



Lifting the Ambung: A Restorative Justice Model Based on Customary Law in Conflict Resolution in the Dayak Community of Malang Hamlet in North Barito Regency

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ABSTRACT

This study aims to analyze the Ambung as a customary law-based restorative justice model in resolving conflicts in the Dayak Dusun Malang community in North Barito Regency. The study uses an empirical legal method with a socio-legal approach through field observations and interviews, as well as supporting previous research and book references. The results of the study indicate that the Ambung does not only function as a dispute resolution mechanism, but also as a means of reconstructing non-biological social kinship relationships, such as the adoption of a father, and the adoption of a mother. Conflict resolution is carried out through deliberation, customary sanctions (jipen), customary rituals, and customary oaths (hasumpah) involving the damang, mantir, family, and community. This mechanism reflects restorative justice that is restorative-communal in nature because it emphasizes the restoration of social relations, strengthening solidarity, and preventing recurrent conflicts. Thus, the Ambung Lift has developed as a living law that integrates social, cultural, and spiritual values and becomes a participatory, humanistic, and sustainable conflict resolution model based on local wisdom.

ABSTRAK

Penelitian ini bertujuan untuk menganalisis Ambung sebagai model keadilan restoratif berbasis hukum adat dalam penyelesaian konflik di masyarakat

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KATA KUNCI

Pengangkatan Ambung, Keadilan Restoratif, Hukum Adat, Penyelesaian Konflik, Dusun Dayak Malang.

Dayak Dusun Malang, Kabupaten Barito Utara. Penelitian ini menggunakan metode hukum empiris dengan pendekatan sosiologis-hukum melalui observasi lapangan dan wawancara, serta didukung oleh penelitian sebelumnya dan referensi buku. Hasil penelitian menunjukkan bahwa Ambung tidak hanya berfungsi sebagai mekanisme penyelesaian sengketa, tetapi juga sebagai sarana untuk merekonstruksi hubungan kekerabatan sosial non-biologis, seperti pengangkatan ayah dan pengangkatan ibu. Penyelesaian konflik dilakukan melalui musyawarah, sanksi adat (jipen), ritual adat, dan sumpah adat (hasumpah) yang melibatkan damang, mantir, keluarga, dan masyarakat. Mekanisme ini mencerminkan keadilan restoratif yang bersifat restoratif-komunal karena menekankan pemulihan hubungan sosial, penguatan solidaritas, dan pencegahan konflik berulang. Dengan demikian, Ambung Lift telah berkembang sebagai hukum hidup yang mengintegrasikan nilai-nilai sosial, budaya, dan spiritual serta menjadi model penyelesaian konflik yang partisipatif, humanis, dan berkelanjutan berdasarkan kearifan lokal.

A. INTRODUCTION

1. Background

In contemporary legal systems, disputes are predominantly resolved through formal adjudicative mechanisms established by positive law. Litigation places the resolution of competing legal claims within the institutional authority of the judiciary, where courts examine the facts, assess the applicable legal norms, and render binding decisions through prescribed procedural frameworks. Within this adversarial setting, each party presents and substantiates its respective legal position before an impartial judge, seeking judicial recognition and protection of the rights and interests asserted under the prevailing legal order. Settlement through litigation tends to produce a win-lose decision, because one party is declared the winner while the other party is declared the loser and is subject to legal sanctions. Formal and technical litigation procedures often create new problems, require a long time, are expensive, and give rise to hostility between the disputing parties. Therefore, in practice, settlement through litigation is often unable to provide substantive justice and does not always restore social relations between the parties. This condition encourages the development of alternative dispute resolution outside the courts or Alternative Dispute Resolution (ADR). ADR is a form of dispute resolution outside the formal judicial process which places more emphasis on deliberation, peace and peaceful resolution in order to create more harmonious and

sustainable social relations.¹

In the context of the limitations of the litigation approach, the concept of restorative justice presents itself as an alternative conflict resolution that emphasizes the restoration of losses, reconciliation of relationships, and the active involvement of parties and communities in the resolution process.² This approach does not focus solely on punishment, but rather on efforts to restore the social balance disturbed by a violation. Conceptually, restorative justice is based on the principle that a crime is not only a violation of the law but also causes injury to the victim and the community. Therefore, any efforts to handle it must involve the perpetrator, the victim, and other related parties in a participatory manner, while providing necessary recovery and support.³ In the normative context in Indonesia, this principle has also been accommodated through the Decree of the Director General of the General Courts Number: 1691/DJU/SK/PS.00/12/2020, which confirms that restorative justice is an instrument for resolving criminal cases through dialogue and mediation involving the perpetrator, the victim, their family, and other related parties to reach a fair and balanced agreement that prioritizes recovery and the improvement of social relations. However, in practice, the application of restorative justice in Indonesia still tends to be understood in a limited way and has not fully accommodated local values that have long lived and developed in indigenous communities as part of living law, even though these values actually reflect restorative justice practices that are more comprehensive and deeply rooted in the social life of the community.

