

**JLPH:**
**Journal of Law, Politic
and Humanities**

E-ISSN: 2962-2816
P-ISSN: 2747-1985

<https://dinastires.org/JLPH> dinasti.info@gmail.com +62 811 7404 455

DOI: <https://doi.org/10.38035/jlph.v5i6>
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Inheritance Distribution Under Dayak Ngaju Customary Law In The Kedamangan Of Jekan Raya, Palangka Raya City (A Case Study Of The Decision Of The Kedamangan Of Jekan Raya District, Palangka Raya City Number 056/DKA-KJR/V/2022)

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Abstract: This article examines the implementation of inheritance distribution based on the Dayak Ngaju customary law through a case study of Decision Number 056/DKA-KJR/V/2022 by the Customary Court of Kedamangan Jekan Raya, Palangka Raya City. The study adopts a juridical-empirical approach by combining normative legal analysis with field observations on how inheritance disputes are resolved within the community. The findings reveal that inheritance settlement among the Dayak Ngaju people is carried out through a customary court forum known as the Kerapatan Mantir Adat, led by Damang and Mantir (customary judges). The dispute in this case arose when the father (Respondent) sold inherited land without sharing the proceeds with his children (Petitioners) as rightful heirs. The resolution process involved stages from pre-conflict negotiation to formal adjudication, emphasizing the principles of deliberation, consensus, harmony, and justice in accordance with Dayak Ngaju customary values. The final decision of the customary court affirmed gender equality in inheritance rights and mandated a fair and equal distribution of the estate. This study underscores the vital role of customary institutions not only in conflict resolution but also in preserving social harmony and sustaining local wisdom within Indonesia's pluralistic legal system.

Keyword: Customary Inheritance Law, Dayak Ngaju, Customary Court, Kedamangan, Local Wisdom, Inheritance Dispute.

INTRODUCTION

Indonesia is a state governed by the rule of law and is characterized by its rich cultural and traditional diversity. This plurality also shapes the national legal system, including in the field of inheritance law (Barlian & Herista, 2021). The Constitution of the Republic of Indonesia, specifically the Preamble to the 1945 Constitution, affirms the fundamental role of law in protecting all Indonesian people, promoting the general welfare, educating the nation's life, and participating in the establishment of a world order based on independence, lasting

peace, and social justice. Within this framework, the law must be adaptive to the diverse values and practices that live and develop within society (Rosana, 2013).

Law, therefore, cannot be viewed merely as a rigid and universally applicable set of norms; rather, it must accommodate the multicultural realities of society. The diversity of cultures and value systems within Indonesia necessitates a flexible approach to legal application to avoid marginalizing local identities and social structures (DM et al., 2024). As such, the national legal system should be harmoniously integrated with the various legal systems that exist within local communities, including the still-prevalent and respected customary law. This is particularly essential in indigenous communities, where customary law functions not only as a dispute resolution mechanism but also as a vehicle for preserving time-honored local wisdom (Partini, 2024). Recognition of legal pluralism in Indonesia, therefore, constitutes a concrete manifestation of the principles of an inclusive, participatory, and equitable rule of law.

Inheritance law in Indonesia is pluralistic, consisting of three legal systems operating concurrently: Islamic inheritance law, customary inheritance law, and civil inheritance law governed by the Indonesian Civil Code (*Burgerlijk Wetboek*) (Supriyadi, 2017). This pluralism reflects a diversity of legal perspectives, characteristics, and interpretations that have long been embedded in Indonesia's socio-religious structures. Customary inheritance law, in particular, remains a living and evolving system within indigenous communities, embodying social norms that are preserved and passed down through generations (Praditha & Wibisana, 2024).

The existence of such a pluralistic inheritance law regime demonstrates not only legal tolerance toward socio-cultural diversity but also presents challenges in harmonizing national legal policies. In practice, the choice of which legal system to apply is often influenced by religious affiliation, customary traditions, and familial consensus among heirs (Gunawan & Kamil, 2025). Customary inheritance law, as part of the "living law," plays a critical role in maintaining the continuity of social structures within customary communities—particularly in areas concerning familial relationships, control over communal land, and preservation of local values (Nova, 2021). Understanding customary inheritance law thus requires both normative legal analysis and socio-anthropological inquiry. Such a holistic understanding ensures that the application of law does not become repressive of cultural identity but instead accommodates traditional values within a framework of inclusive and sustainable social justice (Rubi et al., 2024).

