

Managing the Public Space as a Means of the Procedural Mechanism of Dispute Resolution in Badau, Indonesia

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Abstract: This article is the result of research conducted in Badau Subdistrict, West Kalimantan which borders directly with Sarawak, Malaysia. The state border area is invariably fascinating to investigate because it holds not only economic, political, and defense dimensions, but also religious and socio-cultural concerns. By posing some unique characteristics of customary communities in Badau, this paper aims to analyse the dispute resolution mechanism in Badau, Borneo Island, Indonesia by using ethnographic method. The result showed the community wisdom in resolving the dispute. Aside from the stage of the silent conflict, Badau artificially has a unique mechanism for resolving some of the difficulties on a comprehensive scale, whether within each tribe or involving the two major tribes or problems at the Subdistrict level. Through the hierarchy of customary institutions structures as described, where they resolve problems is also essential to know because space comprises many interpretations, even the seizure of access and resources as well as claims and contestation can occur over space.

Keywords: *collective space, tribal custom, mechanism, dispute resolution, Badau.*

I. Introduction

Badau District is one of the areas straightly adjacent to Sarawak, Malaysia. Badau is inhabited predominantly by Dayak Iban tribe who mostly further populate Sarawak to Brunei Darussalam. Based on the history of the development of Badau as a Subdistrict, it cannot be separated from the history of state administration in the Dutch East Indies in which the area of Kapuas Hulu according to De jure is under Afdeeling Sintang apprehended as de onderafdeeling Boven Kapoewas based on Gouvernement Besluit van 11 April 1895 No. 9

(Indische Staatsblad 1895 No. 75) and to provide the supervision placed a controller (Controleur) based in Putussibau, according to de facto on June 1st, 1895 which was appointed the first controller of Kapuas Hulu as L.C. Westenenk. To assist the tasks of Controllers in each region, it is placed a Demang (Subdistrict head level) and Assistant Demang (Head of Office/Secretary of the Subdistrict level). To reveal the history of the founding of Badau Subdistrict which encountered barriers due to the support of existing written evidence is not available. However, based on the report and summary of the community leaders,

Badau District was established on February 14th, 1961, which beforehand was the Batang Lumar Subdistrict.

The Iban people consider the presence of subtle spirits and supernatural beings of the inhabitants of the universe. Various of these ceremonies are based on this "original religion", including offerings at sacred places and the objects of supernatural powers, such as large trees, boulders, dense forests, etc. They embrace animism. Mengayau is considered one of the ancient legacies of their past beliefs. Marko Mahin (2009), while re-reading some of the literature on Dayak religion obtained written evidence which reinforces his initial opinion, stating that, indeed, Dayak has no religion, no religious holidays, no holy places, no religious organizations, and no holy books. Marko found it in J.F. Becker (1849), Jacobus Mallinckrodt (1924) as well as local literature, such as the History of Central Kalimantan (1977/1978: 46) and Regional Cultural Geography of Central Kalimantan (1977/1978: 67). The survival of the Dayak Iban which is "dominant" in Badau, does not generate conflict ripples, at least through a subtle and hidden utterance. In the view of James C. Scott (1990), this situation is often called hidden transcript when a person or a group is unable to voice their opinions in the public sphere. They normally make hidden resistance. This can occur because as Pierre Bourdieu (1984) views, social taste is habitually determined by the majority, while the minority seems to obey the common standard. These sorts of distinctions between dominant and dominated, in many cultures frequently perform multiple conflicts (see Dahrendorf & Sampaolo, 1989). This paper aims to analyse the dispute resolution mechanism in Badau, Borneo Island, Indonesia by using ethnographic method.

