The *Toraja* as an Ethnic Group and Indonesian Democratization Since the Reform Era

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Abstrakt

Als das autoritäre Suharto-Regime 1998 fiel, trat Indoensien in eine Periode des Übergangs zur Demokratie ein, die unter dem Namen „era reformasi" (Reform-Ära) bekannt ist. Für lokale Gemeinschaften bot sich dabei die für sie wichtige Möglichkeit, mehr Mitspracherechte in verschiedenen politischen Feldern zu fordern.

Als Antwort auf diese Forderungen und als Teil der Bemühungen zu zeigen, dass Demokratie vor Ort implementiert wird, verabschiedete die Regierung eine Reihe von Gesetzen zur Dezentralisierung und regionaler Autonomie sowie Gesetze zu einem veränderten System der Wahlen der Regierungsoberhäupter auf lokaler und regionaler Ebene (Gouverneur, Landrat, Bürgermeister). Durch diese Maßnahmen hat die lokale Bevölkerung wichtige Rechte erhalten um die regionalen und lokalen Regierungsoberhäupter gemäß der formal demokratischen Verhältnisse zu wählen, aber andererseits beruht das Wahlverhalten der lokalen Bevölkerung auf verschiedenen lokalen Normen.

Der Prozess der Wahlen als eine demokratische Arena fordert das demokratische Muster des Staates heraus indem die lokale Bevölkerung darauf in ihren eigenen Kontext reagiert. Dieses Aufeinandertreffen führt zu eigentümlichen Dynamiken und Prozessen, da lokale Nomen und Rechte (adat) ebenfalls die lokalen Wahlen in Toraja reglementieren. Es kam zu besonderen Aktivitäten während der Wahlen in Toraja als eine typische „Toraja-Art", mit der Wahl und dem staatlichen Recht umzugehen und diesen politischen Prozess auf ihre eigene Weise zu interpretieren. Diese Aktivitäten bezogen sich auf Frage, wie mit Demokratie als der gewünschte Politikform umzugehen ist im Kontext der Gemeinschaft der Indigenen mit ihren spezifischen Traditionen des Politischen.

Basierend auf Methoden der qualitativen Sozialforschung analysiert diese Arbeit die Dynamiken der ethnischen Gruppe der Toraja mit Fokus auf dem Landkreis Nord-Toraja, als dort 2010 die ersten Wahlen stattfanden nachdem der Landkreis 2008 vom Landkreis Toraja abgespalten wurde. Die Arbeit betrachtet diese Region als Teil Indonesiens im Rahmen des Demokratisierungsprozesses der Reform-Ära.

Mit Bezugnahme auf Ansätze des Rechtspluralismuses wurden 30 Menschen interviewt an verschiedenen Orten (Nordtoraja, Torajaland, Makassar, Luwu, Ost-Luwu und Jakarta). Die Interviewten waren lokale politische Funktionsträger, politische und traditionelle Führungspersönlichkeiten aus politischen Parteien, Akademiker, NRO-Aktivisten sowie Journalisten. Das Material wurde ergänzt durch informelle Gespräche mit relevanten Bürgern mit dem Ziel, so die Bedeutung und Relevanz des adat als Gewohnheitsrecht für die politischen Prozesse, die durch verschiedene formale Gesetze reglementiert sind, zu erfassen.

Die lokale Wahl in Nord-Toraja von 2010 veranschaulicht wie indigene Gruppen ihren eigenen Weg gehen im Wahlprozess, der für das Bestreben des Staates steht, Demokratie auf lokaler Ebene zu implementieren. Die Ergebnisse der Untersuchung in Nord-Toraja mögen zunächst zu der Annahme führen, dass es sich bei der Wahl um einen undemokratischen Prozess handelte aufgrund der Tatsache, dass die Praktiken die Gleichheit der Bürger nicht berücksichtigten. Aber wenn die politischen Praktiken einer Gemeinschaft auf dem beruhen, was sie selbst für den geeignetsten Weg halten, können die Verhältnisse sicherlich nicht als undemokratisch gelten. Wenn Demokratie als ein System gilt, das die Bedürfnisse der Menschen ins Zentrum rückt, erst nimmt um umsetzt, kann diese Studie aus Toraja einen kritischen Beitrag leisten bezüglich der Tendenz des Staates, seine Ansprüche durch sein Rechtssystem umzusetzen. Ein Blick auf die ethnische Gruppe der Toraja und ihren Erfahrungen gibt einen Einblick in die Art, wie indigene Gemeinschaften staatliche Rahmenbedingungen und demokratische Anforderungen als ihnen auferlegte Pflichten still hinnehmen und dabei dennoch ihre eigenen fundamentalen Normen des adat, das Teil ihrer sozialen Identität ist, nicht ignorieren.

Dedication

My mother Saenab Tamma, My wife Hery Hermas, and my Little *"Kacinong"* Rhein

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Chapter 1

An Overview of Indonesia

1.1. Indonesia as a Multi-Ethnic Country

Indonesia is one of the biggest archipelago countries in the world located in Southeast Asia. Until 2014, total population in Indonesia has reached 253,609,643 people. According to Indonesian Central Bureau of Statistics (BPS)[1] 2014, annual population's growth in Indonesia during 2010-2014 was about 1.40 percent. It means that there are nearly 3 million people in Indonesia every year. With this growth, Indonesia becomes the fourth most populated country in the world after China, India, and United States of America respectively.

Geographically, Indonesia is formed from groups of island with length of $\pm$ 5,600 kilometers from *Sabang* in the Aceh Special Region province in the western end of the Sumatra Island to *Merauke* in eastern end of the Papua Island. It consists of around 17,500 islands, spread from six degrees north latitude to eleven degrees south latitude and nine degrees to 141 east longitudes. It is located between the Asia continent and the Australia/Oceania continent. Its total area is, including the ocean, 1.9 million squared kilometers. Indonesia's geographic location is also important because it is located between the Indian Ocean on the west side and Pacific Ocean on the east side. It is one of the world's sea trade lanes and hence makes Indonesia as one of the famous crossing points of international shipping lines.

Figure 1: The Map Of Indonesia

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[1] Central Bureau of Statistics is an Indonesia Government Institution on Statistical Affairs.

Moreover, aside from its geographical position and the inhabitant amount, Indonesia is also well known as multi ethnic country. Indonesian people have various diversity backgrounds. They include cultural aspects, such as various languages, ethnicities, religions or beliefs, custom, traditional arts, and so on (e.g. Abas 1987; Hoon 2006; Bertrand 2003). They spread on the regions of Indonesia from *Sabang* to *Merauke*

Ananta (2014) stated that number of ethnic groups in Indonesia based on the big ethnic groups, new small ethnic groups, and small ethnic groups categories is 456. Moreover, based on the BPS census in 2010, Indonesia has 1300 ethnicities, sub-ethnicities and tribals. The Java ethnic group has the biggest population percentage of around 40%. Besides the Java ethnic group, there are around 14 ethnic groups that have around 1 million population (Suryadinata et al. 2003.

With regards to languages, apart from its national language (the *Bahasa Indonesia*), Indonesia has become one of the countries that has enormous amount of local languages. There are at least 400 local languages in different areas in Indonesia, not included local languages in the *Irian* Island, whether in *Papua* province or West *Papua* province (e.g. Anwar 1980; Abas 1987; Dardjowidjojo 1998; Sneddon 2003).

Figure 2: Some of customary attires in Indonesia
Source: edutechpreneur.wordpress.com, accessed 1 April 2015)

In terms of religion, Indonesia is also indicated as the plural society. Based on the government census in 2010, Islam is the biggest and is themajority religion of Indonesian people with around 87.18% of total population. In the second place is the Protestant with 6.96% and the third is Catholic with 2.9%. The Hindu, Buddha, and Kong Hu Cu are 1.69%, 0.72%, and 0.05% respectively while the other religions are nearly 0.13% (BPS 2010). Based on that census,

although Islam is the majority in Indonesia, others religions still have significant numbers of followers and recognized by the state.

Table 1
Percentage of Indonesian Population Based on Religion(s)

Religion	Amount of Population	Percentage (%)
Islam	207,176,162	87,18
Christian	16,528,513	6,96
Catholic	6,907,873	2,91
Hindu	4,012,116	1,69
Buddha	1,703,254	0,72
Kong Hu Cu	117,091	0,05
Others	299,617	0,13

Source: The Population Census by Central Bureau of Statistics (BPS) 2010

The diversity shows that Indonesia's objective condition is a multicultural country. In addition, the distinction geographic condition with different places to live makes Indonesian people to have their lifes affected by each religion, ethnicity and culture that become the Indonesia's unique identities and can not be separated as whole Indonesia's existence as a nation. It has become an identity and a unique characteristic owned by community since pre-colonial era spreads over different regions in Indonesia.

Nowadays, there are 34 provinces including the newest province, the North Kalimantan province as a new blossoming or *"pemekaran daerah"* province from the East Kalimantan province. Provinces in Indonesia are separated in a few big islands and thousands of small islands. The Sumatra Island consists of ten provinces: Nanggroe Aceh Darussalam, North Sumatra, West Sumatra, South Sumatra, Jambi, Bengkulu, Riau, Bangka Belitung, and Lampung provinces. The Java Island consists of five provinces: Banten, Special Capital Region of Jakarta, West Java, Central Java, East Java, and the Special Province of Yogyakarta. The Kalimantan or Borneo Island consists of five provinces: North Kalimantan, West Kalimantan, East Kalimantan, South Kalimantan, and Central Kalimantan provinces. The Sulawesi Island consists of six provinces: South Sulawesi, South East Sulawesi, Central Sulawesi, North Sulawesi, Gorontalo, and West Sulawesi provinces. The Maluku archipelago consists of Maluku and North Maluku provinces. The Bali islands become area of the Bali province. West Nusa Tenggara is located at group of islands in the southern part of Indonesia and East Nusa Tenggara province is located in the Timor islands adjacent with the Timor Leste country. In the east end, the Irian or Papua Island consists of two provinces, Papua and West Papua provinces. Besides those provinces, Indonesia consists of 399 districts, 98 cities, and 79.702 villages (BPS 2012).

