



A MODEL FOR RESOLUTION OF NATURAL RESOURCE CONFLICT IN CENTRAL KALIMANTAN USING THE DAYAK HINTING PALI TRADITIONAL RITUAL APPROACH

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Abstract

Conflicts over natural resource control in Central Kalimantan, particularly regarding customary land in oil palm plantation development, often disadvantage indigenous communities. Formal legal mechanisms are considered insufficiently responsive to local values, leading the Dayak people to employ the customary ritual of *Hinting Pali* as a means of dispute resolution that carries both spiritual and social legitimacy. This study aims to examine the meaning of *Hinting Pali* in conflict resolution, the reasons for its use by indigenous communities, and the prospects for its recognition within the framework of national law (*ius constituendum*). Theoretically, the research contributes to the enrichment of customary law studies, while practically it provides valuable insights for the government, businesses, and customary institutions in promoting equitable conflict resolution. The research adopts an empirical legal approach with a descriptive-analytical nature. The study was conducted in Katingan Regency, Central Kalimantan, involving indigenous communities, *Damang, mantir adat*, as well as government and company representatives. Samples were selected purposively. Data were collected through interviews, observations, and document analysis, and were examined qualitatively using a juridical-sociological approach. The findings reveal that *Hinting Pali* functions as a sacred prohibition to halt activities on disputed land, prevent conflict escalation, and restore social harmony. Despite its effectiveness, challenges remain in the form of misuse and legal overlaps. *Hinting Pali* has the potential to serve as an alternative model for resolving natural resource conflicts that is just, sustainable, and feasible for integration into the national legal system.

Keywords: Central Kalimantan, Customary Law, Dayak Community, Hinting Pali, Natural Resource Conflicts.

INTRODUCTION

Indonesian society is inherently multicultural (Munif, 2018). Within this multicultural context, efforts to prevent conflict and the assumption that conflict is inherently negative are no longer relevant. Conflict is neither avoidable nor concealable; rather, it must be acknowledged, managed, and transformed into a constructive force for positive change. The abundance of natural resources and fertile land constitutes a vital foundation for national development (Soleh, 2017).

The Indonesian people recognize land and natural resources as divine blessings intended to ensure collective welfare. This principle is enshrined in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which affirms that the earth, water, and natural wealth are controlled by the state and utilized for the greatest prosperity of the people. However, within the practice of regional autonomy, the granting of plantation business permits particularly for oil palm cultivation has frequently generated injustice and conflict with indigenous communities (Pujayanti, 2018).

In addressing customary land disputes, the Dayak community in Central Kalimantan has developed a dispute resolution mechanism through the ritual of Hinting Pali. This ritual serves as a sacred prohibition, preventing any party from controlling the disputed object until a binding customary court decision is reached (Ernis, 2019). Nevertheless, over time, the use of Hinting Pali has triggered debate over whether it should be regarded as a cultural product or as part of Kaharingan religious rituals.

This issue may be analyzed through Lawrence M. Friedman's legal system theory, which posits that law consists of three interrelated components: structure, substance, and legal culture. These elements must coexist in balance to ensure the effective functioning of law (Friedman, 1975). In the case of customary land conflicts, the weakness lies in the cultural component: respect for customary law is inadequately accommodated within the state legal system. This results in legal uncertainty, despite certainty being one of the principal objectives of law, as emphasized by Gustav Radbruch (1950).

Legislation does provide a degree of protection. For instance, Article 9 of Law No. 18 of 2004 on Plantations stipulates the obligation for companies to engage in deliberation with indigenous communities before the transfer of customary land rights (Thontowi, 2015; Kholizah, 2022). However, weak implementation and regulatory overlaps have allowed conflicts to persist. In practice, numerous disputes have occurred across different regions between indigenous communities in rural areas and business entities involved in oil palm plantation development. These disputes have had significant impacts on indigenous peoples, whose customary land has been taken over, forcibly transferred, or seized for plantation expansion.

