

# Utopía y Praxis Latinoamericana

Dep. legal: ppi 2015022U4650

Esta publicación científica en formato digital  
es continuidad de la revista impresa  
ISSN 1316-5216 / ISSN-e: 2477-9666  
Depósito legal pp 1996022U720

## Revista Internacional de Filosofía Iberoamericana y Teoría Social

Universidad del Zulia, Maracaibo, Venezuela  
Facultad de Ciencias Económicas y Sociales  
Centro de Estudios Sociológicos y Antropológicos (CESA)



AÑO 26 N.º EXTRA 1  
INTERLOCUCIONES

2 0 2 1



## Editorial team

### Founding Director

Álvaro B. Márquez-Fernández

(1952-2018)

In memoriam

### Director

Zulay C. Díaz Montiel

Universidad del Zulia, Venezuela

diazzulay@gmail.com

### Editor

Ismael Cáceres-Correa

Ediciones nuestraAmérica desde Abajo

utopraxislat@gmail.com

Enrique DUSSEL,

Enrique DUSSEL,

Gloria M. COMESAÑA-SANTALUCIA,

Raúl FORNET-BETANCOURT,

Gino CAPOZZI,

Gianni VATTIMO,

Andrés ORTÍZ-OSÉS

---

## Editorial Committee

Roberto Agustín Follari; Universidad de Cuyo, Mendoza, Argentina

Marc Pallarés Piquer; Universidad Jaume I de Castellón, Spain

Walter Omar Kohan; Universidade do Estado do Rio de Janeiro, Brazil

Luis Sáez Rueda; Universidad de Granada, Spain

Emilia Bermúdez; Universidad del Zulia, Venezuela

Antoni Aguiló; Universidade de Coimbra, Portugal

Jonatan Alzuru Aponte; Universidad Austral de Chile, Chile

Gregorio Valera-Villegas; Universidad Central de Venezuela, Venezuela

Ismael Cáceres-Correa; Universidad de Concepción, Chile

José Quintero Weir; Universidad del Zulia, Venezuela  
Sara Beatriz Guardia; Universidad San Martín de Porres, Perú  
Luis Garagalza; Universidad del País Vasco (UPV/EHU), España  
Gildardo Martínez; (Universidad del Zulia, Venezuela)  
Ricardo Salas Astraín; (Universidad Católica de Chile)  
Pedro Sotolongo; (Universidad de La Habana, Cuba); Perú  
Carlos Walter Porto-Gonçalves; (Universidad Federal Fluminense)  
Edward Demenchónok; (Universidad Estatal de Fort Vall)

---

## Scientific Committee

Víctor MARTÍN FIORINO, Universidad Católica de  
Flor ÁVILA HERNÁNDEZ; Universidad Católica de  
Pablo GUADARRAMA GONZÁLEZ, Universidad Nacional  
Boaventura de SOUSA SANTOS (P)

José Manuel GUTIÉRREZ (Espa

Helio GALLARDO (Costa Ric

Paula Cristina PEREIRA (Portug

Javier ROIZ (España),

Flavio QUARANTOTTO (Italia

Leonor ARFUCH (Argentina

Juan Luis PINTOS CEA NAHARRO (

Alberto BUELA (Argentina)

Alessandro SERPE (Italia),

Carlos DELGADO (Cuba),

Eduardo Andrés SANDOVAL FORERO

Yamandú ACOSTA (Uruguay)

Jesús E. CALDERA YNFANTE (Universidad Católica

Altieres DE OLIVEIRA SILVA (Escuela de Publicidad

---

## Ethics Committee

Jaime NUBIOLA (España),

Francisco HIDALGO (Ecuador)



Entrar



**Serbiluz**  
Sistema de Servicios Bibliotecarios y de Información

Portal de Revistas Científicas y Humanísticas de la Universidad del Zulia  
**RevicyhLUZ**

Utopía y Praxis Latinoamericana  
**Facultad de Ciencias Económicas y Sociales**

[Actual](#)

[Archivos](#)

[Editorial team](#)

[Editorial policies](#)

[Best practices guidelines](#)

[Guidelines for authors](#)

Buscar

[Inicio](#) / [Archivos](#) / Vol. 26 (2021): Extra 1 [Interlocuciones]

## Vol. 26 (2021): Extra 1 [Interlocuciones]



**Publicado:** 2021-03-05



---

— Revista a cuerpo completo / Full edition

**Revista a cuerpo comple/ Full edition**



---

— Presentación

**Breve comentario acerca de las restricciones en tiempos de pandemia**

Ismael CÁCERES-CORREA

11-12



---

— Artículos

**Problem-Based Learning Approach for Elementary Schools**

Enfoque de aprendizaje basado en problemas para escuelas primarias

Emilda SULASMI, A. AKRIM, Mandra SARAGIH

13-20



**Life Selling and Buying in the Diamond Panning Tradition in Banjar Community**

Compra y venta de vidas como tradición del lavado de diamantes en la comunidad de Banjar

E. HANAFIAH, Zulfa JAMALIE

21-32

**Establishment of Village-Owned Enterprises Legality Process in North Sumatera**

Establecimiento del proceso de legalidad de las empresas de propiedad de la aldea en el norte de Sumatera

