ramu, which is then handed over to the guardian’s heirs of the sacred site or to the nearest village, as stipulated in Article 49.*
3. *Article 96 – Kasukup Singer Belom Bahadat (Violation of Customary Ethics and Moral Norms) The term belom bahadat reflects the Dayak Ngaju worldview, encompassing ethical, moral, and respectful behavior as an essential aspect of their identity. This value system embraces the physical, mental, and spiritual dimensions of life and serves as a deeply respected cultural heritage. The rule governs not only human relationships but also the interactions among humans, nature, other living beings, ancestral spirits, and unseen forces. In this perspective, humans are regarded as the guardians of environmental harmony, obliged to maintain universal decorum and respect toward both the visible and invisible realms.*

Although the term “environment” is not explicitly mentioned in the 96 articles produced during the Tumbang Anoi Peace Meeting, the Belom Bahadat principle and the application of customary sanctions (singer) are effectively applied to actions that cause environmental damage. In several regions of Central Kalimantan, indigenous communities strictly enforce customary provisions governing the management of territories and the use of natural resources. One such example is the Dayak Ngaju community of

Lewu Tehang Manuhing Raya in Gunung Mas Regency, where customary legal norms regulate the management of land and natural resources, including provisions that cover:²⁸

- 1. *Any individual who intentionally takes, controls, or exploits natural resources belonging to the indigenous community without obtaining permission from the Tehang customary community shall be subject to a customary fine of 25,000 Jipen, equivalent to IDR 2,500,000,000 (two billion five hundred million rupiah).*
- 2. *Entering areas of sacred or cultural significance such as holy sites, Pukung Pahewan, rutas lands, springs, tajahan, production forests, customary lands, tourism forests, ancestral land areas, cemeteries, sandung/sapundu structures, and tanggiran sites without permission or with malicious intent, and causing damage, shall result in a customary fine of 34,460 Jipen. Based on sixteen customary regulations, this amount is equivalent to IDR 215,375,000 (two hundred fifteen million three hundred seventy-five thousand rupiah).*

The manifestation of customary law enforcement in addressing environmental violations in Central Kalimantan can be observed through the following illustrative case examples, which demonstrate how customary principles and sanctions are applied in practice to protect indigenous territories and restore ecological balance.

Table. 1 Manifestations of Customary Law Enforcement in Environmental Violations in Central Kalimantan

DECREE OF CUSTOMARY SANCTION / SINGER ADAT DAYAK DAMANG, HEAD OF CUSTOMARY LAW OF KAHAYAN KUALA SUB-DISTRICT PULANG PISAU REGENCY	
	: 1. Date of Decision: July 25, 2023

²⁸ BRWA, *Wilayah Adat Dayak Ngaju Lewu Tehang Manuhing Raya*, Diakses dari: <https://brwa.or.id/wa/view/WWl4bmF6M2NvYmc#::~text=Sumber%20daya%20alam-,1.,Milyar%20Lima%20Ratus%20Juta%20Rupiah>), accessed 17 May 2025.

A. Decision Identity		2. Place: Bahaur Tengah Village Hall 3. Identity of the Offender: a. Name: Muhammad Amir Yasin bin Abdurrahman b. Address: RT 02 RW 01, Sei Tinggiran, Tanjung Perawan Village, Kahayan Kuala Sub-District, Pulang Pisau Regency, Central Kalimantan.
B. Position Case	:	Because the individual caused a fire on his own coconut plantation land located in Sei Terusan, Bahaur Tengah Village, Kahayan Kuala Sub-District, Pulang Pisau Regency, Central Kalimantan Province, on Thursday, July 20, 2023, resulting in a burned area of 16 meters by 250 meters, Muhammad Amir Yasin bin Abdurrahman has been found to have violated the 1894 Dayak Customary Law (Hadat 1894), Article 87, which stipulates sanctions for burning activities.
C. Decision	:	A customary fine (singer adat Dayak) has been imposed on Muhammad Amir Yasin bin Abdurrahman as follows: 1. He is required to pay a customary fine of 21 (twenty-one) kati ramu, where 1 (one) kati is equivalent to IDR 100,000 (one hundred thousand rupiah); 2. Therefore, the total amount to be paid is 21 (twenty-one) kati, equivalent to IDR 2,100,000 (two million one hundred thousand rupiah), to the Customary Authority (Kademangan) of Kahayan Kuala Sub-District, with 10% of the fine allocated for hearing and administrative costs.
CUSTOMARY PEACE AGREEMENT LETTER OF THE DAYAK COMMUNITY DAMANG, HEAD OF CUSTOMARY LAW OF SEBANGAU KUALA SUB-DISTRICT PULANG PISAU REGENCY		
	:	1. Date of Decision: June 20, 2023