Figure 3: Map of Indonesian Provinces
Source: www.geocurrents.info, accessed 5 May 2016

Most islands in Indonesia are inhabited by diverse communities, where some of the inhabitants are the majority community based on certain ethnic group's identity. Based on the encyclopedia of ethnic group in Indonesia and by following the guidance book of population census in 2010, BPS (2010) noted that there are around 1.300 ethnic groups exist in Indonesia. Javanese people are scattered in almost every regions in Indonesia with its population reaches around 95.2 million people or about 40 percents of Indonesia's population. On the other hand, ethnic group such as the *Bantik*, *Wamesa*, *Una*, *Lepo Tau,* and the *Halmahera* have population with less than 10 thousand people (BPS 2010). The data confirms that in some areas, there are some ethnic groups live together in same region.

There are also various ethnic or sub-ethnic groups that come from the same area, so the meetings of some variety cultures in one area are considered as an ordinary fact. For example, the Javanese population is a combination of a few ethnic groups such as the Javanese itself, *Osing*, *Tengger, Samin, Bawean / Boyan, Naga, Nagaring,* and other ethnic groups. Another example is the *Batak* ethnic group and the ethnic group from Sulawesi. The *Batak* ethnic group has some sub-ethnic groups such as the *Batak Angkola*, *Batak Karo, Batak Mandailing, Batak Pakpak Dairi, Batak Simalungun, Batak Tapanuli, Batak Toba and Batak Dairi*. The ethnic groups from *Sulawesi* are combination of around 208 local ethnic groups besides the Makassarese, Bugis, Minahasa, and Gorontalo (BPS 2010). Beside those ethnic groups, there are many more ethnic

and sub-ethnic groups that live in the Indonesia's islands. This makes Indonesian ethnic group spread everywhere (Ananta et al. 2015). That condition then shows how the social interaction construction between people in most Indonesian areas consists of various diversities as part of unique identity of certain ethnic group with the ancestor's legacies or results of acculturation and assimilation process through life process of each community.

Table 2
Percentage of Indonesian Population based on the Ethnic Group

Ethnic Group (s)	Population	Percentage	Rangking
1	2	3	4
Ethnic Group from Aceh	4,091,451	1.73	14
Batak	8,466,969	3.58	3
Nias	1,041,925	0.44	30
Melayu	5,365,399	2.27	10
Minagkabau	6,462,713	2.73	7
Ethnic Group from Jambi	1,415,547	0.6	25
Ethnic Group from South Sumatra	5,119,581	2.16	10
Ethnic Group from Lampung	1,381,660	0.58	26
Other Ethnic Group from Sumatra	2,204,472	0.93	21
Betawi	6,807,968	2.88	6
Ethnic Group from Banten	4,657,784	1.97	11
Sundanese	36,701,670	15.5	2
Javanese	95,217,022	40.22	1
Cirebonese	1,877,514	0.79	24
Maduranese	7,179,356	3.03	5
Balinese	3,946,416	1.67	15
Sasak	3,173,127	1.34	16
Other Ethnic group from West Nusa Tenggara	1,280,094	0.54	27
Ethnic group from East Nusa Tenggara	4,184,923	1.77	12
Dayak	3,009,494	1.27	17
Banjarese	4,127,124	1.74	13
Other Ethnic Group from Kalimantan	1,968,620	0.83	22
Makassarese	2,672,590	1.13	20
Buginese	6,359,700	2.69	8
Minahasa	1,237,177	0.52	29
Gorontalo	1,251,494	0.53	28
Other Ethnic Group from Sulawesi	7,634,262	3.22	4
Ethnic Group from Maluku	2,203,415	0.93	22
Ethnic Group from Papua	2,693,630	1.14	19
Chinese	2,832,510	1.2	18
Others	162,772	0.07	31
Total Amount	**236,728,379**	**100**	

Source : The Central Bureau of Statistics (BPS) Census 2010

Actually, the diversity in Indonesia is not a novelty. It has been created since long time ago, far before Indonesia proclaimed its independence on 17th August 1945. When Indonesia became an independent nation, the diversity is respected by the new regime through motto the *"Bhineka Tunggal Ika"* or "Unity In Diversity", where it is written in Indonesia's state symbol, the *"Garuda Pancasila"*. The motto indicates that the founding fathers of Indonesia had realized that diversity is an objective context that builds upon the construction of Indonesia. It means that since the beginning of Indonesia's history as independent nation or even before, the diversity is the objective condition Indonesia.

Figure 4: The Garuda Pancasila
Source: acehdesain.wordpress.com, accessed 1 April 2015

In some regions, the society composition is sometimes dominated by a certain ethnic group. For example, the *Sunda* ethnic group is the dominant ethnic group in West Java province, the Central Java and Special Region of *Yogyakarta* province are dominated by Javanese, while the *Bali* and the *Madura* islands are dominated by the ethnic group that similar with the name of the islands. The West Sumatra province is dominated by the *Minang* ethnic group and in the South Sulawesi dominated by the *Bugis* and *Makassarese e*thnic groups, and so on.

The diversity in different regions has been the results of the society's developments since centuries of internal dynamics and of interaction with the geographical conditions, social dynamic in its history, and political condition. As part of the long journey within different contexts and conditions, each community has their own stories and results, where most of that become the main pillars of their identities (see eg. Simbolon 2006; Lombard 2000) and also the pillars for Indonesian identity (see eg. Ricklefs 2001).

As an objective condition for certain nations, basically the diversity in cultural, ethnic identity or other backgrounds can be interpreted as positive aspects including in Indonesia. The international organization, such as UNESCO, gives serious attention for this matter. The

organization believes that the cultural diversity in the world is one of the important resources that are profitable for the owner based on its internal values for mankind. It is indicated by the UNESCO's report, the UNESCO World Report Investing in Cultural Diversity and Intercultural Dialogue" in 2009 that states:

> "This World Report seeks to show that acknowledging cultural diversity helps to renew the international community's strategies in a series of areas so as to further its ambitious objectives, with the support and involvement of local populations. For culture is not simply another sector of activity, a mass consumption product or an asset to be preserved. Culture is very substratum of all human Activities, which derive their meaning and value from it. This is why the recognition of cultural diversity can help to ensure that ownership of development and peace initiatives is vested in the populations concerned" (UNESCO 2009).

Based on the above, the diversity that is interpreted as process, ways, or behavior as uniquely identity of community based on different ethnicity, religion or race backgrounds are important things to be respected. It is based on the understanding that diversity is one of the important aspects that can support development process and improvement human life that are acknowledged globally. Therefore, the diversity must be given some spaces and opportunities to develop regarding to its context.

1.2. Cultural Diversity as an Asset

The cultural diversity and uniquely of local community are valuable assets for a country. In several countries, including Indonesia, diversity is a significant resource for tourism industry, where it could potentially impact people's life. Therefore, as one of the diversive countries Indonesia has become a successful country that utilizes the tourism aspect based on its diversity (Salazar 2012). Some places in Indonesia are internationally known not only because of its geographical aspect but also its cultural condition as tourism destination, such as the Bali Island (Picard 1986) or the Tana Toraja land in South Sulawesi province (Adams 1997). Tourism activity with socio-cultural aspect in Indonesia has been one of the main concerns of the government (Prazic 2009). Even in Suharto's era, although diversity of ethnicity and culture was not allowed to show its existence in various political spaces, but under the tourism policy, the regime used it as important profitable resources.

Through the decree of *"Majelis Permusyawaratan Rakyat"* (MPR) or the People Consultative Assembly TAP-MPR No. IV/MPR/1978, Indonesia regulated the importance of expansion and developing tourism to increase government's income from the foreign exchange, increase the amount of worker, and promote Indonesia's culture to the international society (Soebagyo 2012). It shows that the tourism policy that promotes culture diversity has been an important aspect to Indonesia. In 2014, statistical record showed that total revenue of Indonesian government from

foreign tourists in period 2009 to 2013 was continuously increasing. In 2009, it reached to US$ 6297.99 million and in 2013 the revenue was US$ 10,054.14 million.

Table 3
The Government Income from the Tourism Sector of the Foreign Tourists
(in US$ Million)

Year (s)	2009	2010	2011	2012	2013
Amount (USD)	6297.99	7603.45	8554.39	9120.89	10.054,14

Source: *Central Bureau of Statistics* (BPS) 2014

As one of the government's biggest income resources, diversity is also related to the Indonesian characteristic. It is indicated from the symbolism at the national level through the presence of *"Taman Mini Indonesia Indah"* (TMII) or the "Beautiful Indonesia in Miniature Park" in Jakarta. This park was developed based on idea from *"Siti Hartina"*, the wife of the New Order's leader, Suharto. The park represents ethnicity, culture, and religion diversities of Indonesia. Its area is around 160 hectares. Actually, the park functioned since 1972, but it was firstly introduced to public in 1975. One of the important reasons behind this park was to shows that Indonesia contains various diversities and it represents the state's motto *"Bhinneka Tunggal Ika"* (Salazar 2011). It means the park actually shows that Indonesia is built by various diversities. But on the other side, Suharto at once tended to use it as a warning that diversity can be problematic without serious control by the state. This latter indicates that diversity was also seen as a negative potential source for Indonesia. The two sides of diversity were actually showing the ambiguity of its presence where it occurs not only in Indonesia but also in other parts of the world.

In many regions of the world, there is a tendency that a few communities fail to put the diversity of religions, ethnicities or culture in positive and democratic framework where it then potentially becomes the triggers for conflict and social disintegration (Maio 2009; Mahajan 2010; Schlee 2010). The differences between communities have pushed the feeling of identity sentiment from certain community and at the same time seeing the other communities as rivals or even enemies. In their daily life, that condition inclines to create conflict due to hatred or dislike feelings to the other communities. It is considered as a time bomb that possibly explodes anytime, triggered only by a simple thing. It shows a negative side of the diversity.

In various countries, including Indonesia, some conflicts occur due to negative exploitation. This could surface as the feeling of superiority of certain communities to others where consider as paltry community. As a result, certain community will potentially behave exclusively that

separates from others and even potentially results to domination to other communities. Obviously, that condition also becomes as potential challenge for Indonesia as multicultural country to respond it wisely, including the presences of the indigenous people in some regions that indicate various unique identity that is wide spread in Indonesia.

To comply with the United Nation's convention of "Elimination of All Forms of Racial Discrimination" in 2006, Indonesian government has admitted itself as a multicultural nation. Indonesia concedes the diversity as one of its important assets. It shows that Indonesia has been able to find the formula for ambiguous meaning of the "indigenous" as important element in Indonesian diversity. In Suharto's era, the concept was considered as helpless, marginalized, or alienated community where their possesion of diversities through some unique values or norms in Indonesia are not considered as an aspect that potentially supports the successful of development process. Instead, it tends to be considered as one of potential problems for the development process (see eg. Hauser-Schäublin ed. 2013). Therefore, the renew order regime decided to control the diversity tightly.