R. RAMLAN, L. KHAIRANI, E.N.A.M. SIHOMBING

33-45

**Communication of Covid-19 Pandemic Disaster in Indonesia**

Comunicación del desastre pandémico Covid-19 en Indonesia

B. RUDIANTO, Y. HENDRA

46-54

**Independence of the Single Judge in Making Justice Decisions**

Independencia del juez único en la toma de decisiones de justicia

Henry INDRAGUNA, F. SANTIAGO

55-60

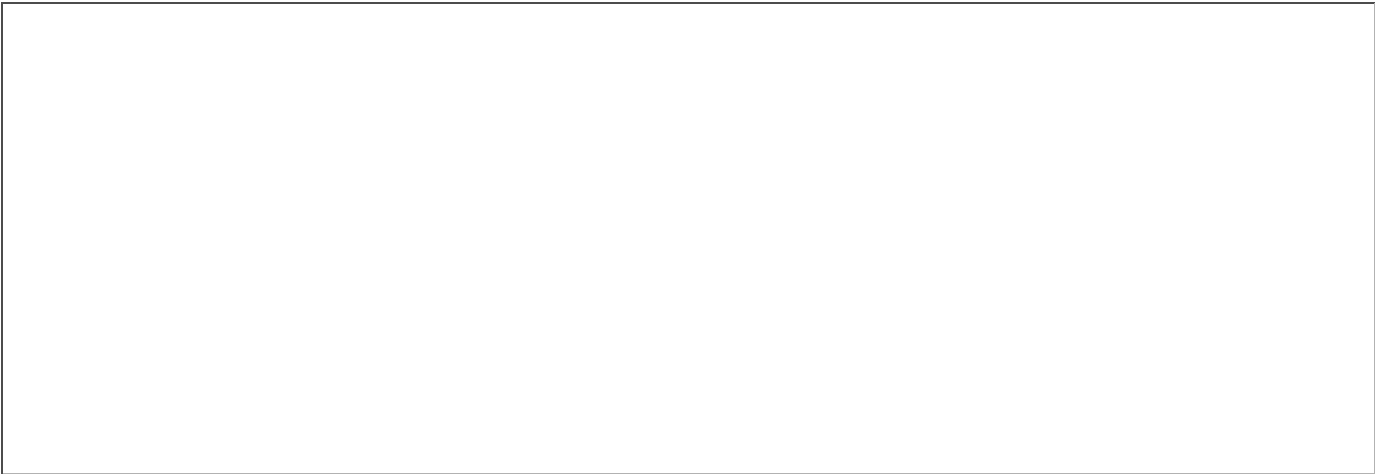
**Inter-Ethnics Relationship Speech in Indonesian High School History**

Discurso de las relaciones interétnicas en la historia de la escuela secundaria de Indonesia

Bachtiar AKOB, Teuku Muhammad JAMIL, I. HUSAINI, Hieronymus PURWANTA

61-70





## Número actual

ATOM 1.0

RSS 2.0

RSS 1.0

Palabras clave



Utopía y Praxis Latinoamericana. Centro de Estudios Sociológicos y Antropológicos (CESA). Facultad de Ciencias Económicas y Sociales. Universidad del Zulia.

[p-ISSN: 1316-5216](#) / [e-ISSN: 2477-9555](#)

Correo: [utopraxislat@gmail.com](mailto:utopraxislat@gmail.com)



## ARTÍCULOS

UTOPIA Y PRAXIS LATINOAMERICANA. AÑO: 26, n.º extra interlocuciones 1, 2021, pp. 21-32  
REVISTA INTERNACIONAL DE FILOSOFÍA Y TEORÍA SOCIAL  
CESA-FCES-UNIVERSIDAD DEL ZULIA. MARACAIBO-VENEZUELA  
ISSN 1316-5216 / ISSN-e: 2477-9555

# Life Selling and Buying in the Diamond Panning Tradition in Banjar Community

*Compra y venta de vidas como tradición del lavado de diamantes en la comunidad de Banjar*

**E HANAFIAH**

<https://orcid.org/0000-0001-5312-6246>

[hanafiah@uin-antasari.ac.id](mailto:hanafiah@uin-antasari.ac.id)

University of Islam Negeri Antasari, Banjarmasin, Indonesia

**Z. JAMALIE**

<https://orcid.org/0000-0002-2560-7795>

[zulfajamalie@gmail.com](mailto:zulfajamalie@gmail.com)

University of Islam Negeri Antasari, Banjarmasin, Indonesia

This research is deposited in Zenodo:  
DOI: <http://doi.org/10.5281/zenodo.4556150>

### ABSTRACT

The study aim to explore the diamond panning activity in Banjar society. Research data were collected using methods of observation, interviews, questionnaires, and documentation through descriptive and phenomenological approaches by applying structural theory. Results are: First, the practice of diamond panning that occurs in the Banjar community is rooted in the teachings of Islam with nuances of togetherness, kinship, and loaded with benefits. Second, data is found that illustrate the necessity of carrying out ritual activities before panning activities. Third, judging from the aspect of Shirkah, the preaching case of diamonds is highly donated by a sense of kinship and help.

**Keywords:** Diamond panning tradition, Banjar community, pamali, life buy and sell.

### RESUMEN

El objetivo del estudio es explorar la actividad de cribado de diamantes en la sociedad de Banjar. Los datos de la investigación se recolectaron utilizando métodos de observación, entrevistas, cuestionarios y documentación a través de enfoques descriptivos y fenomenológicos. Los resultados son: Primero, la práctica del lavado de diamantes que ocurre en la comunidad de Banjar tiene sus raíces en las enseñanzas del Islam cargadas de beneficios. En segundo lugar, se encuentran datos que ilustran la necesidad de realizar rituales antes de las actividades de barrido. En tercer lugar, a juzgar por el aspecto de la shirkah, es altamente donada por un sentido de parentesco y ayuda.

