



## Reconstructing Cosmic Harmony: Singer, Indigenous Justice, and the Legal Pluralism of Forest Fire Governance among the Dayak Ngaju

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### Abstract:

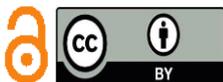
Recurring forest and land fires (*Karhutla*) in Central Kalimantan reveal not merely an environmental emergency, but a structural failure of Indonesia's state-centered environmental law to deliver effective and socially legitimate ecological justice. This article critically examines how the Dayak Ngaju customary legal system challenges the dominance of punitive-administrative fire governance through singer sanctions and community-based adjudication, which frame forest fires as violations of collective ecological order rather than isolated criminal acts. Employing a socio-legal approach, the study combines doctrinal analysis of national environmental law with contextual examination of indigenous legal practices to expose the tension between state law and living customary law in the resolution of forest fires. The analysis demonstrates that, while state law prioritizes criminal liability and regulatory compliance, Dayak Ngaju customary law operates through restorative accountability, material compensation, and community responsibility aimed at restoring ecological balance. This article argues that the marginalization of indigenous legal mechanisms is not a neutral administrative choice, but a source of ecological injustice that perpetuates ineffective fire governance. Its central contribution lies in advancing a critical legal pluralism framework that repositions Dayak Ngaju customary law as a legally operative system capable of correcting the limitations of state environmental law. By foregrounding indigenous legal sovereignty as an analytical claim rather than a cultural footnote, this study offers a normative critique of Indonesia's environmental governance and proposes a more context-sensitive pathway toward ecological justice grounded in legally recognized pluralism.

### Keywords:

customary law; dayak ngaju; ecological justice; forest fires; legal pluralism.

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## Introduction

Forest and land fires in Central Kalimantan are not only an annual ecological issue, but also reflect systemic failures in environmental governance and law enforcement in Indonesia<sup>1</sup>, foreexample, forest and land fires that occurred in 2023. From January to early October 2023, Central Kalimantan Province experienced 3,436 cases of forest and land fires, which caused around 9,769 hectares of land to be damaged by fires.<sup>2</sup> The data was submitted by the Head of the Central Kalimantan Regional Disaster Management Agency (*Badan Penanggulangan*

<sup>1</sup> Nethanya Frigiant Suluh Adji, "Forest Fires in Kalimantan: Study Case Central Kalimantan," *Mangrove Watch* 1, no. 1 (May 2024): 1-6, <https://doi.org/10.61511/MANGROVE.V1I1.2024.655>.

<sup>2</sup> Riani Rahayu, "3.436 Titik Karhutla Periode Januari-Oktober, 9.769 Hektare Lahan Terbakar," [www.detik.com](http://www.detik.com), 2023.

Bencana Daerah - BPBD), Ahmad Toyib, based on the latest records from the Provincial Forest and Land Fire Task Force Post. This incident illustrates that forest and land fires are not only natural disasters but also natural resource governance and social resilience issues that require a cross-sectoral and a multilevel governance approach.<sup>3</sup>

Forest and land fires have caused multidimensional crises, including environmental damage, declining public health quality, economic losses, and social and legal conflicts.<sup>4</sup> Ecologically, forest fires cause serious damage to the environment, such as the loss of biodiversity due to the extinction of flora and fauna, including endemic species whose habitats are destroyed.<sup>5</sup> In addition, the loss of vegetation cover accelerates soil erosion, increases the risk of secondary disasters such as landslides and floods, and causes siltation of rivers. Smoke from combustion contains toxic substances that pollute the air and exacerbate global warming and climate change.<sup>6</sup> The impact on public health is significant, especially the increase in cases of acute respiratory infections (ARI), asthma, bronchitis, and chronic obstructive pulmonary disease (COPD). Irritation of the eyes, nose, throat, and symptoms of nausea and headache are also often experienced by residents affected by smoke.<sup>7</sup> In the economic sector, transportation disruptions affect flights, shipping, and trade and tourism activities.<sup>8</sup> People's productivity has decreased due to an uncondusive environment, especially in the agriculture, plantation, and fisheries sectors, coupled with the increasing burden of medical costs that must be borne by the community and the state.<sup>9</sup>

Forest fires also trigger social tensions and legal conflicts. Public dissatisfaction with the slow handling of the authorities can create tension between residents or between residents and those considered responsible for the fire. Legally, individuals or corporations proven to have caused fires can be subject to criminal and civil sanctions. If the handling is considered unfair or ineffective, it can also undermine public trust in the government and law enforcement institutions.<sup>10</sup> Thus, forest and land fires, in essence, not only cause environmental damage but also cause serious problems in public health, economy, and social dynamics.<sup>11</sup> Therefore, a comprehensive approach, starting from the aspects of prevention and law enforcement to empowering local communities and strengthening institutional systems, is needed to overcome the systemic impact of forest and land fires. In handling forest and land fires (Karhutla) in Central Kalimantan, the approach taken by the state is generally relies on

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<sup>3</sup> Nazifah Nazifah, Meri Yarni, and Muhammad Amin Nasution, "Indonesian Government Policy in Forest Fire Handling," *Jurnal Komunikasi Hukum (JKH)* 6, no. 1 (April 2020): 210–18, <https://doi.org/10.23887/JKH.V6i1.23471>.

<sup>4</sup> Yulianti Yulianti et al., "Impact of Forest and Land Fires on Environmental Pollution and Public Health in Sungai Raya Sub-District, Kubu Raya District," *International Journal of Multidisciplinary Approach Research and Science* 2, no. 02 (March 2024): 787–800, <https://doi.org/10.59653/IJMARS.V2i02.742>.

<sup>5</sup> Zico Junius Fernando et al., "Advancing Ecological Justice through the Integration of Eco-Religion in Criminal Law Reform," *Journal of Law, Environmental and Justice* 3, no. 2 (July 2025): 160–200, <https://doi.org/10.62264/JLEJ.V3i2.133>.