II. Overview Of Badau Subdistrict

Ordinarily, the profile of Badau Subdistrict is according to the existing documents (Badau Subdistrict Profile, 2013, Badau Subdistrict, 2016, Kapuas Hulu In Figures, 2014, 2015, 2016)

statistics that can be illustrated from the conditions of its tropical climate with high rainfall, i.e. the average of 3,150 mm per year, while the air temperature ranges between 28°C - 31.05°C. The high rainfall occurs between September to December and January to May. In contrast, the dry season occurs between June and early September. Regional territoriality, Badau District has administrative boundaries, that is, the east is bordered by Batang Lumar Subdistrict; the west is bordered by Puring Kencana Subdistrict, and Empanang Subdistrict; the north is bordered by Lubok Antu District, Sriaman, Sarawak State, Malaysia; and the South is bordered by Suhaid District.

Therefore, Badau is one of the Subdistricts rightly nearby to neighboring Malaysia with the entire area of approximately 700 km², equivalent to 2.35 percent of Kapuas Hulu area. Its astronomical location lies between 0050'30" - 1001'00" LU and 111047'30" - 112004'30". Badau Subdistrict covers 9 villages. Three villages with the widest area are Tanjum, Tinting Seligi, and Janting or about 13.99%, 13.16%, 11.02% of the area of Badau Subdistrict. The village with the least area is Seriang village or solely about 4.48% of the area of Badau subdistrict. Thus, the total area of Badau Subdistrict is 2.35% of the entire Kapuas Hulu regency with 29,842 km² (Badau Subdistrict Office, January 2013).

The government of Badau Subdistrict is administratively divided into 9 villages and 20 dusun with the whole population in 2015 is 5716 people. The male population is 2992 while the female is 2769. The population density in Badau Subdistrict in 2015 is 8.23 person/km², which means about 8-9 people occupying one km² of land. This shows that the distribution of residents of Badau Subdistrict is not evenly distributed. The sex ratio in Badau Subdistrict in 2015 is 108.05, meaning that in 100 female sex population there are 108-109 people of male sex. Unfortunately, the statistical data till 2016 has not been released yet.

Based on the livelihoods, the people in Badau Subdistrict are mostly as workers in the private sector, i.e. as oil palm plantation workers. The people of Badau Subdistrict are also cultivating food crops. It can be recognized that the area of food crops in Badau Subdistrict is the largest rice field commodity with the harvested area is 565 hectares, followed by rice fields in 15 hectares harvest area, 4 hectares of corn, 2 hectares of cassava and 1-hectare of sweet potato. The people in Badau Subdistrict also work on farming in the field of livestock (Badau Subdistrict Office, January 2013). Furthermore, the essential data to note is the level of education of the population that is still not adequate, those who are graduate only from elementary school is 1640 people, those who are not completed primary school is 1558 people, not attending school is 1226 people, completed junior high school is 1021 people, completed senior high school is 791 people, completed Diploma I/II is 50 people, completed Academy/Diploma III is 42 people and completed S1 only 85 people (Badau Subdistrict Office, January 2013).

III. The "Original Religion" Of Dayak Iban, Its Nature And Survival In Badau

Based on the pieces of literature of Ade Ibrahim (2015), Dayak Iban in Indonesia, particularly in West Kalimantan does not have a settled residence area. They ingeniously came from the Batang Lupar river which is located geographically in Sarawak, Malaysia. Therefore, they are also recognized as "Batang Lupar Tribe". Given his extraordinary courage, they directed to enter the border and defeat the Power Tribe with the war of mengayau. They also succeeded in pushing back the Dayak Tribe.

The informant of Abang Saleh, the Punggawa of Malay tribe also justify the courage of the Iban. According to the literature, the Dayak Iban were capable to regulate this border area (Badau), although their community is much larger in Sarawak. Once came the Dayak Kantuk Tribe with their courage to war (mengayau), the Iban could finally defeat it and make the Tribe drift away and

now inhabit more Kanting. In addition to mengayau, according to Abang Saleh, Iban people hold numerous ceremonies that seem ancient yet they remain to do it. In essence, they appreciate the universe. In addition to the ancient and mystical ceremonies, they also have a way that has perpetually been handed down, which is producing its own drink from pulut rice called bram. They also make nira water which is sometimes mixed with bark to improve the taste of the water (interviewed on July 15th, 2017).

