



Harmonisation of Dayak Customary Sanctions with Islamic Law: The Case Study of Dimly Lit Cafe in West Kalimantan

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Abstract:

There are contradictions between the customary norms of the Dayak community and the phenomenon of dimly lit cafes in Sajingan Besar, West Kalimantan, which are often associated with deviant activities such as the sale of alcohol and hidden prostitution. On the one hand, the Dayak community imposes customary sanctions as a form of enforcement of local social and cultural norms; on the other hand, there has been no in-depth study to assess the extent to which these sanctions are consistent with the principles of Islamic law. The purpose of this article is to analyze the view of Islamic law on Dayak customary sanctions on the existence of dimly lit cafes and to explore the potential synergy between the two in maintaining morality and public order. This type of research is qualitative research with a normative sociological approach. Data sources consisted of primary data in the form of interviews with traditional leaders and local scholars, and secondary data in the form of Islamic literature, customary law, and social regulations. Data collection techniques were conducted through literature review and in-depth interviews, while data analysis techniques used descriptive-qualitative methods with content analysis and interpretive approaches. The results show that there are similarities between Dayak customary sanctions and Islamic legal principles, especially in terms of the purpose of maintaining social order and upholding moral norms. The novelty of this study lies in the comparative analysis between customary sanctioning mechanisms and the concept of hisbah in Islam, which have rarely been studied simultaneously in the local context of the Indonesia-Malaysia border. This research contributes to strengthening cross-cultural and religious understanding in upholding social norms, as well as providing positive implications for the formulation of local policies based on local wisdom values and Islamic principles in creating a harmonious society.

Abstrak:

Kontradiksi muncul antara norma adat masyarakat Dayak dan fenomena keberadaan café remang-remang di Sajingan Besar, Kalimantan Barat, yang sering dikaitkan dengan aktivitas menyimpang seperti peredaran minuman keras dan prostitusi terselubung. Di satu sisi, masyarakat Dayak memberlakukan sanksi adat sebagai bentuk penegakan norma sosial dan budaya lokal; di sisi lain, belum ada kajian mendalam yang menilai sejauh mana sanksi tersebut selaras dengan prinsip-prinsip hukum Islam. Tujuan dari penelitian ini adalah untuk menganalisis pandangan hukum Islam terhadap sanksi adat Dayak atas keberadaan café remang-remang serta menggali potensi sinergi antara keduanya dalam menjaga moralitas dan ketertiban masyarakat. Jenis penelitian ini adalah penelitian kualitatif dengan pendekatan normatif-sosiologis. Sumber data terdiri dari data primer berupa wawancara dengan tokoh adat dan ulama setempat, serta data sekunder berupa literatur

keislaman, hukum adat, dan regulasi sosial. Teknik pengumpulan data dilakukan melalui observasi dan wawancara, sementara teknik analisis data menggunakan metode deskriptif-kualitatif dengan pendekatan analisis isi dan interpretatif. Hasil penelitian menunjukkan bahwa terdapat titik temu antara sanksi adat Dayak dan prinsip hukum Islam, terutama dalam hal tujuan menjaga ketertiban sosial dan menegakkan norma moral. Kebaruan dari studi ini terletak pada analisis komparatif antara mekanisme sanksi adat dan konsep hisbah dalam Islam, yang selama ini jarang dieksplorasi secara bersamaan dalam konteks lokal perbatasan Indonesia-Malaysia. Penelitian ini berkontribusi dalam memperkuat pemahaman lintas budaya dan agama dalam penegakan norma sosial, serta memberikan implikasi positif bagi perumusan kebijakan lokal yang berbasis pada nilai kearifan lokal dan prinsip-prinsip Islam dalam menciptakan masyarakat yang harmonis.

A. Introduction

Indonesia has cultural and religious diversity that creates a complex legal landscape, characterized by legal pluralism. In addition to national laws influenced by Western traditions, there are also customary laws from various tribes and religious laws, especially Islam. The interaction between these legal systems, especially related to sanctions for violations of norms, is an important issue both at the local and global levels in the context of the harmonization of the legal system in a multicultural society.¹ The problem of harmonizing Dayak customary sanctions with Islamic Law is a clear example of the local reality rooted in this global context.

The issue of legal pluralism and the interaction between state law, customary law, and religious law is an important topic in the study of legal sociology, legal anthropology, and comparative law. Societies around the world face challenges in managing diverse legal systems, especially when the norms and sanctions that apply are in conflict with each other.² Global debates often discuss balancing respect for local cultural diversity and traditions with the application of universal principles such as human rights, substantive justice, and legal certainty. Its main topics include legal conflict resolution mechanisms, recognition of overlapping jurisdictions, and efforts to harmonize or harmonize legal norms.³ In the context of sanctions, fundamental differences in the philosophy and goals of punishment between customary law systems and religious law or state law often create tensions.

¹ Mizaj Iskandar et al., "Extrajudicial Trend In Sharia Law Enforcement: Customary Justice Or Vigilantism?," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 2 (October 2, 2024): 122, <https://doi.org/10.22373/petita.v9i2.422>.

² Muhammad Fauzinudin Faiz, Zezen Zainul Ali, and Muhammad Taufiq, "Underage Widows and Widowers before the Law: Problem, Contestation and Legal Certainty in Marriage Dispensation," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 223, <https://doi.org/10.31958/juris.v22i2.9097>.

³ Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (October 31, 2024): 419–48, <https://doi.org/10.21580/AHKAM.2024.34.2.20843>.

The harmonization of sanctions between Dayak customary law and Islamic law in Indonesia reflects a similar dynamic to the global debate, where the Dayak people have a customary law system with various types of sanctions, such as fines in the form of customary goods, social exclusion, to customary rituals to restore natural and social harmony disturbed due to violations.⁴ These customary sanctions are often more oriented towards conflict resolution and the restoration of relationships within the community. On the other hand, Islamic Law has a clear classification of sanctions, including hudud for certain offenses, qisas, and ta'zir for other types of offenses.⁵

The Dayak people who embrace Islam live at the intersection of two legal systems, namely customary law and Islamic law. In practice, there is adaptation and negotiation between the two. The concept of *'urf saheeb* in Islamic law allows recognition of local customs as long as they do not conflict with the basic principles of sharia.⁶ Customary sanctions can be harmonized with Islamic law if they are in line with the goals of sharia, such as justice, order, and benefits. For example, customary fines can be considered in accordance with the principle of *ta'zir* if the application is fair and has a deterrent and restoration effect.