<sup>6</sup> Ying Zhang et al., "Post-Wildfire Vegetation Cover Change Mapping for Assessments of Secondary Disaster Risks Toward Urban Areas: Case of Fort McMurray 2016," *Spie Digital Library* 13198 (November 2024): 7–12, <https://doi.org/10.1117/12.3027009>.

<sup>7</sup> Colleen E. Reid et al., "Critical Review of Health Impacts of Wildfire Smoke Exposure," *Environmental Health Perspectives* 124, no. 9 (September 2016): 1334–43, <https://doi.org/10.1289/EHP.1409277>.

<sup>8</sup> Yuan Lin, Lahiru S. Wijedasa, and Ryan A. Chisholm, "Singapore's Willingness to Pay for Mitigation of Transboundary Forest-Fire Haze from Indonesia," in *Environmental Research Letters*, vol. 12 (IOP Publishing, 2017), 1–9, <https://doi.org/10.1088/1748-9326/AA5CF6>.

<sup>9</sup> Gabriel Picone, Assi José Carlos Kimou, and Désiré Kanga, "Medical Emergencies and Farm Productivity in Côte d'Ivoire," *Review of Development Economics* 27, no. 3 (August 2023): 1630–48, <https://doi.org/10.1111/RODE.12987>.

<sup>10</sup> Wetty Brigitha and others, "Peran Pemerintah Dalam Mitigasi Karhutla Sebagai Upaya Strategi Berkelanjutan Dalam Krisis Lingkungan," *Jurnal Penelitian Ilmu Humaniora* 7, no. 12 (2024): 26–38.

<sup>11</sup> H. Oja et al., "The Role of Indigenous Peoples (LMA) in The Control of Forest and Land Fires in Merauke," in *IOP Conference Series: Earth and Environmental Science*, vol. 235 (IOP Publishing, 2019), 1–7, <https://doi.org/10.1088/1755-1315/235/1/012061>.

a formal legal framework, especially referring to the Environmental Protection and Management Law (2009) and the Forestry Law (1999). This approach focuses more on the enforcement of administrative and criminal sanctions against arson perpetrators, both individuals and corporate entities. However, the effectiveness of such legal approaches at the local level is often limited, especially for indigenous people who have their own value systems, norms, and conflict resolution mechanisms that are not always aligned with state law.

This persistent failure of state-centered fire governance reveals the limits of a purely formal, punitive, and top-down model of environmental law in plural societies such as Indonesia. In Central Kalimantan, where land, forests, and ecological relations are deeply embedded in indigenous cosmologies and customary tenure systems, the imposition of uniform national regulations often lacks social legitimacy and practical enforceability. As a result, legal rules that criminalize burning without engaging local normative orders tend to generate resistance, evasion, and conflict rather than compliance. This gap between state law and lived legal reality creates a governance vacuum in which fires continue to recur, pointing to the urgent need to examine how indigenous legal systems, particularly the Dayak Ngaju customary law, may offer more socially grounded and ecologically responsive mechanisms for fire control and environmental accountability.

The Dayak Ngaju, one of the largest ethnic groups in Central Kalimantan, have a value system known as the Huma Betang Principle, which is a collective philosophy of life that emphasizes deliberation, togetherness, and a balance of relationships among humans, nature, and ancestral spirits.<sup>12</sup> Within this framework, forest fires are not only seen as legal events, but also as spiritual events that disrupt cosmic harmony. Cosmic harmony is a concept that describes order and balance in the universe, in which all the elements of life, both physical and metaphysical, are interconnected and affect each other in one holistic system.<sup>13</sup> In this view, the universe is not understood as a separate or random entity, but rather as an organized and dynamic network of life. Humans, in this context, are not the center of the universe that is free to exploit, but rather one of the elements that has the responsibility of maintaining that balance.<sup>14</sup> Therefore, the settlement is not only carried out through formal sanctions or punishments, but also through customary rituals, village deliberations (customary institutions), and ecological restoration involving the community. As stated by Tjilik Riwt, "for the Dayak people, nature is not just a place to live, but a part of life itself".<sup>15</sup>

This approach of the Dayak community reflects the applicability of the living law system as recognized in Article 18B paragraph (2) of the 1945 Constitution and is also reaffirmed in the Constitutional Court Decision Number 35/PUU-X/2012, which states that the existence of customary law communities and their traditional rights are recognized and protected by the state as long as they are alive and in accordance with the development of society and the

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<sup>12</sup> Chris Apandie and Endang Danial Ar, "Huma Betang: Identitas Moral Kultural Suku Dayak Ngaju Kalimantan Tengah," *Journal of Moral and Civic Education* 3, no. 2 (November 2019): 76–91, <https://doi.org/10.24036/8851412322019185>.

<sup>13</sup> Ravi Shanker Mourya and Itishree Das, "Lok Purush Siddhant: Exploring the Reflection of the Universe in the Human Body," *Journal of Ayurveda and Integrated Medical Sciences* 9, no. 11 (February 2024): 153–57, <https://doi.org/10.21760/JAIMS.9.11.21>.

<sup>14</sup> Badrul Munir Chair, "Spirit Harmoni Kosmos Dalam Ritual 'Nyakak Bumi' Studi Living Islam Di Ambuntan Tengah, Sumenep," *Living Islam: Journal of Islamic Discourses* 2, no. 1 (June 30, 2019): 127, <https://doi.org/10.14421/lijid.v2i1.1880>.