One such indigenous community that continues to uphold its customary inheritance system is the Dayak Ngaju people of Central Kalimantan, particularly in the Kadamangan Jekan Raya area of Palangka Raya City. The Dayak people, as the indigenous population of Kalimantan, have developed a complex and specific customary legal system, including with regard to inheritance matters. Within the Dayak Ngaju community, inheritance is distributed without gender distinction; both men and women are entitled to equal rights (Mustikawati, 2022). The transfer of inheritance is carried out based on the principles of deliberation, consensus, and social harmony through customary institutions.

The principle of gender equality in the inheritance distribution system among the Dayak Ngaju reflects a progressive value orientation in their customary law, one that upholds substantive justice and communal solidarity (Norwili et al., 2021). Unlike other systems that may still discriminate based on gender or lineage, the Dayak Ngaju inheritance system treats all heirs equally unless otherwise agreed upon by family consensus. Customary institutions act as the recognized authorities in resolving disputes and ensuring equitable distribution of the estate (Ndraha et al., 2025). Resolution is conducted through deliberative mechanisms that respect familial contexts and socio-economic conditions of the heirs, grounded in the community's local wisdom. In this respect, customary law not only functions normatively but

also as an instrument for maintaining social cohesion and community stability in the face of modernization and legal development.

This system of inheritance is known as *Jawet Ramo Patei Salugi Kabeluman Belom* (commonly translated as Property in the Form of Tangible Goods), a customary institution that governs the legal relationships between decedent and heirs (Tarung, 2024). Data collected from the *Kedamangan Jekan Raya* indicates that between 2020 and 2022, at least seventeen inheritance disputes were resolved through this customary legal mechanism. A notable case among these is Decision Number 056/DKA-KJR/V/2022, which addressed a dispute arising from differing interpretations of a marital agreement between the deceased and their spouse.

This case serves as a compelling illustration of how Dayak Ngaju customary law continues to play a substantive role in resolving inheritance disputes. The customary institution serves as a guardian of social justice and protector of the community's locally rooted values. In this context, it becomes crucial to examine the implementation of inheritance distribution under Dayak Ngaju customary law in actual practice.

Based on this background, the legal issue formulated in this article is: How is inheritance distribution implemented under the Dayak Ngaju customary law in *Kedamangan Jekan Raya*, Palangka Raya City? The objective of this study is to conduct an in-depth analysis of the application of Dayak Ngaju customary inheritance law through the case study of Decision Number 056/DKA-KJR/V/2022 issued by the Customary Court of *Kedamangan Jekan Raya* District, Palangka Raya City.

METHOD

This study employs a juridical-empirical method, an approach that examines both the normative legal framework and its practical implementation within society (Nugraha, 2024). The focus of the research is directed toward the actual practice of inheritance distribution under the customary law of the Dayak Ngaju community in *Kedamangan Jekan Raya*, Palangka Raya City. Primary data were obtained through field observations and direct interviews with the *Damang* (Customary Chief) and relevant parties involved in Customary Decision Number 056/DKA-KJR/V/2022. Secondary data were collected from statutory regulations, customary legal documents, and relevant scholarly literature, while tertiary data were derived from supporting electronic sources. The analytical technique applied is descriptive-inductive, beginning with field findings which are then generalized into conclusions regarding the implementation of customary inheritance law within the Dayak Ngaju society.