Challenges arise when customary sanctions and Islamic law sanctions appear to be contradictory, both in the type of violation, the form of sanction, and the purpose. Some customary sanctions can even be considered inconsistent with the principles of justice or humanity according to Islamic law or national law.⁷ The application of hudud or qisas sanctions in areas that are thick with Dayak customs can cause rejection because they are considered to ignore local wisdom.

The presence of dimly lit cafes in Sajingan Besar District, West Kalimantan, is a serious issue that is contrary to the social norms and cultural values of the Dayak indigenous people. The main problem is the circulation of liquor and the alleged practice of covert prostitution which disturbs the community and threatens the harmony and social order upheld by the local

⁴ Fadhil Fadani and Muhammad Adib Alfarisi Adib, "The Harmonization of Customary, State, and Islam in the Practice of Dayak-Muslim Senganan Customary Inheritance in Sintang, Indonesia," *Al-Mazaahib: Jurnal Perbandingan Hukum* 12, no. 2 (December 15, 2024): 137–64, <https://doi.org/10.14421/al-mazaahib.v12i2.3657>.

⁵ Ariefulloh Ariefulloh et al., "Restorative Justice-Based Criminal Case Resolution in Salatiga, Indonesia: Islamic Law Perspective and Legal Objectives," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (May 23, 2023): 19–36, <https://doi.org/10.18326/ijtihad.v23i1.19-36>.

⁶ Muhammad Hasan, "Construction of Modern Islamic Inheritance Law Based on Ijtihad of the Judges at the Religious Court of Pontianak, West Kalimantan," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (May 9, 2023): 650, <https://doi.org/10.22373/sjhk.v7i2.8852>.

⁷ Syaikh Syaikh et al., "Community, Family and Animal Conservation Sustainability in the Perspective of Normative Law and Maqasid Sharia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (December 20, 2024): 521, <https://doi.org/10.22373/ujhk.v7i2.25085>.

community. The resolution of the dimly lit café problem in Sajingan Besar shows the importance of resolving local conflicts through the mechanism of customary deliberation. The Sajingan Besar District Government together with the Dayak Customary Council (DAD) imposed the customary sanction "Ana Mamparuatn, 6 Rea" on the café owner for violating norms and ignoring the reprimand of the indigenous people. This case confirms the important role of customary law in maintaining social order, justice, and the preservation of cultural values.

From the perspective of Islamic law, the concept of enforcing norms and sanctions against social violations also has a strong foundation. The principle *of amar ma'ruf nabi munkar* is the basis for upholding order and morality in society.⁸ In Islam, various forms of disobedience such as the circulation of liquor and prostitution are prohibited because they can damage the social order and cause negative impacts on individuals and society as a whole.⁹ Therefore, it is interesting to examine how Islamic law views the customary sanctions applied by the Dayak people to *dimly lit café owners*, as well as the extent of harmony between customary law and Islamic law in enforcing social norms.

The literature review shows that no research has been found that specifically discusses the views of Islamic law on Dayak customary sanctions in dimly lit cafes in Sajingan Besar, West Kalimantan, but there are several relevant studies that describe the interaction of Islamic law and custom in the context of legal pluralism in Indonesia. Akhmad Sagir et al. in their research *Harmonizing Conflicts* highlighted the importance of integrating Mukhtalif Al-Hadith Science with Badamai custom to resolve conflicts fairly and in harmony with Islamic values.¹⁰ Mursyid Djawas et al. in a study of Aceh showed the successful harmonization between state, customary and Islamic law within the framework of legal pluralism.¹¹ Nordin et al. through research on the Buyan Malay community of Kapuas Hulu found that Islamic and customary laws do not negate each other, but rather interact dynamically in social and cultural

⁸ Muhammad Ibnu Hibban and Muthoifin, "Sanksi Penyimpangan Moral Yang Berlaku Di Kehidupan Sosial Dalam Sudut Pandangan Hukum Islam Dan Hukum Negara Republik Indonesia," *Risalah, Jurnal Pendidikan Dan Studi Islam* 10, no. 1 (2024): 379–96, https://doi.org/10.31943/JURNAL_RISALAH.V10I1.776.

⁹ Chiesa Almeyda Nafelita, Uin Sunan, and Ampel Surabaya, "Peran Delik Kesusilaan Dalam Melindungi Moralitas Dan Norma Sosial," *Jurnal Res Justitia: Jurnal Ilmu Hukum* 5, no. 1 (2025): 411–27, <https://doi.org/10.46306/RJ.V5I1.248>.

¹⁰ Akhmad Sagir et al., "Harmonizing Conflicts: Integrating Ilmu Mukhtalif Al-Hadits and Adat Badamai Approaches For Conflict Resolution in Indonesia," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (March 1, 2024): 205–26, <https://doi.org/10.18592/sjhp.v23i2.12409>.

¹¹ Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (May 1, 2024): 64, <https://doi.org/10.20956/halrev.v10i1.4824>.

structures.¹² Muhammad Shuhufi and Arip Purkon in a study of Sundanese society concluded that Islamic law can be applied without damaging local cultural structures, instead forming social harmony.¹³ Meanwhile, Misran Ramli et al. in a study in Aceh emphasized that the settlement of small disputes through customary law in line with the principle of peace in Islam reflects the close relationship between adat and sharia.¹⁴ Although different in focus and scope, the overall research provides a strong conceptual and comparative basis for understanding how Dayak customary sanctions can be harmonized with Islamic law in a concrete and local context.

This research entitled "*Harmonization of Dayak Customary Sanctions with Islamic Law: A Case Study of Dimly Lit Cafes in Sajingan Besar*" focuses on the harmonization of Dayak customary sanctions with the principles of sanctions in Islamic Law, especially related to social and moral issues that arise at the local level, such as the behavior that occurs in dimly lit cafes in Sajingan Besar, West Kalimantan. This study fills in the gaps that existed in previous studies that have not discussed in depth the harmonization process between the two legal systems. The purpose of this study is to analyze how Dayak customary sanctions are applied in the case, how Islamic Law views similar behavior, as well as efforts or possible harmonization of sanctions between the two in the context of this case in West Kalimantan.

