

DAYAK CUSTOMARY PRACTICES FOR PREGNANT WOMEN OUT OF WEDLOCK IN SERUYAN REGENCY

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Abstract

Out-of-wedlock pregnancies in Seruyan Regency are stigmatised and punished according to customary law. This issue often leads to social exclusion, gossip, forced marriages, and the obligation to pay singers as a customary sanction for allegedly violating morals and traditional norms. The aim of this study is to investigate the imposition of singers on women with out-of-wedlock pregnancies and its impact on their social and psychological lives. This research was conducted through an empirical approach involving participatory observation, literature study, and semi-structured interview methods. The results indicate that customer singers are more social and informal, and women experience greater stigma. Among the effects that arise are the loss of the right to choose a partner, neglect within marriage, delay in education, and expulsion from the community. The community views this as a way to preserve family dignity and village reputation however, the implementation of sanctions tends to contradict

Keywords: *Customary Law, Singer, Out-of-Wedlock Pregnancy*

Introduction

The phenomenon of premarital pregnancy is a social and moral issue that often elicits strong reactions in rural communities like Pematang Panjang Village. Premarital pregnancy is considered a violation of norms and customs and can result in social sanctions such as ostracism, gossip, stigma, and other forms of harassment. Women who become pregnant outside of marriage are often viewed negatively by the local community, particularly in matters of morality related to family honor. Furthermore, sanctions can include refusal to live with the family or even forced marriage. This matterStudies show that promiscuity and a lack of knowledge about reproductive health are causes of premarital pregnancies. Teenagers are easily influenced by unhealthy friendships and unsupervised use of technology because they often lack adequate guidance from their parents and schools.

As a result, many teens marry prematurely, drop out of school, and experience social and psychological pressure due to perceived negative attitudes in society.¹This type of treatment persists from generation to generation, indicating that it has become part of the community's social norms or unwritten customary law. Unwritten customary law has the same power as formal rules because it is decided through deliberation and agreement with traditional leaders, religious figures, village government officials, and the perpetrator's family members. This is an effort by the community to fill the gap in positive law, as cases of premarital pregnancy are difficult to process under state law due to their status as complaint offenses. Therefore, customary law not only helps but also maintains morals, upholds a sense of shame, and prevents such incidents from recurring.² The community in Seruyan Regency, particularly in Pematang Panjang village, views premarital pregnancy as a violation of customary norms and a source of social stigma, especially for women. As a form of customary sanction, men who impregnate a woman are required to marry the woman and are subject to a penalty of "singer," a payment typically ranging from Rp 2,000,000.00 to Rp 3,000,000.00.³If no man is

¹Afrino Aryanto Wae, Danar Aswim, and H. Rodja Abdul Natsir, "The Social Phenomenon of Teenagers Pregnant Out of Wedlock Reviewed from the Aspect of Customary Law in Legu Woda Village, Magepanda District," Garuda: Journal of Civic Education and Philosophy, Vol. 1, No. 4 (December 2023): 212-234.<https://doi.org/10.59581/garuda.vi4.1816>.

²Habib Saputra, "Customary Sanctions against Pregnant Women Out of Wedlock from an Islamic Law Perspective in Rejang Lebong Regency," Student Scientific Journal (Curup: Curup State Islamic Institute, 2023), 44-52.

³ Purhan, Interview with the Pematang Panjang Village Traditional Leader, Tuesday, August 26, 2025, at 1:07

willing to take responsibility, women who become pregnant out of wedlock often face social rejection and are forced to leave their villages to escape pressure and negative perceptions. Failure to comply with customary sanctions is believed to bring misfortune or disaster to the village. This belief reinforces the role of customary law in everyday life, ensuring its existence and implementation from generation to generation.⁴ This situation also affects some young women, including students. Extended families often quickly marry off daughters who become pregnant out of wedlock to men deemed responsible for upholding the family's reputation and avoiding public gossip. Considered the best way to restore family honor and cover up a dishonor that has already become public knowledge, marriage is considered the best solution. However, forced marriages do not always bring happiness and future security to women. In emergency situations, the marriages that are terminated are short-lived and actually create new problems. The relationships formed are not based on the economic or emotional maturity of both parties, leading to neglect of wives and children, domestic conflict, and divorce. Women are more vulnerable in these situations because, in addition to facing the social stigma of being a young ex-wife or single mother, they also have to bear the psychological burden of a failed marriage. Consequently, divorce or abandonment further hinders the future of women already hindered by an out-of-wedlock pregnancy. Access is limited, social burdens increase, and education is difficult. These conditions demonstrate that, although customary law aims to maintain community dignity and family honor, its implementation does not protect women's interests fairly.⁵

