

THE RITUAL ORIGINS OF NATIVE LAW IN SABAH AND FUTURE IMPLICATIONS: THE CASE OF THE KIMARAGANG

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Abstract

Malaysia has three official recognised judicial systems of equal standing – the Civil Courts, the Syariah Courts, and the Native Courts of Sabah and Sarawak. While the Civil Courts have a punitive system of justice, especially for handling criminal cases, the Native Courts have a restorative system of justice that in Sabah is largely based on atonement through blood sacrifices or *sogit*. The *sogit* systems of the Native Courts in each administrative District vary according to ethnic group and culture but developed from the belief systems and traditional indigenous religions that acknowledged the existence of a benevolent Creator. Based on ethnographic research, including participant observation and interviews with key informants, as well as focus group interviews, this article focuses on the ritual origins of the Native Court system of the Kimaragang, the main Dusunic ethnic group of Kota Marudu District in northern Sabah. It explores the *Monogit Pomogunan*, a traditional ritual series performed by *boboliyan* or priestesses to cleanse the world from pandemics such as COVID-19 that are believed to occur due to human wrongdoing. This is linked to the *sogit* system of the Native Court of Kota Marudu for the Kimaragang. The implications of the ritual origins of the *sogit* system and the cultural identity of the Kimaragang are discussed in light of the importance of cultural heritage continuity and against calls to standardise the *sogit* systems for all the Native Courts in Sabah.

Keywords: *sogit*, *Kimaragang*, *Monogit Pomogunan*, *Native Courts*, *Sabah*

Introduction

There are three main judicial systems of equal standing that are officially recognised in Malaysia: the Civil Courts of various levels that deal with civil and criminal cases, the Syariah Courts that handle Islamic law and Muslim family and personal cases, and the Native Courts of Sabah and Sarawak that are primarily concerned with customary law and various family and environmental issues affecting the indigenous peoples (Sikayun, 2013; Salleh, 2021).

The formation of the Native Courts or *Mahkamah Anak Negeri* in Sabah goes back to the era of the North Borneo Company administration (1882-1941) that officially recognised indigenous leadership positions. At the village level, the Company gave village headmen the Malay title *Orang Tua* (OT). Experts in customary law at the administrative District level were called “Native Chiefs” or *Ketua Anak Negeri*, with those of Grade I, the highest grade (“District Chief” or *Ketua Daerah*), having the title *Orang Kaya Kaya* (OKK). The Company also established the Native Chiefs’ Advisory Council or *Majlis Penasihat Ketua-Ketua Anak Negeri* to give indigenous leaders a voice in the administration of the country (Ranjit Singh, 2000).

The village headmen and “Native Chiefs” continued their work throughout the Japanese occupation of World War II, and the system was officially resumed in 1946 when North Borneo became a British Crown Colony (Phelan, 2003, pp. 131-132). It has further developed following the formation of Malaysia in 1963, with the gradual codification of the traditional customary law of each indigenous community. Sabah has around sixty ethnic groups of whom over thirty-five are locally indigenous. Today, every administrative District in Sabah has at least one Native Court, and in some large Districts there are Native Courts for different ethnic groups.

Each Native Court in Sabah consists of a council of Native Chiefs known in Malay (Malaysia’s national language) as *Ketua Anak Negeri* headed by a *Ketua Daerah* or District Chief for each major ethnic group. The main role of the *Ketua Daerah* and all the *Ketua Anak Negeri* is to maintain social harmony and uphold customary law among the indigenous peoples in the District.

The Native Courts utilise a restorative justice system, in contrast to the Civil Court, which has a punitive system of justice (Herman Luping, personal communication, 14 September 2013; Bulan, 2014). The Civil Court demands various punishments for criminal cases, and the payment of monetary fines. While the Native Courts may also impose fines, their system of justice is based on blood sacrifices generally called *sogit* in Dusunic and Paitanic languages and *sagit* in Murutic languages, often accompanied by a customary fine in terms of items of value. *Sogit* (from *osogit* or “cold”) are atonements that “cool” disputes and wrong

relationships that are defined as “hot” (*alasu / ahasu* in Dusunic languages). The sacrifice of *sogit* in Sabah originates from traditional indigenous religious practices of propitiation to restore and maintain a balanced or neutral relationship between the human world and spiritual realms (John Baptist, 2008; Pugh-Kitingan, 2014).

There are different *sogit* for various breaches of customary law among the many indigenous ethnic groups of Sabah, as well as others who are classified as “Natives” under the Interpretation (Definition of Native) Ordinance (Mahap, 2013, pp. 78-81; Miyamoto, 2002, 2008). Thus, there have been suggestions from various quarters that the customary laws of the Native Courts across all the Districts of Sabah should be standardised, just as Civil law and Syariah law are standardised.

Using as an example the culture of the Kimaragang, a Dusunic ethnic group from northern Sabah, this article seeks to answer the following questions. Firstly, how is the practice of *sogit* employed in ritual to restore the balanced or neutral relationship between the human and spiritual worlds, for example, in the *Monogit Pomoguman* ritual series for mitigating pandemics? Secondly, how is the practice of *sogit* used in Kimaragang customary law under the Native Court to restore the balanced or peaceful relationships between human beings who are engaged in disputes? Thirdly, what are the wider implications of the sustainable practice of Kimaragang customary law for the future and as intangible cultural heritage, as opposed to its standardisation along with other customary legal systems in Sabah?

Background

Many studies have been conducted over the years on belief systems, rituals and customary practices among indigenous societies in Sabah. Early accounts by North Borneo Company officers such as I.H.N. Evans, Owen Rutter and G.C. Woolley, missionaries like Fr. J. Staal and others often included basic descriptions of ritual practices and some legal customs of indigenous peoples (Evans, 1953, 1955; Rutter, 1922, 1929; Staal, 1927), as well as attempts to document the laws of specific ethnic groups for information and use by government officers in the Native Courts (Woolley, 1927, 1932, 1937, 1939a, 1939b, 1953a, 1953b). Some of these were translated into Malay and later published as books by the Government Printing Office at Jesselton (now Kota Kinabalu) under the Crown colony government that was formed after World War II.

Recent research has focused more deeply on the role of priestesses as mediators between the seen world of humans and the unseen spiritual realms, the examination of the roles of ritual instrumental music and dance, the format of *rinait* or long ritual poetry, and the practice of *sogit* in Dusunic cultures (see for example Appell, 2010; Appell & Appell, 1993; Cai, John Baptist, Pugh-Kitingan, &

Hussin, 2022a, 2022b, 2022c; Hussin, 2003, 2005, 2007, 2008; John Baptist, 2008; Morie, 2019; Phelan, 1983, 2001; Pugh-Kitingan, 2014; Pugh-Kitingan & John Baptist, 2009; Pugh-Kitingan, Hussin, & John Baptist, 2011; Roland, 2020). There have also been several recent publications on the judicial system of the Native Courts in Sabah (Phelan, 1988, 2003, 2006; Salleh, James Matah, & Ku Yussof, 2019; Tsutsumi, 2008) and issues concerning indigenous land rights from various perspectives (Pugh-Kitingan, 2013); as well as detailed legal and anthropological studies from specific societies on aspects of Native customary law and the role of *sogit* practices in Native Court systems (Maning, 2015; Miyamoto, 2002, 2008).

