



Adat Badamai And The Value Of Sulh In The Resolution Of Family Disputes Among The Banjar People

Melinda Muna Al-Fateh

Universitas Islam Negeri Sunan Kalijaga

Jl. Laksda Adisucipto, Papringan, Caturtunggal, Kec. Depok, Kabupaten Sleman, Daerah Istimewa Yogyakarta 55281

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Abstract: Domestic dispute resolution in Banjar society is increasingly challenged by social change, legal formalism, and the weakening of customary mechanisms. In response to this condition, Adat Badamai and the Islamic principle of şulh offer a culturally and religiously grounded approach that emphasizes reconciliation, consensus, and the restoration of family harmony rather than adversarial judgment. Situated within the framework of legal pluralism and restorative justice, this study examines how local customary law and Islamic norms function as complementary systems in resolving household conflicts. The research aims to analyze the role, effectiveness, and sustainability of integrating Adat Badamai and şulh values amid modernization and shifting social attitudes. Using normative legal research with a library-based approach, this study analyzes primary, secondary, and tertiary legal materials through descriptive qualitative methods. The findings show that the synergy between Adat Badamai and şulh significantly reduces conflict escalation, strengthens social solidarity, and restores familial relationships. The involvement of customary and religious leaders as mediators provides strong social and religious legitimacy, ensuring broader acceptance of peaceful agreements. This study concludes that the integration of Adat Badamai and şulh constitutes an effective, holistic, and sustainable model of domestic dispute resolution in Banjar society. To maintain its relevance, institutional collaboration, community education, and intergenerational transmission of local wisdom are essential.

Keywords: Adat Badamai, Şulh, Domestic Dispute Resolution, Banjar Society, Legal Pluralism

Abstrak: Penyelesaian sengketa rumah tangga di masyarakat Banjar menghadapi tantangan akibat perubahan sosial, kecenderungan legalistik, dan melemahnya peran hukum adat. Dalam konteks ini, Adat Badamai dan nilai şulh dalam hukum Islam hadir sebagai pendekatan yang menekankan musyawarah, perdamaian, dan pemulihan hubungan keluarga dibandingkan penyelesaian yang bersifat konfrontatif. Berangkat dari perspektif pluralisme hukum dan keadilan restoratif, penelitian ini mengkaji bagaimana hukum adat dan hukum Islam berfungsi secara saling melengkapi dalam menyelesaikan konflik rumah tangga. Tujuan penelitian ini adalah menganalisis peran, efektivitas, dan keberlanjutan integrasi Adat Badamai dan nilai şulh di tengah dinamika modernisasi. Penelitian ini menggunakan metode hukum normatif dengan pendekatan studi pustaka terhadap bahan hukum primer, sekunder, dan tersier yang dianalisis secara deskriptif-kualitatif. Hasil penelitian menunjukkan bahwa sinergi Adat Badamai dan nilai şulh mampu menekan eskalasi konflik, memperkuat solidaritas sosial, serta memulihkan keharmonisan keluarga. Peran tokoh adat dan tokoh agama sebagai mediator memberikan legitimasi sosial dan religius yang kuat terhadap kesepakatan damai. Penelitian ini menyimpulkan bahwa integrasi Adat Badamai dan nilai şulh merupakan model penyelesaian sengketa rumah tangga yang efektif, holistik, dan berkelanjutan, yang memerlukan penguatan kolaborasi kelembagaan dan edukasi berkelanjutan agar tetap relevan.

Kata Kunci: Adat Badamai, Şulh, Penyelesaian Sengketa Rumah Tangga, Masyarakat Banjar, Pluralisme Hukum

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Corresponding Author: Email: melindaalfateh827@gmail.com

A. Introduction

Disputes are legal phenomena that require intervention for resolution. Among the Banjar people, conflict resolution places great emphasis on adat badamai, a system that aims to find the root of the problem and prevent prolonged hostility with the help of *tatuhu kampung* (traditional elders) or community leaders.¹ Based on a collective worldview, the custom of badamai reflects the values of kinship and social solidarity,² namely the desire to continue living side by side in peace and harmony, from a legal, social and cultural perspective.³