RESULTS AND DISCUSSION

Customary Inheritance Distribution Mechanism in the Case of *Jawet Ramo Patei Salugi Kabeluman Belom* (Barang Rupa Tangan) Involving a Father and His Children under the Dayak Ngaju Customary Law

In the inheritance dispute occurring in the jurisdiction of *Kedamangan Jekan Raya*, Palangka Raya City, the customary institution played an active role in resolving the conflict through the forum known as *Kerapatan Mantir Adat*, presided over by the *Damang* and *Mantir* as traditional adjudicators. One of the examined cases concerns a dispute over inheritance property between Sindhi P. Djantan and his four biological children from a customary marriage with the late Hidayah Nikmah, namely Lia Susanti, Marhaen S.Hut, Jull Hidayat Arisandi S.T, and Nia Vinisia S.Pd.

The dispute arose when Sindhi P. Djantan unilaterally sold a plot of land classified as jointly acquired marital property under customary law without allocating any portion of the proceeds to his children as legal heirs. The transaction was executed without their consent, and the proceeds were used for personal purposes—specifically, to finance a subsequent marriage. The heirs then submitted a formal claim to the *Kerapatan Mantir Adat*, basing their argument

on the Customary Marriage Agreement, which contained essential clauses, including the equal division of jointly acquired assets (clause III) and the inheritance arrangements in the presence of children (clause IV).

The children demanded that the estate of the late Hidayah Nikmah be divided equally into five shares, including one share for their father, citing their contribution in maintaining the land and invoking the principle of gender equality upheld in Dayak Ngaju customary inheritance law. The resolution of this dispute demonstrates how customary institutions continue to fulfill a judicial function and reflect the principles of deliberation, justice, and equity embedded within the living customary legal system of the Dayak Ngaju community.

Inheritance disputes in the Dayak Ngaju community of Kadamangan Jekan Raya, Palangka Raya City, are resolved through the Customary Court mechanism, which operates under the auspices of the Kerapatan Mantir Adat (Mahmuda, 2024). This institution comprises the Damang and Mantir, who act both as customary authorities and judicial officers to settle inheritance matters through consensus-based deliberation (*musyawarah*) and agreement (*mufakat*). The foundational principles of dispute resolution emphasize harmony, justice, and social balance, in line with the Dayak Ngaju life philosophy such as *hapungkal lingu nalatai hapangjan*, which signifies unity through deliberation in conflict resolution (Syaikh et al., 2023).

One of the cases handled by this customary institution involved a conflict over inheritance distribution between Sindhi P. Djantan and his four children. The dispute escalated after their father sold a parcel of land belonging to the late Hidayah Nikmah without distributing the proceeds to the children, despite a customary marriage agreement affirming that the marital property was to be divided equally, and that the children were entitled to inherit in the event of offspring. The heirs brought the matter before the Kerapatan Mantir Adat, asserting that their legal rights had been violated, particularly since the proceeds were used for personal reasons—namely, a subsequent marriage.

The resolution process followed a structured multi-stage approach, beginning with pre-conflict efforts such as negotiation, mediation, deliberation, and reconciliation, before progressing into the formal dispute stage, which includes case filing, examination, adjudication, and enforcement of the decision. Under the Dayak Ngaju customary judicial system, decisions are final and binding, and enforcement is carried out through ritual processes and the participation of customary leaders and community figures.

The procedural stages outlined below align with the provisions clearly stipulated in Regional Regulation of Central Kalimantan Province No. 16 of 2008 concerning Customary Institutions, particularly in Chapter V Article 9 paragraph (1), regarding the duties and functions of the Damang, the Head of Customary Law. The following stages are to be followed by customary authorities in the resolution of disputes under Dayak Ngaju customary adjudication (Tarung, 2024):

1. Initial Stage (Complaint Filing):

The process begins when an aggrieved party, or a family member of the aggrieved, files a complaint with the Mantir or Let Adat at the village level. This complaint serves as the basis for initiating the customary adjudication process. In serious cases, the Mantir and Damang may detain the alleged wrongdoer in a secure location under their supervision, assisted by Batamad (traditional security force).

At this stage, the complainant must prepare evidence and witnesses. The admissible forms of evidence under the Dayak Ngaju customary adjudication system are:

- a. Admissions of the parties;
- b. Witness testimonies;
- c. Documentary evidence;
- d. Oaths under customary law.