Until recently, however, less research has been undertaken on the relationship between aspects of Kimaragang traditional rituals and customary law. The current ethnographic study took place from 2018 to 2022. This included participant observation of some of the *Monogit Pomogunan* rituals that were conducted during the COVID-19 pandemic in 2020 during periods when permission was officially granted for social gatherings. Participant observation and documentation of the Kota Marudu Native Court procedures and some legal cases by the first author, who is a former village headman, took place before the pandemic restrictions. In-depth interviews with key informants, including *bobolijan* or traditional Kimaragang priestesses, the *Ketua Daerah* of Kota Marudu, some *Ketua Anak Negeri*, and village heads, were also conducted, as well as focus group interviews.

The Kimaragang

The Kimaragang speak a language from the Dusunic Family of Languages of Bornean Stock of West Austronesian Superstock. Their population numbers around 25,000, and they traditionally inhabit large areas of Kota Marudu District in northern Sabah, as well as parts of Beluran and Pitas Districts (“Kimaragang”, 2021).

They live in single houses in villages that were formerly composed of longhouses in which each family occupied a separate apartment. The Kimaragang cultivate wet rice and maize on the coastal plains and dry rice on the hills further inland (Low & Pugh-Kitingan, 2015).

Kimaragang society is acephalous, bilateral and non-segmented. The conjugal family, headed by both the mother and father, is the fundamental social unit. The Kimaragang marry with bridewealth given by the parents of the groom to the bride’s parents, and post-nuptial residence is normally virilocal in the village of the husband but can be uxorilocal in some circumstances. Like other indigenous societies in Sabah, the Kimaragang practice gender balance.

Certain gifted women are *bobolliyan* or priestesses and ritual specialists of the traditional religion. The *bobolliyan* memorise and recite or chant the *rinait*, long sacred ritual poetry that contains the myths of the spiritual world, prayers to the Creator, and prescriptions for moral living and ritual practices.

Today, most Kimaragang are Christians, mainly members of the Seventh Day Adventist church, although other denominations are also present. Some Kimaragang have become Muslims, and a few still follow the traditional religion. While Christians and Muslims do not participate in traditional religious rituals, they share similar worldviews and moral values with those who follow the traditional religion.

Traditional Kimaragang cosmology sees the universe as consisting of the earth with seven spiritual layers above, and seven layers below in the underworld. It recognises the existence of the *Minamangun* or the Creator who has the personal name of Kinoringan (“God most high”) and the ritual name of Kinapunan (“the Beginning”) in the *rinait*. He is believed to reside in the uppermost level or beyond. Various types of benevolent celestial spirits (*serupu*, *sunduwan*, *lumaag*, *tatod*) inhabit the other layers below that of the Creator from whom they receive their powers, while malevolent spirits (*rogon*) reside on the earth and in the underworld. Humans are said to have an eternal spirit or *lugu’* and six subsidiary souls or *tusod*, one in each main joint of the limbs (Darimbang, 2019a, 2020).

Human beings are required to live morally upright lives according to the *tadat* or customary law of the Kimaragang. In the traditional worldview, the ideal relationship between the human and spiritual realms should be *osogit* (“cool”) or balanced and neutral. Human wrongdoing, such as deliberately destroying the environment, damaging others’ property, threatening others or, in the worst cases, committing adultery or incest (including marriage between close cousins) renders this relationship *alasu* (“hot”) or unbalanced. Deliberate wrongdoing will cause the Creator to withdraw his protection over the guilty parties, leaving them open to attacks by *rogon*. In extreme cases, this will affect whole societies producing droughts, floods, epidemics and other catastrophes. This requires the appropriate ritual blood sacrifices or *sogit* to “cool” the “heat” of the imbalance (Darimbang, 2020; Darimbang, John Baptist, Hussin, & Pugh-Kitingan, forthcoming).

Sogit as the Basis of the Monogit Pomogunan

The *Monogit Pomogunan* (“atonement or ‘cooling compensation’ for cleansing the universe”) is conducted by the Kimaragang *bobolliyan* during epidemics. It is a series of rituals and animal sacrifices performed to cleanse the world from the “heat” of wrongdoing and appease the spiritual realms. These rituals developed

over millennia in response to epidemics such as smallpox. Epidemics and pandemics are believed to be spread by flying *rogon*.

With the emergence of the COVID-19 pandemic in 2020, the *boboliyan* felt an urgent need to organise the *Monogit Pomogunan*. They attributed this pandemic to sexual immorality, especially all forms of incest, that had occurred somewhere on earth, not necessarily in Sabah. They believed that the “heat” of these very serious sins had caused the Creator to withdraw his protection over mankind, and particularly evil flying *rogon* were spreading the disease among humans across the world (Rukanang [Boboliyan], personal communication, 13 August 2020).

Approval to hold the *Monogit Pomogunan* for the pandemic was granted by the Native Court of Kota Marudu provided strict government standard operating procedures were observed. The ritual series took place in five main phases across several months in various villages of the Sub-District of Tandek, Kota Marudu, including Kampung Togudon, Kampung Timbang Batu Darat, Kampung Talantang 1, Kampung Nolotan and Kampung Salimandut. The villages of Kampung Nolotan and neighbouring Kampung Salimandut pooled their resources to jointly organise the *Monogit Pomogunan*. Two *boboliyan*, Rukanang Binti Induk of Kampung Nolotan and Raliah Binti Pangadap, the Village Head of Kampung Salimandut, conducted the rituals. They were aided by their male assistant, Darius Bin Satikar of Kampung Longob. Similar rituals were held in the other villages.

Table 1 provides a basic outline of the *Monogit Pomogunan* process organised by Kampung Nolotan and Kampung Salimandut. The same processes were followed in other villages that organised this ritual series against the pandemic.

Table 1: The process of the *Monogit Pomogunan* held by the villages of Nolotan and Salimandut, Tandek, in 2020

No.	Ritual Phase	Dates	Prohibitions
1.	<i>Somodua</i> (“preparations”) – – Started as early as two weeks before	1-14 March 2020	Preparations for the requirements of the <i>Monogit Pomogunan</i> rituals: – all disagreements had to be reconciled first, then live chickens, pigs, water buffaloes and ritual food ingredients were collected, together with bamboo for making a <i>tampaha</i> rack of shelves.

