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The Role of Kedamangan in Imposing the Customary Sanction Singer Sule Kasalan Luang in Cases of Dissemination of False Information in Kedamangan Jekan Raya, Palangkaraya City

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Abstract: This study explores the role of the Kedamangan institution in adjudicating cases involving the dissemination of false information within the indigenous Dayak Ngaju community in Jekan Raya, Palangka Raya City. Anchored in Article 18B(2) of the 1945 Constitution of Indonesia and regional customary laws such as the Tumbang Anoi Agreement of 1894 and Central Kalimantan Regional Regulation No. 1 of 2010, the research examines how the traditional leader (Damang) exercises judicial authority in imposing the Singer Sule Kasalan Luang sanction—a customary fine imposed on individuals who spread defamatory or harmful false news. Utilizing an empirical juridical method, the study combines normative legal analysis with qualitative field data, including interviews with former Damang Kardinal Tarung. Findings demonstrate that the Damang holds recognized authority to resolve disputes and impose sanctions through culturally embedded mechanisms aimed at restoring communal harmony and deterring future offenses. The research also establishes that decisions rendered by the Damang, when accepted by both parties, possess final and binding legal force (BHT) under customary law and may be enforced without recourse to the state judiciary. However, dissatisfied parties retain access to formal legal institutions, reflecting a pluralistic legal framework that accommodates both customary and positive law. This study underscores the relevance of indigenous legal practices in addressing contemporary issues such as misinformation, and highlights the need for further research into the comparative effectiveness and legal recognition of customary justice across diverse regions.

Keyword: Kedamangan, Customary Law, False Information, Singer Sule Kasalan Luang, Legal Pluralism, Dayak Ngaju.

INTRODUCTION

Pursuant to the provisions of Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, four essential normative elements can be identified as prerequisites for the existence and legal recognition of customary law communities in Indonesia. These elements inherently reflect the values upheld and recognized as customary law within the respective

indigenous communities (Abdullah, 2015). Custom (adat) is a practice that has existed over a long period of time and is rooted in the beliefs of a particular community or social group. Over time, such practices become universally followed by the community and are enforced through sanctions, thereby forming a body of customary law.

In carrying out the various social functions that shape their daily lives, the Dayak people observe numerous traditions governed by customary regulations, which are overseen by local authorities represented by the institution of *Kedamangan*. This institution includes community members such as *Mantir adat*, with the *Damang Kepala Adat* playing a central role in the administration of customary governance. The *Damang* is responsible for duties such as cleansing village areas, adjudicating customary criminal cases, settling inheritance matters according to customary law, and other community obligations (Jaya et al., 2024). Accordingly, the *Damang* holds a crucial role in maintaining harmony and social order within the indigenous community. In the exercise of such responsibilities, the *Damang* acts as a peacemaker who seeks to restore balance and promote communal harmony.

In fulfilling these responsibilities, the *Damang* not only performs adjudicative functions but also embodies the living values and collective conscience of the indigenous community. The authority vested in the *Damang* is derived from both traditional legitimacy and recognition under regional legislation, thereby bridging customary practices with formal legal frameworks. The *Damang's* role extends beyond mere conflict resolution; it encompasses the preservation of cultural identity, transmission of indigenous legal norms, and reinforcement of moral obligations that bind members of the community. When resolving disputes, particularly those involving violations such as the dissemination of false information, the *Damang* employs customary sanctions—such as the *Singer Sule Kasalan Luang*—as instruments not only of punishment but also of restoration. These sanctions aim to rehabilitate social relations, reaffirm communal values, and deter future transgressions. Through this restorative approach, the institution of *Kedamangan* demonstrates a unique model of indigenous justice that prioritizes reconciliation, social cohesion, and cultural continuity, while also complementing the national legal order where appropriate.

News, in this context, refers to the dissemination of factual information or ideas prepared in accordance with journalistic standards, intended to inform the public. News must be produced by journalists in compliance with applicable ethical and regulatory norms and must contain information of public significance. Thus, not all information circulated to the public qualifies as news (Budiman, 2017). One of the key risks posed by false news (hoaxes) is its ability to shape public opinion in a manipulative manner. In the contemporary era, hoaxes have become a serious threat, capable of disturbing public order and causing both emotional and financial harm to individuals and communities.