The resolution of disputes based on the local wisdom of the Banjar community emphasises that the law should not depend solely on formal rules. Instead, resolutions should be based on internalised values of everyday life.⁴ As a robust local institution, this mechanism does not merely resolve disputes, but rather fosters harmonious social relations through open dialogue and root cause analysis.⁵ Adat badamai itself is an institutionalised peace effort in the form of customary law through deliberation, and in practice, this tradition plays a crucial role in resolving marital disputes and maintaining social order, supported by customary rituals as symbols of relationship restoration.⁶

In the context of domestic disputes, the effectiveness of customary reconciliation is significantly strengthened through its integration with the *Sulh* values of Islamic law.⁷ *Sulh*

¹Riana Kesuma Ayu, "Karakteristik Kedudukam Hukum Ahli Waris Khuntsa Berdasarkan Adat Badamai Masyarakat Banjar," *DIH: Jurnal Ilmu Hukum*, Volume 11, Nomor 22, 2015, (DOI: 10.30996/dih.v11i22.2234), P. 92-93.

²Khairul Ihsan, *Konsep Adat Badamai atas Konflik dalam Budaya Banjar*, *AJ: Jurnal Akrab Juara*, Volume 5, Nomor 4, 2020, (DOI: 10.58487/akrabjuara.v5i4.1331), p. 114.

³Wayan Resmini dan Abdul Sakban, "Mediasi dalam Penyelesaian Sengketa pada Masyarakat Hukum Adat," *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila dan Kewarganegaraan*, Volume 6, Nomor 1, 2019, (DOI: 10.31764/civicus.v6i1.625), P. 10.

⁴Akhmad Sagir dkk., "Harmonizing Conflicts: Integrating Ilmu Mukhtalif Al-Hadits and Adat Badamai Approaches For Conflict Resolution in Indonesia," *Syariah: Jurnal Hukum Dan Pemikiran*, Volume 23, Nomor 2, 2024, (DOI: 10.18592/sjhp.v23i2.12409), p. 213.

⁵Muhammad Jaidi dkk., "Peradilan Adat Badamai Kewarisan Islam Banjar Perspektif Madrasah Ahlul Hadis Dan Madrasah Ahlurra'yi," *Interdisciplinary Explorations in Research Journal*, Volume 2, Nomor 2, 2024, (DOI: 10.62976/ierj.v2i2.599), P. 1045–1046.

⁶Ahmadi Hasan, "Adat Badamai Menurut Undang-undang Sultan Adam dan Implementasinya pada Masyarakat Banjar pada Masa Mendatang," *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman*, Volume 11, Nomor 1, 2015, (DOI: 10.18592/al-banjari.v11i1), p. 116-117.

⁷Ahmad Syaafi dan Aurora Fatimatuz Zahra, *The Existence of Customary Law: Badamai Customary Law*, Volume 1, Nomor 3, 2021, (<http://journal.publindoakademika.com/index.php/RH>), p. 96.

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is a legal principle that places agreement and peace as its main objectives, emphasising the achievement of consensus without winners or losers, focusing on restoring family harmony. The synergy between cultural customs and religious principles creates a holistic approach to resolution, in which traditional and religious leaders play a central role as mediators to uphold the values of justice and compassion.⁸ Research by Habibi & Marwa (2021) shows that the customs of badamai and Sulh can reduce the level of domestic conflict and maintain family harmony by prioritising peace and solidarity. This is crucial amid social and cultural changes, where the Banjar community maintains traditional values as a means of effective and sustainable resolution. This approach prevents the breakdown of family relationships that often occurs as a result of overly legalistic court decisions.⁹

Overall, the integration of badamai customs and Sulh values not only resolves domestic conflicts, but also strengthens the social foundations of Banjar society. By combining these two elements, the community not only maintains internal family harmony, but also builds strong collective solidarity, making this model an example of local wisdom that is relevant in the modern era. Ultimately, this approach emphasises that effective dispute resolution must prioritise the restoration of human relationships over formal victories, thereby contributing to long-term social stability.

B. Research Method

This study uses a normative legal research design that aims to examine in depth the integration of Adat Badamai and Sulh values in the settlement of domestic disputes in the Banjar community. This design was chosen based on the focus of the study, which emphasises the analysis of norms, legal principles, and conceptual constructs, rather than empirical measurement of social behaviour. Normative legal research allows for an exploration of how customary law and Islamic law function as living value systems that interact with each other in the context of legal pluralism. Through this approach, the study seeks to assess the coherence, relevance, and normative legitimacy of dispute resolution mechanisms based on deliberation and reconciliation amid ever-changing social dynamics.¹⁰

The unit of analysis in this study is the norms and legal principles contained in Adat

⁸Ichwan Ahnaz Alamudi dkk., "Adat Badamai sebagai Alternatif Penyelesaian Sengketa Pemilu," SANGAJI: Jurnal Pemikiran Syariah dan Hukum, Volume 9, Nomor 1, 2025, (DOI: 10.52266/sangaji.v9i1.4287), P. 68-69.

