

## **Huma Betang-Based Resolution of Mining Land Conflicts: Belom Bahadat Legal Culture of Bakumpai Dayak Community in Central Kalimantan, Indonesia**

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**Abstract** This study aimed to explore local wisdom treasures related to the study of legal culture which was not widely known by the public. This study used a mix of anthropological and juridical philosophical methods. It used the socio-legal study approach conducted through direct exploration and structured interviews. Results showed that Dayak Bakumpai indigenous people highly uphold the inclusive cultural principles contained in the Huma Betang philosophies. One of the philosophies was the resolution of mining land conflicts, influenced by the culture's positive values. This value was adopted from an inclusive culture in the Belom Bahadat values that are upheld by the Bakumpai Dayak community. Meanwhile, conflict resolution was carried out through "Bahandep Bahapakat Rakat", which is a practice of helping each other in deliberations. This is so that the headman or local traditional leader can help people return to harmony.

**Keywords:** • legal culture • bakumpai dayak • philosophy • Huma Betang • belom bahadat

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## 1 Introduction

The issue of land tenure arises in discussions regarding the legal status of customary land ownership. The description of legal status refers to a juridical and cultural approach, that is, a review starting from the applicable system regulating possible uses, requirements for cultivating land, and the period for such cultivation (Achmadi, Hangabei, Dimyati, & Absori, 2021). Local communities in Indonesia have the risk of becoming vulnerable to social conflicts as a result of gaps in the interests of natural resource control and management which lacks a sense of justice (Surya, 2015). This is due to the interests of various parties in building the concept of relations and interactions in everyday social places.

Local people are very serious about managing tropical forests and land to conserve and cultivate them. They do so to meet their own needs (Budiono et al., 2023). However, in the mining sector, they currently face various threats from global-scale investors who wish to expand the conversion of forests into mining land. In several mining cases that occurred in Indonesia, local communities were the ones who suffered the most because they not only faced a situation of scarcity in terms of natural resources or environmental damage but also the loss of their economic resources. This is because they rely on their surrounding environment to fulfill their daily needs.

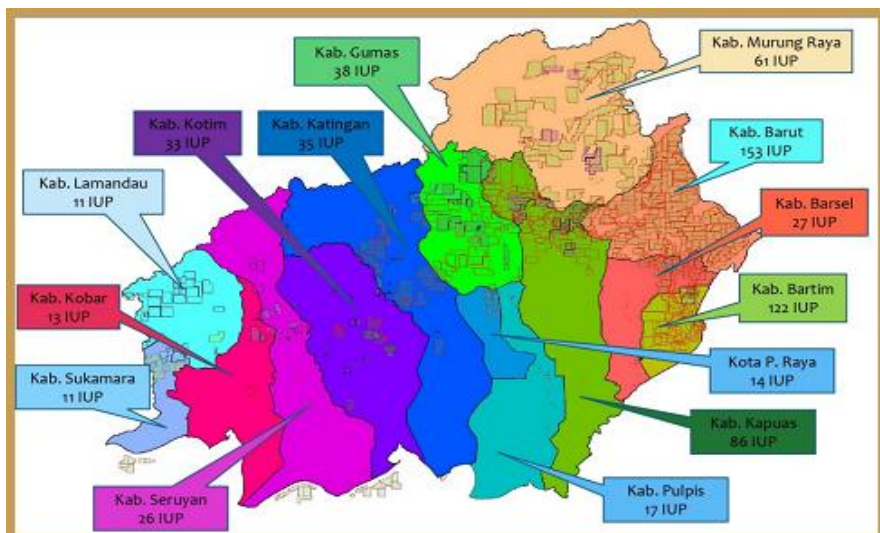
Almost every mining case in Indonesia fails to obtain a positive response from the local community. They tend to end in the emergence of social movements even though the management of natural resources in Indonesia has been regulated in Article 33 Clause 3 of the 1945 Constitution. This clause states "The earth, water, and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people" (Budiono et al., 2022). As one of the majority of state revenues, coal mining management aims to support people's prosperity. Consequently, the state has a very important function and role in wisely managing mineral and coal mining (Bangsawan & Budiono, 2021).

There is a frequent occurrence of various issues of land disputes and conflicts between local communities and mining companies. JATAM (Jaringan Advokasi Tambang/Mining Advocacy Network) assesses that conflicts arise in almost all situations where mining companies expand their area. Such instances can cause conflicts between the surrounding community and the company, between the community and the government, or among the community groups themselves. A JATAM researcher, Ki Bagus Hadikusuma, noted that in the 2014-2019 period, there were 71 conflicts in the mining sector. The conflicts occurred between the people who refused the mining business license against the company and the government. The cases occurred in an area of 925,748 hectares. Most of the conflicts occurred in East Kalimantan province (14 cases); East Java (8 cases); and

Central Sulawesi (9 cases). Some conflicts were related to gold mines (23 cases), coal mines (23 cases), and iron sands (11 cases). Hadikusuma also noted that there were 33 cases of criminalization and attacks against people who refused mining business permits. In 2019, JATAM recorded 4 cases of criminalization, 2 cases of suspected assault leading to death, and 4 intimidations committed by thugs who were allegedly ordered by mining company owners. Most of the criminalization and attacks occurred in East Kalimantan and Central Java (4 cases). Then, it was followed by Bangka Belitung (2 cases); Maluku (2 cases); East Java (1 case); North Sumatra (1 case); West Sumatra (1 case); and South Kalimantan (1 case) (Thea, 2020).

