

The Ethics of Conflict Resolution in Dayak-Barai Customary Law in Pati Based on Habermas

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Abstract: This study aims to analyse the Pati customary law of the Dayak-Barai tribe in West Kalimantan as a form of discourse ethics in the resolution of communal conflicts. Pati customary law prescribes sanctions against perpetrators who take another person's life and serves as local wisdom to restore social harmony. This study employs a qualitative method through literature review and in-depth interviews with traditional leaders. The collected data is then analysed and interpreted using Habermas's framework of discourse ethics. The results indicate that the Pati customary law incorporates deliberative practices reflecting communicative rationality, where conflicting parties are brought together in dialogue to reach a mutual understanding. The sanctions imposed are not merely punitive but restorative, aimed at preventing retaliation. This study also identified tensions between customary practices and the universal principles of discourse ethics, particularly regarding power imbalances, ritual elements, and the final authority of customary leaders. Nevertheless, Pati's customary law continues to demonstrate a model of peaceful conflict resolution deeply rooted in local culture.

Keywords: Pati Customary Law; Dayak-Barai; Habermas; Ethics of Discourse.

1. Introduction

Indonesia is a pluralistic nation comprising a wide variety of ethnic groups, races, nationalities, religions, and cultures spread across the entire territory of Indonesia. According to data shared by the Central Statistics Agency (*Badan Pusat Statistik/BPS*), there are 1,211 regional languages, 300 ethnic groups, 1,340 tribes each with their own customs, and 17,504 islands (Leo et al., 2021). This diversity constitutes a national wealth unmatched by any other nation. With this cultural wealth, Indonesia stands as a great nation where its people enrich one another, creating a space for the realisation of the common good through national development (Leo et al., 2022). This is most evident in the efforts of the nation's founders, who established Pancasila as the foundation of the Indonesian State.

In his speech on 1 June 1945 before the *Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan/BPUPK* assembly, Soekarno stated that the appropriate foundation for the Indonesian nation is Pancasila. This is because the concepts of belief in God, humanity, unity, democracy and justice already existed prior to the arrival of Hinduism, Islam, Buddhism, Christianity and other religions (Marselino et al., 2025). In other words, Pancasila is, by its very nature, inclusive (welcoming and open), contextual (rooted in the context of human life), and not rigid, either doctrinally or dogmatically. However, it serves human life within its local context, as every ethnic group in Indonesia possesses a beautiful wisdom regarding how to manage and organise communal life (Rochaeti et al., 2023).

Cultural diversity, encompassing various ethnic groups, languages, and traditions, is undoubtedly a national asset yet can also potentially become a source of conflict, particularly when such differences are not managed through inclusive and dialogic mechanisms. Historical experience, including ethnic conflicts such as the Dayak–Madura conflict, demonstrates just how fragile social cohesion is within pluralistic societies (Rizki & Rahman, 2021).

In this context, local wisdom embedded in customary law plays a crucial role in conflict resolution. One example is the ‘pati’ customary law of the Dayak Barai tribe in West Kalimantan, which prescribes sanctions for serious offences, including murder, whilst aiming to restore communal harmony. Among the Dayak Barai tribe, the Pati customary law is applied by traditional elders in addressing Dayak community issues such as premeditated murder, theft and immoral acts (Sumaya, 2020). Unlike retributive legal systems, the Pati customary law emphasises reconciliation and the prevention of revenge.

Previous research on Pati customary law was conducted by Bibi Suprianto. In his study, he demonstrated that Pati customary law plays a vital role in maintaining village peace and social harmony. Furthermore, Pati customary law encompasses codes of conduct that must be observed by both local residents and visitors wishing to enter the area. This research also found that Pati customary law covers marriage procedures and the conditions stipulated for marriages to comply with local customs and village regulations (Suprianto, 2021).

In another study, which focused on the Dayak Taman community in Kapuas Hulu, it was also shown that customary law contains regulations and customary sanctions for those who violate them (Sedia, 2020).