⁹Muhammad Habibi Miftakhul Marwa, "Model Penyelesaian Perselisihan Perkawinan Perspektif Hukum Adat dan Hukum Islam," JURNAL USM LAW REVIEW, Volume 4, Nomor 2, 2021, (DOI: 10.26623/julr.v4i2.4059), p. 784-788.

¹⁰Abdul Rahman, dkk., Metode Penelitian Ilmu Sosial, (Bandung: Grup CV. Widina Media Utama, 2022).

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Badamai and the value of Sulh as part of Islamic law. The analysis focuses on Adat Badamai as a customary legal institution that emphasises deliberative consensus and the restoration of social relations, as well as Sulh as an Islamic legal principle oriented towards peace without winners or losers. In addition, this study also places the role of customary and religious leaders as normative actors who have moral and social authority in the dispute resolution process. By making norms, principles, and the role of mediators the unit of analysis, this study seeks to understand how the meaning of law is constructed, negotiated, and maintained in Banjar society.

The sources of data for this study consist of primary and secondary legal materials. Primary legal materials include classical and contemporary Islamic legal texts discussing the concept of *ṣulḥ*, as well as documents and literature containing the norms of Adat Badamai, including academic studies on Banjar customary law and customary dispute resolution practices. Secondary legal materials include scientific books, reputable journal articles, previous research results, and academic writings that examine customary law, Islamic law, restorative justice, and legal pluralism. To support the accuracy of terminology and conceptual frameworks, this study also uses tertiary legal materials in the form of legal dictionaries, encyclopaedias, and books on legal research methodology.

Data collection was conducted through systematic and targeted literature review. This process began with searching for and selecting literature relevant to the research theme, followed by grouping the data based on main themes such as domestic dispute resolution, deliberation, peace, legal legitimacy, and the role of traditional and religious mediators. Each source was critically analysed to identify normative ideas, legal arguments, and patterns of integration between customary law and Islamic law. This data collection technique enabled researchers to trace the development of legal thinking and relate it to the socio-cultural context of the Banjar community.

The collected data was analysed using descriptive-qualitative methods with a normative analysis approach. The first stage of analysis was conducted by systematically describing the legal principles contained in Adat Badamai and Sulh values. The next stage was a comparative-normative analysis to identify the commonalities and complementarities between the two legal systems in resolving domestic disputes. The results of the analysis were then contextualised within the framework of legal pluralism and restorative justice to assess their relevance and contribution to the development of a sustainable dispute resolution model. Through these stages, the study builds a coherent legal argument and demonstrates that the integration of Adat Badamai and Sulh values is an effective and contextual approach to

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maintaining family harmony and social stability in Banjar society.

C. Result and Discussion

1. Badamai Customary Practice in Resolving Domestic Disputes Among the Banjar People

Badamai is a dispute resolution mechanism that is deeply rooted in Banjarese culture. This mechanism not only serves to end conflicts, but also strengthens social solidarity and continuity of relationships between family members. In the context of resolving domestic disputes, Adat Badamai plays a central role, emphasising the principles of deliberation and consensus as a means of achieving lasting peace. This approach shows that Adat Badamai is not merely a normative procedure, but rather a social institution that plays a role in educating the community to maintain harmony and avoid prolonged hostility.¹¹

Previous research by Alamudi shows that the Banjar community continues to highly respect Adat Badamai as the primary method of conflict resolution within the family sphere.¹² This approach is considered more humane, efficient, and in line with the cultural norms and religious values inherent in the community. However, there are fundamental challenges related to social and value changes, particularly those faced by the younger generation affected by modernisation and globalisation.¹³ These changes have led to a decline in trust in customary law and increased pressure on the preservation of Adat Badamai itself. Therefore, systematic education and revitalisation efforts are needed so that these local wisdom values can be maintained and used as effective solutions in resolving domestic issues.