JATAM noted that 45 mining conflicts occurred throughout 2020. The 45 mining conflicts consisted of cases of environmental pollution (22 cases), land confiscation (13 cases), criminalization of residents who refused the mine (8 cases), and termination of employment (2 cases). There were even 3,092 mine pits that were carelessly left without any reclamation, restoration, or repairs (Rahma, 2021). The distribution of Mining Business Permits in Central Kalimantan can be seen in Figure 1.

**Figure 1:** The distribution of mining business permits in Central Kalimantan



(Source: The Republic of Indonesia's Ministry of Energy and Mineral Resources)

Furthermore, from 2019 to 2021, a conflict over land issues occurred in North Barito Regency, Central Kalimantan. The conflict was between PT Pada Idi (Pada Idi Limited Company), a company engaged in the coal mining sector and society. As a result, the residents of Muara Inu Village, Lahei District, staged a demonstration to demand land rights that had not been resolved by the company. Another conflict occurred and involved the residents of Benangin Village, East Teweh District versus PT. Bharinto Ekatama (Bharinto Ekatama Limited Company). The company exploited an area claimed by the residents without giving them a penny of compensation.

Therefore, natural wealth should be maximally used for people's welfare based on moral, legal, and religious values. This is because morality can curb human beings' desire to commit illegal actions (Ridwan, Dimiyati, & Absori, 2015). F. V. Benda-Beckmann and K. V. Benda-Beckmann (2001) stated that "In Indonesia, Adat is a general term to denote a whole which is often shaped by morality, customs, and legal institutions of ethnic or territorial groups."

Here, it can be hypothesized that the national law fails to prevent conflicts between the Dayak customary society and mining companies. When almost all mining companies face issues with customary land, environmental issues, or issues with indigenous people, it can be seen that the national law does not truly become the solution. Moreover, almost all of these issues fail to be resolved. When the law does not become a solution to societal conflicts, it means that something must be fixed, considering that the law and society should become two sides of a coin.

This is in line with the thoughts of Achmadi and Absori (2020) who explained that "Cultural polarization in social spaces reflects the mental foundation of society which is very important to maintain the existence of law for the local community". To carry out legal studies, culture can be used as a voice for a legal substance because it contains the nature of good values (Budiono et al., 2023). In its context, the aforementioned legal culture terminology can be refined into a set of ideas and norms that guide speech, behavior, and act as expected by the majority of the local community.

Thus, in short, it can be said that legal culture is the overall attitude of community members and the system of values that exist in society. It can determine how the law should be applied in the community (Absori et al., 2020). This means that legal culture can concretely provide a sense of peace and justice for all elements of indigenous peoples within that culture.

The legal culture of *Belom Bahadat* in the philosophy of *Huma Betang* is considered appropriate for revitalizing and providing certainty for the life of

various societies in Indonesia. The Indonesian positive law is unsuccessful in resolving conflicts in Kalimantan. Therefore, the authors hypothesize the application of the application of the *Belom Bahadat* customary law with the *Huma Betang* philosophy. The use of this law is valid according to the positive law as customary law is one of the legal systems that is accepted and acknowledged by Indonesia and its positive law. The *Belom Bahadat* customary law contains philosophies and resolutions according to the Dayak Bakumpai local wisdom in Kalimantan. It has the great potential to become a solution for conflicts related to land, customary rights, customary society, and mining companies. The structured view of Franz Von Benda-Beckmann and Keebet Von Benda-Beckmann explained that "Deliberations that trigger discussions about culture, law, and politics are the result of the consequences of reconstitution of population groups as *adat* community or indigenous peoples".

An important point of discussion in this article is a new offer regarding a mining land conflict resolution model based on the *Huma Betang* philosophy in the *Belom Bahadat* legal culture found in the local wisdom of the Bakumpai Dayak community in Central Kalimantan. This research aims to explore this local wisdom model as a new, quick, and simple conflict resolution without the need to submit formal reports.

## 2 Methods

This study used a mixed research methodology which combines the anthropological and juridical philosophical methods (Haq, Budiono, & Hangabei, 2021). This research employed a type of socio-legal study approach. The authors observed laws from the perspective of formal institutions and tried to understand the laws and their empirical behaviors from applicable legal operations (Dimiyati & Wardiono, 2004). In this mixed method, the authors intensively studied the *Belom Bahadat* customary law and the *Huma Betang* philosophy before conducting the anthropologic research. The writers suggest that it is important to gain a deep philosophical understanding of the *Belom Bahadat* customary law. This is so that when undergoing anthropological research on the Dayak Bakumpai ethnic group and their local customary institutions, the authors can obtain a holistic understanding. Thus, in this mixed method, the obtained philosophical data were studied, and they were supported by data from the field that were produced from anthropological research.

The focus of this study was the realization of community autonomy in choosing alternatives and innovations regarding legal decisions (Budiono et al., 2022) made through a culture-based process (Absori et al., 2020). Instead of trying to understand a cultural object from an external perspective (formal-legal), this approach strives to gain understanding from an internal perspective by respecting

the specificity and uniqueness of the non-litigation conflict resolution model (Triwahyuningsih, Zuliyah, Putri, Febriani, & Astutik, 2023). To further explore the object being observed, the authors conduct direct observation and structured interviews (Hermawan, Rizal, Haryumeinanda, & Oktiviasti, 2021).