<sup>15</sup> Bibi Suprianto and Zulfikarni Bakri, "The Environmental Practices of Dayak Local Tradition in Kapuas Hulu District," *POROS ONIM: Jurnal Sosial Keagamaan* 4, no. 1 (June 2023): 1–11, <https://doi.org/10.53491/POROSONIM.V4I1.735>.

principles of the Unitary State of the Republic of Indonesia.<sup>16</sup> In the context of environmental law enforcement, customary law can be a more participatory and sustainable alternative to conflict resolution, but it often does not take into account local values and the community's spiritual attachment to nature.<sup>17</sup>

In legal pluralism, law is plural rather than singular. Legal pluralism is generally understood as a condition in which more than one legal system operates simultaneously in a society.<sup>18</sup> In this context, law is not only interpreted as a product of the state (state law) but also includes other legal norms that are alive and recognized by society, such as customary law, religious law, and even social practices that regulate collective behavior. Legal pluralism is a phenomenon that is commonly encountered, especially in a country that has a diversity of cultures, religions, and traditions, such as Indonesia.<sup>19</sup> In a pluralistic society like Indonesia, legal pluralism is inevitable because various groups of people have their own value systems and legal norms that have lived and developed long before the presence of state law.<sup>20</sup> Therefore, legal pluralism must be recognized not only as a sociological reality but also as an important component in formulating legal policies that are responsive and contextual to the needs of society. Thus, customary law as practiced by the Dayak Ngaju community is not just a remnant of tradition, but an integral part of a living and socially valid legal system.<sup>21</sup>

This phenomenon poses challenges as well as opportunities in formulating a more contextual and inclusive legal approach. On the one hand, there are formal regulations that limit and even criminalize the practice of land burning, even though it is small-scale and customary-based. On the other hand, the practice contains the values of sustainable land management passed down from generation to generation. It is this tension between "ritual" and "regulation" that is the focus of this study, focusing on how the Ngaju Dayak indigenous people resolve environmental conflicts through their own means, as well as how the state should behave in the face of the reality of legal pluralism at the local level.

This study aims to describe and analyze the interaction between spiritual-customary and legal-formal approaches to handling forest fires in Central Kalimantan through a case approach that is resolved in the traditional Dayak Ngaju. Using relevant theories, this study is expected to make conceptual and practical contributions in formulating environmental law enforcement models that are more responsive to local contexts, strengthen ecological justice, and accommodate the existence of indigenous peoples as equal and sovereign legal subjects in the management of their living spaces. As a follow-up to the formulation of the problem that has been described, this study aims to examine the mechanisms for resolving forest and land fires used by the Dayak Ngaju indigenous people, especially through customary law

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<sup>16</sup> Harniwati Harniwati, "Hukum Adat Di Era Modernisasi," *Journal of Global Legal Review* 2, no. 1 (April 2024): 41–52, <https://doi.org/10.59963/JGLEGAR.V2I1.328>.

<sup>17</sup> Studi Etnografis et al., "Implementasi Hukum Adat Dalam Penyelesaian Sengketa Lingkungan: Studi Etnografis Di Kawasan Hutan Adat," *Perkara : Jurnal Ilmu Hukum Dan Politik* 2, no. 4 (January 2024): 589–602, <https://doi.org/10.51903/PERKARA.V2I4.2231>.

<sup>18</sup> Brian Z. Tamanaha, *Legal Pluralism Explained: History, Theory, Consequences*, *Legal Pluralism Explained: History, Theory, Consequences* (Oxford University Press, 2021), <https://doi.org/10.1093/oso/9780190861551.001.0001>.

<sup>19</sup> Suci Flambonita, "The Concept of Legal Pluralism in Indonesia in The New Social Movement," *Jurnal Analisa Sosiologi* 10, no. 3 (July 2021): 361–73, <https://doi.org/10.20961/JAS.V10I0.45939>.

<sup>20</sup> Nilna Aliyan Hamida, "Adat Law and Legal Pluralism in Indonesia: Toward A New Perspective?," *Indonesian Journal of Law and Society* 3, no. 1 (March 2022): 1–24, <https://doi.org/10.19184/IJLS.V3I1.26752>.

<sup>21</sup> M Fahmi et al., "Legal Harmonization in the Distribution of Inheritance in the Dayak Ngaju Community in Central Kalimantan, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 2023): 195–215, <https://doi.org/10.22373/SJHK.V7I1.12410>.

approaches and spiritual practices that are still alive and practiced in local communities. In addition, this study aims to understand and explain the relationship between Dayak Ngaju customary law and national law in resolving forest and land fire conflicts, and to evaluate the potential for integration between the two within the framework of legal pluralism. It is hoped that the findings of this study can contribute to the development of a legal system that is able to create contextual and sustainable ecological justice, especially in the face of the increasingly complex challenge of environmental damage in Indonesia.

This article offers a distinct scholarly contribution by demonstrating how the Ngaju Dayak's spiritually grounded customary law provides a culturally embedded, community-driven model of ecological justice that challenges the dominance of state-centric environmental governance. By integrating legal pluralism, cosmology-based environmental ethics, and indigenous restorative mechanisms, such as Manyanggar Lewu, Mamapas Lewu, and singer sanctions, the study reveals a normative architecture of environmental protection that is rarely examined in global environmental law literature. Its novelty lies in articulating how indigenous cosmological norms function not merely as cultural heritage, but as an operational legal system capable of resolving forest-fire conflicts more effectively than formal punitive approaches. For the international academic community, this research expands the theoretical horizon of ecological justice, offers comparative insights for countries with indigenous populations, and enriches global debates on decolonizing environmental law, integrating living law into climate governance, and recognizing indigenous legal sovereignty as a valid pillar of sustainable environmental management.

## **Method**

This research uses the normative legal research method, which is a research that aims to examine law as norms, rules, or principles that live in society, and as written in laws and regulations.<sup>22</sup> Normative legal research emphasizes the study and analysis of legal norms as they are formulated in formal sources of law, and how they are applied and understood in society.<sup>23</sup> This research does not stop at the level of positive law alone; it extends to customary law and the body of legal doctrines that have developed in academic and practical discourse.<sup>24</sup> The focus is on understanding the internal logic, consistency, and normative validity of the legal system in question, while also identifying its alignment with the values of justice, certainty, and utility. In this study, the normative legal analysis is focused on two interrelated legal frameworks. The first is the national legal framework, particularly the Environmental Protection and Management Law of 2009 and its implementing regulations, together with other statutory provisions governing the prevention, control, and enforcement of forest and land fire cases. These laws are examined as expressions of the state's formal authority to regulate environmental governance and impose legal obligations, responsibilities, and

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<sup>22</sup> Aris Hardianto et al., "Critical Analysis of Living Law Formulation in Law No. 1 of 2023 Concerning the Criminal Code: Towards Law Reform to Realize Justice with the Spirit of Pancasila," *Journal of Law and Legal Reform* 5, no. 3 (October 2024): 1029–66, <https://doi.org/10.15294/JLLR.V5I3.13923>.

