

SURAT PANGGUL: PRENUPTIAL AGREEMENT IN THE DAYAK

NGAJU TRIBE PERSPECTIVE OF MARRIAGE

LAW NUMBER 1 OF 1974

**(Study of the Dayak Ngaju Community in Palangka Raya City, Central
Kalimantan)**

THESIS

BY:

JAMILATUN NISSA

SIN 200201110132



ISLAMIC FAMILY LAW DEPARTMENT

SYARI'AH FACULTY

STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM

MALANG

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STATEMENT OF THE AUNTENTICITY

In the name of Allah,

With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

***SURAT PANGGUL: PRENUPTIAL AGREEMENT IN THE DAYAK
NGAJU TRIBE PERSPECTIVE OF MARRIAGE LAW NUMBER 1 OF
1974 (Study of the Dayak Ngaju Community in Palangka Raya City, Central
Kalimantan)***

Is truly write's original work which can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it as precondition of degree wil be stated legally invalid

Malang, 14 November 2023

Writer,



Jamilatun Nissa
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**SURAT PANGGUL: PRENUPTIAL AGREEMENT IN THE DAYAK
NGAJU TRIBE PERSPECTIVE OF MARRIAGE LAW NUMBER 1 OF
1974 (Study of The Dayak Ngaju Community In Palangka Raya City, Central
Kalimantan)**

The supervisor stated that this thesis has met the scientific requirements to be
proposed and to be examined on the Assembly Board of Examiners.

Acknowledged by,
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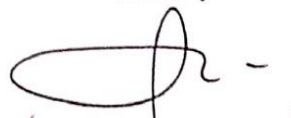
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MOTTO

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا

*“...Dan penuhilah janji, karena janji itu pasti diminta
pertanggungjawabannya.”*

“...And fulfill your promises, for they will be held accountable.”

(Q.S. Al-Isra:34)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillah, for all the grace and assistance that has been given in writing this thesis entitled: "Surat Panggul: Prenuptial Agreement in the Dayak Ngaju Tribe Perspective of Marriage Law Number 1 of 1974 (Study of the Dayak Ngaju Community in Palangka Raya City, Central Kalimantan)" so that it can be completed well. We offer our prayers and greetings to the Prophet Muhammad SAW who has given us uswatun hasanah to us in living life in a syar'i manner by following him. May we be among those who believe and receive his intercession on the final day of judgment. Aamiin.

1. Prof. Dr. M. Zainuddin, M.A, as Chancellor of the Maulana Malik Ibrahim State Islamic University of Malang.
2. Prof. Dr. Sudirman, M.A, as Dean of the Sharia Faculty of Maulana Malik Ibrahim Islamic University.
3. Erik Sabti Rahmawati, M.A., M.Ag, as Head of the Islamic Family Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University and as thesis supervisor who has spent a lot of time providing guidance, direction and motivation in completing this thesis . May all his goodness be worthy of worship and become good deeds.
4. Miftah Sholehuddin, M.HI, as the Author's Guardian Lecturer while studying at the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University. The author would like to thank him for providing guidance, advice and motivation during his studies.

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7. Brothers and sisters, the author would like to thank you for all the support that has been given from the start.
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9. Last but not least, I want to thank me, I want to thank me for believing in me, I want to thank me for doing all this hard work, I want to thank me for having no days off, I want to thank me for never quitting, I want to thank me for always being a giver and trying to give more than I receive. I want to thank me for trying to do more right than wrong, I want to thank me for just being me all the time.

With the completion of this thesis report, the author hopes that the knowledge that has been given during lectures can provide charity in life both in this world and in the afterlife. As a human being who never escapes mistakes, the author really hopes for forgiveness as well as criticism and suggestions from all parties for efforts to improve in the future.

Malang, 10 November 2023
Writer,

Jamilatun Nissa
NIM. 200201110132

TRANSLITERATION GUIDENCE

In writing scientific papers, the use of foreign terms is often unavoidable. In general, according to the General Guidelines for Indonesian Spelling, foreign words are written (printed) in italics. In the context of Arabic, there are special transliteration guidelines that apply internationally. Below is a table of transliteration guidelines as a reference for writing scientific papers.

A. Consonants

A list of Arabic letters and their transliteration into Latin letters can be seen on the following page:

Arab	Indonesia	Arab	Indonesia
أ	,	ظ	ḏ
ب	b	ط	ṭ
ت	t	ز	z
ث	th	ح	,
ج	J	جھ	gh
ح	ḥ	ف	f
خ	kh	ق	q
د	d	ك	k
ذ	dh	ل	l
ر	r	م	m
ز	z	ن	n
س	s	و	w
ش	sh	ه	h
ص	ṣ	ع	,

		ي	y
--	--	---	---

Hamzah (ء (which is located at the beginning of the word follows the vowel without any marking. If it is in the middle or at the end, it is written with a sign (‘).

B. Vocal

Arabic vowels, like Indonesian vowels, consist of a single vowel or monophonic and multi vowels or dhiptongs. The Arabic single vowel whose symbol is a sign or vowel, the transliteration is as follows:

Arabic Letters	Name	Latin Letters	Name
أ	Fathah	A	A
إ	Kasrah	I	I
أ	Dammah	U	U

Arabic double vowel whose symbol is a combination of vowels and letters, the transliteration is a combination of letters, namely:

Arabic Letters	Name	Latin Letters	Name
أ ي	Fathah dan ya	A	A
أ و	Fathah dan wa	I	I

Example:

كيف: kaifa

بول : baula

C. Maddah

Maddah or long vowels whose symbols are vowels and letters, transliteration in the form of letters and signs, namely:

Harakat and letters	Name	Letters and Signs	Name
أَ اِي	Fatḥah dan alif atau ya	ā	A dan garis di atas
يِ	Kasrah dan ya	ī	I dan garis di atas
وِ	Ḍammah dan wau	ū	U dan garis di atas

Example:

مات : *māta*

قيل : *qīla*

D. Ta' Marbutah

There are two transliterations for *ta' marbutah*, namely *ta' marbutah* who live or get the letters *fathah*, *kasrah*, and *ḍammah*, the transliteration is [t]. While *ta' marbutah* who dies or get a sukun *harakat*, the transliteration is [h].

If the word ending with *ta' marbutah* is followed by a word that uses the article *al-* and the reading of the word is separate, then *ta' marbutah* is transliterated with [h].

رؤية الهلال : *ru'yah al-hilal* atau *ru'yatulhilal*.

E. Syaddah (Tasydid)

Syaddah or *tasydid* which in the Arabic writing system is denoted by a *tasydid* sign (ّ), in this transliteration it is symbolized by a repetition letters (double consonants) marked with a *syaddah*. Example:

حَدّ: *haddun*

سَدّ: *saddun*

F. Sandang Word

Sandang word in the Arabic writing system are denoted by letters (*alif lam ma'arifah*). In this transliteration guide, the article is transliterated as usual, al-, both when is followed by letter *syamsiah* and the letter *qamariah*. The article does not follow the sound of the direct letter that follows it. The article is written separately from the word that follows it and is connected by a horizontal line (-). Example: *al-syamsu* (not *asy-syamsu*), *al-zalزالah* (not *az-zalزالah*)

G. Hamzah

The rule for transliterating the letter *hamzah* into an apostrophe (‘) only applies to *hamzah* which is located in the middle and end of the word. However, if *hamzah* is at the beginning of a word, it is not symbolized, because in Arabic it is an *alif*.

Example:

تأمرون : *ta' murūna*

شيء : *syaiun*

أمرت : *umirtu*

H. Writing Arabic words commonly used in Indonesian

Transliterated Arabic words, terms or sentences are words, terms or sentences that have not been standardized in Indonesian. Words, terms or sentences that are commonplace and become part of the Indonesian vocabulary, or have often been written in Indonesian writing, are no longer written according to the transliteration method above. For example the word Al-Qur'an (from the Qur'an), *Sunnah*, *khusus* and *umum*. However, if these words are part of a series of Arabic texts, then they must be transliterated in their entirety. Example: *Fī zilāl al-Qur'an* , *Al-Sunnah qabl al-tadwīn* , *Al-'Ibārat bi 'umūm al-lafẓ bi khuṣūṣ al-sabab*

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ABSTRAK

Jamilatun Nissa, 200201110132, 2023. ***Surat Panggul: Perjanjian Pranikah Pada Suku Dayak Ngaju Perspektif Undang-undang No. 1 Tahun 1974 (Studi Pada Masyarakat Dayak Ngaju Di Kota Palangka Raya, Kalimantan Tengah)***. Skripsi, Program Studi Hukum Keluarga Islam, Fakultas Syari'ah, Universitas Islam Negeri Maulana Malik Ibrahim Malang.

Dosen Pembimbing: Erik Sabti Rahmawati, M.A, M.Ag

Kata kunci: Surat Panggul, Pranikah, *Dayak Ngaju*

Sebelum adanya perkawinan, masyarakat Dayak Ngaju Kota Palangka Raya, Provinsi Kalimantan Tengah, melakukan beberapa prosesi yang diyakini memiliki nilai-nilai sosial. Selain itu, istilah perjanjian pranikah tidak hanya ditemui pada Undang-undang No. 1 Tahun 1974 Tentang Perkawinan. Akan tetapi istilah perjanjian pranikah juga tumbuh dalam masyarakat beradat seperti, pada suku Dayak Ngaju di Kota Palangka Raya, Provinsi Kalimantan Tengah. Perjanjian pranikah ini sering disebut pula sebagai Surat Panggul. Maka dari penelitian ini bertujuan untuk mengkaji prosesi adat masyarakat Dayak Ngaju sebelum perkawinan serta mengetahui proses pembuatan dan isi Surat Panggul atau perjanjian pranikah dengan rumusan masalah: 1) bagaimana prosesi adat masyarakat Dayak Ngaju sebelum perkawinan; 2) bagaimana Surat Panggul atau perjanjian pranikah yang berlaku disuku Dayak Ngaju perspektif Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan.

Penulisan penelitian ini menggunakan jenis penelitian yuridis-empiris dengan pendekatan deskriptif- kualitatif. Untuk data yang digunakan guna melengkapi penelitian ini ialah data primer dan data sekunder. Selanjutnya untuk metode pengumpulan data yang digunakan ialah wawancara dan pengkajian dokumen. Setelah data-data penelitian diperoleh, data tersebut akan melalui proses edit, klasifikasi dan verifikasi. Hasil data tersebut selanjutnya akan dianalisis menggunakan perjanjian pranikah yang ada pada Undang-undang No. 1 Tahun 1974 tentang Perkawinan dan terakhir akan diberikan kesimpulan.

Hasil penelitian dari penulisan ini terdapat prosesi hakumbang auh (penyampaian niat pihak laki-laki ke pihak perempuan, mamanggul (peminangan secara resmi), maja misek (pertemuan dua keluarga), mananggar janji (pertemuan kedua belah pihak secara khusus). Yang dilihat dari sudut pandang adat, praktik prosesi masyarakat Dayak Ngaju sebelum perkawinan memiliki manfaat dan tidak bertentangan dengan Al-Qur'an dan Hadist. sehingga dapat diklasifikasikan sebagai adat yang memberikan dampak baik. Selain itu, surat panggul yang ada pada masyarakat suku Dayak Ngaju, jika dilihat dari sudut pandang ketentuan perjanjian pranikah yang ada di Indonesia, surat Panggul ini tidak bertentangan dengan ketentuan yang ada.

ABSTRAK

Jamilatun Nissa, 200201110132, 2023. ***Surat Panggul: Prenuptial Agreement In The Dayak Ngaju Tribe Perspective Marriage Law Number 1 Of 1974 (Study of the Dayak Ngaju Community in Palangka Raya City, Central Kalimantan)*** Thesis, Islamic Family Law Study Program, Faculty of Sharia, State Islamic University Maulana Malik Ibrahim Malang

Dosen Pembimbing: Erik Sabti Rahmawati, M.A, M.Ag

Key Words: Surat Panggul, Pre-marriage, *Dayak Ngaju*

Before the wedding, the Dayak Ngaju people of Palangka Raya City, Central Kalimantan Province, carry out several processions which are believed to have social values. Apart from that, the term prenuptial agreement is not only found in Marriage Law Number 1 Of 1974. However, the term prenuptial agreement also grows in traditional societies such as the Dayak Ngaju tribe in Palangka Raya City, Central Kalimantan Province. This prenuptial agreement is often referred to as a Surat Panggul. Therefore, this research aims to examine the traditional procession of the Dayak Ngaju community before marriage and to find out the process of making and the contents of a Surat Panggul or prenuptial agreement with the following problem formulation: 1) what is the traditional procession of the Dayak Ngaju community pre-marriage; 2) what is the Surat Panggul or prenuptial agreement that applies to the Dayak Ngaju tribe perspective of Marriage Law Number 1 Of 1974.

This research was written using a juridical-empirical type of research with a descriptive-qualitative approach. The data used to complete this research is primary data and secondary data. Furthermore, the data collection methods used were interviews and document review. After the research data is obtained, the data will go through an editing, classification and verification process. The data results will then be analyzed using the prenuptial agreement contained in Marriage Law Number 1 Of 1974 and finally a conclusion will be given.

The results of the research from this writing are the hakumbang auh procession (conveying the intention of the man to the woman, mamanggul (formal proposal of marriage), maja misek (meeting of two families), mananggar promises (special meeting of both parties). Seen from this perspective From a traditional perspective, the Dayak Ngaju community's practice of procession before marriage has benefits and does not conflict with the Al-Qur'an and Hadith, so it can be classified as a custom that has a good impact. Apart from that, the Surat Panggul that exist in the Dayak Ngaju tribe community, if seen from From the perspective of the provisions of prenuptial agreements in Indonesia, this Surat Panggul does not conflict with existing provisions.