This study aims to analyse customary law through the lens of Jürgen Habermas’s discourse ethics. Research examining customary law and Jürgen Habermas’s discourse ethics has previously been conducted by Masut et al. in the context of land conflict resolution in Manggarai. In that study, Masut et al. found that the people of Manggarai recognise the Mbaru Gendang—the traditional house of the Manggarai people—as a medium for conflict resolution. The findings of the research conducted by Masut et al. confirm that the Mbaru Gendang serves as a discursive space for resolving land conflict issues in Manggarai (Masut et al., 2023).

A similar study was also conducted by Tri Harnowo, which demonstrated that communicative actions justified through the fulfilment of validity claims are capable of building shared understanding whilst simultaneously fostering social cooperation. These findings confirm that Jürgen Habermas’s discourse theory can serve as a fundamental analytical framework for mediators in predicting the likelihood of reaching consensus. Furthermore, this framework enables the identification of statements based on claims of validity as a foundation for formulating various alternatives for mutual agreement (Harnowo, 2020).

Habermas’s principles of discourse ethics emphasise communicative rationality, whereby norms derive their legitimacy through inclusive and rational dialogue amongst participants. By applying this theoretical perspective, this study aims to answer two main questions: (1) how does Pati customary law operate as a conflict resolution mechanism, and (2) to what extent does this law reflect the principles of the ethics of discourse. This study is expected to contribute to bridging local wisdom and modern critical theory in the study of conflict resolution.

2. Method

This study employs a qualitative approach with a phenomenological-interpretative research design. Data were collected using two main techniques: a literature review and in-depth interviews. The literature review examined works discussing the ethics of discourse, as well as previous research on Pati customary law. Interviews were conducted with members of the customary council and community leaders who possess direct knowledge of the practice of Pati customary law. The data collection process was carried out in stages. First, the author identified key informants based on their authority and experience in customary practices. Second, interviews were conducted to allow for an in-depth exploration of the procedures, values, and meanings of Pati customary law.

Data analysis was carried out in two stages. The first stage was a phenomenological analysis to understand the meaning of Pati customary law as a lived experience of the community. According to Armada Riyanto, the phenomenological method is an approach that views local wisdom as a philosophy alive within the hearts of the community, taking the form of life wisdom, a way of life, and the like (Riyanto, 2022). Local wisdom is the product of centuries, depicting the depth of the human spirit and the breadth of the relationality of life (Riyanto, 2023). Local wisdom possesses a character that is both “embracing” and “welcoming”, in harmony with humanity as shaped within a specific local context (Riyanto, 2018). The second stage is an interpretative analysis using Habermas’s framework of discourse ethics. In this stage, customary practices are systematically compared with the principles of discourse, such as truth claims, normative correctness, and honesty, as well as the ideal conditions of communication. Thus, the analysis is not merely descriptive but also normatively critical, assessing the extent to which Pati’s customary legal practices comply with or deviate from the principles of discourse ethics.

3. Results and Discussion

3.1 A Brief Overview of the Dayak Barai Tribe

The Dayak Barai tribe is spread across various regions of West Kalimantan, particularly in Kayan Hilir Sub-district, Sintang Regency, and Melawi Regency. This community comprises the Barai Hulu, Barai Darat, and Barai Hilir groups. Genealogically, the Dayak Barai tribe is believed to originate from the same lineage as the Dayak Uud Danum in Central Kalimantan, who subsequently spread along the Kayan and Melawi rivers (Efriani, 2021). This shared origin is reflected in various aspects of culture, particularly in customs and ritual practices, such as the Baliatn ritual, the use of the kecapi musical instrument, and the bejali vocal tradition in reciting the ‘verses (Apandie & Ar, 2019).

3.2 Interview Findings

This section presents the results of interviews conducted with two Dayak Barai traditional leaders: Mr Matius Akon, a member of the traditional council, and Mr Alexander, a community leader. The interviews were conducted on several occasions to obtain comprehensive and holistic data on how land conflicts are resolved through pati customary law. The following is an explanation of pati customary law and the conflict resolution process within the Dayak Barai community.