<sup>23</sup> Zico Junius Fernando and Muhammad Imanuddin, "Green Financial Crime in The Perspective of Islamic Law," *Khazanah Hukum* 7, no. 2 (June 2025): 206–22, <https://doi.org/10.15575/KH.V7I2.39211>.

<sup>24</sup> Zico Junius Fernando et al., "Eco-Democracy: Advancing Sustainable Governance Through Green Politics," *Proceeding APHTN-HAN* 2, no. 1 (December 2024): 231–72, <https://doi.org/10.1126/SCIENCE.AAL4863>.

sanctions on individuals and corporations. Through this analysis, the study evaluates how national environmental law structures accountability for ecological harm and to what extent it effectively addresses forest fire incidents.

The second framework examined is the Ngaju Dayak customary law system, which operates as a living normative order within indigenous communities. This system consists of unwritten but binding rules rooted in local wisdom that regulate land use, social relations, and the balance between humans and nature. These norms are actively applied through customary institutions, deliberation, sanctions, and rituals in resolving disputes, including conflicts arising from forest and land fires. By analyzing this customary legal order, the study highlights how indigenous communities develop their own mechanisms of environmental governance that may complement, supplement, or correct the limitations of state law. Taken together, this dual normative perspective enables a more comprehensive understanding of how state law and customary law interact, overlap, and sometimes diverge in responding to forest and land fires in Indonesia. It allows the study to assess both the strengths and weaknesses of formal environmental regulation and the continued relevance of indigenous legal systems as socially legitimate and ecologically grounded modes of governance.

## Discussion

### 1. *Forest and Land Fire Resolution Mechanism by the Ngaju Dayak Indigenous Peoples Through Customary Law Approaches and Spiritual Practices Living in Local Communities.*

The mechanism for resolving forest and land fires carried out by the Dayak Ngaju indigenous people is part of a customary law system that is based on collective values, local wisdom, and spiritual practices that have been passed down from generation to generation. In this context, forest fires are not only understood as a physical environmental problem but also as a disturbance to the cosmological harmony among humans, nature, and ancestral spirits.<sup>25</sup> Therefore, the settlement is not only carried out through social sanctions or customary deliberations, but also through customary rituals aimed at restoring spiritual and ecological balance.<sup>26</sup> For example, repulsive ceremonies and rituals of natural cleansing are carried out to apologize to the spirits of forest guardians and ask for rain so that the fires do not spread. In addition, perpetrators who are proven negligent or guilty will be subject to customary fines or social exclusion, which serve as a mechanism of social control and moral restoration in the community.

#### a. The Battle of the Bulge (*Maleanggar Lewu*)

Manyanggar is an important traditional ceremony in the life of the Dayak people, which comes from the root word "sangga", which literally means barrier or signs.<sup>27</sup> This ritual

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<sup>25</sup> Renan Nery Porto, "Ecology Under The Falling Sky: Nature, Ecology and Entropy in Yanomami Cosmology," *The Anthropocene Review* 11, no. 3 (December 2024): 509–24, <https://doi.org/10.1177/20530196231211849>.

<sup>26</sup> Andreas Maria Damasus Ratuank, Sulistyowati Irianto, and Ratih Lestarini, "Customary Law or State Law: The Settlement of Marine Resource Disputes in The Kei Islands Community," *The Indonesian Journal of Socio-Legal Studies* 2, no. 1 (September 2022): 2, <https://doi.org/10.54828/ijsls.2022v2n1.2>.

<sup>27</sup> Surya Sukti et al., "The Manyanggar Tradition and Harmony of The Bakumpai Dayak Community in Central Kalimantan," *El-Mashlahah* 12, no. 1 (June 2022): 1–13, <https://doi.org/10.23971/ELMA.V12i1.3663>.

is carried out as a symbolic act to establish the boundary between the human world and the world of spirit beings or invisible spirits who are believed to also inhabit the universe.<sup>28</sup> In traditional Dayak beliefs, this realm is not only inhabited by humans, but also by various spiritual entities or spirit beings. Therefore, the community held the Manyanggar ceremony to create a dividing line between the space of human existence and supernatural beings, so that each could live in peace without disturbing each other.

More than just marking boundaries, this ceremony also reflects a respect for the existence of other invisible beings. It is a manifestation of the Dayak people's cosmological awareness that coexistence in harmony with the spiritual world is an important part of maintaining the balance of the universe. Usually, the Manyanggar ritual is held when people want to carry out major activities that involve changes to their living space, such as clearing agricultural land, building houses, or opening new areas. The goal is to ensure that these activities do not disturb the "old inhabitants" of the supernatural world and do not disturb humans.

The meaning of this ceremony shows how high the value of spirituality and ecological ethics is in Dayak culture. Through the appreciation of these boundaries, people not only show respect for spiritual entities but also affirm the principles of balance and harmony of life, which are the foundation of the way they interact with the environment and the universe. In the value system of the Dayak Ngaju community, spiritual practices such as the Manyanggar ceremony are not merely ritual traditions, but also play an important role in shaping the mechanism of regulating living space, including in the context of managing and resolving environmental conflicts such as forest and land fires. The Manyanggar ceremony, performed to mark the boundary between the human and spirit worlds, reflects the belief that nature has a spiritual dimension that must be respected. When people want to clear land or change the natural landscape (for example, to farm or build a residence), they first perform this ritual as a preventive measure so that there is no violation of the magical space that is considered to be able to trigger disturbances or catastrophes.

