

# LONTARA LATOA AS A SOURCE OF LAW: A DIALOGIC ENCOUNTER IN BUGIS-BONE SOCIETY

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## ABSTRACT

*Customary law is considered unable to keep up with the changing times and technological developments. In resolving conflicts that occur within the community, the government tends to override customary law. This study is a legal research using empirical approach. The techniques applied were face to face interviews, Focus Group Discussion (FGD), daily notes, observation and documentation. The data were analysed by qualitative and descriptive analysis techniques. The results showed that the Bugis-Bone society had a source of law taken from the Pangedereng values contained in Lontarak Latoa. In Lontara Latoa, there are methods for resolving legal conflicts. The settlements of the conflict are carried out by using 5 (five) values from the pangeddereng, namely Ade' (Custom), Bicara (Judicial), Rapang (Jurisprudence), Wari (order, harmony), and Syarak (Islamic Law). Conflict resolution using the Pangedereng values is more effective because this value has grown from generation to generation in Bugis-Bone society, especially in the village of Kajaolaliddong.*

**Keywords:** Lontara Latoa, Source of Law, Bugis-Bone Society

## INTRODUCTION

Indonesia is an archipelago. Various anthropological studies indicate that a country with a high level of biodiversity is usually a country inhabited by a variety of traditional indigenous peoples with hundreds of different ethnic groups (Pretty, 2009). Each ethnic group has a culture that contains values and knowledge systems and sources of law that have grown hundreds of years. These legal sources are used as daily guidelines and even to resolve conflicts that arise between local communities (Rahardjo, 2007).

The existence of law in Indonesia is inseparable from the history of the adoption of customary law that lives and grows in Indonesian society. Indonesian traditional law is diverse because it arises from different social systems that are manifested in various kinds of ethnic communities (Soekanto, 2003). A society is a form of shared life, whose citizens live together for quite a long period, thus producing culture. Van Vollenhoven stated that, "someone wants to gain knowledge and opinions about the laws that live on this earth, precisely because of the diversity of forms in the past and present, then the whole rule of the Indies (read: Indonesia) is a source that is not dry to learn. This statement contains recognition that legal pluralism in the customary environment is unique, interesting and a characteristic of Indonesian society (Lastuti Abubakar, 2013). Indigenous peoples have the same pattern in resolving conflicts in the

community, namely controlling life in the community and imposing sanctions if violated so recovery is very effective (Desi Tamarasari, 2002).

The existence of customary law as a source of law in Indonesia is increasingly marginalized. Customary law is considered unable to keep up with the times and reach out to technological developments. In resolving conflicts that occur in societies, the government tends to override customary law. Even though the conflict can be easily resolved by customary law because it is more relevant. Customary law grows and develops together with the habits of the local indigenous peoples (Patittingi, 2020).

History records that one of the ethnic groups in Indonesia who has a source of law that lives in their society. It is an ethnic Bugis-bone that lives in the province of South Sulawesi. The legal source is called Lontara Latoa. According to the Buginese in Bone, Latoa contains conversation between Kajao Laliddong & Arungpone. Kajao Laliddong was an advisor of the 7th King of Bone (Arungpone) named Latenrirawe Bongkangnge (1560-1578). According to a more detailed discussion, it can be said that Latoa is a Lontarak in Buginese literature that contains a collection of utterances, advice from kings and wise Buginese-Makassar people from ancient times (including the days of Kajao Laliddong). The advice, regarding matters relating to the obligations of the king to his subjects and vice versa people's obligations to his king. Latoa has become a demand for the authorities especially in the conduct and execution of justice (Jumadi, 2018).