In their social life, the Dayak Barai community has a customary law system that functions as a mechanism for resolving various issues. This customary law covers the resolution of cases ranging from minor to serious offences, such as adultery, theft, and land disputes. As for serious cases, such as murder, these are resolved through a customary law known as pati law.

Customary law pati can be understood as a set of rules governing the imposition of sanctions on individuals who take another person's life, whether intentionally or premeditatedly (Alloy, 2008). In addition to serving as an instrument for the imposition of sanctions, this customary law also has a broader purpose, namely to maintain the balance of life, the harmony of social relations, and the harmony between the physical world and the spiritual world. Thus, customary law pati is not only oriented towards punishment, but also towards the restoration of cosmic and social order within society (Husda, 2017).

The determination of a person as a perpetrator of murder within the framework of Pati customary law is not carried out arbitrarily. In the beliefs of the Dayak Barai community, initial indications can be obtained through spiritual experiences, such as dreams, in which the spirit of the victim is believed to be able to convey the events they have experienced. This belief is rooted in the cosmological view of the Dayak people, which acknowledges a connection between the world of the living and the world of the dead (Azeharie et al., 2022). However, the process of determination does not rely solely on spiritual aspects, but also involves an investigation by traditional elders to ensure fairness in decision-making.

Nevertheless, premeditated murder was relatively rare in Dayak society in the past, given the strong values of community and social solidarity (Siong et al., 2021). The existence of the customary law of pati is better understood as a form of precaution likely born of the historical experiences of ancestors. Therefore, this law is maintained as part of the social control system within the life of the Dayak Barai community.

Before a person is tried under Pati customary law, there must be convincing evidence that the individual actually committed the act of murder. Such evidence may be based on the testimony of third parties who witnessed the incident directly, statements from the victim's family, or a truthful confession from the perpetrator. If this evidence is insufficient, whilst suspicion remains, the *Nyolapm* or *Dolob* ritual (in the Dayak Agabag language) is performed, which involves a procession of diving into the river by the victim's family and the accused (Gide, 1967).

In this ritual, both parties are required to remain in the water for a certain period of time, usually between 30 and 60 minutes. The outcome of the ritual is determined by who surfaces first. If the victim's family emerges first, the accused is declared innocent. Conversely, if the accused surfaces first, they are deemed guilty and subsequently brought before a traditional pati court (Alloy, 2008). This process reflects the community's belief in the involvement of supernatural forces in determining the truth.

The pati customary law of the Dayak Barai tribe bears similarities to similar practices among other Dayak groups, particularly the Dayak Uud Danum, who belong to the same cultural group. These similarities are evident in the terminology, concepts, and objectives of the customary law known as pati nyawa. However, differences remain in the procedures for conducting rituals and the types of sanctions imposed.

Penalties under pati customary law generally take the form of an obligation to pay a fine in the form of customary objects and other material goods. The offender is required to hand over a number of ketawak (gongs), ritual items such as pigs, chickens, rice, and other customary objects, as well as a sum of money whose value has been determined based on specific traditional units. The value may vary depending on the social context, including regional differences within the Dayak Barai community. The details are as follows: 1) 16 *ketawak* (gongs). 2) Monetary penalties: 1 Tael = Rp 2,000,000; 1 Real = Rp 30,000. An exception applies if the parties are from the upstream or downstream sections of the Dayak Barai community, where 1 Real = Rp 60,000.

Although often viewed as harsh by outsiders, customary law essentially embodies humanitarian values (Tamburian, 2018). This system does not impose the death penalty on offenders, but rather emphasises moral and material responsibility as a form of restitution for the actions committed. Thus, the primary orientation of this law is restorative, not repressive.