Apart from practicing such a "genuine religion", the Ibanese who were accustomed from childhood to forever be brave were truly friendly, principally in welcoming the guests from outside of Badau. Ade Ibrahim (2015) also illustrates how a custom head when receiving a guest will lead the reception with a low shouting voice:

"Ooh, jang, ndak, ancai magang tikai kitak, temuai datai. Bisik engkayuk, rempai, telok rampung, entebai, lingkau, mbik magang ngau temuai. Meaning: mats are spread out, vegetables are provided, egg corn, pumpkin, bamboo shoot and so on are immediately given for guests".

The friendliness of the Iban was felt by the researcher, when on July 15th, 2017, did a visit throughout the ceremony of buang pantang which is a commemorative ceremony of seven days of the deceased. When knowing the researcher did a visit, they were instantly occupied preparing a variety of Badau typical snacks. They then circled the researcher by sitting in a circle. They are willing to ask and describe a lot about several matters. Incidentally, in the memorial, there are two Patih of Dayak Iban Tribe, Yakubus, and Antonius. However, behind it all, it is also tucked into other characters that people rarely know. Reverend Lambert who had made deep observations when he began his duties as pastor at the Gereja Kema Injil Indonesia (GKII) stated that the Iban people were brave, solid, and friendly, also very competitive. Therefore, Badau outsiders who want to live here

need to understand their characteristics (interviewed on July 17th, 2017). On this character, Wan Sudirman from Pulau Majang advised to respect their custom and not to mock. "All of us, whether Islam, Catholic, and Christian can exist peacefully because we experience the customs here," he told (interviewed on July 14th, 2017).

IV. Hierarchy And Customary Systems

"We are marginal people, away from the crowd. Our lives are barely a few moments. So, we do not give a damn when the case of Ahok (Basuki Tjahaja Purnama) in Jakarta enunciated during Pilkada. Why bother? Better to live safely, all problems are solved", said Yakubus, Patih from Janting Village when he met the researcher during the abstention ceremony (July 15th, 2017). At that time, Antonius, also a Patih from Sebindang Village, reckoned that in Badau, all queries can be resolved since besides Badau people desire to have peace, further supported by substantial and tiered or hierarchical custom systems, starting from RT and RW level to the Subdistrict.

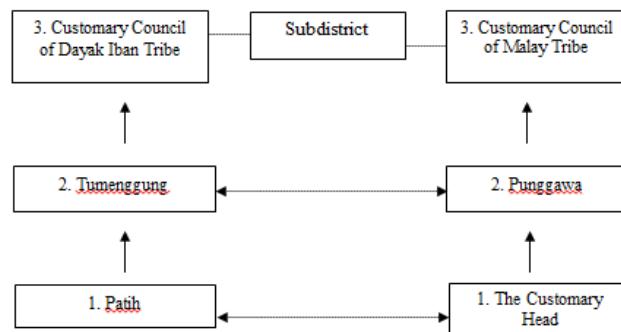
The similar point is stated by Yohanes Ubang, Tumenggung, and Abang Saleh, the Punggawa. They assume that each social structure has its own functions so that it is not done overlapping, including the role of sorting out every difficulty. "The customary matter and the difficulty of criminal law are the responsibility of the patih and the customary board. Including the religious issues and the quandaries of the country. They also have to understand every problem from poor to substantial", said Yohanes Ubang, adding that religious matters cannot be combined because each has its own board (interviewed on July 15th, 2017). The view of Yohanes Ubang was affirmed by Abang Saleh whose idea during the interview (July 17th, 2017) is summarized as follows: first, each issue must first be investigated whether the problem is custom, religious, or criminal. Even bumping into a pet's dog or pig can be a serious problem. Secondly, whether the issues will be resolved by custom, religion, or law because it could be legal

(except drugs and murder) problems can be resolved customarily. Not infrequently the problem of infidelity or rape that impact the criminal law can also be resolved in kinship. Third, every problem will be resolved in stages. If it has been completed at the level of patih or of the customary chairman, then no longer need to be taken to the Customary Council. Fourth, each problem is resolved in each of customary stakeholder, if the impact on the two tribes is worked together between Tumenggung and Punggawa. Fifth, if the problem is not completed at Tumenggung and Punggawa level, it can be brought to the level of customary council by involving the Subdistrict as a facilitator, in addition to the Subdistrict level, there are also customary board.

