

CUSTOMARY LEGAL PROTECTION FOR THE CANCELLATION OF NGADET CEREMONY FOR DAYAK KENYAH COUPLE

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Abstract

This study explores the Ngadet ceremony, a traditional wedding practice of the Dayak Kenyah community in East Kalimantan, Indonesia, symbolizing the union of two families through sacred customary rituals. Governed by strict customary laws, Ngadet incorporates symbolic elements such as tajau (jars), baing (traditional beads), lekok (traditional rings), uleng udeng (headgear), gongs, iron chains, seraung (traditional hats), and pat uwai (woven mats), each carrying deep cultural significance. The study adopts a socio-legal approach, focusing on the social and legal dimensions of Ngadet, including its stages, requirements, and the legal protections afforded to parties affected by its cancellation. Primary data were obtained through a direct interview conducted via WhatsApp with Mr. Yakub Ngau, the Customary Head of the Dayak Kenyah community in Makmur Jaya Village as a key informant. He provided accurate and detailed insights into the Ngadet tradition and the sanctions imposed in cases of cancellations. The findings reveal the Ngadet ceremony of the Dayak Kenyah Lepo' Jalan tribe comprises three stages: pre-Ngadet (Mateb), involving preparations and offerings, the ceremony with symbolic rituals like processions, dances, and sacred items, and post-Ngadet, where the couple prepares for a church wedding to validate the marriage. Customary law imposes strict sanctions, including a Rp5,000,000 fine for cancellations, protecting women and reinforcing commitment through discussions, notifications, and mediation. In conclusion, the Ngadet ceremony, embodies unity, cultural heritage, and ancestral values. Governed by strict customary laws, it reinforces commitment and protects individuals through sanctions, ensuring the preservation of tradition.

Keywords: Customary law, Ngadet, cancellation

INTRODUCTION

The indigenous people of Borneo Island are commonly referred to as the Dayak tribe (Darmadi, 2016). According to historical accounts, the Dayak tribe originated from the Yunnan region (South China) (Widen, 2023). The term "Dayak" is derived from the word "Daya", meaning upstream, a name given to communities living in the interior or upstream regions of Kalimantan (Singarimbun, 1991). There are six main ethnic groups residing in the interior or upstream areas of Kalimantan, namely: Apokayan (Kenyah, Kayan, and Bahau), Ot Danum-Ngaju, Iban, Murut, Klemantan, and Punan. One of the Dayak subgroups inhabiting East Kalimantan is the Dayak Kenyah, which belongs to the Apokayan group (Husni, 2020).

The Dayak Kenyah tribe has a unique anthropological history, marked by its migratory patterns, intricate social structures, and deeply rooted customs. Anthropological studies indicate that the Dayak Kenyah people have historically relied on communal living and subsistence agriculture, particularly in upland areas (King, 1993). Their traditional longhouses, locally known as *uma dado*, serve as a central point for social interaction and cultural activities, reflecting the communal nature of their society (Rousseau, 1998). Over time, the tribe has preserved its distinct identity through oral traditions, elaborate rituals, and the integration of spiritual beliefs into daily life (Sellato, 2002).

The Dayak Kenyah Lepo' Jalan tribe is particularly notable for its unique customs, especially in wedding ceremonies, which they refer to as **Ngadet**. This ritual is conducted to formalize the union of two families through a traditional marriage held at the bride's residence. According to an interview with Mr. Yakub Ngau, the Customary Head, several requirements must be fulfilled by the couple during the Ngadet ceremony. Each of these requirements carries its own symbolic meanings, as follows:

1. **Tajau**

Tajau, or white jars in Indonesian, are commonly used as home decorations. However, in the Ngadet ceremony of the Dayak Kenyah tribe, these jars hold a special symbolic meaning (Hamzah, 2020). The white jar represents a vessel for new life. At the beginning of the ceremony, the white jar is left open. This symbolizes its role as a container to capture and preserve the blessings and words of wisdom imparted by the elders during the ceremony.

2. **Baing**

Baing, known in Indonesian as Mandau, is a sacred object that must be present in the Ngadet ceremony. Two **Baing** are required: one to be given to the customary leader and the other to the bride-to-be. The Dayak Kenyah Lepo' Jalan tribe believes that **Baing** symbolizes lighting the path. It is viewed metaphorically as a tool for clearing obstacles in married life, akin to how a Mandau cuts through barriers. It emphasizes the importance of addressing household problems through thoughtful and respectful communication (Yuwono, 2023).