خلاصة

جميلة نيبسا، 200201110132، 2023. رسالة بيلانجكا: اتفاقية ما قبل الزواج في قبيلة نجاجو دايك
قانون رقم 1 لسنة 1974 في شأن الزواج (دراسة لمجتمع نجاجو دايك في مدينة بالانجكا رايا،
كاليمانتان الوسطى). أطروحة، برنامج دراسة قانون الأسرة الإسلامي، كلية الشريعة، جامعة مولانا مالك
إبراهيم الإسلامية الحكومية مالانج.
M.A ، M.Ag المشرف: إريك سبتي رحماواتي،

الكلمات المفتاحية: الرسالة الحوضية، ما قبل الزفاف، دايك نجاجو

قبل الزفاف، يقوم شعب دايك نجاجو في مدينة بالانجكا رايا بمقاطعة كاليمانتان
الوسطى بتنفيذ العديد من المواكب التي يعتقد أن لها قيمة اجتماعية. وبصرف النظر عن
ذلك، فإن مصطلح اتفاق ما قبل الزواج لا يوجد فقط في القانون رقم. قانون رقم 1 لسنة
1974 في شأن الزواج ومع ذلك، فإن مصطلح اتفاق ما قبل الزواج ينمو أيضاً في
المجتمعات التقليدية مثل قبيلة دايك نجاجو في مدينة بالانجكا رايا، مقاطعة كاليمانتان
الوسطى. غالباً ما يُشار إلى اتفاقية ما قبل الزواج هذه باسم "رسالة الهيب". ولذلك،
يهدف هذا البحث إلى دراسة الموكب التقليدي لمجتمع الدايك نجاجو قبل الزواج ومعرفة
عملية صنع ومحتويات رسالة الحوض أو اتفاق ما قبل الزواج مع صياغة المشكلة: (1) ما
هو الموكب التقليدي للدايك مجتمع نجاجو قبل الزفاف؛ (2) ما هو خطاب الحوض أو اتفاق
ما قبل الزواج الذي ينطبق على قبيلة دايك نجاجو من منظور القانون رقم. قانون رقم 1
لسنة 1974 في شأن الزواج

تمت كتابة هذا البحث باستخدام نوع من البحث القانوني التجريبي مع المنهج الوصفي
الكيفي. البيانات المستخدمة لإكمال هذا البحث هي البيانات الأولية والبيانات الثانوية.
علاوة على ذلك، كانت طرق جمع البيانات المستخدمة هي المقابلات ومراجعة الوثائق. بعد
الحصول على بيانات البحث، ستخضع البيانات لعملية التحرير والتصنيف والتحقق. سيتم
بعد ذلك تحليل نتائج البيانات باستخدام اتفاقية ما قبل الزواج الواردة في القانون رقم.
القانون رقم 16 لسنة 2019 في شأن الزواج، وفي النهاية سيتم الخلاصة.

نتائج البحث من هذه الكتابة هي موكب (hakumbang auh) نقل نية الرجل إلى
المرأة، (mamanggul) عرض رسمي للزواج (،) (maja Misek) اجتماع عائلتين،
و(عود) (mananggar) اجتماع خاص لكلا الطرفين) ومن هذا المنظور فمن الناحية
التقليدية، فإن ممارسة مجتمع نجاجو دايك للموكب قبل الزواج لها فوائد ولا تتعارض مع
القرآن والحديث، لذلك يمكن تصنيفها على أنها عادة لها أثر جيد. ومن ذلك فإن الحروف
الحوضية الموجودة في مجتمع قبيلة نجاجو دايك، إذا نظرنا إليها من منظور أحكام
اتفاقيات ما قبل الزواج في إندونيسيا، فإن هذه الرسالة الحوضية لا تتعارض مع الأحكام
الموجودة، وذلك لأن محتويات الرسالة الحوضية لا ألاتنتهك حدود القانون أو الدين أو
المخالفة

BAB I

INTRODUCTION

A. Research Background

In general, all prospective married couples before carrying out marriage are allowed to make a prenuptial agreement. This freedom is based on Article 1338 of the Civil Code (KUHPerdara).¹ However, when making a prenuptial agreement, there are several things that must be taken into account, namely that a prenuptial agreement must not violate or conflict with morals, public order, and must not conflict with the basics of marriage law.²

Basically, people's habits in Indonesia, when making prenuptial agreements, are usually based on several considerations. This is because some people think that a prenuptial agreement is an agreement that is projected as a weapon for women to prevent prospective husbands from committing polygamy or controlling joint property.

This is different from the Dayak Ngaju tribe community with religious ceremonies, such as the marriage procedure in the Dayak Ngaju tribe community which is called "*Pelek Rujin Pangawin*". The marriage ceremony ritual is one of the religious rituals and is considered traditional which characterizes the existence of the Dayak Ngaju Tribe as an indigenous community group. This is because the marriage ritual does not

¹ Soedharyo Soimin, S.H., *Kitab Undang-Undang Hukum Perdata* (Jakarta: Sinar Grafika, 2010), 328.

² Prodjodikoro, R. Wirjono, *Hukum Perkawinan Di Indonesia* (Bandung: Sumur, 1981)h.7

only apply to the Dayak community who adhere to the Hindu *Kaharingan* religion, but is also carried out by the Dayak Ngaju community who have converted to other religions.

If you look closely, the marriage rituals of the Dayak Ngaju community are formed from several parts that have been patterned into one unit. This aims to reconstruct the understanding and meaning of wedding ceremonies in the aspects of tradition and religion. By understanding marriage procedures that can be considered customary and religious, it is hoped that they can return to the world of spiritual depth, subtlety of conscience and sharpness of heart as a group of people with a calm, peace-loving character in accordance with the concept of *Belum Bahadat* (customary living) and *Huma Betang* culture.³

Regarding the implementation of the Dayak Ngaju traditional marriage, it can be carried out before or after the marriage ceremony, whoever carries out the marriage, the traditional marriage procession must and must be carried out. This is intended so that in the future there will be a peaceful family, mutual love and mutual love will be maintained throughout time.

The traditional marriage of the Dayak Ngaju Tribe is a mandatory ritual for the local community to uphold traditional values and ancestral culture. In terms of Dayak Ngaju traditional marriage, it has become a

³ Murhaini, SURIANSYAH, *Singer Dalam Pusaran Perubahan Masyarakat Dayak Ngaju* (Kalbar: Lembaga Literasi Dayak, 2016)h.112-113.

guideline in their lives. Therefore, regardless of religion, the implementation of traditional marriages must continue to be preserved and cultivated.

One of the traditional marriage procedures of the Dayak Ngaju tribe is a *Surat Panggul* or prenuptial agreement letter which is agreed upon by the bride and groom with the aim of strengthening or perpetuating their marriage so that divorce does not occur. Because divorce in the Dayak Ngaju tribe is a disgrace and a taboo that should not happen.

In general, people still don't know enough about the existence of prenuptial agreements. However, for the Dayak Ngaju people, the existence of a *Surat Panggul*/prenuptial agreement is nothing new. This is because it has existed since the time of their ancestors.

Based on the unique background that exists in the Dayak Ngaju tribal community, this makes the author interested in studying more deeply the *Surat Panggul*/prenuptial agreements made by the Dayak Ngaju tribe community. So, further research is needed regarding this matter.

B. Statement of the problem

Based on the background described by the researcher, the main problems in this thesis are:

1. How is the traditional procession of the Dayak Ngaju community before the wedding?
2. How is the *Surat Panggul*/prenuptial agreement that applies to the Dayak Ngaju tribe perspective of Marriage Law Number 1 Of 1974?

C. Objective of Research

1. To study the traditional procession of the Dayak Ngaju community pre-married.
2. To find out the process of making and the contents of a *Surat Panggul*/prenuptial agreement that applies to the Dayak Ngaju tribe perspective of Marriage Law Number 1 Of 1974.

D. Benefits of Research

It is hoped that the results of this research will provide benefits both theoretically and practically.

- a. Scientific (theoretical) aspect, this research is expected to provide additional scientific knowledge, especially the study of traditional marriage procedures and *Surat Panggul* or Prenuptial Agreements. existing in the Dayak Ngaju tribe community.
- b. Implementation (practical) aspects, It is hoped that with research on customary marriage procedures and *Surat Panggul*/prenuptial agreement existing in the Dayak Ngaju tribe community can add insight and be a consideration for readers in general as well as students at the Maulana Malik Ibrahim State Islamic University of

Malang to find out the unique traditions of the Dayak Ngaju tribe as one of the diversity of marriage traditions in Indonesia.

E. Structure of Discussion

Bab I Introduction contains academic anxiety which is explained in the background and then formulated into several questions as a problem formulation. The answers to these questions are used to achieve research objectives. The findings in the research are expected to make a positive contribution in the theoretical and practical realms. It ends with a systematic discussion containing a general description of this research report.

Bab II Literature Review, this chapter contains operational definitions and previous research in the form of theses or journals on previous research that is related to current research in order to avoid duplication. Furthermore, this bab also contains a theoretical framework which is the basis for studying and analyzing problems.

Bab III Research Of Research, in this bab the researcher explains the research methods used, namely using a juridical-empirical type of research, a descriptive-qualitative approach, followed by information on the research location in Palangka Raya City, Central Kalimantan. The data sources used in this research are divided into two, namely primary data sources by conducting interviews and secondary data sources in the form of literature related to *Surat Panggul*/prenuptial agreements in the Dayak Ngaju Tribe.

Bab IV is a discussion of the research results. This bab contains the answer to the problem formulation, namely what are the procedures for traditional marriage in the Dayak Ngaju tribe community and what is the mechanism for making a *Surat Panggul*/prenuptial agreement for the Dayak Ngaju tribe.

Bab V Closing, which consists of conclusions as the essence of this research and suggestions relating to the development of post-research discussions.

BAB II

LITERATURE REVIEW

A. Previous Research

Many previous researchers have discussed the Dayak Ngaju tribe.

The following are the similarities and differences between research on the customary law of the Dayak Ngaju tribe and previous research:

Table 1

Similarities and Differences from Previous Research

NO	RESEARCHER	SIMILARITIES	DIFFERENCE
1.	Thoyib, Eksistensi Perjanjian Perkawinan Adat Dayak Ngaju Dalam Mencegah Perceraian Pasca Putusan Pengadilan Agama Palangka Raya, IAIN Palangka Raya, 2019.	Discussing the traditional marriage of the Dayak Ngaju Tribe	Thoyib's research focuses more on marriage agreements to prevent divorce, while the author in this research focuses more on the <i>Surat Panggul</i> /prenuptial agreement in the Dayak Ngaju tribe community.
2.	Dlaifurrahman, Aseri, Mujiburohman, Hukum Hadat Dayak Ngaju: Tahiu Janji Pangawin Di Kalimantan Tengah, Al-Qalam: Jurnal Ilmiah Keagaam dan Kemasyarakata, 2013.	Discussing the Dayak Ngaju marriage vows	Dlaifurrahman, Aseri, Mujiburohman's research discusses the customary law of marriage agreements using normative research methods with a literature study approach, while this research discusses the <i>Surat Panggul</i> /prenuptial agreement using juridical-empirical research methods with a descriptive-qualitative approach.
3.	Noriani, Perkawinan adat masyarakat muslim	Discussing Ngaju Dayak customary law.	Noriani's research explains traditional marriages in the Muslim community of the

suku dayak ngaju: sejarah dan akulturasi islam terhadap budaya lokal di desa petak bahandang, IAIN Palangka Raya, 2020.		Dayak Ngaju tribe, while this research explains the procedures for traditional marriages and the <i>Surat Panggul</i> /prenuptial agreement in the Dayak Ngaju community.
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Based on this table, it can be concluded that this research has similarities in studying the customary law of the Dayak Ngaju Tribe. The difference is that previous research has a different focus point for discussion from the current research, because this research focuses on the *Surat Panggul*/prenuptial agreement in the Dayak Ngaju tribe community.

B. Theoretical framework

1. Understanding Prenuptial Agreement

This prenuptial agreement consists of two words, namely agreement and prenuptial. According to article 1313 of the Civil Code, an agreement is an agreement made by two or more people to achieve a goal which makes it legal for the parties involved to be able to carry out their respective rights and obligations in accordance with what has been mutually agreed upon. Meanwhile, pre-nikah means before the wedding.⁴

A prenuptial agreement is an agreement agreed upon by both parties to the prospective couple who will carry out the marriage. This prenuptial agreement has the function of regulating the course of the marriage when the marriage takes place.

⁴ Yusuf Iskandar, "Judicial Review of Pre-Nuptial Agreements in Civil Law in Indonesia" (Thesis, Pancasakti University Tegal, 2020), [Http://Repository.Upstegal.Ac.Id/1237/](http://Repository.Upstegal.Ac.Id/1237/).

In general, the purpose of a prenuptial agreement is to regulate and own the assets of each party before a marriage takes place. This also aims to avoid future conflicts regarding the division of joint assets.

2. Juridical Basis for Prenuptial Agreements in Marriage Law Number 1 of 1974

A prenuptial agreement is an agreement made to bind the prospective husband and wife regarding the matters regulated therein. The legal basis for this prenuptial agreement is regulated in article 29 of Marriage Law Number 1 of 1974.⁵

The prenuptial agreement regulated in article 29 of Marriage Law Number 1 Of 1974 is as follows:⁶

- a. At or before the marriage takes place, both parties, by mutual agreement, can enter into a written agreement ratified by the marriage registrar, after which the contents also apply to third parties as long as the third party is involved.
- b. The agreement cannot be ratified if it violates the boundaries of law, religion and morality.
- c. The agreement comes into effect from the time the marriage takes place.

⁵ “UU No. 16 Tahun 2019 Tentang Perkawinan,” Database Peraturan | JDIH BPK, accessed December 4, 2023, <http://peraturan.bpk.go.id/Details/122740/uu-no-16-tahun-2019>.

⁶ Erica Ruth Amelia Sinurat, “Eksistensi Perjanjian Pranikah Dalam Pembagian Harta Menurut Undang-Undang Perkawinan Nomor 1 Tahun 1974,” *Lex Privatum* 5, no. 7 (December 12, 2017), <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/18226>.

d. As long as the marriage lasts, the agreement cannot be changed, unless both parties agree to change it and the change does not harm a third party.

Based on the legal basis of the prenuptial agreement above, it can be seen that prospective married couples can enter into a prenuptial agreement with the aim of maintaining their marital ties and not conflicting with religion. What is meant is that it does not conflict with religion, for example, making a prenuptial agreement by a prospective husband and wife regarding the division of assets. If one partner dies and has no children, then the inheritance will absolutely fall to the surviving partner. In the Islamic religion, this is contrary to the teachings contained therein, according to which the distribution of inheritance if there are no children will be distributed to the spouse as well as to the parents or siblings of the deceased spouse.