Customary law as living law in the Indonesian context finds its concrete manifestation through the practice of customary law and social morals that live and develop within society. The effectiveness of a law is largely determined by its level of conformity with the social values embraced by the community itself.⁴ Within this framework, customary law has long developed a comprehensive conflict resolution

¹ M. Doing et al., "Legal Challenges in Combating Deepfake Abuse: A Comparative Study of AI Regulation in Privacy Protection and Digital Security," ... *Restructuring and ...*, no. Query date: 2026-05-19 15:36:15 (2025), <https://proceedings.ums.ac.id/icrtlaw/article/view/5772>.

² H. A. Alobaidi et al., "Climate Litigation and Judicial Activism in Environmental Protection," *Water and Soil Management and Modeling* 5, no. Special Issue (2025): 88–100, Scopus, <https://doi.org/10.22098/mmws.2025.17674.1613>.

³ T. Santoso, *Criminal Law: An Introduction* (Depok: Raja Grafindo Persada, 2020).

⁴ Z. Abdullah, M. Nainggolan, and ..., "Perlindungan Hukum Terhadap Perampasan Aset Pihak Ketiga Dalam Perkara Tindak Pidana Pencucian Uang," ... : *Jurnal Penelitian Dan ...*, no. Query date: 2026-06-22 16:58:43 (2025), <http://mangalajournal.org/index.php/cendekia/article/view/969>.

mechanism, encompassing not only normative aspects but also integrating social, cultural, and spiritual dimensions. This can be seen concretely in the Dayak community of Dusun Malang in North Barito Regency, where this mechanism is realized through the Angkat Ambung (*Rangkut Saudara*) system, which functions not only as a means of conflict resolution but also as an instrument for reconstructing social kinship. In this system, conflict is not merely viewed as a dispute that must be resolved, but as a disruption to the balance of social relations that must be restored comprehensively to create harmony in community life.

Based on empirical findings in the field, conflicts resolved through the Angkat Ambung mechanism cover a wide range of issues, from land disputes and infidelity, social conflicts between individuals, to issues involving companies. This demonstrates that customary law not only exists as a social norm but also functions effectively in law enforcement practices in society. Satjipto Rahardjo states that law enforcement is a process of realizing legal desires.⁵ In the Dayak community of Dusun Malang, this is reflected in customary resolutions that emphasize deliberation, the imposition of customary sanctions (*jipen*), and social reconciliation through Angkat Ambung to prevent recurrence of conflict. In cases of infidelity, for example, the resolution involves not only the disputing individuals but also the extended families of both parties. Thus, in addition to material responsibility, the Angkat Ambung is also implemented to transform hostile relationships into fraternal ones. The amount of customary sanctions (*singer* and *jipen*) is determined based on the results of deliberations between the *damang*, *mantir*, and the parties, according to the level of loss and social impact caused. Some customary sanctions in Central Kalimantan have been quite substantial, such as fines of Rp. 577,777,777 to PT Mustika Sembuluh and Rp. 5,000,000,000 to PT Sawit Mandiri Lestari for environmental and customary site destruction.⁶ This demonstrates that Dayak customary law serves not only as a conflict resolution mechanism but also as an instrument for social, cultural, and environmental protection for the community.⁷

⁵ Satjipto Rahardjo et al., "Penemuan Hukum Oleh Hakim Dalam Perkara Pidana Berdasarkan Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman," *JOM Fakultas Hukum* 2, no. 1 (February 2015): 2.

⁶ M. Azhari, "The Impact Singer & Jipen of Dayak Tribe on Environmental Sustainability in Central of Borneo," *International Journal of Architecture and Urbanism*, 2019.

⁷ Aulia Malik Affif and N. Novrial, "Implementasi Crime Prevention Through Environmental Design (CPTED) Pada Fasilitas Parkir Sepeda Motor (Studi Kasus: Kampus Fakultas Ilmu Budaya USU)," *TATALOKA* 23, no. 1 (February 2021): 127–37, <https://doi.org/10.14710/tataloka.23.1.127-137>.

Physical conflicts, such as fights, are also part of customary resolution practices. In addition to imposing fines, peace processes are also pursued to restore relationships between individuals and groups. Interestingly, the practice of "Angkut Ambung" (lifting up) does not only arise from open conflict but can also be carried out in non-conflictual contexts, such as with the intention of strengthening brotherhood between individuals or groups. In this case, the lifting of kinship ties is carried out voluntarily as a form of strengthening social solidarity and community integration. Furthermore, this practice also encompasses cosmological dimensions and community beliefs. In some cases, lifting up kinship ties is carried out due to specific dream experiences or someone's frequent illness, which in community beliefs is seen as a sign of the need to strengthen social and spiritual ties. In such contexts, someone can be elevated to the position of father, mother, or family member within the customary kinship structure as a form of protection and healing. In social life, social solidarity is based on the principle of building mutual respect, fostering attraction, and interdependence between people, by prioritizing shared interests over personal or group interests.⁸

Furthermore, conflict resolution through the Angkat Ambung (Ambung) approach demonstrates that peace does not eliminate the perpetrator's obligation to pay customary fines (jipen) or compensation. These payments remain an integral part of the resolution process as a form of material accountability, while social reconciliation is carried out through the "angkat kosonghari" (lifting hollow day) mechanism. Under certain circumstances, if the conflict cannot be resolved through these mechanisms, the community can resort to the customary oath as a last resort to determine cosmological truth. Jipen is a customary punishment or fine for those who violate rules agreed upon by each region in Central Kalimantan. The amount of the fine to be paid depends on the agreement of the damang (traditional leader), and the amount can increase depending on how the deliberations are conducted. There are 96 articles in the Tumbang Anoi customary law concerning jipen, which were drafted and established in 1894.⁹

Recent studies have demonstrated that Dayak customary law provides an

⁸ Julien Chaisse and Georgios Dimitropoulos, "Domestic Investment Laws and International Economic Law in the Liberal International Order," *World Trade Review* 22, no. 1 (February 2023): 1–17, <https://doi.org/10.1017/S1474745622000404>.