Through the statement in 2006, Indonesia government has taken real steps to show that it formally respects the diversity issues, especially for the communities that have various unique cultures and ethnicities in Indonesia. This acknowledgement was also embodiment of Indonesian government's commitment to the United Nation's declaration in respects to the ethnic identity of its communities. The government's acknowledgement of importance of the diversity as important assets is then realized through various regulations where it gives communities the opportunity to show their existence. Various issues, such as land ownership issue and preservation of certain cultures in several Indonesian regions, have become more massive due to the formal respect from the state to diverse identity of people, including the indigenous people (Bertrand 2007).

The respect to diversity surely becomes interesting story and good achievement in the reformation era. It is also as a way to reduce the potentially negative effects that possibly happens from restraint of its existence in the Indonesia democratic era nowadays. It is then demanding appropriate approaches of government to deal with the diversity. Without any right deal to the diversity, it potentially will trigger conflicts where it was even far before Indonesia proclaimed as an independent nation in 1945.

Soon after the Independence Day, some military operations were done by the government to fight some separatist's activities, for example in *Aceh* and in several regions in Sumatra and Sulawesi islands during the period of 1950 and 1960. Actually it showed that there were some

actions in some regions, where local people fought the central government to separate itself from the Indonesia to stand as independent regions or even only to get more respect from the central government for their uniquely values or contexts. It was based on identification on their some fundamental local values. During that period, tendency of conflict occurred based on diversity of ethnicity, religion, and people's diversification as commoners and the newcomers. It clarifies how conflict sometimes appears when a group of people or community identifiy themselves with particular basic identity differently with other communities that live in same regions. Various interests and interference of certain political and economic powers that have been parts or supporting particular group sometimes contribute or even become the main problem of a conflict. It appears in several cases in some regions in Indonesia (see eg. Tyson 2010; Wilson 2008; Klinken 2007; International Crisis Group 2005; Bubandt 2004; Priyono et.al eds. 2003).

All conflicts that had occured in some regions related to the diversity raised the awareness and appropriate outlooks as an objective condition in Indonesia. That effort is related to the diversity that is the embodiment of community's existence, whether it happens in context as the follower of certain religion or as member of indigenous people as their fundamental social identities. It shows the diversity that lives together in certain region as part of Indonesian nation potentially creates different behaves for each community, whether positive or negatively. The government is then asked to address the objective condition wisely because the existence of diversity thru all communities have been guaranteed and protected fundamentally under the Indonesian constitution or *"UUD 1945"*. It means formally the respect to the diversity of Indonesian people is part of the government's main duty and should be implemented well.

1.3. Ethnicity, Indigenous People, and Local Issues in Suharto's Era

The presence of many ethnic groups, cultures, and religions in Indonesia as a nation is an indisputable fact since the beginning of Indonesia's Independence Day. Actually that fact has occurred even since the pre-colonialism period. Although since the beginning, various ethnic and cultural diversities are accepted as fundamental aspect for the Indonesian nation building, but the ruling regime in New Order era seemed not to see it in the same way. Under this regime, the existence of culture and custom as part of ethnicity or local identity were even considered as the undeveloped indicator. It showed there was strong power and domination from the central government in Jakarta that symbolized the ruling regime to the entire diverse community in Indonesia. It was strongly indicated that the regime tried to fully control all parts of Indonesia's diversity under its authority. Through the regime interpretation of the Indonesia as a unity state

concept, the regime simultaneously weakened the existence of people thru their diverse localities in various social and political. At this point, the New Order regime also controlled the meaning of diversity based on their views. At this sense, the regime had tried to depoliticize various local identities, such as forbidding various political topics regarding race, religion, and ethnicity in public sphere under the compulsion of social harmony as a nation (Arakaki 2004).

By using the Indonesian motto *Bhineka Tunggal Ika*, the regime intended to reduce important influences of some local values to the local people in the region by promoting the regime's views on development as the most important desires for all Indonesia people. It means all people must accept it in similar way as like as the regime did. It made the diversity in ethnic's identity and culture was seen only as a part of the importance form of the nation unity (Hooe 2010). Thus, most ethnic group and local cultures in Indonesia were finite only on symbols, customary values or traditional rituals through the presences of its uniform, art ceremonies, rituals, traditional weapons and so on under the government's permission. That condition showed the regime effort to put ethnicity and also the local custom's diversities as insignificant factors as part of its strategy to keep people respectfully to the government orders. It was related to the regime's desires to create social harmony and stability, the frame of "one nation one identity" as an important aspect of the Indonesia's nationalism. The local identities as like as custom and others practices were then marginalized. Consequently, due to the local values such as custom that are very important for certain local community then there were some local communities then still carried it silently.

One of significant law of the Suharto's regimes that deeply marginalized local identity was the Law No. 5 year 1979 that regulated the uniformity for village's administration systems in Indonesia. Actually before that law, through implementation of the Law No. 5 year 1974 about the Principles of Regional government, Suharto's regime changed the fundamental local community's existences where previously it was influenced by some existing local values. Before the laws, the villagers managed their own territory based on the chapter 1 section (4) the Law No. 18 year 1965 about the Principles of Regional government. Based on that chapter, as an embodiment of Indonesian constitution in chapter 18, villagers were given spaces to keep the existence of their local values, such as the usage of various symbols and institutions that suitable with their local context. The existence of *"dewan adat"* or "the customary council" in the village government structure or the usage of name based on the local context for that level of government such as *"Marga"* in West Sumatra, *"Nagari"* in South Sumatra, *"Gampong"* in Aceh, or *"Lembang"* in Tana Toraja in South Sulawesi was the indicator of local identity's

existence. But since presences of the Law No. 5 year 1974, although this law had not mentioned yet the format and structure of village government clearly, but through the chapter 88, which stated *"regulations about village government are set with Laws"*, then had opened a formal space for the regime to control the villager. It was then realized thru the Law No 5 year 1979 about the Village Government. In chapter 1 part (a) the law stated:

> "Village is a region lived by some people as unity of community, including unity of law community, which has the lowest government organization under head of sub-district directly and entitled to organize its own household within the Republic of Indonesia"

Actually, through the chapter 1 part (a) of this law, the village government still had its own rights to govern itself, but by placing it as a part of sub-district government, actually the central government as the regime representation had set a formal justification to regulate and to ensure the villagers were still under the state's control. It means, implementation of the village government's system should follow the regulation of the minister of internal affairs as stated in chapter 3 section (4):

> "Organization structure and working procedure of village government and village government's officials as has been stated in section (1) and (3) are regulated with Regional Regulation in accordance with guidelines that set by Minister of Internal Affairs"

Basically, it shows that the government marginalized the existence of local community's important values, including the influencing position of customary law for the new village government's system. The law had put all village government generalized in system and structure. It means, the law started to shove important roles of custom as a set of laws that regulate certain community in their area. As an effect, it was marginalize the role of "*tokoh adat*" or the customary elites who previously have significant based on existence of custom as their fundamental local values in the village system of government. Their functions were replaced by the new village government head and officials that filtered tightly by the state. Although in chapter five, section (1) stated:

> "Village government head is chosen directly, freely and secretly by Village society, which is Indonesian citizen who at least has 17 (seventeen) years old or has/had married".

But the process did not completely show whether the candidates really as candidates that were wanted by the local people or not. That assumption is based on the same chapter in section (2) states:

> "Other requirements regarding voter, candidacy procedures, and village election for the government head's are regulated by regional regulation in accordance to guidelines set by Minister of Internal Affairs".

It shows that the central government's intervention was significant to ensure that the chosen head will be still under the regime control. It was part of regime's intention to assure all society,

including the villager, will not stand against the government's policies. In the same time, it became a mechanism to marginalized local custom influence to the community and kept them under the government control. That condition explains how the people's participation was limited in the New Order era. People were just as an object of government's decisions. The villager were not given any chance to influence the decision making process effectively even the results will impact their interests and life. Through domination to the bureaucracy institutions, including the village government, the regime effectively controlled most of people's activities in every region. It was included to restrain the locality based on customary or culture to flowering beyond the state control because it was considered as potential source to ruin the regime policy to keep stability as important resource for the development.

In effort to keep it, through the centralization of the state ideology the *"Pancasila"* or the *"five commandments'"* meaning, the regime translated meaning of diversity in terms of supporting the nationality to keep the nationalism over all people. The regime's interpretation of *"Pancasila's"* principal was used as tool to reduce the cleavage potential that was feared developed from the existing of diversities (Morfit 1981). The regime's attempt to unite various differences in Indonesia was by emphasizing the importance of nationalism for all Indonesian people as consequence of adopted the concept of *"Negara kesatuan"* or the "unitary state". Under that concept, the existence of differences could not be seen as something that has its own field and requirements for its existence. It was seen just as combination of resources that created the unity of Indonesia. Existence of the locality in forms of ethnicity practices or culture co-opted by the meaning created by state through various formal policies that should be obeyed. Based on that translation, the state had legitimation to use even repressive mechanism or even the government institution to force all diversities to keep the stability, for all ethnic group and cultural diversities in Indonesia.

In 1985 regarding to the People Consultative Assembly Resolution TAP MPR No. I/MPR RI year 1978 concerned the Guidance of Appreciation and Practices of *Pancasila* by *"Pedoman Penghayatan dan Pengamalan Pancasila"* (P4) or the "Guidelines of Pancasila's Appreciation", the regime had create a new formal way to cooptate people. Through the resolution, government then created the Law No. 3 year 1985 about Political Party and *Golongan Karya*. One of that law's main points was to use *"Pancasila"* as the only principle for all political party. The regulation was then followed by the Law No. 8 year 1985 regulated the Social Organization. This law also proposed an obligation to put *"Pancasila"* as the only principle for all social organizations in Indonesia. The assertiveness of the New Order regime of sole principal usage

for political party and social organization can be seen as effort to control the social and political lifes in Indonesia. It allowed government to be able to manage various potential opposition and conflicts that possibly disrupted stability and continuity of Suharto's power and authority as like as the diversity of social identity and local values of the people. It means all people's activities should be appropriate with the *Pancasila* as like as the regime views on it.