**Palabras clave:** Diamond panning tradition, Banjar community, pamali, venta y compra de vidas.

Recibido: 01-12-2020 Aceptado: 03-02-2021



## INTRODUCTION

Before Islam came, belief in animism, dynamism, and Hindu-Buddhist teachings had developed in Indonesia. Hasan et al. (Hasan et al.: 2018, pp. 306-312) noted that there are five believes in Indonesia, which grows, develop, and change. As time goes by, those beliefs disappeared and were replaced by Islam's role. We still can see those beliefs in some areas with a majority Muslim population. Pluralism developed nationally, it makes the Islamic values and law then became a reference in several areas, including the Banjar community in carrying out local traditions.

Banjar community is known as a religious community. The percentage of Muslim people is 99,5% (Mujiburrahman: 2017, pp. 145-174). They make Islamic law a basic reference in dealing with various kinds of problems that occur. The strong influence of Islam in the Banjar region makes the Banjar community in any activity always associated with Islam. It is reasonable if then the Banjar society is identical to the Islam religion.

The identification of the Banjar community with Islam is nothing but a form of social idealism that reflects a basic social bond. Even when the practice of Islamic values is carried out by non-Banjar tribes, such as Ngaju, they are still associated with Banjar and Islamic social practices. Many things in Banjar people's behavior can be relied on by reference to hierarchical values. Based on the tendency of reference sources of social behavior, the function of Islam by the Banjar community eventually becomes a symbol and identity that distinguishes them from other groups of people who still adhere to their ethnic or religious beliefs in various aspects of life (Budiman et al.: 2019, pp. 7-13).

The Banjar community found several legal cases related to local traditions, such as panning for diamonds or mining for diamonds carried out traditionally, especially in the Cempaka area (Banjarbaru) and other traditional panning areas. Towering diamonds itself has become a culture, even the livelihoods of the Banjar people. In the case of getting diamonds, as with other traditions, many values take the form of prohibitions called *Pamali* (Akhlik et al.: 2019, pp. 121-130), as well as several issues related to Islamic law, such as ceremonies performed before the process of getting diamonds, giving offerings, the system of revenue sharing, life buying, and selling, and so on.

In Banjar language, it means guilty of doing something that is prohibited, taboo, or taboo. *Pamali* also means a ban based on local customs, customs, and wisdom (Yulianto: 2019, pp. 1-13). Thus, the main problem in this study relates to the social description of the diamond-panning tradition. It also discusses the argument underlying the diamond-panning tradition in the Banjar community and the perspective of Islamic law on the tradition of diamond-panning in the Banjar community. Thus, through research, certain matters relating to the law of the process and traditions of the Banjar community in getting diamonds will be answered with certainty.

## LITERATURE REVIEW

The study of the perspective of Islamic law on the Mu'amalat case about the local traditions of the Banjar community in terms of getting diamonds has not been done much. Existing research in general, not yet fully making Mu'amalat cases or problems getting diamonds as objects of study.

1. Malincrodt (1928) has researched customary law in Kalimantan. His dissertation, entitled "Adatrecht Van Borneo," focused more and more on Dayak customary law, while very few highlighted and touched on Banjar customary law.
2. The IAIN Antasari Research Team researched in 1980, focusing on the study of customary property inheritance law in the Banjar community, namely "Inheritance in South Kalimantan in the Perspective of Islamic Law." It concludes that in the case of the distribution of inheritance, the Banjar community was guided by the prevailing adat, for example, regarding shared assets or contradictory assets and the provisions of following Islamic law.
3. Ahmadi Hasan (Hasan: 2009), in the dissertation, discussing "Badamai Culture: Interaction of Islamic Law

with the Law of Culture in Banjar Communities," concluded that Badamai (Islah) conducted by Banjar people in various aspects of life, can be used as a form of resolution of legal disputes amid society. Thus, the "Badamai" tradition is in line with positive law.

Based on some results of the research above, it was concluded that this study with the specifications of the study, the view of Islamic law on diamond panning cases, namely the activity of panning diamonds in the local traditions of the Banjar community, profit-sharing system, and life buying and selling traditions that occur in it differ from previous studies. This research can add to the discussion of studies that have been carried out by their fields.

## **THEORETICAL FOUNDATION**

### **Culture ('urf)**

Humans are social creatures which are naturally live in a society. As social beings, human life requires the existence of other humans who together live in a society. In social life, consciously or not to meet the needs of human life are always related to one another. It is the association of life where each person does an act concerning others that is called *Mu'amalat*. The forms of *Mu'amalat* (relations of interest) that have become customary and have been ongoing (constant) in the midst of society are called al-'urf or traditional.

This definition is almost the same as the definition put forward by Ibn 'Abidin and Ahmad Fahmi Abi Sinnah, namely: "Al-'Ādah and al-'urf is something that has underlie the soul through thought received by the holy instincts. " In the context of the use of the Usul fiqh theory that al-'urf is equivalent to al-'adah. This is based on the understanding of the two words that carry the intention of something that is done routinely, which eventually becomes a custom that can be accepted by pure instinct. On the other hand, there is an opinion that distinguishes between al-'urf and al-'adah, such as Ahmad Fahmi Abi Sinnah. According to him, al-'adah was broader in scope if it is compared to al-'urf. In other words, al-'urf is a branch /subpart of al-'adah (Sinnah: 1974).

Al-'urf as a tradition (habit) for a society that runs continuously and is accepted by the community as a binding agreement is based on the Qur'an and hadith and has some basic provisions.

Sinnah (Sinnah: 1974) argued that the pillars of al-'urf come from the social activities of the community formed based on the needs of the conditions. While Al-Alafi sees it from a different dimension, arguing that before a habit becomes al-'urf, it is necessary to fulfill several criteria of harmony, which includes two forms, namely external and internal harmony (Alafi: 1988).