B. Method

This study adopts a qualitative approach with a single case study design to deeply understand the interaction and potential harmonization between Dayak customary sanctions and Islamic law in the context of handling specific conflicts, namely the case of cafes in West Kalimantan. The qualitative research type was chosen because it focuses on the exploration of complex meanings, experiences, and norms, while case studies allow intensive investigations of contemporary phenomena in real-life contexts, which are closely aligned with the research objectives of analyzing the application and comparison of two legal systems in a single incident.

¹² Zaimuariffudin Shukri Nordin et al., "Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu," *Journal of Islamic Law* 6, no. 1 (February 28, 2025): 89–111, <https://doi.org/10.24260/jil.v6i1.3410>.

¹³ Muhammad Shuhufi and Arip Purkon, "Harmonization of Islamic Law and Local Culture: A Study of Indonesian Sundanese Ethnic Culture," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (June 25, 2023): 138, <https://doi.org/10.30984/jis.v21i1.1870>.

¹⁴ Misran Ramli et al., "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 21, 2024): 872, <https://doi.org/10.22373/sjhk.v8i2.15924>.

The data collection strategy is carried out in stages: The first stage is the Identification of Key Informants, including the determination of parties directly involved, namely traditional and religious leaders, as well as the collection of documents related to cases and legal norms. The second stage is the Development of Data Collection Instruments, such as the preparation of in-depth interview guides. The third stage is the implementation of data collection through in-depth interviews with informants and document studies. The data in this study refers to the non-numerical information collected, in the form of interview transcripts and relevant quotes from documents, which reflect views, experiences, case narratives, and relevant customary and Islamic law principles. This data collection was chosen because it is the most effective way to capture the nuances and interpretation of norms in a specific case. Data analysis was carried out qualitatively through data reduction, data presentation, and conclusion drawn, using thematic and comparative approaches to identify similarities, differences, and potential points of convergence between customary sanctions and Islamic law related to the case.

C. Results

In Islamic law perspective, dimly lit cafes are often in the spotlight because they are synonymous with disobedience practices such as the consumption of liquor and promiscuity that are expressly contrary to Islamic teachings and values. This kind of activity is seen as damaging to individual morals and social order. Referring to the principle of *Maṣlaḥah Mursalah*, which is the principle of establishing laws for the public good that is not explicitly regulated in the *nash*, Islam fully supports preventive and repressive efforts against all forms of iniquity that have the potential to damage human morals and ethics as well as public order at large.

In the context of sanctions applied by indigenous peoples, the view of Islamic law considers that customary sanctions and social punishments given by customary stakeholders or community leaders to maintain public order have a parallel of principles. This is in line with the concept of *ta'zir* in Islamic law, which is a form of punishment that does not have definite provisions (discretionary punishment) and is given by the ruler or authority to educate and prevent misdeeds.

Nevertheless, Islam emphasizes the importance of justice in every legal action. Therefore, in the application of customary sanctions, the principle of justice must be the main foundation. The form of customary punishment imposed must be ensured that it does not exceed the limits of propriety, proportionality, and most importantly, must not be

discriminatory against certain individuals or groups. In addition, Islam prioritizes the resolution of every problem that arises in society through the path of deliberation. This principle of deliberation means that the resolution of conflicts or violations of norms, including those related to the existence of dimly lit cafes, should be achieved through dialogue, consensus, and mutual agreement to produce a solution that is fair and acceptable to all interested parties.

This specific research on Islamic law's view of Dayak customary sanctions related to dimly lit cafes brings several significant aspects of novelty. This novelty fills a gap in the study of Islamic law and customary law that has not been widely discussed, especially in the unique context of the Dayak community in the border area of Sajingan Besar, West Kalimantan. One of the novelties of this research lies in an in-depth study of the interaction between Islamic law and customary law in the context of the application of social sanctions. This study specifically explores how Islamic law views and places customary sanctions imposed by the Dayak community on the dimly lit café problem, thus revealing the dynamics of the relationship between two legal systems that coexist in one community.

Furthermore, this study offers a contextual study of the application of customary sanctions from the perspective of Islamic law. In contrast to customary law studies which often focus on positive legal aspects, this study analyzes customary law through the lens of Islamic legal principles, including Maqashid Syariah and the concept of justice in Islam. This research also provides new insights into the impact of customary sanctions in maintaining the sustainability of social norms and Islamic values in a pluralistic society, consisting of Muslims and adherents of the original Dayak faith.

Finally, this study explicitly identifies the relevance and appropriateness between Dayak customary sanctions and Islamic legal principles in responding to practices that are considered socially and morally deviant. Hasil temuan ini berpotensi menjadi rujukan penting dalam upaya harmonisasi hukum Islam dan hukum adat di Indonesia. With all these novelties, this research contributes significantly to the development of the study of Islamic law and customary law, especially in understanding the complexity of law in border areas and multicultural societies.

D. Analysis and Discussion

1. Dayak Customary Sanctions on Café Remang-Remang in Sajingan Besar

Dayak customary sanctions are a form of punishment or consequences given to individuals or groups who violate the norms, rules, or customary values that apply in Dayak society.¹⁵ This sanction is part of customary law that is inherited from generation to generation and has the main function of maintaining social balance, harmony, and order in the community. Customary law reflects strong values and norms that regulate individual behavior and social interactions in society.¹⁶ In Weber's view, traditional societies use social sanctions to enforce norms.¹⁷ Dayak customary sanctions can be in the form of social exclusion, the obligation to pay customary fines, or the implementation of certain customary rituals as a form of accountability.

Furthermore, according to the theory of functionalism stated by Emile Durkheim, customary law, including customary sanctions, serves to maintain social solidarity in society.¹⁸ In the context of Dayak society, customary sanctions ensure that each member of the community remains obedient to existing norms, so that harmony is maintained. And furthermore, based on the restorative theory in Customary Law, it is explained that customary law emphasizes more on peaceful conflict resolution and balance restoration than retributive punishment.¹⁹ In Dayak society, violators are usually subject to fines or certain rituals to clean up the offense committed.