Several pressing issues emerge if the misuse of Hinting Pali is not promptly addressed in Central Kalimantan. Philosophically, the ritual has lost its original sacred purpose, undermining its fundamental values. Juridically, regulatory overlaps have created opportunities for certain groups to exploit Hinting Pali for unilateral gain. Sociologically, investors face difficulties in securing their capital, as prolonged conflicts have disrupted business activities, leading to financial losses.

Thus, Hinting Pali can be understood as a manifestation of local legal culture that remains embedded in the Dayak community. At the same time, it illustrates how customary law continues to function as a dispute resolution mechanism for natural resource conflicts. From the perspective of Pancasila's theory of justice, the ritual reflects social justice values rooted in the nation's cultural heritage. Therefore, research on the meaning and role of Hinting Pali is crucial

for formulating the future direction of legal development (*ius constituendum*) that aligns with constitutional principles while recognizing the existence of indigenous peoples.

RESEARCH METHODS

The type of research employed in this study is empirical legal research. This approach was chosen because it aligns with the legal issues under investigation, namely the legal protection of customary land in the development of oil palm plantations in Katingan Regency, Central Kalimantan Province. In terms of its nature, the study is descriptive research, which seeks to portray specific objects and provide systematic explanations of facts or characteristics of particular populations in an accurate and factual manner (Azwar, 1998; Hadi, 1986).

The research location was determined in Katingan Regency, Central Kalimantan Province, which covers an area of 153,564 km², consisting of 11 major rivers and 33 minor rivers, with the Barito River being a distinctive feature stretching up to 900 km. More specifically, the research was focused in Katingan Tengah District, particularly in Tumbang Samba Village, on the grounds that the intensity of customary land disputes between indigenous communities (Masyarakat Hukum Adat/MHA) and oil palm companies is relatively high in this area. The population of the study comprises the entire Dayak indigenous community in Katingan Regency, while the sample was purposively selected from Tumbang Samba Village in Katingan Tengah District. This choice was made because the land dispute issues in this area are particularly prominent and reflect conditions found in other similar regions.

The study adopted a qualitative research approach aimed at understanding social phenomena through in-depth data collection. Data were gathered through interviews with purposively selected respondents and field observations. A qualitative design was chosen because the problems under study are holistic, complex, dynamic, and contextually meaningful, making them unsuitable for quantitative methods (Azwar, 1998; Moleong, 1990; Nawawi, 1998). Primary and secondary data obtained from the field were systematically processed using descriptive-analytical analysis. According to Noeng Muhadjir, qualitative analysis produces descriptive data derived from respondents' oral statements, which are subsequently analyzed through several stages: transcription of interview results, editing, data classification, and concise presentation (Muhadjir, 1993; Margono, 2003).

RESULTS AND DISCUSSION

History and Philosophy of the Hinting Pali Ritual in Dayak Indigenous Communities

The term Dayak refers to the indigenous people of Borneo. Administratively, Borneo is divided into several provinces: East Kalimantan with Samarinda as its capital, South Kalimantan with Banjarmasin, Central Kalimantan with Palangka Raya, West Kalimantan with Pontianak, and North Kalimantan with Tanjung Selor. The Dayak consist of approximately 405 sub-ethnic groups. Each sub-group maintains distinctive customs, traditions, and languages, while at the same time sharing cultural similarities across the region, both among the Dayak in Indonesia and those in Sabah and Sarawak, Malaysia.

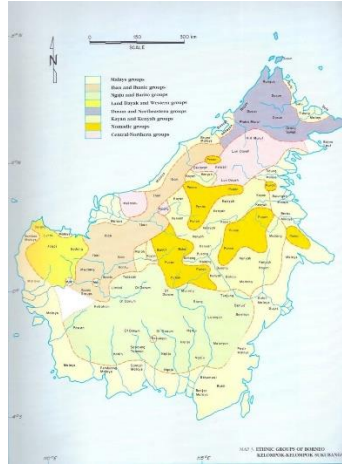


Figure 1. Distribution of Dayak tribes in Borneo (Source: Sejarah Tidung, 2024)