### **Islam and Banjar Community**

Banjar people (Urang Banjar), for many years, are known as ethnic who are smart in trading and have strong life principles. Urang Banjar or Banjar people or ethnic Banjar is a name for residents who inhabit areas along the coast of South, Central, East, and Central Kalimantan (Nadhiroh: 2019, pp. 246-273). The term "Banjar" itself is found in the *Hikajat Banjar* with the origin of "Banjarmasih," which is generally used to refer to "Banjarmasih Land."

Urang Banjar at least consisted of Malay ethnicity as the dominant ethnic group, then added with elements of Bukit, Ngaju, and Maayan. This ethnic integration gradually led to cultural integration. The Malay element appears to be dominant in the Banjar language, the language used by Urang Banjar. Islam has been a feature of Banjar society since centuries ago. According to Abdurrahman & Abduh (Abdurrahman & Abduh: 2019, pp. 43-64), Banjar people have been in contact with Islam since the 16th century. Islam has also become their identity and distinguishes it from the surrounding Dayak groups.

In this context, the term Banjar is not just a political, ethnic, and sociological concept, but also a religious or Islamist concept. With this religious identity, Banjar people are usually distinguished from Dayaks, who live in rural areas that are generally not Muslim.



The Islamization process in Banjarmasin produces an identity for the Muslim community (Rochwulaningsih et al.: 2019, pp. 71-79). The attachment of Islam to the Banjar community makes the Banjar community a religious community. Indeed, the majority of the community adheres to the religion of Islam and even tends to be fanatical. In the past, Islam occupies an important position. Aside from being a belief embraced by the Banjar people as royal citizens, it is also the only source of the Islamic law that applies throughout the kingdom.

In the historical context, the concept of reducing Islamic law itself had already been applied to the archipelago, hundreds of years before the arrival of the Dutch. According to Bakry and Gunawan (Bakry & Gunawan: 2018, pp. 113-125), the application of Islamic law in the archipelago at the beginning of its development through three processes: first, the decision of the Islamic kings of the archipelago. second, the decision to use Islamic law by religious leaders, and third, the collaboration between the two parties.

## **METHODOLOGY**

### **Approach**

This research uses a descriptive qualitative method with a case approach observed through the study of Islamic law. This method uses structural theories and is used in data collection activities, and is selected according to the need to achieve the goal, which is to obtain exposure. Its application is carried out to study society's problems, the procedures that apply in society, and certain situations. It is including the relationship of activities, attitudes, views, and processes that are ongoing and the effects of a phenomenon. Since this research focuses on the phenomena that occur in the Banjar community from the Islamic legal theories point of view, it belongs to the realm of non-doctrinal law research. It is a study of laws that are conceptualized and developed sociologically as an empirical symptom in life.

This approach's choice is based on the consideration that the Syirkah activity in the Banjar community's local tradition, which is applied in the panning case of diamonds, is a phenomenon that occurs and applies in the Banjar community to be carried out studies and studies based on Islamic legal theories. This is intended with the hope that the phenomena that are applied in these cases can be known, both to various forms of activity and to the provisions and clarity of the law.

### **Location of the Research**

This research focuses on the study of diamond panning activities in the Banjar community's local traditions, profit-sharing system, and life buying and selling traditions as phenomena that occur in diamond panning communities. The location chosen in this study is the Cempaka Subdistrict of Banjarbaru City, South Kalimantan, with a focus on diamond panning cases. The selection of the Cempaka region as a location in this study is based on the consideration that the tradition of panning for diamonds has given rise to unique cases that can be examined through approaches or legal aspects according to the Islamic view. The example is related to local traditions in panning for diamonds, the system of sharing the results of panning for diamonds, and life sell and buy that happens in a diamond panning community.

### **Data Collection**

Data collection was carried out using interviews, observation, and documentary techniques. Interview techniques are carried out on the perpetrators and informants to obtain information or data needed in this study, especially data and information that have not been found or have not been described in the observation technique. This is intended to be able to find complete and valid data and information following what is expected in this study.

The author's observation technique is used to look directly at the case and the whereabouts and the environment in which this case occurred so that thus all data and information needed in connection with this research can be obtained. This is intended as an effort to be a material to strengthen data and information

about the problem under study, which in this case, is the case of diamond panning that occurs and prevails among the Banjar community. While the documentary technique is a technique in a study, documentary data is a necessity, especially if it is associated with certain social phenomena in a society that has been documented in several writings, both through research results and other writings.

### Data Analysis

The data collected in this study were analyzed qualitatively using an interactive analysis model. There are three stages in conducting the analysis using an interactive analysis model: data reduction, data display, and conclusion drawing/verification. Data reduction is the process of selecting data; that is, the data needed is collected, and the data that is not needed is discarded. Data display is the stage where researchers sort through the data and group them according to the formulation of the problem that they want to solve. While the last stage is the conclusion drawn is the stage where researchers conclude based on data that has been grouped.

## RESULTS

### Diamond Panning

The diamond panning means searching for or mining diamonds in both traditional and modern ways (Azkia: 2018, pp. 59-69). In traditional events, panning is done by separating sand, soil, and diamonds using a simple tool called *Dulang* or *Linggangan*. Because of that, the job of finding diamonds is called panning or *Mendulang*. Meanwhile, the person is called *Pendulang*.



**Figure 1.** A person doing Melinggang or diamond panning.

*Dulang* is a traditional tool that functions to separate grains of sand and soil from diamonds by hanging them on water. This tool is shaped like a 'caping' made of ironwood (ironwood) or orange wood. The process of getting diamonds itself is called panning. The new diamonds obtained from the pan results are called "Galuh" or "Si Galuh."