Therefore, diversity's attitude or activities based on local identity potentially would be considered as violation to the state's ideology that could ruin the nation harmony. It made local people or some indigenous people that have unique identity and custom to be really careful for their activities. It was because the communities avoid potentiality to be blamed or even considered as part of separation movement that anti government. The way people carefully practiced their local custom or culture occurred due to the regime's ability to get some information, even from the people who live in very rural area from the local bureaucracy's connection.

During that situation, existence and practice of the uniquely custom of local people was controlled and even discriminated. Some local communities, including some indigenous people, were considered as the "isolated community". That could be observed thru some programs that were developed by government, such as by the *"Kementerian Sosial"* or the Ministry of Social Affair. The term *isolated community* represents the indigenous people as community that needs to be empowered from their isolation and powerless (Hauser-Schäublin 2013). Priorities of development and nation's unity imposed heavy burdens to the local people, including indigenous people in various regions that were considered as primitive communities, could interfere Indonesia's images as it wanted to be shown to international society as modern nation (Davidson et al. eds. 2010).

The pictures were as the local people's condition in the most regions. They were isolated and marginalized from significant participation including in the political field by the regime. Even there were some opportunities that could be used by local people; it was only for certain local elites where it was still in the regime frame. Through issues of Tribal, Religion, Race, and Sectarianism or abbreviated as *"SARA"*, the government has a reason to control people's life. Through its various institutions policy, state managed the issues under its grand propaganda, social and political stability. The ruling regime then placed the categorization and characteristics of the culture diversities just as part of administration category. It made various issues of diversity and differentiate were monitored by state's institutions (Acciaioli 1985; Smith Kipp 1996; Picard 1996 after Schulte Nordholt 2003:576) as efforts to keep various issues on diversity

under the regime's hand.

Diversities were only allowed by certain symbol's existences, such as traditional houses or *"rumah tradisional"* and other culture's symbols from some regions, as part of the regime campaign about the national identity of Indonesia. Those were allowed as part of unity symbolization that was intended by Suharto's regime. One of good examples of it can be found thru presence of the *"Taman Mini Indonesia Indah" (TMII)* or the "Beautiful Indonesia Miniature Park" in Jakarta (Schulte Nordholt 2003). Actually the park is one of the New Order regime's legacies and also as the symbol of the regime project on the "diversity in unity". It was because the concept of this park not only to represent all Indonesia's region and uniquely context in religion and culture. The idea for the park was originated from inspirational speeches given by the president Suharto wife, Mrs. Tien Suharto that promoted the park as an avenue to promote national identity within the global arena. That statement could be seen as the aims of state to promote a cultural model of state ideology (Rath 1997) where it is important to unify the diversity of cultures by promote one identity that should be accepted by all people as the citizen of the state. Therefore, TMII can be seen as an ideology project of the regime to bind all regions under state control.

During the first time in 1975, Indonesia consisted of 26 provinces before the annexation of East Timor (Pamberton 1993). After the East Timor or *Timor Timur* became the 27th of Indonesian province, the park then represented the 27 provinces' culture during the New Order era. As regime project to keep the concept "Unity In Diversity", presence of this park was associated with the article 32 of the Indonesia's constitution. It was legitimate presence of a national culture of all Indonesian people. Concept of national culture was the cornerstone of Indonesia's nation building project. The Indonesia's constitution placed cultural development in the hands of the central government that pushed for a hegemonic state (Rath 1997). It then allowed preservation of the highlights of local cultures and local systems of beliefs as elements of national heritage as like as the regime want.

Furthermore, as a living museum, *TMII* became the regime's tools to create the idea about how the national identity should be. Therefore, *TMII* became the role model to promote the concept of *"Nusantara"* as part of the regime interpretation of the "diversity in unity" that should be obeyed by all museums in Indonesia. The standardized system of the regional museum provided an interesting view of the center (Java) and periphery (outer regions). Consequently, the collection, preservation, and exhibition of various domains cannot be natural. It was an effort to create an illusion of an adequate representation of the cultures, or ethnic groups, collected (Rath 1997).

The *TMII* and other museum exhibitions throughout Indonesia were devised to promote tourism in order to enhance the economic aspect of the state. Due to the tourism has profound effect on the legitimization of a national culture and identity, the New Order has utilized tourism to help unify the country. National unity exists in the park exhibit as a whole, not in one object. Each ethnic culture and their objects should be chosen carefully so that when it is combined with many other cultural objects they will promote the message of unification. The local cultures then occured only as an object performed both as functional ritual as well as art object rather than an opposition to state ideology (Rath 1997).
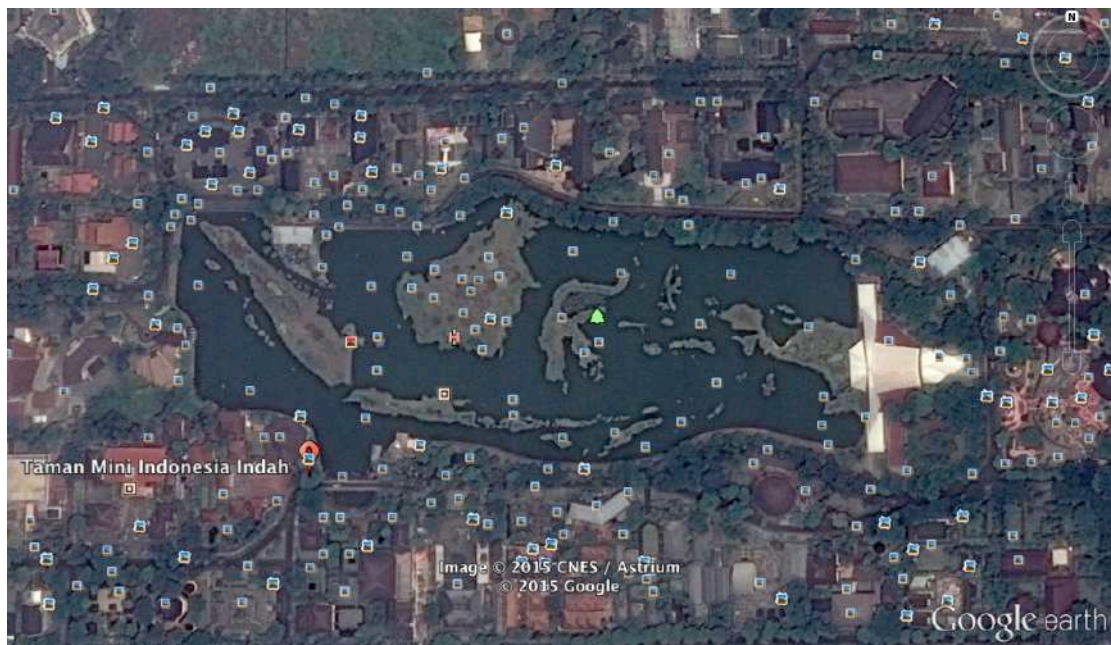
Figure 5: "Taman Mini Indonesia Indah" (TMII) in Jakarta, Indonesia from above
Source: Google Earth's image 2015

Based on those reasons, compulsion to obey the ideas of nationalism and unitary that was based on the regime interpretation had made diversity tend to lose its room of existence. Whereas that was also a concept similar to nationalism that was developed by the regime, where there was loyalty bond in terms of kinship or emotional relationship that enabled people to sacrifice themselves to secure their own territory from outside group's threats (Schulte Nordholt 2003). But the regime's desire to keep the stability of social politics condition to support its development jargon had made the diversity as a potential source of conflicts and disunity. It showed that there was tendency of failure interpretation of the diversity where it was used only to support the regime authority. The state policy subdued the local values as part of the formal law as reflection to the state righteousness. It means all policies from the state through various

laws should be seen as it. Thus, marginalization to the local values with their customary law or other certain righteousness was seen as discretion of the state due to it had been regulated through various formal laws. That portrait seemed different compared with the tendency of the international community to view the existences of the locality and local people, such as the indigenous people as one community that treated unfairly by the ruler.

In the period of 1980s, there was escalation of international community's attention to the fate and existence of local phenomena in various countries through the general condition of the indigenous people around the world. It was reflected from the indigenous people definition by the United Nation (UN) in 1986 and also by International Labor Organization (ILO) in 1989. Although the common meaning tend to relate to the local people's community, those institutions basically tried to place a framework of definitions in the context of history continuity, uniqueness, marginalization, identity, and self-governance. As an attempt, the United Nation proclaimed the period of 1995-2004 as the decade of local people (Dove 2006).

In 1994, a declaration of the United Nation proclaimed various rights of indigenous people. It then became opportunity to create norms framework regarding the universal right for the indigenous people's existence as it was represented as unfortunate local people in some places in the world. The importance of this convention has been an existence of international norms that was perceived universally to have certain elements regarding the rights of indigenous people. Directly, it became the foundation of justification regarding the concept of indigenous people that needs to be seen differently from current opinions that compared it with minority, discriminated, and suppressed community (Bowen 2000).

The UN declaration basically provides respect to existence of indigenous people that assume themselves differently to other communities that live in same area. The acknowledgment of indigenous people's existence also includes the rights for the community to conserve, develop, and transform their local values and ethnic identity to the future generations in their ancestor territory as the foundation of their continuity as a community based on their own cultural pattern, social institution, and legal system (Cobo 1986 after Dove 2006:192).

Furthermore, the International Labor Organization (ILO) sharply placed indigenous people as:

> "(a) a community in an independence country that has a unique social, culture and economic that differentiate them with other communities in that country and their status are fully regulated or partly by their own custom or tradition or a special regulation part of national community; (b) community in independent countries that is considered as indigenous because of their ancestry in a certain area, or a geographical area that is owned by certain country, when they were in time of conquest or colonialism or currently in border establishment, despite of their legal status, to defend part or all their own social, economic, cultural and political institutions" (ILO

1989 section 1.1).

The concern of International society to indigenous people showed that the indigenous people's issue is not just as regional or national issue; instead it has become international issue. The resurrections of various movements of indigenous people often are seen as the continuity of old tradition of anti-imperialism in sub national level (Colchester dan Lohmann 1993; Wilmer 1993 after Davidson et al. eds. 2010:7). In further study, this movement is also considered as reflection of efforts to preserve culture diversity. Various disappointments increase after the modernism to universal models of mankind advancement and many big projects under the nationalism or socialism have created new sympathy from some of leading states regarding the life difficulties that are experienced by many poor communities, especially represented by various group of ethnicity and indigenous people. At the same time, the environmentalist group movements show up as protector or watchman of the new type of idealism politics to replace the old egalitarian idealism of the left group (Davidson et al. eds. 2010).