The authors conducted a study of conflict resolution related to mining land areas, including customary land belonging to the Bakumpai Dayak community through local customary institutions in North Barito Regency for cases of customary land and forest claims made by various mining companies. Settlements through traditional institutions could be considered innovations because the institutions tended to be rational. So, the process was timely, cheap, straightforward, and reconciling. This was in contrast to settlement through litigation in court, which required a longer process than that of traditional institutions.

### 3 Literature overview

The philosophy of the traditional house originated from an understanding of the seven cultural elements popularized by Koenjaraningrat. In his understanding, traditional houses included two cultural elements: buildings in elements of art and shelters in elements of living equipment systems or technology. Understanding these cultural elements showed identity, meaning that cultural works are human work. Regarding the traditional houses, it is a discussion of cultural elements that are inseparable from philosophy and strong cultural values. Therefore, traditional houses could be used as a starting point for cultural revitalization and obedience to applicable norms (Kuswardani, Kurnianingsih, & Prakoso, 2018).

The state-of-the-art or previous research related to this research was conducted by Simatupang and Beka (2022). Their research focused on the *Huma Betang* philosophy as a mediator of conflict within the Dayak ethnic group or between the Dayak ethnic group and other ethnic groups. This research focused on the reacceptance of the Madurese ethnic group by the Dayak Ngaju ethnic group after the great chaos in Sampit. Simatupang and Beka's research is different from this research because the former studies the *Huma Betang* philosophy in the Dayak Ngaju ethnic group and it focuses on the conflict between the Dayak Ngaju and Madurese ethnic groups. Meanwhile, the latter is related to the Dayak Bakumpai ethnic group and their conflicts with mining companies.

Another research on *Huma Betang* was also conducted by Pelu and Tarantang (2018) who discussed the relationship and the interconnection between the *Huma Betang* as a customary legal philosophy of *Belom Bahadat* (which means civilized living) and Pancasila ("The Five Principles" which make Indonesia's ideology) as the national legal philosophy. There are some similarities and interconnections between *Huma Betang* in *Belom Bahadat* and Pancasila, such as unity and peace.

Even so, the two have some differences, such as concerning the values of togetherness; resolving issues and conflicts with a spirit of kinship even though the resolution is carried out through courts (including customary and national courts); respect for the existing local wisdom; and compliance to the law.

From Pelu and Tarantang's research, it was found that there is a philosophical relationship between the *Belom Bahadat* customary law and the philosophy of national law. The difference between Pelu and Tarantang's research and the author's research is that the former found a relationship between the customary law and the national law. Meanwhile, the author's research focuses on the *Belom Bahadat* customary law as an alternative to the national law in resolving the dispute between customary people and mining companies. Apart from that, it was found that the national legal system accepts the *Belom Bahadat* customary law and the *Huma Betang* philosophy.

*Huma Betang* is a traditional house of the Dayak people in Central Kalimantan. These houses that were built through cooperation are large. They may be 30-150 meters long, while the width may reach 10-30 meters. The *Huma Betang* house consists of pillars made from clay that are about 3-4 meters high (Riwut, 2003). A house is inhabited by one large family that is led by a *Bakas Lewu* or a tribal chief. The number of *Huma Betang* residents can reach 100 (one hundred) to 200 (two hundred) people and they have a very diverse culture ranging from religion, ethnicity, and language. However, the indigenous Dayak people of Central Kalimantan still maintain unity. Therefore, such differences are not a problem for them. The attitude of tolerance between religious communities and tribes is an example of how Central Kalimantan residents maintain harmony and uphold customs (Apandie, 2021).

The tradition or culture of Dayak people's life in the *Batang* family is bound by *Belom Bahadat* cultural values or a life that respects the customs, traditions, culture, and belief systems of every human being. This value is practiced by the customary head along with all members of the *Batang* family in daily life. The application of this value manifests a pattern in the Dayak community's life. These people are generally more inclusive in understanding and accepting social, traditional, cultural, and religious differences in family and community life (Maunati, 2004). In this case, what is considered to be the philosophy of *Huma Batang* can be seen in the series of charts (Figure 2).

**Figure 2:** The philosophy of *Huma Betang*

The existence of <i>Huma Betang</i>	Values of <i>Huma Betang</i> philosophy	<i>Huma Betang</i> represents cultural and noble values
<ul style="list-style-type: none"> <li>•This is related to the patterns of behavior and ways of indigenous Dayak people to act or behave in the same way/normative structure (design of living).</li> <li>•The philosophy of the <i>Huma Betang</i> stipulates rules regarding what should be done and what is prohibited (referring to the Dayak customary law system)</li> </ul>	<ul style="list-style-type: none"> <li>•The philosophy of <i>Huma Betang</i> refers to the values of tolerance, togetherness, and mutual cooperation.</li> <li>•<i>Huma Betang</i> is also an attraction for people to gather.</li> <li>•This reality shows that the noble values that exist in <i>Huma Betang</i> as the Dayak tribe's philosophy of life are seen positively so that it triggers the behavior of living in society.</li> </ul>	<ul style="list-style-type: none"> <li>•Habits or patterns of behavior reflected in the philosophy of Huma Betang are:</li> <li>•Mutual cooperation;</li> <li>•Togetherness;</li> <li>•Tolerance;</li> <li>•Harmony; and</li> <li>•Peaceful life.</li> </ul>

Figure 2 consists the existance *Huma Betang* philosophy which consists patterns of behavior such as prohibition and order. The *Huma Betang* also consisted of philosophy as tolerance, togetherness, positivity and mutual cooperation. Besides philosophy there also consisted of cultural and nobel values which represent philosophy and pattern behaviour.