Therefore, Dayak customary sanctions are a form of customary law that aims to maintain social and cultural balance in society. In contrast to the state legal system which is retributive and formal, customary sanctions are more restorative in nature, focusing on restoring social relations and spiritual balance in the community. Customary law has also

¹⁵ Citranu Citranu, "Pengaturan Dan Akibat Hukum Tidak Dilaksanakannya Putusan Peradilan Adat Dayak," *Widya Kerta: Jurnal Hukum Agama Hindu* 4, no. 1 (2021): 1–22, <https://doi.org/10.53977/wk.v4i1.284>.

¹⁶ Mabrusyah Mabrusyah et al., "The Interaction and Acculturation of Islamic Law and Rejang Customary Law in Rejang Lebong Regency," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (November 21, 2024): 679–98, <https://doi.org/10.29240/jhi.v9i2.9052>.

¹⁷ Iqbal Fadrollah and Firdaus Syam, "Kepala Adat Sebagai Elite Sosial Dan Politik: Manifestasi Hegemoni Nilai Adat Dalam Praktik Kepemimpinan Tradisional," *Jurnal Ilmu Dan Budaya* 45, no. 1 (2024): 41–49, <https://doi.org/10.47313/jidb.v45i1.3035>.

¹⁸ Indana zulfah, Mahmul Siregar, and Idha Aprilyana Sembiring, "Penyelesaian Konflik Dan Pembentukan Peraturan Adat Mandailing Dalam Perspektif Teori Solidaritas Sosial," *Neoclassical Legal Review: Journal of Law and Contemporary Issues* 3, no. 1 (2024): 12–20, <https://doi.org/10.32734/nlr.v3i1.15530>.

¹⁹ Ardian Kurniawan et al., "Hukum Adat Dan Nilai Restoratif: Kontekstualisasi Penyelesaian Konflik Sumbang Adat Di Jambi," *Masalah-Masalah Hukum* 53, no. 2 (2024): 111–22, <https://doi.org/10.14710/mmh.53.2.2024.111-122>.

undergone modern developments, which have had an impact on differences in its legal status²⁰. In Sajingan Besar District, West Kalimantan, the existence of dimly lit cafes causes social unrest, especially for the Dayak indigenous people who still hold fast to traditional values. For indigenous peoples, the café is considered a place that has the potential to damage morals and social values, as it is often associated with the circulation of liquor, covert prostitution, and other immoral acts.

The Sajingan Besar District Government together with the Dayak Customary Council held a customary deliberation that resulted in a decision to give customary sanctions to the owners of low-light cafes. The sanction given is called "Ana Mamparuatn, 6 Rea", which means that the business owner does not respect the reprimand of the indigenous people. In Dayak customary law, sanctions aim to restore social balance and provide a deterrent effect to violators²¹.

On February 5, 2025, the Dayak Customary Council of Sajingan Besar District held an interview related to customs to sanction five dimly lit cafes that were suspected of being places of prostitution practice and disturbing the local community. The interview that took place in Sajingan Besar was directly to the chairman of DAD Sajingan Besar District, Mr. Jamel.

Interview Results with Jamel, Chairman of DAD Sajingan Besar District: Question: What is the main reason for DAD to give customary sanctions to dimly lit café owners in Sajingan Besar? *Jamel said:*

*"The existence of these cafes has long been troubling the community because of their activities that violate our social norms and customs. In addition, these cafes are suspected of being places of prostitution, which is clearly contrary to Dayak cultural values."*²²

Next question: What is the form of customary sanctions given to the owner of the café? *Jamel said:*

*"We impose customary sanctions in the form of a special procession that must be followed by café owners. They are also required to hand over traditional symbols such as 24 pottery plates, one gabok jar, one soil bowl, and saepet baras banyu (yellow rice wrapped in leaves). This is a form of strong reprimand so that they do not repeat their actions."*²³

²⁰ Usman Al Farisi et al., "Negotiation Between Customary Law and Islamic Law: The Practice of Palang Pintu in The Traditional Marriage in The Betawi Muslim Community," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (December 31, 2023): 268–85, <https://doi.org/10.18860/j-fsh.v15i2.21241>.

²¹ Ranti Suminar Endah and Muhammad Noor Shaleh, "Peran Hukum Adat Dalam Penegakan Ketertiban Masyarakat Perspektif Hukum Islam," *Mitsaqan Ghalizhan* 4, no. 2 (2024): 88–100, <https://doi.org/10.33084/MG.V4I2.8888>.

²² The results of an interview with Mr. Jamel, as a traditional leader in Sajingan Besar. 5 February 2025.

²³ The results of an interview with Mr. Jamel, as a traditional leader in Sajingan Besar. 5 February 2025.

Then the question: How do café owners respond to the sanctions given? *Jamel said: "Some café owners initially refused to stop their operations, but after going through customary deliberations, they finally accepted the sanctions imposed and promised not to repeat similar violations in the future."*²⁴

Next question: What are DAD expectations for the enforcement of customary law in the future? *Jamel said:*

*"We hope that the enforcement of customary law can continue to go hand in hand with the existing positive laws, so that our cultural norms and values are maintained. We also appeal to the community to jointly maintain order and respect the customs that have been inherited by our ancestors."*²⁵

According to the results of research, Dayak customary law has a sanction system that is based on the principle of social harmony (*social equilibrium*). This sanction is not only repressive but also corrective, so that violators are expected to be accepted in society again after undergoing sanctions.

The action of the Sajingan Besar District DAD in imposing customary sanctions on dimly lit café owners shows the important role of customary institutions in maintaining social and cultural norms in the Dayak community. Mediation is carried out systematically and hierarchically by adhering to customs based on Islamic teachings.²⁶ The provision of sanctions in the form of customary processions and the handing over of traditional symbols reflects efforts to enforce customary laws that are still respected and implemented in the community.

This study examines the harmonization of Dayak customary sanctions with Islamic law in handling the case of a dimly lit café in Sajingan Besar, West Kalimantan. The main focus of this study is the effectiveness of customary sanctions in preventing similar violations in the future, which requires synergy between customary institutions, local governments, and law enforcement officials to ensure that customary law enforcement is in line with national law. In addition, it is important for communities to support and respect the decisions of indigenous institutions to preserve the cultural values inherited by their ancestors. The active involvement of the community in maintaining social norms will help prevent the re-emergence of activities that shake and contradict local customs.

²⁴ The results of an interview with Mr. Jamel, as a traditional leader in Sajingan Besar. 5 February 2025.