A. Decision Identity		2. Place: Sabagau Kuala Police Sector Office
		3. Identity of the Offender: a. Name: Nuriwayat b. Address: Paduran Mulya
B. Position Case	:	A land burning incident occurred on Sunday, June 18, 2023, at 10:00 a.m., committed by Ms. Nuriwayati in Sebangau Perma Village, specifically in Business Land Area I, Right Lane II.
C. Decision	:	By this decision, the Damang Head of Customary Law determines a fine of one Kati Garantung, equivalent to 3 (three) grams of pure gold. 1. Based on the consideration of the Damang Head of Customary Law of Sebangau Kuala Sub-District, and in accordance with the 1894 Dayak Customary Law (Hadat, 1894) and its application in the life of the Dayak customary community, the offender is deemed to have violated Article 49; 2. Referring to the above article and taking into account the chronology of events, Ms. Nuriwayati is fined, according to the Decision of the Damang Head of Customary Law of Sebangau Kuala Sub-District, to pay a peace agreement fine (denda kesepakatan damai) amounting to IDR 2,100,000 (two million one hundred thousand rupiah), from which 10% is allocated to cover administrative and hearing costs.
DECREE OF CUSTOMARY SANCTION / SINGER ADAT DAYAK DAMANG, HEAD OF CUSTOMARY LAW OF PANDIH BATU SUB-DISTRICT PULANG PISAU REGENCY		
A. Decision Identity		1. Date of Decision: July 5, 2023
		2. Place: Office of the Damang, Pandih Batu Sub-District
		3. Identity of the Offender:

		a. Name: Ary Gunanto bin Sunarno b. Address: Jalan Gatot Subroto, RT 07 RW 003, Pangkoh Sari Village, Pandih Batu Sub-District, Pulang Pisau Regency, Central Kalimantan.
B. Position Case	:	Because the individual set fire to his own land/plantation located on the road leading to the PKE PT. BSG oil palm plantation, Mulya Sari Village, Pandih Batu Sub-District, on Monday, June 26, 2023, around 5:00 p.m.
C. Decision	:	Mr. Ary Gunanto bin Sunarno is found to have committed the following violations and is subject to the corresponding sanctions: 1. Violation of the 1894 Dayak Customary Law (Hadat, 1894); 2. Article 49, concerning acts of burning; 3. Required to pay a Dayak Customary Fine (Singer Adat) of IDR 2,100,000 (two million one hundred thousand rupiah) to the Kedamangan of Pandih Batu; 4. 10% of the total fine is allocated to cover hearing and administrative costs.

Source: Processed from various sources

From the examples above, it can be concluded that any individual who deliberately exploits natural resources, extracts them, or engages in land-burning activities without proper consent may be subject to customary sanctions as a form of accountability for violating environmental balance. These customary sanctions, generally referred to as singer, may take the form of monetary fines or material compensation, depending on the agreements established within the local customary system. In addition to fines, other forms of sanctions may include community service, customary purification rituals (maprayascita), or even temporary exclusion from the customary territory as a means of enforcing communal norms and restoring social relationships within the community.

The imposition of these sanctions is intended to preserve social harmony and cohesion within the Dayak Ngaju indigenous society. Such measures also embody the Huma Betang principle, which prioritizes togetherness (communal spirit), honesty (integrity), equality, obedience to customary law, tolerance, consensus (deliberation), living with custom (belom bahadat), and living in peace (belom penyang hinje simpei).²⁹

In the context of environmental dispute resolution, the relationship between the national legal system and customary law is complex, characterized by both tension and potential synergy. On the one hand, there is a normative and institutional conflict, as the national legal system tends to be positivist, centralized, and formal. In contrast, customary law is localized, oral, and community-based. This disparity often leads to jurisdictional friction, where environmental cases resolved through customary mechanisms are sometimes deemed invalid by the formal state legal system, despite their legitimacy and effectiveness within the indigenous framework.

Conflicts also arise over standards of evidence and sanctions, where the national legal system demands scientific proof and rigid procedures. At the same time, customary law prioritizes deliberation (musyawarah), the restoration of social relations, and moral responsibility toward nature. This situation has caused many indigenous communities, which have long practiced sustainable environmental management, to receive little or no legal support from the state. Nevertheless, there exists a significant potential for synergy between the two systems, particularly in promoting ecological justice and community participation. The implementation of the Huma Betang principle in resolving criminal acts within the Dayak Ngaju indigenous community of Central Kalimantan can be analyzed through the lens of legal theory objectives, particularly the theories of justice and legal utility. Justice is one of the most discussed aims of law throughout the history of legal philosophy.

