

RESEARCH ARTICLE

ROLE OF *DAMANG* (TRIBAL CHIEF) ON DOMESTIC VIOLENCE (STUDY AT PALANGKA RAYA CITY, INDONESIA)

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ABSTRACT

This study aims to introduce the community to the customs of the Dayak tribe as well as to describe the role of the traditional head damang in handling cases of domestic violence that occurred in the city of Palangka Raya. The people of Central Kalimantan carry out their lives based on rules, norms or orders in navigating life that are regulated by traditional institutions in the form of kedamangan which in this kedamangan customary institution consists of damang, sub-district customary mantir, and village customary mantir. Damang is a customary leader and head of the district level customary peace mantir density who is authorized to enforce Dayak customary law in a customary area.

Keywords: *Customary Law; Tribal Chief; Damang; Dayak; Domestic Violence*

INTRODUCTION

Central Kalimantan is one of the provinces in Indonesia, has the capital city of Palangka Raya and has thirteen other urban districts. The majority of the population in the city of Palangka Raya itself is occupied by the Dayak people who have various traditions or customs that have been passed down from generation

to generation and have been in effect since ancient times until today. In carrying out their lives, the Dayak people have rules, norms or arrangements in navigating life which are regulated by traditional institutions in the form of kedamangan which in this Dedamangan customary institution consist of Damang, sub-district customary Mantir, and village customary Mantir.

Tjilik Riwut in his book says that the traditional head damang was formed in 1938 as a ransom to replace the traditional head official during the temple period which was seen by the Dayak tribe as a restoration given to the community's feelings as an acknowledgment of their ancestral customs (Tjilik, 1973). The Dayak community has a basic life or philosophy of "*Belom bahadat*" which means "*traditional life*" (Kusni, 2011). The meaning in this philosophy is the basis for all aspects of the life of the Dayak people. The role of adat in the Dayak tribal community is very strong, one of which is the implementation of marriages and the resolution of problems that occur in the Dayak indigenous peoples where this is still maintained today.

The Dayak community in maintaining the rules for navigating life requires someone who is believed to be responsible, understands the customs and who can make the Dayak community always in a state of peace and tranquility. Therefore, the Dayak community has a traditional kedamangan institution consisting of a traditional head damang as a forum that can shape indigenous peoples into indigenous peoples who are harmonious and peaceful in navigating life side by side as indigenous peoples. the community, then an institution is formed which is called the traditional kedamangan institution.

The implementation of the damang itself in which there is a traditional head damang who functionally carries out duties in the form of organizing traditional marriages, disputes between indigenous peoples, customary crimes, divorce, distribution of inheritance and so on. So, in this case the person who is trusted or appointed as the damang of the customary head has a strong and important position to maintain peace in indigenous peoples as well as to regulate the order of indigenous peoples. To carry out its function as a customary head, the damang acts as a peacemaker to restore balance and maintain harmony in indigenous peoples. (Central, 1998)

The traditional head damang who is in the Jekan Raya Sub-district does not carry out his duties and functions alone but is also assisted by 3 (three) customary mantir, each consisting of 3 (three) foreman in Bukit Tunggal Village, 3 (three) foreman in Katimpun Village, 3 (three) foremen from Palangka Village, 3 (three) foremen from Menteng Village, and 3 (three) foremen in Jekan Raya District. All cases that occur in indigenous peoples first go through the mantir-mantir.

Cases that occur in indigenous communities involving married couples explained by the damang of Jekan Raya Sub-district are common, he often finds domestic cases experienced by married couples, especially in cases of domestic violence. In the explanation, Damang Jekan Raya said that the Dayak indigenous

people believe that marriage is a very sacred procession taken from a meaning that a woman is so noble compared to other God's creatures (Cardinal, 2020).

Cases of domestic violence are one of the factors in divorce that occur between husband and wife, while in the Dayak indigenous community divorce is an act that is not expected and is considered a very embarrassing thing, this is because the Dayak indigenous people have the belief that husband and wife's decision to divorce is something that should not happen, in fact it is not expected that a divorce will occur when two individuals (a man and a woman) have been linked to become husband and wife which in custom is called "*tende sinde hentang bones*".