3. Impact of Prenuptial Agreements

A prenuptial agreement is an agreement that binds both prospective husband and wife which is made before the marriage takes place and will give rise to legal consequences for both of them to comply with the contents of the prenuptial agreement. So, if there is a violation of the contents of the agreed agreement, the party committing the violation must carry out the consequences as agreed by both parties to the prospective

husband and wife.⁷ Then, according to article 29 paragraph (4), as long as the marriage is still ongoing, the marriage agreement cannot be canceled or changed, unless there is an agreement from both parties and it does not harm a third party.

4. History of traditional marriage in the Dayak Ngaju community

The Dayak Ngaju tribe is the original and largest tribe that lives in Central Kalimantan. The philosophy of "*belum bahadat*" is used by the Dayak Ngaju tribe as a basis for aspects of social life which means "*hidup bahadat*". For the Dayak Ngaju community, the influence and role of customs in social life is still very strong, one of which is the holding of marriages. In implementing marriage, the Dayak Ngaju community strictly avoids unconventional forms of marriage, because it can bring disrepute to the prospective bride and groom and even their entire families and also their future descendants.

The customs of the Dayak tribe are strongly influenced by ancient religious beliefs or what is known as the *Kaharingan* religion. Like other regions in Indonesia that have indigenous religions, *Kaharingan* is included in one of the indigenous religions of the archipelago that exists today and is also maintained by the followers of this religion. The *Kaharingan* religion is said to be the original belief of the Dayak tribe, this is because before the arrival of world religions, this belief was already born and grew on the island of Kalimantan.

⁷ Filma Tamengkel, "Dampak Yuridis Perjanjian Pra Nikah (Prenuptial Agreement) Ditinjau Dari Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Lex Privatum* 3, no. 1 (February 13, 2015), <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/7040>.

The history of the marriage of the Dayak Ngaju tribe begins with the life story of Manyamei Tunggal Garing Janjjahunan Laut and Kameluh Putak Bulau Janjulen Karangan. One day there was a meeting between Manyamei and Kameluh which ended in them living together. During their relationship, Kameluh experienced repeated miscarriages.⁸

In the miscarriage of Kameluh's first pregnancy, the blood of the miscarriage was thrown into the sea where it was believed to be the ancestor of supernatural spirits that were disturbing the area of the land. Miscarriage of the second pregnancy, the blood was thrown into the river which was believed to be a supernatural spirit disturbing the water. Miscarried in her third pregnancy, her blood was thrown into the sea where it was struck by thunder and lightning, which is then believed to be the ancestor of buffalo, cows and bulls. The miscarriage of her fourth pregnancy, her blood was thrown into the forest where it is believed to be the ancestor of the *Bahutai Bungai*, the ancestor of the *Tandang Haramaung* (tiger) and the ancestor of evil spirits in the forest. Miscarried in her fifth pregnancy, her blood was thrown into the jungle and transformed into various types of wood, roots and the ancestors of various types of snakes.

A miscarriage in the sixth pregnancy, her blood was thrown under the house and then transformed into King Tingkaung Langit, the ancestor of all types of dogs. A miscarriage in her seventh pregnancy, her blood

⁸ Sriyana Hiskiyya, "Makna Simbolik Perkawinan Adat Dayak Nhaju Di Kota Palangka Raya" No.20 (2020), <https://doi.org/10.33084/anterior.v20il.1546>.

was thrown in the kitchen where it was then struck by lightning and is believed to have transformed into putir balambang kawu, the ancestor of all types of cats. Miscarried in her eighth pregnancy, her blood was thrown in the yard and then struck by thunder and lightning and is believed to have become the ancestor of all types of village chickens. A miscarriage in her ninth pregnancy, her blood was thrown behind the house where it was believed to transform into various types of wild boars and village pigs. A miscarriage on her tenth pregnancy, her blood was thrown behind the village where it was believed to be transformed into grass and wood which functioned as medicine for humans. and in the eleventh miscarriage, the blood is thrown into the sawang grove and is believed to be the ancestor of the 14 elements of *Patahu*, namely supernatural spirits that guard human settlements.

From the miscarriage incident on the orders of Raying Hatalla Langit, King Uju Hakandung formalized the relationship between Manyamei and Kameluh by carrying out a marriage ceremony and then after carrying out the marriage ceremony Kameluh became pregnant again and gave birth to three twin boys who were named King Sangiang, King Bunu and King Sangen.⁹

Based on the original beliefs of the Dayak tribe, the Dayak traditional community understands that marriage is a form of awareness of events in the past. They believe that ranying hatalla Langit creates living

⁹ Noriani Noriani, "Perkawinan Adat Masyarakat Muslim Suku Dayak Ngaju: Sejarah Dan Akulturasi Islam Terhadap Budaya Lokal Di Desa Petak Bahandang" (undergraduate, IAIN Palangka Raya, 2019), <http://digilib.iain-palangkaraya.ac.id/2188/>.

creatures in pairs with the aim of producing offspring in a way that is justified by religion and custom. So from the story of Manyamei and Kameluh above, it can also be seen that marriage for the Dayak Ngaju tribe is something noble and holy. The implementation process does not only involve the two parties concerned, but also involves several other parties, such as the families of both parties, relatives and the Traditional Mantir. Then as an example, the Dayak Ngaju community has a custom to make a Surat Panggul or prenuptial Agreement. A prenuptial agreement or Surat Panggul according to Dayak Ngaju custom is a written agreement containing an agreement that has been signed by the prospective husband and wife, witnesses from both parties, Damang or Mantir. Guidelines for implementing customary rules in the Dayak community based on the Tumbang Anoi Customary Law.

BAB III

RESEARCH OF METHODS

A. Type of Research

The writing of this research uses a type of juridical-empirical research.¹⁰ Juridical-empirical research is legal research that concerns the implementation of a law in legal events that occur in society. The aim of using this type of research is to get answers to the effectiveness of existing provisions in an area.

By using this research method, in order to answer the researcher's problem formulation, the researcher will conduct an interview with Dr. Mambang I Tubil as the Administrator of the Dayak Traditional Council of Central Kalimantan and two couples who implemented a traditional prenuptial agreement in their wedding procession.

B. Research Approach

This research use descriptive qualitative approach. This approach is carried out by studying the conditions that occur in society and the effects that occur from these situations without testing hypotheses. Through this approach, researchers can describe the conditions that occur in society more specifically, transparently and in depth through data on traditional prenuptial agreements, books and scientific journals regarding Surat Panggul/prenuptial agreements in the Dayak Ngaju Tribe.

¹⁰ Dr Jonaedi Efendi M.H S. H. I. and Prof Dr Johnny Ibrahim M.Hum S. H. , S. E. , M. M., *Metode Penelitian Hukum: Normatif dan Empiris* (Prenada Media, 2018).

C. Data Sources

This research location is the place that is targeted in the research and must be adjusted to the research title. The research location is in Palangka Raya City, Central Kalimantan. This research location was chosen because this location is very supportive in obtaining valid information data so that it can assist in completing the research. Apart from that, the choice of research location was because the majority of the Dayak Ngaju indigenous people inhabit or live in Central Kalimantan.

D. Technique of Data Sources Collection

In this research, researchers used two data sources in their study.

The two data sources are:

1. Primary data

Primary data is the main source of data obtained from informants or sources. In this research, the results of interviews are used as primary data. This interview will be conducted with sources related to the title of this research.

The sampling technique in this research is purposive sampling.¹¹ Purposive sampling is a technique for determining samples with certain considerations. The steps for taking sample subjects are carried out as follows:

- a. Determining the location that will be used as a research site by considering the location for implementing Dayak Ngaju customary law, namely Palangka Raya City, Central Kalimantan Province.

¹¹ DR. Juliansyah Noor, *Metodologi Penelitian Skripsi, Tesis, Disertasi, Dan Karya Ilmiah* (Jakarta: Kencana Prenada Media Group, 2011), 45.

- b. Determining the subjects who will be used as informants in this research are the Dayak Ngaju Traditional Administrators and the Dayak Ngaju tribe community with the criteria of having carried out the Dayak Ngaju traditional marriage.

Researchers will conduct an interview with Dr. Mambang I Tubil as the Administrator of the Central Kalimantan Dayak Traditional Council, who certainly has knowledge of the Dayak Ngaju Tribe and the rules of life in traditional society. Apart from conducting interviews with the traditional council, the researcher also conducted interviews with two couples from the Dayak indigenous community who implemented a traditional *Surat Panggul*/prenuptial agreement in their wedding procession.

Table 2
Source Identity

No	Name	Information
1	Dr. Mambang I Tubil	Administrator of the Central Kalimantan Dayak Traditional Council
2	Krysti Indryani	A husband and wife couple marrying the Dayak Ngaju tribe
3	Den Aren	A husband and wife couple marrying the Dayak Ngaju tribe
4	Yulius SYPahoe	A husband and wife couple marrying the Dayak Ngaju tribe
5	Rhendi Sepriany	A husband and wife couple marrying the Dayak Ngaju tribe

2. Secondary Data

Secondary data is a source of data obtained indirectly, such as literature study and document study. Secondary data referred to in this research include books, journals or research results related to the title of current research writing and the Big Indonesian Dictionary.

E. Data Analysis

According to Sugiyono, data collection techniques are the main step in research.¹²Data collection is the processes used to obtain data using certain techniques. The following are the techniques used in data collection:¹³

1. Interview

Interviews are used to gather information related to the research focus. In this research, researchers will conduct interviews with Central Kalimantan Traditional Council administrators and two couples who implemented traditional prenuptial agreements in their wedding processions. To obtain in-depth information, researchers used structured interviews by asking questions that had previously been structured to obtain limited answers so that later mistakes would not occur. Then this technique was also carried out to obtain data regarding the mechanism for making a Surat Panggul/prenuptial agreement for the Dayak Ngaju Tribe.

2. Document review

¹² Sugiyono, *Metodologi Penelitian Kuantitatif Kualitatif Dan R&D* (Bandung: Alfabeta, 2013).

¹³ Dr H. Zuchri Abdussamad M.Si S. I. K., *Metode Penelitian Kualitatif* (CV. Syakir Media Press, 2021).

Document review can be carried out through notes, documents and various other literature related to research. In this case, the researcher will collect materials such as documents obtained from interviews, journals or other related research results and can answer the research formulation.

F. Data Processing Methods

After obtaining the research data, the next thing that is needed is to process the data obtained.¹⁴ The methods used in processing the data are:

1. Data Check (Editing)

Data checking or what is also known as editing is the initial stage in data processing. In the editing stage, the researcher will re-examine the data that has been obtained, such as the completeness of interview answers, quotations in writing, clarity of meaning as well as suitability and connection with the required data. In this research, the researcher will carry out an editing process on questions related to the *Surat Panggul*/prenuptial agreement in the Dayak Ngaju Tribe which will be given to the resource person.

2. Classification

Classification is a stage used to group data that has been obtained, whether obtained through interviews with informants or literature related to the problem topic.

3. Verification (Verifying)

¹⁴ fitria Widiyani Roosinda Et Al., *Metode Penelitian Kualitatif* (Zahir Publishing, n.d.).

Verification is a step carried out by researchers to review the data that has been obtained so that it is proven to be correct. The researcher will reconfirm by submitting the data that has been obtained to the research subjects, in this case the administrators of the Central Kalimantan Dayak Traditional Council and two couples who implemented the Dayak Ngaju traditional prenuptial agreement.

4. Data Analysis (Analysing)

Data analysis is a process of interpreting data in the form of text or images carried out by researchers as a whole. At this stage the data obtained will be analyzed using of Marriage Law Number 1 Of 1974. This stage requires in-depth study in order to be able to answer the research problem formulation in order to continue to the next stage.

5. Conclusion

Conclusion is the final stage in research. After obtaining data and carrying out the stages of data processing, at the conclusion stage a clear, concise and precise outline of the problem topic being studied will be provided.

BAB IV

DISCUSSION OF RESEARCH FINDINGS

A. General Description of Research Locations

1. Geographical location

Palangka Raya is the capital of Central Kalimantan Province. Central Kalimantan is one of the regions on the island of Kalimantan, directly bordering the East Kalimantan region to the north of Central Kalimantan, to the south by the Java Sea, to the east by South Kalimantan, and to the west by West Kalimantan.¹⁵ The area of Central Kalimantan Province as a whole is around 153,828 km², consisting of wilderness, swamps, rivers, lakes, rice fields and fields. From the richness of the wilderness, Central Kalimantan produces meranti wood, agate wood, rattan, resin and other forest woods. Meanwhile, the mining sector produces: petroleum, gold, copper, amethyst and diamonds. All of this is a source of income for the region and a source of foreign exchange income for the country.¹⁶

Administratively, Palangka Raya City consists of five sub-districts, namely: Pahandut District, Sebangau District, Jekan Raya District, Bukit Batu District and Rakumpit District. The native inhabitants of Palangka Raya City are the Dayak people who use the Dayak Ngaju language. However, apart from the Dayak tribe, there are also other tribes who live

¹⁵ Pemerintah Provinsi Kalimantan Tengah Sekretariat Daerah Biro Hukum, "Peraturan Daerah Provinsi Kalimantan Tengah Nomor 16 Tahun 2008 Tentang Kelembagaan Adat Dayak Di Kalimantan Tengah," 2008.

¹⁶ Riwut, Tjilik, *Kalimantan Membangun Alam Dan Kebudayaan* (Sleman Yogyakarta: NR Publishing, 2007).

in Palangka Raya City, such as the Javanese, Banjar, Malay and other tribes.

The Dayak Ngaju tribe is the largest Dayak sub-ethnicity in Central Kalimantan. The Dayak Ngaju tribe can be found in various regions in Central Kalimantan because the distribution of the Dayak Ngaju tribe is quite wide, such as in the city of Palangkaraya, Kapuas Regency, Gunung Mas Regency, Pulang Pisau Regency and other districts in Central Kalimantan. The original religion of the Dayak Ngaju tribe is kaharingan.¹⁷ Kaharingan is a religion that existed before Indonesia knew its first religion, namely Hinduism. The kinship system used by the Dayak Ngaju tribe is bilateral. Which draws the lineage from both the father's and mother's sides, so that the inheritance system does not differentiate between women and men. In the Dayak Ngaju tribe, the family functions as a guardian in various social and political activities outside the family.¹⁸ However, the person who can become guardian is the eldest son in the family.