The uniqueness of Badamai customs lies in their dual function as a means of conflict resolution and a mechanism for social and moral restoration, which is important for strengthening collective bonds and harmony. Within the family sphere, this inclusive resolution process serves to support stability by rebuilding communication and trust, and preventing permanent rifts. The role of community leaders as mediators is crucial because they act as guardians of traditional values and providers of social legitimacy to the

¹¹Ahmadi., Ibid.

¹²Alamudi. Ibid.

¹³Mariatul Kiptiah dkk., "Implementing Custom Badamai Values as One of the Reference in Learning Civic Education at Senior High School in Banjarmasin," Dalam Proceedings of the First Indonesian Communication Forum of Teacher Training and Education Faculty Leaders International Conference on Education 2017 (ICE 2017), Palu, Indonesia: Atlantis Press, 2018, (DOI: [10.2991/ice-17.2018.93](https://doi.org/10.2991/ice-17.2018.93)).

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consensus reached, ensuring sustainable and meaningful peace.

However, the challenges of modernisation demand adaptation and innovation in preserving Badamai customs. Changes in the values and mindsets of the younger generation due to the influence of modern and individualistic lifestyles require a creative and contextual approach to education. Revitalising traditional values through integration into formal and non-formal education and strengthening the role of traditional and religious leaders are important strategies for reaffirming the relevance of and trust in Adat Badamai in the face of current social and family dynamics.¹⁴

2. The Value of Sulh and Integration with Badamai Customs in the Settlement of Domestic Disputes

The value of Sulh as an Islamic legal institution that emphasises peaceful resolution and mutual justice plays a crucial role in strengthening and complementing the practice of customary peace in Banjar society. The principle of consensus, which emphasises that there are no winners or losers, is a fundamental basis for maintaining harmony, especially in the context of the household, in accordance with the teachings of Islam that are upheld by the Banjar community.¹⁵ The combination of the value of *ṣulḥ* with adat badamai results in a problem-solving system that not only focuses on legal certainty but also meets social and spiritual needs. This approach ensures that the resolution is socially and religiously accepted by all parties, thereby strengthening the peace achieved and reducing the risk of future conflicts.¹⁶

The role of community leaders as mediators is crucial in balancing the interests and perspectives of various parties. They ensure that the agreements reached have cultural and religious legitimacy, which is an important factor in the successful resolution and preservation of harmonious social relations.¹⁷ The synergy between customary law and Islamic law reflects the Banjar community's adaptation to the ever-evolving socio-cultural complexities.¹⁸ The harmony between these two legal systems not only enhances the effectiveness of conflict resolution but also presents a holistic approach to conflict resolution, taking into account the balance between legal, social and religious aspects.

¹⁴Sanusi dkk., "Badamai Culture Communication: Character Development of National Law," *Journal of Humanities and Social Sciences Studies*, Volume 5, Nomor 6, 2023, (DOI: 10.32996/jhsss.2023.5.6.3), p. 15-16.

¹⁵Ahmadi. Ibid

¹⁶Nur Fauzi, "Penyelesaian Sengketa Ekonomi Syariah Berbasis *Ṣulḥ* (Damai) untuk Mencapai Keadilan," *JURNAL HUKUM EKONOMI SYARIAH*, Volume 1, Nomor 2, 2018, (DOI: 10.30595/jhes.v1i2.3922), p. 214-216.

¹⁷Alamudi. Ibid.

¹⁸Rasyid Rizani dkk., "Hukum Pidana dalam Adat Banjar: Integrasi Hukum Adat dan Hukum Pidana Nasional," *Interdisciplinary Explorations in Research Journal*, Volume 2, Nomor 2, 2024, (DOI: 10.62976/ierj.v2i2.574), p. 832-834.

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The value of Sulh also reinforces the concept of restorative justice, which emphasises reconciliation and restoration of relationships over a repressive approach. Through a deliberative mechanism based on the value of Sulh, the problem-solving process becomes a vehicle for learning and restoring family relationships, which is essential in the context of Banjar society households.¹⁹ In addition, the value of Sulh, which is synergised with the custom of badamai, is accompanied by cultural rituals such as batapung tawar, which add symbolic power and social commitment.

The preservation of Sulh values and peaceful customs faces challenges in an era of modernisation that brings social change and external influences that can affect people's belief in customary law.²⁰ Therefore, collaboration between customary institutions, religious leaders and the government is essential to strengthen the position of these values in the lives of the Banjar people in a sustainable manner. Educational policies and the dissemination of these values to the younger generation are key to ensuring the preservation and relevance of these noble traditions amid the development of globalisation.