Over the years the advice has taken root in the life of the Buginese tribe in bone. This advice became a guideline for the community in particular, the Bone tribe community in the village of Kajao Laliddong where Kajao Laliddong, the king's advisor, grew up. In the village the advice of Kajao Laliddong was still held in high regard by the local community. The village was named Kajao Laliddong as a tribute to Kajao Laliddong. Latoa which spread in scientific literature and has become a scientific study is Latoa contained in the Bouginesche Chrestomatie for B.F. Matthes, printed in 1872. The Latoa in the Boeginesche Chresromatie is largely a handwritten copy of the palm leaf originating from Arung Pancana Tua La Paga'Lipue Colli' Pujie. Stored in the Legatum Warnearium library, Rijks Universiteit, Leiden Netherlands. Recorded in Katagus (Matthes, 1875) with a list number HS 120 (Matthes, 1872).

## METHODOLOGY

This study is a legal research using empirical approach. The techniques applied are face to face interviews, Focus Group Discussion (FGD), daily notes, observation and documentation. The data were analyzed by qualitative and descriptive analysis techniques. This research was conducted in Kajao Laliddong Village, Bone Regency and South Sulawesi Province.

## RESULT

### **Conflict Resolution Based on Lontara Latoa (*Pangedereng*)**

Geographically, the territory and tribe of Buginese-Bone is located in the Bone regency. In this regency there is a village called Desa Kajao Laliddong. The village of Kajao Laliddong is believed by the local community to be the birthplace of the originator of the Pangedereng concept, which is the source of law for the Buginese-bone tribe. In this village, there are some evidences of historical relics about Kajao Laliddong. In this village, where Pangedereng's values are still used as a guide for the community in behaving and resolving daily legal disputes.

Based on the information that the writer collected from the local government and the local community, in this village, Pangedereng values are still used as guidelines in daily life. For example, in resolving conflicts among the citizens, the local village government resolves the problem using adat institutions. They do not involve the police first. The basic principles of the state and society contained in Lontarak Latoa are concluded with the name Pangedereng. Pangadereng has five concepts namely: 1) Ade '(adat), (2) Bicara (justice), (3) Rapang (rules

that have occurred), (4) Wari (order, harmony), (5) Sarak (Islamic law). (Jumadi, 2018). In the Buginese-Bone community precisely in the village of Kajao Laliddong, this concept is still used as an unwritten source of law. This concept has merged into the daily life of Kajao Laliddong villagers in carrying out their daily behaviour.

Ade '(adat), is a concept that exists to maintain order in society. Maintaining social values to create stability and prevent arbitrary behaviour. In Kajao Laliddong Village there is a form of Ade' which remains to be approved, one of which is mappatabe culture. Mappatabe culture is implemented in the form of bowing the body and head about 45 degrees then extending the right hand down. Mappatabe' is practiced if someone is passing before an older person. Also if someone wants to invite someone older or someone who is respected to walk first. In some Buginese-Bone communities, wherever they exist, they usually still do this culture. However, in Kajao Laliddong Village, this culture is still very thick (Hussain & Hassan, 2020).

*Bicara* (Justice) is a judicial concept in the broadest sense. The role of the *Bicara* component is more representative in resolving disputes. *Bicara* is very similar to the Alternative Dispute Resolution (ADR) process, namely mediation. If a dispute occurs then the solution is to call both parties to the dispute. Both parties will listen to their opinions about the problems that occur. *Bicara* in the sense of justice is to resolve the dispute objectively to decide the problem as fairly as possible. Operationally it is aimed more at consistent repressive measures. The form of the application of the value of *Bicara* is the principle of the Buginese-Bone society which is held firm in delivering something, namely (1) *Lempu*, which means that the Buginese in speaking are always honest, (2) *Getteng*, means that it is firm and consistent to take action, (3) *Adatongeng*, means to speak properly, not lie, and without manipulation, (4) *Mappasilaingeng*, means to always prioritize the public interest and maintain conditions in order to disputes do not occur.

**Wari** (order, harmony): This concept regulates order and harmony in communities. *Wari*, arranged so that there is not discrimination between one person and another person. Officials in resolving conflicts must promote independence without discrimination and taking sides in resolving conflicts.