2. Belief System

In general, Dayak people believe that humans have a close relationship with the cosmos. Every change that occurs in the cosmos shows a sign that there has been an imbalance in the cosmos. The disruption of the balance of the cosmos is caused by violations of customs.

¹⁷ S Pd, M Pd, and Ana Suheri, "Adat Istiadat Dayak Kalimantan," n.d.

¹⁸ Normuslim Normuslim, "Kerukunan Antar Umat Beragama Keluarga Suku Dayak Ngaju Di Palangka Raya," *Wawasan: Jurnal Ilmiah Agama Dan Sosial Budaya* 3, no. 1 (August 31, 2018): 67–90, <https://doi.org/10.15575/jw.v3i1.1268>.

For example, when Dayak people who live in inland areas enter dense and dangerous jungles, there is a feeling of "fear" of someone who is considered the owner or guardian of the forest.¹⁹

In line with this belief, there are forests that are considered haunted, which must not be used as a place for farming or logged. If the trees in the area are cut down or damaged, then the person who does it will suffer disaster. Belief in the existence of a guard or guardian of a place means that people do not cut down trees carelessly. And if they need a certain tree from the forest, then they usually give an offering as a sign of "excuse me".

The attitude of Dayak people is often regarded by outsiders as an attitude of worshiping trees or certain creatures, even though in fact this attitude is a manifestation of "*Belom Bahadat*", namely norms of politeness and mutual respect as fellow creatures. Likewise, certain forest animals cannot be hunted or killed at will.

In the daily life of Dayak people, there are also certain prohibitions that must be obeyed which are called pali (taboo). The role of pali or taboo is very important, because pali limits a person's personal desires and interests. Pali is actually a prohibition that everyone obeys, because if it is violated it will bring harm to oneself, the family and even society.

Violations of the pali can only be corrected or neutralized in certain ways

¹⁹ "Departemen Pendidikan Dan Kebudayaan Pusat Penelitian Sejarah Dan Budaya, Sejarah Daerah Kalimantan Tengah" (Proyek Penelitian dan Pencatatan Kebudayaan Daerah Departemen Pendidikan dan Kebudayaan, 1978 1977).

in accordance with the instructions/provisions and decisions of parents who are experts in the original beliefs of the Dayak tribe.

In everyday life, the application of the meaning of *pali* is in the taboo on eating certain types of animals, fish and plants. Usually, if this kind of Type *pali* is violated, it only has consequences for the person concerned. The heavy type of *pali* is the type of *pali* that if violated will result in disaster for many people. The disaster in question is a major flood which resulted in failed harvests, infectious diseases which caused many deaths. Therefore, *pali* must be obeyed to maintain balance and harmony in the cosmos.

The customs and belief system of the Dayak people are greatly influenced by the beliefs of the *Helo* religion (an ancient religion) or what was later called the Kaharingan religion. Like indigenous religions found in other regions in Indonesia, Kaharingan is also one of the indigenous religions of the archipelago which still survives and is maintained by its adherents. The Kaharingan belief is called the original religion of the Dayak tribe, because before the arrival of world religions, this belief already existed in Kalimantan. He was born and grew up from his own place or region on the island of Kalimantan.

Apart from the original religion of the Dayak tribe, in the city of Palangka Raya there are also religions, including: Islam which entered Kalimantan through Malay traders in the 17th century. While trading they spread the religion of Islam. Some Dayak tribes who accepted Islamic

teachings embraced Islam. Dayak people who have converted to Islam are called Malays or Banjar people. The places where Islam is developing now are Kotawaringin in Central Kalimantan, the coast of the Barito river (Bakumpai tribe) and the South Kalimantan region.

Meanwhile, Christianity was first introduced to Banjarmasin around 1835 by Missionaries/Zending. At first their existence was not well received, many priests and missionaries were even killed, because they were identified with the previous Dutch colonial government, which was both white. But then the missionaries were able to convince the Dayak people that they were not the same as the Dutch people who had colonized them before.

3. Social system

The values of Dayak Ngaju community life that are still visible and maintained in everyday life are social solidarity within the group. This can be seen from various social activities such as: building a house (*mampendeng huma*), planting rice (*manugal*), menuai padi (*manggetem parei*), wedding parties or death events. Everything is done in mutual cooperation (*sama hakadohop, handep*).

The forms of collaboration provided vary, according to each individual's abilities. There are those who provide assistance in the form of energy, materials or attention in other forms. Everything is done together based on the philosophy of "*betang culture*" (large house, which can be occupied by 100-200 people). The basic thing in betang culture is the

norms of community life based on the principles of togetherness, kinship, equality in society.

4. Social Stratification

The social stratification of the Dayak Ngaju community is no longer as strict as in the past, and has undergone many changes within it. The culture of *jipen hajipen* (slavery) and *hajual hapili jipen* (buying and selling of slaves) began to be abolished since the Great Peace Meeting in Tumbang Anoi in 1894.

All parties present at this meeting agreed to make peace and place fellow humans as God's creatures who have equal rights and positions. In general, Dayak people are familiar with the social stratification system, including:

- a. The upper class (*utus garantung*) is a group of people who have good financial capabilities (*oloh tatau*). The advantages they have compared to other groups are inheritance and valuable items in the form of *mandau*, spears, gongs, *kangkanong*, urns and so on. This group occupies the highest position in community life, and has quite a large and even decisive influence in various social activities. In terms of ancestry, those included in this group are direct descendants of Tamanggung, Dambung (people who are respected in society), Pangkalima (commander-in-chief), Damang, and Mantir Adat (helping Damang in completing his duties).

- b. The lower class (*utus randah*) are ordinary people who live simply, meeting their daily needs from their own efforts. The standard for declaring that someone is a member of the *randah* is based on the assets they own. They do not have valuables like those of the *hanging utus*.
- c. The slave group (*utus jipen*). The *jipen*, do not have any property at all. They are looked after by their employers and are obliged to work for the interests of their employers. Usually those who become *jipen* are people who lose in war or fights and are unable to pay debts, this could also be because they violate customary law and are unable to pay fines (sanctions).²⁰ They will be free people, if they are able to pay off the debt. But if they cannot pay off the debt, then for the rest of their lives their offspring will remain *jipen* and be known as *utus jipen*. Also included in this group are: *jipen kabalik*, namely prisoners of war slaves. They are seen as more despicable and considered to be of little value or have no value at all compared to *jipen*.

5. Kinship system

The Dayak tribe who live on the island of Kalimantan generally adhere to a bilateral kinship system, namely, a descent and kinship system that draws lineages from two sides, namely from the father's side and the mother's side. After marriage, the husband is considered a member of the

²⁰ Suriansyah Murhaini, "Singer sebagai Ujud Tertib Hidup, Damai, dan Keseimbangan di Kalangan Etnis Dayak Ngaju" 2, no. 2 (2017).

wife's family, whereas the wife is considered a member of her husband's family. Therefore, usually after marriage the wife and husband are free to choose to live in the husband's family or the wife's family, until they have their own place to live.²¹

In terms of rights and position, husband and wife in the Dayak Ngaju community have equal degrees. There is no higher or lower, each complements the other and works together. Wives respect their husbands, and husbands also respect their wives. Boys and girls also have the same and equal position in the family and society. Each has the right to inherit the inheritance from their parents.

In the kinship system of the Dayak Ngaju Tribe, those who are still considered close family are up to the third descendant (hanjenan), twice cousins. Meanwhile, the fourth descendant is said to be outside the nuclear family. That is why parents generally tend to encourage their children to marry a fourth generation so that family relations can become closer again.²²

Apart from that, it is hoped that family inheritance in the form of land, rattan gardens, rubber plantations and valuable heirlooms can be maintained. Such a marriage is considered an ideal marriage.

6. Dayak Traditional Institutions in Central Kalimantan

²¹ “Departemen Pendidikan Dan Kebudayaan Pusat Penelitian Sejarah Dan Budaya, Sejarah Daerah Kalimantan Tengah.”

²² Riwut, Tjilik, *Kalimantan Membangun Alam Dan Kebudayaan* (Yogyakarta: PT. Tiara Wacana Yogya, 1993).

Marriage has a very important position in the life of the Dayak Ngaju community. Therefore, marriage customs are well regulated so that the values contained therein are maintained. In connection with this, the regional government established Central Kalimantan Province Regional Regulation Number 16 of 2008 concerning Dayak Traditional Institutions in Central Kalimantan.²³ This Regional Regulation is a refinement of the Regional Regulation of the Level I Province of Central Kalimantan Number 14 of 1998 concerning Peace in the Regional Province of Level I Central Kalimantan which is considered no longer in accordance with developments and demands for Regional Autonomy.²⁴

Dayak traditional institutions are social organizations that grow and develop along with the history of the Dayak indigenous people and their customary legal areas. This institution has the right and authority to regulate, manage and resolve problems that occur in society by referring to Dayak customs, customs and customary law.

The Dayak Traditional institutional arrangements are the government's efforts so that these institutions can be empowered as a forum for shaping the character of the Dayak traditional community through preserving, developing, empowering customs and enforcing laws in the community, in order to improve the welfare of the local community and support the smooth administration of government.

²³ "Perda No. 16 Tahun 2008 Tentang Kelembagaan Adat Dayak Di Kalimantan Tengah," n.d.

²⁴ Sekretariat Daerah Biro Hukum, "Peraturan Daerah Provinsi Kalimantan Tengah Nomor 16 Tahun 2008 Tentang Kelembagaan Adat Dayak Di Kalimantan Tengah."

B. Traditional Procession of the Dayak Ngaju Community Pre-married

Among the Dayak people, more specifically the Dayak Ngaju tribe, marriage which is considered ideal and highly desired by the general public, is a marriage between two people who are cousins, namely second degree cousins, which among the Dayak Ngaju tribe are called *bajenan*, whose grandfather is a full brother. . Apart from that, marriages that are considered good are marriages between two people (male and female), cousins whose mothers are siblings, and between cross-cousins, namely children of siblings on the mother's side or children of sisters on the father's side.²⁵

Marriages that are considered discordant, in the Dayak Ngaju tribe community are called *salahari*, are marriages between two cousins whose fathers are full brothers (patri-parallel cousins), and especially marriages between people of different generations, for example between a child. with her parents, or between a girl and her uncle.

According to the Dayak Ngaju tribe, marriage is something noble and holy, therefore it is very, very reprehensible if a marriage is polluted by divorce or violates customary norms. If there is contamination of the essence of marriage, it means that it has polluted its nobility and holiness, then there will be certain sanctions. according to the violation that has been committed.²⁶The philosophy of marriage for the Dayak people is to

²⁵ *Singer Dalam Pusaran Perubahan Masyarakat Dayak Ngaju.*

²⁶ “Dayak Ngaju Customary Fines in Pre-Marriage Agreement to Minimize Divorce in The Perspective of Masalah Mursalah Ramadhan Al-Buthi | Rahman | El-Mashlahah,” accessed

maintain the dignity of women and children, not play around with marriage and marriage is only done once in a lifetime. Marriage is very sacred, marriage provides protection for women, children and lineage and both parties participate in marriage. The Dayak people really protect their bloodline, therefore the Dayak people are very anti-divorce. Therefore, marriage is also considered part of custom and is also carried out according to custom.²⁷For the Dayak people, traditional marriage must be carried out absolutely. If they don't carry out customs then they are living uncivilized lives, meaning they are living in this world in vain. Customs are manners, rules, so for the Dayak people, customs are very important according to their respective tribes.²⁸

Before getting married, the Dayak Ngaju tribe people first carry out ritual ceremonies such as a marriage procession called *pelek rujin pangawin*, this is one of the rituals that is considered a characteristic of the existence of the Dayak Ngaju tribe as an indigenous community group. For indigenous peoples, this is an effort to maintain the traditional values they adhere to.

Apart from that, Dr. Mambang I Tubil in his interview stated: *"The value contained in the prenuptial agreement between the parties is that*

September 24, 2023, <https://e-journal.iain-palangkaraya.ac.id/index.php/maslahah/article/view/5623>.

²⁷ Muhamamd Dlaifurrahman, Akhmad Fauzi Aseri, and Mujiburohman Mujiburohman, "Hukum Hadat Dayak Ngaju: Tahu Janji Pangawin Di Kalimantan Tengah," *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 17, no. 1 (January 30, 2023): 414–32, <https://doi.org/10.35931/aq.v17i1.1576>.

²⁸ Satriya Nugraha, "Eksistensi Hukum Adat Melalui Penerapan Singer (Denda Adat) Dalam Perceraian Suku Dayak Ngaju," *Belom Bahadat* 12, no. 1 (July 28, 2022): 80–93, <https://doi.org/10.33363/bb.v12i1.787>.

*they have good faith to carry out a legal action according to custom to bind themselves in a special bond/relationship. According to the Dayak Ngaju tribe, marriage is a sacred and noble thing, so that the principles embedded in marriage can only be separated by death."*²⁹

Based on this, the researcher concluded that the Dayak Ngaju community instills something good from generation to generation. The implementation of marriage among the Dayak community can be divided into four stages, namely:³⁰

1. *Hakumbang Auh*. This is the first step in the marriage procession which consists of conveying a man's intentions to a girl who he wants to become his wife. In the Dayak community's customs, if a young man wants to take a girl as his wife, he will first convey his intentions to his parents. If approved, the parents will choose someone as an intermediary whose job is to contact the girl's family. This intermediary is called *uluh helat* or commonly called *saruhan* or *taten tupai*. His intentions and wishes were conveyed to the girl's family through this intermediary.
2. *Mamanggul*. This stage is a continuation of *hakumbang auh*, which is a way to ask the girl officially after the man's family knows that their heart's desire has been accepted by the girl. At this event the men handed over several items as proof of their sincerity and seriousness, including a *balanga* (original Chinese jar) or a gong. At this event, the two parties discussed the timing of the proposal, namely *maja misek*.

²⁹Dr Mambang I Tubil, Interview, (Malang, 24 September 2023)

³⁰ Dlafurrahman, Aseri, and Mujiburohman, "Hukum Hadat Dayak Ngaju."

In its current development, proof of *mamangul* is no longer in the form of a gong but in the form of *duit panggul*. On this occasion an agreement was made. This agreement can be written or verbal, made in the form of a letter of agreement called a *Surat Panggul*. If the girl's family then refuses, then the *mamangul* evidence will not be returned to the young man.