²⁵ The results of an interview with Mr. Jamel, as a traditional leader in Sajingan Besar. 5 February 2025.

²⁶ Ermi Suhasti Syafei et al., "Mediation in Social Conflict Resolution at Tanjungpinang Malay Customary Institution, Riau Islands," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 2 (December 31, 2023): 198–214, <https://doi.org/10.30631/alrisalah.v23i2.1361>.

2. Islamic Law's Perspective on Dayak Customary Sanctions

Islamic sharia explains that social norms are enforced based on the principle of *amar ma'ruf nahi munkar* (QS. Ali-Imran: 104),²⁷ which requires Muslims to call for virtue and prevent evil. Several aspects of the Dayak customary sanctions against dimly lit café owners can be analyzed from the perspective of Islamic law. Basandi Syara' custom, Syara' basandi kitabullah, custom based on Shari'a, Syara' based on the Koran.²⁸ The coexistence of customary law and Islamic law in the tradition is emphasized in the implementation of caning and cumulative fines.²⁹ Islamic teachings explain that customary sanctions, including those applied by the Dayak community, can be viewed from several perspectives, especially related to the principles of justice, benefit, and conformity with sharia.³⁰

In Islamic law, there are three categories of sanctions, namely *hudud* (sanctions that have been determined in the Qur'an and Hadith), *qisas/diyat* (appropriate retribution for the perpetrators of crimes against life and limbs), and *ta'zir* (sanctions determined by leaders or authorities based on the benefit of the ummah).³¹ Customary sanctions in this case can be categorized as *ta'zir*, because they are not included in *hudud* or *qisas/diyat*, but are more moral and social development. According to Ibn Taymiyah, *ta'zir* is flexible and can be adapted to the social context of the local community as long as it does not conflict with the principles of Islamic justice.³²

Islamic sharia also emphasizes that behaviors that are considered destructive of the social order, such as liquor and prostitution, are clearly prohibited (QS. Al-Ma'idah: 90).³³

²⁷ Dirga Arif Wardana, Hotmatua Paralian, and . Yuzaidi, "Implementasi Prinsip Amar Makruf Nahi Munkar Sebagai Etika Politik," *Jurnal Ushuluddin* 22, no. 2 (2024), <https://doi.org/10.51900/USHULUDDIN.V22I2.22319>.

²⁸ Erwati Aziz, Mohammad Dzofir, and Aris Widodo, "The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia," *QIJS (Qudus International Journal of Islamic Studies)* 8, no. 1 (June 30, 2020): 131, <https://doi.org/10.21043/qijis.v8i1.7197>.

²⁹ Ismail Ismail, Novi Hendri, and Putri Rahmah Nurhakim, "Minangkabau's Doro Tradition: Coexistence of Customary Law and Islamic Law in Caning Punishment," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 579, <https://doi.org/10.22373/sjhk.v7i1.15904>.

³⁰ Tri Wahyuni, Inni Inayati Istiana, and Ratna Asmarani, "Denda Adat Pada Tradisi Pepadun Masyarakat Lampung Dalam Perspektif Hukum Islam," *Jurnal SMART (Studi Masyarakat, Religi, Dan Tradisi)* 9, no. 1 (2023): 77–90, <https://doi.org/10.18784/smart.v9i1.1895>.

³¹ Sumardi Efendi, "Analisis Sanksi Pidana Dalam Hukum Islam Pendekatan Teoritis Dan Pustaka," *MAQASIDI: Jurnal Syariah Dan Hukum*, December 1, (2023), 151–62, <https://doi.org/10.47498/MAQASIDI.V3I2.3524>.

³² Wilda Lestari and Wilda Lestari, "Ta'zir Crimes in Islamic Criminal Law: Definition Legal Basis Types and Punishments," *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam* 5, no. 1 (2024): 22–32, <https://doi.org/10.58836/al-qanun.v5i1.21486>.

³³ Yenni Isliani, "Sanction For Liquor Providers From The Perspective Of Islamic Criminal Law," *Jurnal El-Thawalib* 3, no. 4 (2022): 717–31, <https://doi.org/10.24952/EL-THAWALIB.V3I4.5947>.

Therefore, the imposition of customary sanctions on dimly lit café owners who violate customary and religious norms is in line with Islamic principles in upholding the morality of society. In the context of *hisbah*, according to Al-Mawardi, the application of customary sanctions is similar to the role of *Muhtasib* during classical Islamic rule,³⁴ who are tasked with enforcing the law and maintaining the morals of the community.

On February 3, 2025, we conducted an interview with Mr. Esfahani, as an Islamic religious leader in Sajingan Besar, Sambas Regency, regarding Islamic law against Dayak customary sanctions on dimly lit cafes in the area, the following are the results of the interview: Mr. Esfahani explained that:

"from an Islamic perspective, the existence of dimly lit cafes that are synonymous with negative activities such as promiscuity, liquor, and entertainment that are not in accordance with sharia values is something that is prohibited. In Islam, all forms of disobedience that can damage the morals of individuals and society must be prevented". He quoted the words of Allah in the Qur'an: "And do not approach adultery; Indeed, adultery is an abominable deed and a bad way." (QS. Al-Isra: 32)³⁵.

In addition, he emphasized that Islam strongly emphasizes the principle of amar *ma'ruf nabi munkar*, which is to invite goodness and prevent evil. Therefore, all forms of business that can plunge people into behavior that is prohibited by religion must be avoided.

When asked about the Dayak customary sanctions against dimly lit cafes, Mr. Esfahani explained that:

"Dayak indigenous peoples have their own rules and sanctions for violations of social and cultural norms. Usually, customary sanctions are in the form of fines in the form of materials, such as money or animals, as well as the obligation to perform certain customary rituals to neutralize the adverse effects caused"³⁶.

In some cases, customary sanctions can also be in the form of expulsion for violators who are considered to be damaging to the social balance and local customs.

According to Mr. Esfahani,

"the Dayak customary sanctions against dimly lit cafes are in line with the principles in Islamic law. Islam also recognizes the concept of ta'zir, which is a punishment set by rulers or community leaders for violations that are not specifically mentioned in the Qur'an and Hadith."³⁷

³⁴ Ayu Anisa et al., "Ancaman Pidana Cambuk Dalam Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat Terhadap Kasus Tindak Pidana Maisir: (Studi Kasus Di Wilayah Hukum Kabupaten Gayo Lues Provinsi Aceh)," *Locus Journal of Academic Literature Review*, September 1, (2022), 245–62, <https://doi.org/10.56128/LJOALR.V1I5.74>.