In his *Nicomachean Ethics*, Aristotle presents his conception of justice as a general virtue encompassing obedience to both written and unwritten

²⁹ Khairil Anwar et al., "Dayak Ngaju Customary Sanctions as a Rehabilitation Mechanism for Drug Addicts in Central Kalimantan," *El-Mashlahah* 15, no. 1 (June 30, 2025): 165–88, <https://doi.org/10.23971/EL-MASHLAHAH.V15I1.9813>.

law.³⁰ According to Theo Huijbers, Aristotle also views justice as a specific moral virtue that concerns human conduct in establishing fair relations between individuals and maintaining balance between parties. Aristotle distinguishes between arithmetical equality, the idea that all individuals are treated equally under one unit, such as equality before the law, and proportional equality, which means giving each person what is rightfully theirs according to their ability, contribution, and merit. Thus, for Aristotle, justice does not merely mean treating everyone the same, but rather treating each person according to their circumstances and contributions.³¹ In this sense, the Dayak Ngaju approach to customary dispute resolution, which seeks to restore balance and harmony rather than impose uniform punishment, aligns closely with Aristotelian justice. This justice aspires to restore equilibrium within both the social and ecological order.³²

The next objective of law is legal utility, which refers to the principle emphasizing the importance of the law's benefits to society, aiming to achieve the greatest welfare and happiness for the greatest number of people. A sound legal system should not only provide benefits through the existence of its written rules but also through the manner in which those rules are applied within society. The concept of legal utility is closely related to the principles of justice and legal certainty, requiring a proportional balance between the benefits gained and the sacrifices made. Jeremy Bentham was the first thinker to develop the theory of utility, also known as utilitarianism.³³

The theory of utilitarianism, introduced by Jeremy Bentham, emerged as a reaction to the natural law theories prevalent in the 18th and 19th centuries. Bentham criticized natural law for being vague and inconsistent, arguing that it lacked clear standards and practical

³⁰ James W. Guest, "Justice as Lawfulness and Equity as a Virtue in Aristotle's *Nicomachean Ethics*," *The Review of Politics* 79, no. 1 (2017): 1–22, <https://doi.org/10.1017/S003467051600070X>.

³¹ Michael Pakaluk, "Justice as a Character-Related Virtue," *Aristotle's Nicomachean Ethics*, June 19, 2005, 181–205, <https://doi.org/10.1017/CBO9780511802041.007>.

³² Hyronimus Rhiti, *Filsafat Hukum Edisi Lengkap (Dari Klasik ke Postmodernisme)*, Ctk. Kelima, (Yogyakarta: Universitas Atma Jaya, 2015): 241.

³³ Jeremy Bentham merupakan seorang filosof dan juga seorang ahli hukum Inggris yang memiliki julukan "*Luther of the Legal World*" (Luther pada dunia hukum). Latipulhayat, *Khazanah Jeremy Bentham*, Padjajaran Jurnal Ilmu Hukum, Vol. 2, No. 2, (2015): 413.

applicability. He advocated a shift from abstract, idealistic, and a priori concepts toward a more concrete, material, and empirical approach to law.³⁴ According to Bentham, one of the primary purposes of law is to provide utility, that is, to promote the greatest happiness and well-being for individuals and society as a whole. In his view, the legitimacy of any law depends on its capacity to maximize happiness and minimize suffering, making law a pragmatic instrument of social good rather than a mere embodiment of moral or divine ideals.³⁵

Building on the above explanation, from the perspectives of justice and legal utility, the implementation of the Huma Betang principle in criminal case resolution emphasizes a social justice oriented toward restoration and reconciliation. Justice, in this context, is not merely understood as imposing punishment proportionate to the offense, but rather as the restoration of relationships and the reestablishment of social harmony within the community. This approach is highly relevant in indigenous societies that uphold the values of peaceful coexistence, mutual respect, and collective harmony. From a legal standpoint, the application of the Huma Betang principle offers a more human-centered approach to addressing criminal acts, particularly those occurring within indigenous communities. In resolving conflicts, the principles of deliberation and consensus (*musyawarah* and *mufakat*), which lie at the core of Huma Betang, enable decisions that are not only legally sound but also perceived as fair and legitimate by all parties involved. This principle further promotes equality and openness, ensuring that every participant in the dispute resolution process has the right to be heard and that their views are duly considered.