In practice, the enforcement of customary sanctions is accompanied by an oath and a binding agreement requiring the offender to fulfil their obligations. A breach of this agreement is believed to bring about spiritual consequences in the form of a curse. The imposition of customary sanctions rests with the customary leader, known as *the Tamongokng*, who holds full authority in decision-making. Nevertheless, this authority must be exercised wisely and judiciously, as errors in decision-making can have repercussions for the leader themselves. Consequently, a *Tamongokng* is required to serve as a moral exemplar within the Dayak Barai community (Sedia, 2020).

3.3 Habermas's Theory of Discourse Ethics

Jürgen Habermas is one of the leading figures in the Frankfurt School's tradition of critical thought. He was born on 18 June 1929 in Düsseldorf, Germany, and is widely recognised for his contributions to epistemology, political philosophy, and social criticism—hallmarks of critical theory. Habermas obtained his doctorate in philosophy from the Rheinische Friedrich-Wilhelms-Universität Bonn in 1954 with a dissertation entitled *Das Absolute und die Geschichte: Von der Zwiespältigkeit in Schellings Denken*, which examined the relationship between the absolute and history in the thought of Friedrich Wilhelm Joseph Schelling (Regatieri, 2019).

At a relatively young age, Habermas became involved with the Institut für Sozialforschung in Frankfurt, which became the centre for the development of Critical Theory (Giorgi & Ozzano, 2015). This tradition of thought was heavily influenced by the ideas of Karl Marx, particularly in its endeavour to shift philosophy from the theoretical realm towards praxis as a means of human emancipation from exploitative social structures. Nevertheless, this practical orientation did not automatically render Critical Theory a pragmatic revolutionary movement; rather, it retained its reflective and normative dimensions.

As a founder of critical theory, Max Horkheimer (1895–1973) developed a critique of traditional theory rooted in the positivist paradigm. In his view, such an approach tends to uphold oppressive social structures and perpetuate *the status quo* (Morelock, 2018). Consequently, critical theory is directed towards dismantling structures of domination and fostering emancipatory consciousness, particularly within the context of relations between the proletariat and the bourgeoisie within the capitalist system.

However, the thinking of the first generation of Critical Theory, including Theodor W. Adorno and Herbert Marcuse, reached a theoretical impasse when confronted with the increasingly complex reality of modern capitalism. The capitalist system is, in fact, capable of creating the illusion of well-being through the mechanisms *of the capitalist welfare system*-(Hidayah, 2018)-thereby obscuring the critical consciousness of society. It is within this context that Habermas sought to reconstruct Critical Theory by first critiquing the intellectual foundations of his predecessors. Habermas responded to the critique of ideology carried out by Horkheimer and Adorno, who rejected positivistic scientism on the grounds that it purported to perpetuate a specific ideology that gave rise to new forms of domination (Gunawan & Bangun, 2019).

Habermas specifically criticised the concept of instrumental reason developed by Horkheimer and Adorno, which tended to position humans as active subjects who master objects in a monological manner (Susanto, 2018). According to Habermas, this approach remains trapped within a working paradigm inherited from Marx, which focuses on relations of production and neglects the communicative dimension of social life (Fatih, 2020). As an alternative, Habermas proposes the concept of communicative rationality, which emphasises intersubjective relations between equal individuals within a dialogical process.

This concept reached its systematic form in his monumental work, *The Theory of Communicative Action*, which outlines how communicative rationality forms the basis for social integration (Herlina & Rasyid, 2019). Within this framework, dialogue is understood as a fundamental element of communal life, particularly in pluralistic societies. Discourse functions not only as an exchange of information but also as a normative mechanism for determining a just way of living together. Consequently, the concept of justice becomes central to the ethics of discourse as a universal moral principle that accommodates diversity (Harnowo, 2020).

In this context, Habermas introduced the concept of *the public sphere*, namely an arena in which individuals and groups can participate in rational discussion freely and on an equal footing. This concept is explored in depth in his work *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, which describes the public sphere as a connecting medium between various social entities, including individuals, groups, and the state. The public sphere enables the formation of a society that is egalitarian, democratic, participatory, and oriented towards rational communication (Keriapy, 2022).