In this regard, customary law serves as a mechanism for dispute resolution and the imposition of proportionate sanctions in cases where individuals feel defamed or harmed by the dissemination of false information by irresponsible parties. One such case concerns the criminal act of disseminating false news, which was reported by a Dayak community organization (*Ormas Dayak*) in Central Kalimantan on 3 February 2020 to the *Damang* of *Jekan Raya*. The organization objected to a news report published by a print media outlet based in *Palangka Raya*, which had circulated an article dated 29–30 January 2020 that the complainant deemed offensive, insulting, and defamatory toward Dayak customs and culture.

The case of this customary dispute concerning the dissemination of false information (hoax) was formally received by the *Lembaga Kedamangan* on 12 February 2020. This reception was grounded in the provisions of Regional Regulation of Central Kalimantan Province Number 1 of 2010, amending Regional Regulation Number 16 of 2008 concerning Customary Institutions in Central Kalimantan. Article 27 paragraph (1) of Chapter X stipulates that: “Customary disputes submitted to the *Kerapatan Mantir/Let Perdamaian Adat*, whether at

the village/urban ward level or at the subdistrict level, must be accepted, processed, and adjudicated.”

The ruling issued by the Kerapatan Mantir Perdamaian Adat of Jekan Raya Subdistrict referred to the Garis Besar Hukum Adat Dayak (GBHAD) Tumbang Anoi 1894, particularly Article 56, which governs Singer Sule Kasalan Luang (customary penalties for erroneous or harmful reporting). The applicable sanction was the imposition of nestapa compensation in the form of 10 to 30 kati garantung. In this case, the media outlet was found to have committed a violation by publishing a misleading report accompanied by a photograph of the complainant beneath the headline “Police Must Take Firm Action Against NGOs Carrying Sharp Weapons.” As a result of this violation, the media was ordered to pay a customary fine of 30 kati garantung, equivalent to IDR 3,000,000 (three million rupiah), in addition to an Uang Meja (administrative fee) of IDR 1,500,000 (one million five hundred thousand rupiah) to the adjudicating customary panel (News, 2020).

In light of the foregoing, the author intends to examine the legal position of the Damang in adjudicating cases involving the dissemination of false news, as a form of final customary adjudication within the Dayak Ngaju customary legal system. This research aims to explore the role of the Kedamangan of Jekan Raya in imposing the customary sanction of Singer Sule Kasalan Luang in such cases. Furthermore, the study will assess whether positive law recognizes the legal validity and binding force of such customary sanctions in cases of false information dissemination, when adjudicated by the Kedamangan of Jekan Raya as the final forum of customary adjudication.

METHOD

This research adopts an Empirical Juridical Research Method, which combines the approach of normative legal analysis with empirical data obtained from field research (Noor, 2023). The empirical juridical method is used to examine how legal norms—particularly those relating to the recognition and implementation of customary law—operate in practice within the Kedamangan system in Central Kalimantan. This method enables the researcher to analyze not only the textual or normative basis of the authority of the Damang but also how such authority is exercised, accepted, and enforced within the community. The primary focus of this study is to assess the role of the Kedamangan as a customary judicial institution, specifically in relation to the legal standing of decisions issued by the Damang in resolving customary disputes, such as the case of defamation and misinformation involving local Dayak customs. Furthermore, the research also aims to explore the extent to which positive law recognizes and accommodates the authority of the Damang’s decision as a final and binding adjudication within the indigenous justice system.

Primary data were collected through direct observation and in-depth interviews with key informants, particularly Mr. Kardinal Tarung, the former Damang of Jekan Raya District, who was directly involved in adjudicating the case under study. These interviews aimed to understand the procedural mechanisms, values, and considerations employed in issuing the Singer Sule Kasalan Luang customary sanction. Additionally, primary data were supported by insights from other community leaders and customary law practitioners. Secondary data were obtained through documentary research, which included the review of applicable laws and regulations—such as the 1945 Constitution, regional regulations on customary institutions in Central Kalimantan, and relevant jurisprudence—as well as academic literature, books, and previous research reports that discuss the position and function of customary institutions in Indonesia's pluralistic legal system.

By using this combined approach, the study seeks to provide a comprehensive understanding of the legal pluralism at work in the resolution of disputes within indigenous communities, and to evaluate whether the decisions of the Damang—as part of the customary

justice system—can be integrated and acknowledged within the broader framework of national positive law.