In terms of legal utility, the Huma Betang principle offers tangible benefits to indigenous communities by facilitating harmonious and sustainable conflict resolution. Disputes resolved through deliberative processes not only settle the immediate problem but also strengthen social bonds, preserve communal harmony, and ensure the continuity of

³⁴ Endang Pratiwi, "Teori Utilitarianisme Jeremy Bentham : Tujuan Hukum Atau Metode Pengujian Produk Hukum?," *Jurnal Konstitusi* 19, no. 2 (2022): 270, <https://doi.org/https://doi.org/10.31078/jk1922>.

³⁵ Inggal Ayu Noorsanti, *Kemanfaatan Hukum Jeremy Bentham Relevansinya dengan Kebijakan Pemerintah melalui Bantuan Langsung Tunai Dana Desa*, Sultan Jurisprudence: Jurnal Riset Ilmu Hukum, Vol. 3 No. 2, (Desember 2023): 183-193.

collective life. Furthermore, the customary resolution model under the Huma Betang framework helps reduce social tension and increase public trust in indigenous mechanisms of justice. Hence, the practical utility of this principle lies in its ability to create effective social justice that is responsive to community needs while reinforcing social stability.

Nevertheless, aligning the Huma Betang principle with the formal state legal system remains a significant challenge, as national law tends to emphasize formal enforcement through established judicial procedures. Therefore, it is essential to seek harmonization between customary and national legal systems, respecting and integrating the customary values of the Dayak Ngaju community into the broader framework of state law. Such integration would promote sustainable and meaningful justice, benefiting both indigenous peoples and society at large. Overall, the implementation of the Huma Betang principle in the resolution of criminal acts within the Dayak Ngaju indigenous community demonstrates that law should not serve merely as a means of enforcing formal justice, but also as a social instrument that delivers tangible communal benefits, prioritizing the restoration of social relations and the maintenance of harmony within society.

C. The Relationship Between Customary Law and National Law in Environmental Law Enforcement Through an Anthropological Approach Based on the Theories of De Voy and Leopold Pospíšil

The theory of legal formation proposed by De Voy and Leopold Pospíšil emphasizes the importance of an anthropological and cultural approach in understanding the existence and dynamics of law within a society. From this perspective, law is not merely a collection of written norms formally established by the state, but rather a product of values, social norms, and cultural practices that are alive, evolving, and deeply rooted in the community's everyday life.³⁶

De Voy views law as an integral part of the cultural system and social structure. According to him, law emerges from ongoing social interactions within society. It is shaped through a process of social negotiation that

³⁶ De Vos, George, *Anthropological Approaches to Law*. In *Law and Society*, ed. Leonard L. Cavarozzi, (New York: Random House, 1974): 3–20.

reflects the community's collective values and shared norms. In this sense, law is not static or merely codified, but a dynamic social product that evolves along with the community's cultural and moral development.³⁷ Thus, law is not an autonomous entity that exists independently from the social and cultural life of a community. It is not self-contained or detached from the social environment in which it arises and develops. On the contrary, law is intrinsically linked to a society's cultural values, social symbols, and everyday practices of the people who create and apply it. In other words, law is a form of social construction, continuously shaped and reshaped through the ongoing interactions among members of society. In this context, the understanding of law cannot be approached uniformly or universally, as law is always contextually shaped by the historical background, social structure, and norms and values prevailing within a particular society. Therefore, adopting a cultural and anthropological approach becomes essential to comprehend how law functions within a community, especially among indigenous societies, whose legal systems are often unwritten yet deeply rooted and highly effective in practice.

Meanwhile, Leopold Pospíšil deepened this approach by emphasizing the importance of cross-cultural comparison in understanding the diversity of legal systems. He argued that every society possesses its own legal system, which cannot be equated with or measured solely by the standards of state law. Each community's law reflects its unique cultural context, social organization, and value system, making it essential to study law as a plural, culturally embedded phenomenon rather than as a uniform, state-imposed construct.³⁸ Leopold Pospíšil's perspective affirms that law is not limited to what is formally recognized and institutionalized by the state, but also encompasses the system of norms and social mechanisms that are acknowledged and practiced within a community. In his view, these community-based legal systems hold equal legitimacy, as they embody the collective moral order and regulatory functions that sustain social harmony, even in the absence of formal state recognition.

³⁷ *Ibid.*

³⁸ Leopold Pospíšil, *Anthropology of Law: A Comparative Theory*, (New York: Harper & Row, 1971): 45–50.