**Rapang** (the rule that has happened), is a rule that is determined after comparing past decisions or comparing adat decisions in neighbouring countries. In the current legal system, *rappang* is same with jurisprudence. *Rappang* as an example of a component of *Pangadereng* to make decisions on disputes that occur. In the Kajao Laliddong village community, *rappang* is held by deliberation or called *Tudang Sipulung*. *Tudang Sipulung* is defined as sitting together to solve problems that occur.

**Syarak** (Islamic law): Islam entered and became the majority religion of the Buginese-bone society. All actions in community life must be in accordance with the provisions of God Almighty. For example in the community always has a harvest party or called *mappadandang*. *Mappadandang* is a form of gratitude to God Almighty. Done in accordance with the religious laws adopted by the community (Hussain, 2021).

## The Challenge in Preserving Pangadereng's Values in Lontara Latoa

The increasingly marginalized existence of customary law as one source of law in Indonesia. Customary Law is considered to be very traditional in nature and cannot reach current developments in globalization and technology (Sahalesy, 2010). This assumption is also happened to the values of *Pangadereng* contained in the *Latoa Lontarak*. Based on the information the author got from the results of interviews with community leaders in the village of Kajao Laliddong. There are some obstacles encountered in the preservation of *Pangadereng's* values which are the source of *Kajaolaliddong's* community law. The difficulty of *pangadereng* is preserved due to the lack of interest of the younger generation to know local wisdom such as the values of the *pangadereng*. Modernization strongly erosive local values and cultural customs. There is not specific forum for studying and teaching the values from the village leaders (Mahrinasari, 2021).

Some community leaders propose to include the values of pangadereng in the curriculum in formal schools. However, this proposal has yet to be realized because of the difficulty in managing the curriculum at the provincial level. In addition, community leaders also want to raise the values of this pangadereng into the local Village Regulation. This is an effort to preserve pangadereng values that have been embedded in the community in the village of Kajao Laliddong. As previously explained, the Lontara Latoa manuscript is currently in the library of the Legatum Warnearium, Rijks Universiteit, Leiden Netherlands (Hussain, 2021). The absence of physical form of Lontarak Latoa has made it difficult for the local village government to make pangadereng values as a valid legal source.

Indonesia guarantees the certainty of customary law and the legal community that has been contained in the Constitution of the Indonesia. Embodied in Article 18A (1) of the 1945 Constitution, which mandates the government to pay attention to the specificity and diversity of the region. While article 18B (1-2) outlines:

1. The state shall recognize and respect entities that possess specificity or a distinctiveness that are regulated by law.
2. The state shall recognize and respect, to be regulated by law, the homogeneity of societies with customary law along with their traditional rights for as long as they remain in existence and in agreement with societal development and with the principle of the Unitary State of the Republic of Indonesia.

The content of article 18B (2) of the 1945 Constitution in the phrase "as long as they remain in existence" as written above, mandates that the Indonesian state has a pluralist constitution. That means, the institution considers customary law including law that needs to be used as a source of guidance for social life in the modern era (Maladi, 2010). The law is flexible and dynamic, customary law can be used as a source for the preparation of national legislative material.

Pangadereng values attached to the Kajao Laliddong village community are more easily accepted by the community as a law. According to Von Savigny, the legal system is part of the culture of the community. Law is not born from an act of freedom (arbitrary act of a legislator), but it is built and can be found in the soul of the society. Hypothetically, the law can be said to originate from habit and subsequently is made through juristic activity (Freeman, 2001).

## CONCLUSION

The *pangadereng* values in *Lontara Latoa* are sources of Buginese-Bone law that still live in the community. *Lontara Latoa* is used as a guide in resolving legal conflicts that occur in the Buginese-Bone community, especially in the village of Kajao Laliddong. The approach of customary law values can easily resolve legal conflicts, because *Lontara Latoa* uses a family approach in resolving legal conflicts. The Indonesian Constitution guarantees the certainty of customary law as long as these traditional rights still live in the community.

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