



## Community Perception of the Position of Dayak Kanayatn Traditional Marriages Compared to Catholic Church Marriages in Menjalin District, Landak Regency

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### ABSTRACT

*This research was motivated by the rise of traditional marriages carried out by the Indigenous Peoples of the Menjalin Subdistrict, Landak Regency. From the author's search, not many of them do marriage in marriage and marriage in the State. This research aimed to determine perceptions of tradition and Catholic marriages. This research was conducted using the ethnographic method in the period of June-December 2023. The subjects of this research were Dayak Traditional leaders and Catholic religious leaders. Data was collected by observation and in-depth interviews. The data analysis technique involved coding each question and interpreting it. The findings of this study indicated that the public's perception of traditional marriage was legal. The Kanayatn Dayak Indigenous people see that customary marriage is more important than church and state marriage. This perception was influenced by a strong belief in their culture, where they felt more guilty towards the spirits of their ancestors if they did not carry out marriage customs compared to state marriages. Another thing was lazy administration with the church and the government.*

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## INTRODUCTION

Marriage is an instinct in human life that is experienced every day, so many people are interested in discussing this theme based on their respective points of view. The perspective that will be shown in this research is the perspective of the Dayak Kanayatn indigenous community regarding traditional marriage. Dayak Kanayatn people in Menjalin Subdistrict, Landak Regency, in terms of marriage, are faced with 3 types of marriage, namely Traditional Marriage, Religious Marriage (Church), and State Marriage at the Civil Registry Office which refers to Law No. 1 of 1974. This is also under Dayak marriages in other areas.

Of these three types of marriage, the most commonly carried out are traditional marriages and church marriages. Very few people are found who carry out state marriages. The marriage bond is a process of family formation that is planned rationally and occurs based on the wishes of both parties.

The tendency of Kanayatn Dayak people to prefer traditional marriages and pay less attention to church and state marriages is due to cultural customary factors that already exist in Dayak society regarding the meaning of marriage, therefore the author wants to reveal this part in this research, thus producing an article worthy of in-depth study.

Traditional marriage is a traditional marriage and family life procession. So what is regulated is the procedures for administering a traditional marriage from the engagement stage to the confirmation ceremony, traditional celebration, and marriage life as well as the conditions that are completed in the traditional ceremony.

Traditional marriage creates perceptions, attitudes, and behaviour for those who carry it out. Therefore, marriage often causes serious problems in the future. In connection with the many aspects of marriage, the scope of this research is limited to the social perception of traditional marriage among Dayak Kanayatn people who live in Menjalin District, Landak Regency.

Marriage is the process of uniting two people of different types from two families into one large family based on feelings, desires, abilities, and actions. The marriage bond can also be seen from the legal phenomenon side, as a tool for order and uniformity with legal certainty, a law or customary law is needed to regulate it so that the validity of marriage can be accepted by society. Even though whether a marriage is permanent or not is not determined by customary marriage law or marriage law, one of these two laws must be implemented.

As is known, the enactment of the marriage law provides a pattern of protection of rights and obligations for those involved in a marriage bond. Marriage is valid if it is carried out according to the laws of one's religion and beliefs. Every marriage is recorded according to the applicable laws and regulations. There are 5 principles in this Marriage Law: (1) the purpose of marriage is to form a happy and eternal family. For this reason, husband and wife need to help and complement each other so that each can develop their personality to help and achieve spiritual and material prosperity; (2) this law emphasizes that a marriage is valid if it is carried out according to the laws of each respective religion and belief, and in addition, every marriage "must be recorded" according to the applicable laws and regulations; (3) this law adheres to the principle of monogamy. Only if the person concerned wishes, because the law and religion of the person concerned allow a husband to have more than one wife; (4) this marriage law adheres to the principle that prospective husband and wife must be mature in body and soul to be able to enter into marriage, to realize the goals of marriage, well without thinking about divorce, and to have good and healthy offspring; (5) because the purpose of marriage is to form a family that is eternally happy and prosperous, this law adheres to the principle of making divorce difficult.