The coherence of the ideas and movements then showed what Turner said as the triplet of post-national citizenship rights, that are ecology right, cultural right, and right that has existed before the colonialism period (aboriginal rights) have created new awareness for what should have been people's rights (Davidson et al. eds. 2010). Emergence of this thinking, which occurs simultaneously with the arise of various movements to defend indigenous people, tribal community or the fourth world people, becomes one of the important factors to create sympathy of international society in various communities in all over the world.

By the spirit to the indigenous people's fates that is materialized in ILO convention No 169, international society has gives important acknowledgment for the existence and respect to indigenous people rights based on their certain ethnicity identity or culture. But, the tendency of international society respect on the indigenous people had not occurred in the similar view in Indonesia, especially in the Suharto's era. It seems that the issue was not as an important thing for the ruling regime. Although there was a law that was explicitly mentioning the Indigenous people under the term "customary law communities", which was the Law No. 5 year 1960 on the Principals of Agrarian, but it did not become the main framework to provide substantially development for the indigenous people based on their local values. That is once again showed how the New Order regime marginalized the indigenous people. Those conditions happened until the fall of Suharto in 1998 followed by presences of the "reform era" that seemed to bring wider possibilities for the diversity, including the indigenous people to present themselves again.

In this new era, presences of several laws explicitly regulate the respectful and existence of the indigenous people such as the Law No. 22 year 1999 on regional government that was later replaced by the Law No. 32 year 2004 regulated the Regional government, including the regional autonomy implementation. Even when the government released a newest law to replace the previous one thru the Law No. 23 year 2014, it still mentioned similar point regarding to the indigenous people. Moreover, in the context of the Law No. 6 year 2014 about Village Affair, the respect to the indigenous people in Indonesia has been mentioned clearly. It at least indicates presence of state recognition of indigenous communities in the reform era.

1.4. Discourse of Democracy in the Reform Era

The fall of Suharto as the president of Indonesian Republic in 1998 after ruling around 32 years was considered as new phase of Indonesian history to a democratic society. The reform era presence is considered as an entry point to begin as a democratic nation after the authoritarian era under the New Order regime. Actually, in the New Order era, some democracy symbols such as general election and presence of some political parties can be found. For example, the New Order regime was holding some general elections regularly every five years since 1971 until 1997. Even those events were controlled and interfered by the regime; it still showed a few democracy indicators. But, the dynamics of the Indonesian democracy journey related to the election and the presences of political party showed how the regime basically controlled it strongly. That indication could be seen also through the phenomena in the genereal election 1977. The election was followed only three participants. Those were PPP, *Golkar*, and PDI, while the previous general election was attended by ten participants. It was because in 1973 Suharto reduced the number of political parties thru his policy about the fusion of political party in Indonesia. It is apparently intended by Suharto to minimize the potentiality of conflict between political party and at the same time controlled them under his hand.

Through the regular general elections, basically the New Order regime seemed to show that Indonesia under Suharto government was a democratic country. It confirms the important presence of some democracy indicators for the regime. But in facts there were a lot of interventions by the regime to the general election's process. It was as an effort to ensure the results will always appropriate with the regime. That condition made the general election during that period to be undemocratic that showed the tendency of the regime. The existence of democratic institutions in the New Order era seemed just to prove that democracy apparent in this era. It made the general election in that era seemed just as an attempt to legitimize the

regime power and authority. The Suharto's form of democracy was noted by strong interventions to the process. For example, through the *"politik massa mengambang"* or the "floating mass" policy, the regime restricted people, especially those who live in the village area, to be directly touched by the political party. Within that policy, the regime intended to restrict others political parties (PPP and PDI) to get support from the people in the rural areas, whereas political party is important in mediating the state apparatus and the civil society in the old and new democracy (Ufen 2013). It means through that policy, most people in Indonesia where live in the village area were disassociated and depoliticized from the political field. It then made two political parties, the PPP and PDI, can not made any massive interaction to get as much as people's support that mostly live in the rural areas for the general election. Therefore, the two political parties were difficult to promote and institutionalize themselves to the local people where most of them live in that area. While the two political parties could not do anything, the ruling regime precisely enjoyed the situation to get as much as potential support from the people. Even the ruling regime political party, *Golkar*, could not made massive contact to people like other political parties, but through the two important institutions that were controlled also by the regime, the bureaucracy and the military, the regime still had wide opportunity to interact directly to the people even enforce them to mobilize support for *Golkar*. Since those institutions have important functions and duties related to the people life, it was very easy to influence most villagers to support *Golkar*. Through that policy, the ruling regime enjoyed as the "only player" in the village areas. It then ensured *Golkar* to always win all elections (Erb and Sulistiyanto eds. 2009). Consequently, the regime always got majority support from the parliament that dominated by the *Golkar*'s legislatures and from the *"ABRI" (Angkatan Bersenjata Republik Indonesia)* as the military representatives in the legislative office. It formally secured the regime policies from the potential the political opponent's resistances. That condition showed democratic situation in New Order period dominated by the regime elite's circles that put Suharto in the center of the political systems as the powerful patron. It made the Suharto's democratic form to be exacerbated by controlling and limiting people's freedom of speech and expression.

Actually it was contrary to the constitutional guarantee in article 28 UUD 1945, which guarantees freedom of speech and thought for the citizens. By control the military and bureaucracy institution, his policy and interest were easier to be done. It showed that Suharto had denied the constitutional mandate by creating a different meaning of that article to regulate which action can and cannot be expressed, thus people will be prosecuted and even imprisoned if they are considered as opposite side to the government's policy. That strategy was to minimize

various oppositions that potentially disrupt the stability. That condition indicated that despite a few democratic institutions was exist in New Order era but in fact its implementation was done by some undemocratic actions.

When Indonesia entering the reformation era, some efforts then occurred to make any changes and improvements to promote the ideal democratic values in Indonesia. Various activities that are addressed to be more democratic have been characterized Indonesia since 1998. The euphoria of openness and respectful to the citizen's rights that are marginalized previously then appear massively. Various democratic institutions emerged as responds to that desires. One manifestation of the democracy euphoria is the emergence of various political parties.

In early of this era, in 1999, the first general election was follow by 42 political parties. Obviously the numbers shows the spike of total political parties that can be interpreted as people's intention to be able to participate directly in Indonesia's political process after Suharto. The euphoria of people's intention to participate also reached out to the local people, especially in in the local politics field. The condition created in various areas in Indonesia shows that democracy has opened many spaces for local actors to make some activities (van Klinken 2009), where it was previously restricted by the New Order regime.

The new situation in Indonesia has made various attentions related to the tendency of democracy. Larry Diamond (2010) in his comparison of democracy movement in Indonesia with five other Asian countries concluded that the good quality or public support to democracy in Indonesia has evolved faster than other investigated countries. Liddle and Mujani stated Indonesia relatively has done democracy consolidation based on three dimensions that are developed by Linz and Stepan's parameters, which are behavior, attitude, and level of constitutional commitment (Diamond 2010 after Pradjasto 2012:108). Besides, they explain important points that can be brought to attention, especially attitude, behavior and constitutional commitment of important elite that has defended capacity to weaken or turn around Indonesian democracy (Pradjasto 2012). It shows that there is a belief that transition process to democracy that occurs in Indonesia recently is in the right track. But evethough there are many optimism to the Indonesia's democracy nowadays, it also results some pessimistic views. Some people view the Indonesian democracy just as a surface phenomenon due to the core of structural framework and it does not change where it is still oligarchical as like in New Order era. The main reason of it is the reform era still showed that certain groups continuously exploited Indonesian only for their own interest. It means under this perspective Indonesia is still continuously controlled by a little group of people as the elites (see eg. Dayley and Neher 2013).

Despite there was some pessimism to the Indonesia's democracy, some international institutions tried to publish their evaluations related to Indonesian democracy. Freedom House (2011) rated Indonesia as a country that is fully free with the score higher in political rights than civil rights. But The Economist Intelligence Unit (2010) placed Indonesia in sixtieth ranking in country category of "defective democracy" with total score 6.53 with scale from 1 to 10.

The Indonesian Centre for Democracy and Human Rights Studies (DEMOS) created national survey in 2003/2004 and 2007 and created average index for Indonesian democracy from 37 to 47, each in scale of 100. Although the result seems to increase to 47 in scale of 100, but Indonesian democracy is far from what it is expected. The DEMOS valuation is based on 4 important aspects: (1) law and right, (2) political representation, (3) democratic and accountable government, and (4) public's participation and involvement (Pradjasto 2102). Once again, the dynamic of Indonesia's democratization showed some difference point of views, especially regarding two important principles, the liberalization and equality of people.

In this point, liberalization is used to measure how far each sector reaches independence and autonomy from the old authoritarian political power and then can decide their own priority. It really depends on how far the old power disintegration does monopoly. Meanwhile equality is used to measure how far minority group and including subordinate group can get access to the substantial aspect of life and enjoy equal access to resource and power. It make equality can be seen in the power transformation process in every political fields, economy and social aspect (Dasmi 2010 after Pradjasto 2012:110). It shows that issue regarding Indonesian democracy at first was not a single issue. In this sense, the early process of democratization has been seen in similar frames of each actor. It proved that effort to realize democracy in Indonesia tends to see in different interpretation. That is proven by many political dynamics, including on the general election as an important feature of the presence of democracy.

When the ongoing democratic process in Indonesia is seen in the concept of polyarchal democracy by Dahl (1998 after Weber 2005:3), it contains some important indicators. If it contains the presence of elected officials, free and fair elections and conducted regularly, inclusive suffrage and citizenship, freedom of expression, the availability of alternative sources of information and associational autonomy that are used as a benchmark then Indonesia can be proclaimed as a democratic country and will probably soon complete the process of democratic transition after the legislative elections in 1999 (Weber 2005:3). But if it is looked at how the electoral process took place in Indonesia as well as the existence of supporting democratic

institutions, such as political parties and parliament, it still seems weak and has not managed to be more ideal for the implementation of the pillars of democracy in Indonesia (Mietzner and Aspinall 2010), then democratization in Indonesia cannot be justified as a successful of democracy. It would continue to be subject to dispute related to the future and form a democratic society that will happen in Indonesia.