2.	<p>Mokisisian om Mokimamaa (“begging for forgiveness and appeasement, and, giving sacrificial gifts to the leader of the <i>rogon</i> that brought the pandemic”) – to ask for protection and peace from the spirits in the universe. Also known as <i>Mangaraa Sogit Pomogunan</i> in some villages.</p>	15 March 2020	<p>A <i>tampaha</i> (rack of shelves) made of bamboo was erected to display plates filled with different types of food and betel nuts, usually in multiples of seven. 24 chickens were sacrificed by two <i>boboliyan</i> to the <i>rogon</i> that caused the pandemic and to ask for forgiveness from Kinoringan and the benevolent celestial spirits.</p>
	<p>Mintoron (“prohibition period”)</p>	16-18 March 2020	<p>The villages could not be entered by outsiders or members of other villages for three days. Also, villagers were not permitted to leave, to work or make noise in the rice fields for three days.</p> <p>If this prohibition is violated, all the rituals must be repeated. All expenses will be borne by those who violate the customary ritual prohibition.</p>
3.	<p>Monimpak (“displaying the gift”)</p>	19 March 2020	<p>The <i>tampaha</i> (rack of shelves) made of bamboo was used to display plates filled with different types of food and betel nuts, usually in multiples of seven. The two <i>boboliyan</i> sacrificed a large pig.</p>
	<p>Mintoron (“prohibition period”)</p>	20-23 March 2020	<p>The villages could not be entered by outsiders for four days. Also, the villagers were not permitted to leave, to work or make noise in the rice fields for four days.</p>
4.	<p>Pompod Momugas Pomogunan (“cleansing the universe”)</p>	27 March 2020	<p>A water buffalo was slaughtered as a sacrifice, and its head was placed in the <i>tampaha</i>. (In addition to the buffalo, smaller animals such as pigs and goats can also be sacrificed.) This ritual is the last to cleanse the universe in the series.</p>
	<p>Mintoron (“prohibition period”)</p>	28-31 March 2020	<p>The villages could not be entered by outsiders for four days. Also, the villagers were not permitted to leave, work or make noise in the rice fields for as long as the prohibition was enforced.</p>

<p>5.</p>	<p><i>Manadaka</i> – “thanksgiving” to the Creator for his protection throughout the <i>Monogit Pomogunan</i> because the good spirits helped them, and the evil spirits received gifts for the three previous ritual phases.</p>	<p>13 August 2020</p>	<p>A new <i>tampaha</i> (a single shelf) made of bamboo was erected to display plates filled with different types of food and betel nuts in multiples of seven.</p> <p>Chanting <i>rinait</i>, the <i>boboliyan</i> took turns to sprinkle sacred water around the <i>tampaha</i> using special leaves from healing plants <i>komburongo</i> and <i>tombiyau</i>. The blood of seven live chickens was collected. The assistant to the <i>boboliyan</i> took a bowl of blood, then using <i>tombiyau</i> leaves with seven chicken quills, he sprinkled the blood around the <i>tampaha</i> and on the grass beneath it.</p> <p>Standing away from the <i>tampaha</i>, the <i>boboliyan</i> then took turns to sprinkle the blood into the air, and then onto the grass. This was for the good celestial spirits, and also for evil spirits that stay underground. The chickens were then slaughtered and cooked with rice to feed the villagers who attended.</p>
	<p><i>Mintoron</i> (“prohibition period”) as a closing phase</p>	<p>14-16 August 2020</p>	<p>The villages could not be entered by outsiders or members of other villages for three days. Also, villagers were not permitted to leave, to work or make noise in the rice fields for three days.</p> <p>If this prohibition is violated, all the rituals must be repeated from the beginning. All expenses would be borne by those who violate the customary ritual prohibition. The <i>boboliyan</i> were <i>tumoron</i> (“caged”) meaning they stayed in their houses to rest for three days after the <i>manadaka</i>. All family members of the villagers who had attended the rituals also rested.</p>

(Source: Fieldwork and interviews with *boboliyan* Rukanang, 2020)

The preparation phase or *somodia* for collecting the animals to be sacrificed, foods, and bamboo for constructing a *tampaha* or rack for food, began two weeks before the start of the rituals. This preparation, however, could only proceed after all disagreements among people had been resolved. If the *Monogit Pomogunan* was conducted without such resolution of conflicts, it would not succeed and the pandemic would grow worse.

Four main ritual phases, each lasting one day, then proceeded over time. Each of these four ritual phases was followed by a few days of *mintoron* (“prohibition”) in which participating villages were closed to the outside world. Villagers could not leave, nor do work, nor make noise in the fields, and outsiders could not enter participating villages. The ritual series would have to begin again if these prohibitions were breached. The numbers of days for each *mintoron* period were determined by the type of animals slaughtered and their numbers of legs. If chickens (having two legs) were slaughtered, the resulting prohibition period was three days. But if four legged animals such as pigs or water buffaloes were sacrificed, the *mintoron* period was four days.

The first ritual phase is known as *Mokisisian om Mokimamaa* meaning “begging for forgiveness and appeasement, and giving gifts to the *rogon* that brought the pandemic.” In some villages, it is also called *Mangaraa Sogit Pomogunan* meaning “blood sacrifice as a *sogit* for the universe.” In Kampung Nolotan, the two *boboliyan* slaughtered twenty-four chickens as *sogit* on behalf of twenty-four families across Kampung Nolotan and Kampung Salimandut who follow the traditional religion. Similar sacrifices occurred in other villages, such as at Kampung Tanjung Batu Darat (Figure 1). This was followed by three days of *mintoron*.

The second ritual phase, known as *Monimpak* (“displaying the gift”) involved the sacrifice of a large pig as “the gift” to the spiritual world (Figure 2). This was followed by four days of *mintoron*, as determined by the four legs of the animal sacrificed.



Figure 1: Collecting chickens to be slaughtered during the *Mangaraa* blood sacrifice at Kampung Tanjung Batu Darat, Tandek, Kota Marudu
(Source: KK Tudun Sipaun from Kg. Tanjung Batu Darat, 15 March 2020.)



Figure 2: The *Monimpak* sacrifice in Kg. Togudon, Tandek also used a large pig
(Source: Jiral Darimbang, 22 March 2020.)

The third ritual phase, called *Pompod Momugas Pomogunan* (“cleansing the universe”) centred around the slaughter of a water buffalo as a *sogit* for the universe (Figure 3). The head of the animal was placed on an inner shelf of the *tampaha*. This was the most solemn day of the ritual series. It was followed by four days of *mintoron*, according to the number of legs of the sacrificial animal.



Figure 3: Head of the water buffalo sacrificed in the *Pompod Monugas Pomogunan* at Kampung Salimandut, on 28 March 2020
(Source: Jiral Darimbang, 28 March 2020.)

After months of the government's extended Movement Control Order followed by the Enhanced Movement Control Order during which all social gatherings were prohibited, the final ritual phase *Manadaka* ("giving thanks") was allowed to be held on 13 August 2020. At Kampung Salimandut, participants and guests were welcomed to the event by the two *boboliyan* and their assistant forming a welcoming line with six men who had assisted with the preparations (Figure 4). Rahlihah, who was also the *Ketua Kampung* of Kampung Salimandut, gave a short speech, followed by responses from a couple of research team members. This was followed by Rukanang chanting a *rinait* to welcome guests to the event—including all the "guests" from the spiritual realms and the human guests.



Figure 4: Kimaragang *boboliyan* Rukanang (left), Rahlihah (right) with their assistant Darius (centre) and others welcoming guests to the *Manadaka* at Kampung Salimandut

(Source: Jacqueline Pugh-Kitingan, 13 August 2020.)