Meanwhile, according to the teachings of the Catholic Church, every marriage bond must be monogamous and indissoluble (Halawa, 2017). Monogamy means one man and one woman. Unbreakable means inseparable, indivisible. Both traits are equally important, so every husband and wife is expected to fight for these traits (Uer, 2019). In Monogamy, the Church teaches that every husband and wife can only have one wife or husband. That's why the Catholic Church only recognizes one legal husband and one legal wife. For a husband who has several wives, for example, it is only permissible to be baptized within the Catholic Church after he has chosen only one wife and "separated himself" from the other wives. Ideally, the wife chosen is a wife who also wants to be baptized. Unbroken, the Catholic Church also ensures that every married couple must remain married for the rest of their lives. The Catholic Church rejects divorce between two people who are already legally husband and wife. This rejection was based on the words of Jesus himself. What can a Catholic husband and wife do, who can no longer stand living together with their life partner? According to Catholic Church Law, all one can do is "separate bed and table" from one's life partner. This action can only be carried out after receiving official permission from the Church's highest authority, namely

the pope (Gobai & Korain, 2020). This research aimed to determine perceptions of tradition and Catholic marriages.

## **METHOD**

The type of research used in this research was descriptive analysis (Moleong, 2019), meaning that this research can provide an overview of the Dayak Kanayatn ethnic's perception of the meaning of traditional marriage based on facts during field research. Researchers develop concepts and collect facts, but do not test hypotheses (Sugiyono, 2016). The author obtained data in three ways (Jasmi, 2012), namely: (a) observation, namely going directly to the field to closely observe problems related to the research objectives. Observations in the field to get a clear picture of the actual condition of the object under study; (b) interviews, conducted directly with informants, related formal and non-formal agencies, and parties related to the problem under study. This interview was to obtain accurate data about the behaviour of the Dayak ethnic group, especially regarding marriage; (c) Documentation, the data collection tool uses interview guidelines, namely notes in the form of a list of questions arranged systematically to guide observations. To obtain primary and secondary data, the author involved several members of the Dayak ethnic group consisting of husband and wife couples, traditional leaders, church figures, and employees of the Menjalin sub-district office.

The targets of the research were residents of the Dayak ethnic group who had entered into traditional marriage ties and lived in Menjalin District, Landak Regency. This research was conducted in the Menjalin District, Landak Regency, West Kalimantan Province. Determining the location with the following considerations: (a) there are many members of the Dayak ethnic group in the area; (b) in Menjalin District, many Dayak Ethnic groups do not marry according to Law Number 1 of 1974; (c) the Dayak people in Menjalin District are known to still strongly adhere to their customs, so they can provide an overview of the daily character of each individual, especially the Dayak group which is the object of research.

After all the data and information was collected, it was then classified, categorized, and then analyzed qualitatively in the form of descriptive analysis. Qualitative research is a research procedure that produces descriptive data in the form of written words or from people and observed behaviour (Darmadi, 2014).

## **RESULTS AND DISCUSSION**

In its application, Law No. 1 of 1974 does not differentiate between groups, classes, ethnicity, or religion (Ashsubli, 2015). The implementation of marriage through procedures established by law can be handled legally and objectively if in the future there is a lawsuit from one of the parties. Marriage Law Number 1 of 1974, is flexible in the sense that it is not binding, considering the many existing marriage laws can be implemented as a basic reference for obtaining legitimacy or ratification of a marriage bond from the customary law of each ethnic group.

The pluralism of marriage laws that apply in society provides an alternative for those who wish to carry out marriage. In this context, the Dayak ethnic group gives varying perceptions of the existence of the Marriage Law Number 1 of 1974.

As for the perception of those who follow Law Number 1 of 1974, they tend to obey as citizens of the Republic of Indonesia, interpreting that marriage is a blessing and very sacred so they don't want any obstacles in their domestic life.

Then, they must accept and complete the requirements of the national marriage law. Moreover, if one of the partners, both husband and wife makes an agreement and is willing to fulfil it, then the injured party can file a lawsuit through legal channels, and the defendant must be responsible for the

agreement they have made. The plaintiff can show authentic evidence stating that the defendant is his partner from a valid marriage according to the Marriage Law.

The perception of those who carry out marriages is not based on Marriage Law Number 1 of 1974, that marriage is still declared valid if it follows the customary marriage laws of its ancestors (Kristianus, 2017a). The term "customary marriage" is often used in the mass media, which ends in losses for one of the parties, because after married life there is often chaos so that one partner leaves the husband or wife without a solution.

The existence of customary marriage laws in the Dayak ethnic group has given rise to the opinion that the marriage they carry out is sufficient to determine the rights and obligations of each partner (Puji, 2018). Following the procedures in Marriage Law Number 1 of 1974 is quite complicated because many requirements must be completed and it requires a lot of time and money.