Studies show that customary sanctions remain crucial for addressing moral violations such as adultery and premarital pregnancy in various regions of Indonesia. Elon Suparlan (2018) found that customary sanctions in North Seluma, such as village cleansing, fines, goat slaughter, and forced marriage, originate from the Simbur Cahayo Book. While these differ from Islamic law, they still serve to maintain social norms.⁶ Asra (2024) said that in Pondok Suguh, the customary punishment of washing the village and prohibiting marriage guardians aims to deter people and maintain order, even though economic factors and the perpetrator's awareness prevent this.⁷ Although sometimes the perpetrator's commitment to sanctions is weak, Agustinus Jayanto (2023) states that Dayak customary criminal law in East Kotawaringin focuses on social harmony rather than retaliation.⁸ Indrana et al. (2024) found that the Bajo tribe resolves premarital pregnancy through three stages of customary deliberation. This is done to maintain religious norms and social harmony.⁹ Meanwhile, Kustanti et al. (2024) showed that due to the important role of the mantir and customary council in maintaining social and cultural balance, Dayak customary law in Pasir Panjang is still successful in handling customary violations.¹⁰

Previous research has focused more on the overall types of customary sanctions and how they are resolved through deliberation or customary justice. The results indicate that customary sanctions in this region are more social and informal in nature, including ostracism, gossip, refusal to live with the family, and forced marriage, among others, typically imposed only on women. The absence of formal fines or customary ceremonies suggests that case resolution is driven more by social pressure than structured customary procedures. Women face different pressures, including losing their right to vote, experiencing neglect in marriage, and even being forced to leave their communities to avoid stigmatization. This suggests that, while customary sanctions aim to uphold honor and social norms, their application tends to be gender-biased and impacts women's lives in the long term, particularly in terms of education, future prospects, and mental health. Women, who should receive protection, are often put at risk. This suggests a disparity

PM WIB.

⁴ WL, Online Interview via WhatsApp at 4:07 PM WIB, June 26, 2025

⁵ TR, Interview with LS's Relative at 10:08 WIB, July 28, 2025. MM, Interview at 13:20, September 2, 2025.

⁶ Elon Suparlan, "Implementation of Customary Sanctions for Adultery Offenders in North Seluma District, Seluma Regency: An Islamic Law Perspective," *Qiyas* 3, no. 2 (October 2018): 166-179.

⁷ Asra, "Customary Sanctions Against Pregnant Women in Pondok Suguh District, Mukomuko Regency," *GESETZ: Indonesian Law Journal*, Vol. 1, no. 1 (January 2024): 61-67, <https://siducat.org/index.php/gesetz/>

⁸ Agustinus Jayanto, "The Existence of Central Kalimantan Dayak Customary Criminal Law in Resolving Premarital Pregnancy Cases in East Kotawaringin Regency," *Legal Dynamics* 14, no. 2 (July 2023): 25-34.

⁹ Satri Dian Indrana, Salimin Afamery, and Syahbuddin, "Resolving the Customary Marriage of Pregnant Women in the Bajo Tribe," *Mores: Journal of Education, Morals and Citizenship* 2, no. 1 (April 22, 2024): 18-23, <https://mores.uho.ac.id/index.php/journal/index>

¹⁰ Ema Prasetya Kustanti et al., "The Existence of Dayak Customary Law in Pasir Panjang Village, West Kotawaringin Regency, Central Kalimantan," *Maharsi: Journal of History and Sociology Education* 6, no. 2 (August 2024): 11-18, <https://doi.org/10.33503/maharsi.v6i2.4704>

between customary legal principles emphasizing justice and conformity to realities on the ground, which often results in injustice, particularly for young women.¹¹

1. Method

This type of research is empirical research using qualitative methods.¹² This study aims to describe the sanctions imposed in Pematang Panjang Village on women who become pregnant outside of marriage. In addition to direct field observations, primary data were collected through interviews with a traditional leader, two women aged 16 to 20 who experienced customary sanctions, and one family member. Secondary data were obtained from articles, books, journals, and documents on customary law and sanctions. To analyze the primary data, the results of observations and interviews were processed into main themes. To analyze the secondary data, various reading sources were compared. This study maintained ethical standards by obtaining permission from all informants, keeping their identities confidential, and storing the data securely.