In the context of forest fires, Dayak Ngaju views the incident not only as an ecological disaster, but also as a sign of a violation of the cosmic balance, including a violation of spiritual boundaries that should be maintained through rituals such as Manyanggar. When the boundary between man and spirit is not respected, nature can react in the form of disturbance or disaster. As part of the customary settlement mechanism, forest fires that are considered to violate cosmological norms or occur due to neglect of spiritual boundaries will be dealt with through customary deliberation, confession of errors, and spiritual restoration through purification ceremonies, including the possibility of re-enactment of the Manyanggar ritual. It becomes part of the process of reconciliation among humans, nature, and subtle beings, which cannot be reached by the formal legal approach of the state. Thus, the Manyanggar ceremony

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<sup>28</sup> Jurnal Kajian Islam dan Budaya et al., "Socio-Religious Values in The Manyanggar Banua Ceremony in The Barikin Sungai Tengah Hulu Selatan Community Kalimantan, Indonesia," *IBDA': Jurnal Kajian Islam Dan Budaya* 22, no. 1 (April 2024): 73-88, <https://doi.org/10.24090/IBDA.V22I1.10742>.

serves as a local mechanism to maintain environmental sustainability, prevent ecological conflicts, and resolve their impacts through integration between customary law and spiritual belief systems that live in the community. This approach reflects the holistic perspective of the Dayak Ngaju community, which integrates social, ecological, and spiritual aspects in maintaining harmony with nature.

b. Nature Cleansing Ritual (*Mamapas Lewu*)

Mamapas Lewu<sup>29</sup> is one of the traditional ceremonies performed by the Dayak Ngaju community as a form of appeal to the ancestors so that the village is always given safety, peace, and welfare.<sup>30</sup> This sacred tradition is usually carried out at the beginning of the new year according to the calculation of the Dayak Ngaju custom, as a moment of spiritual purification and refreshment for the community.<sup>31</sup> During its implementation, residents gather collectively in a predetermined place, usually at a village hall or sacred location, to hold joint prayers and processions of offerings to ancestral spirits. Presentations (*Stuttgart*) can be in the form of sacrificial animals such as chickens or pigs, as well as various traditional foods and drinks. This action is not only interpreted as a form of respect for ancestors, but also as a symbol of the connection among humans, nature, and the spiritual world in the Dayak people's life order. In the customary legal order of the Dayak Ngaju, the Mamapas Lewu ritual is not performed arbitrarily, but is initiated and authorized by recognized customary authorities, particularly the Damang (customary head) and the Mantir Adat as part of the formal customary justice structure. The decision to conduct Mamapas Lewu following a forest or land fire is usually made after customary deliberation, during which the cause of the fire, the extent of ecological harm, and the moral responsibility of the parties are assessed. In this sense, Mamapas Lewu functions as an institutionalized restorative measure within the Dayak Ngaju legal system, rather than a purely religious or cultural act. It operates as a mechanism of collective accountability and ecological recovery, affirming that customary authorities possess the legal competence to order spiritual and environmental restoration when cosmic balance has been violated. Thus, the Ceremony *Mamapas Lewu* depicts the values of togetherness, spirituality, and appreciation for cultural heritage inherited from generation to generation in the Dayak Ngaju community.<sup>32</sup>

In the context of the Dayak Ngaju community, traditional ceremonies such as *Mamapas Lewu* not only function as purification rituals and pleas for village safety, but also become an integral part of value systems and problem-solving mechanisms, including in addressing ecological disasters such as forest and land fires.<sup>33</sup> The *Mamapas Lewu* ceremony reflects the spiritual and ecological awareness of the Dayak Ngaju community towards the connection among humans, nature, and ancestral spirits. In

<sup>29</sup> Traveloka, "10 Upacara Adat Kalimantan Tengah, Suku Dayak," 2024.

<sup>30</sup> Erik Chilwanto et al., "Upacara Adat Mamapas Lewu (Studi Kasus Di Kota Kasongan Kalimantan Tengah)," *Jurnal Kewarganegaraan* 5, no. 2 (December 2021): 347–54, <https://doi.org/10.31316/JK.V5I2.1673>.

<sup>31</sup> Dwi Putri et al., "Communication of Rituals and Traditional Ceremonies Dayak Ngaju Community in Central Kalimantan," *Formosa Journal of Science and Technology* 3, no. 1 (February 2024): 103–18, <https://doi.org/10.55927/FJST.V3I1.7533>.

<sup>32</sup> Tahan Mentria Cambah, "Nilai Ekologis Dalam Upacara Mamapas Lewu Suku Dayak Ngaju," *Jurnal Ilmu Sosial Dan Humaniora* 11, no. 2 (August 2022): 269–81, <https://doi.org/10.23887/JISH.V11I2.40880>.

<sup>33</sup> Tahan Mentria Cambah, "Alam Adalah Keluarga: Internalisasi Nilai-Nilai Ekologis Dalam Ritual Nahunan Suku Dayak Ngaju," *Jurnal Ilmu Lingkungan* 20, no. 2 (April 2022): 210–18, <https://doi.org/10.14710/JIL.20.2.210-218>.

local beliefs, disasters such as forest and land fires are not simply seen as ordinary natural events but are often understood as disturbances to the balance of the cosmos or as a signal of the disharmony between humans and nature. Therefore, the settlement is carried out not only through technical or administrative means, but also through customary law mechanisms and spiritual practices.

Within the framework of customary law, indigenous people have their own rules on land management and forest burning for farming.<sup>34</sup> If a fire exceeds the boundaries or harms the community, there will be customary deliberations, the imposition of customary sanctions, and recovery rituals. This is where *Mamapas Lewu* and similar rituals play an important role: as a form of collective atonement, community moral restoration, and spiritual reconciliation with nature. Thus, *the Mamapas Lewu* ceremony can be seen as part of a local culture-based restorative mechanism, in which the resolution of conflicts or crises, such as forest and land fires, is not only focused on formal legal aspects but also involves communal, spiritual, and ecological approaches. This practice shows that the Dayak Ngaju community has its own holistic and meaningful way of preserving the environment and responding to natural damage customarily and spiritually.