Actually, uncertainty attitude related to the process of democratization in Indonesia cannot be separated from the persistence of concerns the emergence of a community of irregularities. After the previous condition where people tend to be stable under the authoritarian and centralized rules, efforts to encourage social, political, and economical change apparently faced with the possibility of sabotage of the bureaucracy, the political power of corrupt, short-term opportunism, and the absence of a shared vision of the future. Increasing of ethnicity and religious violence in various area in Indonesia, regional resistance movement, inability to pass well to the institutional restructuring of the army and the economy, failure to curb collusion, nepotism, and corruption tend to be pessimistic putting Indonesia in the category "messy state" (Nordholt 2003). In short it can be said that there is also a worry to the ongoing democratization in Indonesia amid the euphoria of freedom of society is viewed as a potential disintegration that may cause broke of the nation-state in Indonesia (Nordholt 2003).

Therefore, the political transformation in the reform era that is driven by the spirit of democracy is not only seen as positive effort to stabilize the new institutions that is intended to corrected some mistakes from the previous era. It is also intended to modify the institutions that no longer fit with the objective change in Indonesia. If it can be done better, then the potential disintegration will inevitable. But if the process is failed to stabilize and institutionalize democracy, which means it can not accepted by the people, then democratization in Indonesia will be potentially failed. It is an important concern in Indonesia's transition to democracy where civil society is expected to play a more prominent role (Nordholt 2003). It means, the more active participation of people, the more it will make valuable for Indonesian democracy. That is important to ensure because a transition to democracy does not always result to the more democratic condition.

Therefore every effort to ensure people to receive the democracy and its fundamental values will be very important. Without their acceptance, the democratic transition can not happen and it could create the new authoritarian system (Huntington 1991). It shows that the important thing of transition to democracy in Indonesia is how democracy is accepted by the people; especially that it will ensure its continuity. Since people are the fundamental aspect of the term of democracy,

the people should agree with it. Thus, the definition of democracy and its important values are important things that must be understood in the same meaning by all societies in Indonesia. As a multicultural country, Indonesia has various diverse communities that possibly have different outlooks on democracy, even it is institutionalized by the state in general meaning thru some formal laws. It is showing that Indonesian democratization essentially moves on the meaning of representative government under some laws, supported by a political culture that is open for disagreement and demanding for accountability, where these views emphasize the importance of the role institutions pillars of democracy in creating a political order (Hay 2005). At the same time it is necessary to ensure the meaning should be appropriate with the people understanding in assessing the role and aspirations within a democratic system.

The Indonesian democracy in reform era then attempted to encourage greater roles as well as to open more opportunity for all people aspiration as well as participation as fundamental thing for democratization efforts in Indonesia. Thus, important discourse related to democracy in Indonesia is the convergence of ideas about democracy by the state and public acceptances associated to how they participate. Facts that the people's participation is not just associated with desires to fit the formal rules but also to some internal reasons that are part of their contextual condition. It makes the thing about "how people participate" becomes important issue in current Indonesia's democracy where it also becomes the general overview in the mostly regions in Indonesia. It encourages the emergence of various demands related to the need for reforms in many spheres, such as in political field, administrative, economic and others, including the changing of people's life in the area. Those conditions lead transformation of the political and administrative authority that produces wider opportunity for the regional governments to take control of the decision-making processes in its region (Resosudarmo 2004 after Palmer and Engel 2007:2133). It shows that most people are aware to the current democracy. Democracy should be accepted as the best ways for the better condition of Indonesia.

Even optimism to the current democratization process in Indonesia seems to dominate the people views, but actually it still go with tendency of people's worries in potential emergence of irregularity condition. It means that the currently social and political transformation within Indonesian democratization cannot be seen just as positive effort to stabilize various new institutions, but also as an effort to modify the unsuitable one as the purpose to bring the real changes. Indeed it also has damaged potentiality when failures to undergo the transition to stabilize and institutionalize democracy to be better. Therefore, it becomes important attention in this transition process to become the new and better democratic system, where civilians

hopefully will play prominent roles (Nordholt 2003).

It confirms the importance reason to observe how democracy is basically defines by people based on their objective context. It is very essential to make sure how the current processes in effort to create a more democratic situation will have another basis from the contextual meanings. In this case, the use of democracy's definition is useful to identify important aspect and to differentiate it with other attributes from particular situation. The true democracy means that there is a representative government under law, supported by political culture that can accept open conflict and be asked for accountability, where this definition emphasizes the importance of institution's roles to create a political order (Hay 2005).

Besides the institution roles, another important aspect that also becomes important subject in Indonesian dynamic is the meaning of the "people's role" and the people's preference. It is important due to the people's aspiration occurred not only in one or two areas but it is also involves in much more people in various areas. The people roles through an open space for opinion widelys become one of the key indications of succeessful democracy. Through presence of the key, every chance of participation opportunity for the people will become important subject in a democracy process, including in local areas in Indonesia.

The democratization in the reform era actually has expanded the political space for the whole community. In fact, various groups or even particular communities that were marginalized previously then have opportunity to gain more rights and authority for their community's existence in the areas that they regard as their land (Tyson 2010). In some areas the fact is that it even occurs in the forms of violence (Aspinall and Mietzner 2010). These conditions basically show a great desire of local people to get recognition for their existence to organize their own territory-based on their context and objectives need. Although some movements demand the greater authority for local communities that were encouraged or carried out by the local elites in the area, but the facts from these various effort showed that people simply agree with the demands and feel fairly if they can get more opportunity to hand their area. It then becomes one important factor that drives changes in addressing government policy about the principle of decentralization through the implementation of regional autonomy in the reform era. It means, the spirit of democracy in the Indonesian reform has become important driving factor for the changes. The spirit then is seen as a way to give much more authority for the local people to actively participate in some political and policy-making process in their regions. It shows through the regional autonomy, the central government allows local people to hand their objective needs (Pratikno 2005). It means the local people's dynamics in participation should be

considered seriously as an important factor in the Indonesian democratization process nowadays. Therefore, Indonesian democratization could not see only by exaggerating political aspect role and its supporting institutions such as election, political party and other institutions. Democracy should also be seen as effort to provide more people involving in the political field thru some participation spaces. It is important to be emphasized due to in early of the reform era there was inclination of democracy's discourse in Indonesia that tends to be emphasized only on the importance of political institutions where people asked to adapt it. In this extent, actually current Indonesian democracy's condition tries to found the ideal form that is suitable with the Indonesian people's context. It seems as an effort to combine the liberalism touch with the spirit of equality and freedom that places in individual rights regulated through formal laws as main issue and the Indonesian democracy orientation to involve the diversity as the objective context of Indonesian people involved with diversities as part of their social identity.

1.5. Local People and Regional Autonomy under the Reform Era

The occurring of reform era has prompted shifts of Indonesian politics from a centralized stable regime to a phase, which was continuously strucked by people who demanded for democratic reforms (Seymour 2002). The fall of the Suharto in 1998 had undermined the centralized approach model by the New Order's regime in managing relationship between the center authority in Jakarta and the regions, although in New Order's period there was a policy on regional autonomy. The decentralization in the reform era has led the focus of attention from the center to the regions to refocus the attention of the dynamics in the center to the regions, abandon the concept of a strong state and then support a governance model that has more fragmented spaces (Nordholt 2003). The fragmented spaces are more likely to provide opportunity for local people to develop their area based on their objective context, including their owned unique values. The local people, who are considered to have better understanding of their context, will possibly develop it optimally. Therefore, a more precise execution on the principle of decentralization is very important to encourage active community involvement and responsibility in promoting and developing their regions even it is not as a simple thing to do.

In the early of the reform era, Indonesia met difficult situation associated with variety of issues regarding relation between the center and the regional governments. The challenges were related to efforts of maintaining the integrity and national unity due to the tricky situation. Within the local people's euphoria associated with demands for freedom of expression, the government should undertake a rapid response to some options that arise as result of the upheaval in various

regions. It became dilemmatic for the central government, whether to provide partial control to the regional governments through decentralization scheme or built a federal state system (Nordholt 2007). Various socio-political dynamics then pushed the central government to choose to implement the more real decentralization through the regional autonomy scheme. Although the choice was apparently taken because of pressure and turmoil from people in regions, but it was also seen as Indonesia's efforts to encourage the process of democratization in all regions in Indonesia.

That situation is seen as an extremely rapid progress of Indonesia to move from the centralized era that was tightly controlled by the central government to be more decentralized through the implementation of the regional autonomy under the spirit of democracy. The implementation is shown through assertion of regional autonomy through legal framework in the form of laws was made in order to support it to give more rights and authority to the regional government to manage their area. This is also to revamp various aspects of social life in order to establish the fundamental basis for democratic governance at the national and local levels (Hadiz 2004).

The "new regional autonomy" in implementation within reform era then was reborn through the Law No. 22 year 1999 about The Regional Government, which it contains the regional autonomy. Another related regulation was the Law No. 25 year 1999 about the Fiscal Administration between the central government and regional governments (Sadli 2000 after Aritenang 2010:3). That was became a logic option in order to return local people's trust to government, where it was lost in the previous era. It showed exercises for the government to more prioritize people's interest by giving more authority and opportunity for the actively participation of the local people. Moreover, the condition was considered that there is decentralization process through regional autonomy and revival of civil society in Indonesia (Aspinall and Fealy 2003a; Antlöv 2003; Syaikhu Usman 2002 after Nordholt 2003:556). It then became important for the revival of local people's locality through various unique things. That is as efforts to show of presences of democracy in context of local people indicated through regional autonomy regulation. Although the messages conveyed through the formal rules of the regional autonomy was as general term for all regions, but it delivered variety reaction from the local people. In some places outside Java and Madura, the policy raised enthusiasm of people. It manifested a shift of meaning form in viewing the areas of people live in village areas. If previously they had used common standards such as Javanese village, later it was changed by using their own interpretation of the condition and socio-geographic based on their context

(Holtzappel and Remastedt eds. 2009). Various phenomena occurred under that point in many Indonesia regions.

In the name of *adat* or custom, a few villages in *Bali* province have declined the mega tourism project and development. It was influenced by developing xenophobia situation that brings back custom regulation, which prohibits selling of land to outsiders and declines everyone to live in the village that do not participate in Hindu religion. In the name of *adat* resurrection of culture and politics the *Dayak* people were marginalized in the West Kalimantan province, it has created self–empowerment movement and has created mass violence to newcomers. In similar ways, in the name of *adat,* the small farmers in *Sulawesi* and *Flores* have opposed to validity of boundaries of the national parks, meanwhile local elite hijacked the growth of custom's potency for personal interest. Various dynamics from regions that used *adat* as the main reason then triggered some activists based in Jakarta and various regions to work together to create the first lobby community for local people in Indonesia "*Aliansi Masyarakat Adat Nusantara* " or Indigenous Peoples Alliance of the Archipelago (Henley and Davidson 2008). The presence of this alliance indicates how the issues of locality are related to the diversity and the important position of local community identity became more important in the democratic and regional autonomy era in Indonesia.