Why is it called "Si Galuh"? According to the belief of diamond miners who use traditional methods, diamonds can only be obtained if they are sincere and work gently, and follow the provisions. They likened diamonds like a girl. So it must be persuaded, loved, and pampered, like treating a human child. If treated harshly and in violation of taboos or farewells in panning, the "Galuh" is also reluctant to approach and let alone enter the panning barn. According to Nengsih (Nengsih: 2019, pp. 201-210), Pamali also means to be

careful when working. Besides, according to some Banjar people, Pamali is considered a myth because its presence is believed to be a hereditary belief that is sacred and should not be violated.

Pamali is local wisdom or traditional expression of Indonesian society where the meaning of Pamali is spread in several regions (Abdullah et al.: 2018, pp. 951-963). They have meanings that are close to each other. In the Bajo community, Pamali is a taboo that cannot be done to preserve nature (Basri et al.: 2016, pp. 63-67). In line with that, the Baduy community also applies a prohibition rule called Pamali to protect the forest, ensure the continuity of farming, and things related to nature (Juansah: 2019, pp. 36-56).

The process of diamond panning by panners is done in several stages. The first stage is observing panning locations which, in their belief, land or location is considered good and contains diamond grains if the land contains rocks/gravel; the land contains *Titimahan* (clam colored stones such as lead); the land contains *Abur* stone (shiny black stone and the size of corn kernels); and or the land contains "agate" (a stone used for the ring).

The next stage is to ask smart people (commonly called *Malim*), those who are trusted by the *Kasyaf* community, or those who have a sixth sense to see the unseen world. They can detect the existence of diamonds. Their goal to ask a *Malim* is to ensure that the location or a land panned does indeed contain diamonds so that the working area for panning is not too large. After it is confirmed that the land contains diamonds, the tradition usually carried out by panners (miners) holds a ritual or ceremonial salvation. The goal is to get a blessing and avoid things that are not desirable (distress) during the panning process. A salvation ceremony is a ceremony that people hold to ask for safety and gratitude for the life given (Almu'tasim & Hendrajaya: 2020, pp. 431-460). Ceremonies to ask for salvation are usually performed on certain occasions.

Several conditions must be met in this ritual. For example, the community figure or the priest who leads the event is a person who is close to Allah (*alim* or religious knowledge), hoping that his prayers will be answered by God. Then, this ritual must be performed on the land that has been designated a diamond panning area. That is, they beg for salvation for the miners to avoid all distress. When the ritual is performed, white incense or incense must also be provided, which is intended to give off a fragrant scent around the panning area, so that the genies that come to the area are only good jinns or spirits that do not disturb humans. It is because good jinns are identified with scents that are fragrant while the genie is not well identified with an unpleasant aroma.

Next, those who carry out the ritual or salvation of the pan are also required to provide fragrant oil, provide *Kambang* or flowers, consisting of jasmine and white *Cempaka* flowers, providing *lakatan* (glutinous rice), providing *Hintalu Hayam kampung* (chicken eggs), provide traditional Banjar (cake) pawns, such as white and yellow *apam*, *pucur*, and *Lamang*. According to their belief, all that is provided is to prevent interference from evil beings (*jinn*).

Panning activities are usually done in groups. One group consists of 3-5 or more people (for traditional panning). Everyone has their respective duties. Some are in charge of making and digging holes, transporting excavated material to the panning site, and others are tasked with panning the material that was transported earlier. Usually, a sort of tent will be installed in the panning area to avoid the heat of the sun. In the system of searching for diamonds in groups, this is usually the results obtained are shared evenly to everyone in the group, which, although this provision is not standard, usually carried out as such, or can also depend on the mutual agreement when starting the panning work (Uwajumogu, Nwokoye, Ogbonna, & Okoro, 2019).

Also, some groups specifically collect the results of these miners who come directly to the mining location. The group is called the diamond gatherers. Usually, these people consist of rich people who have capital, capital, and other people's capital. These diamond collectors or buyers who are called by panners are called *Pambalunggu*. The cultivator usually buys diamonds directly from the panners at the panning site. Besides, sometimes they also trade with fellow practitioners. The profit they get depends on their ability to offer the diamond to the buyer. According to miners, if the diamonds they can sell directly to interested ones, they usually get more profit. Still, if sold to a store, the shop owner's price is cheaper, because the shop already

knows its standards and the shop also wants to make a profit by reselling it to other buyers (Razzaq, Maqbool, & Hameed, 2019).

After diamonds have been found, either manually or in a modern way, the first thing to do is rock them. This is assumed as if the actions of the person who pet it love him as much as when pet a baby, then read blessings and suck (put the diamond in the mouth), it was deliberately done so that the diamonds that have been obtained do not just disappear or disappear.

This is motivated by the belief or belief of some diamond miners that diamonds are closely related to the supernatural. So, if they are not weighed first when obtained, it is feared that the diamonds may disappear because they are taken back by supernatural beings. This tradition can be dialogue again with Islamic teachings because, according to some people, such beliefs and beliefs include deviations. The reason is that the success or failure of an endeavor is solely a provider of Allah (Surah Ali Imran 37, al-Ankabut 60, and Ash-Shura 12). However, for panners, the tradition is only an attempt to keep the diamonds that have been obtained.

The panning area is not just a place for miners to hang their hopes for a decent living. But it is also a place to nurture and instill honesty and togetherness in both joy and sorrow. The work of panning for diamonds itself is not light because it is usually in panning for diamonds. Several groups consist of several people. They work in groups with profit-sharing agreements, including with the capital owners who fund their panning activities. This profit-sharing system is referred to as Abain, the distribution of results obtained between landowners or dug holes, suction machine owners, hole diggers, and Pelenggang (diamond miners). Two ways are determined in the profit-sharing business pan. First, the group's agreement related to diamond panning at the beginning of the panning activity is to be done. The division is 20 percent for landowners, 40 percent for machine owners, and the other 40 percent is shared equally for all working group members, or 40 percent for landowners, 40 percent for machine or capital owners, and 20 percent for miners. Second, with a strikethrough system, i.e., each panning gets one streak and a machine, and the land also gets one streak. If the landowner or machine participates in panning, he gets a portion of a strike, meaning that for the landowner or machine, the total portion received is three strikes (the owner of a single-stroke engine, and his participation in the process of writing a scratch). Meanwhile, the Shirkah system is carried out based on kinship and trust.