## **2. *The Provision of Customary Sanctions (Singer) in the Context of Synergy between Ngaju Dayak Customary Law and National Law in Forest Fire Conflict Resolution.***

The settlement of criminal acts against the Ngaju Dayak indigenous people has been legally regulated through Article 8 Letter C of the Central Kalimantan Provincial Regional Regulation No. 16 of 2008 concerning Dayak Customary Institutions in Central Kalimantan.<sup>35</sup> The regulation states that Damang, as the customary head, has the duty to resolve disputes, or criminal violations, both in the preliminary examination process and in the final settlement hearing, in accordance with the procedures applicable in customary law. Article 1 number 24 of the regulation, it is stated that "*The Customary Head is the customary leader and the Chairman of the Customary Peace Mantir Density at the sub-district level who is authorized to enforce Dayak customary law in a customary area.*" Furthermore, Article 7 Paragraph (2) of the regulation stated "*for the smooth running of its main duties and functions, the traditional head Damang is assisted by the Customary Peace Mantir Density or Customary Let at the sub-district level and at the village/sub-district level*". Thus, the process or mechanism for resolving disputes, or criminal violations against indigenous peoples in the current era has been regulated in procedural law, led by the Customary Head and assisted by the Customary Peace Mantir Density or Customary Let at the sub-district, village, or sub-district level. In practice, the Customary Head Damang Density Mantir Customary Peace or Let Adat, gathers to find the best solution to the problems faced. The decisions usually refer to several types of sanctions that are normed in Article 32 of the Central Kalimantan Provincial Regulation No. 16 of 2008 concerning Dayak Customary Institutions in Central Kalimantan.

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<sup>34</sup> Kumpiady Widen et al., "Culture-Based Justice: Legal Decisions on Forest and Land Fires by Indigenous People with Local Wisdom Approach in the Middle Sentence," *Journal of The Community Development in Asia* 7, no. 3 (September 2024): 294-311, <https://doi.org/10.32535/JCDA.V7I3.3165>.

<sup>35</sup> Cahya Wulandari et al., "Penal Mediation: Criminal Case Settlement Process Based on the Local Customary Wisdom of Dayak Ngaju," *Lex Scientia Law Review* 6, no. 1 (2022): 70, <https://doi.org/10.15294/LESREV.V6I1.54896>.

The Density of Mantir/Let of Customary Peace at both the village and sub-district levels may impose various forms of sanctions grounded in local customary norms. These sanctions range from verbal or written advice and reprimands intended to correct behavior to requiring offenders to issue verbal or written apologies as an acknowledgment of wrongdoing. In addition, customary authorities may impose *singer* or other forms of fines and compensation to remedy damages caused. Social sanctions may also be applied, including temporary exclusion from indigenous village or sub-district activities, preventing the violator from participating in customary events for a specified period. For more serious violations, customary institutions may order expulsion from the village community, effectively severing all social and customary relations between the offender and the indigenous community indefinitely. The revocation of customary titles may also serve as a symbolic but significant form of accountability. Furthermore, customary leaders have the discretion to impose other sanctions deemed appropriate under the specific customary laws prevailing in the area.

Traditional Dayak Ngaju sanctions, such as fines (*singers*) or other forms of sanctions, refer to the results of the Tumbang Anoi Peace Meeting held in 1894 and resulted in 96 articles. These articles serve as the main guidelines for the Dayak Ngaju community in resolving disputes and establishing sanctions for customary violations. For example, the Singer Hatulang Belom (Divorce Fine), regulated in Article 3, is imposed on divorced couples. Then, the Singer Biat Himang (Minor Injury Fine), listed in Article 23, is applied in the event of an accidental minor injury, with the amount of the fine adjusted to the severity of the injury. Meanwhile, customary sanctions in the context of violations against the environment include:

- a. Article 41, *Singer Tuwe Línea* (customary fine for pollution of bathing locations with tubal poison). If a person or a group of people are bathing in a river, lake, or swamp, and suddenly find that the water in their bathing place has been contaminated by fish poison (tuba) used by other parties without prior notice to the people living downstream or in the same waters, then it is considered a violation of custom. The aggrieved party has the right to demand a customary fine (*singer tuwe talian*) from the perpetrator of pollution of 15 to 30 *kati ramu*, depending on the assessment and consideration of the customary heads regarding the severity of the violation.
- b. Article 87, *Singer Karusak Pahewan, Karamat, Rutas, and Tajahan* (customary fine for the destruction of sacred or forbidden places). Anyone who damages places considered sacred, such as pahewan, karamat, routes, and tajahan, which are believed to have spiritual value and special meaning, is subject to customary sanctions. In ancestral beliefs, humans must maintain ethics, including avoiding supernatural spirits believed to live in these locations. Disturbance to these places is considered to damage the balance of the environment. People who commit acts of insult, burning, felling trees, or theft at the sacred site can be fined 15–30 *kati ramu*. This fine shall be handed over to the heirs of the guardian of the place or to the nearest village from the location of the violation, as provided in Article 49.
- c. Article 96, *Kasukup Singer Belom Bahadat* (violation of customary norms of decency and ethics). The expression *belom bahadat* refers to the view of life of the

Dayak Ngaju community, which reflects polite, moral, and highly ethical behavior. This value includes physical, mental, and spiritual life, as well as cultural heritage that is upheld. These customary rules not only govern relationships between humans, but also include relationships with the environment, other living beings, ancestral spirits, and invisible forces. Humans are positioned as guardians of nature, obliged to maintain proper manners towards everything visible and invisible.