From this perspective, law within indigenous societies, including the Dayak Ngaju community in Central Kalimantan, possesses strong local legitimacy, even though it may not always receive formal recognition within the national legal system. The Dayak Ngaju customary community has a legal structure that reflects its cultural and spiritual values, in which dispute resolution is carried out through deliberation (*musyawarah*), and decision-making involves customary leaders or trusted traditional institutions. This mechanism is implemented not merely to enforce norms but also to preserve social harmony and maintain ecological balance. Within Pospíšil's theoretical framework, such a legal system contains all the essential elements that qualify it as "law" in the substantive sense, namely, binding norms, institutional structures, conflict-resolution procedures, and social acceptance within the community. Therefore, even if it is not codified in state regulations or framed within the formal positive legal system, the customary law of the Dayak Ngaju people remains both legitimate and effective in governing community life. Furthermore, the recognition of such local legal systems is vital in the context of legal pluralism, particularly as part of efforts to promote law enforcement that is more responsive to the needs of indigenous communities and the local wisdom they embody.

Thus, the application of this theory is highly relevant to the resolution of environmental crime within the Dayak Ngaju indigenous community. This community upholds the *Huma Betang* principle, which emphasizes living together in diversity, decision-making through deliberation and consensus (*musyawarah mufakat*), and maintaining harmony with nature. When environmental violations occur, such as forest destruction or river pollution, the Dayak Ngaju people tend to resolve them through customary mechanisms, including traditional rituals, village deliberations, or community-based social sanctions. These processes reflect a holistic approach to justice that seeks not only to address wrongdoing but also to restore ecological balance and social harmony in accordance with their customary values.³⁹ This mechanism takes into account not only legal aspects but also the spiritual, social, and ecological

³⁹ M. Nur Sholikin, "*Huma Betang sebagai Wujud Kearifan Lokal dalam Pengelolaan Lingkungan Hidup*," *Jurnal Hukum Lingkungan Indonesia* Vol. 5, No. 2, (2020): 112–117.

dimensions deeply integrated into the lives of indigenous communities. However, the existence of such customary legal systems often conflicts with the national legal system, which tends to be positivist and centralized. The state frequently overlooks the validity of customary law in addressing environmental cases, even though these customary legal mechanisms are often more effective in preventing and resolving conflicts, as they are better accepted by local communities and more responsive to local conditions.⁴⁰

In the context of legal pluralism, the perspectives of De Voy and Pospíšil provide a theoretical framework for recognizing that law is not singular (monolegalism) but plural (legal pluralism), in which state law and customary law can coexist and even complement one another. This understanding is crucial in environmental law enforcement, where participatory and locally grounded approaches, rooted in indigenous wisdom, have proven more sustainable for preserving natural resources and preventing ecological conflicts.

Thus, the theories of De Voy and Leopold Pospíšil provide an essential foundation for the recognition and integration of customary law, such as the Huma Betang principle of the Dayak Ngaju community, into the national legal system to achieve substantive justice, particularly in the context of environmental law enforcement that upholds both social and ecological justice. The legal theories developed by De Voy and Pospíšil offer an anthropological perspective on law that is highly relevant for examining the relationship between customary law and the national legal system, especially within the framework of environmental governance in indigenous communities such as the Dayak Ngaju.

1. De Voy's Perspective (Law as a Product of Culture and Social System)

According to De Voy, law is an integral part of culture and the broader social system. Law is not merely understood as a set of formal written rules, but also encompasses the values, norms, and social practices that live and evolve within a community. In the context of the Dayak Ngaju indigenous society, customary law grounded in the Huma Betang principle reflects local wisdom values such as togetherness, harmony with nature, and consensus-based deliberation in resolving conflicts. De

⁴⁰ Tedi Sudrajat, "Pluralisme Hukum dan Efektivitas Penegakan Hukum Lingkungan di Kawasan Adat," *Jurnal Hukum dan Pembangunan* Vol. 49, No. 1, (2019): 69–89.

Voy's theory helps explain that environmental law enforcement by the Dayak Ngaju community is not simply an act of resistance against state law, but rather an expression of a local legal system that is deeply embedded in their way of life. In other words, customary law in this context possesses strong social legitimacy because it is formed and practiced in response to the community's needs and shared values, making it a genuine manifestation of law as a cultural and social phenomenon.