METHOD

This writing study uses a case study. Case Studies are a translation of the English "A Case Study" or also called "Case Studies". The word "Case" is taken from the word "Case" which means "Instance or example of the occurrence of the case", "actual state of affairs: situation", "circumstances or special conditions relating to a person or thing" (Horby, 1989) the meaning is "example of the occurrence of something", "actual condition of a situation or situation", and "a certain environment or condition about a person or thing". The description above can be interpreted that a case is a series of scientific activities carried out intensively, in detail and in depth regarding a program, event, and activity, either at the individual level, a group of people, institutions, or organizations to gain in-depth knowledge about the event (Mudjia, 2017).

This research is a qualitative descriptive research. Descriptive research is a study of problems in the form of current facts from the point of view of the population which includes activities to assess attitudes or opinions towards individuals, organizations, circumstances, or procedures. While qualitative research is a contextual research that uses humans as instruments, and is adapted to a reasonable situation in relation to data collection which is generally qualitative in nature. This research is based on field observations with research questions that include: What is the role of the damang in resolving cases of domestic violence in Jekan Raya District, Palangka Raya City? Focusing on problems or cases of domestic violence that occurred in Jekan Raya District, Palangka Raya City, which in this case involved the damang to resolve the case as someone who has a position and is trusted by the Dayak indigenous people to be able to solve problems that occur in indigenous communities. This method is expected to provide an overview of the role of the damang in solving various cases in the Dayak tribal community, Jekan Raya District, Palangka Raya City, especially on the problem of domestic violence.

DAMANG (TRIBAL CHIEF) OF DAYAK AND THE ROLE ON PREVENTING OF DOMESTIC VIOLENCE

Cardinal Tarung said that basically the Dayak tribal people believe that a woman is a very expensive treasure. They really appreciate the existence of women as very special creatures of God.(Cardinal, 2020)Therefore, in the Dayak indigenous people who want to get married first carry out traditional marriages in which there is a procession "*palaku*" which comes from the word behavior which means asking or requesting. This is done as a form of placing a woman as the foremost position, meaning that the presence of a woman is the main thing and is highly respected, thus *palaku* is a form of protection and care for women as weak people (Dayak, 2010).

Women in the Indonesian Dictionary are the opposite of men (Poerwadarminta, 2003). The word woman comes from the word *empu* which means appreciated. In terms of social science, women are known as feminism which is an association that thinks that women are oppressed and exploited as well as efforts to stop women from being oppressed and exploited (Fakih, 1997).

Scientists such as Plato also explain about women, according to him mentally women are weaker than men when viewed from physical or spiritual strength. However, this difference does not cause any disparity between men and women in having talent (Murthada, 1995). The feminist approach says that domestic violence in heterosexual relationships is a consequence of patriarchy, social structure systems and practices in which men dominate, oppress and exploit women. Domestic violence is a consequence of men's desire to exercise power and exercise greater control over their female partners, this is a behavior that is legal and justified in the patriarchal system (Linda, 2020).

Cases of domestic violence are still common, in the city of Palangka Raya itself, Dayak traditional institutions still find these problems, one of which occurs in the district of Jekan Raya where a husband commits violence against a partner by injuring his wife's hand with a sharp weapon. The physical violence received by a wife should be a big concern for the community to care about the protection of women, including in this case the Dayak customary institutions have a role and responsibility for this case because it involves indigenous peoples.

According to the hard language comes from the English language Violence which means strong or power. Hardness is an affix which means not soft, not soft, and not smooth. According to the term violence means an expression, whether done physically or verbally, which reflects aggressive actions and attacks on any freedom or dignity of a person that can be carried out by individuals or groups of people (Ali, 1997).

Domestic violence (KDRT) as explained in Law Number 23 of 2004 is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, or neglect of the household including threats to

commit acts, coercion, or unlawful deprivation of liberty within the household (Law, 2004).

Gender-based violence is a form of violence perpetrated by a person against a different gender, such as men committing acts of violence against women or vice versa. But in reality many acts of violence occur to women than men, women are more victims than perpetrators this is because women are defined as weak compared to men. Domestic violence (KDRT) as explained in Law Number 23 of 2004 is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, or neglect of the household including threats to commit acts, coercion, or deprivation of liberty against the law in the domestic sphere (Undang-Undang, 2004).

There are several factors that cause domestic violence, namely: First, individual factors. where a person becomes a newspaper of child neglect, psychological deviation and alcohol abuse, as well as a history of violence that has occurred in the past. Second, family factors in this family factor can be seen such as poor parenting patterns, conflicts that occur during marriage, violence perpetrated by spouses, low socioeconomic status obtained, as well as linkages or involvement of parties in domestic violence problems. Third, community factors, community factors can be exemplified such as poverty, high crime rates, high population mobility, lack of employment opportunities which result in high unemployment, drug trafficking, weak institutional policies, lack of service facilities for victims, and situational factors. Fourth, social environmental factors, these factors include rapid changes in the social environment, economic inequality, gender inequality, poverty, economic weakness, weak law enforcement, culture that contains violence, high use of illegal firearms and the period of conflict or post-conflict (Kemenkes, 2012).