3. *Maja Misek*. Means to visit or *bertandang*. *Maja misek* means to ask. *Maja misek* is a meeting between the young man's family and the girl's family. During the meeting, they came to a mutual agreement on:
 - a. Time or schedule for holding the wedding party;
 - b. The conditions for marriage, which are called *Jalan Hadat*, are what must be fulfilled by the man in accordance with the provisions that apply both according to regulations, customary law and traditions that apply in the girl's family;
 - c. The size of the *palaku* is the dowry that must be handed over;
 - d. The costs of the wedding party and how they are distributed, whether they are borne entirely by the man or shared;
 - e. Sanctions or fines imposed in the event of cancellation or postponement by one of the parties;

Their agreement was an agreement which was then outlined in a *Surat Panggul*. Apart from discussing this, on this *maja misek* occasion we also discussed the customary requirements for cases:

- a. If the bride-to-be still has an older sister who is not married, then she must pay *palangkah* or *panangkalau* to her older sister because she predeceases her older sister.
- b. If the girl has a distant family relationship called *jereh*, for example if she is still related to the young man's nephew, then they must pay a fine and carry out the *tambalik jela* ceremony before the marriage ceremony takes place.

After reaching an agreement, the man hands over the *paramun pisek* (customary requirements for proposing), namely objects that must be given to the woman based on customary law provisions. These customary requirements usually consist of women's clothing, cosmetics, shoes, sandals, and others.

4. *Mananggar Janji* or *Mukut Rapin Tuak*. This means confirming promises, that is, both parties meet again specifically to determine when the marriage will take place. If at the time of *maja misek* only the approximate month has been determined, then when *mananggar janji* the wedding date is discussed. On this occasion, the prospective groom hands over the wedding expenses, including: (a). the cost of making palm wine (*rapin tuak*); (b). party fees called *bulau ngandung* or *panginan jandau*; and (c). *jangkut amak* or bedding and fill the bedroom.

Some of the customs related to the procession before the wedding above, especially the terminology, are not found in other tribes, so they are

typical of Dayak Ngaju culture³¹ However, the substance is in several other tribes, for example palaku in the Dayak Ngaju tribe is the same as dowry or dowry in other tribes, such as the Malay tribe who call it dowry or *jujuran*.

There are 17 *jalan hadat* that a prospective husband must hand over to his future wife, but there can be fewer than 17 provided that each prospective bride and groom agree. The *jalan hadat* is known as *jujuran*.³² There are conditions that must be fulfilled by the prospective groom to be given to the prospective bride and her family during the traditional wedding ceremony. The number of *jalan hadat* includes 16-17 items, namely: (1) *palaku*, (2) *lapik luang/sangku*, (3) *saput*, (4) *rapin tuak*, (5) clothes, (6) *sinjang entang*, (7) *tutup uwan*, (8) *lilis lamiang turus pelek*, (9) *garantung kuluk pelek*, (10) *bulau singah pelek*, (11) *lapik ruji*, (12) *timbuk tangga*, (13) *pinggan pananan pahenjejan kuman*, (14) *duit turus*, (15) *bulau ngandung*, (16) *jangkit amak*, and (17) *batu kaja*. All of this is explained briefly as follows:

- a. *Palaku*, comes from the word lak which means to ask or request. Dayak society always places women in the main position, but not more powerful than men, but because they consider that women are weak, they are looked after, looked

³¹ ela Novialayu, Sakman, And Offeny, "Pelaksanaan Perkawinan Menurut Adat Dayak Ngaju Di Kecamatan Timpah Kabupaten Kapuas," *Jurnal Paris Langkis* 1, no. 1 (August 17, 2020): 1–14, <https://doi.org/10.37304/paris.v1i1.1665>.

³² ""Pemenuhan Hukum Adat Dalam Perkawinan Dayak Ngaju - Dr. Telhalia, M.Th. -... -.

after and must be cared for. *Palaku* is the absolute right of a wife, which can be in the form of money, land, gold, jewels or other jewelry. A husband has no right to sell or pawn it to someone else. The *palaku* value is determined according to the weight value in kilograms or piculs, for example 300 kg (3 picul gongs) or 500 kg (5 pikul gongs). However, currently these items are difficult to find, therefore *palaku* can be replaced with gold or other jewelry according to the agreement. There are also those who give in the form of money, land or gardens. Dayak people can accept the term dowry as essentially the same as *palaku*, but if you look at the symbolic meaning, it is similar but not the same. Therefore, in the prenuptial agreement or *Surat Panggul* according to the Dayak Ngaju tribe custom, the term *palaku* is still written that way and is not translated.

- b. *Saput*, According to the Dayak Ngaju tribe, it is a gift from the future husband to his future wife's siblings. The meaning of the gift is respect, binding a sincere feeling of brotherhood as part of the future wife's family and the gift can be anything, goods or money depending on the wishes of the agreement.
- c. *Sinde mendeng* clothing, is a set of men's clothing and is given to prospective in-laws, meaning it is a sign of respect for the love and protection given.

- d. *Garantung kolok pelek*. The symbolic meaning of *Garantung kolok pelek* is that marriage begins with a mutual agreement between both partners and families. This item reminds us to maintain the marriage bond and not destroy it. But currently this item is difficult to find so it can be replaced with money or gold equivalent to the gong.
- e. *Lamiang turus pelek*, lamiang means jewelry a type of beads made from red lamiang stone. *Turus* means wood stuck into the ground. Its use is as a land boundary marker, a stake for tying pets, and in general, stakes are often used by people to tie boat ropes and trunks so they don't get swept away by river flows, especially during the rainy season. *Pelek* means a broken piece of wood as a sign to direct someone when in the forest as explained previously. In a *Lamiang turus pelek* becomes a milestone to commemorate the beginning of a new household. Apart from that, lamiang is also used as a symbol of steadfastness and honesty in the vows of the bride and groom as a milestone in the promise of loyalty they have made.
- f. *Bulau singah pelek*, bulau means gold, namely it is made from starting metal, the selling price is high and its light will not fade. Give a minimum of 1 kiping (2.7 grams) of gold. *Singah* means light. The overall meaning of *Bulau singah pelek*, is a wedding ring that is placed on the ring fingers of the bride and

groom. The gold ring symbolizes sincerity and pure love for living a domestic life together. Wedding rings remind them of the promises made.

- g. *Lapik luang*, *lapik down* means a base or seat, while the meaning of *luang* is intermediary, negotiator or courier. *Luang* is entrusted to represent the family of the prospective bride and groom in discussing previous promises (customary requirements), before the marriage takes place.
- h. *Sinjang entang*, *sinjang* means cloth covering the body or known as *tapih* (*tapih/sarong*), while *entang* is a long cloth for carrying a baby (*bahalai*). *Sinjang entang*, reminds of a mother's love in educating and caring for children from childhood to adulthood. Therefore, a prospective son-in-law gives *sinjang entang* to the prospective in-laws.
- i. *Tutup uwan*, meaning gray hair cover, is a gift of respect in the form of 2 meters of black cloth given to the *tambi* (grandmother) as a sign of gratitude for taking part in looking after and raising her granddaughter (the future bride).
- j. *Lapik ruji*, given in the form of Dutch silver coins worth one ringgit, meaning that building a household requires basic capital. The money is not spent because the money is considered the basis of life.

- k. *Tumbuk tangga*, is family assistance provided by the prospective groom and prospective bride, work carried out in mutual cooperation, together in a family atmosphere which will soon be carried out. *Tumbuk tangga* is given in the form of a plate filled with rice or some replace it with a certain amount of money according to mutual agreement.
- l. *Pinggan panaran pahinjean kuman*, consisting of one plate, one glass, one bowl, one spoon and other utensils and cutlery. They ate a plate together, drank from the same glass, a bowl together and ate with the same spoon. This shows that from the start they entered household life, learning in unity and oneness.
- m. *Rapin tuak, tuak* is a typical Dayak drink made from sticky rice cooked and processed with yeast. The goal is not to get drunk. At the haluang event, the groom-to-be gives this palm wine to facilitate the conversation, so that the event becomes lively and full of friendly banter.
- n. *Bulau ngandung/ panginan jandau*, is a party fee for a wedding party. The costs of this party are usually borne jointly according to the agreement between both parties at the time of the maja misek. However, there are also things that men can do. Generally, the costs for parties held at home are lighter.
- o. *Jangkut amak, jangkut* means mosquito net, amak means mat. This is a set of bedding, symbolizing the completeness of

family welfare facilities. Payment is made before the wedding party takes place.

- p. *Turus kawin*, given in the form of coins provided by both parties. It was distributed to those present at the time, especially to the parents with the intention that they were general witnesses of the marriage. They have witnessed the fulfillment of customary marriage laws, so that if in the future there is a dispute that leads to divorce, the parents who have received the money will still be called to settle it.
- q. *Batu kaja*, a gift from the groom's parents to the bride. The gift can be in the form of gold jewelry or other traditional items according to ability. This will be given when the husband brings his wife to her parents' house for the pakaja manantu event.

Apart from that, Krysti Indryani in her interview said: *"The process is quite long, there are several processions, one of which is collecting the traditional marriage conditions that the man must give to his partner. If one of the conditions given is lacking, there will be a separate fine."*³³

In the traditional view of the Dayak Ngaju people, the purpose of implementing the procession before the wedding of the Dayak Ngaju community is to foster harmony in life and as an effort to preserve traditional traditions which are unique and family related.

³³Krysti Indryani, Interview, (Malang, 04 October 2023)

According to Abdul Wahab Khalaf, he explained that there is no difference between *'urf* and adat. Customs are formed from human habits according to their degrees, both generally and specifically.³⁴ Mustofa Ahmad Al Zarqo, quoted by Nasruh Haroen, said that customs must apply to most people in a particular area, not individuals or certain groups, and are not natural habits, but arise on the basis of thought and experience. The term ushul fiqh uses the term *'urf* rather than adat.³⁵

Regarding customary issues, there is one of the five main rules in the science of qawa'id al-fiqhiyah. These rules:

عَمَّا كُمْ قَدْ أَعْلَا

Meaning: "Customs can be used as legal (consideration)"³⁶

Based on these rules, the position of custom in Islamic law can be used as material for legal consideration. The Dayak Ngaju community procession before marriage is born from habit, namely an action that is carried out repeatedly by the community, adhered to as positive life values. This habit pattern is accepted as something that is binding and obeyed by society, and is felt as an obligation that must be carried out. So that this habit becomes a custom that applies to society.

Dayak customs are an ancestral cultural heritage that has the meaning and value of balance to maintain the sanctity of a marriage. Even though the Dayak

³⁴ Abdul Wahhab Khalaf, *Ilmu Ushul Fiqih* (Jakarta: Darul Qalam, 2002), h.58.

³⁵ Nasrun Haroen, *Ushul Fiqh I* (Jakarta: Logos, 1996), h.98.

³⁶ A. Djazuli, *Kaidah-Kaidah Fiqih: Kaidah-Kaidah Hukum Islam Dalam Menyelesaikan Masalah-Masalah Yang Praktis* (Jakarta: Kencana, n.d.), h.78.

Ngaju community is Muslim, the implementation and position of the procession before the wedding is a custom that can be done or not.³⁷ Thus, the aim and purpose of the procession of the Dayak Ngaju tribal community before the wedding above, can explain that the procession before the wedding is carried out based on the rules that apply in the Dayak Ngaju traditional community. Based on the information above, researchers did not find that there was a procession that was contrary to the Al-Qur'an or the provisions of Islamic law.

Seeing this, from the perspective of the implementation of customs that are still carried out today by considering the benefits obtained, it can be concluded that the practice of the procession of the Dayak Ngaju tribe before marriage is classified as a custom that has a good impact and *maslahah* for those who carry it out.

C. *Surat Panggul* Or Prenuptial Agreement In Force In The Dayak Ngaju Tribe Perspective Of Marriage Law Number 1 Of 1974

Before holding a wedding, the Dayak Ngaju people carry out several processions, one of which is the *mamanggul* procession. During this procession, the Dayak Ngaju people generally make a pre-nuptial agreement or *Surat Panggul* which will serve as a guideline when carrying out a marriage later.

³⁷ Nurulia Shalehatun Nisa, "Tinjauan Fiqh 'Urf Terhadap Praktik Perjanjian Perkawinan (Studi Empiris Adat Dayak Ngaju Kota Palangka Raya)," *Asasi: Journal Of Islamic Family Law* Vol.2 No.2 (April 2022), <https://doi.org/10.36420/Asasi>.

This is in line with Yulius S.Y Pahoe's opinion in his interview: "*Apart from fulfilling customary law, the aim is to maintain the commitments that have been decided*"³⁸

Based on this, it can be concluded that the position of the Surat Panggul or prenuptial agreement is very important among the Dayak Ngaju tribe community. A prenuptial agreement or Surat Panggul according to Dayak Ngaju custom is a written agreement containing an agreement that has been signed by the prospective husband and wife, parents or guardians of the prospective husband and wife, witnesses from both parties, Damang or Mantir.

The prenuptial agreement or Surat Panggul in the Dayak Ngaju community is born from habit, namely an action that is carried out repeatedly by the community, adhered to as positive life values. This habit pattern is accepted as something that is binding and obeyed by society, and is felt as an obligation that must be carried out. So that this habit becomes a custom that applies to society.³⁹

The Dayak tribe highly values marriage bonds, if a divorce occurs it is a very embarrassing shame, because the Dayak tribe is famous for its loyalty to its partner and only death can separate them.⁴⁰ *Surat Panggul* or prenuptial agreement is made to protect the rights and dignity of each partner. The *Surat Panggul* or prenuptial agreement executed by the Dayak Ngaju tribe refers to the

³⁸Yulius SYPahoe, Interview, (Malang, 04 October 2023)

³⁹ Muh Azhari, "Kearifan Lokal Masyarakat Suku Dayak Kalimantan Tengah Indonesia," *Seminar Internasional Riksa Bahasa*, 2019, <http://proceedings.upi.edu/index.php/riksabahasa/article/view/1087..>

⁴⁰ "Dayak Ngaju Traditional Marriage, Central Kalimantan: Concept and Juridical Review | Aditya | Pena Justisia: Media Komunikasi Dan Kajian Hukum," accessed August 6, 2023, <https://jurnal.unikal.ac.id/index.php/hk/article/view/2724>.

stories of the marriage between Raja Garing Hatungku and Nyai Endas Bulau Lisan Tingang.⁴¹

Surat Panggul or the prenuptial agreement of the Dayak Ngaju tribe is carried out based on the ethical and aesthetic background of the customary rules that apply among the Dayak Ngaju tribe. A *Surat Panggul* is an agreement between both parties (husband and wife) that each of them, both the first party (husband) and the second party (wife), promise to love, help and maintain household harmony in good times and bad and not to divorce their partner until the end of life.⁴² If in the future there is a problem in the household that the husband and wife are no longer able to solve, then they agree to solve it in a family way. If it cannot be resolved amicably, then the case will be resolved through the Kedamaian Dayak Traditional Institution in the village or sub-district. If the problem cannot be resolved according to custom, resulting in divorce, then the guilty party will be subject to customary sanctions by paying the innocent party (who was harmed). While *palaku* (dowry) remains the right of the second party, this is a decision that has been in place for a long time. *Palaku* will remain the property of the woman and her children because *palaku* is a sign of a woman's honor and when she divorces she will no longer be a girl. This shows that a woman has high honor and dignity and must be respected and loved.