2. Leopold Pospíšil's Perspective: Legal Pluralism and Social Processes in Law Enforcement

Leopold Pospíšil emphasized that law is not singular but plural, meaning that multiple legal systems can coexist within a single state. He argued that every society possesses its own form of law, which must be understood through a cross-cultural comparative approach. In this context, the Dayak Ngaju customary legal system should not be seen merely as a "local practice," but as a legitimate legal system in its own right, according to the standards and values of the community that upholds it. Pospíšil also viewed law as a social process, encompassing decision-making, dispute resolution, and the enforcement of norms. The environmental law enforcement carried out by the Dayak Ngaju community through customary deliberation (*musyawarah adat*), social sanctions, or ritual practices represents a concrete manifestation of their legal process, one that aligns with the goal of environmental preservation. This theory demonstrates that customary law should not be regarded as inferior to national law; rather, it can complement and strengthen the effectiveness of national environmental law enforcement, particularly by integrating local wisdom and community participation into the broader legal framework.

Using the theoretical frameworks of De Voy and Pospíšil, the relationship between customary law and national law in the enforcement of environmental law need not be dichotomous or antagonistic. Instead, both systems can mutually reinforce one another within the spirit of legal pluralism, whereby the national legal system recognizes, respects, and even accommodates local legal practices, as long as they do not conflict with the fundamental principles of human rights and environmental protection.

In the Dayak Ngaju community, the customary settlement of environmental offenses can be seen as a form of active community participation in preserving ecological sustainability. This means that the government should accommodate such indigenous participation through regional-level regulations, as stipulated in Article 63 paragraph (2)(n) of Law No. 32 of 2009 on Environmental Protection and Management, which states:

“In the protection and management of the environment, the provincial government shall have the authority to establish policies concerning the procedures for recognizing the existence of indigenous peoples, local wisdom, and the rights of customary law communities related to environmental protection and management at the provincial level.”

Furthermore, Article 63 paragraph (3)(k) provides that:

“In the protection and management of the environment, the district/city government shall have the authority to establish policies concerning the procedures for recognizing the existence of indigenous peoples, local wisdom, and the rights of customary law communities related to environmental protection and management at the district/city level.”

In addition, the Constitutional Court Decision No. 35/PUU-X/2012 reaffirmed this principle by interpreting Article 4 paragraph (3) of Law No. 41 of 1999 on Forestry in a manner consistent with the 1945 Constitution (UUD 1945). The Court held that the provision would be unconstitutional if not interpreted to mean that “state control over forests” must respect and consider the rights of indigenous peoples, as long as such communities still exist, in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia (NKRI) as regulated by law. Accordingly, this ruling strengthens the recognition and protection of indigenous peoples’ rights over their customary forest territories, while affirming the coexistence and complementarity of customary and national legal systems in achieving social and ecological justice within Indonesia’s environmental governance framework.

Conclusion

The implementation of the Huma Betang principle by the Dayak Ngaju indigenous community in Central Kalimantan reflects the existence of a living customary legal system, one that is socially legitimate and effective in maintaining ecological balance and social harmony. The Huma Betang principle, which emphasizes collectivity, deliberation, and harmony with nature, serves as the foundation for resolving environmental conflicts through customary mechanisms such as community deliberation, the imposition of customary sanctions, and ecological restoration. This practice underscores the importance of recognizing and integrating customary law into the national legal system as a manifestation of legal pluralism, thereby strengthening ecological justice and enhancing the effectiveness of local environmental law enforcement. The legal theories of De Vey and Leopold Pospíšil provide a conceptual foundation for understanding that Dayak Ngaju customary law, as a form of living law within society, plays a crucial role in environmental governance and enforcement. The relationship between customary law and national law should not be subordinative, but rather cooperative and dialogical within a framework of legal pluralism. Such an approach enables the synergy between local norms and state regulations, thereby reinforcing environmental protection through the mutual recognition of indigenous wisdom and formal legal authority. The proposed recommendation is for the government, particularly policymaking institutions, to formally recognize customary legal systems, such as the Huma Betang principle, within the national legal framework, particularly in environmental governance. As an implementational step, it is necessary to formulate regulatory instruments that explicitly govern the mechanisms for the recognition, protection, and integration of customary law into the national legal system. This should include the establishment of coordination forums between state law enforcement agencies and local customary institutions, the capacity-building of indigenous communities in resolving environmental conflicts, and the provision of legal legitimacy and resource support for the enforcement of customary sanctions and rituals that are consistent with the principles of ecological justice and human rights protection.