2. **Second Stage (Preliminary Investigation and Consent):**
The Mantir or Damang conducts a preliminary investigation. In serious matters, both parties are asked to sign a notarized declaration confirming their voluntary consent to resolve the matter through the customary court. The complainant is also required to provide symbolic customary offerings as proof of compliance with customary procedure.
3. **Third Stage (Notice of Hearing):**
The Mantir or Damang informs both parties that a customary trial will be held. A customary assembly is convened to deliberate on the complaint, during which a suitable hearing date is set.
4. **Fourth Stage (Summoning of Parties):**
Both complainant and respondent are summoned to attend the hearing. The Mantir or Damang begins by inquiring into the merits of the complaint and the respondent's response.
5. **Fifth Stage (Attempt at Settlement):**
Before proceeding to a full hearing, the Mantir or Damang offers the parties a final opportunity for reconciliation. If successful, the resolution is documented in an official Mantir Settlement Deed (Akta Perdamaian Mantir), and the case does not proceed to trial.
6. **Sixth Stage (Opening of Trial):**
If no reconciliation is reached, the Mantir or Damang opens the formal hearing by reading the claim and inviting the parties to present evidence and witness testimony.
7. **Seventh Stage (Evidence Verification):**
The veracity of submitted evidence and testimony is assessed by the Mantir or Damang. The proceedings must remain open, fair, and accountable to uphold justice for all parties involved.
8. **Eighth Stage (Witness Compulsion):**
If a witness fails to appear, the Mantir or Damang may request the assistance of Batamad to compel attendance. Costs are borne by the party requiring the witness.
9. **Ninth Stage (Deliberation and Decision-Making):**
Following the examination of all evidence and testimonies, the Mantir or Damang holds a deliberation to reach a decision. Customary elders of either gender may be invited to participate in this deliberative process.
10. **Tenth Stage (Pronouncement of Judgment):**
The decision is publicly announced during an open customary court session attended by both parties, witnesses, and community leaders. If the respondent is found liable, a senger (customary fine) is imposed, with the amount determined in accordance with the prevailing rules of the Damang. The judgment is then recorded in the Register Book of Customary Cases as part of institutional memory.
11. **Eleventh Stage (Enforcement of Decision):**
Upon mutual agreement and acceptance of the decision, execution takes place at the residence of the Damang or the Customary Hall, with both parties and customary elders present as witnesses to the enforcement.
12. **Twelfth Stage (Customary Ceremony):**
The final stage involves the holding of a customary ritual ceremony, as required by the regulations of the respective Damang, signifying the closure and moral binding of the decision within the community.

The aforementioned procedural stages may be adjusted or simplified depending on the needs and capacities of each Kedamangan. In cases involving minor disputes, resolution can be conducted by the Kerapatan Mantir Adat at the village or sub-district level, and even by a Let Adat (a single customary judge) through negotiation or mediation. Similarly, at the Damang level, less serious cases may be resolved by three Mantir Adat members without requiring a full panel.

The role of customary institutions in resolving inheritance disputes extends beyond merely functioning as traditional judicial forums; they also serve as custodians of social harmony. This is consistent with Regional Regulation of Central Kalimantan Province No. 16 of 2008, which regulates the recognition and function of customary institutions as part of the acknowledged local legal system. The resolution of inheritance disputes through these mechanisms has proven effective in suppressing internal familial conflict, preserving social relationships, and ensuring a sense of justice based on the local values upheld by the Dayak Ngaju indigenous legal community.

In the Dayak Ngaju customary inheritance system in Palangka Raya, Central Kalimantan, the inheritance process is attended by all heirs, along with the Damang and Mantir Adat. The distribution of inheritance shares is determined collectively by the heirs and customary authorities through *musyawarah mufakat* (deliberation and consensus). The traditional leaders—the Damang and Mantir Adat—participate not only in deciding the proportions to be distributed to each heir, but also serve as mediators in the event of disputes during the implementation of inheritance distribution.