3. **Lekok**

Lekok, meaning bracelet, is an accessory that holds significant meaning in the Ngadet ceremony of the Dayak Kenyah Lepo' Jalan tribe. It symbolizes the pupil of the eye, representing vision and connection. During the ceremony, both the bride and groom exchange and wear **Lekok** on their wrists. This act symbolizes mutual trust and loyalty, ensuring that wherever one goes, the bond of faithfulness remains unbroken. In essence, this tradition is akin to the exchange of rings in mainstream wedding ceremonies, differing only in the object used.

4. **Uleng Udeng**

Uleng Udeng, meaning necklace in Indonesian, is an accessory that holds profound significance in the Ngadet ceremony of the Dayak Kenyah Lepo' Jalan tribe. It symbolizes the union of the couple in unbreakable love. During the ceremony, the bride and groom place the **Uleng Udeng** around each other's necks as a representation of their commitment to maintain a bond of love that should never be severed. This act reinforces their mutual devotion and the enduring nature of their union.

5. **Gong**

The Gong, typically used as a tool to call the community together, holds a different symbolic meaning in the Ngadet ceremony of the Dayak Kenyah Lepo' Jalan tribe. In this context, the Gong represents the foundation of the household, symbolizing strength, stability, and resilience. It signifies that the couple's marriage should be firm and unwavering, capable of withstanding challenges without breaking apart (Handayani, *et al.*, 2019).

6. **Rantai Besi**

The iron chain carries a powerful symbolism in the Ngadet ceremony of the Dayak Kenyah Lepo' Jalan tribe, representing the bond that ties the families of both bride and groom. The chain is placed in a circular formation, surrounding the sacred objects mentioned earlier. This act

symbolizes the unbreakable connection and unity between the two families, emphasizing strength and solidarity in their union.

7. **Seraung**

Seraung is a traditional Dayak hat that symbolizes protection for both the bride and groom. The *Seraung* is also used as a means to welcome the groom and is worn by him during the ceremony (Handayani, *et al.*, 2019).

8. **Pat Uwai**

Pat Uwai, known in Indonesian as woven mats made from rattan, holds a symbolic meaning in the Ngadet ceremony. It represents the importance of deliberation in resolving issues within the marriage. It also emphasizes that any problems should be resolved internally by the couple and not be brought to the attention of outsiders (Sedyawati, *et al.*, 1995).

These requirements are not formally written in the regulations of the Dayak Kenyah Lepo' Jalan community but are instead based on ancestral customs passed down through generations and considered a traditional practice (Siregar, 2018). However, if the Ngadet ceremony is canceled, the process is formally regulated under the Customary Law of the Dayak Kenyah Lepo' Jalan community in Makmur Jaya Village, East Kutai Regency, East Kalimantan Province. This regulation was established due to the frequent cancellations of Ngadet in the past, which often caused harm to one of the parties involved. This study aims to:

1. To explore the stages of the Ngadet ceremony, including pre-Ngadet, Ngadet, and post-Ngadet processes.
2. To identify the requirements and procedural mechanisms for conducting the Ngadet ceremony.
3. To analyze the legal protections and sanctions under customary law for individuals affected by the cancellation of Ngadet.

The benefits of this research include raising awareness about the importance of preserving the traditions and customary laws of the Dayak Kenyah community. It also provides valuable insights into the protection of individual rights within indigenous communities, particularly for women who may be disadvantaged in cases of Ngadet cancellation.

RESEARCH METHOD

This study is qualitative research by employing a socio-legal research approach to gain an in-depth understanding of the Ngadet practice within the Dayak Kenyah community. The focus is on examining the social interactions and customary legal norms that regulate the ceremony, providing a comprehensive analysis of its cultural and legal dimensions.

1. **Data Collection Methods**

Data were collected through in-depth interviews with customary leader and community members to explore their perspectives on the cultural significance and legal implications of the Ngadet tradition. This approach aims to understand and explain the legal aspects governing the Ngadet process, as well as the legal protections provided to individuals who may be disadvantaged due to cancellations.

The data sources were as follow:

- a. Primary data were obtained through direct interviews conducted via WhatsApp with key informant, Mr. Yakub Ngau, the Customary Head of the Dayak Kenyah community in Makmur Jaya Village. These interview provided accurate and detailed insights into the Ngadet practice and the sanctions imposed in cases of cancellations.
- b. Secondary data were gathered from relevant literature, including customary law regulations, journals, articles, and other documents related to Dayak Kenyah customary law. These sources offered a comprehensive context for understanding the legal and cultural aspects of the Ngadet tradition.