2. Results and Discussion

3.1. Overview of Dayak Customary Law in Seruyan Regency

The term *adat* comes from Arabic and means "custom," a behavior that is repeatedly performed in a certain way and followed by a society for a long time. *Adat* in Indonesia is not only a daily habit but also contains normative values that regulate social life. *Adat* includes rules on behavior, morality, and conflict resolution. As a result, *adat* also has the same power as written law, and *adat* is often more adhered to by rural communities than formal state law. *Adat* is a social structure passed down from generation to generation to restore social balance; any action deemed deviant will be subject to sanctions. This shows that *adat* is not just a habit but also a tool of social control that regulates community life in an orderly manner. In other words, *adat* is used to maintain social order and preserve local cultural principles that are considered correct.¹³

The Dutch translation of *adatrecht*, first used by Snouck Hurgronje, led to Van Vollenhoven's use of the term "customary law" as a technical-juridical term. While Nederburgh, Juynboll, and Scheuer had used the term in literature, it was first used in legislation in 1920. Van Vollenhoven asserted that customary law differs from Western law because it is an indigenous law that grew and developed within Indonesian society. According to him, customary law is unwritten and dynamic, rooted in local social and cultural values. Even after independence, this perspective remains the basis for the study of Indonesian customary law. After Indonesia's independence, the term customary law continued to be used and was even incorporated into national legal policy. The 1960 Basic Agrarian Law (UUPA) recognized customary law, stating that Indonesian agrarian law is based on customary law as long as it does not conflict with the national interest. This demonstrates how ideas originally derived from colonialism have become a vital part of Indonesia's national legal identity.¹⁴

The Dutch East Indies government officially recognized customary law on an equal footing with European law through Article 131 paragraph (6) IS, which stated that "the law of the Indonesian people is positive law for the Indonesian people." This meant that Indonesians were required to follow customary law, while Europeans were required to follow European law. This demonstrated that during the colonial period, there was a pluralistic legal system, with society divided into groups based on population type: European, Foreign Oriental, and Indigenous, each with its own legal system. This recognition seemed to support customary law as Indonesia's positive law. However, in reality, this move was more aimed at simplifying colonial administration and strengthening the authority held by the indigenous population. Because customary law could be applied, the colonial government could reduce administrative costs by allowing it to operate. Furthermore, this recognition limited the freedom of indigenous people because they remained within the framework of colonial law. Although the recognition of customary law gave customary law the opportunity to survive and develop, it also led to legal fragmentation that hampered the formation of national legal

¹¹Hannani, "Questioning Pregnant Women Again Out of Wedlock in Bugis Community in the Modern Era: Perspective of Human Rights and Islamic Law," *Al-Maiyyah: Media for Gender Transformation in the Socio-Religious Paradigm* 14, no. 1 (June 2021): 73–88.

¹² Meray Hendrik Mezak, "Types, Methods and Approaches in Legal Research," *Law Review* 5, no. 3 (2006): 85–97.

¹³Ratna Yuli KS, "Character Education Based on Local Wisdom in Adolescent Reproductive Health Education," *Jurnal Pelita Pendidikan* 9, no. 4 (December 2021): 265–272.

¹⁴Bagas Mustopa, "Pregnancy Out of Wedlock from an Islamic Law Perspective," *Maddika: Journal of Islamic Family Law* 4, no. 1 (July 2023): 1–12, <https://ejournal.iainpalopo.ac.id/index.php/maddika/index>

unity. This could only be overcome after Indonesia's independence, when customary law was recognized as one of the main sources for the formation of national law, as shown by the UUPA of 1960.¹⁵ Today, the government and communities legally recognize the existence of customary law, which applies alongside state law. Originally derived from the community, it was temporarily replaced by Dutch colonial law. However, after independence, it was reinstated, particularly to resolve issues such as land and inheritance in areas still under its control.¹⁶ Customary law is a rule established by those in power, such as traditional leaders, judges, village councils, land guardians, religious officials, and village officials. It is created naturally and is fully adhered to because it is considered a guideline for living together. Customary law is essentially indigenous Indonesian law derived from unwritten customs that have developed and been maintained from generation to generation.