⁹ Y. Susanto, D. A. G. Agung, and E. S. Andayani, *Local History: The Tumbang Anoi Peace Meeting of 1894* (State University of Malang, Postgraduate Program in History Education, 2022).

important normative foundation for conflict resolution based on reconciliation, deliberation, and the restoration of social relations. Zulfauzan et al., examining the Dayak Dusun Malang community in North Barito Regency, found that the Angkat Hampahari tradition functions as a mechanism for terminating conflict through peaceful agreement and the establishment of new kinship relations intended to prevent continuing hostility.¹⁰ Similarly, Sidik and Soeradji demonstrate that the Singer customary fine among the Dayak Bakumpai operates as an alternative dispute-resolution mechanism incorporating restorative justice through deliberation, compensation, and restoration of social harmony.¹¹ Laia further identifies restorative justice values within Dayak Ngaju living law and emphasizes the compatibility between customary dispute settlement and contemporary restorative principles.¹² More recently, Siregar, Sukti, and Ihsan examine the role of Dayak customary institutions in resolving socially sensitive disputes and demonstrate the significance of customary deliberation, sanctions, and reconciliation within Indonesia's legally pluralistic order.¹³ Although these studies establish the continuing relevance of Dayak customary law to restorative dispute resolution, they predominantly examine customary institutions, sanctions, reconciliation practices, or the compatibility of living law with restorative justice, without systematically reconstructing the internal normative structure through which a particular customary mechanism transforms the post-conflict relationship between disputing parties.

Against this background, the present study offers a distinct contribution by conceptualizing Angkat Ambung not merely as customary mediation or reconciliation, but as a customary-law-based model of relational reconstruction. Its novelty lies particularly in demonstrating that restoration within Angkat Ambung may extend beyond returning disputing parties to their pre-conflict condition by establishing new customary kinship relationships—whether as siblings, parents, children, or other socially recognized relations—thereby transforming former adversaries into parties

¹⁰ Ricky Zulfauzan et al., "Implementasi Resolusi Konflik Dalam Perspektif Hukum Adat (Adat Recht) Suku Dayak Dusun Malang Di Desa Hurung Enep Kabupaten Barito Utara," *Jurnal Paris Langkis* 5, no. 2 (2025): 442–55.

¹¹ Abdurahman Sidik and Elvi Soeradji, "Implementasi Singer (Denda Adat) Sebagai Alternative Penyelesaian Perkara Pidana Melalui Konsep Restorative Justice Pada Masyarakat Adat Dayak Bakumpai Di Kabupaten Barito Utara," *Action Research Literate* 8, no. 6 (2024).

¹² Filpan Fajar Dermawan Laia, "Restorative Justice and Living Law Based on Dayak Ngaju Adat Law: A Comprehensive Analysis," *SIGn Jurnal Hukum* 6, no. 2 (2024): 68–84.

¹³ Muhamad Sahdan Siregar, Surya Sukti, and Reza Noor Ihsan, "Peran Lembaga Adat Dayak Dalam Penyelesaian Tindak Asusila Perspektif Hukum Nasional," *Jurnal USM Law Review* 9, no. 2 (2026): 757–70.

bound by continuing social and customary obligations. The study further incorporates hasumpah as a mechanism of moral, spiritual, and post-settlement accountability that reinforces compliance with the reconciliation achieved. Accordingly, unlike previous studies that primarily locate Dayak customary practices within an existing restorative justice framework, this research argues that Angkat Ambung can extend the conceptual boundaries of restorative justice from the restoration of damaged relationships toward the construction of new and enduring social relationships, thereby offering an indigenous normative model for the development of restorative justice within Indonesia's plural legal system

The uniqueness of this system lies in the integration of various forms of justice within a single conflict resolution framework: distributive justice through fine payments, restorative justice through social reconciliation, and cosmological justice through customary oaths. Thus, conflict resolution in the Dayak Dusun Malang community is not only oriented towards resolving disputes, but also towards restoring social balance, preventing recurrent conflicts, and strengthening kinship ties within the community to prevent future resentment. This aligns with the concept of restorative justice, which views justice as a process of conflict transformation and social peacebuilding.¹⁴

Academic studies specifically constructing the Angkat Ambung as a customary law-based restorative justice model are still relatively limited, particularly those linking the empirical practice to the framework of modern legal theory. Therefore, this research is crucial for an in-depth examination of how the Angkat Ambung functions as a comprehensive conflict resolution mechanism and its contribution to the development of the concept of restorative justice within the Indonesian legal system.