The Dayak people in Central Kalimantan comprise various Dayak sub-tribes. One of the Dayak sub-tribes is the Bakumpai Dayak which comes from the word ba in the Banjar language which means "to have" and the word kumpai which means “grass”. It can be said that the Bakumpai Dayak tribe is a tribe which has a lot of grass. The Bakumpai Dayak tribe comes from the Ngaju Dayak tribe who moved to Marabahan. The Bakumpai Dayak tribe is one of the Kalimantan Ngaju Dayak sub-ethnic groups that are Muslims. This tribe mainly inhabits the banks of the Barito River in South Kalimantan and Central Kalimantan, from the city of Marabahan to the city of Puruk Cahu, Murung Raya (Nengsih, 2018).

#### 4 Result

The Bakumpai Dayak community upholds ancestral values in their social life. An understanding of the social life, wisdom, and policies of the Bakumpai Dayak community can be learned through traditional elder figures of the Bakumpai Dayak community. According to Murhaini, the Chairman of the Bakumpai Family Harmony in an interview, the Bakumpai Dayak people respect and adhere to religious, cultural, and social values.



In the context of the dynamics of problems that arise in the territory of the Dayak Bakumpai indigenous people, it is possible to sort them out by seeing the urgency of the problems first (Natsir, 2006). If the problems are related to legal issues such as fighting and disturbing the surrounding community, then the solution is simple. It can be resolved through "hapakat" or deliberations by the headman or local traditional leaders. However, if the problems are more serious and if they concern the livelihood of the wider community, according to Murhaini, they can be resolved by utilizing "bahandep bahapakat rakat", namely helping each other in deliberations. This is so that the headman or local traditional leaders can help people to achieve peace (Hermawan et al., 2021).

The study of mining land conflict resolution is important in providing decisions and certainty for parties involved in conflicts. This is crucial as resolution using the litigation model has produced many disappointing results (Achmadi & Absori, 2020). Therefore, an internal connection and reconciliation through a simple form of settlement is needed. In this case, the solution was based on the local wisdom of the local community. This conflict resolution was conducted by instilling the philosophy of Huma Betang that is applied by traditional leaders/village chiefs/local traditional leaders. This method was used to help the people involved in conflicts realize that all Dayak people had been patterned in behavior; they act or behave in the same way based on their normative structure (design of living). Whether we realize it or not, the philosophy of Huma Betang stipulated rules regarding what should be done and what is prohibited (referring to the Dayak customary law system). Customary laws acknowledge several forms of sanctions, such as fines as well as the obligation to bring balance (including natural, personal, and spiritual balance). This means that in the case of conflicts with mining companies, they may be imposed with the sanction of returning the natural balance if their actions bring environmental damage.

So far, conflict resolution through customary law in cases of customary community disputes with mining companies has never been carried out. Therefore, it can become a choice to be experimented with as an alternative dispute resolution between customary communities and mining companies. Personal sanctions may also be applied in cases of wrongdoings committed by customary community members and/or individuals from the customary society. Such sanction choices in the Dayak Bakumpai customary law do not exist in the positive legal sanctions.

## 5 Discussion

Conflicts between mining companies and customary societies happen due to anger, and that anger was created by shortcomings due to efforts to hinder the interests of others. It is a motivational tool that drives humans to aggression. Pruitt and Rubin

(2011) have a different perception of the source or cause of conflict. They divide the sources of conflict into several parts. First, consider that conflict occurs not because of a gap between aspirations and achievements but because when aspirations increase, these aspirations will increasingly conflict with the aspirations of other parties. Such conflict is inseparable from the need to rule.

The second source of conflict is a conflict that occurs because of the need for respect. Further research explains that past achievements will form an aspiration that demands respect. If achievement has increased in the past, then aspirations will also increase. If achievement has decreased, then aspirations will also descend. Bebbington, Fash, and Rogan (2019) state that the need for power, respect, and money are the causes of conflict. Conflict depends on limited resources, i.e., money, natural resources, vehicles, or whatever is needed with a limited supply (Scheidel et al., 2020).

This is similar to the theory of natural resource conflicts explained by Homer-Dixon as quoted by Djen and Qodir (2023). This theory states that natural resource conflicts tend to be caused by scarcity of natural resources. When natural resources are scarce, massive migration will occur from areas where they are scarce to areas with access to natural resources. This includes the migration of miners or mining companies. Differences in culture, treatment, and management can then trigger conflict (Vanegas, 2021).