Marriage Law Number 1 of 1974 concerns several important things (Faishol, 2019), namely:

- a. In terms of status, children born according to Law Number 1 of 1974 are recognized as legitimate children;
- b. If a legal action/divorce occurs, the wife or husband can receive an equal share of the assets obtained during their marriage (property gono gini);
- c. If a legal event occurs that gives rise to inheritance rights, then the wife or husband and children born from a marriage that is valid according to the law, the husband or wife can inherit each other, as well as children born from the marriage will inherit, both from his father and his mother.

The behaviour of Dayak ethnic residents who ignore Marriage Law Number 1 of 1974 is more due to their low educational and economic background, so they maintain their cultural customs (Kristianus, 2017b). These elements make them not understand marriage as a national legal force. Therefore, the marriage bond is only interpreted as the binding or unification of two families in life based on the norms that apply in the community and state.

The majority of Dayak ethnic groups, in special and personal matters, including marriage, tend to be based only on their customary law. According to Kristianus (2021), customary law always develops from a real-life need, way of life, and viewpoint on life, all of which contribute to the culture of the community where customary law is applied.

Marriages carried out according to Dayak ethnic customs do not violate the provisions of legal marriage. However, it becomes more complete if it is also implemented with the provisions of positive law in the Republic of Indonesia. As stated in Marriage Law Number 1 of 1974, which is implemented by Government Regulation Number 9 of 1975, article 2 paragraphs (1) and (2) read:

- a. Marriage is valid if the laws of each respective religion and belief are followed.
- b. Every marriage is recorded according to applicable laws and regulations.

The existence of contact between ethnic groups and fellow ethnic groups is a natural process of renewal and shows the development and civilization of society. In this case, it is often manifested in the form of marriage. Considering that the purpose of marriage is long-term, as well as creating a harmonious family life, and is a legal act, the government of the Republic of Indonesia has established the Marriage Law that aims to achieve uniformity in national regulations.

Marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the belief in the Almighty God (Marriage Law, 1974 no.1, article 1)

The importance of Marriage Law Number 1 of 1974 does not raise maximum awareness among the Dayak ethnic group, especially in the Menjalin sub-district, Landak district, the majority of them are

reluctant to register their marriages at the civil registry office. To follow a practical path, they tend to carry out marriage bonds only based on the customary marriage laws of their ancestors.

Customary marriage law is part of the customs of an ethnic group, if it is not implemented it will not cause reactions or sanctions in the ethnic community concerned, and only affects those involved in the marriage. Koentjaraningrat stated:

Customs are a complex of norms that the individuals who adhere to them are considered to exist above humans who live together in the reality of a society. Even though customs are permanent, they also last for a long period (Marzali, 2006).

Customs develop from traditions cultivated by individuals or groups of people as procedures and viewpoints on the natural process of life. As Kristianus (2016) stated tradition is a cultural set consisting of customs, beliefs, values, norms, ethics, and views of life that have been adhered to from generation to generation and influence the existence of behavioural patterns in the life of community groups.

The difference between customs and customs can be seen from the user, customs are used from generation to generation, while habits change easily and are not hereditary. Marriages based on customary law are valid in community life but have weaknesses in civil law aspects. Based on the Civil Code article 100, states that the existence of a marriage cannot be proven by other means, but by a certificate of the continuation of the marriage, which has been recorded in the civil registry registers, except in cases regulated in the articles following (Kristianus, 2018).

The following article in question is article 101, which states, "If it turns out that the registers never existed, or have been lost, or that the marriage certificate is not in them, then it is up to the judge to consider whether the evidence is sufficient or not." proof of the existence of the marriage, as long as the relationship as husband and wife exists.

Marriage registration or registration at the Civil Registry Office is genuine evidence of an administrative system that has legal force. "...Even though the marriage is not registered, the marriage is valid, the bride and groom remain husband and wife..." As long as married life does not occur in chaos or lawsuits from either party, then customary law is sufficient as a basis (reference) for the validity of a marriage. If a divorce occurs, the inheritance (gononi) will be resolved by deliberation, taking into account what is at fault and demanding the divorce, so that the system for dividing the mutual assets is not clear. This can be detrimental to one party due to injustice (Faishol, 2019).

This fact is a fact that wants to reveal the weakness of marriage bonds based only on customary law. The dualism of marriage law gives residents of the Dayak ethnic group two different meanings. Some interpret the customary marriage laws that have been carried out by ancestors for generations to provide blessings and happiness for the family because they obey and respect the teachings which are *Ka Jubata's* religious rituals.