Although customary law is rooted in traditional values, beliefs, and a sense of justice, the specifics of customary law can change according to the community. Customary law also demonstrates the values of harmony and togetherness. Customary law is a legal system that still exists, is maintained, and is applied. Therefore, customary law plays a vital role in maintaining social order, resolving disputes, and safeguarding collective rights, such as customary rights of indigenous communities. Decisions made by customary leaders or customary institutions are not simply the result of legal considerations; they are deliberations that reflect the spirit of collectivism within the community.¹⁷ Pematang Panjang Village's customary law not only regulates social relations and land disputes, but also prohibits women from becoming pregnant outside of marriage. Such cases are considered a violation of traditional rules and tarnish the village's reputation. If no one is held accountable, the punishment is usually an obligation to marry the man who impregnated the woman or refusal to live in the village.¹⁸ The Dayak customary law of singer imposes a penalty on the man, requiring him to pay a customary fee of around Rp 2,000,000–Rp 3,000,000 to the woman's family. However, this penalty is often considered unfair because it only addresses the material aspects, while the woman still suffers shame, emotional loss, and can even experience ostracism from society.

The existence of customary law is defined as the existence and recognition of customary law as a legitimate source of law in Indonesia, which is still used by the community to regulate daily life and resolve disputes despite the existence of state law. The existence of customary law serves as the primary guideline for the community to maintain ethics, politeness, order, morals, and customary values in social life. Furthermore, it serves as a way to ensure that an action is okay, right/wrong, and appropriate/inappropriate. Customary law is not only normative but also reflects local identity and wisdom. These decisions are made by customary leaders, village meetings, or other customary institutions, which are considered to have the moral authority to make binding decisions. These decisions are usually made through deliberation, taking into account shared values. Therefore, customary law also serves as an important tool for maintaining social balance, resolving conflicts, and strengthening a sense of justice in Indonesia's diverse society.¹⁹ To this day, the customary law of Pematang Panjang Village remains in effect.

Although unwritten, the community voluntarily recognizes and adheres to it, giving it the same binding force as written law. This is because customary law is considered a legacy of ancestors that regulates relationships and ethics, upholds family honor, and maintains social order.²⁰ The people of Pematang Panjang Village believe that customs are part of their identity and must be preserved. They also believe that damaging the village's dignity is tantamount to violating customs. Therefore, despite various social changes brought about by modern times, customary rules passed down through generations remain. In some cases, customary resolution is even considered preferable to formal legal channels, as it is believed to safeguard family reputations and prevent protracted conflicts.²¹ Article 18B paragraph (2) of the 1945 Constitution states that the state recognizes and respects indigenous peoples and their traditional rights throughout history. This also constitutes official recognition of the existence of customary law in this village. With this provision, indigenous peoples have the right to maintain their customs as long as they do not conflict with the laws

¹⁵W. Agung Nugroho, Burhannudin, and I Wayan Suandra, *Legal and Judicial Systems in Indonesia (Theory and Practice)*, (Yogyakarta: Deepublish, 2021).

¹⁶Ismail Koto, "The Existence of Customary Law in Indonesia," Faculty of Law, Muhammadiyah University of North Sumatra, E-ISSN: 2828-3910, 360-364.

¹⁷Fatahuddin Aziz Siregar, "Characteristics of Customary Law and its Characteristics," *Al-Maqasid Journal* 4, no. 2 (July-December 2018): 1-14.

¹⁸Eva Sunarti, "Customary Sanctions Against Pregnant Women Out of Wedlock: An Islamic Law Perspective in Pal VIII Village, Bermani Ulu Raya District" (Thesis, State Islamic Institute (IAIN) Curup, 2025), 1.

¹⁹I Wayan Sukabawa, *Implementation of Organizational Culture* (Denpasar: Post Modern Press, 2023), 4.