A new *tampaha* with a single shelf had been erected on which various foods were displayed as offerings to the spiritual realms. These included a plate of seven boiled eggs, a hand of bananas, a plate of seven rice packets wrapped in *tarap* leaves, a plate of seven packets of *tapai* rice cakes, another plate of seven pieces of glutinous rice cakes, a plate of seven betel nuts with seven areca leaves and seven limes, a plate of seven quids of tobacco, and a bottle of rice wine (*lihing*). Seven live chickens lay tied together in a heap beneath the *tampaha*. The number seven was symbolic of the spiritual realms, especially the celestial layers above the earth with the Creator in the highest realm.

Using the spiritually powerful leaves of the *komburongo* plant and leaves of the healing herb *tombiyau*, the two *boboliyan* took turns to flick sacred water above the *tampaha*, while quietly reciting *rinait* to the benevolent celestial spirits. Rahlih then took some *tombiyau* leaves in her right hand and a glass of *lihing* in her left, and as she continued reciting *rinait*, she suddenly went into trance swaying from side-to-side (Figure 5). When she had finished, she poured out the *lihing* onto the grass below the *tampaha*, then sat down on a nearby chair, exhausted from her journey into the upper spiritual realms.



Figure 5: Boboliyan Rahlih in trance, holding *tombiyau* leaves in her right hand and a glass of *lihing* in her left

(Source: Jacqueline Pugh-Kitingan, 13 August 2020.)

Some men then broke the wings of the live chickens and collected their blood in a bowl. Darius, the assistant to the two *boboliyan*, placed this on the *tampaha*. Taking some *tombiyau* leaves with seven quills, one from each of the seven chickens, he flicked the blood on the grass below the *tampaha* and around its stand.

After this, Rahlih took the bowl out to the open grassy area beside the *tampaha*, and flicked the blood into the air seven times with the *tombiyau* leaves and chicken quills while reciting *rinait*. This was for the benevolent celestial spirits in the seven spiritual layers above the earth and for the Creator. Rukanang then took the bowl and flicked the blood with the *tombiyau* leaves and quills seven times into the air and onto the grass, while reciting *rinait*. This was for the evil spirits or

rogon in the seven layers of the underworld under the ground and those on the earth, especially those who had brought the pandemic (Figure 6).



Figure 6: Bobolijan Rukanang using *tombiyau* leaves and chicken quills to flick chicken blood over the ground during the *Manadaka* at Kg. Salimandut, with the dying fowls in the foreground

(Source: Jikat Binol Darimbang, 13 August 2020.)

The dying chickens were then slaughtered by the men and cooked in rice porridge for those from the traditional religion who had attended the event. The *Manadaka* functioned as a form thanksgiving to the Creator and the benevolent celestial spirits, and also to the malevolent *rogon*, for the reduction the number of COVID-19 cases in Kota Marudu. This was followed by three days of *mintoron*, during which the two *bobolijan* and all their family members were strictly confined to their homes. The villages were closed to outsiders, and members were not permitted to leave, engage in work or make noise in the fields. Had anyone breached these prohibitions, they would have to pay for the entire *Monogit Pomogunan* to begin again.

In other contexts, the *Manadaka* is conducted on its own once every three years to maintain the correct balance between the human and spiritual worlds.

Depending on the particular context, seven chickens, a pig or a water buffalo may be sacrificed in these other *Manadaka* (Darimbang, 2019b).

From the foregoing description of the *Monogit Pomogunan* in the context of the COVID-19 pandemic, it can be seen that the practice of *sogit* is fundamental to the process of major traditional Kimaragang rituals. As prescribed in the *rinait* that is chanted or recited by the *bobolijan*, *sogit* are specific blood sacrifices that appease the anger or “cool the heat” of the spiritual realms caused by human wrongdoing. *Sogit* sacrifices are believed to atone for human misdeeds, to express repentance for human wrongdoing, to restore the relationship of balance or neutrality between mankind and the spiritual realms, and to ratify agreements made by the *bobolijan* on behalf of human beings, as intermediaries between the human and spiritual worlds.

***Sogit* as the Basis of the Native Court System**

While the sacrifice of *sogit* by priestesses in traditional ritual contexts is believed to restore balance or neutrality to the relationship between human beings and the spiritual world, the slaughter of *sogit* can also facilitate the restoration of balance, peace and harmony to conflictual human relationships. The basis of customary law is enshrined in the *rinait*. In the olden days, priestesses were also highly esteemed as the superior advisors to individual men who functioned as leaders across several dialect groups, as well as to village headmen and warriors. Unlike the priestesses who usually learned their basic craft from older female relatives, these male leadership roles were not hereditary but were determined by individual aptitude.

Under customary law today, the village head or *Ketua Kampung* usually mediates disputes at the village level. If such a dispute cannot be resolved, it is brought to the Native Court where the *Ketua Daerah* hears it as the presiding member, who is flanked by two *Ketua Anak Negeri*. If a party is unsatisfied, the case can be brought to the Native Court at the District Level, where it is heard by the District Officer or *Pegawai Daerah*, the most senior civil servant in the District, assisted by two *Ketua Anak Negeri* as advisors in customary law. If a party is still dissatisfied, they can appeal to the Native Court of Appeals or *Mahkamah Rayuan Anak Negeri*, where the case is heard by a High Court judge assisted by two *Ketua Anak Negeri* as customary law advisors. In Kota Marudu, as in many other interior Districts, these three courts operate in the same building (Figure 7). While the first two levels of the Native Court do not permit advocates, the Native Court of Appeals does allow advocates (Phelan, 2003 pp. 63-67, 2006).

The Native Courts have evolved and developed over time. The customary laws of various ethnic groups, including the *tadat* of the Kimaragang, have been

codified in line with the Native Court Enactment (Sabah State Government, 1995a, 1995b). The Native Court regulations cover 50 offences that are categorised under nine sections: (i) Violent attacks, assault and threatening behaviour, (ii) Sexual offences, (iii) Marriage, engagement and enticement, (iv) Cemeteries and death, (v) Extremely violent outbursts, (vi) Obscenity and treachery, (vii) Breach of promise, (viii) Births, and (ix) Customary prohibitions.



Figure 7: The Native Court premises in Kota Marudu
(Source: Jikat Binol Darimbang, 29 August 2019.)

The types of judgements handed down by the Native Court include monetary fines, customary fines, fines for causing shame, judgements for causing village “heat,” *koimanan* (causing upset), *kosuguluanan* (when a younger sibling marries earlier than an older one), and *sogit* (blood atonement). According to Regulation (*Kaedah*) 2 of the Enactment (Sabah State Government, 1995b), a fine is interpreted as a financial penalty imposed by the court other than a customary fine. These extra financial penalties can be imposed if there is a violation of *sogit* and customary fines, such as for the offenses of attacks, assaults and threatening behaviour, marriage between relatives, and the termination of engagements.

A customary fine under the Enactment is a penalty that is imposed according to Native customs or local traditions in the administrative District where the Court is established. It normally includes a *sogit* or sacrificial animal plus the fine in terms of objects of wealth. For example, if a corpse is buried without permission from the family of the deceased, the Native Court can impose a customary fine of one fowl for *sogit*, and a small gong or other items of equal value not amounting to RM 100. In the case of causing shame that exposes a person to humiliation and loss of honour in front of relatives or the village

community (such as terminating an engagement), the party causing shame must pay the aggrieved person one head of livestock as *sogit*.