RESULTS AND DISCUSSION

Kedamangan is a customary institution led by a Damang, a traditional leader who holds significant authority within the Dayak community structure, particularly in Central Kalimantan. The term “Damang” originates from the Dayak Ngaju language and refers to a customary chief or leader responsible for maintaining and enforcing customary law (*hukum adat*) within the indigenous community (Citranu, 2021).

The institution of Kedamangan gained formal recognition following the Tumbang Anoi Agreement of 1894, a historic assembly of Dayak tribal leaders from across Kalimantan held in Tumbang Anoi, North Barito. The primary objective of this assembly was to end inter-tribal conflicts, abolish certain long-standing practices such as headhunting (*pengayauan*), and to establish a unified customary legal order. Through this agreement, it was resolved that the structure of customary leadership should be institutionalized, marking the beginning of Kedamangan as an officially recognized indigenous leadership system integral to the Dayak social order (Nurchayani et al., 2019).

As the head of the Kedamangan, the Damang is vested with the authority to adjudicate customary disputes, impose traditional sanctions, preserve cultural values and traditions, and act as an intermediary between indigenous communities and formal governmental institutions. Historically and culturally, the Kedamangan serves a quasi-judicial function, resolving legal violations based on customary norms rather than state law. In this capacity, the Damang functions as a customary adjudicator whose decisions carry strong legitimacy in the eyes of the local community (Diansyah, 2023).

Although the Kedamangan is not comprehensively regulated under national legislation, its role is acknowledged by regional governments and is often supported through the establishment of formal customary institutions that cooperate with government agencies such as the Department of Culture and the National and Political Unity Agency (*Kesbangpol*). In practice, the Kedamangan often operates in conjunction with village and sub-district authorities.

The authority of the Damang to impose customary sanctions is grounded in locally inherited customary consensus passed down through generations (Farina, 2019). Sanctions may include, but are not limited to:

1. Customary fines (*singer*), such as in the case of “Singer Sule Kasalan Luang”;
2. Public apologies;
3. Customary prohibitions, such as exclusion from participating in traditional ceremonies for a designated period;
4. Ceremonial acts of restitution to restore the victim’s reputation.

The sanctions imposed within the customary justice system are not merely intended to punish the offender, but also serve the broader purpose of restoring social balance and preserving communal harmony (Andrews, 2019). This research provides comprehensive data on the role of the Kedamangan in imposing the Singer Sule Kasalan Luang customary sanction in a case involving the dissemination of false information (*hoax*) within the jurisdiction of Kedamangan Jekan Raya, Palangka Raya City.

This section aims to elaborate on the specific research question, which focuses on how the Kedamangan facilitates the enforcement of customary law in the aforementioned case. According to Article 56 of the Tumbang Anoi Agreement of 1894, *Singer Sule Kasalan Luang* refers to a customary fine imposed on individuals found guilty of disseminating defamatory or damaging statements against another person. The sanction requires the offender to pay a customary fine (*singer*) ranging from 10 to 30 *kati ramu* (with 1 *kati* equivalent to IDR 250,000) (Maulana, 2020).

Based on interviews with Mr. Kardinal Tarung, former Damang of Jekan Raya, it was found that Kedamangan Jekan Raya plays a central role in enforcing customary law and maintaining the authority of the customary institution through rulings intended to reflect a sense of justice. The decisions rendered by the Damang are not merely formalities; they are designed to serve as deterrents and to prevent harmful practices such as the spread of false news. As stated by Mr. Kardinal Tarung during the interview:

“The resolution of a dispute under the Dayak Ngaju customary law in Jekan Raya District is carried out with great caution. Prior to initiating the dispute resolution process, particularly in cases involving the spread of false information and similar matters, we must collect accurate data. This is essential to avoid unfounded assumptions or accusations from either party. We hold a meeting facilitated by the Kedamangan Jekan Raya, in which both disputing parties are invited. This is done to prevent slander and long-term negative impacts on the parties involved. During the meeting, we aim to identify and determine the most appropriate path toward resolving the dispute through deliberation (*musyawarah*) led by the Kedamangan. Our goal is to resolve the conflict peacefully, based on the facts revealed during the customary proceedings, and to ensure that the sanctions imposed have a real and tangible effect on the perpetrator of the misinformation.” (Interview with Mr. Kardinal Tarung, 2025).