⁴¹Dr Mambang I Tubil, Interview, (Malang, 24 September 2023)

⁴² roly Muliaz, "Pelaksanaan Perkawinan Menurut Hukum Adat Dayak Ngaju Ditinjau Dari Hukum Islam," *Jurnal Sagacious* 4, no. 2 (June 30, 2018): 63–72.

Surat Panggul the Dayak Ngaju traditional prenuptial agreement has four components of the agreement agreed upon by the bride and groom, namely:

1. marriage agreement between the bride and groom
2. If there is a dispute, it is resolved amicably or more often it is handed over to the local Damang Adat where the bride and groom are presented to make peace or find a solution.
3. Property during marriage is joint property, if you have children then all the inheritance is given to the children, if you don't have children then the inheritance is handed over to the local Damang Adat so that the Damang Adat distributes it to the surviving family of the spouse in accordance with Dayak Ngaju customary law.
4. If a divorce occurs, then:
 - a. The party who is at fault or who causes a quarrel or dispute is subject to customary sanctions in accordance with the agreed agreement.
 - b. *Palaku* (dowry) remains the property of the wife, it cannot be taken back in the event of a divorce unless the husband can restore his wife's virginity then the palaku can be taken back.
 - c. Property during the household becomes the property of the child and the rights of the innocent.

Based on the prenuptial agreement or *Surat Panggul*, the party who caused the divorce will receive sanctions. Apart from that, Rhendi Sepriany in his interview:

*"If at any time a violation occurs or one of the parties is proven guilty, there are things that become obligations for the violator or there are sanctions, usually in the form of goods or land."*⁴³

Based on this, it can be concluded that Dayak customary law regulates in detail human life, especially marriage, which is considered sacred and noble.

If a divorce occurs, the settlement follows the provisions regarding divorce of the Dayak traditional community which are regulated in Dayak Customary Law article 3 concerning *Singer Hatulang Belom* (one-sided divorce fine) and article 4 concerning *Singer Hatulang Palekak Sama Handak* (divorce fine based on mutual will). The fines for unilateral divorce are:

1. In accordance with the prenuptial agreement or *Surat Panggul*
2. The Customary Mantir can increase or increase the fine of up to 30 kati ramu (Rp. 3,000,000.00) to the guilty party if deemed necessary.
3. If there are children, joint assets are divided between the innocent party and the children.

Meanwhile, the fine for divorce based on mutual wishes is the division of joint assets in accordance with the prenuptial agreement or *Surat Panggul*. If there are children, the property becomes the right of all the children. If there are no children, then the assets are divided jointly.

⁴³Rhendi Sepriany, Interview, (Malang, 04 October 2023)

In general, couples who enter into a *Surat Panggul* or Prenuptial Agreement, the contents of the agreement are both related to the fidelity of husband and wife, this is understandable because the contents of the agreement are focused on matters relating to morality, not property. But there is also something related to assets, if one of the parties dies.

Before the parties (husband and wife) agree on a prenuptial agreement or *Surat Panggul*, the man must first fulfill a series of customary obligations (fulfillment of the *jalan hadat*), by giving a number of items to his future wife. Some of these traditional items have been converted into money or items that are easier to find.⁴⁴

Prenuptial agreements or *Surat Panggul* at a time when Dayak people could not yet read and write agreements were made orally. However, for now the agreement is made in written form and signed on a stamp of IDR 6,000 (now IDR 10,000) by the husband and wife witnessed by the parents of both parties, acknowledged, ratified and also signed by the local Mantir Adat or Damang Traditional Head.⁴⁵ The parties involved in witnessing and signing the pre-nuptial agreement document or *Surat Panggul* is not a matter of different religions, in the sense that the husband and wife may be Muslim, but the parents are Christian or *Kaharingan*, as are the Mantir and Damang, the traditional heads. This document complements the marriage certificate/book which is also owned by the husband

⁴⁴Dr Mambang I Tubil, Interview, (Malang, 24 September 2023)

⁴⁵ Muhammad Aulia Rahman, "Denda Adat Dayak Ngaju dalam perjanjian pranikah untuk meminimalisasi perceraian perspektif Masalah Mursalah Ramadhan Al –Buthi di Kecamatan Jekan Raya, Kota Palangka Raya, Kalimantan Tengah" (masters, Universitas Islam Negeri Maulana Malik Ibrahim, 2022), <http://etheses.uin-malang.ac.id/43333/>.

and wife. So each husband and wife have 1 marriage book and 1 agreement document or *Surat Panggul* to be used as commitment material and used as written evidence in case there are problems in the future.

All gifts or payments in exchange for money or goods by husband and wife must be paid in full by the husband before the marriage takes place.⁴⁶ After the payment, everything is continued with the preparation of a prenuptial agreement or *Surat Panggul*, which in practice can be done before or after the marriage contract. All gifts are truly honest and objective, meaning that they are not just played on paper or verbally, but are actually real, for example the location of the land, its size and the paperwork must be clear. The parties, especially the husband, cannot lie.

When the customary rules regarding the *Surat Panggul* had not yet been written, the contents of the agreement used the Dayak Ngaju language, as did the discussions between the parties, in this case Damang and Mantir, the prospective husband and wife and their parents, the witnesses and the audience almost all used the language of the Dayak Ngaju tribe. Now the contents of the prenuptial agreement or *Surat Panggul* have been standardized using Indonesian as in the example attached.

There are several aspects that can be seen from the *Surat Panggul* in order to realize a commitment:

1. Tendency not to ignore or insult a partner's choices

⁴⁶ “Pemenuhan Hukum Adat Dalam Perkawinan Dayak Ngaju - Dr. Telhalia, M.Th. - Google Books.”

2. Willingness to sacrifice or the tendency to abandon activities that are undesirable in marriage
3. Accommodating behavior or the tendency to accept a partner's shortcomings
4. There is cognitive interdependence or a tendency to think in terms of we, us rather than me or mine

Based on the four components and several aspects of the *Surat Panggul*, it can be concluded that the *Surat Panggul* or prenuptial agreement is very important and must always be preserved.

This is in line with Den Aren's opinion in his interview which also said: "*I think it is very important because the existence of a pelvic letter or prenuptial agreement letter protects the rights and obligations of husband and wife and children. To be a limit to not acting as you please.*"⁴⁷

In articles I and II of the pelvic letter or prenuptial agreement, it contains a statement that the willingness to love for the lifetime of the chosen partner and an agreement not to divorce the partner. This is a commitment to seriously build a household which of course does not contradict anything, because this seriousness has a positive impact on couples who make this prenuptial agreement or surat panggul. Then, Article III generally contains the division of property obtained during marriage. This is of course regulated according to the applicable law and agreed upon by the couple and their families. Furthermore, Article IV contains fines in the event of divorce for logical reasons, such as divorce caused by one of the spouses having an affair. Even so, the fines stipulated still have limits so as

⁴⁷Den Aren, Interview, (Malang, 04 October 2023)

not to violate decency. Then in article V, it contains ownership of the dowry, which of course belongs entirely to the wife.

In the academic paper of Marriage Law Number 16 Of 2019, there are several prohibitions that cannot be contained in a prenuptial agreement, namely:⁴⁸

1. Prohibition of prenuptial agreements that remove the husband as the head of the marriage;
2. Abolishing his authority as a father;
3. Loss of the rights of a husband or wife who dies
4. Prohibition of making an agreement that the husband will have a greater share in the activa than his share in the passive. The purpose of this prohibition is that the husband and wife benefit themselves to the detriment of third parties;
5. Prohibition of making an agreement that the relationship between husband and wife will be controlled by the laws of a foreign country.

If we look at the provisions regarding what prohibitions are contained in the prenuptial agreement in this academic paper. this is if we have returned to the articles in Surat Panggul or the Ngaju Dayak customary agreement does not contain the prohibitions specified above. So it can be concluded that this Surat Panggul can run in harmony with Marriage Law Number 1 Of 1974.

Then the prenuptial agreement in general has been regulated in Marriage Law Number 1 Of 1974 and the Compilation of Islamic Law (KHI). According

⁴⁸ "Na_ruu_perkawinan_.Pdf," accessed December 4, 2023, https://www.bphn.go.id/data/documents/na_ruu_perkawinan_.pdf.

to Chapter V of Law Number 1 of 1974 concerning marriage and the Compilation of Islamic Law, a prenuptial agreement is an agreement made by a prospective husband and wife before carrying out a marriage by mutual agreement.⁴⁹ The prenuptial agreement is made in writing which is legalized by the marriage registrar. The prenuptial agreement is valid from the time of the marriage. The prenuptial agreement can be changed later with the agreement of both parties. However, this prenuptial agreement cannot be legalized if the contents of the prenuptial agreement violate the boundaries of law and decency.

If you look at the contents of the Dayak Ngaju traditional prenuptial agreement and the prenuptial agreement according to Marriage Law Number 1 Of 1974, there are several differences, namely:⁵⁰

1. The ratification of the traditional prenuptial agreement or *Surat Panggul* is through the Customary Mantir or Damang, while the prenuptial agreement is generally ratified by the marriage registrar.
2. Making a prenuptial agreement or *Surat Panggul* goes through several processions and conditions that need to be fulfilled, whereas prenuptial agreements generally do not require a procession before the marriage.
3. The contents of the *Surat Panggul* or prenuptial agreement usually contain the amount of fines that have been agreed upon and the marriage equipment that must be fulfilled, while prenuptial agreements

⁴⁹ “Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan,” n.d.

⁵⁰ “Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.”

generally only contain points and do not include fines if there are violations.

4. *Surat Panggul* this traditional prenuptial agreement is known to the prospective partner, parents, family or heirs, whereas the prenuptial agreement that generally exists in Indonesia is known only to the prospective partner and third parties if concerned.

Based on the differences in prenuptial agreements or *Surat Panggul* above, researchers do not see any contents of the agreement that conflict with the points of article 29 of Marriage Law Number 1 Of 1974. However, if we examine it further, the *Surat Panggul* or prenuptial agreement has a broader function because it not only concerns property issues resulting from marriage but also includes conditions or desires that must be fulfilled by both parties as long as they do not violate legal boundaries and morality. In this case, what is meant by not violating the law is that none of the points in the *Surat Panggul* contradict the Constitution of the Republic of Indonesia and eliminate the husband's obligation to fulfill household needs.

BAB V

CLOSING

A. Conclusion

From the research that has been carried out to date, it can be concluded that the answer to the existing problem formulation is:

1. The traditional procession of the Dayak Ngaju community before marriage has stages and steps that need to be followed, such as *Hakumbang Auh* (conveying a man's intentions to a girl he wants to become his wife), *Mamanggul* (formal proposal), *Maja Misek* (is a meeting between the young man's family and the girl's family), *Mananggar Janji* or *Mukut Rapin Tuak* (second meeting of the woman and the man specifically to determine when the marriage will take place). At this *mamanggul* stage, both parties meet and determine *Jalan Hadat* which is the dowry of the Dayak Ngaju tribe which has the meaning of reflecting the ethics of life of the Dayak community, especially a man towards a woman and her family. Viewed from a customary point of view, the Dayak Ngaju community's practice of procession before marriage has benefits if it is carried out and does not conflict with Al-Qur'an hadith. So this can be classified as a custom that has a good impact and is *mashlahah* for those who carry it out.
2. Before marriage occurs in the Dayak Ngaju tribe, there is one stage that must be passed, namely *mamanggul*. At this stage, both parties make a *Surat Panggul* or prenuptial agreement. The *Surat Panggul* or prenuptial agreement according to Dayak Ngaju custom is a written

agreement whose contents are agreed upon by both parties to the prospective bride and groom and the parents of the prospective bride and groom, witnessed by witnesses and the Traditional Mantir and known to the Damang Traditional Head. In the agreement letter, the road of hadat is stated which is the responsibility of the prospective bridegroom and their respective rights and obligations are stated. It also includes legal sanctions for those who make mistakes and includes arrangements for the distribution of assets and functions as proof of a man's seriousness or commitment to marrying a woman. From the point of view of the provisions of the prenuptial agreement in Indonesia, namely those contained in Marriage Law Number 1 Of 1974, this surat panggul or customary prenuptial agreement does not contradict the existing provisions.

B. Suggestion

Based on the results of this research, the researchers provide suggestions for several things, such as:

1. For future researchers who want to research the Dayak Ngaju tribe's *Surat Panggul*, please conduct research in different locations and different perspectives. So that readers can have knowledge about the customs of the Dayak Ngaju tribe with various perspectives.
2. For the peace of the City of Palangka Raya, we must always socialize about traditional culture to the indigenous community, from indigenous or

hybrid Dayak traditional marriages, so that Dayak traditional culture is always maintained.

3. For the people in Central Kalimantan Province, especially in the City of Palangka Raya, to always contribute to preserving the traditional culture inherited from their ancestors by not forgetting or ignoring it. And Muslim communities can also do this by paying attention to things that do not conflict with Islamic teachings.
4. For students to remain active in conducting research in developing knowledge about cultures in Indonesia, one of which is the Dayak Ngaju Tribe.