2. **Data Analysis**

The data collected from interviews and literature review were analyzed qualitatively. The researcher identified key themes related to the Ngadet process, the sanctions applied, and the legal protections provided to individuals affected by cancellations. This thematic analysis aimed to uncover patterns and insights that highlight the cultural and legal significance of the *Ngadet* tradition.

RESULTS AND DISCUSSION

Mechanism of Ngadet in the Dayak Kenyah Lepo' Jalan Tribe

Marriage is an act of worship to God Almighty, aimed at forming a family characterized by Sakinah, Mawaddah, and Warahmah (tranquility, love, and mercy) through a physical and emotional bond between a man and a woman. This aligns with Article 1 of Law No. 1 of 1974 on Marriage. In the

event of a divorce, the division of marital assets can be carried out in accordance with the applicable laws, including customary law. This indicates that the state recognizes and legitimizes customary law as a solution to marital issues, particularly those related to marriage (Santoso, 2016).

In Ngadet, the process can be understood as a customary marriage ceremony that goes beyond the exchange of vows to stay together for life. It is a sacred ritual involving all aspects of community life, including social, economic, and spiritual dimensions. It also serves as a form of respect for customs and ancestors, as customary law acts as the primary shield in resolving any issues within the Dayak Kenyah Lepo' Jalan tribe. When an adat (customary) marriage is conducted, the couple is officially recognized as members of the local customary community. This traditional marriage ritual has been passed down through generations, becoming a cultural heritage imbued with profound meanings and noble values (Kwirinus, 2022).

Several mechanisms that must be followed in the Ngadet process include pre-Ngadet, during the Ngadet ceremony, and post-Ngadet, as outlined below:

a. Pre-Ngadet

In the pre-Ngadet stage, often referred to as Mateb, it signifies that the relationship is progressing to a more serious level, leading to the Ngadet process. Before entering the Ngadet process, several steps are typically undertaken in this stage, including setting the Ngadet date, deliberating on the venue, preparing the necessary items and materials, and appointing the committee for the Ngadet process. The bride and groom are given a minimum period of three months before proceeding to the next stage (Winda, 2020). This time is allocated for both families to get to know each other better, as agreed upon during discussions involving family members and customary leaders.

Various preparations must be thoroughly made, including the Mateb offerings, which typically consist of Tajub or Tab (a two-meter-long cloth), a ring, and provisions for the bride's physical needs provided by the groom. This symbolizes that the groom is ready, both mentally and financially, to take on the responsibilities of marriage.

b. During the Ngadet Ceremony

After the Ngadet date is set, the selected committee prepares all the necessities, such as food, venue decoration as agreed, and other arrangements. These preparations are allocated a period of one week. Once the preparations are deemed complete, the Ngadet process takes place according to the scheduled agenda.

First, the groom's family, along with the groom himself, proceeds in a procession toward the ceremonial venue. Before entering the venue, the groom presents a Baing (Mandau) to his future father-in-law, while the bride presents a Seraung to her future mother-in-law. The couple then proceeds to the ceremonial stage prepared for them.

Second, the main event begins, guided by the organizing committee. The ceremony starts with an opening prayer led by the local church pastor. In traditional ceremonies such as Ngadet, the event usually features a performance of Kancet Lasan, also known as the Tari Tunggai (Solo Dance), symbolizing that the ceremony is formal and sacred.

Third, speeches and advice are delivered to the couple. The speeches include: a welcome speech from a representative of the extended family of the bride and groom, advice and remarks from community leaders, speeches from the neighborhood association head, remarks from the village representative, advice and a speech from the customary leader.

Fourth, the master of ceremonies hands over the proceedings to the customary leader to guide the Ngadet ritual. During this stage, the customary leader invites the couple to stand before them to present the sacred items such as Tajau, Baing, Lekok, Uleng Udeng, Gong, Iron Chain, and Pat Uwai. The customary leader explains the meanings of these items. Afterward, the Tajau is covered with Pat Uwai, symbolizing that the advice given should be internalized and applied in the couple's married life.

Fifth, the customary leader invites the couple to sign the customary certification, signifying their commitment to adhering to the norms and traditions of the Dayak Kenyah Lepo' Jalan community.

Sixth, the customary leader returns the proceedings to the master of ceremonies, marking the conclusion of the event. The ceremony ends with a closing prayer and a traditional dance performance by the couple as an offering.

c. Post Ngadet

After the Ngadet ceremony, the next stage is the process of adapting to life with the new family and preparing for the church wedding. Until the church wedding is conducted, the couple is prohibited from sleeping together, as the customary marriage is not yet recognized as valid in the eyes of the religion. The church wedding is held the day after the Ngadet ceremony.