Legal culture is all forms of human cultural behaviors that affect or are related to legal issues (Rahayu, 2014). The integration of legal culture into the term *Belom Bahadat* is an unwritten and abstract legal rule that has been obeyed and maintained for generations by the indigenous Dayak community in Central Kalimantan. In addition to having unwritten laws, the indigenous Dayak people also have written laws consisting of 96 articles, namely the *Tumbang Anoi* Peace Agreement in 1894. This written customary law was influenced by Europeans, namely the Dutch who colonized them at that time. The *Tumbang Anoi* Peace Agreement of 1894 was a joint idea and agreement that was outlined in a piece of writing as a form of commitment to stop bloodshed and slavery in the past (Citranu, 2022).

*Belom Bahadat* can be interpreted with three meanings of attitude, namely: (1) the nature of humans is to love God the Almighty as a form of worship; (2) humans must love each other because it is a form of respect, love, and worship of God; and (3) humans are always aware and obedient to the rules and legal norms that exist in life to maintain balance and harmony for peace (Ilun, 1990).

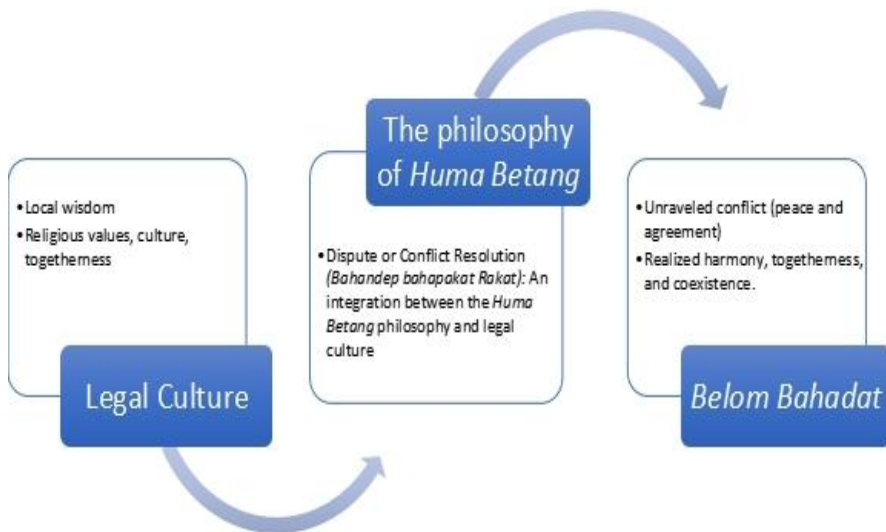
According to Fung Soma (Appendix B) in an interview, elaborating on legal culture is inseparable from the scope of values, thoughts, and expectations for the

rules or norms of social life. If the legal culture is bad and consists of all components of society, then the substance it forms cannot be good. As a result, the legal structure that is born from society is also bad; thus exacerbating the bad legal culture (Ridwan, Dimyati, & Azhari, 2017). Then, like the turning of a wheel, this increasingly bad legal culture causes increasingly bad legal substance and structure. Legal culture moves very dynamically and determines the dynamics of changes in the structure and substance of the law (Budiono, Absori, Ngestiningrum, & Nugroho, 2018). Thus, ensuring that the legal culture implemented becomes good law-abiding habits greatly determines the existence of other components or subsystems (Mahanani, 2019).

According to Gustian (Appendix C) in an interview, in addition, the peaceful resolution of conflicts does not create feelings of hatred and revenge. Even, it could develop feelings of brotherhood, conscience, and dignity. Because conflict resolution was carried out rationally and involved emotions and feelings, the resolution could be well-received by all parties involved in the conflict. In this case, conflict resolution offered togetherness and a win-win solution for all parties (Haq, Budiono, & Hangabei, 2021).

Therefore, a breakthrough is crucial to offer a simple conflict resolution model based on local wisdom. In the custom of the Bakumpai Dayak indigenous people, the tradition of conflict resolution utilizing "*bahandep bahapakat rakat*" became a part of the tradition in resolving disputes and conflicts among the Bakumpai Dayak community. This tradition was considered more objective because it fulfilled religious values and justice. The *Belom Bahadat* legal culture for conflict resolution can be seen in Figure 3 below:

**Figure 3:** The integration of the *Belom Bahadat* legal culture in conflict resolution



The unification of the *Belom Bahadat* legal culture to the concept of conflict resolution could be carried out by discovering and studying law at the level of social reality up to the essence of justice. According to Tyson (2010), in pursuing recognition, local communities (or those acting on behalf of local communities) must be represented. They must represent the customary law political system. In essence, it is a contested process of encouraging different types of mobilization based on different meanings and interpretations. The customary law system is part of the regularity that supports the concept of a conflict resolution object (Rosyadi & Rizka, 2022). However, in reality, this is an indispensable condition (*sine qua non-condition*) to capture the object as a single representation and give its form of determination to manifestation (Kant, 2007).

All laws function within a particular context and social system (Nugroho, Handoyo, Prayitno, & Budiono, 2019). The values that underlie the Bakumpai Dayak customary law system regarding conflict resolution are communalistic religious conceptions (Dutta, 2020). This is in line with the Pancasila view of life as well as the Indonesian society as they tend to prioritize the interests of the community as a whole (Utami et al., 2019). Thus, the priority is not the interests of a particular group of individuals, but rather, they place importance on all levels of society (Budiono, Wahito Nugroho, Dimyati, Hendriana Ngestiningrum, Vivid Izziyana, 2019). This provides logical consequences regarding the rights of each

individual concerning the community of responsibilities (Achmadi & Absori, 2020).