Leadership among Dayak communities is integral to their social structure. Each sub-ethnic group recognizes a leader, who is respected not merely for issuing commands or enjoying privileges, but for embodying protection, wisdom, and close ties with the community. For the Dayak, a respected leader is one who lives among the people, understands their needs, and demonstrates exemplary character. The qualities expected of such leaders include:

1. Mamut Menteng – Courage and strength in action and behavior, rooted in fairness. This principle, combined with the spirit of *isen mulang* (never giving up), reflects the Dayak people's deep connection to nature, where the land is regarded as mother, the sky as father, and the wind as the breath of life.
2. Harati – Intelligence and wisdom, marked by sharp discernment and the ability to inspire. A true leader communicates sincerely with the people, demonstrates empathy, and distinguishes clearly between right and wrong.
3. Bakena – Inner beauty and grace, reflected outwardly in dignity and integrity.
4. Bahadat – Adherence to customary law (*adat*), both in understanding and in practice, including mastery of *pali* law that governs daily life.
5. Bakaji – Profound spiritual knowledge and resilience. In moments of stillness, a leader reflects inwardly, reinforcing determination to remain steadfast in purpose – symbolized by *kokoh kilau sanaman*, meaning “as strong as iron.”
6. Barendang – Attentiveness to the voices and grievances of the people. A Dayak leader listens with both heart and mind, transforming concerns into part of their responsibility.

The Hinting Pali ritual is one of the most sacred traditions of the Dayak, deeply rooted in their customary and cultural system. It is understood as a form of protection, a prohibition, and a dispute-resolution mechanism transmitted across generations. Philosophically, Hinting Pali represents a customary “boundary line” or “police line,” designed to safeguard social and spiritual harmony between humans, nature, and ancestral spirits (Munif, 2018; Soleh, 2017).



Figure 2. Hinting Pali ritual (Source: Jurnal Borneo, 2022)

Historically, the Dayak regard land and forests not merely as economic resources, but as sacred symbols of identity and spiritual connection with their ancestors. Thus, violations of communal land are seen not only as legal transgressions but also as disruptions to the cosmic order, threatening life's balance. The Hinting Pali ritual arises from this worldview, performed through prayers, chants, and the placement of sacred markers that prohibit any activity on disputed land until a legitimate customary decision is reached (Ernis, 2019; Thontowi, 2015).

From a legal-anthropological perspective, Hinting Pali serves as a mechanism of social control, demonstrating that customary law is not only normative but also carries symbolic and spiritual authority (Radbruch, 1950; Fuller, 1964). Its philosophy embodies the principle of restorative justice, emphasizing the restoration of social harmony disturbed by resource conflicts. Consequently, Hinting Pali should not be reduced solely to a Kaharingan religious ritual but recognized as a cultural instrument of dispute resolution, bridging customary values with the socio-economic interests of the Dayak community (Plato, 2000; Aquinas, 2004).

The Dynamics of Dayak Development in Kalimantan

The Dayak community in Central Kalimantan has undergone significant social, political, and economic transformations over time. In the pre-colonial era, Dayak society was organized around customary structures, with communal management of forests and land. Changes began when colonial authorities, and later the Indonesian government, introduced a national legal system that often conflicted with customary law (Pujayanti, 2018; Warassih, 2011).

West Kalimantan presents a distinctive case of cultural acculturation, particularly in relation to religious and cultural exchanges among its three major ethnic groups: Chinese, Dayak, and Malay. This interaction is reflected in cultural products such as TIDAYU batik and the TIDAYU dance. Historically, Dayak communities inhabited the coastal regions of West Kalimantan, living by their own traditions. Over time, Arab-Malay traders, many of whom were Muslim, arrived with the aim of conducting trade. Through frequent interaction and repeated journeys between the Malacca Strait and local communities, cultural exchanges and adaptations took place.

The influx of large-scale investments, especially in oil palm plantations and mining, triggered agrarian conflicts involving indigenous communities, corporations, and the state. In this context, the Dayak faced major challenges as their communal rights (*hak ulayat*) were often insufficiently recognized. Such conflicts led indigenous peoples to seek resolutions rooted in their own cultural and social systems, one of which is the practice of the Hinting Pali ritual (Kholizah, 2022; Otto, 1998).