That image showed there is tendency of improvement efforts to more express local people's interest by showing its existence through usage of local identity existence and local uniqueness that is based on their socio-historical aspect. It makes practices based on local values such as custom practices and ethnicity context norms found their way back to play important role, whether in social, economy or politic fields (Tyson 2010). That situation has widened available political space for every community group, which wants to get more authority for their community's existence in a region considered as their area. In several regions people are using violence to control that issue. It shows how massive the local people's desire to get acknowledgment of their existence from the authority to manage their own territory based on their objective context. It is not surprising if in the reform era, justification based on local identity or custom values tends to be present to get back the acknowledgment of their existence, rights, and including land or territory that is considered as hereditary legacy. It appears various claims to control certain territory by native people or local ethnic (Bertrand 2004; Aragon 2007). This issue then seems to push numbers of indigenous people in the region, which then they try to strengthen their positions by digging few social-historical that is owned to legitimate their actions so that they will be accommodated in regional autonomy context (Schäublin ed. 2013).

Efforts to place local identity in regional autonomy context are also supported by the constitution amendment that acknowledge and respect to the existence of local people holistically. That is also supported by movements in global level to give respect to the local people existence with their rights. Various bases are then used as pressure factor for the efforts done by local actors to politicize the local identities. It makes local identities and values are used as political resource to strengthen their position in the social and political structure in the region. That tendency seems to become an effort to utilize the legality chance offered through regional autonomy scheme. It shows that various ways are done to get an important place in the Indonesian new era.

The wide power and authority, which are formed by regional autonomy regulation, have become field that are seized by existed various powers in the region in order to widen their power, social status, and wealthy (Magenda 1989, 1994, Ichlasul Amal 1992; Schiller 1996; Malley 1999; Kahin 1999 after Nordholt 2003:573). It means, the presences of democracy that coincides with the regional autonomy for local people can be seen as the meeting of two main things for the local people that affect their daily live dynamics.

1.6 Structure of Thesis

This thesis is intended to see how dynamic democracy in Indonesia is during reform era when it meets with various uniqueness and local norms that exist in *adat* community. State's recognition to the important meaning of democracy and state's desire to democratize people are then realized through various formal laws' implementation. It shows that there is state's desire to make people to follow state's perspective about the meaning, shape and process that need to be done to make democratic people. But those things then meet with the context and local norm, which are important parts from various communities, including interpreting and acting regarding ideas that are enacted at their community context. Objective truth shows that Indonesia is really diverse in the community context in social, culture, religion, etc. and makes democracy's effort to be unique in the context of Indonesia's diversity, one of which is when general idea of democracy of certain country meets with unique perspective based on local context in a community, such as *adat* community. Although this thesis' observation specifically observed the phenomenon that happens in ethnic community toraja in South Sulawesi related to *adat*'s existence in their life with the presence of democracy idea that is done by the state, but in reality it could not be separated from various dynamics that happen in the national or international level. Based on that observation, the structure of this thesis is then arranged to make integrity of understanding about the phenomenon from toraja.

The first chapter of this thesis is intended to give the picture about several important issues regarding Indonesia's condition as multi-ethnic country and how the diversity becomes an important aspect to Indonesia. This chapter also gives an overview of how issues about ethnicity and *adat* community are positioned in the New Order era that is considered as a dark time for local community's existence and its various existences. It also gives some initial pictures about democracy's issue that is present in reformation era and local people's position in the context of regional autonomy that indicates the desire to give more participation room to local community as part of spirit of democracy.

In Chapter 2, this thesis shows several key aspects in this whole research and the understanding structure of the thesis. Because of that, this part shows how the general meaning of indigenous people's concept is and how this concept is understood in Indonesia. Next important aspect of this thesis is the meaning of the democracy and its relevance to the presence of election in Indonesia, and also the initial understanding of toraja ethnic community and the important position in the context of their existence. Because of that, this part also explains about Toraja's area location as the study area and the understanding of legal pluralism. In this chapter it explains the meaning of legal pluralism and how this perspective is used to see the phenomenon in Toraja and its implication that could occur in the meaning of legal pluralism of the two or more law norms' existences in the same context of a community.

With title Decentralization and the *adat*'s revivalism in the Indonesia after Suharto, Chapter three provides the general idea of decentralization and regional autonomy in Indonesia and the consequences of its presence to local people and their unique identity and culture. This part also shows tendency and reason of the indigenity or the *adat*'s revivalism as a unique local identity and its implication to the social and political aspect to the local people. In this part, the reason for the existence of *adat* based on internal context is also provided.

Chapter 4 provides tendency of Indonesia democracy and the issues around it. The main idea of democracy and its relevance for Indonesia are presented in this part. Moreover, the influence, condition and tendency of Indonesia's type of democracy and presences of general election as one important thing are provided in this chapter. The final part of this chapter tells about how the local election as the indicator of democracy in local level becomes the important aspect in the regional people context and how various regulations on it are affected the local context in Toraja.

The next part, chapter five provides the meaning of ethnicity and how it becomes an important thing for certain community existence. This part also explains the concept of custom and its similarity with *adat* in Indonesia context since the colonial period until today. After that, specifically, this chapter tells about the Toraja ethnic group as an indigenous people community and their uniquely local values as indigenous people. Their uniqueness including various important *adat* events and perspective about the leadership are important aspects related to the presence of local election as part of democracy in their regions.

Chapter six of this thesis is focused on dynamics during the regional election in the North Toraja Regency 2010. The event was as the meeting point of general idea of democracy from the state and the Toraja*'s* preference based on *adat* to react that democratic event. Therefore this part provides some facts during the local election process, where two fundamental laws, the formal law and customary law or *adat,* met in the same event. It made the local election was as legal pluralism event for the Toraja people where various *adat*'s preferences, symbols, and activities occurred in the formal stages of the local election.

More deep analysis of the legal pluralism condition in the Toraja context based on the facts from the local election provides in chapter seven. This chapter shows reasons of legal pluralism condition in Toraja's context and how the Toraja people reactions based on their uniquely context. This part shows the tendency of paradox in implementation of democracy in the *Toraja* context. That tendency not only occurs within the process of local election but also before and the potentiality after the election through various issues related to the toraja context.

Chapter eight becomes an analysis of the potential future of democracy in Toraja. It provides how democracy in the toraja context will stand between two fundamental laws, the formal law and the *adat* with its both consequences. It becomes important views related to the necessity of democracy in Indonesia reform era and objectives condition in Indonesia related to the revival of indigenous people existence as part of democratization spirit after Suharto's era.

Chapter nine provides conclusion related to this research. It is also as an analysis contribution to Indonesian democratization in term of legal pluralism. As an objective condition in Indonesia, even before the independent day, the meeting of two or more laws in some events should be considered as important part of various Indonesian communities. By considering that condition, analysis of Indonesia's dynamic democracy will be more closely to the real context of people that in some degree ignored under the form of generalization.

Chapter 2
Indigenous People in Indonesian Democracy and Legal Pluralism

2.1. The Existence of Indigenous People in Indonesia

The term "indigenous" is defined as "native" with the meaning is similar to "aboriginality", which means "a quality of authenticity". That understanding is related to the history of a territory or possession of the land in a society's early stages. By the similar understanding, "nativist" is derived from "native" meaning produced naturally in a region (Waldron 2002).

The concept can be used to describe "native" in the relation to land or a particular region, as the native of the region. It means the concept is usually linked with the soil or a specific region for certain community as well as in association with others, who arrived after the indigenous people (Waldron 2002). It links a community to the history of its existence in a particular region as the first community or occupied particular area since the beginning for generations. The region might have diverse community, but the concept of native or indigenous people is attached only to the community that first occupied that area. It means people who came later could not be recognized as the indigenous people or the native in related to the lands as theirs. They will be seen just as the migrants that differentiate them to the native.

Further, that term is also used as the "indignity", where it has prevailed as a general term for many time. In some countries, this term may have different meanings. Basically, it has connection with the types of activities and geographical contexts of certain area, such as hunter-gatherers, nomads, farmers, residents of the hills, etc., which can be interchangeable of usage with the "indigenous people" (United Nations 1986 after Dove 2006:192). Similar term from Beteille (1998) that used "indigenous peoples" similar to the term "native" in the colonial context, which the moral meaning often is confused with each other to some extent. Turpel (1992) saw the indigenous peoples as groups of people who are in the midst of a different dominant society that has a special and unique characteristics related to culture, language, political and spiritual.

Besides as the first comers, it should be noted that the connection between indigenous people and a particular area could be linked also through deprivation. Settlements and deprivations indeed have occurred throughout mankind history, where each community has its own history that is different from other communities (Beteille 1998). It shows that even though those two mechanisms, either as first comers or through seizure, the claim of a community in a particular region is an important thing where it is strongly associated with the historical aspects of the

community. In general, the grasp of indigenous people emphasizes the existences of strong relationship with the ancestors that are associated with the land where they lived for generations. That understanding is strongly associated with their ancestors, who occupied the area since for ages (Waldron 2002). Therefore, the indigenous people usually have their particular ways to honor their ancestors as part of their community fundamental history. Linkages with their ancestral have fundamental reason for their physical and cultural survival as a collective society (United Nations 1997).

The community can be assumed as an indigenous people when they live in an area that has other communities, and they are considered as a different community to others. Important dimension of the identity of a particular community to be considered as indigenous communities is the association with the early history of dwelling or confiscations. Habitation and deprivation have occurred throughout human history, but all communities do not have same trace (Beteille 1998). It is indicated through facts that the indigenous people are the owner of a unique language system, systems of knowledge, and belief and they have invaluable knowledge of the practice of sustainable natural resource management. It means that they own unique history based on their different context related to their lands. It is hard to make one specific definition and meaning to this term where consequently the term then results various meaning in different area.

In order to provide a relatively general meaning of the indigenous peoples, the United Nations' declaration in 1994 proclaimed the rights of indigenous peoples. In addition, there was not even an official definition of "indigenous", which is adopted by any UN-system body, but the system has developed a modern understanding of this term based on the following (United Nations, 1997).