²⁰Muhammad Fadli, "STATE RECOGNITION AND PROTECTION OF CUSTOMARY LAW IN ENCOURAGING LEGAL COMPLIANCE BASED ON LOCAL CULTURAL VALUES IN INDONESIA," *National Law Magazine* 54, no. 2 (December 28, 2024): 283-314, <https://doi.org/10.33331/mhn.v54i2.896>.

²¹Asolamudin et al., "EXTRA-MARRIAGE PREGNANCY IN THE PERCEPTION OF SOCIETY (Islamic Legal Sociology Perspective) PUBLISHER CV. EUREKA MEDIA AKSARA," nd

of the Unitary State of the Republic of Indonesia. According to the constitutional basis contained in Article 18B paragraph (2) of the 1945 Constitution, indigenous peoples have the right to maintain and apply their customs as a guideline for social life, especially in terms of maintaining moral and ethical values and regulating order. In this case, customary law functions as an eternal law that originates from the customs of society that are maintained and obeyed with full awareness. Therefore, customary law has strong historical, cultural, and juridical value. Customary law plays an important role in maintaining social harmony, preserving cultural identity, and complementing the positive legal system in Indonesia, because the state provides space for its application as long as it does not conflict with the law.²² Pematang Panjang Village's customary law addresses not only land issues or social relations, but also moral issues such as violations of moral norms, such as pregnancy outside of marriage. These cases are usually resolved conventionally, as this is considered more respectful of family honor. To achieve peace and prevent conflict, customary leaders, religious leaders, and extended families from both sides participate in customary mechanisms. Therefore, customary law in Pematang Panjang Village is a fact of life that influences the social behavior of its residents, as well as representing cultural heritage. Its existence demonstrates that customary law can collaborate with state law and complement each other in regulating community life. It also demonstrates that law can remain relevant even when modernized.²³

3.2. Dayak Customary Practices Regarding Pregnant Women Out of Wedlock

The General Explanation of the 1945 Constitution, Part I, first acknowledges the existence of unwritten basic rules in the practice of state administration. Article 18B paragraph (2) of the 1945 Constitution recognizes and respects customary law and the traditional rights of the community, in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. This recognition demonstrates that customary law has a strong constitutional basis. Customary law is considered a cultural tradition and social standard and is part of the country's legitimate legal system. Although the 1945 Constitution prioritizes laws written as statutes, customary law remains acceptable as long as it is in accordance with strong social values. Therefore, customary law functions as an eternal law that complements positive law, maintains order, and demonstrates the legal awareness of the Indonesian people.²⁴ Politeness remains a fundamental principle in the lives of the people of Pematang Panjang Village, East Seruyan Hilir District. It regulates social relations and maintains the dignity of families and villages, including prohibiting women from becoming pregnant outside of marriage, both according to customary law and religion. Some believe that violating this law would tarnish the family's reputation and damage the village's reputation. Because they are recognized and voluntarily obeyed by the community, these customary rules are unwritten and have been passed down through generations. For local residents, customary law is an integral part of their identity that must be upheld, ensuring that any violations are firmly resolved through customary mechanisms.²⁵

Premarital pregnancies are usually resolved through customary mechanisms involving traditional leaders, religious figures, and the extended families of both parties. To achieve peace, the resolution process is carried out through deliberation, focusing on restoring social order and family honor. Customary sanctions can include an obligation to marry as soon as possible or a customary fine. Because they maintain harmony and prevent ongoing conflict, these mechanisms are considered more in line with the community's sense of justice. The customary law of Pematang Panjang Village serves as a moral and social tool to maintain the community's identity as a whole. For local residents, customary law is an integral part of their identity that must be upheld, so any violations are dealt with firmly to uphold values of decency, honor, and the continuity of the village's social structure. Dayak customary law in Seruyan Regency prohibits women from becoming pregnant before marriage because it endangers the family's honor and the community's reputation and is considered a violation of customary norms. Women who become pregnant before marriage are considered to violate norms of decency, etiquette, and community dignity. This violation not only harms the woman personally but also impacts her family, who share the shame before the community. In practice, customary sanctions are usually imposed on the man through the payment of a singer or the obligation to marry the impregnated

²² Amrita Ajeng Safitri et al., "The Existence of Customary Law in the Indonesian Legal System," *Rechtenstudent Journal*, vol. 3, nd, <https://www.academia.edu/9468017/>

²³ Achmad Asfi Burhanudin, "The Existence of Customary Law in the Era of Modernization," nd, <https://ejournal.iaifa.ac.id/index.php/salimiya>

²⁴ Mahdi Syahbandir, "The Position of Customary Law in the Legal System," *Kanun: Journal of Legal Studies*, no. 50 (April 2010): 1-13.