Koimanan refers to loss or damages that have occurred due to breach of promise. Anyone who refuses to fulfil a promise must pay compensation plus 20% of the amount agreed upon. *Kosoguluanan* is a customary compensation by a person who marries before his or her older sibling. The person who does this must give a *sogit* in the form of a fowl or other items of equivalent value to his or her older sibling.

Serious offences that cause village “heat” include adultery and especially incest, as well as improper land use. Among the Kimaragang under the Native Court, the judgement for gross incest among close blood relatives requires the guilty man to give four water buffaloes and four large pigs to the village head to be slaughtered as blood atonement on behalf of the village, and he must also give four large brass gongs and four brass mallets. The woman must give three water buffaloes, three large pigs, three large brass gongs, and three brass mallets. These are given to either the village head or to the *boboliyan* who sacrifice the animals as *sogit* for *pulanut* which means erecting a barrier of protection around the village from largescale natural disasters.

While the customary law of the Kimaragang is regulated by the Native Court of Kota Marudu, the Native Court Enactment (Sabah State Government, 1995a) allows customary law practitioners to conduct their own particular traditional customs provided these do not conflict with the regulations and principles of basic justice as described in Regulation 3(2) of the Enactment (Jonan Gaul [*Ketua Anak Negeri*], personal communication, 29 September 2018). Thus, in order to resolve customary law violations such as those concerning adultery, marriage and engagement, the Kimaragang village heads implement their own customary rules in resolving these violations committed by each individual or community members through *sogit* sacrifices performed at the village level. These sacrifices are managed either by the village head, or by the *boboliyan* like those in the *Monogit Pomogunan*.

According to the *boboliyan* Rukanang, there are two types of dispute categories—non-religious offenses and religious offences. Offenses not based on religion are resolved where the guilty party compensates someone for his actions that humiliate (*mongimamalu*) the other party. In addition, the guilty party reimburses all losses on property that has been damaged, for example, another’s rice crops eaten by his or her livestock. When the settlement is based on a religious form, it is based on the settlement process according to customary law, such as implementing customary fines and *sogit* sacrifices.

Sogit practices under today's Kimaragang Native Court reflect elements of spiritual beliefs and worldview handed down over generations. They also reflect shared values that distinguish members of the society from outsiders. Although most Kimaragang are Christians and some are Muslims and neither follow the old rituals of the *boboliyan*, the practice of *sogit* in customary law is effective in restoring broken relationships between disputing parties. In terms of the Kimaragang Native Court, there are basically no conflicts between customary law, and Christian and Muslim worldviews. This is because these systems are based on shared values of social harmony and morality. All three worldviews acknowledge a benevolent and just Creator. They strongly advocate sexual morality and the importance of marriage. They espouse the keeping of promises, social responsibility and accountability in personal behaviour with regard to interpersonal relationships, the protection of children and individuals, and the protection of the environment. The practice of *sogit* through the Native Court promotes peace, upholds the society, and acts as a deterrent against anti-social behaviour. Moreover, in cases of a sensitive nature, where disputes have been settled, parties and wider village communities are not permitted to discuss the proceedings and outcomes. This prevents gossiping (a breach of Native Law and *tadat*) and further ensures the restoration of balance and harmony in the society.

Implications of Native Law for the Future

The Kimaragang example demonstrates implications for the future development of Native Law in the wider context of Sabah's development. Many Sabahans of the younger generations and people from non-indigenous cultures often incorrectly assume that *sogit* is merely another name for a monetary fine in the Native Court, and that a *sogit* can simply be paid in cash. Money, however, has no meaning or value in terms of *sogit* or blood sacrifices that serve to restore proper relationships between human beings through customary law.

Modern infrastructural development often ignores indigenous practices, such as the use of *sogit* in land issues. There have been cases where land has been allocated for commercial and even residential use by town planners, without consultation with its indigenous owners. The construction of housing projects near or on Native cemeteries, for example, is a serious breach of Native Law that requires restitution through *sogit*, because it affects a whole community. Damaging any land and also waterways that belong to indigenous groups is an offence under Native Law in most Districts in Sabah.

Under the Sabah Land Ordinance, outside companies cannot legally acquire Native land without permission from the Native land holders (Aiken & Leigh, 2011; Bulan, 2013; Jamal, 2013; Malanjum, 2013). Nevertheless, there have

been cases in Sabah where outside entities have successfully acquired customary land through certain District Land Offices, while the traditional land owners who have inherited the land that has been utilised over generations have had their prior applications for land titles to the Land Office rejected (Lunkapis, 2013, 2015; Nuar & Lunkapis, 2019). The tendency in many Districts is for village headmen to be politically appointed rather than chosen by their respective villagers. Assistant Collectors or Land Revenue tend to be based for many years in one District, and sometimes entertain multiple land applications for the same piece of land. Each of these factors can encourage corruption, which has been blamed for the loss of the rights of Natives over their land (Porodong & Lunkapis, 2013; Sipaun, 2013).

Similarly, outsiders sometimes have incorrect, unfounded and even offensive notions concerning the indigenous peoples of Sabah and their cultures. The widely publicised case of Amir Ali Khan Nataway, a 40-year-old trader from Pakistan who is a Malaysian Permanent Resident and who was operating a shop in Kota Marudu, is an example. During May and June 2020, he published on Facebook several very offensive, racist audiovisual posts, allegedly using threats and foul language, about the Kimaragang and other indigenous ethnic groups in Sabah, as well as the Chinese. His public humiliation of the Kimaragang and other Sabahan ethnic groups on social media drew anger from netizens around the world. He was charged in the Native Court of Kota Marudu on 21 July 2020 for his offences, and pleaded guilty. The presiding judge OKK Dato Baintin Adun, the *Ketua Daerah* of Kota Marudu, ordered him to pay eight water buffaloes as *sogit* as well as the customary fine of eight gongs within one month, failing which he must pay RM 4,000 or spend 16 months in jail or both. The offensive posts have since been removed from Facebook (Agence France-Presse, 2020; Ahadiat, 2020; Inus, 2020).

Considering that an adult water buffalo could fetch a price of RM 2,000 to RM 3,000 in 2020 and the fact that heirloom brass gongs are very hard to come by nowadays, this sentence might at first seem quite high. But the abusive Facebook posts had been seen and heard around the world, and had greatly humiliated (*mongimamalu*) not only the Kimaragang ethnic group but all indigenous peoples and other groups in Sabah. Despite the guilty plea by the trader, the case is still not settled at the time of writing.

This case has implications for the future, because it exemplifies the potential of social media to be misused to breach customary law. Platforms like Facebook can be utilised by certain users with bad intentions to spread misinformation and create conflicts between individuals and societies, as well as influence younger generations. Some abusive posts are removed soon after posting, while others are publicly accessible for days or weeks. It can be expected

that the Native Courts of Sabah will have to deal increasingly with cases concerning social media posts in the future.