References

- Adiyatma, Septhian Eka, Ana Silviana, dan Dorcas Adesola Thanni. "Criminalizing the Guardians: Eco-Justice and Indigenous Struggles in Indonesia and Nigeria." *Indonesian Journal of Criminal Law Studies* 10, no. 2 (6 November 2025): 901–950. DOI: 10.15294/IJCLS.V10I2.33536.
- Ali, Mahrus, et al. "Deepfakes and Victimology: Exploring the Impact of Digital Manipulation on Victims." *Substantive Justice International Journal of Law* 8, no. 1 (15 Mei 2025): 1–12. DOI: 10.56087/SUBSTANTIVEJUSTICE.V8I1.306.
- Anwar, Khairil, et al. "Dayak Ngaju Customary Sanctions as a Rehabilitation Mechanism for Drug Addicts in Central Kalimantan." *El-Mashlahah* 15, no. 1 (30 Juni 2025): 165–188. DOI: 10.23971/EL-MASHLAHAH.V15I1.9813.
- Boer, Ben. *Environmental Law Dimensions of Human Rights*. Oxford: Oxford University Press, 2019.
- BRWA. "Wilayah Adat Dayak Ngaju Lewu Tehang Manuhing Raya." Diakses 17 Mei 2025. <https://brwa.or.id/wa/view/WWl4bmF6M2NvYmc>.
- Budiman, Sabda, Yelicia, dan Maria Lidya Wenas. "Filosofi Huma Betang Suku Dayak Ngaju sebagai Upaya Pembinaan Gereja Secara Kontekstual Berdasarkan Kisah Para Rasul 2:42–47." e-journal IAKN Manado.
- Capistrano, Doris, dan Carol J. Pierce Colfer. *The Politics of Decentralization: Forests, People and Power*. London: Earthscan, 2005.
- De Vos, George. "Anthropological Approaches to Law." Dalam *Law and Society*, disunting oleh Leonard L. Cavarozzi, 3–20. New York: Random House, 1974.
- De Voy. *Law and Culture: An Anthropological Perspective*. New York: University Press, 1982.
- Fernando, Zico Junius, dan Muhammad Imanuddin. "Green Financial Crime in The Perspective of Islamic Law." *Khazanah Hukum* 7, no. 2 (28 Juni 2025): 206–222. DOI: 10.15575/KH.V7I2.39211.
- Greenpeace Indonesia. *Kejahatan Perusahaan di Balik Kebakaran Hutan*.

- Jakarta: Greenpeace, 2019.
- Guest, James W. "Justice as Lawfulness and Equity as a Virtue in Aristotle's Nicomachean Ethics." *The Review of Politics* 79, no. 1 (2017): 1–22. DOI: 10.1017/S003467051600070X.
- Indah Nurul Ainiyah. "Isu Lingkungan dan Kebijakan Publik: Tantangan Perubahan Iklim bagi Indonesia." 2025. Diakses 17 Mei 2025. <https://fbhis.umsida.ac.id/isu-lingkungan-dan-kebijakan-publik/>.
- JDIH Unnes. "96 Pasal Hukum Adat Tumbang Anoi." Diakses 17 Mei 2025. <https://jdih.unnes.ac.id/f/96-pasal-hukum-adat-perjanjian-damai-tumbang-anoi-674db5d2b4330-1-67f623275f05c-2?passcode=>.
- Kementerian Agama Kabupaten Kotawaringin Timur. "Rumah Betang Simbol Kerukunan di Kalimantan Tengah." 2021. Diakses 21 April 2025. <https://kalteng.kemenag.go.id/kotim/opini/627/Rumah-Batang-Simbol-Kerukunan-Di-KalimantanTengah>.
- Kementerian Lingkungan Hidup dan Kehutanan (KLHK). *Status Lingkungan Hidup Indonesia Tahun 2022*. Jakarta: KLHK, 2022.
- Kompas. "Menteri LHK: Dari 6.659 Titik Panas, 80 Persennya Berisiko Jadi Titik Api." 3 Oktober 2023. Diakses 17 Mei 2025. <https://nasional.kompas.com/read/2023/10/03/21575541/menteri-lhk-dari-6659-titik-panas-80-persennya-berisiko-jadi-titik-api?page=all>.
- Kristanto, Kiki, et al. "The Convergence of Drug Trafficking and Terrorism: Uncovering the Dynamics of Narco-Terrorism." *Yustisia* 13, no. 3 (2024): 261–282. DOI: 10.20961/yustisia.v13i3.81599.
- Lambut, M. P. *Tantamau: Tatahan Kehidupan Pribumi Borneo Sepanjang Zaman*. Kalimantan Selatan: PT Arutmin Indonesia Tambang Satui, 2003.
- Latipulhayat. "Khazanah Jeremy Bentham." *Padjadjaran Jurnal Ilmu Hukum* 2, no. 2 (2015): 413.
- Loi, Anjelinus, Dismas Kwirinus, dan Heribertus Peri. "The Concept of 'Huma Betang' as a Model of the Values of the Philosophy of Life of the Dayak Community in Central Kalimantan." *Jurnal Pendidikan Sosiologi dan Humaniora* 14, no. 2 (14 Oktober 2023): 148–155. DOI: 10.26418/J-PSH.V14I2.64914.
- Margono, Belinda A., et al. "Primary Forest Cover Loss in Indonesia Over