Habermas's ethics of discourse is essentially a response to the multicultural reality of modern society. Through discourse, individuals and groups are expected to reach a fair consensus by prioritising social solidarity and a cosmopolitan perspective. This approach simultaneously serves as a critique of ethnocentrism, emphasising the importance of an orientation towards the common good (*bonum commune*). In the context of modernity, Habermas asserts that the legitimacy of moral norms can no longer rely solely on tradition, but must be grounded in communicative rationality that is intersubjectively accountable.

Furthermore, Habermas understands communication as an essential dimension of praxis in social life. He corrects the views of Marx and the first generation of Critical Theory, which limited praxis to the activity of work (*Arbeit*) (Poeswardojo, 1989). For Habermas, praxis also encompasses communicative acts taking place in the public sphere, where individuals engage in discourse free from domination to achieve a shared understanding.

In discourse ethics, the communication process must fulfil three validity claims: the claim of truth (*truth*) relating to objective reality, the claim of rightness (*rightness*) concerning social norms, and the claim of sincerity (*sincerity*) relating to the subject's authenticity (JER & EA, 2020). These three claims are prerequisites for the achievement of rational consensus. Furthermore, in *Communication and the Evolution of Society*, Habermas asserts that ideal communication requires the freedom of every individual to express opinions rationally, the ability to convey meaning so that it can be understood without coercion, and the achievement of mutual understanding between the speaker and the addressee. Thus, discourse ethics serves as the normative foundation for a democratic and just social life (Jacobson, 2017).

3.4 The Customary Law of the Pati Dayak Barai Tribe in the Light of Jürgen Habermas's Theory of Discourse Ethics

Philosophy is a critical discipline that focuses its attention on actual phenomena. From a philosophical perspective, phenomena are always understood as realities possessing complex meanings. Therefore, philosophy pays particular attention to phenomena, for without a philosophical approach supported by other critical disciplines, phenomena tend to lose their depth of meaning, leading to a rigid and closed understanding of the potential they contain (Bertens, 1983). Thus, phenomena need to be processed reflectively to generate new knowledge, given their narrative nature and the fact that they contain informative texts regarding the reality currently unfolding (Riyanto, 2001). In this sense, phenomena possess a communicative dimension that demands a careful analytical and interpretative approach.

In the context of Pati customary law, the phenomenon that is the focus of this study is the fundamental meaning underlying the existence of this law. This meaning can only be understood if the law is viewed as having a subject, an object, and an essential purpose to be achieved. The subject of Pati customary law refers to the individual perpetrator, particularly in cases of murder, as also stipulated in the Criminal Code (KUHP), specifically in Chapter II on criminal offences (Ministry of Law and Human Rights, 2013). The object of the law encompasses everything related to the subject, whether tangible or intangible (Manarisip, 2012). Furthermore, another important aspect is the subject matter of the law, namely everything related to evidence, such as objects, recordings, and other forms of evidence. Meanwhile, the legal form refers to customary law itself as a normative system (Syahbandir, 2010). Thus, the primary focus of Pati customary law lies in regulating premeditated murder committed by the perpetrator.

Within the framework of discourse ethics as formulated by Jürgen Habermas, the concept of the lifeworld (*Lebenswelt*) serves as a crucial foundation. The term 'lifeworld' originates from the tradition of phenomenological philosophy and is employed by Habermas to explain the source of normativity within discourse ethics. The lifeworld encompasses the worldview, traditions, beliefs, customs, and values that exist within a community, which simultaneously shape an individual's socio-cultural identity (Jacobson, 2017; Fatih, 2020).

In the culture of the Dayak Barai tribe, the customary law of Pati is an integral part of this lifeworld. This law functions not only as a social norm but also as a representation of the community's collective identity. Its existence is accepted as a binding cultural value system and is recognised as a shared way of life. However, like other cultural value systems, the Pati customary law has a particular nature, namely that it applies only within the Dayak Barai community and is not directly universal in nature.