## 6 Conclusion

An offer to resolve mining conflicts in the Bakumpai Dayak community on the banks of the Barito River puts forward a philosophical paradigm of *Huma Betang* with a non-religious legal cultural approach. The resolution of this conflict is a comprehensive breakthrough in providing a representation of responsibility for the Dayak customary law system in Central Kalimantan. Furthermore, the integration of *Belom Bahadat* legal culture is conducted by using local wisdom traditions by proposing the term "*Bahandep Bahapakat Rakat*". This provides a guarantee of true justice for those acting on behalf of local communities. In this settlement model, positive values which are believed by the Dayak community in Central Kalimantan to be able to maintain mutual cooperation, harmony, and tolerance between levels of society are implemented.

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## References:

- Absori, A., Nugroho, S. S., Budiono, A., Ellyani, E., Nurani, S. S., & Fadlillah, M. (2020). Indonesia as an ecocratic country: The state's responsibility and the people's participation in preserving and in managing the environment quality. *Quality-Access to Success*, 21(179), 140.
- Absori, A., Nugroho, S. S., Haryani, A. T., Sarjiyati, S., Budiono, A., Nugroho, H. S. W., & Jayanuarto, R. (2020). The prospect of environmental law to achieve healthy environmental development in Indonesia. *Medico-Legal Update*, 20(1), 204-208.
- Achmadi, A., Hangabei, S. M., Dimiyati, K., & Absori, A. (2021). Culture-based land right conflict resolution model: A case study of the Dayak tomun indigenous people. *The International Journal of Interdisciplinary Cultural Studies*, 16(2), 1.
- Achmadi, D. K., & Absori, B. A. (2020). Cultural implications of Dayak tomun indigenous peoples in the management land rights: A case study of Lamandau, Central Kalimantan, Indonesia. *Humanities & Social Sciences Reviews*, 8(4). doi:10.18510/hssr, 2020
- Apandie, C. (2021). Huma Betang, falsafah suku Dayak di Kalimantan Tengah [Huma Betang, the false power in the Middle East]. Retrieved from <https://stakpnsentani.ac.id/2021/05/11/huma-betang-falsafah-suku-dayak-di-kalimantan-tengah/>
- Budiono, A., & Bangsawan, M. I. (2021). Welfare-based natural resource policy in the land sector: Maqasid Asy-Syari'ah perspective. *Review of International Geographical Education Online*, 11(3), 453-459.

- Bebbington, A., Fash, B., & Rogan, J. (2019). Socio-environmental conflict, political settlements, and mining governance: A cross-border comparison, El Salvador and Honduras. *Latin American Perspectives*, 46(2), 84-106.
- Benda-Beckmann, F. V., & Benda-Beckmann, K. V. (2001). State, religion and legal pluralism: Changing constellations in West Sumatra (Minagkabau) and comparative issues. *Max Planck Institute for Social Anthropology Working Papers*, (19), 1-5.
- Budiono, A., Wahito Nugroho, H. S., Dimyati, K., Hendriana Ngestiningrum, A., & Vivid Izziyana, W. (2019). The anachronism of the Indonesian social security policy in health. *Medico-Legal Update*, 19(1), 229-233.
- Budiono, A. R. I. E. F., Yuspin, W., Nurani, S. S., Fairuzzaman, F., Pradnyawan, S. W. A., & Sari, S. D. (2023). The Anglo-Saxon system of common law and the development of the legal system in Indonesia. *WSEAS Transactions on Systems*, 22, 207-213.
- Budiono, A., Absori, A. H. N., Wahito, H. S., & Nugroho, H. S. W. (2018). Pseudo national security system of health in Indonesia. *Indian Journal of Public Health*, 9(10), 556.
- Budiono, A., Prasetyo, Y., Wardiono, K., Yuspin, W., Dimyati, K., & Iriani, D. (2022). Legal conscience and the pressure of the formal law system. *Wisdom*, 2(22), 223-233.
- Citrano, C. (2022). Hermeneutika belom bahadat sebagai wujud kesadaran hukum masyarakat adat Dayak di wilayah kedamangan kecamatan selat kabupaten kapuas [Hermeneutika blablamed as a conscience of the law of the violent society in the area of security the southern disasters of the kapuas capital]. *Jurnal Hukum Agama Hindu Widya Kerta*, 5(2), 117-137.
- Dimyati, K., & Wardiono, K. (2004). *Metode penelitian hukum* [Legal research methods], Surakarta, Indonesia: Universitas Muhammadiyah Surakarta.
- Djen, R. A., & Qodir, Z. (2023). Conflict of interest in the expansion of Sofifi City in North Maluku, Indonesia. *Journal of Contemporary Governance and Public Policy*, 4(1), 75-96.
- Dutta, A. (2020). Identity, state, and tradition: A theoretical perspective. *Humanities & Social Sciences Reviews*, 8(3), 392-399.
- Haq, H. S., Budiono, A., & Hangabei, S. M. (2021). Management of national judicial system control based on local laws: A case study at the mediation center in Lombok, Indonesia. *Lex Localis*, 19(3), 485-501.
- Hermawan, S., Rizal, M., Haryumeinanda, F., & Oktiviasti, Y. H. C. (2021). Constitutionality of indigenous law communities in the perspective of sociological jurisprudence theory. *Jurnal Jurisprudence*, 11(2), 282-296.
- Ilun, Y. N. (1990). *Ilustrasi dan perwujudan lambang batang garing dan dandang tingang sebuah konsepsi memanusiakan manusia dalam filsafat suku dayak ngaju, Kalimantan tengah* [The illustration and realization of the gared bath gateway and the ting wall a concept of humanizing humanity in the philosophy of the right, Middle Kalimantan tribe]. Retrieved from <https://philpapers.org/rec/ILUIDP>
- Kant, I. (2007). *Critique of judgement*. Cary, NC: Oxford University Press.
- Kuswardani, K., Kurnianingsih, M., & Prakoso, A. L. (2018). Spiritual values of customary law. *Jurnal Jurisprudence UMS*, 8(1), 18-27.
- Mahanani, A. E. E. (2019). Rekonstruksi budaya hukum berdimensi Pancasila dalam upaya penegakan hukum di Indonesia [Reconstruction of Pancasila-sized law culture in law enforcement efforts in Indonesia]. *Jurnal Yustika: Media Hukum dan Keadilan*, 22(1), 1-10.
- Maunati, Y. (2004). *Identitas Dayak: Komodifikasi dan politik kebudayaan* [Power identity: Codification and cultural policy]. Yogyakarta, Indonesia: LKiS.