2. Research Questions

Based on the limited research examining the Angkat Ambung as a customary law-based restorative justice model, this study aims to develop a more comprehensive understanding of conflict resolution practices within the Dayak community of Dusun Malang in North Barito Regency. The analysis focuses on identifying the scope and characteristics of the Angkat Ambung as a viable customary law institution, examining

¹⁴ AO Busthomi, *Sistem Pembagian Harta Peninggalan Komunitas Masyarakat Dayak Indramayu Perspektif Antropologi Dan Sosiologi Hukum* (repository.syekhnurjati.ac.id, 2025), <https://repository.syekhnurjati.ac.id/18170/>.

conflict resolution mechanisms that reflect restorative justice principles, and assessing its contribution to enriching the concept of customary law-based conflict resolution in Indonesia. Through this study, this study not only describes the conflict resolution practices that have developed within the customary community but also attempts to construct the Angkat Ambung as a model of Indigenous Restorative Justice that integrates legal, social, cultural, and spiritual dimensions. This model is expected to serve as a conceptual alternative in developing a more contextual, participatory, and sustainable restorative justice paradigm within the Indonesian legal system.

3. Research methods

This research uses an empirical legal research method, namely research conducted directly on site to examine legal phenomena that are alive and developing in society. Empirical research sees law not just as written norms, but also as real social behavior in community life. Bahder Johan Nasution (2008) explains that empirical research is conducted by directly observing social phenomena that occur in society. In addition, empirical research is applied to analyze laws that are considered community customs in social life that are constantly interacting and connected in terms of society.¹⁵

This study focuses on the conflict resolution mechanism through the practice of Angkat Ambung in the Dayak indigenous community of Dusun Malang in Hurung Enep Village, Lahei District, North Barito Regency, Central Kalimantan Province. The focus of the study is directed at the application of the principle of restorative justice whose values can be seen in customary law through the process of deliberation, peace, and social reconciliation to restore relations between conflicting parties. An empirical approach is used to understand the role of adat damang and mantir as well as the social, cultural, and spiritual values that exist in the practice of Dayak customary law.¹⁶ Thus, this study aims to examine how the Angkat Ambung mechanism functions as a form of restorative justice in restoring social balance and strengthening kinship relations in indigenous communities.

¹⁵ Adryan Rizky Pratama, Bambang Santoso, and Sapto Hermawan, "Legal Aspects of Indonesian Elections with the Digitalization System at Modern Era," in *Proceedings of the International Conference for Democracy and National Resilience (ICDNR 2023)*, vol. 795, ed. Waluyo Waluyo et al., Advances in Social Science, Education and Humanities Research (Paris: Atlantis Press SARL, 2023), 161–69, https://doi.org/10.2991/978-2-38476-148-7_14.

¹⁶ R. Budiman, *Customary Law in Theoretical Studies*, 4th ed. (Maharani Publisher, 2023).

B. RESULTS AND DISCUSSION

1. Comparison of Restorative Justice in the dimensions of Positive Law and Criminal Law

Within Indonesia's positive legal framework, restorative justice reflects a broader transformation in the orientation of the criminal justice system, moving beyond a predominantly punitive conception of criminal responsibility toward a more restorative and participatory model. Rather than treating punishment as the exclusive response to wrongdoing, this approach seeks to repair the harm suffered by victims, promote meaningful accountability on the part of offenders, and reconstruct social relationships through consensual processes involving victims, offenders, families, communities, and other relevant stakeholders. *Restorative justice* is seen as a mechanism for resolving criminal cases that focuses on dialogue, mediation, and social reconciliation to restore relations between perpetrators, victims, and the community.¹⁷ In addition to being an alternative way to resolve criminal cases, this approach also positions the community as a crucial part in maintaining sustainable peace and anticipating recurring conflicts.¹⁸ However, the implementation of *restorative justice* in Indonesia remains within a formal legal framework that is legalistic and heavily dependent on normative provisions and the discretion of law enforcement officials, thus not yet fully becoming an autonomous case resolution system.¹⁹

The concept of restorative justice began to gain systematic recognition in modern criminal justice discourse in the late 1970s, particularly through the work of Albert Eglash, who distinguished three principal models of justice: retributive justice, distributive justice, and restorative justice. Retributive justice primarily focuses on punishment as a response to wrongdoing, emphasizing the imposition of proportionate

¹⁷ GP Ginting, A. Siregar, and RA Fikri, "Penerapan Restorative Justice Dalam Sistem Peradilan Pidana," *Locus Journal of Academic* ..., no. Query date: 2026-05-10 19:33:40 (2025), <https://jurnal.locusmedia.id/index.php/jalr/article/view/533>.

¹⁸ Thiri Shwesin Aung, Indra Overland, and Roman Vakulchuk, "Environmental Performance of Foreign Firms: Chinese and Japanese Firms in Myanmar," *Journal of Cleaner Production* 312 (August 2021): 127701, <https://doi.org/10.1016/j.jclepro.2021.127701>.