Thus, the integration of Sulh values and adat badamai offers an effective and efficient resolution model that is also contextual to the culture and religion of the Banjar community. This model not only strengthens the local problem-solving system but also reflects the cultural resilience of the community in facing the dynamics of the times. The harmony of these values fosters a sense of pride and preserves the community's strong cultural identity, which encourages a sustained commitment to maintaining and applying these traditions in everyday life. This approach also offers a flexible and adaptive space for resolving conflicts, thereby reducing tension and the potential for violence and promoting solidarity and strong social networks within the community.²¹

In their roles, traditional and religious leaders not only function as mediators in conflict resolution but also as guardians of morality and transmitters of cultural and spiritual values that are alive in society.²² Trust in these mediators strengthens the legitimacy of the consensus reached, making dispute resolution have a long-term positive impact on relations between citizens.²³ To maintain the synergy between Sulh and adat

¹⁹Abd. Rahman, "PENDEKATAN ŞULH DAN MEDIASI SEBAGAI ALTERNATIF TERBAIK PENYELESAIAN SENGKETA EKONOMI SYARIAH," *Jurnal Ilmiah Ekonomi Islam*, Volume 7, Nomor 2, 2021, (DOI: 10.29040/jiei.v7i2.2488), p. 963.

²⁰Nur Anis Abu Bakar dkk., "Peranan Şulh dan Mediasi dalam Konflik Keluarga di Negeri Kedah Darul Aman: Implikasi Undang-undang dan Sosial," *Kanun Jurnal Undang-undang Malaysia*, Volume 37, Nomor 2, 2025, (DOI: 10.37052/kanun.37), p. 6-7.

²¹Alamudi. Ibid.

²²Rizani. Ibid.

²³Alamudi. Ibid.

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badamai, it is necessary to renew the implementation mechanisms so that they remain relevant to socio-cultural developments without losing the essence of these values. Therefore, continuous education and socialisation of the younger generation involving traditional institutions, Islamic boarding schools, the government, and educational institutions is very important in maintaining the sustainability and relevance of this dispute resolution system in Banjar society.

This study also provides scientific insight that justice in domestic disputes is not always achieved through coercive or procedural decisions. Instead, substantive justice is more likely to be achieved through relationship restoration, open dialogue, and shared moral responsibility. Badamai customs and Sulh values teach that conflict resolution is a space for social learning that fosters empathy, awareness, and long-term commitment among family members. In this context, the law functions not only as an instrument of regulation, but also as a means of social and moral guidance rooted in local wisdom.

Compared to previous studies, the findings in this study broaden our understanding of the role of customary law and Islamic law in resolving domestic disputes. Previous studies generally placed customary law or Sulh separately as an alternative means of conflict resolution. This study shows that the main strength lies in the integration of the two as a single normative unit that reinforces each other. By placing domestic dispute resolution within the framework of local community social resilience, this study provides a new perspective on the function of customary law and Islamic law in responding to the challenges of modernisation and changing values.

The implications of this research are theoretical, practical, and policy-oriented. Theoretically, this research enriches the study of legal pluralism and restorative justice by offering a contextual and applicable model for integrating customary law and Islamic law. In practical terms, these findings can serve as a reference for customary leaders, religious leaders, and community institutions in developing more inclusive and relationship-oriented dispute resolution mechanisms. From a policy perspective, this study provides a normative basis for strengthening and recognising the role of customary mechanisms in family dispute resolution, without neglecting the national legal framework, thereby creating a legal system that is more responsive to social realities and community needs.

D. Conclusion

This study concludes that the synergistic integration of adat badamai (as a deliberative cultural mechanism) and the value of sulh (as an Islamic legal principle based on reconciliation) is a highly effective, holistic, and sustainable model for resolving domestic

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disputes in Banjar society. This model successfully surpasses formal resolutions by focusing on restoring relationships, strengthening social solidarity, and maintaining family stability. The key to the success of this approach lies in the central role of community leaders as mediators who are able to balance interests and provide cultural and religious legitimacy to the consensus reached. However, in the face of modernisation challenges, the preservation of this system requires continuous revitalisation and socialisation efforts through active collaboration between customary institutions, religious leaders, the government, and educational institutions, in order to maintain the relevance of this noble tradition in the future.

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