- 2000–2012.” *Nature Climate Change* 4 (2014): 730–735.
<https://www.nature.com/articles/nclimate2277>.
- Noorsanti, Inggal Ayu. “Kemanfaatan Hukum Jeremy Bentham Relevansinya dengan Kebijakan Pemerintah melalui Bantuan Langsung Tunai Dana Desa.” *Sultan Jurisprudance: Jurnal Riset Ilmu Hukum* 3, no. 2 (Desember 2023): 183–193.
- Pakaluk, Michael. “Justice as a Character-Related Virtue.” Dalam *Aristotle’s Nicomachean Ethics*, 181–205. 19 Juni 2005. DOI: 10.1017/CBO9780511802041.007.
- Pospíšil, Leopold. *Anthropology of Law: A Comparative Theory*. New York: Harper & Row, 1971.
- Pratiwi, Endang. “Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum atau Metode Pengujian Produk Hukum?” *Jurnal Konstitusi* 19, no. 2 (2022): 270. DOI: 10.31078/jk1922.
- Rahmawati, Ni Nyoman. “Implementasi Nilai Kearifan Lokal (Huma Betang) dalam Interaksi Sosial Masyarakat Dayak di Kota Palangka Raya.” *Jurnal Tampung Penyang* 17, no. 1 (2019): 18–30.
- Rhiti, Hyronimus. *Filsafat Hukum Edisi Lengkap (Dari Klasik ke Postmodernisme)*. Cetakan ke-5. Yogyakarta: Universitas Atma Jaya, 2015.
- Rio Septianor. “Implementasi Nilai-Nilai Falsafah Huma Betang bagi Masyarakat Adat Dayak Ngaju Kalimantan Tengah.” 2023. Diakses 21 April 2025.
<https://www.kompasiana.com/rioseptianor6010/640d9ed73555e476c86021c2/implementasi-nilai-nilai-falsafah-huma-batang-bagi-masyarakat-adat-dayak-ngaju-kalimantan-tengah>.
- Sholikin, M. Nur. “Huma Betang sebagai Wujud Kearifan Lokal dalam Pengelolaan Lingkungan Hidup.” *Jurnal Hukum Lingkungan Indonesia* 5, no. 2 (2020): 112–117.
- Sudrajat, Tedi. “Pluralisme Hukum dan Efektivitas Penegakan Hukum Lingkungan di Kawasan Adat.” *Jurnal Hukum dan Pembangunan* 49, no. 1 (2019): 69–89.
- Suwarno. “Budaya Huma Betang Masyarakat Dayak Kalimantan Tengah dalam Globalisasi: Telaah Konstruksi Sosial.” *Lingua* 14, no. 1 (Maret 2017): 94.
- Sata, Ade. “KLHK Segel 372 Hektare Lahan Karhutla PT Palmindo

- Gemilang Kencana di Palangka Raya.” 6 Oktober 2023. Diakses 17 Mei 2025. <https://kalteng.inews.id/berita/klhk-segel-372-hektare-lahan-karhutla-pt-palmino-gemilang-kencana-di-palangka-raja>.
- United Nations Environment Programme (UNEP). *Global Environment Outlook 6: Regional Assessment for Asia and the Pacific*. Nairobi: UNEP, 2020.
- Wicaksono, Raden Ariyo. “Putusan Kasus Karhutla PT KS Jangan Jadi Macan di Atas Kertas.” 22 Agustus 2023. Diakses 17 Mei 2025. <https://betahita.id/news/detail/9141/putusan-kasus-karhutla-pt-ks-jangan-jadi-macan-di-atas-kertas.html?v=1692715448>.
- Wulandari, Yustina Wahyu. “Pendekatan Humanis dalam Falsafah Huma Betang untuk Meminimalisir Gesekan Konflik Etnis.” *Sepakat: Jurnal Pastoral Kateketik* 8, no. 2 (September 2022): 115–123.

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GENERATIVE AI STATEMENT

During the preparation of this manuscript, the author utilized generative artificial intelligence as a supportive tool to assist in translation and to improve the quality of English writing. Following its use, the author conducted a thorough critical review, editing, and validation to ensure accuracy and scientific integrity. Full responsibility for the final content remains with the author. The use of artificial intelligence was limited to a supportive role and is not recognized as constituting authorship. No data analysis or substantive interpretation was carried out by artificial intelligence without human oversight.

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