¹⁹ CW Haruni and MRF Romadhani, "Legal Implications of the Advisory Council Regulations Perspective Trial of the Presidential System of Government," *6th International Conference on* ..., no. Query date: 2026-05-06 14:58:49 (2025), <https://books.google.com/books?hl=en&lr=&id=7nWYEQAAQBAJ&oi=fnd&pg=PA152&dq=%22wantim pres%22+and+%22hukum%22&ots=e35G2VRLZj&sig=f9Q9J5JWDj4apht0kIr8oxZBYLs>.

consequences upon offenders for violations of criminal law.²⁰ Distributive justice, by contrast, places greater emphasis on the rehabilitation and reintegration of offenders into society. Restorative justice introduces a different orientation by shifting the central concern of criminal justice from punishment alone toward repairing the harm caused by criminal conduct. Under this approach, crime is understood not merely as a violation of legal norms and state authority but also as conduct that damages individuals, interpersonal relationships, and the broader social order. Accordingly, the fundamental objective of restorative justice is to restore, as far as reasonably possible, the conditions and relationships disrupted by the commission of an offence.

This conceptual transformation significantly affects the position of victims, offenders, and communities within the criminal justice process. Conventional criminal proceedings are predominantly structured around the relationship between the state and the accused, while victims may occupy a relatively limited procedural position despite being directly affected by the offence. Restorative justice seeks to address this limitation by recognizing victims as central stakeholders whose losses, interests, experiences, and expectations should form an integral part of the resolution process.²¹ At the same time, offenders are not treated merely as passive recipients of punishment but are expected to acknowledge the consequences of their conduct and assume responsibility for repairing the harm they have caused. The restorative model therefore does not necessarily eliminate criminal responsibility; rather, it reconstructs responsibility by emphasizing accountability, dialogue, reparation, reconciliation, and social reintegration. In this sense, restorative justice provides a more comprehensive understanding of criminal responsibility because the consequences of crime are assessed not only through the severity of punishment imposed by the state but also through the extent to which the justice process is capable of addressing the actual harm experienced by those affected.

²⁰ AS Abdou, B. Katic, and K. Hernando, "Cultivating a Restorative Lens: Integrating Restorative Justice into School Psychology Practice," *School Psychology Review*, no. Query date: 2026-05-10 19:33:40 (2025), <https://doi.org/10.1080/2372966X.2025.2522060>.

²¹ D. Adinda et al., "Konsep Restorative Justice Dalam Penyelesaian Kasus Pidana," *Jimmi: Jurnal ...*, no. Query date: 2026-05-10 19:33:40 (2024), <https://jurnal.fanshurinstitute.org/index.php/jimmi/article/view/136>.

Marshall's conception of restorative justice further strengthens this participatory dimension by understanding it as a process in which parties affected by a particular offence collectively address its consequences and determine how those consequences should be managed in the future.²² Such an understanding distinguishes restorative justice from a purely punitive mechanism because the resolution of a criminal case is no longer exclusively determined through the unilateral imposition of sanctions by state institutions. Instead, victims, offenders, and other relevant stakeholders are provided with meaningful opportunities to participate in identifying the harm caused, determining the responsibilities arising from the offence, and formulating appropriate measures for recovery. This participatory process may involve acknowledgment of wrongdoing, apologies, restitution, compensation, restoration of damaged relationships, or other forms of reparation appropriate to the circumstances of the case.²³ Nevertheless, restorative justice should not be interpreted simply as reconciliation or the termination of criminal proceedings. Its legitimacy depends upon voluntariness, procedural fairness, proportionality, protection of victims, and the prevention of coercive settlements that could reproduce unequal power relations between the parties.

From a broader criminal-law perspective, restorative justice consequently represents a paradigmatic development from an exclusively offender-centered and punishment-oriented model toward a more balanced framework of criminal justice.²⁴ Its principal contribution lies in integrating accountability with recovery by recognizing that an effective response to crime should simultaneously address the interests of victims, the responsibility and rehabilitation of offenders, and the restoration of social harmony. This approach is particularly relevant to contemporary criminal justice reform because the effectiveness of criminal law cannot be measured solely by the number or severity of custodial sentences imposed. A criminal justice system must also be evaluated

²² L. Abubakar et al., "Restorative Justice in Corporate Dispute Resolution as Business Actor in Indonesia," ... of Indonesian Legal ..., no. Query date: 2026-06-03 16:02:02 (2024), <https://journal.unnes.ac.id/journals/jils/article/view/4573>.

²³ VI Atmaja, "Optimalisasi Restorative Justice Dalam Penanganan Tindak Pidana Ringan Di Indonesia: Analisis Efektivitas Dan Tantangan Implementasi," *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, no. Query date: 2026-06-03 16:02:02 (2026), <http://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/3202>.

²⁴ JR Cantera-Rios, N. Zegarra-Salazar, and ..., "School Restorative Justice, Restorative Discipline Rather than Punishment: A Systematic Review," *International Journal of ...*, no. Query date: 2026-05-10 19:33:40 (2024).

according to its capacity to repair harm, prevent repeated offending, facilitate offender reintegration, protect victims from further victimization, and restore public confidence in legal institutions. Restorative justice therefore should not be positioned as the complete opposite of formal criminal justice, but rather as an alternative and complementary framework capable of strengthening substantive justice where its application is legally appropriate, procedurally safeguarded, and responsive to the nature of the offence and the interests of all affected parties.²⁵

Restorative justice values have long existed as part of the living law within customary conflict resolution mechanisms. Conflict resolution focuses not only on imposing punishment or restitution, but also on reconstruction of social relations through deliberation, community involvement, traditional rituals, and the "Ambung Lift" mechanism as a means of re-establishing kinship relations. Both restorative justice in positive law and in customary law customs are also the same emphasizes dialogue, peace, perpetrator responsibility, and the restoration of social relations. However, while *restorative justice* in positive law remains within a formal legal framework that is legalistic and procedural, in the customary law of the Dayak Dusun Malang, this approach develops communally, spiritually, and sustainably because it aims to maintain balance, harmony, and social solidarity within the indigenous community.