The dynamics of Dayak society cannot be separated from broader legal and political changes in Indonesia, including the implementation of regional autonomy. Autonomy granted

local governments substantial authority to issue plantation permits, which in practice often overlooked the traditional rights of indigenous communities (Law No. 18/2004; Law No. 32/2004). Consequently, disputes over customary land have become increasingly complex, while the role of customary institutions has grown more important in safeguarding the identity and survival of the Dayak people (Mertokusumo, 2001; Montesquieu, 1748).

Culturally, the dynamics of Dayak society also reveal a transformation of values. Younger generations of Dayak are now confronted with the challenges of globalization, urbanization, and modernization, yet they continue to uphold customary rituals as markers of collective identity. This demonstrates that adat is not a static entity, but one that undergoes constant adaptation and negotiation in response to changing times (Friedman, 1975; Lloyd, 1980).

The Role of the Hinting Pali Ritual in Transforming Conflict Dynamics and Promoting Deliberation

Hinting Pali plays a strategic role in resolving land and natural resource conflicts in Central Kalimantan. Practically, the ritual halts activities on disputed objects by placing sacred signs, thereby compelling both parties to respect the customary dispute-resolution process (Ernis, 2019). This creates space for customary deliberations (*musyawarah adat*), which emphasize dialogue, consensus, and restorative justice (Nader & Todd, 2004).

The cultural values of the Dayak people originate from the Kaharingan belief system. Fundamentally, Kaharingan recognizes that all beings and objects possess *Gana* (spirit), and acknowledges a single supreme deity, *Ranying Hatala Langit*, the creator of the universe, as described in the Balian oral tradition: *Inyaho hai mamparuguh tungkupah, kilat panjang mampa rinjet ruang* (The thunderous voice declares its power, the long lightning splits the sky).

The origin of human and cosmic creation is symbolized in the *Batang Garing/Haring* (Tree of Life), which incorporates the *Tingang* (hornbill) as a symbol of the upper world and *Tambun* (dragon) as a symbol of the underworld. Within resistance movements, the *Batang Garing* is interpreted as representing the balance between humans and nature, and among human beings themselves. Such equilibrium is expected to be supported by the state through sustainable development principles economically beneficial, ecologically sustainable, and culturally respectful of indigenous traditions.

Hinting Pali embodies an attempt to find common ground in land-based disputes. It is often performed when communities in conflict seek peace through customary ceremonies. This cultural approach provides a new perspective on mitigating conflicts within indigenous societies in Central Kalimantan. As part of the region's rich cultural heritage, the practice of *musyawarah* (deliberation) to contain conflicts remains highly relevant today.

The ritual functions as a mechanism for temporarily halting conflict, preventing violent escalation, and granting time for the parties to pursue solutions. In many cases, Hinting Pali has succeeded in defusing disputes between local communities and plantation companies, as well as horizontal conflicts among villagers (Sanang, 2023; Yopiansyah, 2022). Thus, Hinting Pali is not merely a religious ritual but also an effective instrument of mediation.

The philosophy of deliberation embedded in Hinting Pali aligns with the values of *Pancasila*, particularly the fourth principle that emphasizes consensus-based decision-making. In practice, dispute resolution through Hinting Pali is carried out in customary assemblies led by a *damang* or *mantir adat*, whose rulings are final and binding (Wulandari, 2020). Accordingly, Hinting Pali exemplifies the application of customary law consistent with the principles of social justice and legal certainty (Radbruch, 1950; Sudikno, 2006).

The legal recognition of indigenous peoples (masyarakat hukum adat) in Indonesia is enshrined in Article 18B (2) of the 1945 Constitution, which affirms that: "The State recognizes and respects the units of indigenous peoples and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, as regulated by law."