In practice, Pati customary law functions as a conflict resolution mechanism, particularly in cases of premeditated murder, under the authority of *the Tamongokng*. All members of the community recognise the legitimacy of this law, so there is no room for refusal to accept its application. The resolution of disputes through this customary law is based on the agreement of both parties involved. However, this approach has not yet fully addressed the principle of universality, as it remains confined to internal community matters.

The question of the legitimacy of Pati customary law in an inter-ethnic context becomes relevant within the framework of discourse ethics. In this regard, Habermas adopts Immanuel Kant's approach by testing whether a norm possesses universal moral binding power (Gunawan & Bangun, 2019). Discourse ethics seeks to ensure that the norms produced can be rationally accepted by all parties involved. Therefore, the focus

of the discourse is not the particular values of a community, but rather principles of justice that are universally acceptable (Firmino, 2021). Thus, Pati customary law is not positioned as a superior system, but rather as one contribution to the process of forming a shared agreement.

In the context of communication and dialogue, pluralism, which initially appears as a potential for anarchy, can actually become a constructive source if differing viewpoints are communicated openly. In the practice of Pati customary law, the two conflicting parties are invited to engage in dialogue under the authority *of the Tamongokng*. For Habermas, communication is a fundamental means of producing legitimate law, as through communication individuals move beyond ethnocentric perspectives towards a shared understanding (Fatih, 2020).

Communication within this framework is intersubjective, in which every individual is viewed as an 'I' equal to 'the other', whilst simultaneously being part of 'we'. This communication model emphasises the equality of participants and is oriented towards achieving mutual understanding. Consequently, the ethics of discourse in Pati customary law does not rely on imperative commands, but rather on moral argumentation procedures that enable the attainment of agreement based on shared interests (*generalizable interest*) (Fauzi, 2004).

Consequently, communication practices within Pati customary law require that every individual involved possesses the capacity to speak and act rationally. Furthermore, every participant has the freedom to question, accept, or reject the views put forward, as well as to express their perspectives, attitudes, desires, and needs during the conflict resolution process. In an ideal discourse situation, no party should be prevented from expressing their opinion, whether due to internal pressure during the process or external pressure (JER & EA, 2020).

3.5. The Application of Discourse Ethics and Critical Discussion

In the practice of resolving murder cases through Pati customary law, Habermas's principles of discourse ethics are evident in the customary deliberation mechanism. Both parties—the victim's family and the perpetrator—are brought together in a discursive space led by customary authorities. In this forum, each party is given the opportunity to present arguments, explain motives, and articulate their interests.

This process reflects communicative rationality, as decisions are not determined solely by power but through collective deliberation oriented towards consensus. Furthermore, the sanctions imposed are not intended as retribution but to restore social balance and prevent further conflict. In this regard, Pati customary law aligns with Habermas's notion that the legitimacy of norms arises from rational agreement within discourse.

However, the application of this discourse ethics is not entirely ideal. The authority of traditional leaders, who hold the final decision, indicates the presence of hierarchical elements that have the potential to limit the equality of participation. Furthermore, the use of rituals such as *Nyolapm* suggests that criteria of truth are not entirely based on communicative rationality, but also on cosmological beliefs.

There are several tensions between Pati customary law and Habermas's discourse ethics. *Firstly*, discourse ethics demands full equality among participants, whilst in customary practice there is a strong power hierarchy centred on the traditional leader. This has the potential to diminish the ideal of freedom of speech. Uncoerced consensus is the intention sought by every form of communication (Hardiman, 2003). *Secondly*, Habermas emphasises argumentative rationality, whereas Pati customary law also relies

on spiritual and ritual elements as sources of legitimacy. This gives rise to an epistemological difference between modern rationality and local cosmology. *Thirdly*, in the ethics of discourse, decisions are ideally always open to criticism and revision (Hardiman, 2003). Conversely, in Pati customary law, the decisions of traditional leaders are final and binding, thus limiting the scope for criticism.