To become a customary leader in Badau is not simple. The aspect of morality becomes a pretty significant consideration, in addition to regarding age, devotion, and high social manner. Abang Ujang, Yohanes Ubang, and Abang Saleh exemplified that until now there is a customary chairman who has not been accepted because he was involved in immoral actions, and residents do not desire to consult with it. While how to choose a Tumenggung and Punggawa also made through the general election, properly in the elections. They have to campaign, socialize, and there are voting booths for voting.

Here is the customary hierarchy that shows the ladder and how they perform the division of tasks.

Scheme 1: The Hierarchy of Indigenous Stakeholders in Badau



Source: processed from the information of the informant

Information:

1. Patih and the customary head are the customary stakeholders at village or Subdistrict level.
2. Tumenggung and Punggawa are the leaders of the Patih and traditional leaders at the Subdistrict level.
3. The customary council is a collection of all customary stakeholders of each tribe.
4. → is the vertical command line from bottom to top.
5. ←→ is the mutual coordination line between the customary holders.
6. is...the line of customary council relations with Subdistrict governments.

According to informants, Badau is conducive to solving multiple problems, in addition to the long-standing ethos, as well as the recognition of their existence as a non-formal organization, they also get incentives every month from the Subdistrict. It resembles that their traditional networks are stronger and advanced than the formal ones that formed afterward. Similar conditions are also an analysis of Humaedi (2012) when examining the Sebatik border region.

V. The Dispute Resolution Mechanism: Deliberation At The Long House And Indigenous Hall

Aside from the stage of the silent conflict, Badau artificially has a unique mechanism for resolving some of the difficulties on a comprehensive scale, whether within each tribe or involving the two major tribes or problems at the Subdistrict level. Through the hierarchy of customary institutions structures as described, where they resolve problems is also essential to know because space comprises many interpretations, even the seizure of access and resources as well as claims and contestation can occur over space. But space is also a space for dialogue, intimate intercultural

encounters, as well as solving various difficulties of life.

The people of Badau have been accustomed to making a certain place for dialogue. Two of the most prominent are the Long House and Balai Adat, in addition to houses of worship by each adherent of the religion. Wan Sudirman who comes from Majang Island, building the mosque as a place of regular meetings, even he and Muslims do it every afternoon. The mosque is a meeting center because in addition to 100% of its population are Muslim, there is also no Malay traditional hall, as their tribe (interviewed on July 14th, 2017). Father and Pastors at Badau also state that the church every Sunday is also a place of worship, also a place of the inner encounter as Catholics and Christians.

Aloof from the religious dimension encounter as specified above, the Badau people have been accustomed to dialogue even since they have just got up and out of the bedroom when they face various people on one roof of the Long House. This house is the traditional house they once built along the great rivers. The size is quite large and long. This house is further so sturdy since it is supported by large timbers that resist all weather and usually shaped the stage to avoid flooding, tide or wild animals. Long House has now been built with a permanent wall, like a housing complex. What has not changed is the elongated roof and can accommodate about 15-50 families, so the length of the house can reach 200 meters. At first glance, this house is like a village in one big roof. Along the left and right of Badau's main street, longhouses in the construction of a stage still stand firm. Long House also decorated many typical ornaments of Dayak Iban.

Through the Long House, the Badau community formed a distinctive community, with the principle of ambilineal, however, the husband lived in his wife's family. The principle of the ambilineal relationship is that some people draw a lineage through the father's side and some others through the mother's side. The custom settled after the

marriage is utrolokal, where there are preferring to stay in her husband's bilek and some are settled in his wife's bilek. Such residence option also means to be a member of the bilek with all rights and obligations. Someone will never be the member of two bilek. Children become bilek members where they were born.