This provision is reinforced by Article 281(3) of the 1945 Constitution, which guarantees that cultural identity and traditional communities are respected in line with the development of civilization. Furthermore, several sectoral laws strengthen the recognition of indigenous rights, including:

1. Law No. 5/1960 on Basic Agrarian Principles (UUPA);
2. Law No. 41/1999 on Forestry;
3. Law No. 26/2007 on Spatial Planning;
4. Law No. 32/2009 on Environmental Protection and Management;
5. Law No. 6/2014 on Villages;
6. Law No. 23/2014 on Regional Government;
7. Law No. 39/2014 on Plantations.

Characteristics of Indigenous Law Communities in Katingan Regency

Katingan Regency in Central Kalimantan is home to communities that strongly uphold their customary legal traditions. The indigenous law communities (masyarakat hukum adat) in Katingan are characterized by communal land ownership inherited through kinship, customary leadership under the institution of kedadagangan, and the practice of sacred rituals such as Hinting Pali (Thontowi, 2015; Ernis, 2019).

In Central Kalimantan, the installation of the Hinting Pali ritual is utilized as an initial step in resolving disputes over natural resources. Once the ritual is enacted, disputing parties are expected to respect the customary legal process by refraining from entering or exploiting contested areas until a consensus is reached. In this context, Hinting Pali functions as a mechanism to suspend activities in disputed territories, thereby creating space for deliberation aimed at finding fair and culturally grounded solutions (Riwanto, 2018).

Conflict itself is an expression of heterogeneous interests, values, and beliefs. Max Weber conceptualized conflict as a form of social relation in which deliberate actions are directed against the opposition of another party, whether through peaceful or violent means. In simple terms, conflict is a struggle marked by the intersection of differing movements (Weber, 2009). As a social phenomenon, customary law evolves alongside society. Its development reflects both academic inquiry and practical relevance, particularly among legal scholars and practitioners. Being inherently dynamic, customary law adapts to diverse factors influencing societal change.

The primary characteristics of the Katingan indigenous law communities lie in their collectivism and communal orientation. Land, forests, and rivers are regarded not only as economic resources but also as ancestral heritage to be preserved. Hence, disputes over customary land are often perceived as threats to collective identity (Sanang, 2023). Within this framework, customary law plays a critical role in maintaining social equilibrium.

Conflict resolution mechanisms within these communities are uniquely embedded in customary courts presided over by a damang. The rulings of such courts are respected as not merely legal decisions, but also as manifestations of ancestral wisdom endowed with spiritual and symbolic authority (Rayani, 2020). Social life in Katingan is also shaped by flexible social stratification, where legitimacy and authority derive more from the influence and wisdom of

customary leaders than from formal power structures. This highlights the primacy of social legitimacy over institutionalized authority in sustaining justice and order (Friedman, 1975).

Functions of Customary Institutions and Community Roles in the Hinting Pali Ritual

Customary institutions in Katingan, such as kedamangan, hold vital roles in the implementation and supervision of the Hinting Pali ritual. Damang and mantir adat serve as customary judges who ensure that conflicts are resolved through deliberation and restorative justice (Wulandari, 2020; Yopiansyah, 2022). This underscores that customary institutions are not only cultural bodies but also legal institutions with significant social authority.

The role of the community in Hinting Pali is equally crucial. Community members act as witnesses, guardians, and enforcers of the values embodied in the ritual. Their participation ensures that customary rulings carry strong social legitimacy, supported by collective consensus (Sanang, 2023). Customary institutions also function as mediators between indigenous communities and external stakeholders such as corporations and government entities. In many cases, the presence of customary institutions has successfully bridged conflicting interests and prevented prolonged disputes (Rayani, 2020).

Thus, the functions of customary institutions and the active participation of the community in Hinting Pali highlight the existence of a local democratic mechanism rooted in Dayak cultural values (Pruitt & Rubin, 2004).

Social Context and Dynamics of Conflict in Indigenous Communities

Natural resource conflicts in Central Kalimantan, particularly in Katingan Regency, cannot be separated from the surrounding social context. Disputes often arise from unequal land distribution, overlapping concessions, and the marginalization of indigenous rights. In such situations, state law frequently fails to provide effective protection, prompting communities to turn to customary law as a means of conflict resolution (Ernis, 2019; Kholizah, 2022). Conflict dynamics within indigenous communities are also shaped by external factors such as investment policies, corporate expansion, and weak local government oversight, all of which make indigenous groups increasingly vulnerable to the dispossession of ulayat land (Thontowi, 2015). Nevertheless, the strong sense of solidarity and collectivism within Dayak society enables them to employ customary instruments such as Hinting Pali as strategies of resilience (Rayani, 2020).