2. Scope of Lifting the Ambung

The scope of the Ambung Lift in the Dayak Dusun Malang community is broad, both in terms of the form of the relationship and its social function in the life of the indigenous community.²⁶ The Ambung Lift is not only interpreted as adopting a sibling (angkat kosonghari), but also includes the adoption of other kinship relationships such as adopting a father, adopting a mother, and adopting a child that are recognized by custom. Conceptually, this mechanism functions as a means of establishing and reconstructing non-biological social relationships through traditional rituals, mutual agreements, and

²⁵ A. Artaji et al., "Resolution of Agrarian Conflicts on Plantation Land through Restorative Justice in Indonesia," *Lex Scientia Law Review*, no. Query date: 2026-06-03 16:02:02 (2024).

²⁶ Susi Evanita, *PENGEMBANGAN EKONOMI KREATIF MELALUI PEMBERDAYAAN PETUGAS KEBERSIHAN DALAM PEMANFAATAN SAMPAH MAKANAN DI FOOD COURT STASIUN LAMBUNG BUKITTINGGI DENGAN METODE SYSTEMATIC LITERATURE REVIEW*, n.d.

community legitimacy.²⁷ In practice, the Ambung Lift is not only used to resolve conflicts, but also to strengthen fraternal relationships, build social solidarity, and maintain balance and harmony in the life of the Dayak Dusun Malang indigenous community.

In addition to functioning as a mechanism for establishing kinship, the Angkat Ambung tradition also serves as a model for restorative justice based conflict resolution in the customary law of the Dayak Dusun Malang community.²⁸ This mechanism is applied to various forms of conflict, such as infidelity, land disputes, conflicts between individuals, and issues involving groups or companies. Conflict resolution is carried out through customary deliberation, the imposition of customary sanctions (jipen), and social reconciliation through the restoration of kinship ties to prevent future conflicts. Previous research by Ricky Zulfauzan et al. in *the Paris Langkis Journal* explains that the Angkat Hampahari tradition in the Dayak Dusun Malang community is a form of conflict resolution that prioritizes peace, restoring emotional relationships, and establishing new bonds of kinship as an effort to create sustainable social harmony.²⁹ Thus, the Angkat Ambung tradition is not only a dispute resolution mechanism but can also serve as a means of restoring social relations and strengthening the integration of indigenous communities in a sustainable manner.

3. Stages of Conflict Resolution Based on *Restorative Justice* in Law Dayak Customs of Malang Hamlet

Conflict resolution within the customary law system of the Dayak Dusun Malang community represents a community-based mechanism that places restoration of social relationships, deliberation, collective responsibility, and sustainable peace at the center of dispute settlement.³⁰ Rather than treating conflict exclusively as a violation requiring punishment, the customary system understands disputes as disturbances to the social

²⁷ A. Hariri, "Implications of the Abolition of the Presidential Threshold for the Realization of Substantial Democracy," *Lambung Mangkurat Law Journal*, no. Query date: 2026-08-13 23:09:11 (2025), <https://lamaj.ulm.ac.id/index.php/abc/article/view/197>.

²⁸ I. Amarini et al., "Social Reintegration after the Implementation of Restorative Justice in the Indonesian Criminal Code," *Jurnal Media ...*, no. Query date: 2026-06-03 16:02:02 (2024), <https://journal.umy.ac.id/index.php/jmh/article/view/20655>.

²⁹ R. Zulfauzan and others, "Implementation of Conflict Resolution from a Customary Law Perspective," *Paris Langkis Journal*, 2025.

³⁰ Ahmad Muhamad Mustain Nasoha et al., "Pengaruh Pancasila Terhadap Pengaturan Hukum Adat dalam Konstitusi Indonesia Perspektif Historis dan Yuridis," *Hukum Inovatif: Jurnal Ilmu Hukum Sosial dan Humaniora* 1, no. 4 (October 2024): 309–21, <https://doi.org/10.62383/humif.v1i4.934>.

equilibrium of the community that must be repaired through the participation of the disputing parties, their families, customary authorities, and the wider community. This orientation demonstrates a strong conceptual affinity with restorative justice, particularly because the settlement process seeks to restore relationships between victims and offenders, eliminate resentment, rebuild mutual trust, and prevent future conflicts.³¹ Customary institutions therefore perform a broader function than merely determining responsibility or imposing sanctions; they serve as mechanisms for restoring communal harmony and maintaining the continuity of social relationships within the indigenous community.

The process generally begins with the expression of good faith by the conflicting parties and their willingness to resolve the dispute peacefully through customary deliberation.³² The deliberation is facilitated by the *damang* or *mantir*, who provides an institutional space for the parties to explain the circumstances of the conflict, express their respective interests, acknowledge the consequences of the dispute, and negotiate an acceptable form of settlement. The participation of victims, perpetrators, family members, customary authorities, and relevant community representatives demonstrates that dispute resolution is not exclusively controlled by formal authorities but is developed through collective dialogue. The objective is not merely to determine which party is legally right or wrong, but to identify a solution capable of repairing the consequences of the conflict while preserving social relationships. Once consensus has been achieved, the agreement may be recorded in a written peace report signed by the parties and witnessed by customary authorities, after which it is maintained within the *kedamangan* administration as evidence of customary recognition of the settlement.