The chronology of the case discussed in this research began on February 3, 2020, when a Dayak community organization in Central Kalimantan filed a complaint with the Damang of Jekan Raya, expressing their objection to a news article published by a print media company headquartered in Palangka Raya City. The article, published on January 29–30, 2020, was deemed by the complainant to constitute defamation, insult, and desecration of Dayak customary culture. The customary dispute concerning the dissemination of false information (hoax) was formally accepted by the Kedamangan institution on February 12, 2020.

The final ruling, signed and agreed upon by both parties before the Council of Customary Peace (*Kerapatan Mantir Perdamaian Adat*) in the Jekan Raya District, was based on the General Principles of Dayak Customary Law (GBHAD) as outlined in the Tumbang Anoi Agreement of 1894, Article 56, which governs the *Singer Sule Kasalan Luang* (customary fine for false reporting). The sanction imposed was a compensatory fine amounting to 30 *kati garantung* (equivalent to IDR 3,000,000 or approximately three million Rupiah). In addition, the offending party was ordered to pay a secondary-level “*Punduk Basara*” fee (customary administration fee) of IDR 1,500,000 (one million five hundred thousand Rupiah) to the *Kerapatan* as the adjudicating body.

Customary adjudication in the Kedamangan Jekan Raya region of Palangka Raya City plays a vital role in maintaining social order and preserving local wisdom. In several cases, including the dissemination of false information that may incite social conflict, customary law serves as an alternative mechanism for dispute resolution outside the state judiciary. However, a recurring issue pertains to the recognition and legal force of customary court decisions within the context of national positive law (Mahmuda, 2024).

This study provides a detailed explanation of the research questions previously formulated, with a focus on the recognition and legal validity of customary sanction decisions within the framework of positive law. Article 10 paragraph (2) of Regulation of the Chief of Customary Institutions of Central Kalimantan Number 02 of 2024 concerning Guidelines on the Protection and Empowerment of the Damang (Chiefs of Customary Law) stipulates that: “A customary decision is a decision made through a hearing, and the Damang exercises his function as the enforcer of customary law in handling cases and/or disputes based on customary law and constitutes the final level of customary adjudication.”

This provision indicates that, within the customary legal system of Central Kalimantan, the Damang acts as the highest judge in the hierarchy of customary adjudication. The decisions rendered by the Damang are final and not subject to appeal within the customary law domain. The findings of this research reveal several significant aspects. Through an interview with Mr.

Kardinal Tarung, it was disclosed that pursuant to Decree Number: SK.011/DKA–KJR/I/2019 concerning Legal Decisions within the Jurisdiction of the Kedamangan Jekan Raya, Palangka Raya City, Central Kalimantan Province, Article 2 paragraph (1) stipulates: “A final and binding decision (BHT) is a decision of the Damang which has been accepted and conveyed to both parties to the dispute.”

Accordingly, once both parties accept the decision, such decision is not only binding morally and socially but also possesses a legitimate and recognized legal basis within the realm of customary law (Diala, 2017). This decision may be enforced without requiring ratification by the state judiciary, as long as both parties adhere to customary norms and accept the sanctions imposed by the Damang of Jekan Raya as having final and binding legal force. This reflects that positive law recognizes the existence and authority of such decisions.

Should the reported party be unable to fulfill the customary penal sanction for any reason, a more severe sanction may be imposed, as stipulated in Regional Regulation of the Province of Central Kalimantan Number 1 of 2010 in conjunction with Regional Regulation Number 16 of 2008 concerning Customary Institutions in the Province of Central Kalimantan, Chapter XI, Article 28 paragraphs (1) and (2), which read as follows:

- (1) All disputes, conflicts, and violations of customary law that have been settled and sanctioned through a decision of the Kerapatan Mantir/Customary Peace Council at the sub-district level shall be final and binding upon the parties.
- (2) Any party who disregards the customary decision as referred to in paragraph (1) shall be subject to more severe customary sanctions on the grounds of breaching the agreement and disturbing the balance upheld within the customary community.

This provision demonstrates that a violation of a customary decision does not merely affect the individual offender, but is also considered a disruption of social harmony within the customary community. Therefore, additional and more severe sanctions may be imposed to preserve the established social order.