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APPENDIXES

1. Pedoman dan Jawaban Wawancara
 - a. Pedoman Wawancara Kepada Pengurus Lembaga Adat Dayak
 - 1) Bagaimana prosesi yang ada di masyarakat Dayak Ngaju sebelum adanya perkawinan?
 - 2) Bagaimana tradisi dalam perjanjian pranikah suku Dayak Ngaju?
 - 3) Apa saja nilai-nilai yang menjadi dasar budaya dan adat istiadat perkawinan suku Dayak Ngaju dalam perjanjian pranikah?
 - 4) Apa tujuan dan fungsi perjanjian pranikah suku Dayak Ngaju?
 - 5) Mengenai perjanjian pranikah adat Dayak Ngaju ini, apakah hanya berlaku pada calon pasangan yang kedua pihak berasal dari suku Dayak Ngaju?
 - 6) Bagaimana jika salah satu pihak yang melanggar enggan memenuhi ketentuan yang ada pada isi perjanjian pranikah adat?
 - b. Pedoman Wawancara Kepada Pasangan
 1. Sebelum anda melakukan perkawinan secara adat Dayak apakah anda mengetahui tentang adanya perjanjian pranikah pada adat Dayak?
 2. Menurut anda seberapa pentingkah perjanjian pranikah adat ini harus dilakukan?
 3. Apa tujuan anda dan pasangan anda melakukan perjanjian pranikah adat ini?
 4. Bagaimana jika suatu saat terjadi pelanggaran diluar perjanjian pranikah adat yang telah kalian sepakati?
 5. Prosesi apa saja yang anda dan pasangan lalui sebelum adanya perkawinan?
 - c. Jawaban Wawancara Dengan Pengurus Dewan Adat Dayak

Pertanyaan	Jawaban
<p>Bagaimana prosesi yang ada di masyarakat Dayak Ngaju sebelum adanya perkawinan?</p>	<p>Pak Mambang: <i>“Mengenai prosesi yang pertama ada Hakumbang Auh (penyampaian niat seorang lelaki kepada seorang gadis yang diinginkan), mamanggul (prosesi meminta gadis secara resmi setelah pihak keluarga si lelaki diterima oleh pihak gadis), maja misek (pertemuan pihak perempuan dan pihak lelaki untuk membahas syarat, waktu, biaya perkawinan), mananggar janji (memastikan janji atau memastikan waktu pelaksanaan perkawinan)”</i></p>

<p>Bagaimana tradisi dalam perjanjian pranikah suku Dayak Ngaju?</p>	<p>Pak Mambang: <i>“Surat panggul merupakan suatu perjanjian sebelum melaksanakan sebuah perkawinan adat dayak. Ada beberapa hal yang diatur didalamnya yakni pemenuhan jalan adat dalam melaksanakan perkawinan dan pada saat setelah perkawinan. Didalamnya juga diatur mengenai sanksi adat jika adanya pelanggaran perjanjian”</i></p>
<p>Apa saja nilai-nilai yang menjadi dasar budaya dan adat istiadat perkawinan suku Dayak Ngaju dalam perjanjian pranikah?</p>	<p>Pak Mambang: <i>“ Nilai yang terkandung dalam perjanjian pranikah antara pihak itu beri'tikad baik untuk melakukan suatu perbuatan hukum menurut adat untuk mengikatkan diri dalam suatu ikatan/hubungan khusus. Menurut masyarakat suku Dayak Ngaju perkawinan merupakan hal yang suci dan luhur sehingga prinsip yang ditanamkan perkawinan hanya bisa dipisahkan oleh maut”</i></p>
<p>Apa tujuan dan fungsi perjanjian pranikah suku Dayak Ngaju?</p>	<p>Pak Mambang: <i>“Tujuan dan fungsinya yakni agar seseorang itu dapat menghargai suatu perbuatan hukum perjanjian itu. Hal ini memiliki fungsi sebagai bentuk penghargaan terhadap perempuan Dayak. Hal ini juga berfungsi sebagai bentuk komitmen seseorang jika meminta anak gadis orang”</i></p>
<p>Mengenai perjanjian pranikah adat Dayak Ngaju ini, apakah hanya berlaku pada calon pasangan yang kedua pihak berasal dari suku Dayak Ngaju?</p>	<p>Pak Mambang: <i>“Perjanjian pranikah atau surat Panggul ini juga diterapkan jika calon istri berasal dari suku Dayak Ngaju. Yang bukan berasal dari Dayak Ngaju pun dapat melaksanakan hal</i></p>

	<i>tersebut jika berdomisili disana, dengan cara mendatangi Damang yang ada didaerah tersebut”</i>
Bagaimana jika salah satu pihak yang melanggar enggan memenuhi ketentuan yang ada pada isi perjanjian pranikah adat?	Pak Mambang: <i>“Pada umumnya seseorang jika merasa salah akan dikenakan sanksi sesuai surat perjanjian. Namun jika ada perlawanan maka diadakan sidang adat oleh Damang sebagai hakim adat. Jika setelah diadakan sidang seseorang yang bersalah tidak menunaikan sanksi sesuai dengan isi perjanjian maka ia mendapatkan sanksi sosial dari masyarakat sekitar. Dan tidak dilayani lagi mengenai hal-hal yang berkaitan dengan adat”</i>

d. Jawaban Wawancara Dengan Pasangan

1) Pasangan Pertama

a) Suami

Pertanyaan	Jawaban
Sebelum anda melakukan perkawinan secara adat Dayak apakah anda mengetahui tentang adanya perjanjian pranikah pada adat Dayak?	Yulius: <i>“ Sebelum melaksanakan prosesi sebelum perkawinan, saya sudah mengetahui tentang adanya perjanjian pranikah tersebut. Tentu saja pengetahuan ini saya peroleh dari keluarga yang sudah laksanakan adat tersebut terlebih dahulu”</i>
Menurut anda seberapa pentingkah perjanjian pranikah adat ini harus dilakukan?	Yulius: <i>“Sangat penting karena adanya surat panggul ini menegaskan kita mengenai kewajiban dan hak yang harus dijalankan”</i>
Apa tujuan anda dan pasangan anda melakukan perjanjian pranikah adat ini?	Yulius: <i>“Selain memenuhi hukum adat, tujuannya adalah untuk menjaga komitmen yang sudah putusan”</i>
Bagaimana jika suatu saat terjadi pelanggaran diluar perjanjian pranikah adat yang telah kalian	Yulius: <i>“Jika suatu saat salah satu pasangan melanggar perjanjian</i>

sepakati?	<i>yang telah disepakati maka harus bertindak sesuai kesepakatan yang ada pada surat panggul tersebut dengan mengedepankan penyelesaian masalah secara kekeluargaan terlebih dahulu”</i>
Prosesi apa saja yang anda dan pasangan lalui sebelum adanya perkawinan?	Yulius: <i>“Sebelum dilaksanakannya perkawinan Ada prosesi yang harus dilakukan yakni hakumbang auh(jakah duit), mamanggul (pembuatan surat panggul), selanjutnya itu melaksanakan maja misek dan mananggar janji”</i>

b) Istri

Pertanyaan	Jawaban
Sebelum anda melakukan perkawinan secara adat Dayak apakah anda mengetahui tentang adanya perjanjian pranikah pada adat Dayak?	Rhendi: <i>“Sebelumnya saya sudah tau tentang adanya surat perjanjian pranikah karena saya terlahir dari orang tua suku Dayak Ngaju, jadi tidak hanya mengikuti alur”</i>
Menurut anda seberapa pentingkah perjanjian pranikah adat ini harus dilakukan?	Rhendi: <i>“Menurut saya perjanjian pranikah ini sangat penting, karena ada hal-hal yang menjadi hak dan tanggung jawab yang harus kita ketahui”</i>
Apa tujuan anda dan pasangan anda melakukan perjanjian pranikah adat ini?	Rhendi: <i>“Selain memenuhi hukum adat, tujuan kita melakukan perjanjian pranikah ini untuk mengetahui, mengamankan, menjaga, melindungi pasangan dari hal-hal yang tidak diinginkan karena ada sanksi didalamnya”</i>
Bagaimana jika suatu saat terjadi pelanggaran diluar perjanjian pranikah adat yang telah kalian sepakati?	Rhendi: <i>“Jika suatu saat terjadi pelanggaran atau salah satu pihak terbukti bersalah ada hal-hal yang menjadi kewajiban</i>

	<i>bagi si pelanggar atau ada sanksi biasanya berupa barang atau tanah”</i>
Prosesi apa saja yang anda dan pasangan lalui sebelum adanya perkawinan?	Rhendi: <i>“Prosesnya cukup panjang, ada prosesi jakah duit ada mamangul dan mendirikan pendeng surat dan prosesi maja misek juga ada mananggar janji guna memastikan waktu pelaksanaan perkawinan dan pemenuhan jalan hadat”</i>

2) Pasangan Kedua

a) Suami

Pertanyaan	Jawaban
Sebelum anda melakukan perkawinan secara adat Dayak apakah anda mengetahui tentang adanya perjanjian pranikah pada adat Dayak?	Den Aren: <i>“Ya, saya sudah tahu tentang perjanjian pranikah itu, untuk melaksanakan sebuah perkawinan, perjanjian pranikah itu tidak lepas dari bagian proses persiapan pernikahan. Perjanjian pranikah itu juga merupakan identitas dari suku kami”</i>
Menurut anda seberapa pentingkah perjanjian pranikah adat ini harus dilakukan?	Den Aren: <i>“Saya rasa sangat penting karena adanya surat panggul atau surat perjanjian pranikah ini melindungi hak dan kewajiban pasangan suami-istri serta anak. Untuk menjadi batasan tidak bertindak sesuka hati”</i>
Apa tujuan anda dan pasangan anda melakukan perjanjian pranikah adat ini?	Den Aren: <i>“Tujuan kami melakukan surat panggul yaitu berharap agar perkawinan kami selalu kuat menghadapi rintangan dan tetap utuh”</i>
Bagaimana jika suatu saat terjadi pelanggaran diluar perjanjian pranikah adat yang telah kalian sepakati?	Den Aren: <i>“Jika suatu saat salah satu pasangan melanggar perjanjian, maka harus bertindak sesuai</i>

	<i>kesepakatan yang adapada surat panggul tersebut.”</i>
Prosesi apa saja yang anda dan pasangan lalui sebelum adanya perkawinan?	Den Aren: <i>“Ada beberapa prosesi yang harus dilalui sebelum adanya perkawinan salah satunya yakni pemenuhan syarat dari pihak perempuan yang telah disepakati pada prosesi mamanggul”</i>

b) Istri

Pertanyaan	Jawaban
Sebelum anda melakukan perkawinan secara adat Dayak apakah anda mengetahui tentang adanya perjanjian pranikah pada adat Dayak?	Krysti: <i>“Sebelumnya saya sudah tau tentang adanya surat perjanjian pranikah tersebut karena merupakan hal penting sebelum adanya perkawinan”</i>
Menurut anda seberapa pentingkah perjanjian pranikah adat ini harus dilakukan?	Krysti: <i>“Sangat penting, karena ini adalah salah satu identitas budaya Dayak, dan juga kita harus tetap mempertahankan tradisi suku Dayak Ngaju”</i>
Apa tujuan anda dan pasangan anda melakukan perjanjian pranikah adat ini?	Krysti: <i>“Hal ini bertujuan untuk memenuhi hukum adat serta agar pernikahan dianggap sah menurut hukum adat”</i>
Bagaimana jika suatu saat terjadi pelanggaran diluar perjanjian pranikah adat yang telah kalian sepakati?	Krysti: <i>“Jika salah satu pihak terbukti bersalah dan melanggar perjanjian maka akan ada denda yang diberikan sesuai dengan perjanjian hukum adat yang tertulis”</i>
Prosesi apa saja yang anda dan pasangan lalui sebelum adanya perkawinan?	Krysti: <i>“Prosesnya cukup panjang, ada beberapa prosesi salah satunya pengumpulan syarat-syarat pernikahan adat yang harus diberikan pihak laki-laki kepada pasangannya. Jika salah satu syarat yang diberikan kurang maka ada denda tersendiri”</i>

2. Contoh Surat Panggul atau Perjanjian Pranikah Dayak Ngaju

a. Pasangan Pertama

- 1) Pada hari Jumat tanggal sepuluh bulan november tahun dua ribu tujuh belas, masing-masing yang bertanda tangan dibawah ini:

Nama :Yulius S.Y.Pahoe

Tempat/tanggal lahir: Kuala Kapuas, 1 Mei 1992

Umur : 25 tahun

Pekerjaan : pegawai swasta

Dalam surat perjanjian ini disebut sebagai pihak pertama (I)

Nama : Rhendi Sepriany

Tempat/tanggal lahir: Palangka Raya, 27 September 1992

Umur : 25 tahun

Pekerjaan : pegawai swasta

Selanjutnya dalam perjanjian ini disebut sebagai pihak kedua (II)

- 2) Bahwa pihak pertama (I) dan pihak kedua (II) atas kehendak bersama dan persetujuan orang tua, kedua belah pihak pada hari ini seperti tanggal tersebut diatas, telah sepakat melaksanakan perkawinan secara adat Dayak Kalimantan Tengah, dengan adat kawin yang dipenuhi oleh pihak pertama kepada pihak kedua sebagai berikut:

- a). Palaku/ emas kawin: lima pikul garantung diganti dengan sebidang tanah SKT terlampir

- b). saput: enam kati (diuangkan sebesar Rp 600.000)

- c). pakaian : empat kati (diuangkan sebesar Rp 400.000)

- d). garantung kuluk pelek : lima belas kati (diuangkan sebesar Rp 1.500.000)

- e). bulau singah pelek: sepasang cincin kawin

- f). lapik ruji: satu buah ringgit perak

- g). lamiang turus pelek : satu pucuk lilis

- h). sinjang entang: satu lembar sarung dan satu lembar bahalai

- i). lapik luang: satu lembar bahalai

- j). tutup uwan: dua meter kain hitam

- k). pinggan pananan: satu set perlengkapan makan

- l). tumbuk tangga: satu kati (Rp 100.000)

- m). rapin tuak: secukupnya

- n). jangkit amak: ditanggung oleh pihak laki-laki

- o). bulau ngandung: ditanggung bersama

- p). ramun pisek: sudah diterima pada saat pertunangan

- q). batu kaja: diberikan pada saat pakaja menantu

- 3) Perjanjian

Pasal I

Saya Nama Yulius S. Y. Pahoe pihak pertama telah mengambil perempuan yang bernama Rhendi Sepriany pihak kedua menjadi istri saya yang sah, saya berjanji mencintai dan memelihara dia baik dalam keadaan suka maupun duka, serta tidak menceraikan dia selama hidupnya kecuali kematian yang memisahkan saya.