In this case, the yield sharing system can be grouped into the *mufāwāḍah* Shirkah. The law of Shirkah *mufāwāḍah* in this sense, according to An-Nabhani is permissible. Because each type of Shirkah is valid when it stands alone, it is also valid when combined with other types of Shirkah. It's just that the rules determined by Islamic teachings regarding the number of parts that must be accepted by the parties are not under what is done by the parties associated with this panning activity. Therefore, any form of cooperation in customary law will always start based on the psyche, family, and help in harmony with the behavior and personality of the Indonesian people who always prioritize cooperation, cooperation, and concern for others (Hadikusuma: 1982). It is in line with the QS. al-Maidah 2.

In the mining area, miners are prohibited from talking about taboo and bad things, especially doing despicable or cheating; the culprit can get bad luck or misfortune. According to Adi, although diamonds are small and can easily be tucked into a miner's body, it is strong. It is believed that at any mining site, it is forbidden to commit disgraceful actions. Both in the form of words and deeds, all miners must be honest. This belief makes all miners obey all the rules that have been set, and there is no desire to cheat by hiding the diamonds obtained. Therefore according to Iwan, if one of the miners gets diamonds, he usually shouts immediately to get the diamond that is sought.

Furthermore, the group leader immediately secures the diamond and shares the results after they finish their work. The consensus is then made. In this division, no suspicion or mutual disappointment over the division made by the head of the group. Even though the distribution was uneven. According to Adi, working in diamond panning is a job that depends on fate, if the fortune is good, the panners who get good results can go to the pilgrimage. According to Adi, even though their work was just waltzing and gaining, they had great

faith and motivation that their destiny would change, and the desire to carry out the pilgrimage could be achieved.

In reality, even though panning for diamonds is hard work that has been done for a long time, the miners' economic life is not as bright as the sparkle of diamonds. Generally, diamond miners are not rich, and their lives are very mediocre. There is not any luxury furniture in their households. The struggle and hard work of the miners all this time is like chasing the shadow of something uncertain. According to several customers at the mine site, it is not uncommon for weeks and even months. They may not get any results. This means that during this period, the miners could not bring money home to meet their family's needs (Sampson, Udoh, Sampson, & Abraham, 2019; Aram Hanna, 2020).

Uncertain income makes the lives of most miners, unlike the diamond sparkles. Some of them live below the poverty line. They are often unable to send their kids to get higher education; furthermore, getting the proper amount to fulfill their daily needs is sometimes also hard. They have a lot of difficulties in life. It is not only because every time they go panning, they may not get diamonds, but the main cause is that the panning work is valued very cheaply by the leisure people. For example, people who finance or provide loans for the living needs of the miners in their group during the time or work panning done. Thus, these leisure people who bear (provide loans) all the costs of exploitation of diamond panning for the fulfillment of the living needs of the workers in their group during the panning process.

Outside of panning activities, it is not uncommon for these panners to often help out in spare houses, as their service to their employers as compensation for their loans. On the other hand, the spare people themselves sometimes get their business capital from diamond traders or buyers (brokers) who later have the right to buy diamond grains from the miners who have not been touched (rubbed). In many cases, the traders or buyers are the parties who get more benefits from the circle of diamond washing activities.

Besides, related to the tradition of panning for diamonds, it is also found a myth that developed. It is said that panning is a "hot" job. That is, no matter how much money is obtained from the pan's results, then the money is always volatile and quickly runs out. For example, the discovery of diamonds "Trisakti" as one of the largest diamonds in the world should be able to make the discoverers (panners) prosper for life, maybe even to their children and grandchildren. However, after they had a few moments to enjoy and taste a more life good and pilgrimage, the inventors (panners) are again poor. It is said that the last few of them became porters in Martapura Stone Market.

These myths then led to the many requirements that must be met. It also includes rituals performed before or before the panning process begins. On the other hand, several taboos must be avoided during the panning process. If abstinence is breached, it is believed that diamonds cannot be obtained. Even if the diamond has been obtained, the diamond can disappear and return to its original place. For this reason, miners must treat diamonds like living things that can breathe and move, come and go, have hearts, and have feelings.

Many myths develop around diamond panning activity. In general, these myths are summarized in Pamali, namely several prohibitions, taboos, or taboos that must be maintained and avoided by miners, both before, during, or after the diamond-panning activity is carried out. As for the provisions which are never violated or are Pamali when panning for diamonds is carried out, the example is Pamali to call a diamond with its real name. The diamonds must be called "Si Galuh" as a sign of respect, no dirty or dirty words because dirty or dirty words make the watchman of the panning area angry or offended. It will disturb the workers; no daydreaming, because diamonds are considered to have good spirits, so no daydreaming is allowed in matters of the world; miners must not defecate small or large or defecate in a panning hole. If done, the diamond will run away, disappear, or move to a cleaner place. The panning body must be clean from unclean and immoral things. It is because if the panning likes immorality, diamonds are reluctant to approach.