The guiding principles in Dayak Ngaju customary conflict resolution, particularly for inheritance matters, are the principles of harmony (*rukun*) and propriety (*patut*). The principle of harmony refers to a worldview and conduct that emphasizes peaceful coexistence and community welfare. The principle of propriety emphasizes ethical behavior and a sense of moral obligation, including the virtue of shame, as essential elements in social conduct (Syaikhu et al., 2022).

Moral norms serve as benchmarks for determining the rightness or wrongness of human actions from an ethical perspective. Customary traditions also embrace systems of moral and normative obligations that must be maintained. In the context of Dayak Ngaju inheritance customs, several principles are consistently upheld: the principle of harmony, which emphasizes familial tranquility; the principle of compliance, which reflects obedience to the customary legal norms; and the principle of proportionality, which underscores balanced and equitable distribution of inheritance among heirs (Syaikhu et al., 2022). Conflict resolution based on local wisdom, as a living law, will persist as long as there is a prevailing legal culture within the community. This approach is open to addressing various acts or events, with the measure of justice determined by the legal consciousness of the indigenous community.

In practice, customary authorities (*pemangku adat*) reach decisions through consensus deliberation to ensure that disputes are resolved fairly and without prejudice to either party. The rulings they issue are generally those mutually agreed upon by both parties, thereby promoting voluntary compliance with the imposed sanctions.

This was evident in the case of Dayak Ngaju Customary Inheritance Distribution in Kedamangan Jekan Raya (as decided in Customary Decision No. 056/DKA-KJR/V/2022), wherein the respondent remarried and disposed of a parcel of land—registered under Land Certificate (*Surat Keterangan Tanah, SKT*) No. 207/BAP/KB-PEM/III/2009—by selling it to a third party (Hamdi) and enjoying the proceeds without allocating the share belonging to the heirs of the late Hidayah Hikmah.

Based on the nature and severity of the dispute, customary adjudicators may determine the appropriate customary sanction to be imposed on the offending party. In this case, the imposed sanction required the respondent to treat the proceeds from the sale of the parcel of land located at Jalan Pasir Panjang Mahir Mahar, RT 04/RW III, measuring 200 meters by 75 meters (15,000 m² in total), as divisible into five equal portions—one share to the respondent, and one each to the four petitioners: Lia Susanti; Marhaen, S.Hut; Jull Hidayat Arisandi, S.T; and Nia Vinisia, S.Pd. The respondent was ordered to deliver the respective shares of the petitioners no later than twenty-one (21) days (3 x 7 days) from the issuance of the decision,

ensuring the rightful distribution of the inheritance in accordance with Dayak Ngaju customary law

Considerations of the Kerapatan Mantir Adat of Kedadangan Jekan Raya in Deciding Case No. 056/DKA-KJR/V/2022 of the Kedadangan of Jekan Raya District, City of Palangka Raya

The Dayak Ngaju customary inheritance law regulates the administration of a deceased person's estate, including the mechanism of transfer to rightful heirs, identifying those who qualify as heirs, and determining the respective shares of each heir—if such division is permissible under Dayak Ngaju customary law (Syaikhu et al., 2022).

Inheritance in the Dayak Ngaju community, known as family heirlooms or ancestral property, constitutes family assets passed down and utilized collectively within the family. These assets are divided equally among all heirs based on mutual agreement within the customary deliberative council, without gender or religious discrimination (Pratiwi, 2019). Thus, Dayak Ngaju customs emphasize egalitarian distribution regardless of sex or belief.

In customary inheritance proceedings, all heirs, close family, the Damang and Mantir Adat, and the local village head attend. The allocation of shares is determined collectively by the heirs, the Damang, and the Mantir Adat through deliberation and consensus. The Damang and Mantir not only help determine the portions but also act as mediators if disputes arise.

The core dispute in the case stemmed from the absence of agreement between the Petitioners (the heirs) and the Respondent (their father) regarding the distribution of the estate, primarily due to the Respondent's limited understanding of the applicable inheritance rules. The conflict led to a claim by some heirs who felt unfairly treated.