²⁵ Febrian Chandra et al., "Customary Rituals as Unwritten Legal Instruments of Jambi Society from the Perspective of Legal Philosophy," *Legalitas: Jurnal Hukum* 16, no. 2 (December 31, 2024): 122, <https://doi.org/10.33087/legalitas.v16i2.699>.

woman. However, such sanctions are often considered inadequate, as they only address the material aspects, while the psychological burden, shame, and risk of social exclusion must still be borne by the woman. The customary mantir in Pematang Panjang Village stated that "However, there are those who violate customs, such as the case of the fish in the singer earlier, the singer the man earlier paid money up to Rp. 2,000,000-3,000,000, it was intended to be handed over to the father of the wife earlier, how much was to be paid and also according to the agreement of the mantir, if the man's party was not able, after that they were married but wanted to follow the customs to the mantir, but not old enough, earlier Yan Wani married Guru Raldi, but not old enough to go to the KUA am not him"²⁶This statement demonstrates that customary law still faces a dilemma between upholding traditional values and meeting broader demands for justice. Although these rules are important to society because they function as social controls, women are often in a more vulnerable position. This situation raises important questions about how effective customary law is in maintaining social balance and protecting women's rights. Therefore, although Dayak customary law remains relevant as part of cultural identity and a moral instrument, it must be critically understood to truly provide a sense of justice to all parties involved, beyond simply resolving problems.

The customary mantir's explanation indicates that singer is a punishment given to a man who causes a woman to become pregnant out of wedlock. This typically involves a payment of approximately Rp 2,000,000 to Rp 3,000,000, which is then handed over to the woman's family as a form of accountability. However, the amount of singer is not always precise, as it is also based on the consent of the family, the customary mantir, and the man's ability. Afterward, the perpetrator is married, if desired, according to customary law. The marriage is conducted through religious channels, with the participation of a religious figure if the woman is underage, or at the Office of Religious Affairs (KUA) if it meets state legal requirements. Therefore, singer is not only considered material compensation but also serves as a tradition to enhance the dignity of the woman's family and maintain social balance in the Pematang Panjang Village community. Furthermore, the customary singer demonstrates that custom has a strong symbolic function beyond emphasizing punishment or fines. Customary fines serve to restore the dignity of women who have been humiliated by an out-of-wedlock pregnancy. Conversely, paying the fine is a way for men to acknowledge their mistakes and take responsibility for them. Through local mechanisms like this, communities strive to uphold a sense of justice consistent with local values, something state law cannot always achieve. Local communities view singers as more than just resolving civil or moral issues. They also help maintain harmony, prevent protracted family disputes, and maintain social relations within the village. This tradition also demonstrates the adaptability of customary law: customary law does not reject state law, but rather coexists with formal rules, creating a balance between customary norms, religious norms, and state legal norms.²⁷

The application of customary law to cases of unwed pregnancy involves the woman's family reporting the matter to the customary mantir, and that is where customary law comes into play. This report is followed by a customary deliberation involving the extended families of both parties. The primary purpose of this meeting is to determine who is responsible and to seek their acknowledgement. Because there is no clarity regarding who impregnated the woman, this acknowledgement is crucial. The process continues with determining the form of accountability if the person in question is willing to admit their actions. In most cases, responsibility takes two forms: the obligation to marry the pregnant woman and to pay a penalty known as a singer. While paying the singer is considered a form of compensation for the violation of customary norms and an attempt to restore the dignity of the woman's family, marriage is considered essential to maintain family honor and conceal dishonor in the eyes of the community. The family determines the amount of the singer based on family approval, the consideration of the customary mantir, and the man's ability. However, a woman's position becomes extremely vulnerable if there is no man to take responsibility. In such cases, a woman who becomes pregnant out of wedlock is often considered to be violating community norms, which threatens social ostracism. In cases like this, women who cannot find or obtain a responsible man will find it difficult to be accepted into the village because they are considered dishonorable and disrupt the social balance. This demonstrates how customary law maintains the dignity and order of society, but can impose a heavy social burden on women. Therefore, the application of customary law in cases of out-of-wedlock pregnancy not only demonstrates how disputes are resolved but also demonstrates how customary rules maintain the dignity, honor, and decency of the family. The obligation to marry, deliberation, and sanctions demonstrate that customary law aims to restore social balance and create harmony in the community. However, this practice poses other problems as well. This is especially true for women who lack adequate protection when the responsible man refuses to acknowledge his actions.²⁸