Customary Legal Protection for the Cancellation of Ngadet

The Dayak Kenyah Lepoq Jalan tribe in Makmur Jaya Village, Kombeng Subdistrict, East Kutai Regency has a unique customary legal system, particularly regarding the recognition of customary marriages, known as Ngadet. The local community considers the Ngadet ceremony a very sacred tradition, which must be performed to transition one's status from single to husband or wife and to be officially recognized as part of the customary community.

Due to its sacred nature, the Ngadet ceremony is strongly discouraged from being canceled, as such an act is deemed a violation of the moral norms of the customary community. Furthermore, it is considered to damage identity and dignity, infringe upon basic rights, and demean the individual's honor. Cancellation disrupts social harmony, as it has the potential to trigger conflicts and divisions between groups. It is also seen as neglecting ancestral heritage, as performing the Ngadet ceremony is a way of preserving cultural and traditional continuity.

Sanctions related to the cancellation of Ngadet are explicitly regulated in Article 43, which states:

"If a man who is engaged suddenly cancels his engagement and becomes engaged to another woman, he shall be fined Rp5,000,000."

The meaning of this sanction goes beyond merely imposing a penalty; it also symbolizes the importance of commitment, which must not be violated and is strongly upheld by the Dayak Kenyah customary community. The imposition of such a fine underscores the community's high regard for commitment and their view that violating it is a detrimental act. Additionally, the imposition of this sanction is regarded as a form of protection for women, as the fine imposed on the man who abruptly cancels the engagement can be interpreted as safeguarding the woman who has been emotionally and socially harmed by the cancellation. The process of imposing a fine sanction involves the following steps:

1. Discussion: A meeting is held by customary leaders to discuss the circumstances surrounding the cancellation of the Ngadet.
2. Notification: Customary leaders issue a formal letter to summon the parties involved, officially released by the customary institution.
3. Direct Notification: If the involved parties ignore the letter, one of the customary leaders will visit their residence to inform them directly and request their attendance at a major meeting with other customary leaders.
4. Fine Settlement Timeline: Once all parties attend the meeting, a deadline is set for the responsible party to pay the fine.
5. Follow-Up for Non-Payment: If the party is unable to pay the fine within the stipulated time, the customary leaders will visit their residence or approach close relatives to remind them about the payment deadline.
6. Mediation: If the party continues to refuse to pay, the customary leaders will mediate between the involved parties to seek the best solution and avoid prolonged conflict (Mufid, 2020).

Therefore, the role and function of the Dayak Kenyah Lepo' Jalan Customary Institution are highly significant, especially in handling cases related to customary practices. The imposition of fines also serves to uphold and honor the noble values contained within these traditions.

The research revealed that the Ngadet ceremony is a deeply significant cultural tradition for the Dayak Kenyah Lepo' Jalan tribe, symbolizing the sacred union of two families and the integration of a couple into the customary community. The process is governed by strict customary laws, emphasizing the preservation of ancestral heritage and social harmony. Key findings include the importance of symbolic items in the ceremony, which carry profound cultural and spiritual meanings, and the comprehensive mechanisms for addressing cancellations through customary sanctions, particularly the imposition of fines. These sanctions not only uphold the value of commitment but also serve as protective measures for individuals, especially women, who may be socially or emotionally harmed. The research highlights the vital role of the customary institution in maintaining tradition, resolving conflicts, and adapting customary practices to modern challenges.

CONCLUSION

The Ngadet ceremony of the Dayak Kenyah Lepo' Jalan tribe consists of three stages: pre-Ngadet (Mateb), the ceremony itself, and post-Ngadet. Pre-Ngadet involves preparations such as setting the date, venue, and Mateb offerings, symbolizing the groom's readiness. The ceremony includes rituals like processions, prayers, traditional dances (e.g., Kancet Lasan), speeches, and the

presentation of sacred items such as Tajau and Pat Uwai, culminating in the signing of a customary certification. Post-Ngadet, the couple prepares for a church wedding, held the following day to validate the marriage religiously.

Strict sanctions under customary law address Ngadet cancellations, such as a Rp5,000,000 fine for a man canceling his engagement. This protects women and reinforces the importance of commitment, with fines imposed through discussions, formal notifications, deadlines, and mediation if necessary.

Future research could examine the Ngadet ceremony's broader social and cultural impacts, compare it with other indigenous marriage customs, and explore its adaptability to modernization and globalization, ensuring the tradition's sustainability.

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