The implementation of Law Number 1 of 1974 is the national legal basis for valid marriages, as well as providing firm and clear protection against irregularities, divorce, and rights and inheritance. To continue to respect and appreciate cultural values and ancestral customs, both marriage laws can be implemented equally so that customary law is not violated and state law is fulfilled.

The entry into force of Marriage Law Number 1 of 1974, on January 2 1974 as national law for all citizens of the Republic of Indonesia, gave a new meaning to all ethnic groups. The Dayak ethnic group is known to be very strong in its original culture and does not respond negatively to this national law, but not everyone obeys or implements it.

This is because the costs are quite large, require quite a long time to complete the administrative requirements, and do not represent ancestral traditional procedures that can legitimize the group's community. In this context, the Dayak ethnic group who carry out marriages without registering at the civil registry office can be said to not interpret the marriage bond as a legal act, and the status of the marriage is very weak for national marriage law.

The Dayak ethnic group tends to interpret Marriage Law Number 1 of 1974 as data collection (enumeration) rather than as a legal guarantee. This reality "...characterizes Dayak society as a society that upholds integration and family values, such as solidarity and family hegemony. Values emphasize the importance of maintaining and maintaining order (system) and lack the dynamic elements needed to erode traditional values...".

The opinion mentioned above is very relevant to the conditions that occur in the field because the Dayak ethnic group is stronger in the traditions and culture of its ancestors so dynamic elements that can erode traditional values are not created by succeeding generations. The values of integration and kinship give another meaning to the existence of Law Number 1 of 1974. Various misperceptions and various prejudices can develop, for example, if you only follow national laws, some ethnic groups may consider them invalid, or you will deliberately forget the values. -cultural values of the ancestors. If you only follow customary law, it means you are not registered with the Civil Registry Office.

This dualism of marriage laws creates a dilemma for the Dayak ethnic group, whereas to implement both laws simultaneously, many factors are taken into consideration. The impact of the Dayak ethnic attitude of ignoring national marriage laws has given rise to the opinion of the younger generation that the marriage laws issued by the government are not important to implement. These opinions will develop in the behaviour of individuals in married life, thereby providing potential deviations in the marital bond.

According to the teachings of the Catholic Church, a valid marriage between two people, who have also been baptized Catholic, is a sacrament. The sacrament of marriage in life:

- 1) As a symbol of the presence of Christ.  
The sacrament of marriage also symbolizes the presence of Christ between Christian husband and wife. In other words, what is meant by the sacrament of marriage is not the liturgical wedding ceremony in front of a priest and two witnesses, which only lasts two or three hours, but rather the presence of Christ amid a Christian husband and wife, as long as both are still alive, from the time they are legally married until old age or one of them dies (Gobai & Korain, 2020).
- 2) As a symbol of giving grace  
Christ's presence in the sacrament is not passive. That presence is very active and creative. According to Catholic beliefs, through the sacrament of marriage, Christ is present between Christian husband and wife, to give them special grace. Divine grace perfects the love between a Christian husband and wife and empowers them so that both of them are increasingly able to love each other.
- 3) As an expression of faith in Christ  
A sacrament not only expresses the presence of Christ and His gift of grace but also expresses the Christian's faith in Him. What is expressed there is not only the faith of the person receiving the sacrament himself but also the faith of all Christians, including the faith of the priest who receives the sacrament and the faith of the Christians present at the celebration of the sacrament.
- 4) As a celebration of faith in Christ  
In every sacrament celebration, Christians not only express faith in Christ but also celebrate and give thanks to Him. In each sacrament, Christians give thanks for their faith in Christ. In and through the sacrament of marriage, Christian husband and wife give thanks to Christ,

because He has given them His divine grace, which perfects their human love (Anggriawan et al., 2019).

5) As a sacrament of marriage

The sacrament of marriage must be lived throughout life, especially by loving each other. In this way, Christian husband and wife give testimony to society that Christ loves His bride, namely all Christians, with complete and faithful love. As Saint Paul describes in his first letter to the Corinthians, namely complete love and good actions (being true, generous, humble, polite, willing to endure everything, and able to keep secrets) 1 Cor 13:1-7. Compare with (Lon, 2020)

## CONCLUSIONS

From the previous description, the author finally concludes that perceptions of traditional marriage are more important than church and state marriage. This perception is influenced by their strong belief in their culture, where they feel more guilty towards the spirits of their ancestors if they do not carry out marriage customs compared to church marriages, let alone state marriages. Another thing is that they are also lazy about dealing with administration with the church and the government.

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