Good faith constitutes an essential element throughout this process because customary reconciliation cannot function effectively when either party participates solely as a procedural formality. The willingness to acknowledge the conflict, communicate openly, and accept a mutually negotiated settlement establishes the

³¹ C. Bremer et al., "Professional Insights into Sexual Violence Restorative Justice Risk Assessment, Recommendations for Practice," *Journal of Aggression ...*, no. Query date: 2026-06-03 16:05:08 (2026), <https://doi.org/10.1080/10926771.2025.2502371>.

³² Irma Fatmawati and Rahul Ardian Fikri, "The Existence of Customary Law as Living Law of the Indonesian Nation," *The International Conference on Islamic Community Studies 2023*, 2023.

foundation for subsequent reconciliation.³³ In this respect, the customary mechanism reflects the broader legal principle that agreements should be implemented in good faith. Nevertheless, within the Dayak Dusun Malang context, good faith possesses a broader social meaning because the commitment is directed not only toward compliance with an agreement but also toward restoring trust between families and reconstructing relationships damaged by the dispute. Consequently, the settlement is designed to produce a socially sustainable outcome rather than merely terminate the immediate controversy.

Following the achievement of an agreement, the settlement may proceed through the *Angkat Hampahari* or *Angkat Ambung* mechanism as a culturally embedded form of social reconciliation. This stage is particularly significant from the perspective of restorative justice because the resolution of the dispute is transformed into the reconstruction of a new social relationship. Depending on the circumstances, reconciliation may take the form of establishing sibling, parental, or other customary kinship relationships.³⁴ Through this mechanism, parties who were previously positioned against one another are symbolically and socially incorporated into a relationship of kinship. Conflict resolution therefore goes beyond compensation or the imposition of customary obligations and seeks to transform antagonistic relationships into social bonds capable of preventing retaliation and recurring disputes.

The implementation of *Angkat Hampahari* or *Angkat Ambung* involves customary authorities and the community through a structured ritual process. The *damang* or *mantir* initially facilitates deliberation concerning the appropriate form of reconciliation and the requests or interests of the affected party while taking into account the circumstances and capabilities of the party responsible for fulfilling the customary obligations. Following consensus, the parties prepare the customary requirements and ritual materials determined through deliberation. A *basir* is then appointed to lead and direct the customary ceremony. The involvement of the *damang*, *mantir*, and *basir*

³³ Ilham Tohari, Siti Rohmah, and Ahmad Qiram As-Suvi, "Exploring Customary Law: Perspectives of Hazairin and Cornelis Van Vollenhoven and Its Relevance to the Future of Islamic Law in Indonesia," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 7, no. 1 (October 2023): 50, <https://doi.org/10.30659/jua.v7i1.32600>.

³⁴ M. Brady-Clark et al., "The Relationship between Healing and Justice for Survivors of Sexual Violence: Participants' Experiences of Restorative Justice," *Aotearoa New Zealand ...*, no. Query date: 2026-06-03 16:05:08 (2025), <https://doi.org/10.3316/informit.T2025111900013200837272413>.

illustrates the complementary functions of customary authorities in ensuring that reconciliation possesses social, institutional, and spiritual legitimacy.

Traditional symbols used during the ritual reinforce the normative meaning of reconciliation. White, red, and yellow sticky rice may symbolize unity and the restoration of relationships, while metal represents the strength and durability expected of the newly established bond of brotherhood. These symbols should not be understood merely as ceremonial accessories because they communicate the values and obligations attached to the settlement to the parties and the community. Family members and community representatives are also present as social witnesses, thereby transforming what might otherwise be regarded as a private agreement into a publicly recognized commitment. Their presence strengthens social accountability because compliance with the peace agreement becomes connected to the parties' standing and relationships within the customary community.

The reconciliation process may subsequently be reinforced through a customary oath known as *hasumpah*. Within the customary legal framework, *hasumpah* has both moral and spiritual significance because the parties declare their commitment before God, ancestors, nature, family, and the community. The oath may become particularly important when doubts concerning truth, sincerity, or future compliance remain after the initial settlement. Rather than operating exclusively as an evidentiary mechanism, *hasumpah* functions as a form of moral and spiritual control intended to strengthen the parties' commitment to the settlement. The belief that violation of the oath may produce spiritual and social consequences creates an additional normative force that cannot be fully explained through formal legal sanctions alone. Accordingly, customary dispute resolution combines legal, social, moral, and cosmological dimensions in maintaining compliance with the agreed peace.

The involvement of family members and the broader community is equally significant because conflict within the Dayak Dusun Malang community may affect relationships extending beyond the immediate parties. A dispute between individuals can potentially generate tensions between families and disrupt communal solidarity if it is not comprehensively resolved. Reconciliation therefore seeks to address the wider social consequences of conflict. Community participation as witnesses to the settlement provides collective recognition that the dispute has been resolved and that the parties

have entered into renewed social obligations. This process simultaneously reduces the possibility of retaliation, strengthens social supervision, and creates communal responsibility for preserving the peace achieved through customary mechanisms.