According to Criminology, violence that results in physical damage is violence that is against the law. Therefore, violence is defined as a form of crime. According to Sanford Kadish, violence is all types of unlawful behavior in the form of real actions or in the form of criticism that can result in destruction or damage to property rights (Fakih, 1997).

Domestic violence is violence that occurs in the household where the male sex in this case the husband becomes the perpetrator of abuse both physically and verbally to the female sex or wife (Humm, 1996). Anne Grant defines domestic violence as a pattern of deviant behavior (assaultive) and coercive (Corsive), including attacks in the form of physical, sexual, psychological, and economic coercion by adults to their partners (Achmad, 2000).

Violence against women in the household does not only include physical violence, as stated in Article 1 paragraph 1 of the Anti-Domestic Violence Bill: (Undang-undang, 2002)

1. What is meant by physical violence is any attitude and action that causes pain, injury, injury or disability to a person's body, and or causes death.

2. What is meant by psychological violence is any attitude and action that results in fear, loss of self-confidence, loss of ability to act, feeling helpless, and/or causing severe psychological suffering.
3. What is meant by sexual violence is any attitude and action directed against a person's body or sexuality for the purpose of degrading the dignity and integrity of his body or sexuality, which has a physical or psychological impact.
4. What is meant by economic violence is any attitude and action that results in economic loss and or creates economic dependence and which results in reduced, limited, and or no access, control and participation with respect to economic resources.

The existence of domestic or family violence can result in the rights and obligations of the victim, which is an indicator of an imbalance in the responsibilities of community members of a particular community. In this kind of society, humans are not well protected. Furthermore, the explanation of violence in the family is a variety of actions that can cause mental, physical, and social suffering to family members by fellow family members such as children or in-laws, mothers or wives, and fathers or husbands (Arif, 1993).

According to Annisa, domestic violence is a form of violence that occurs or is based on gender differences that results in pain or suffering, especially for women, including threats, coercion, restrictions on freedom that occur in the public or domestic sphere (Annisa, 2010).

The impact that occurs on domestic violence that afflicts the wife is physical violence directly or indirectly which can cause the wife to suffer physical pain that can cause injury due to the violence given. Sexual violence committed can result in loss of sexual desire because the wife becomes afraid and lacks the normal response to an invitation to have sex. Psychological violence can cause the wife to feel depressed, traumatized, shocked, afraid, angry, emotionally unstable and explosive, lack of socialization, and deep depression. Economic violence can result in limited fulfillment of daily needs needed by wives and children in the form of physical violence. On the basis of the perpetrator's actions against newspapers that do not cause disease or obstacles to carrying out work or livelihoods or daily activities, they can be sentenced to a maximum of 4 years or a maximum fine of five million rupiah. Some observers of domestic violence say that there is an unequal power relationship between husband and wife, the economy, the tendency of violence as a tool to resolve conflicts. The impact of domestic violence that occurs against the wife is direct physical violence which can cause the victim to suffer physical pain due to the injuries that are felt due to violence by the husband. Some observers of domestic violence say that there is an unequal power relationship between husband and wife, the economy, the tendency of violence as a tool to resolve conflicts. The impact of domestic violence that occurs against the wife is direct physical violence which can cause the victim to suffer physical pain due to

the injuries that are felt due to violence by the husband. Some observers of domestic violence say that there is an unequal power relationship between husband and wife, the economy, the tendency of violence as a tool to resolve conflicts. The impact of domestic violence that occurs against the wife is direct physical violence which can cause the victim to suffer physical pain due to the injuries that are felt due to violence by the husband.

Not all women in carrying out married life feel lucky and get independence in the form of freedom and their rights as a wife to get love and protection from a husband, some women, especially those in the city of Palangka Raya, Jekan Raya sub-district, get unfavorable treatment by their husbands when they get married. since the marriage or those who have been married for a long time, both verbal and non-verbal treatment. In this case, the damang of the Dayak customary head plays a very important role as someone who has a position in the judiciary, namely as a customary head to provide protection to his community in order to ensure peace between others, especially in this case guaranteeing peace between husband and wife,

Basically, a damang is someone who is trusted and appointed to carry out his role as a traditional head in carrying out his duties and responsibilities to maintain peace and order in society and to keep culture and customs preserved and implemented properly so that they are not lost by the times.