## **Life Buying and Selling**

For the Banjar people, "life buying and selling" is the sale and purchase of goods by two people who bind a contract to transfer rights from the seller to the buyer. But the right to transfer here is only temporary. It means, canceling the period that has been determined by both parties has expired, and then the buyer is obliged to return the goods that have been purchased by the seller. Terms and Conditions after ordering, the seller approve the purchase price compilation of the sale and purchase agreement carried out without providing any additional. At the same time, the benefits of the goods become buyerszul.

This "life buying and selling" activity is motivated by the existence of a sense of togetherness and kinship in the Banjar community. Each wants to share and help others in difficulties and ask for help. To authorize a transaction that requires a contract that is not required usury. If the transaction is bound by a loan agreement or a pawn, it will be related to the use of mortgage goods considered usury. This is because buying and buying mean ownership rights and benefits that make full use of the buyer.

The word "life buying and selling" is used because these buying and selling terms and rules are determined by both parties conducting the transaction. Related, the two parties conducting the sale and purchase transaction are still alive. This sale and purchase do not end or end the compilation of consent granted. However, this sale and purchase will decide at a predetermined time.

## **DISCUSSION**

### **Diamond Panning**

The process of diamond panning work in a modern way by using a tool or machine begins by placing a water suction machine close to the land to be excavated. After that, put the soil suction machine on the location of the land to be dug. Then the vacuum cleaner and the vacuum cleaner are turned on simultaneously. Every mining process is carried out carefully because if a wrong move can endanger the environment, also the safety of the miners themselves. Not only through water, but pollution has the potential to occur through the used rock, which is broken to wash diamonds (Beaudoin et al.: 2017, pp. 6083-6086).

### **Life Buying and Selling**

"Life buying and selling" or "Sanda Life Buying and Selling" conducted by the Banjar community is similar to buying and selling, which uses a grace period called a bay 'al-Wafa.' Bay 'al-Wafa' is a transaction (contract) where the seller says to the buyer, 'I sell this item by way of debt. I owe you the debt that you gave me with an agreement (promise) if I have paid off the debt, then the item back to being mine again' (Jurjani: 1238).

## **CONCLUSION**

First, the practice of diamond panning that occurs in the Banjar community is rooted in the teachings of Islam, which are loaded with nuances of togetherness, kinship, and charged with benefits. This activity is also the result of the ijihad of the ulama or community leaders in the context of the spread and propaganda of Islamiyah. However, the efforts of the Ulamas were then misinterpreted and misused by subsequent societies by making these traditions a belief and necessity that could provide help and protection to them, likewise in the case of life buying and selling, which was originally by the scholars used as a means to help people who need help. Furthermore, this fact is used as a means to benefit certain parties.

Second, in the case of diamond panning that occurs in the community. Found data that illustrates the need to perform ritual activities before panning. Examples are ceremonial salvation or provide various types of food as offerings. It is believed that the miners will always be safe and not be disturbed by spirits. Besides, if they want the gains or successes as they expected, they must avoid talking dirty and cheating among fellow

members of the miners. It is done as an effort of the scholars and previous community leaders in carrying out Islamic da'wah in spreading the teachings of Islam during society. It's just that the next community makes these things as a condition that must be followed and carried out in conducting diamond panning activities. They do it in the hope of getting the blessing and the results of an adequate match as they wish.

Third is seen from the Shirkahny aspect. This diamond panning case is very much donated by a sense of kinship and the desire to help. This is in line with Islamic teachings that have accumulated in the Koran and Hadith. While from the aspect of the profit-sharing system, there is no equal distribution even though it has been done based on the agreement of all parties involved. However, it is still more profitable for landowners or capital owners. The results sharing system, which is 20 percent for land or landowners, or 40 percent for machine owners, and 40 percent is shared equally for all group members. Another division is 40 percent for landowners, 40 percent for machine or tool owners, and 20 percent for workers. This distribution practice is more beneficial to the landowner and the machine owner who gets two parts. Meanwhile, the other panners only get one piece each.

Fourth, concerning life selling and buying, that occurs at the panning location can be classified in the form of special trading. It is a development of the sale and purchase of Wafa 'because the sale and purchase of objects that are used as objects of the sale and purchase do not necessarily fully transfer rights from the seller to the buyer. In this sale and purchase, there are two forms of contracts attached, namely, on one side as a sale and purchase agreement and, on the other hand, as a pawn agreement. But both of these contracts are impure contracts (they are not a sale and purchase agreement because the goods that are contracted do not necessarily transfer rights to another party), nor are the pawn contracts (because of the contract of buying and selling). Therefore, buying and selling like this includes buying and selling that is prohibited by religion.

## **BIBLIOGRAPHY**

- ABDULLAH, MY, UTAMI, RD, & NURFADILLAH, E (2018). "Selisik makna pamali dalam kehidupan masyarakat suku kajang kabupaten bulukumba melalui kajian semiotika sosial halliday". *Jurnal Pena*, 5(2), pp. 951-963.
- ABDURRAHMAN, H, & ABDUH, M (2019). "Banjarese: Self-concept, identity, and river culture". *Journal of Islamic Studies*, 9(2), pp. 43-64.
- AKHLAK, A, ARIFIN, MB, & RIJAL, S (2019). "Pemali dalam masyarakat etnik banjar di kota Samarinda: Suatu tinjauan semiotika". *Jurnal Ilmu Budaya*, 3(2), pp. 121-130.
- ALAFI, MJ (1988). "*al-'Urf : Bahth Fiqhi Muqaran*". *Majallah Majma' al-Fiqh allIslami*". al-Dawrah al-Khamisah.
- ALMU'TASIM, A, & HENDRAJAYA, J (2020). "Tradisi selamatan kematian nyatus nyewu: Implikasi nilai pluralisme Islam Jawa". *Jurnal Lektur Keagamaan*, 17(2), pp. 431-460.
- AZKIA, L (2018). "Analisis sosiologi ekonomi pada tambang rakyat". *Jurnal Pemikiran dan Penelitian Sosiologi*, 3(1), pp. 59-69.
- BAKRY, K, & GUNAWAN, E (2018). "The implementation of Islamic law at early spread of Islam in Indonesian archipelago". *Jurnal Ilmiah Al-Syir'ah*, 16(2), pp. 113-125.
- BASRI, LO, MUDANA, IW, HABSAH, WO, MARHADI, A, TARIFU, L, BURHAN, F, ET AL (2017). "Pamali, Bajo's local wisdom in the conservation of marine resources". *Asian Social Science*, 13(12), pp. 63-67.
- BEAUDOIN, G, NOWAMOOZ, A, ASSIMA, GP, LECHAT, K, GRAS, A, ENTEZARI, A, ET AL (2017). "Passive mineral carbonation of Mg-rich mine wastes by atmospheric CO<sub>2</sub>". *Energy Procedia*, 114, pp. 6083-6086.