Field-based descriptions of the Dayak Dusun Malang customary system further indicate that conflict settlement operates through an interrelated customary legal process and a subsequent reconciliation process. Customary deliberation provides the institutional framework for identifying the nature of the dispute and determining the obligations necessary for settlement, whereas reconciliation reconstructs the social relationship affected by the conflict. Reconciliation may take different forms, including marriage, the establishment of kinship relationships, adoption, or customary oaths of allegiance, depending on the nature of the dispute and the agreement reached by the parties. These mechanisms illustrate the flexibility of customary law in adapting the form of settlement to the social circumstances surrounding each conflict.

Viewed through the framework of restorative justice, the Dayak Dusun Malang mechanism demonstrates that justice may be achieved not solely through punishment but through the reconstruction of relationships and the restoration of communal equilibrium. The offender is required to assume responsibility for the consequences of the conduct, the affected party is provided with meaningful participation in determining an acceptable resolution, and the community becomes actively involved in supporting and legitimizing the reconciliation process. The mechanism therefore reflects several fundamental characteristics associated with restorative justice: participation, accountability, dialogue, reparation, reconciliation, reintegration, and prevention of recurring conflict. At the same time, its legitimacy derives from the customary values and institutions recognized within the indigenous community rather than from the mechanical transplantation of a modern restorative justice model.

Accordingly, conflict resolution under the customary law of the Dayak Dusun Malang community can be understood as an indigenous model of restorative-oriented justice in which the termination of a dispute constitutes only one element of a broader process of social recovery. The customary mechanism does not primarily seek to determine winners and losers or to impose punishment as the ultimate response to

wrongdoing. Instead, dispute settlement is directed toward restoring relationships that have been disrupted by conflict and rebuilding the conditions necessary for the parties to coexist within the same community. This orientation is reflected in deliberation conducted in good faith, the involvement of customary authorities, and the use of the *Angkat Hampahari* or *Angkat Ambung* reconciliation mechanism as a means of transforming adversarial relations into renewed social bonds. Symbolic rituals and community participation further strengthen the legitimacy of the settlement by situating reconciliation within a collective process rather than treating the dispute as an exclusively private matter between the parties. The moral-spiritual dimension of *hasumpah* also reinforces the seriousness of the commitments made during the settlement process, giving the agreement a normative significance that extends beyond formal compliance. Taken together, these elements demonstrate that customary dispute resolution operates simultaneously at legal, social, cultural, and spiritual levels, with each dimension contributing to the restoration of social equilibrium after conflict.

The significance of this mechanism lies in its conception of justice as the reconstruction of social relations rather than merely the imposition of consequences for past wrongdoing. Responsibility remains an important component of the process, but it is embedded within objectives that include acknowledgment of harm, reconciliation, restoration of communal solidarity, prevention of renewed hostility, and preservation of sustainable peace. The participation of customary authorities and community members also creates a form of collective responsibility for maintaining the settlement after an agreement has been reached, thereby reducing the possibility that reconciliation will remain merely symbolic or temporary. In this respect, the Dayak Dusun Malang experience illustrates that restorative justice principles may emerge from indigenous legal traditions through institutional and cultural practices that developed independently within the community itself. Its relevance should therefore not be reduced to the assumption that customary law simply corresponds to contemporary restorative justice theory. Rather, the customary mechanism possesses its own normative foundations, sources of legitimacy, and culturally embedded methods of restoring relationships. The Dayak Dusun Malang model thus demonstrates a locally grounded conception of justice in which accountability, reconciliation, communal participation, and moral-spiritual commitment operate as an integrated process for

restoring social harmony, while preserving the distinctive cultural identity and normative autonomy of the customary community.

C. CONCLUSION

Based on the research results, it can be concluded that the Angkat Ambung (Ambung) in the Dayak Dusun Malang community is a customary law-based conflict resolution mechanism that comprehensively reflects the principles of restorative justice. This mechanism focuses not only on dispute resolution and the imposition of customary sanctions, but also emphasizes the restoration of social relations through the reconstruction of customary kinship, such as the adoption of a sibling (angkat kosonghari), the adoption of a father (angkat bapak), and the adoption of a mother (angkat ibu). Conflict resolution is carried out through stages of deliberation, compensation or jipen (a gift), customary rituals, and customary oaths (hasumpah) involving the damang (damang), mantir (mantir), family, and community as part of the social reconciliation process. Thus, conflict is seen not merely as a violation of the law, but as a disruption to social balance that must be restored comprehensively.

Furthermore, this study demonstrates that the Dayak customary law of Dusun Malang is alive and well as a living law with strong social legitimacy within the community. Unlike restorative justice in positive law, which is still formal and procedural, the Angkat Ambung system has developed as a restorative justice model that is communally restorative because it integrates social, cultural, and spiritual dimensions in conflict resolution. This mechanism has been proven to be able to create more sustainable peace, eliminate resentment, strengthen social solidarity, and prevent recurrent conflicts within indigenous communities. Therefore, the Angkat Ambung system can be positioned as an alternative model for conflict resolution based on local wisdom that is relevant for the development of the restorative justice concept in the Indonesian legal system.

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