The perspective in sociology is known as role theory which considers most daily activities to be actors in social categories (*e.g.* mothers, managers, teachers, police). Each social role is a set of rights, obligations, expectations, norms, and behavior of a person in dealing with and fulfilling. This model is based on the observation that people behave individually in a particular context, based on position and other factors.

The role is defined as the characteristics that are carried by an actor in a drama stage, which in the social context of the role is defined as a function that is performed by someone when occupying a position in the social structure. The role of an actor is a boundary designed by another actor, who happens to be both in one performance or role performance.

According to Biddle and Thomas, the role is a series that can limit the behaviors expected of the holder of a certain position (Sarwono, 2015) Furthermore, Suhardono further defines the role as a set of principles that limit what behavior should be carried out by someone who has a position in a certain position (Edy, 1994).

Biddle Thomas divides the terms in role theory into four groups, namely terms relating to people who take part in social interactions, behaviors that arise in those interactions, people's positions in behavior, and the relationship between people and behavior. The role has several dimensions, including:

1. Role as a policy. According to this understanding, the role is an appropriate and good policy to be implemented.

2. Role as strategy. According to this understanding, it proves that the role is a strategy to get support from the community (public supports).
3. Role as a communication tool. Role is applied as an instrument or tool to get input in the form of information in the decision-making process. This opinion is based on the idea that the government is designed to serve the community so that the views and preferences of the community are valuable inputs to realize responsive and responsible decisions.
4. Role as a dispute resolution tool, the role is applied as a way to reduce or reduce conflict through efforts to achieve consensus from existing opinions. The assumption underlying this perception is that exchanging ideas and views can increase understanding and tolerance and reduce mistrust and confusion.
5. Role as therapy. According to this view, the role is carried out as an effort to solve the psychological problems of society such as feelings of helplessness, insecurity and the feeling that they are not an important component in society (Arimbi, 2003).

The definition of damang itself is regulated in Article 1 number 28 of the Regional Regulation of Central Kalimantan Province Number 15 of 2009 is the customary leader and the head of the density of customary peace mantrs at the sub-district level who are authorized to enforce Dayak customary law in a customary area whose appointment is based on the results of elections by the lurah, the heads of the damang. Village Community, the sub-district Dayak traditional Mantir, the village peace customary Mantir included in the kedamangan area. Kedamangan is a Dayak customary institution which has customary territory, customary community units and customary law in the province of Central Kalimantan which consists of a collection of several villages or sub-districts or districts and cannot be separated (Perda, 2009)

Damang has the duties and functions as the head of the Dayak adat which is regulated in Article 8 of the Regional Regulation of the Province of Central Kalimantan Number 1 of 2009:

1. Upholding customary law and maintaining the authority of traditional kedamangan institutions.
2. Assist in the smooth implementation of executions in civil cases that have permanent legal force, if requested by the competent authority.
3. Resolving disputes and or violations of adat, it is also possible for problems that are included in criminal cases, both in the first examination and in the final settlement trial, as is usually the case according to the applicable customary law.
4. Strive to resolve by peaceful means if there are internal tribal disputes and between one tribe and another in its territory.
5. Give consideration, whether requested or not, to local governments on issues related to their duties.

6. Maintain, develop and explore indigenous arts and culture of the region as well as preserve historical objects and places inherited from their ancestors.
7. Assist local governments in seeking the smooth implementation of development in all fields, especially in the fields of customs, habits and customary law.
8. Confirming the custom when requested by the local indigenous community, public officials and other officials who have been appointed as a customary honor.
9. Can provide legal status according to customary law on values regarding matters relating to disputes or customary civil cases if requested by interested parties.
10. Organizing guidance and development of Dayak traditional values, in order to enrich, preserve and develop national culture in general and Dayak culture in particular.
11. Managing customary rights, customary assets or traditional assets to maintain and even improve the progress and standard of living of the community in a better direction.
12. Determine the amount of court fees, table fees, commission fees, road fees and single laps in the context of service or settlement of cases and/or disputes by the density of customary peacekeepers, both at the sub-district and village or sub-district levels.