³⁵ The results of an interview with Mr. Esfahani, as an Islamic religious figure in Sajingan Besar. February 3, 2025.

³⁶ The results of an interview with Mr. Esfahani, as an Islamic religious figure in Sajingan Besar. February 3, 2025.

³⁷ The results of an interview with Mr. Esfahani, as an Islamic religious figure in Sajingan Besar. February 3, 2025.

The customary sanctions given aim to maintain social and moral order in the community, just as Islam also teaches the importance of safeguarding the welfare of the people. In this case, Islam does not reject customary law as long as it does not conflict with the principles of sharia. Mr. Esfahani emphasized

*"the importance of collaboration between ulama, traditional leaders, and the government in responding to the dimly lit café problem. Education and da'wah efforts need to be encouraged so that the public understands the negative impact of the existence of entertainment venues that are not in accordance with religious and cultural norms."*³⁸

He also emphasized that the approach must be persuasive and educational, not just punitive. Thus, the community can better understand and accept change. From the interview, it can be concluded that Islamic law and Dayak customary sanctions have a common point in maintaining morality and social order. Some of the analysis points that can be taken are: *First*. The perspective of Islam and customs have similarities in rejecting practices that damage the morals of society. Both Islam and Dayak customary law reject the existence of dimly lit cafes because they are considered to have negative impacts. *Second*. Customary sanctions can be categorized as a form of ta'zir in Islam. Islam allows punishment to be determined by the local leader or community to prevent wickedness. *Third*. Educational and preventive approaches are more effective than punishment. Da'wah and counseling must be carried out so that the public understands the reason behind this prohibition. *Fourth*. Synergy between religious and traditional leaders is needed in the enforcement of norms. Islamic law and customary law can support each other in upholding social morality in Sajingan Besar. Overall, Islamic law supports the existence of Dayak customary sanctions against dimly lit cafes as long as they do not conflict with sharia principles. Therefore, there is a need for a joint effort to foster the community so that they do not fall into disobedience, both through religious and customary approaches.

From the perspective of Islamic law, the existence of dimly lit cafes that are synonymous with negative activities such as liquor, gambling, or prostitution is clearly contrary to the teachings of Islam. In the Qur'an, Allah forbids Muslims to approach adultery (QS. Al-Isra: 32),³⁹ forbidding khamr (QS. Al-Ma'idah: 90-91),⁴⁰ and advocating amar ma'ruf nahi

³⁸ The results of an interview with Mr. Esfahani, as an Islamic religious figure in Sajingan Besar. February 3, 2025.

³⁹ Saskia Irmahni, Cece Nurhikmah, and Amit Saepul Malik, "Hikmah Larangan Mendekati Zina Dalam Q.S Al-Isra' Ayat 32 Perspektif Tafsir Al-Mishbah," *Muttaqien; Indonesian Journal of Multidisciplinary Islamic Studies* 5, no. 1 (2024): 49–61, <https://doi.org/10.52593/MTQ.05.1.04>.

⁴⁰ Abdullah Affandi, "Pengharaman Khamr Dalam Bingkai Tafsir Nuzuli: Kajian Penafsiran Izzah Darwazah Dan Al-Jabiri," *SAMAWAT: Journal Of Qur'anic and Hadith Studies* 5, no. 1 (2021), <https://ejournal.badrusholeh.ac.id/index.php/samawat/article/view/259>.

munkar as a form of maintaining the morality of society (QS. Ali Imran: 104).⁴¹ Therefore, the actions of indigenous communities that uphold moral norms through customary law are in line with Islamic principles that prioritize the common good. Islamic law also recognizes the existence of customary law as long as it does not contradict the sharia. In the rules of fiqh, the principle of "*Al-'adah muhakkamah*" is known as long as it does not violate Islamic rules.⁴² Thus, the application of customary sanctions against dimly lit café owners can be considered a form of hisbah in order to maintain public morality. The decision of the customary deliberation in Sajingan Besar shows the synergy between customary law and Islamic law in forming a moral society. This shows the role of local values in maintaining social order without completely relying on state laws.

Islamic law has a clear concept in regulating social norms, including in dealing with moral and social violations. In Islam, the upholding of social norms rests on the principle of *amar ma'ruf nahi munkar* as mentioned in the Qur'an: "And there should be among you a group of people who call for virtue, enjoin the ma'ruf and prevent from the unrighteous; they are the lucky ones" (QS. Ali-Imran: 104).⁴³ In the context of dimly lit cafes that are synonymous with practices that are contrary to Islamic moral values, the actions of indigenous peoples that impose sanctions can be seen as an effort to enforce social norms. Islam itself recognizes several forms of punishment, namely *hudud*, *qisas/diyat* and *ta'zir*.⁴⁴ The customary sanctions in this case are more in accordance with the concept of *ta'zir*, which is a punishment that is flexible and determined based on the needs of the community.

In Dayak society, customary sanctions function as a social mechanism to maintain order and harmony. The existence of dimly lit cafes in Sajingan Besar is considered to violate applicable social norms and customs. As a result, the sub-district government together with the Dayak Customary Council imposed customary sanctions in the form of "Ana Mamparuatn, 6 Rea", which in Dayak tradition means that the perpetrator is considered to have disrespected the reprimand of the indigenous people.

⁴¹ S Maryamah Kadriyah, "Ijma Dalam Ijtima' Gerakan Politik Dan Dakwah," *Ad-DA'WAH* 22, no. 1 (2024): 1–16, <https://doi.org/10.59109/ADDAWAH.V22I1.54>.

⁴² Maria Desmuliati et al., "Kajian Tentang Penerapan Kaidah Fiqhiyyah Al-'Adatu Muhakkamah Dalam Berbagai Aspek Kehidupan," *Jurnal Indragiri Penelitian Multidisiplin* 5, no. 1 (2025): 92–101, <https://doi.org/10.58707/JIPM.V5I1.1149>.

⁴³ Kehidupan Kartini and Fachrur Rizha, "Implementasi Amar Ma'ruf Nahi Mungkar Dalam Kehidupan Sosial," *AT-TANZIR: Jurnal Ilmiah Prodi Komunikasi Penyiaran Islam*, (2021), 123–38, <https://doi.org/10.47498/TANZIR.V12I1.516>.