In recent years, there have been many suggestions that all the Native Courts of Sabah should be standardised in terms of the content and practice of customary law (Rosalam Sabatly [Deputy Vice-Chancellor for Research and Innovation, Universiti Malaysia Sabah], personal communication, 4 August 2022). While the Native Court Enactment serves to regulate the structural system of the Courts, and the local codification of Native Law is important for the particular indigenous society from which it comes, we the authors strongly disagree with suggestions for the standardisation of Native Law across all indigenous ethnic groups in Sabah through the Native Courts.

Native Law or customary law is part of the intangible cultural heritage of a people. Handed down over generations, it is an important system of knowledge that embodies the worldview and values of a particular indigenous culture, just as the Kimaragang *tadat*, for example, is a system of knowledge embodying Kimaragang worldview and values (UNESCO, 2003). It has been shown that access to wholesome traditional cultural values enables people to develop a capacity to deal with change. The documentation, archiving and codification of customary jurisprudence will provide indigenous communities with a moral compass in a changing world (Appell, 1986). Standardisation of all forms of Native Law, however, will not only dilute the unique cultural characteristics of the many customary judicial practices in Sabah, but will eventually lead to the widespread loss of cultural heritage as the customary laws of diverse ethnic groups become distorted and merged. Moreover, this process of standardisation may also become a vehicle of hegemony by the larger ethnic groups over smaller ones.

Conclusions and Recommendations

The Kimaragang are an ancient indigenous Dusunic society of Sabah with a rich cultural heritage that includes elaborate traditional ritual systems, as well as customary law. These systems are based on the practice of *sogit* or blood sacrifices as atonements.

As exemplified by the Kimaragang *Monogit Pomogunan* ritual series performed by priestesses during pandemics, various *sogit* sacrifices are used to appease the anger of the spiritual realms. These sacrifices are offered to “cool” the spiritual “heat” caused by human wrongdoing (especially sexual violations and incest) and are believed to restore the balanced relationship of neutrality between the human and the spiritual worlds. Similar beliefs and practices, although not identical, have also been conducted among other indigenous groups in Sabah.

The practice of *sogit* is also used by the Kimaragang under the Native Court of Kota Marudu in serious cases, such as violent disputes, adultery and incest (including marriage between close cousins), as well as issues of land violations, and cases of public humiliation. These sacrifices are believed to atone for breaches of *tadat* that can affect the whole society, and restore the balanced relationship of peace and harmony between humans in conflict. Similar *sogit* sacrifices for breaches of customary law are also practiced in the context of the Native Courts among other indigenous ethnic groups in Sabah.

The Kimaragang example illustrates the significance of traditional *sogit* ritual practices for handling contemporary catastrophes, such as the COVID-19 pandemic, among adherents of traditional religious systems. It also demonstrates the importance of *sogit* for secular restitution under the restorative justice system of the Native Courts. The importance of customary law and *sogit* practices under the Native Courts, however, are often ignored by non-Natives and outside organisations, especially in cases concerning Native land.

Thus, there needs to be closer liaison between government departments and agencies in the Districts with the Native Courts. Many land and river issues, especially concerning acquisitions by outside entities, could be prevented or resolved through direct consultation with local communities through the Courts who represent the Natives. If District land offices were required to officially consult the Native Courts and the *Ketua Daerah* over applications for Native land as a compulsory part of the review process, especially those involving outside companies and those of multiple local applications for the same piece of land, in which the ruling of the Court had must be obeyed, there might be less conflicts. The Native Court is already empowered to mediate conflicts over Native land and impose *sogit* requirements among members of indigenous communities, and should be consulted on this in wider contexts.

Concerning issues of public humiliation, offensive racist verbal expressions by outsiders against Natives can be spread nowadays through social media. In the recent case heard in the Kota Marudu Native Court discussed above, the defendant was required to pay a very large *sogit* to be sacrificed for humiliating the Kimaragang and all of Sabah's indigenous peoples before the world, together with eight gongs as an expensive customary fine, or else face a monetary fine and a jail sentence. So far, the case has not been settled.

Abuse on social media is a growing issue in the 21st century. While the Native Courts can impose *sogit* and customary fines at the local level for breaching Native custom online, there may be future cases at the international level. The Native Courts could be empowered, for example, to charge, blacklist and prevent

the international entrance into Sabah and wider Malaysia of those who have publicly humiliated the indigenous peoples.

If this happens, the *sogit* system of the Native Courts may provide an indigenous Sabahan contribution to international law, thus raising the prestige of the Courts. The concept of “cultural offences” would also thus be highlighted, and perhaps move international law away from its predominantly western orientation.

Those calling for the standardisation of Native Law across Sabah, fail to realise the uniqueness of various indigenous worldviews and the rationale of their customary legal practices. The legal system of the Kimaragang, for example, is part of their intangible cultural heritage. As such, the documentation, archiving and codification of their Native law has important implications for the preservation and development of their legal culture in a changing world and should be further developed. Standardisation of their Native Law with that of other indigenous ethnic groups in Sabah, however, will lead to loss of their living intangible cultural heritage which will have serious implications for societies coping with change in the 21st century.

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References

Agence France-Presse. (2020, 22 July). Bovine Fine: Borneo Tribal Slur Costs Man Eight Buffaloes, Plus Gongs. *Courthouse News Service*.

- <https://www.courthousenews.com/bovine-fine-borneo-tribal-slur-costs-man-eight-buffaloes-plus-gongs/>
- Ahadiat, A. A. (2020, 23 July). A Businessman was Fined 8 Buffaloes and 8 Gongs for Insulting Sabah Natives. *Syok*. <https://en.syok.my/news/a-businessman-was-fined-8-buffaloes-and-8-gongs>
- Aiken, S. R., & Leigh, C. H. (2011). In the Way of Development: Indigenous Land Rights Issues in Malaysia. *The Geographical Review*, 101(4), 471-496.
- Appell, G. N. (1986). Social Anthropological Research among the Rungus Dusun. A Talk for the Sabah Society. *Sabah Society Journal*, 8(2), 194-209.
- Appell, G. N. (2010). The Sabah Oral Literature Project. *World Oral Literature Project. Voices of Vanishing Worlds* (Occasional Paper 2). Cambridge: Museum of Archaeology and Anthropology, University of Cambridge.
- Appell, G. N., & Appell, L. W. R. (1993). To Converse with the Gods: The Rungus Bobolizan-Spirit Medium and Priestess. In R. L. Winzeler (Ed.) *The Seen and the Unseen: Shamansim, Mediumship and Possession in Borneo* (pp. 3-54). Williamsburg, VA: Borneo Research Council Inc.
- Bulan, R. (2013). Overview of the Nature and Content of Aboriginal and Native Customary Land Rights. In J. Pugh-Kitingan (Ed.), *Proceedings of Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward 20-21 January 2021* (pp. 13-47). Kota Kinabalu: Kadazandusun Chair, Universiti Malaysia Sabah.
- Bulan, R. (2014). Dispute Resolution: Restorative Justice Under Native Customary Justice in Malaysia. In W. Littlechild & E. Stamatopoulou (Eds.), *Indigenous Peoples Access to Justice, Including Truth and Reconciliation Processes* (pp. 319-343). New York: Institute for the Study of Human Rights, Colombia University. <http://dx.doi.org/10.7916/D8KW5DZP>
- Cai, Y. C., John Baptist, J., Pugh-Kitingan, J., & Hussin, H. (2022a). *Documenting the Lotud Mamanpang (Creation Myth) in the Sumalud Healing Ritual of the Lotud Dusun Community, Tuaran District, Sabah, East Malaysia*. Leicester: University of Leicester.
DOI: <https://doi.org/10.25392/leicester.data.c.5917808.v1>
- Cai, Y. C., John Baptist, J., Pugh-Kitingan, J., & Hussin, H. (2022b). *The Ritual Poetry of Lotud Mamanpang (Creation Myth) in the Sumalud Healing Ritual of the Lotud Dusun Community, Tuaran District, Sabah, East Malaysia*. Leicester: University of Leicester.
DOI: <https://doi.org/10.25392/leicester.data.19576051>
- Cai, Y. C., John Baptist, J., Pugh-Kitingan, J., & Hussin, H. (2022c): *Mamanpang Lotud (Mitos Penciptaan) dalam Upacara Penyembuhan Sumalud di Kalangan*