- Natsir, M. (2006). *Budaya masyarakat suku Dayak Bakumpai: Suatu kajian interpretatif tentang sub Suku Dayak di Kalimantan Tengah* [Dayak Bakumpai society culture: An interpretative study on the sub-Dayak in the Middle Ages]. Jakarta, Indonesia: Departemen Kebudayaan dan Pariwisata.
- Nengsih, S. W. (2018). Representasi sikap sosial masyarakat Dayak bakumpai dalam fabel Dayak bakumpai [Representation of the social attitude of the low-powered society in the low-powered fable]. *Kibas Cenderawasih*, 15(1), 87-100.
- Nugroho, H., Handoyo, H., Prayitno, H., & Budiono, A. (2019). Sort elements based on priority, in order to improve the quality of e-learning in health using difficulty-usefulness pyramid with weighting (DUP-We). *International Journal of Emerging Technologies in Learning*, 14(18), 186-193.
- Pelu, I. E. A., & Tarantang, J. (2018). Interkoneksi nilai-nilai huma betang kalimantan tengah dengan pancasila [Interconnection values are middle diamond bets with pancasila]. *Jurnal Studi Agama dan Masyarakat*, 14(2), 119-126.
- Pruitt, D. G., & Rubin, J. Z. (2011). *Social conflict theory*. Yogyakarta, Indonesia: Pustaka Pelajar.
- Rahayu, D. P. (2014). *Budaya hukum pancasila* [Pancasila law culture]. Yogyakarta, Indonesia: Thafa Media.
- Rahma, A. (2021, January). Jatam nasional catat ada 45 konflik tambang sepanjang 2020 [The national record shows 45 mining conflicts throughout 2020]. Retrieved from <https://nasional.tempo.co/read/1426234/jatam-nasional-catat-ada-45-konflik-tambang-sepanjang-2020>
- Ridwan, R., Dimiyati, K., & Absori, A. (2015). Relasi hukum dan moral: Sebuah potret antar Mazhab dan konteks Ke-Indonesiaan [Legal and moral relations: A portrait of inter-Mazhab and the Indonesian context]. Retrieved from <https://publikasiilmiah.ums.ac.id/xmlui/handle/11617/9401>
- Ridwan, R., Dimiyati, K., & Azhari, A. F. (2017). Perkembangan dan eksistensi hukum adat: Dari sintesis, transplantasi, integrasi hingga konservasi [Development and existence adapt law: From synthesis, transplantation, integration to conservation]. *Jurnal Jurisprudence*, 6(2), 106-115.
- Riwut, N. (2003). *Maneser panatau tatu hiang (menyelami kekayaan leluhur)* [Sharp tattoo monitor (smuggling the wealth of the parents)]. Palangkaraya, Indonesia: Pustaka Lima.
- Rosyadi, I., & Rizka, R. (2022). Utilization of land pawning in customary law and its solutions under Islamic law. *Jurnal Jurisprudence*, 11(2), 234-252.
- Scheidel, A., Del Bene, D., Liu, J., Navas, G., Mingorria, S., Demaria, F., . . . Martinez-Alier, J. (2020). Environmental conflicts and defenders: A global overview. *Global Environmental Change*, 63, 102104.
- Simatupang, M., & Beka, M. (2022). Filosofi huma betang dan keberagaman masyarakat Dayak [Philosophies are the betterment and diversity of a vibrant society]. *Relinesia: Jurnal Kajian Agama dan Multikulturalisme Indonesia*, 1(1), 39-47.
- Surya, F. A. (2015). Tinjauan mediasi penal dalam perspektif hukum adat dan hukum islam [Investigating criminal mediation from a legal and Islamic perspective]. *Jurnal Jurisprudence*, 5(2), 118-126.
- Thea, A. (2020). Jatam: Ada 71 konflik pertambangan periode 2014-2019 [Description: There are 71 mining conflicts 2014-2019]. Retrieved from <https://www.hukumonline.com/berita/a/jatam--ada-71-konflik-pertambangan-periode-2014-2019-lt5e14311f6aa5a?page=1>