⁴⁴ Totok Sugiarto, Wawan Susilo, and Purwanto Purwanto, "Studi Komparatif Konsep Tindak Pidana Dalam Hukum Pidana Indonesia Dan Hukum Pidana Islam," *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 25, no. 2 (2022): 219–32, <https://doi.org/10.15642/ALQANUN.2022.25.2.219-232>.

This sanction not only serves as a punishment but also as a form of warning to individuals or groups who are considered to be violating customary values. Based on research conducted by Yohanes Dandi, Dayak customary law emphasizes the principle of social harmony, where punishment is not only repressive, but also educational so that violators can be accepted back into society after serving sanctions.⁴⁵ Islamic law recognizes *ta'zir* as a form of punishment given by community leaders or authorities to uphold justice and prevent evil. Ibn Taymiyyah in his book *Ash-Siyasah Ash-Syar'iyah* explained that *ta'zir* is dynamic and can be applied according to the needs of society.⁴⁶ Thus, customary sanctions imposed by the Dayak Customary Council on dimly lit café owners can be considered a form of *ta'zir* in the Islamic legal system, as long as they do not conflict with the principles of justice and public interest.

According to Ash-Syatibi in *Al-Mumafakat fi Usul Ash-Sharia*, the purpose of Islamic law is to protect religion, soul, intellect, descendants, and property.⁴⁷ The existence of dimly lit cafes associated with the circulation of liquor and immoral behavior has the potential to damage these aspects. Therefore, the application of customary sanctions as a form of prevention against disobedience can be considered in line with the purpose of Islamic law.

The success of a legal system depends not only on the rules that are made, but also on the extent to which they can be applied effectively in society.⁴⁸ Some of the factors that affect the effectiveness of customary sanctions against dimly lit cafes in Sajingan Besar are:

First, the response of the café owner was dimly lit. Some café owners who were subject to customary sanctions finally chose to close their businesses or turn them into businesses that were more accepted by the community. This shows that customary sanctions have a strong enough pressure in providing a deterrent effect.

Second, support from the community. The Dayak indigenous people in Sajingan Besar generally support the sanctions, as they see it as an effort to maintain social harmony. In

⁴⁵ Yohanes Dandi Dandi and F.X Eko Armada Riyanto, "Hukum Adat Tarangk Dalam Filsafat Hukum Perspektif Thomas Aquinas," *Borneo Review* 2, no. 2 (2023): 75–82, <https://doi.org/10.52075/br.v2i2.182>.

⁴⁶ Ahmad Syarbaini, "Konsep Ta'zir Menurut Perspektif Hukum Pidana Islam," *Jurnal Tabqqa : Jurnal Ilmiah Pemikiran Hukum Islam* 17, no. 2 (2023): 37–48, <https://doi.org/10.61393/TAHQIQA.V17I2.167>.

⁴⁷ Muhammad Nur Iqbal, Faisar Ananda Arfa, and Abi Waqqosh, "Tujuan Hukum Islam Dalam Perspektif Maqashid Al-Syari'ah," *Jurnal Pendidikan Dan Konseling (JPDK)* 5, no. 1 (2023): 4887–95, <https://doi.org/10.31004/JPDK.V5I1.11763>.

⁴⁸ Suyatno, "Kelemahan Teori Sistem Hukum Menurut Lawrence M.Friedman Dalam Hukum Indonesia," *IUS FACTI: Jurnal Berkala Fakultas Hukum Universitas Bung Karno* 2, no. 1 Juni (2023): 197–205, <https://doi.org/10.61802/IF.V2I1>.

addition, Islamic religious leaders also support this policy, because it is in line with Islamic teachings in upholding morality in society.

Third, Challenges in Implementation. Although these customary sanctions have broad support, there are several challenges in their implementation, including:

- a. Differences in understanding and compliance with customary law: Not all café owners accept this sanction as a form of justice, so some try to continue operating in a more closed way.
- b. Formal legality aspects: Customary sanctions do not always have formal legal force in the national legal system, so there needs to be further coordination with local governments so that their implementation does not violate individual rights.

Local governments have an important role in balancing customary law and Islamic law to regulate social norms. This harmonization can be achieved through collaboration between the Dayak Customary Council and the MUI at the regional level, resulting in a more inclusive approach in dealing with social issues such as dimly lit cafes. The government can also design local regulations that accommodate Islamic values and customary law without infringing on the basic rights of individuals. In addition, increasing public legal awareness can help enforce norms without relying solely on coercive sanctions.

The enforcement of customary law or Islamic law, such as in the dimly lit café in Sajingan Besar, must still pay attention to the principles of justice, proportionality, and not cause adverse impacts. A persuasive approach and dialogue with business owners are important so that policies are solutional, not just repressive. In general, Islamic law supports the application of social norms in order to maintain morality and public order. Therefore, the imposition of customary sanctions on the café is considered the right step to maintain the cultural and religious values of the environment.

3. The Role of the Government in the Harmonization of Customary Law and Islamic Law

The government plays an important role in harmonizing customary law and Islamic law with national law. This is done through policies and regulations that accommodate the diversity of laws in society. The government ensures that customary law and Islamic law can remain applicable as long as they do not conflict with the constitution and human rights.⁴⁹ In

⁴⁹ Dellia Ghoniah and Siti Ngainnur Rohmah, "Peran Hukum Adat Dan Hukum Islam Dalam Hukum Perdata Di Indonesia," *El-Siyasa: Journal Of Constitutional Law* 1, no. 1 (2024): 49–58, <https://doi.org/10.61341/el-siyasa/v1i1.005>.

addition, the government also plays a role in providing space for customary law and Islamic law in the national judicial system. The legal certainty of out-of-court settlement through customary law is still questionable in the Indonesian legal system.⁵⁰ One example is the existence of a Religious Court that accommodates matters related to Islamic law, such as marriage, inheritance, and waqf.⁵¹ In some areas where customary law is still strong, the government also recognizes the role of customary institutions in resolving certain disputes through deliberation mechanisms. Religious norms influence attitudes and behavior in living life, including obedience to legal norms.⁵² Thus, justice can be upheld in accordance with local values embraced by the community. Introducing Islamic law into state policy often creates tension between universal human rights principles and religion, requiring careful efforts to strike a delicate balance.⁵³