- Komuniti Dusun Lotud, Daerah Tuaran, Sabah, Malaysia Timur*. Leicester: University of Leicester.
DOI: <https://doi.org/10.25392/leicester.data.19590715.v1>
- Darimbang, J. B. (2019a). Keseimbangan dan Pemulihan Keadilan dalam Undang-Undang Adat Masyarakat Kimaragang di Sabah, Malaysia. In D. Ibrahim, M. De Silva, K.Y.S. Kee Mohd. Yusuf, & O.G. Wong (Eds.), *Prosiding SPSSK 2019. Seminar Kebangsaan Pascasiswazah Sains Sosial dan Kemanusiaan* (pp. 210–222). Kota Kinabalu: Fakulti Kemanusiaan, Seni dan Warisan, Universiti Malaysia Sabah.
- Darimbang, J. B. (2019b, 18–19 December). Upacara Ritual *Manadaka* Masyarakat Kimaragang di Tandek, Sabah. Paper presented in the Seminar Pembangunan Orang Asal: Cabaran dan Kelestarian 2019, Universiti Malaysia Sabah, Kota Kinabalu.
- Darimbang, J. B. (2020, 27-28 October). Kepercayaan Adat Masyarakat Kimaragang dan Tindakbalas dalam Upacara *Monogit Pomogunan* sebagai Penyembuhan Penyakit, Pemulihan dan Pertobatan. Paper presented in the Seminar Kebangsaan Pascasiswazah Sains Sosial dan Kemanusiaan (SPSS 2020), Universiti Malaysia Sabah, Kota Kinabalu.
- Darimbang, J. B., John Baptist, J., Hussin, H., & Pugh-Kitingan, J. (Forthcoming). Indigenous Responses to the COVID-19 Pandemic in Borneo—The Case of the *Monogit Pomogunan* of the Kimaragang Dusun of Kota Marudu, Sabah, Malaysia. In V. T. King, B. Jetin, J. Pugh-Kitingan, & D.N.H. Pg Hj Hassan (Eds.), *Within Borneo, Beyond Borneo: Issues, Perspectives, Insights*. Singapore: Springer.
- Evans, I. H. N. (1953). *Religion of the Tempasuk Dusuns*. London: Cambridge University Press.
- Evans, I. H. N. (1955). Kadamaian Dusun Headmen of Fomer Times, *Sarawak Museum Journal*, 6, 248-249.
- Hussin, H. (2003). Bobohizan dan Peranan di Kalangan Masyarakat Kadazan Daerah Penampang, Sabah. *JATI- Journal of Southeast Asian Studies*, 8, 15-40.
- Hussin, H. (2005). Ritual Padi Komuniti Kadazan Dataran Penampang, Sabah. *JATI-Journal of Southeast Asian Studies*, 10, 171-203.
- Hussin, H. (2007). Worldview dan Amalan: Pengalaman Kadazan Dataran Penampang Sabah. *Borneo Research Journal*, 1, 7-29.
- Hussin, H. (2008). Performing Rice Farming Rituals by Kadazan of East Malaysia: Between Sacred Ritual and Secular Performance. *JATI- Journal of Southeast Asian Studies*, 13, 173-190.

- Inus, K. (2020, 21 July). Pakistani Businessman Fined Eight Buffaloes, Eight Gongs for Viral Video Insulting Sabah Natives. *The Star*. <https://www.thestar.com.my/news/nation/2020/07/21/pakistani-businessman-fined-eight-buffaloes-eight-gongs-for-viral-video-insulting-sabah-natives>
- Jamal, O. (2013). Tadbir Urus Tanah Anak Negeri (Adat) dan Pengurusan Hasil dari Sumber Tanah Anak Negeri Sabah. In J. Pugh-Kitingan (Ed.), *Proceedings of Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward 20-21 January 2021* (pp. 49-66). Kota Kinabalu: Kadazandusun Chair, Universiti Malaysia Sabah.
- John Baptist, J. (2008). Causes and Consequences: Dealing with the Unseen for Secular Restitution among the Dusun Lotud of Tuaran District. In M. Miyamoto & J. John Baptist (Eds.), *Legal Culture in South-East Asia and East Africa* (pp. 1-11). Kota Kinabalu: Department of Sabah Museum.
- Kimarangang. (2021). Ethnologue: Languages of the World. <https://www.ethnologue.com/>
- Low, K. O., & Pugh-Kitingan, J. (2015). The Impact of Christianity on the Traditional Agricultural Practices and Beliefs of the Kimarangang of Sabah: A Preliminary Survey. *Asian Ethnology*, 74(2), 401-424.
- Lunkapis, G. J. (2013) Confusion over Land Rights and Development Opportunities through Communal Titles in Sabah, Malaysia. *Asia Pacific Viewpoint*, 54(2), 198–205. doi:10.1111/apv.12019
- Lunkapis, G. J. (2015). Secure Land Tenure as Prerequisite towards Sustainable Living: A Case Study of Native Communities in Mantob Village, Sabah, Malaysia. *SpringerPlus*, 4(549), 1-10. DOI 10.1186/s40064-015-1329-4
- Mahap, M. (2013). Who is a Native? Definitions and Perspectives Regarding Being Indigenous in Sabah. In J. Pugh-Kitingan (Ed.), *Proceedings of Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward 20-21 January 2021* (pp. 77-93). Kota Kinabalu: Kadazandusun Chair, Universiti Malaysia Sabah.
- Malanjum, R. (2013). Keynote Address. Native Land—Issues, Challenges and the Way Forward. In J. Pugh-Kitingan (Ed.), *Proceedings of Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward 20-21 January 2021* (pp. 1-9). Kota Kinabalu: Kadazandusun Chair, Universiti Malaysia Sabah.
- Maning, R. (2015). *Customary Law of Marriage and Divorce in Sabah*. Penampang: Goodhelp Enterprise.
- Miyamoto, M. (2002). Legal Culture in Sabah: A Case Study of the Rungus in Pitas and the Lotud in Tuaran. In M. Miyamoto & P. Regis (Eds.), *Cultural*