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- Triwahyuningsih, T., Zuliyah, S., Putri, U. T., Febriani, H., & Astutik, Z. A. (2023). Constitutional perspective of human rights values in local wisdom in the special region of Yogyakarta (study of constitutional court decision no. 88/PUU-XIV/2016). *Jurnal Jurisprudence*, 13(1), 147-171.
- Tyson, A. D. (2010). *Decentralization and adat revivalism in Indonesia: The politics of becoming indigenous*. Abingdon, UK: Routledge.
- Utami, N. S., Prasetyoningsih, N., Hidayat, A., Huda, N. M., Suteki, S., Saraswati, R., & Budiono, A. (2019). Equality of the political rights of people with mental disorders (PWMD) in general elections. *Indian Journal of Forensic Medicine and Toxicology*, 13(4), 1571-1575.
- Vanegas, E. (2021). Climate of conflict: Can climate change cause violent ethnic conflict? Emely Vanegas. *Undergraduate Journal of Political Science*, 5(1), 140-157.



## Appendix

### Appendix A: Research interview

#### *Huma Betang Based Mining land Conflict Resolution*

The research interview is to determine the Huma Betang Based Belom Bahadat Legal Culture for the development of Based Mining land Conflict Resolution in Central Kalimantan.

#### Respondent identity

Name : Suriansyah Murhaini  
 Age : 64 years old  
 Occupation : Head Bakumpai Dayak Community  
 Gender : Male

No	Statement interview
1	Question: What is the impact of Huma Betang on conflict resolution? Answer: <i>Huma Betang</i> is a traditional house of the Dayak people and philosophies highly for Dayak in Central Kalimantan.
2	Question: When does the based legal culture belom bahadat highlight to conflict resolution? Answer: The legal culture of <i>Belom Bahadat</i> in the philosophy of <i>Huma Betang</i> is considered appropriate for revitalizing and providing livelihood certainty to various societies in Indonesia.
3	Question: Are the surrounding communities affected by the mining land activities? Answer: Conflict resolution which was related to mining land areas and included customary land belonging to the Bakumpai Dayak community through local customary institutions was carried out in North Barito Regency for cases of customary land and forest claims made by various mining companies.
4	Question: What is the community's Dayak Bakumpai income from Mining land? Answer: Local communities were the ones who suffered the most because they not only faced a situation of scarcity in terms of natural resources or environmental damage but also the loss of their economic resources because they rely on the daily needs of their surrounding environment.

## Appendix B: Research interview

### *Huma Betang Based Mining land Conflict Resolution*

The research interview is to determine the Huma Betang Based Belom Bahadat Legal Culture for the development of Based Mining land Conflict Resolution in Central Kalimantan.

#### Respondent identity

Name : Fung Soma  
Age : 40 years old  
Occupation : Dayak People  
Gender : Male

No	Statement interview
1	Question: What is the impact of Huma Betang on conflict resolution? Answer: <i>Huma Betang</i> is a traditional house of the Dayak people.
2	Question: When does the based legal culture Belom Bahadat highlight to conflict resolution? Answer: The legal culture of <i>Belom Bahadat</i> in the philosophy of <i>Huma Betang</i> is considered appropriate for revitalizing and providing livelihood certainty to various societies in Indonesia.
3	Question: Are the surrounding communities affected by the mining land activities? Answer: Conflict resolution which was related to mining land areas and included customary land belonging to the Bakumpai Dayak community through local customary institutions was carried out in North Barito Regency for cases of customary land and forest claims made by various mining companies.
4	Question: What is the community's Dayak Bakumpai income from Mining land? Answer: In several mining cases that occurred in Indonesia, local communities were the ones who suffered the most because they not only faced a situation of scarcity in terms of natural resources or environmental damage but also the loss of their economic resources because they rely on their daily needs on their surrounding environment.

**Appendix C: Research interview***Huma Betang Based Mining land Conflict Resolution*

The research interview is to determine the Huma Betang Based Belom Bahadat Legal Culture for the development of Based Mining land Conflict Resolution in Central Kalimantan.

## Respondent identity

Name : Gustian  
 Age : 52 years old  
 Occupation : Dewan Adat Dayak  
 Gender : Male

No	Statement interview
1	Question: What is the impact of Huma Betang on conflict resolution? Answer: <i>Huma Betang</i> is a traditional house of the Dayak people and philosophies highly for Dayak in Central Kalimantan.
2	Question: When does the based legal culture Belom Bahadat highlight to conflict resolution? Answer: The legal culture of <i>Belom Bahadat</i> in the philosophy of <i>Huma Betang</i> is considered appropriate for revitalizing and providing livelihood certainty to various societies in Indonesia.
3	Question: Are the surrounding communities affected by the mining land activities? Answer: Conflict resolution which was related to mining land areas and included customary land belonging to the Bakumpai Dayak community through local customary institutions was carried out in North Barito Regency for cases of customary land and forest claims made by various mining companies.
4	Question: What is the community's Dayak Bakumpai income from Mining land? Answer: In several mining cases that occurred in Indonesia, local communities were the ones who suffered the most because they not only faced a situation of scarcity in terms of natural resources or environmental damage but also the loss of their economic resources because they rely on their daily needs on their surrounding environment.