Nevertheless, this tension does not necessarily indicate a weakness in customary law, but rather demonstrates the existence of a plurality of rationalities. Pati customary law combines communicative rationality with cultural and spiritual values, thereby producing a contextual model of conflict resolution. Thus, the relationship between the two is more accurately understood as a critical dialogue, rather than an absolute contradiction.

3.6 The Status of Pati Customary Law within the Positive Law of the Republic of Indonesia

The existence of customary law within Indonesia's national legal system cannot be separated from the framework of the state's positive law. Normatively, customary law operates under the umbrella of the positive law of the Republic of Indonesia, which holds a higher status and possesses full authority in regulating national and state affairs (Budiyono, 2014). Consequently, state law remains the primary reference within the national legal system. Nevertheless, the state continues to grant recognition and scope for customary law, as affirmed in the 1945 Constitution, particularly Article 18B(2), which states that the state recognises and respects customary law communities and their traditional rights as long as they remain in existence, and in accordance with societal developments and the principles of the Unitary State of the Republic of Indonesia, which are further regulated by law.

Based on these constitutional provisions, it can be understood that customary law derives its legitimacy from the national legal system. Although the 1945 Constitution does not explicitly mention Pati customary law, the provisions of Article 18B(2) indicate that Pati customary law falls within the category of customary law recognised by the state, as it governs the lives of communities that form an integral part of the Indonesian nation. Furthermore, the values contained within Pati customary law are fundamentally not at odds with constitutional principles; indeed, they contribute to the realisation of a just, harmonious and orderly community life, in line with the very purpose of the law's establishment.

Thus, the status of Pati customary law can be understood as a legal system that remains autonomous within its community, yet hierarchically subordinate to state law, particularly the 1945 Constitution. The state's recognition of Pati customary law is conditional, namely provided its existence remains relevant to societal development and does not conflict with the principles of the Unitary State of the Republic of Indonesia. This condition indicates a complementary relationship between customary law and state law in regulating the social life of the community.

A similar phenomenon can also be observed in Botswana, where the majority of the population still leads a traditional way of life and the level of urbanisation is relatively low. In this context, the majority of cases, both civil and criminal, are resolved through customary courts. This demonstrates that conflict resolution through customary legal mechanisms remains relevant and effective in community life, provided it does not conflict with broader legal principles (Rekha Kumar & Kumar, 2009).

Nevertheless, customary law is not static; rather, it undergoes a continuous process of refinement and adaptation in line with the evolution of social and cultural values. In certain contexts, specific cultural influences may affect the substance of customary law

rulings, and may even legitimise practices that conflict with human rights principles, such as the use of physical violence as a form of discipline or retribution (Kelly, 2014; Meron, 2007). Therefore, a critical effort is required to assess and adapt customary law practices so that they remain in harmony with universal human values.

In this regard, the customary law of Pati among the Dayak Kayan Hilir community demonstrates a distinct advantage compared to some other customary legal systems, as it does not adopt the principle of revenge in conflict resolution. Instead, Pati customary law emphasises resolutions oriented towards the restoration of social relations and harmony within the community (Harris & Harris, 2003). Consequently, efforts to explore, preserve, and promote Pati customary law can be viewed as a significant contribution to developing a conflict resolution model that upholds the values of humanism, justice, and brotherhood in community life.

4. Conclusion

Pati customary law is a form of local wisdom that not only regulates sanctions for acts of murder but also functions as a mechanism for social reconciliation. In the light of Jürgen Habermas's discourse ethics, this practice demonstrates elements of communicative rationality through dialogue, participation, and a focus on consensus. However, its application does not fully meet the ideal conditions of discourse due to the presence of a hierarchy of authority, ritualistic elements, and limitations on critical discourse. This tension, in fact, reveals that Pati customary law is a form of contextual rationality that integrates communication, culture, and spirituality. Thus, the main contribution of this research is to demonstrate that local wisdom, such as the customary law of Pati, is not only culturally relevant but also possesses philosophical value that can be critically engaged with modern theories such as Habermas's discourse ethics in the effort to construct a model for fair and peaceful conflict resolution.

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