- BUDIMAN, MA, SADEWA, MM, HANDAYANI, L, NURZAMAN, MS, & HASTIADI, FF (2019). "Opportunity and threat of developing halal tourism destinations: a case of Banjarmasin, Indonesia". *International Journal of Economic Behavior and Organization*, 7(1), pp. 7-13.
- HADIKUSUMA, H (1982). "*Hukum perjanjian adat*". Bandung: Alumni.
- HASAN, A (2009). "*Badami Custom: Interaction of Islamic Law and Customs Law in Banjar Communities*". Banjarmasin: Antasari Press.
- HASAN, RM, IBRAHIM, I, & DHUHRI, S (2018). "Aceh Islamic society (beliefs in animism and dynamism)". *Budapest International Research and Critics Institute Journal*, 1(3), pp. 306-312.
- JUANSAH, DE (2019). "Expression of prohibition as a representative of taboo in Baduy society". *Journal on Language, Literature, and Instruction Research*, 18(1), pp. 36-56.
- JURJANI, A (1238). "*Kitāb al-Ta'rifat*". Kaherah.
- MUJIBURRAHMAN, D (2017). "Historical dynamics of Interreligious relations in South Kalimantan". *Journal of Indonesian Islam*, 11(1), pp. 145-174.
- NADHIROH, W (2019). "Nalar keberagaman masyarakat banjar: Dari mistis-realis hingga tradisional-kritis". *Al-Banjari*, 18(2), pp. 246-273.
- NENGSIH, SW (2019). "Mengungkap makna tradisi pamalian ketika mendulang intan di tanah banjar". *Mlangun Jurnal Ilmiah Kebahasaan & Kesastraan*, 16(2), pp. 201-210.
- RAZZAQ, S., MAQBOOL, N., & HAMEED, W. U. (2019). Factors Effecting The Elasticity Of Micro Credit Demand In Southern Punjab, Pakistan. *International Journal of Social Sciences and Economic Review*, 1(2), 46-53. <https://doi.org/10.36923/ijsser.v1i2.34>
- ROCHWULANINGSIH, Y, MASRUROH, NN, & SHOLIHAN, F (2019). "Tracing the maritime greatness and the formation of the cosmopolitan society in South Borneo". *Journal of Maritime Studies and National Integration*, 3(2), pp. 71-79.
- SAMPSON, E. M., UDOH, V., SAMPSON, S. N. M., & ABRAHAM, C. (2019). Environmental And Socio-Economic Effects Of Timber Exploitation In Imo River Estuary, Eastern Obolo, Akwa Ibom State, Nigeria. *International Journal of Social Sciences and Economic Review*, 1(1), 22-28. <https://doi.org/10.36923/ijsser.v1i1.29>
- SINNAH, AF (1974). "*al-'Urf Wa al-'Ādat Fi Ra'yu al-Fuqahā*". Mathaba'ah al-Azhār.
- UWAJUMOGU, N., NWOKOYE, E., OGBONNA, I., & OKORO, M. (2019). Response of Economic Diversification To Gender Inequality: Evidence From Nigeria. *International Journal of Social Sciences and Economic Review*, 1(2), 61-72. <https://doi.org/10.36923/ijsser.v1i2.32>
- YULIANTO, A (2019). "Kepercayaan lokal dalam pemali Banjar di Kalimantan Selatan". *Mabasan*, 13(1), pp. 1-13.



## **BIODATA**

**E HANAFIAH:** Hanafiah is an Associate Professor at Graduate Program of University of Islam Negeri Antasari Banjarmasin, Indonesia. He has a doctoral degree in Law graduated from University of Islam Negeri Sunan Ampel, Surabaya, master's degree in Islamic Law graduated from University of Islam Indonesia Yogyakarta, and Undergraduate degree in Tafsir Hadis graduated from Institut Agama Islam Negeri Antasari Banjarmasin, Indonesia. He has published many article both national and international.

**Z. JAMALIE:** Zulfa Jamalie is an Associate Professor at the Faculty of Dakwah and Communication of University of Islam Negeri Antasari Banjarmasin, Indonesia. He gained a doctoral degree from University of Utara Malaysia and a master's degree from University of Negeri Malang, Indonesia. He acts as a speaker at National and International. His main research is history and dawah education. Some of his papers were published in both National and International.

## **BEWARE! DON'T BE SCAMMED**

This is a table of contents checker. It is an anti-scam system. Clicking on the TOC checker logo will open in your browser a preserved file with the table of contents: AÑO 26, N.º extra 1, 2021. TOC checker, to ensure the reliability of your registration, does not allow editors to make changes to the tables of contents after they have been deposited. Check that your paper is present in the registry.

User: ei12021  
Pass: ut28pr02at21

Click logo