In Decision No. 056/DKA-KJR/V/2022, the customary court initially attempted a pre-conflict resolution to mediate the parties but failed to reach a settlement. The heirs claimed that the Respondent sold a piece of jointly acquired property without distributing the proceeds and used the money for a subsequent marriage. It was established that the land was co-acquired during the customary marriage between Sindhi P. Djantan and the late Hidayah Nikmah, and the heirs had also contributed to its care and maintenance.

The object of the dispute—a parcel of land—was part of the marital community property (gono-gini), purchased during the marriage and maintained by the family. According to the Damang's findings, all parties had blood ties and therefore were entitled to inherit. The Damang considered the clauses in the marital agreement, specifically Clauses III and IV (Jawet Ramo Patei Salugi Kabeloman Belom / tangible property), and acknowledged that the land had already been sold and was under a new ownership backed by Land Certificate No. 207/BAP/KB-PEM/III/2009. As such, the Damang ruled that the sale proceeds should be divided equally—1/5 each to the four children and one to the father (Respondent).

Furthermore, the Damang declared that the disputed property was jointly acquired during the customary marriage, and there had been no prior distribution of the estate. In line with the bilateral (parental) inheritance system adhered to by the Dayak community—wherein inheritance rights are equally granted to male and female descendants from both parental lines—the land was divided equally into five portions.

The Damang ordered the Respondent to deliver the respective shares to the heirs (Petitioners) within 21 days (3 x 7 days) from the date of the decision and also required the Respondent to perform “Batu Kaja” or ritual acknowledgment of the son-in-law in accordance with Dayak Ngaju customs.

This study concludes that the Damang's judgment was independent, impartial, and grounded on testimonies, case documents, and procedural fairness. The Respondent had been summoned three times during the pre-conflict stage but failed to appear, prompting formal adjudication. The Damang emphasized the equitable rights of sons and daughters in accordance

with the bilateral inheritance system and rejected the Respondent's unilateral actions ("malehum" or misappropriation) as dishonorable.

According to Kardinal Tarung, the Damang of Jekan Raya District (Tarung, 2024), intra-family land disputes are best resolved through customary deliberation to preserve family unity and avoid prolonged conflict. Although the Adat Court may render a fair ruling, unresolved tensions may still linger, risking permanent familial estrangement. Therefore, deliberative dispute resolution is favored to achieve reconciliation and equitable outcomes.

CONCLUSION

Based on the findings of this study concerning the implementation of inheritance distribution under the Dayak Ngaju customary law in Kedamangan Jekan Raya, City of Palangka Raya, it can be concluded that the inheritance system practiced by the Dayak Ngaju indigenous community emphasizes the principles of deliberation (*musyawarah*), consensus (*mufakat*), and social justice. Dispute resolution is carried out through a customary judicial forum known as the *Kerapatan Mantir Adat*, where the Damang and Mantir Adat serve as adjudicators and mediators.

The inheritance dispute addressed in Customary Decision Number 056/DKA-KJR/V/2022 demonstrates the capacity of customary institutions to respond to legal issues using culturally rooted approaches that uphold local wisdom and values. In the case at hand, the Damang ruled that the estate should be distributed fairly and equally, guided by the principles of gender equality and a bilateral (parental) inheritance system, without distinction between male and female heirs, or on the basis of religious background.

The role of the Damang as a customary judge reflects judicial integrity and independence, while simultaneously upholding the principles of familial harmony and propriety. The adjudicative process follows a structured series of stages, beginning with pre-conflict efforts such as negotiation and mediation, and continuing through to decision-making and execution. The implementation of decisions is accompanied by customary sanctions and formal recognition by the customary community, thereby ensuring their effectiveness and enforceability.

The Dayak Ngaju customary inheritance law functions not only as a legal norm but also as a living social system (living law), capable of maintaining harmony, justice, and the continuity of social relations within the indigenous community amid the forces of modernization. Accordingly, this research affirms that Dayak Ngaju customary inheritance law offers a contextual and participatory legal response to the needs of local communities. Customary institutions remain legitimate and effective in resolving inheritance disputes, while also serving as a symbol of cultural preservation and a vital component of Indonesia's pluralistic legal state.

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