The types of sanctions that may be imposed in accordance with Regional Regulation of Central Kalimantan Province Number 1 of 2010 concerning Regional Regulation of Central Kalimantan Province Number 16 of 2008 on Customary Institutions in Central Kalimantan Province, Chapter XI Article 32, are as follows:

- a. Oral and/or written advice or warning;
- b. Oral and/or written public apology;
- c. Singer (customary term) in the form of fines or compensation for damages;
- d. Temporary exclusion from the customary village/urban community, whereby the offender is prohibited from participating in all customary activities for a certain period of time;
- e. Permanent expulsion from the village community, resulting in the termination of all social and customary relations between the customary community and the offender for an indefinite period;
- f. Revocation of customary titles;
- g. Other forms of sanctions in accordance with prevailing local customary law.

Customary sanctions are not merely punitive measures, but serve as social mechanisms aimed at restoring disrupted balance, promoting reconciliation, and facilitating the reintegration of the offender into the community.

Although customary decisions are final and binding, it remains possible for the complainant to be dissatisfied with the outcome. In such cases, the matter may still be submitted to the competent authorities (i.e., the police), as stipulated in Decree Number: SK.011/DKA – KJR/I/2019 on Legal Decisions within the Kedamangan of Jekan Raya, City of Palangka Raya, Central Kalimantan Province, issued by the Head of the Kedamangan of Jekan Raya, Article 9, which states:

"A customary case that has obtained final and binding legal force (BHT) and concerns the obligation to surrender an item—such as in the case of Takian Ramo (customary inheritance law/distribution of inheritance)—may be reported to the competent authorities (the police) or brought before the court through a civil lawsuit to reclaim the item (land/house/other property) in question."

Accordingly, positive law still provides a legal pathway through the state court system in the event of dissatisfaction with a customary decision, particularly in cases involving property or material disputes (Mulyana, 2019). Such matters may be referred to the District Court upon obtaining a case certificate from the Kedamangan, after which the case shall proceed in accordance with positive legal procedures.

CONCLUSION

This study finds that the Kedamangan of Jekan Raya plays a pivotal role in enforcing the customary sanction of Singer Sule Kasalan Luang in cases involving the dissemination of false information in the City of Palangka Raya. Pursuant to Article 56 of the Tumbang Anoi Agreement of 1894, individuals found guilty are subject to a customary fine (singer) amounting to 10 to 30 kati ramu. The Kedamangan of Jekan Raya serves as the principal authority in upholding customary law, ensuring justice, deterring future violations, and preventing the spread of false information.

Furthermore, the Kedamangan is responsible for facilitating the implementation of sanctions, resolving disputes peacefully, and ensuring that the imposed sanctions have tangible impacts on the offenders. It is therefore evident that the Damang's decision is not a mere formality, but functions to uphold the dignity of customary institutions and deliver substantive justice. In addition, pursuant to the provisions established by the Damang as the Head of Customary Authority, customary decisions are deemed final and possess binding legal force once agreed upon by both parties in a dispute. Should the offender fail to comply with the customary sanction, a heavier sanction may be imposed in accordance with applicable regional regulations.

Types of customary sanctions vary, ranging from oral warnings to exclusion from the customary community. Although customary decisions are final, dissatisfied parties still retain the option to bring the matter before law enforcement or the district court. This demonstrates that, while customary law is recognized, it remains interconnected with the broader system of positive law. In implementing this concept, customary decisions that have obtained final and binding legal force may be further pursued through proceedings under the framework of positive law.

Given the context of this study on the role of the Kedamangan in imposing the Singer Sule Kasalan Luang customary sanction and its recognition under positive law, several recommendations are proposed for future research. First, subsequent studies are encouraged to explore variations in the implementation of customary sanctions across other Kedamangan jurisdictions, in order to determine potential differences in effectiveness and their acceptance under positive law.

This is crucial for a broader understanding of cultural dynamics and the application of customary punishment across diverse communities. Second, further research may investigate the long-term effects of customary sanctions on community behavior in preventing the spread of false information, given the emphasis on deterrence and prevention highlighted in this study. Lastly, it is recommended that future researchers develop more comprehensive methodologies, such as comparative case studies across regions, to examine how the role of the Kedamangan and the implementation of customary sanctions adapt and operate within different socio-legal contexts

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