The Customary Head Damang also has the functions regulated in Article 9 of the Central Kalimantan Provincial Regulation Number 15 of 2009 namely:

1. The function of the traditional head of the damang is to manage, preserve, empower and develop customs, habits, customary law and the damang institution he leads.
2. Enforcing customary law by handling cases or disputes based on customary law and being the judiciary at the last level
3. Enforcing customary law by handling cases or disputes based on customary law and being the judiciary at the last level

The case of domestic violence experienced by a wife is the responsibility of the traditional head damang as a person who has the position and position to handle this case, the customary head damang is trusted by the community because he is considered a chosen person who is believed to be able to carry out the responsibility as a customary head and understand the ins and outs of the problems that occur in society. This case of domestic violence is of particular concern to the damang because the damang acts as someone who can resolve disputes using methods or methods such as placing both parties to listen to opinions and giving directions or advice in accordance with what has been stipulated in customary law.

Damang also acts as a mediator where in this case damang is considered competent as therapy, where through advice and education about the nature of the household and the existence of God as the only one who is trusted by humans,

it is hoped that a wife who experiences domestic violence can relieve pain. mentally, such as the trauma experienced and providing education to perpetrators of domestic violence that everything is good can be communicated with a cool head and involve God in any case so that emotions do not smolder, causing attitudes or actions that can harm their partner.

Furthermore, in the process of resolving domestic violence conflicts, the *damang adat* chief is the last door for the community to resolve cases, as has been explained in the regional regulations in the *adat* institution. village level. The community who complains the problem to the customary institution must first be resolved through the village level customary supervisor where he lives next, if it cannot be resolved then this case can be raised to the district level customary peace supervisor.

Zastrow & Browker state that there is a theory of aggression that can state that there are three main theories that can explain the occurrence of violence, namely biological theory, frustration-aggression theory, and control theory (Charles, Zastrow & Bowker, 1984). The frustration-aggression theory describes violence as a way of suppressing the tension that results from a frustrating situation. This theory comes from the opinion that someone who feels frustrated is often involved in acts of aggression. Aggressive behavior is a form of negative behavior that arises due to stimuli obtained from the environment which often result in a greater impact. This aggressive behavior can be physical or verbal and can also occur in other people or objects that are the target of aggressive behavior.

Robert Bacon defines aggressive behavior as individual behavior that aims to injure or harm other individuals who do not want or want the behavior to come (Robert, 2003). Aggression theories describe that there is aggressive behavior that occurs because of the real factors that cause it. Aggressive behavior can occur from many stimuli, both external and internal.

The frustration aggression theory (Frustration Aggression Hypothesis) argues that if a person's efforts to achieve a goal are hindered, an aggressive impulse will arise which in turn will motivate behavior designed to injure the person or object that causes frustration. According to this formulation, aggression is not a person's innate drive, but because frustration is a fairly universal condition, aggression remains an impulse that must be channeled (Sarwono, 2002).

There are several causes that influence the occurrence of aggressive behavior, one of which and the most common is influenced by the presence of external and internal stimuli. Aggressive behavior, which is a form of negative emotion, does not just happen, but often occurs because of a continuous process. The emergence of aggressive behavior is closely related to the anger that occurs in a person, anger can arise due to the causes of other people's attacks and the occurrence of frustration in a person.

The first anger results from attacks or disturbances by others. it was seen that one time suddenly there was someone who badmouthed someone with harsh words. Second, frustration which is a disturbance or failure to achieve goals, one of the principles in psychology is that frustration tends to evoke feelings of aggression. Cases that befell husband and wife so that domestic violence can occur can be caused by anger or frustration felt by a husband so that it results in stimulation to hurt or harm his wife, in this case the anger felt by a husband is due to the fatigue factor he feels when he comes home. work and a wife who does not heed her husband's request not to leave the house for any reason, thereby causing a husband to become unbearable in anger so that he commits an act that can injure or harm his wife.

CONCLUSION

Damang acts as someone who can resolve disputes by using methods or methods such as placing both parties to listen to opinions and giving directions or advice as stipulated in customary law which aims to reduce or suppress conflicts that occur in domestic relations so that they do not occur. the violence experienced by the wife and to avoid the husband and wife relationship to divorce, given that in Dayak customary law itself a woman is very high in position and highly respected by her existence, therefore the damang also has a role as a person who protects women from acts that are harmful to women. inappropriate for women, such as domestic violence and sexual harassment.

Damang acts as a mediator where in this case the damang is considered competent as therapy, where through lectures and education about the nature of the household and the existence of God as the only one who is trusted by humans. As well as acting as a person who can give a decision that is final because it has legal force that has been regulated in regional regulations.

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