²⁶Purhan, Interview with the Pematang Panjang Village Traditional Leader, Tuesday, August 26, 2025, at 1:07 PM WIB.

²⁷Purhan, Interview with the Pematang Panjang Village Traditional Leader, Tuesday, August 26, 2025, at 1:07 PM WIB.

²⁸WL, Online Interview via WhatsApp at 4:07 PM WIB, June 26, 2025

Dayak Customary Practices for Pregnant Women Out of Wedlock in Seruyan Regency

Nor Hikmat¹ ¹Customary deliberation is considered a crucial step in preventing slander, preventing family conflict, and maintaining the village's reputation in the eyes of the community. Resolving issues that could previously have led to conflict can be directed toward peace. In addition to serving as a forum for finding solutions, these deliberations also serve as a venue for reaffirming the values of honor, togetherness, and kinship revered by indigenous communities. If the parties reach an agreement to marry each other during the deliberation, the discussion typically continues with technical aspects of the marriage process. This includes determining the dowry, dividing the costs between the groom and his family, and determining the timing and procedures for the wedding ceremony. This type of marriage is practiced by the Dayak indigenous community in Seruyan Regency in accordance with state law, Islamic law, and local customs. Religious and traditional leaders play a crucial role in ensuring the validity of the marriage. Therefore, resolving the marriage through customary marriage is seen not only as a formal bond between a man and a woman, but also as a way to restore the honor of the woman's family and maintain social balance in the village. While determining marriage procedures reflects a harmonious blend of customary and religious values, agreements regarding the dowry and wedding expenses are seen as both respect and responsibility for the woman. Ultimately, these customary decisions protect tradition and strengthen social integration, allowing violations to be remedied in a peaceful and mutually acceptable manner.²⁹

3. Conclusion

The results of the study indicate that customary sanctions in Pematang Panjang Village for women who become pregnant outside of marriage are unwritten but socially binding: ostracism from the community, gossip, forced marriage, and the obligation to pay a singer between 2,000,000 and 3,000,000 rupiah, as well as ostracism from the community so that the woman is forced to leave the village, if no man is responsible. Family and customary deliberations involving traditional leaders and families from both sides are used to determine these sanctions. Key findings indicate gender inequality in the application of sanctions: women experience more severe stigma and consequences than men, such as loss of the right to choose a partner, hindered education, neglect in marriage, psychological distress, and social ostracism. Although these customary sanctions aim to maintain family honor and the village's reputation, their practice tends to be discriminatory and contrary to the principles of gender justice and human rights. Consequently, a comprehensive evaluation is needed to make the application of customary law more equitable and appropriate to the times.

The author raises this issue because premarital pregnancy in the Dayak indigenous community, particularly in Pematang Panjang Village, is a problem that goes beyond simply violating moral norms and also relates to justice and the future of women. Traditional sanctions have traditionally been used to maintain family dignity and village honor, but in practice, they often place women in an unfair position. Women often face social and psychological challenges, and even their futures are threatened by long-standing customary rules. This study specifically examines the aspect of gender inequality in the use of traditional singers. This issue is important to discuss. Most studies of customary law focus solely on the normative aspects or the role of custom in maintaining social balance. However, there are real-life stories of women facing stigma, exclusion, forced marriage, and loss of educational opportunities. Therefore, this study not only records customs but also significantly strives to remind us that customs should develop in accordance with the principles of justice and humanity. By raising this issue, the author hopes to stimulate broader dialogue between traditional leaders, the government, academics, and the community to find more equitable alternative solutions. Furthermore, this research suggests that maintaining the dignity of families and villages should not always be done in a way that harms one party; instead, it can be done in a more humane, balanced, and modern manner.

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