Pasal II

Saya nama Rhendi Sepriany pihak kedua telah mengambil laki-laki yang bernama Yulius S. Y. Pahoe pihak pertama menjadi suami saya yang sah, saya berjanji mencintai dan memelihara dia baik dalam keadaan suka maupun duka, serta tidak menceraikan dia selama hidupnya kecuali kematian yang memisahkan saya.

Pasal III

Harta benda yang diperoleh selama berumah tangga dalam ikatan perkawinan ini menjadi hak bersama dan diatur sebagai berikut:

- a. Jika dikemudian hari salah satu dari kami kedua belah pihak meninggal dunia dalam keadaan tidak mempunyai anak, maka harta yang kami peroleh selama hidup bersama dalam ikatan perkawinan dititipkan kepada yang masih hidup, apabila yang masih hidup tersebut menikah kembali maka harta benda yang dititipkan tersebut dibagi dua, setengah bagian untuk ahli waris yang meninggal.
- b. Jika kami mempunyai anak maka seluruh harta benda yang diperoleh selama berumah tangga menjadi hak milik yang masih hidup dan hak milik anak-anak kami. Dengan ketentuan bila pihak yang masih hidup manikah lagi maka harta benda sepenuhnya menjadi milik anak kami.
- c. Jika terjadi perceraian semasa hidup dalam keadaan tidak memiliki anak, maka seluruh harta benda yang diperoleh semasa hidup bersama dalam ikatan perkawinan akan dibagi dua, tetapi jika mempunyai anak maka harta benda tersebut sepenuhnya menjadi hak anak kami.

Pasal IV

- a. Jika saya Yulius S. Y. Pahoe, menceraikan istri saya atau melakukan kesalahan terhadap istri saya sehingga terjadi perceraian, maka saya bersedia membayar singer (denda adat) sebesar seratus gram (100 gram) emas murni kepada pihak istri.
- b. Begitu juga sebaliknya (pihak kedua) membayar denda adat kepada pihak suami dengan ketentuan yang sama.

Pasal V

Palaku (mas kawin) tetap menjadi hak milik pihak kedua (istri) sepenuhnya.

- b. Pasangan kedua

- 1) Pada hari Kamis tanggal dua bulan Februari tahun dua ribu dua puluh tiga, masing-masing yang bertanda tangan dibawah ini:
Nama : Den Aren
Tempat/tanggal lahir: Palangka Raya, 23 Februari 1994
Pekerjaan : wiraswasta
Dalam surat perjanjian ini disebut sebagai pihak pertama (I)
Nama : Krysti Indryani
Tempat/tanggal lahir: Kapuas, 14 Desember 1994
Pekerjaan : wiraswasta
Selanjutnya dalam perjanjian ini disebut sebagai pihak kedua (II)
- 2) Bahwa pihak pertama (I) dan pihak kedua (II) atas kehendak bersama dan persetujuan orang tua, kedua belah pihak pada hari ini seperti tanggal tersebut diatas, telah sepakat melaksanakan perkawinan secara adat Dayak Kalimantan Tengah, dengan adat kawin yang dipenuhi oleh pihak pertama kepada pihak kedua sebagai berikut:
 - a). Palaku/ emas kawin: lima pikul garantung diganti dengan sebidang tanah yang terletak di Mandomai.
 - b). saput: dibayar dengan uang sebesar Rp 300.000
 - c). pakaian : dibayar dengan uang sebesar Rp 200.000
 - d). garantung kuluk pelek : empat kati ramu (diuangkan sebesar Rp 400.000)
 - e). bulau singah pelek: sepasang cincin kawin
 - f). lapik ruji: satu keping ringgit perak
 - g). lamiang turus pelek : satu buah lamiang
 - h). sinjang entang: satu lembar Tapih dan satu lembar bahalai
 - i). lapik luang: satu lembar bahalai
 - j). tutup uwan: dua meter kain hitam
 - k). pinggan pananan: satu set perlengkapan makan
 - l). tumbuk tangga: piring porselin 7 (tujuh) piring diisi beras dan uang secukupnya, diganti dengan 7 amplop diisi uang secukupnya.
 - m). rapin tuak: secukupnya
 - n). jangkit amak: ditanggung oleh pihak laki-laki
 - o). bulau ngandung: ditanggung bersama
 - p). ramun pisek: sudah diterima pada saat pertunangan
 - q). batu kaja: diberikan pada saat pakaja menantu
- 3) Perjanjian

Pasal I

Saya Nama Den Aren pihak pertama telah mengambil perempuan yang bernama Krysti Indryani pihak kedua menjadi istri saya yang sah, saya berjanji mencintai dan memelihara dia

baik dalam keadaan suka maupun duka, serta tidak menceraikan dia selama hidupnya kecuali kematian yang memisahkan saya.

Pasal II

Saya nama Krysti Indryani pihak kedua telah mengambil laki-laki yang bernama Den Aren pihak pertama menjadi suami saya yang sah, saya berjanji mencintai dan memelihara dia baik dalam keadaan suka maupun duka, serta tidak menceraikan dia selama hidupnya kecuali kematian yang memisahkan saya.

Pasal III

Harta benda yang diperoleh selama berumah tangga dalam ikatan perkawinan ini menjadi hak bersama dan diatur sebagai berikut:

- a. Jika dikemudian hari salah satu dari kami kedua belah pihak meninggal dunia dalam keadaan tidak mempunyai anak, maka harta yang kami peroleh selama hidup bersama dalam ikatan perkawinan dititipkan kepada yang masih hidup, apabila yang masih hidup tersebut menikah kembali maka harta benda yang dititipkan tersebut dibagi dua, setengah bagian untuk ahli waris yang meninggal.
- b. Jika kami mempunyai anak maka seluruh harta benda yang diperoleh selama berumah tangga menjadi hak milik yang masih hidup dan hak milik anak-anak kami. Dengan ketentuan bila pihak yang masih hidup menikah lagi maka harta benda sepenuhnya menjadi milik anak kami.
- c. Jika terjadi perceraian semasa hidup dalam keadaan tidak memiliki anak, maka seluruh harta benda yang diperoleh semasa hidup bersama dalam ikatan perkawinan akan dibagi dua, tetapi jika mempunyai anak maka harta benda tersebut sepenuhnya menjadi hak anak kami.

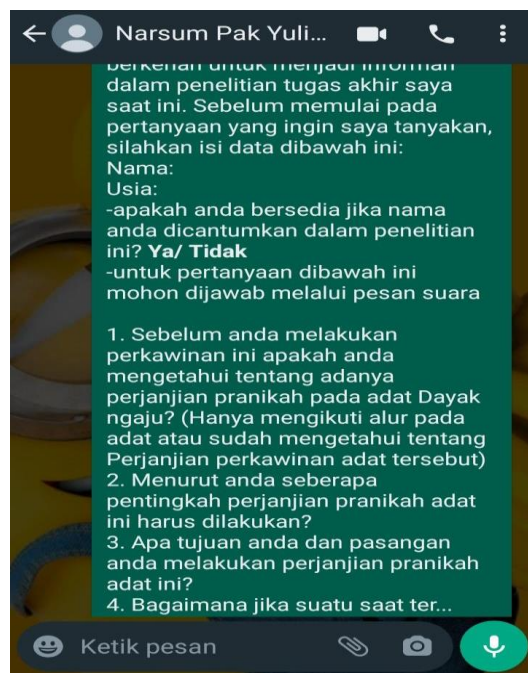
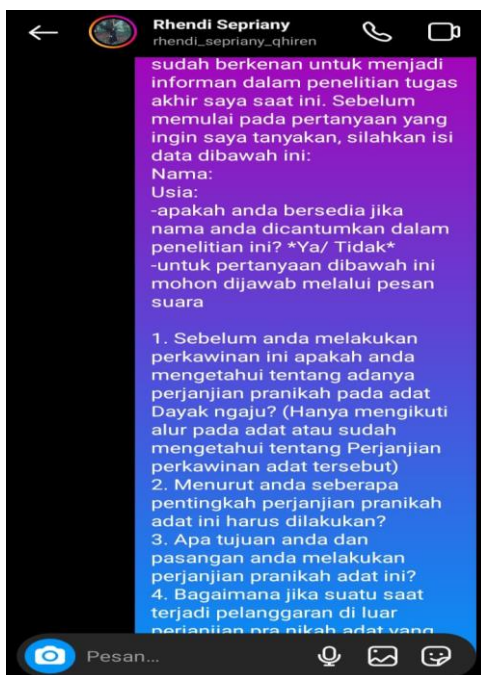
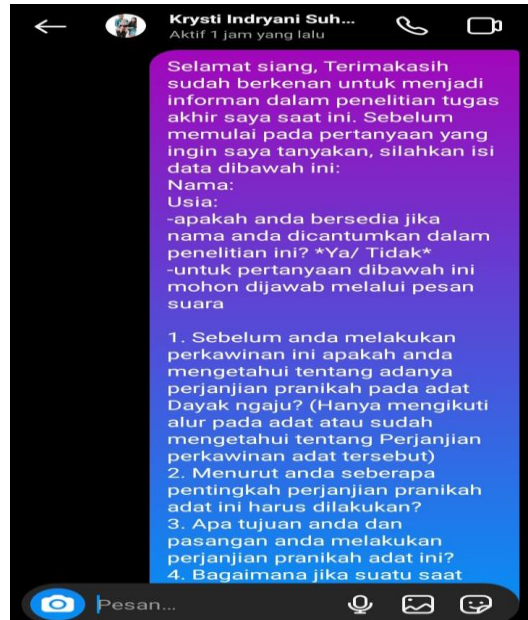
Pasal IV

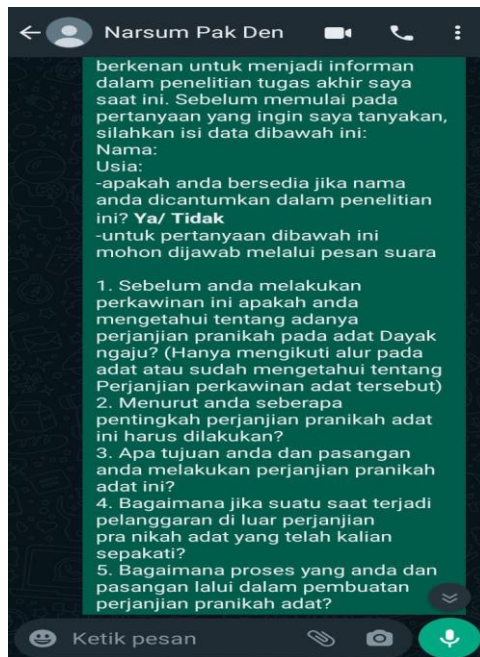
- c. Jika saya Den Aren, menceraikan istri saya atau melakukan kesalahan terhadap istri saya sehingga terjadi perceraian, maka saya bersedia membayar singer (denda adat) sebesar Rp 15.000.000,-(Lima belas juta rupiah) kepada pihak istri.
- d. Bagi pihak yang dengan sengaja melanggar atau berbuat kesalahan sehingga terjadinya perkawinan dengan pihak yang lain sampai terjadi perceraian, maka pihak yang dianggap bersalah dikenakan sanksi singer adat dengan membayar kepada pihak yang bersalah sebesar Rp 20.000.000 (Lima Puluh Juta Rupiah).
- e. Begitu juga sebaliknya (pihak kedua) membayar denda adat kepada pihak suami dengan ketentuan yang sama.

Pasal V

Palaku (mas kawin) tetap menjadi hak milik pihak kedua (istri) sepenuhnya.

3. Lampiran Foto Wawancara







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CONSULTATION PROOF

Name : Jamilatun Nissa
Student Number : 200201110132
Department : Hukum Keluarga Islam
Supervisor : Erik Sabti Rahmawati, MA., M. Ag.
Thesis Title : Surat Panggul: Prenuptial Agreement In The Dayak Ngaju Tribe Perspective of Marriage Law Number 1 of 1974 (Study of The Dayak Ngaju Community In Palangka Raya City, Central Kalimantan)

No	Day/Date	Subject of Consultation	Signature
1	5 September 2023	Background Consultation	
2	11 September 2023	Beakground Revision	
3	18 September 2023	Revision of Operational Definition	
4	22 September 2023	Revision of Theory Framework	
5	25 September 2023	ACC Proposal Seminar	
6	27 September 2023	Revision of Proposal Seminar	
7	30 September 2023	Revision Bab 3	
8	30 October 2023	Revisi Bab 4	
9	13 November 2023	Revisi Bab 5	
10	15 November 2023	ACC Skripsi	

Malang, 07 November 2023
Acknowledged by:
Head Department of Islamic Family Law

Erik Sabti Rahmawati, M.A., M.Ag.
NIP. 197511082009012003

CURICULUM VITAE

	Nama	Jamilatun Nissa
	NIM	200201110132
	Alamat	Jl. Ali Ahmad, Kelurahan Mendawai, Kecamatan Sukamara, Kabupaten Sukamara
	Tempat, Tanggal Lahir	Sukamara, 20 March 2002
	Nomor Telepon	085876323944
	Email	200201110132@student.uin-malang.ac.id

LIST OF EDUCATIONAL HISTORY

No	Nama Instansi	Alamat	Tahun
1	SDN Mendawai 3	Jl. Cilik Riwut, Mendawai, Kecamatan Sukamara, Kabupaten Sukamara, Provinsi Kalimantan Tengah	2014
2	MTs Miftahul Ulum	Jl. Raya Tayu-Jepara No.328, Kampunganyar, Purwokerto, Kecamatan Tayu, Kabupaten Pati, Jawa Tengah	2017
3	MAN 2 Pati	Jl. Ratu Kalinyamat, Gg. Melati II, Gawaran, Tayu Wetan, Kec. Tayu, Kab. Pati, Jawa Tengah	2020
4	UIN Maulana Malik Ibrahim	Jl. Gajayana No.50, Dinoyo, Lowokwaru, Kota Malang	2023