In the past and based on the principle of kinship, the Long House is inhabited by families with one another still owning blood ties. Now because of the compelling necessity, the Long House also becomes a rented house that can be rented monthly or yearly. Different families from different tribes to different religions can live together. In the mornings and evenings, they gather, joke, play in the outdoor courtyard and the inner courtyard that extends open with no partition. According to Abang Ujang, that is where they are, particularly young children were taught to engage every day with a variety of characters, differences in values, and cultural diversity, ethnicity, and religion. But they also have to keep collectively even though the economic situation and social status diversify. "It is inconceivable that every day people are noisy and the whole family in the Long House will become rowdy". But Abang Ujang also said that while in a private space (room after the lengthening yard), they become a whole family without any intervention. In that room, they are self-reliant and autonomous as a family.

Yohanes Ubang encountered in his Long House tells us that togetherness in one roof becomes the greatest major goal so that every family if they got problem will prioritize deliberation. In the Long House, each family is taught to consider, respect others, control oneself, and hold the value of affection. Even they are also taught to accept the circumstances of others and themselves.

"The life at the Long House teaches several things regarding ourselves as social beings who must remain unitedly, also be individual beings because we are also autonomous families so that we should not be jealous, reduce our sense of competition, and control

our attitude. Others, we became accustomed to being together in a big family filled with so many differences, so the easiest way to solve a problem was to gather together on this long yard" (interviewed on July 15th, 2017).

Deliberation which is based on ethical conduct, as it is performed by families in the Long House although individuals cannot avoid a hidden conflict has become a habit that is either forced by space or because of moral responsibility and historical awareness about the value of goodness inherited by their ancestors. This is a significant way to be taught continuously by various socializations to form a habitus that spans within the broader context, which is outside the Long House and particularly in life (see more about the habitus in Pierre Bourdieu, 2010). After all, the Long House became the platform for producing and reproducing what was inherited and what was to be inherited. The Long House is a place for them to express their knowledge and their impression as citizens of the same community.

Habitus deliberations and/or solving difficulties are also familiar in the traditional halls. In addition to deliberations and resolving problems or conflicts, customary halls are also utilized to handle customary meetings. In Badau Subdistrict, there are two halls for each tribe. If a query involves both tribes, it is customarily conducted a deliberation first to ascertain what ethnic customs centers will be used to reconcile the problem. However, in every village, there is ordinarily a customary hall. The researcher was invited to cooperate in the inauguration of a traditional hall in the village of Seriang on July 18th, 2017.

The traditional hall is quite large, located on the side of the road, terraced (stage) with a combination of wood and concrete. Considering the traditional halls in Badau in common with the reason as earlier which is so strategic, the inauguration of the customary hall is usually done quite festively and even needs to be legitimized by the presence of public officials, particularly those who still have

kinship ties in the custom, as the researcher witnessed in the village of Seriang. During the inauguration of a member of the Kapuas Hulu Regional House of Representatives and representatives of the Iban Dayak Tribe who was a member of parliament from Sarawak, Malaysia joined in the inauguration and signed the inscription.

VI. Conclusion

Aside from the stage of the silent conflict, Badau artificially has a unique mechanism for resolving some of the difficulties on a comprehensive scale, whether within each tribe or involving the two major tribes or problems at the Subdistrict level. Through the hierarchy of customary institutions structures as described, where they resolve problems is also essential to know because space comprises many interpretations, even the seizure of access and resources as well as claims and contestation can occur over space. But space is also a space for dialogue, intimate intercultural encounters, as well as solving various difficulties of life. The social wisdom is reflected in their choice of place to resolve the dispute. In the past and based on the principle of kinship, the Long House is inhabited by families with one another still owning blood ties. Now because of the compelling necessity, the Long House also becomes a rented house that can be rented monthly or yearly. Different families from different tribes to different religions can live together. In the mornings and evenings, they gather, joke, play in the outdoor courtyard and the inner courtyard that extends open with no partition.

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