Although the term "environment" is not directly mentioned in the 96 Articles resulting from the Tumbang Anoi peace meeting, the principles of *Belom Bahadat* and the implementation of customary sanctions (*Singer*) can be applied to actions that harm the environment. In several regions of Central Kalimantan, there are indigenous communities that strictly enforce customary provisions that govern territorial management and natural resource utilization. One of them is the Dayak community of Ngaju Lewu Tehang Manuhing Raya Gunung Mas Regency. Customary law provisions governing territorial and natural resource management emphasize strict protection of indigenous communal rights and impose substantial sanctions for violations. Any individual who intentionally takes, controls, or exploits natural resources belonging to the indigenous community without prior authorization from the Tenga customary authorities is subject to a significant customary fine amounting to 25,000 *Jipen*, equivalent to Rp2.500.000.000 (two billion five hundred million rupiah). This reflects the gravity with which the community regards unauthorized appropriation of communal resources. Entering areas with sacred or protected status, such as sacred sites, *Pukung Pahewan*, route lands, springs, *tajahan*, production forests, customary territories, tourist forests, cemeteries, *sandung/sapundu*, and *tanggiran*, without permission or with malicious intent, and causing damage, constitutes an even more serious violation. Such conduct carries a customary fine of 34,460 *Jipen*, which, when calculated under the applicable sixteen customary rules, amounts to Rp 215,375,000 (two hundred and fifteen million three hundred and seventy-five thousand rupiah). These provisions illustrate the centrality of environmental stewardship, territorial respect, and the safeguarding of sacred spaces within the indigenous legal system.

The application of customary law to environmental violations in Central Kalimantan is illustrated by concrete cases, one of which is the Decree of Sanction/Traditional Dayak Singer Damang, Traditional Head of Kahayan Kuala District, Pulang Pisau Regency. As an example, this customary decision was issued on July 25, 2023, at the Central Bahaur Village Hall, in Kahayan Kuala District, Pulang Pisau Regency, Central Kalimantan. The verdict imposed sanctions on a perpetrator of land burning, Muhammad Amir Yasin bin Abdurrahman, a resident of Sei Tinggiran, Tanjung Perawan Village. The customary assembly process was carried out in the local Dayak community, which still upheld the customary norms and regulations contained in Hadat 1894.

The incident began when Muhammad Amir Yasin set fire to his coconut plantation in the Sei Terusan area, Central Bahaur Village, on Thursday, July 20, 2023. The area of the burned land was recorded at 16 meters x 250 meters. Even though the land is privately owned, the act of burning is considered a violation of Hadat 1894 Article 87, which expressly prohibits

burning land with certain customary sanctions. This shows that in the context of Dayak customary law, actions that could harm the environment are still subject to accountability, regardless of land ownership. For this violation, the Customary Assembly imposed sanctions in the form of customary fines called "*singers*" as many as 21 kati ramu, of which one kati is equivalent to Rp 100,000,-. Thus, the total fine that must be paid by the perpetrator is IDR 2,100,000,-. Of this amount, 10% is deducted for the cost of customary hearings. The fine must be handed over to customary institutions at the kademangan level as a form of restoring social relations and environmental balance in the Dayak community. This decision reflects the active and contextual application of customary law in handling land fire cases, as well as a testament to the importance of legal pluralism in the local conflict resolution system. The damang verdict regarding customary sanctions can be analyzed through the approach of customary law theory, legal choice theory, criminal theory, and restorative justice theory, which are as follows.

a. Customary law theory

The decision of Damang, the Customary Head of Kahayan Kuala District, who imposed customary sanctions (*singer*) on Muhammad Amir Yasin Bin Abdurrahman, carries important implication in the context of customary law theory. Based on the content of the verdict, the defendant was sentenced to pay a customary fine in the form of 21 *herb cats*, with a certain nominal conversion (Rp 100,000 per cat), which totaled Rp 2,100,000. In addition, part of the fine is used for the cost of the customary hearing.

From the perspective of customary law theory, customary law is a living law that has its own authority, grounded in local values, norms, and institutions. Customary sanctions are not only retributive but restorative with the aim of maintaining social and cosmic balance. *The traditional singers* handed down in this verdict reflect both symbolic and material values, aiming to restore harmony in the Dayak indigenous people. The use of traditional units (*kati ramu*) confirms the existence of customary law as an autonomous, contextual, and deeply rooted legal system in local culture. In addition, the 10% reduction in fines for customary court fees shows a self-financing mechanism for the customary justice system that is not separate from the conflict resolution process itself. Thus, this ruling shows that conflict resolution through customary institutions is not only the enforcement of norms but also the preservation of the collective values of the Dayak community in maintaining social order and the balance of human relations with the environment and ancestral spirits.

b. Legal choice theory

The damang verdict regarding the sanction of customary fines to Muhammad Amir Yasin Bin Abdurrahman shows the application of the Dayak customary law mechanism in resolving violations of customary norms in the community. Sanctions in the form of *Dayak traditional singers*, calculated based on *kati ramu* with certain material values, reflect the form of law enforcement grounded in local wisdom and the traditional values of the Dayak Ngaju community. The trial costs taken from a portion of the fine also demonstrate the restorative and collective character of customary law, where conflict

resolution not only punishes the perpetrator but also strengthens solidarity and social balance.

From the perspective of choice of law theory, this ruling shows that in a pluralistic society, there is freedom for certain legal communities to choose and use their own legal system, in this case, Dayak customary law, in resolving disputes or violations that occur within the scope of the indigenous community. The choice to implement customary law is prioritized because it is considered more appropriate, fair, and effective to restore social relations and maintain harmony among local indigenous people. This underscores the importance of recognizing legal pluralism in Indonesia, where customary law remains on equal footing and can be integrated into the national legal framework to resolve conflicts at the local level.

c. Criminal theory

The decision of the Customary Head of Kahayan Kuala District, which imposed customary sanctions in the form of a fine (*singer*) on Muhammad Amir Yasin, contains the meaning that customary law functions as a mechanism for social control and the restoration of harmony in the community. The sanction, in the form of the payment of 21 *kati ramu*, equivalent to Rp 2,100,000, reflects the symbol and value of the moral and social responsibility of the perpetrators towards the indigenous community. The trial costs taken from a portion of the fines also show that customary sanctions not only emphasize the element of retaliation but also finance the processing of collective disputes within customary structures.