- Adaptation in Borneo* (pp. 31-58). Kota Kinabalu: Department of Sabah Museum.
- Miyamoto, M. (2008). Indigenous Law and Native Law in Sabah: A Case Study of the Penampang Kadazan. In M. Miyamoto, & J. John Baptist (Eds.), *Legal Culture in South-East Asia and East Africa* (pp. 21-68). Kota Kinabalu: Department of Sabah Museum.
- Morie, F. C. (2019). Preserving the *Rinait*: Quest for the Ancient Oral Ritual Texts of the Rungus. *Borneo Research Bulletin*, 50, 81-94.
- Nuar, E., & Lunkapis, G. J. (2019). Customary Land and the Indigenous People of Sabah: A Case Study of Sinumagang-Tinuman Toki. *IOP Conference Series: Earth Environmental Science*, 286, 012039.
DOI:10.1088/1755-1315/286/1/012039
- Phelan, P. R. (1983). The Form of Priesthood in the Kadazan (Dusun) System of Religion. *Journal of the Royal Asiatic Society*, 115(1), 55-73.
DOI: <https://doi.org/10.1017/S0035869X00159921>
- Phelan, P. R. (1988). Native Law in Sabah: Its Administrators, Headmen and Native Chiefs. *Sabah Society Journal* 8(4), 475-501.
- Phelan, P. R. (2001). *Head Hunting and the Magang Ceremony in Sabah*. Kota Kinabalu: Natural History Publication (Borneo).
- Phelan, P. R. (2003). *The Traditional Legal System of Sabah*. Kota Kinabalu: Pusat Kajian Borneo, Yayasan Sabah.
- Phelan, P. R. (2006). Native law in Sabah. In H. Salleh (Ed.), *Peoples and Traditions. The Encyclopedia of Malaysia (Vol. 12)* (pp. 110-111). Kuala Lumpur: Editions Didier Millet.
- Porodong, P. & Lunkapis, G. J. (2013). Perlantikan Ketua-Ketua Kampung di Sabah: Perubahan, Cabaran dan Implikasi kepada Tanah Adat. In J. Pugh-Kitingan (Ed.), *Proceedings of Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward 20-21 January 2021* (pp. 101-110). Kota Kinabalu: Kadazandusun Chair, Universiti Malaysia Sabah.
- Pugh-Kitingan, J. (Ed.). (2013). *Proceedings of Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward 20-21 January 2021*. Kota Kinabalu: Kadazandusun Chair, Universiti Malaysia Sabah.
- Pugh-Kitingan, J. (2014). Balancing the Human and Spiritual Worlds: Ritual, Music and Dance Among Dusunic Societies in Sabah. *Yearbook for Traditional Music*, 46, 172-192.
- Pugh-Kitingan, J., & John Baptist, J. (2009). Music for Cleansing the Universe—Drumming and Gong Ensemble Music in the *Mamahui Pogun* Ceremonies of the Lotud Dusun of Tuaran, Sabah, Malaysia. *Borneo Research Bulletin*, 40, 249-276.

- Pugh-Kitingan, J., Hussin, H., & John Baptist, J. (2011). Music in the *Monogit* of the Kadazan of Penampang, Sabah, Malaysia. *Musika Jurnal*, 7, 122-154.
- Ranjit Singh, D. S. (2000). *The Making of Sabah, 1865-1841: The Dynamics of Indigenous Society*. Kuala Lumpur: University of Malaya Press.
- Roland, D. O. (2020). Documenting the Momohizan of the Kadazan Community of Papar, Sabah. *Borneo Research Bulletin*, 51, 77-88.
- Rutter, O. (1922). *British North Borneo: An account of its history, resources and native tribes*. London: Constable Company Limited.
- Rutter, O. (1929). *The Pagans of North Borneo*. London: Oxford University Press.
- Sabah State Government. (1995a). Enakmen Mahkamah Anak Negeri 1992: Kaedah-Kaedah Mahkamah Anak Negeri (Amalan dan Tatacara).
- Sabah State Government. (1995b). Enakment Mahkamah Anak Negeri 1992: Kaedah-Kaedah Mahkamah Anak Negeri (Undang-Undang Adat Anak Negeri).
- Salleh, R. M. (2021). Native Law as One of the Sources of Law in Sabah Legal System. *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 6(11), 399-412. DOI: <https://doi.org/10.47405/mjssh.v6i11.1138>
- Salleh, R. M., James Matah, L., & Ku Yussof, K. M. A. A. (2019). Sistem Kehakiman Anak Negeri Sabah dalam Konteks Pelaksanaan Hukuman dan Denda Adat / The Implementation of Customary Law Penalties in the Native Courts System in Sabah. *Borneo Akademika*, 3(1), 9-18.
- Sikayun, D. P. (2013). Native Estate: Whither Goes the Native? In J. Pugh-Kitingan (Ed.), *Proceedings of Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward 20-21 January 2021* (pp. 111-116). Kota Kinabalu: Kadazandusun Chair, Universiti Malaysia Sabah.
- Sipaun, S. (2013). Land-Related Problems in Sabah. In J. Pugh-Kitingan (Ed.), *Proceedings of Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward 20-21 January 2021*, pp. 95-100. Kota Kinabalu: Kadazandusun Chair, Universiti Malaysia Sabah.
- Staal, J. (1927). A Heathen Dusun Prayer. *Anthropos*, 22, 197-201.
- Tsutsumi, K. (2008). The Native Court System in Sabah: Distance from the National Law. In M. Miyamoto, & J. John Baptist (Eds.), *Legal Culture in South-East Asia and East Africa* (pp. 69-88). Kota Kinabalu: Department of Sabah Museum.
- UNESCO. (2003). Article 2. *Convention for the Safeguarding of the Intangible Cultural Heritage*. United Nations Educational, Scientific and Cultural Organization. <https://ich.unesco.org/en/convention/>

- Woolley, G. C. (1927). *Mentugi*, [sic.] a Murut ordeal. *British North Borneo Herald*, 45(19), 179-180.
- Woolley, G. C. (1932). Dusun Custom in Putatan. *Native Affairs Bulletin*, 7.
- Woolley, G. C. (1937). Tuaran *Adat*: Some Customs of the Dusuns of Tuaran, West Coast Residency, North Borneo. *Native Affairs Bulletin*, 2.
- Woolley, G. C. (1939a). Kwijau *Adat*. Customs Regulating Inheritance amongst the Kwijau Tribe of the interior. *Native Affairs Bulletin*, 6.
- Woolley, G. C. (1939b). Murut *Adat*. Customs Regulating Inheritance amongst the Nabai Tribe of Tenom. *Native Affairs Bulletin*, 3.
- Woolley, G. C. (1953a). Dusun *Adat*. Customs Regulating Inheritance amongst the Dusun Tribes in the Coastal Plains of Putatan and Papar. *Native Affairs Bulletin*, 4.
- Woolley, G. C. (1953b). Dusun *Adat*. Some Customs of the Dusuns of Tambunan and Ranau, West Coast Residency, North Borneo. *Native Affairs Bulletin*, 5.

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