The practice of legal harmonization requires a dialogical approach between governments, religious leaders, and indigenous leaders. However, customary law is still marginalized in the national legal system due to inconsistencies in regulations and court rulings, as well as the absence of a clear harmonization mechanism.⁵⁴ The government must be active in mediation and facilitation so that customary law and Islamic law do not contradict each other and remain relevant to the development of the times.⁵⁵ Through education and legal socialization, the community needs to understand how customary law and Islamic law can be aligned with national law. This effort aims to legalize Islamic law nationally through Indonesian legal instruments in order to create inclusivity, tolerance, and pluralism while maintaining

⁵⁰ Muhammad Ruhly Kesuma Dinata et al., "Good Governance and Local Wisdom in Law Enforcement," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 2 (December 19, 2022): 227–42, <https://doi.org/10.24090/volksgeist.v5i2.6740>.

⁵¹ Nicholas Ardy Wibisana, Bernadeth Gisela Lema Udjan, and Solfian Solfian, "Perlindungan Masyarakat Hukum Adat Dalam Bentuk Pengakuan Masyarakat Adat," *SAPIENTIA ET VIRTUS* 9, no. 1 (2024): 385–97, <https://doi.org/10.37477/sev.v9i1.441>.

⁵² Farkhani Farkhani et al., "Converging Islamic and Religious Norms in Indonesia's State Life Plurality," *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (December 17, 2022): 421–46, <https://doi.org/10.18326/ijims.v12i2.421-446>.

⁵³ Suud Sarim Karimullah, "The Implications Of Islamic Law On The Rights Of Religious Minorities In Muslim-Majority Countries," *MIL.Rev: Metro Islamic Law Review* 2, no. 2 (November 9, 2023): 90, <https://doi.org/10.32332/milrev.v2i2.7847>.

⁵⁴ Firdaus Arifin et al., "Recognition of Customary Norms Within the Framework of Indonesian Legal Positivism," *Khazanah Hukum* 7, no. 1 (April 7, 2025): 92–104, <https://doi.org/10.15575/KH.V7I1.39409>.

⁵⁵ Harniwati Harniwati, "Hukum Adat Di Era Modernisasi," *Journal of Global Legal Review* 2, no. 1 (2024): 41–52, <https://doi.org/10.59963/jglegar.v2i1.328>.

differences in unity.⁵⁶ With good synergy, the law in Indonesia can reflect inclusive justice and respect for diversity.

Local governments have a strategic role in balancing customary law and Islamic law in enforcing social norms.⁵⁷ The government can take several steps to address social issues by combining customary values and Islamic law, including: first, encouraging synergy between the Customary Council (DAD) and the Indonesian Ulema Council (MUI) at the regional level for a more inclusive approach to social issues; second, designing regional regulations based on local wisdom that accommodates customary values and Islamic law without violating the basic rights of individuals; and third, increasing socialization and public education to foster legal awareness for the enforcement of norms that do not depend on coercive sanctions.

The text explains that the application of customary sanctions against dimly lit cafes in Sajingan Besar District reflects the efforts of indigenous peoples in maintaining social and moral order. Through customary deliberation between the sub-district government and the Dayak Customary Council (DAD), customary sanctions in the form of Ana Mamparuatn (6 Rea) were imposed on café owners for ignoring the reprimand of the indigenous people. This decision shows that customary norms still have the power to maintain morality and order in society.

E. Conclusion

Based on a case study of the imposition of Dayak customary sanctions on cafes that caused unrest in West Kalimantan, this study concludes that there is a common point between customary sanctions and Islamic legal principles in responding to disturbances to social order and community losses. The case in Sajingan Besar, Sambas, shows that Dayak customary law has a mechanism for resolving disputes and imposing sanctions, such as through customary deliberation and the imposition of symbolic and material sanctions, as a form of restoring social balance and preventing the recurrence of violations. In line with this, Islamic law also emphasizes the importance of safeguarding the public interest (*mashlahah mursalah*) and rejecting all forms of destruction (*mafsadah*) and disturbances to the environment and society, with dispute resolution mechanisms aimed at creating justice and order.

⁵⁶ Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21, no. 2 (December 27, 2022): 213–44, <https://doi.org/10.21093/mj.v21i2.4800>.

⁵⁷ Sartika Intaning Pradhani, "Approach to Legal Pluralism in the Study of Customary Law: The Interaction of Customary Law with National and International Law," *Law: Journal of Law* 4, no. 1 (2021): 81–124, <https://doi.org/10.22437/UJH.4.1.81-124>.

In the view of Islamic law, the existence of dimly lit cafes that are often identified with immoral activities and disturbing public order is strongly rejected because it is contrary to the principle of maintaining morality and the benefit of the community (*mashlahah al-'ammah*). Islam prohibits all forms of acts that approach adultery, gambling, alcohol consumption, and other activities that undermine the social and spiritual order. Therefore, the Dayak customary sanctions imposed on dimly lit cafes, which aim to stop their operations and restore order and morality in society, are in line with the spirit of upholding moral values and the elimination of evil (*nabi mungkar*) in Islamic law. The potential synergy between the two lies in the same fundamental goal, which is to create a moral and orderly society.

The harmonization of customary Dayak sanctions and Islamic law in this context can be seen in the essence of taking action against acts that harm the public and efforts to restore ideal conditions in society, albeit with different approaches and forms of sanctions in accordance with local wisdom and sharia principles. Recent research on the interaction of customary law and religious law in Indonesia is relevant in analyzing how these two legal systems can complement each other in creating legal certainty and justice that is responsive to the social context of pluralistic societies such as in West Kalimantan, answering research questions regarding the effectiveness and legitimacy of customary law enforcement within the framework of the state of law and the prospect of integrating local and religious values in the national legal system.

F. Conflict of Interest Statement

The author declares that there is no conflict of interest that can affect the neutrality or integrity of the publication of this article. This article is written based on a completely independent study and analysis; No external or commercial parties have provided input or been involved in the writing or publishing process of this article.

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Interview

Interview with Mr. Jamel, as a traditional leader in Sajingan Besar. 5 February 2025

Interview with Mr. Esfahani, as an Islamic religious figure in Sajingan Besar. February 3, 2025

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