The primary objective of customary courts is to achieve conflict resolution in accordance with the values and norms of indigenous law. However, this sometimes clashes with the authority of the national judiciary. According to Article 2(3) of Law No. 48 of 2009 on Judicial Power, all judicial authority within the Republic of Indonesia is vested in the state judiciary as stipulated by law. Furthermore, Article 25(1) specifies that the judicial system in Indonesia recognizes only four judicial branches: General Courts, Religious Courts, Military Courts, and State Administrative Courts. Thus, customary courts are not formally integrated into the state judiciary system. Earlier, Law No. 19 of 1964 on the Principles of Judicial Power had stated that all courts in Indonesia were state courts, but this was later repealed and replaced by Law No. 14 of 1970, which reinforced the same principle.

Beyond vertical conflicts with corporations and the state, indigenous communities also encounter horizontal disputes among community members, such as land boundary or inheritance issues. In such cases, customary courts and the Hinting Pali ritual serve as effective mechanisms for conflict resolution, maintaining social harmony (Sanang, 2023). Thus, the conflict dynamics in Central Kalimantan's indigenous communities demonstrate that customary

law is not merely a cultural heritage, but also an adaptive mechanism relevant for addressing contemporary challenges (Friedman, 1975; Fuller, 1964).

Legal Certainty and the Effectiveness of Dispute Resolution

Legal certainty is a fundamental aspect of natural resource dispute settlement. Within the context of Dayak customary law, legal certainty is realized through the Hinting Pali ritual, which carries binding social and spiritual authority. Decisions of customary courts reinforced by Hinting Pali are considered final and binding, obligating all parties to comply (Wulandari, 2020; Sanang, 2023).

In practice, the effectiveness of Hinting Pali lies in its ability to deliver substantive justice, often more responsive than formal state law. Customary law reflects local contexts, cultural values, and social structures more closely, thereby ensuring outcomes that resonate with community expectations (Mertokusumo, 2001; Radbruch, 1950). Beyond providing legal certainty, Hinting Pali has also proven successful in preventing protracted conflicts. The sacred prohibitions it enforces encourage disputing parties to respect customary rulings, fostering security and social stability within the community (Rayani, 2020; Yopiansyah, 2022).

The effectiveness of Hinting Pali has gained recognition from multiple stakeholders, including local governments, who increasingly acknowledge the role of customary law as a complement to state law in advancing social justice (Ernis, 2019). Thus, legal certainty in the Dayak customary context is not only formal but also substantive, as it effectively addresses the real needs of indigenous peoples in safeguarding their ulayat rights and natural resources (Ismail, 2003).

CONCLUSION

Hinting Pali is one of the customary rituals of the Dayak community in Central Kalimantan, carrying profound meaning in maintaining harmony among humans, nature, and ancestral spirits. It is frequently employed in the resolution of natural resource disputes, bearing philosophical significance as a symbol of purity and protection, harmony with the natural environment, and a warning to potential violators.

For indigenous legal communities, Hinting Pali serves multiple functions: it preserves the balance between humans and nature, acts as a form of customary law, carries symbolic and sacred authority, effectively halts conflictual activities, safeguards indigenous rights, reflects distrust toward formal legal mechanisms, and reinforces communal identity and solidarity. Through these functions, the ritual not only protects ulayat rights but also preserves local wisdom and strengthens the cohesion of indigenous society.

Within the framework of *ius constituendum* (the law as it ought to be), the application of Hinting Pali in natural resource dispute resolution is expected to be formally integrated into state law. This would require official recognition of customary law, regulatory frameworks that strengthen the role of Hinting Pali, harmonization between customary and state legal systems, and integration into environmental governance and natural resource management policies.

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