In the context of the theory of the purpose of the penalty, this decision aligns with the goals of restoration (restorative) and protection (protective). The purpose of punishment, according to modern theory, is not solely retributive, but is also oriented towards improving social relations, *deterrence* so that similar acts do not recur, and reintegration of the perpetrator into society. By imposing customary fines that have both symbolic and material value, customary institutions at the same time affirm common norms, provide a deterrent effect, and restore social and ecological order disrupted by the perpetrators' actions.

d. Restorative justice theory

The above Dayak customary *damang* verdict, which imposed a fine of 21 *kati ramu* (equivalent to Rp2,100,000) on Muhammad Amir Yasin Bin Abdurrahman, reflects the application of the principle of *restorative justice* in resolving disputes in Dayak indigenous peoples. Within the framework of restorative justice, emphasis is placed not only on the punishment of the perpetrator but also on the restoration of social relations and cosmic balance within the community. The customary fine (*singer*) imposed aims to affirm the responsibility of the perpetrator to the community, restore honor and a sense of justice for the affected parties and the wider community.

In this context, traditional *singers* become instruments for collective recovery and the maintenance of social harmony, in line with the concept of restorative justice, which

is oriented towards dialogue, deliberation-based conflict resolution, and relationship restoration, not mere revenge or individual entrapment. Therefore, this ruling affirms the important role of customary institutions in implementing the value of restorative justice at the local level, while strengthening the social legitimacy of the Dayak customary legal system as part of national legal pluralism.

From the example case above, in the Ngaju Dayak customary legal system, any individual action that deliberately exploits natural resources, burns land without permission, or violates ecological and spiritual boundaries, is not only considered a social offense but also a disturbance to the sacred order of the cosmos. Therefore, the imposition of customary sanctions is not just a form of punishment, but also part of the process of restoring balance between humans, nature, and ancestral spirits. Customary sanctions, known as "*Singer*", is applied as a form of moral and spiritual responsibility for the violation. *Singer* in the customary law system of the Dayak Ngaju community in Central Kalimantan is a set of rules that are binding and have coercive power, which aims to create harmony and order in every social and legal relationship in the community. This provision was formulated in 1984 in the forum of the Tumbang Anoi Grand Meeting, as an effort to end the practices of violence between Dayak sub-tribes, such as beheadings, murder, and slavery, that had occurred in various parts of Kalimantan.<sup>36</sup>

In its implementation, every interaction or social relationship is expected to align with the norms that have been established in customary law. If there is a violation of the applicable rules, the perpetrator will be subject to customary sanctions as a response from the community or customary officials. *Singer* has an important role as a tool of social *control* in indigenous peoples. Its function includes two aspects: preventive and repressive. Preventively, control efforts can be in the form of education, counseling, or socialization for residents to prevent violations. Meanwhile, repressively, *singer* is used to restore the disturbed social balance by providing customary punishments or sanctions to individuals who deviate from applicable norms and rules.

The form of *singer* can be material fines, such as money or goods, but it can also extend to non-material sanctions, such as social work, customary cleansing rituals, or even temporary exile from indigenous communities. This sanction not only aims to provide a deterrent effect, but also to restore the balance and harmony of the cosmos, which is believed to have been disturbed due to the actions of violators. Within the framework of cosmic harmony, the Dayak Ngaju people believe that life is in a balance among humans, nature, and spiritual power. When one element is disturbed, the entire cosmic system is affected. Therefore, acts of redemption through *singer* and *maprayascita* are a manifestation of cosmic reconciliation, in which the perpetrator is given the opportunity to restore balance through confession, social responsibility, and spiritual restoration.

Through this mechanism, the Ngaju Dayak customary law not only maintains social order but also preserves the sanctity of the relationship between humans and the universe. This is what distinguishes the customary law approach from modern state law. It is based not

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<sup>36</sup> (Women's 2024)

only on rational and legal aspects, but also on ecological ethics and cosmic spirituality that live in local cultures. Thus, the enforcement of customary sanctions, such as *singer*, can be understood as an instrument to maintain and restore the harmony of the cosmos, in line with the values of Dayak Ngaju culture, which places nature as an inseparable part of the order of sacred life

## Conclusion

The findings of this study demonstrate that the Dayak Ngaju mechanism for resolving forest and land fire conflicts constitutes a holistic system of customary law grounded in spiritual, social, and ecological integration. Fires are not merely physical environmental events but disruptions of cosmic harmony involving relationships among humans, nature, and ancestral spirits. Consequently, conflict resolution is conducted through customary deliberation, the imposition of *singer* (customary fines), and the performance of restorative rituals, such as Manyanggar Lewu and Mamapas Lewu, all of which function to re-establish moral, social, and ecological balance. The severity of sanctions is determined not only by material damage but also by the extent to which violations infringe sacred spaces, customary permissions, and cosmological values. Within the framework of legal pluralism, this restorative and community-based customary system does not contradict national environmental law but complements it by providing socially legitimate, culturally embedded, and ecologically responsive forms of justice. The integration of Dayak customary law with state environmental governance is therefore essential for realizing participatory, transformative, and sustainable ecological justice in Indonesia.

This study is primarily based on normative legal analysis and selected illustrative customary decisions, which means it does not fully capture the empirical diversity of Dayak Ngaju practices across different regions of Central Kalimantan or the dynamics of their interaction with state law enforcement in everyday situations. In addition, while the research highlights the effectiveness of customary mechanisms in restoring ecological and social harmony, it does not quantitatively assess their long-term environmental impacts or their deterrent effect compared to formal legal sanctions. Future research should therefore employ socio-legal and empirical approaches, including fieldwork, interviews with customary leaders, and comparative studies across indigenous communities, to evaluate how customary justice systems function in practice and how they can be institutionally integrated into national environmental governance. Such studies would deepen understanding of how legal pluralism can be operationalized to support indigenous sovereignty, environmental protection, and human rights in a more coherent and evidence-based manner.

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