Those recognitions were given international legitimacy to the existence of various indigenous people communities in many areas of the world. It also provides opportunity to actively participating in various aspects of their life as well as to preserve their existences. That condition leads many indigenous communities in the world then seeks to exhume their sources of legitimacy to claim itself as the indigenous people. The claims, which were made in general, have various dimensions due to its association with the recognition of land rights, the autonomy of the political structure, the hegemony of the dominant culture of the outside community, and the desire for cultural custom and spiritual of their world. The claim may also be a request for respect for them from other community and the state. This claim can be seen as a model of human rights called the new rights of society (Turpel 1992).

In the context of Indonesia, Li (2000) observed that the meaning of indigenous peoples is not merely seen in those indicators. Each community has its own history of social political dynamics in the formation of their identity as a community. It shows that an understanding of indigenous peoples may be operationalized in a particular area using existing indicators, but also maybe difficult in other areas. Society context and the historical dynamics that accompany its development is unique thing to each community who claims itself as an indigenous. It will result particular identities and forms of nativist differently from a community to other communities. Therefore, the articulation of nativist is absolutely necessary (Dove 2006). It is important considering the claims of nativist are always grounded in a particular articulation of the uniqueness of a community and as far as possible conformed with common indicators that are commonly accepted, including claim of custom as their symbol as the Indigenous people.

In Indonesia, for centuries the customary or called *adat* has been always associated with a set of social rules, custom, politics, perceptions of fairness, even the habits of individuals (Prins 1951 after Tyson 2010:1). Furthermore, Tyson (2010) saw custom as something that is changing, the concept of unity that is included in various unique custom and traditions of each ethnic group in Indonesia. In addition, custom can also represent indigenous governance system based on oral tradition, antecedents and customary law, which provides a set of rules in ceremonies for weddings and funerals, houses and harvest, or the mechanisms and land use rights (Hooe 2012).

Therefore, in general custom or *adat* refers to habitude practiced by a certain group of people based on definite standard of legal thought or believed. The uniqueness of the basic values is customary for a given society, as well as a community aspect that sets it apart from other communities. *Adat*'s characters are founded in the form of daily practice in the tradition of ethnic communities or other communities in the various regions in Indonesia. The picture made by many indigenous communities in Indonesia can be categorized as the indigenous people.

2.2. Democracy and the Relevance of Elections in Indonesia

The belief in advantages of democracy seems encourages many countries vying to assert itself as a democratic society. It is indicated by fact that most countries in the world adopt democracy as their system of government. It shows that democracy considered as an ideal system that is recognized by most international societies. Through adopting democracy, most countries in the world show efforts to establish itself as a democratic country (Sen 1999). In other words, they intend to proclaim itself as a good nation. It shows a tendency where democracy appears as the universal best system for various countries to lead their people. As the better option of

government system, it is also viewed as a shift from authoritarian that is considered as the worse system to be much better system, including for the countries that do not have any pre-conditions to be a democratic society. It seems to confirm that presence of democracy could not be seen in simple thing. Democracy should be viewed as dynamic process of thinking and social experiences in effort to find the better system to organize their life. Therefore, some scholars are not focused just in the some institutions of democracy that are needed to support the democratic transition process, but the institutions should be present to realize a successful democracy.

Furthermore, definition of the scholars to the modern democracy is divided in two major groups. The first scholar group, including Joseph Schumpeter, maintains that the election is the only practical criterion for democracy. But another group believes that democracy could not be defined only by the election. The outlook of the last group internally divided into two sub-groups. The first sub-group consists of people who put the incorporate of political liberalism in their definition of democracy. They argue that a democratic society should be characterized not only by the freedom and justice, but also by the electoral pluralism in broadly defined. Thus, they tend to identify democracy in the form of liberal democracy. Another sub-group adds social and economic democracy, a guarantee for social equality, or some things about the term of social justice inside of their point of democracy. It shows that democracy demands a few more complex things, where voting in the electoral process and respectful for the results are just a part of it. Democracy requires freedom and independency protection, respect for the legal rights, and a warranty for free space for discussion and dissemination of information and fair statement (Sen 1999). Without those things, even the elections could not exist properly. Thus, democracy is a system that requires more than just mechanical condition such as majority rule that may occur in an isolated community's context. In this sense, the benefits of democracy and its claim as a universal value can be associated with a different virtue in such a state that practices free from restraint (Sen 1999). It makes democracy seem becomes an important thing to assure the better people's life. It makes democracy seems becomes as dominant system in the world.

After the fall of communism in Europe, thus ideological rivalry began to recede. Fukuyama was seen it as strong indication that the Western liberal democracy has become "the ultimate form of human government " (1992: xi). The Fukuyama's view is indicated thru fact where every democratic states seems deeply influenced by the democracy in liberal view (Cunningham 2002: 27). Basically, the early explanations of liberal democracy principle can be traced from John Stuart Mill work. In his essays the *"On Liberty and Considerations on Representative*

Government", He sets out what is often considered the first systematic explication and defense of liberal democracy where put human as the main point.

True his essays, Mill pointed out several important aspects of individual liberty that must be protected such as freedom of consscience, thoughts and feelings, possessing and expressing opinions, organizing life, and interacting for various purposes with others. Therefore, all people must be free from intervention and coercion by some paternalistic things even from the state (Cunningam 2002: 28). It means, the state has authority to regulate various aspects of people life, but still has some restrictions that does not allow to intervene. The system sustainability then will depend on people approval. In this sense, how people approve is become crucial issue. Presence of the general election is become significant event. Thru this event, people could express their agreement to the system, including the approval of the state authority.

In Indonesia's democracy nowadays, the spirit to bring people in appropriate position actually has been begin since the Indonesian independent day. State has been gives widely rights to people involving in various political aspects and policy making process that guaranteed by the constitution. Through its article number 28, the constitution stated that: "*freedom of association and assembly of expression with oral and written, and so on are set by law*". Actually the constitution indicates what basic think for state in provides freedom for people. This condition shows that the freedom of people is still under how state want to set it. Thru various regulations, state intend to force people thru its intention. It is deeply indicated that Indonesian democracy actually deeply relevant to the liberal democracy.

Under that circumstences, state has authority to regulates people's life including to direct people into some direction as state intentions. Meanwhile, people should allow other to express their values even it might different to the state owns. When state believes to democracy as in liberal democracy, state should respect to the people diversity. In this point, state asked to provide regulations to guarrantee people's freedom even it has authority to force people to obey the state's goals. This situation became paradoxical not only for state but also people. Under the liberal democracy condition, state must repect people. In the same time, people are the subject to the state laws where usually as tools to keep state before people.

On the analyse the new state, Migdal (2001) notes when state transformed to assert itself as a state, it is potentially interference from other parties. It makes all parties in state are striving to strengthen its position, so the desired form of state can be achieved. Therefore, state assertiveness is laying some principles through various regulations as preventif attitudes. State

usually implements system that could allowed its existence. It makes, state maintaining on people is important to keep its existences. Its present its authority thru various regulations that has made it inconceivable for human beings to imagine a system without state presence (Migdal 2001: 20).

In term of influencing people, there are two perspectives of the state perspectives. In the strong state, state emerges as a regulator to build system that obeyed by people. State has intervense people life through its various institutions or agencies. In this point, state presents certain dominant groups where constantly pressures people's while continuously keep its independent position before people. It showed thru state control on people by minimizing pluralism as much as possible (Migdal 2001: 6). In this sense, the strong state is indicated by ability to penetrate people life while minimizing people rejection.

In the weak state views, state is powerless in diversity of its society change. Moreover, it could not reached by state. It is often shown thru instability and ineffectiveness in state institutions functions to rule people. It viewed as state inability to govern people (Migdal 2001: 7). In this case, states is not able to manage people to obedient thru the regulations. Those two perspectives actually shows state attitudes in relation with people dynamics. Under such situation, state asked to promote political compromise and accommodation to the diversity of context and values of its people (Cunningam 2002: 62). Cosequently, state asked to minimize conflict between people, and between state and people under the respect to diversity.

In this point, state is seems dealing with a paradoxal situation. At one side, when state believes in liberal democracy, then people diversity should be respected. But in other side, it is seen potentially became as conflict vulnerable situation. Freedom of individu usually potential to intersected by others. The state impose to some restrictions should be accept as natural consequences. Although it is seen as an usual thing but it results difference path to view. First, state should presence itself in neutrality position to the people diversity. But, secondly, one of state presence consequences is to direct people diversity in particular vision based on the state particular goal (Cunningam 2002: 40). It means, state should unite all diversity in one path and drive it together in one hand. The second thing seems presenting state as force entity that legitimated by some legal instruments. It means, all people are required to resepect state authority. In this sense, formal law actually became as instruments of state authority that should be respected by people as indicate of people respect to the state. Meantime, under formal law. state also asked to respect people diversity as well. In this sense, presence of state is needed in

more neutral form to exercise its power. Jessop (2014)[2] sees that state tendency is in the instrumentalist perspective. In this perspective, state is believed not as an anti-thesis of people interests, but actually as instrument to ensure that interest existence. It means, the state neutrality position potentially will be challenge by the free expression of the people interest. In the recently condition of state, it is became as conflict potentiality.

Recently, the shape of state and people relation shows that state is more dominant. It assumes state as an entity having particular interest where presences in various formal regulations. Consequently, even people have some particular interests that could be epxpressed more freely, but it should not beyond the state lines. According to Jessop, it probably because there are dominance politics or economical class in the state structure which monopolizes the formal political power (Jessop 2014: 5).

In that context, state is perceived having capability to direct society thru various planning processes, policies, and activities initiated by the state. It means, the state capacities are includes; ability to penetrate people's life, regulates community interactions, extracting resources, and use or prioritize of resources through utilization of its authority (Migdal 2001: 4). It basically shows the degree of state ability before the people's life.

Furthermore, in Poulantzas views on state, He said, "the state is a social relation". The state power is something form-determined (institutionally mediated) condensation of a shifting balance of forces (Poulantzas as cited in Jessop 2002). Based on Poulantzas views, Jessop (2014) showed that state simultaneously plays coercive role that organizes people interests integratively through various institutional mechanisms based on the state indicators. It shows state as the most important factor to realizing people's desire. It means, public desire will always depend on the state institutions scheme on it. In this views, people obedience on policies is seen as part of that efforts. Under this sense, when state institutions initiate the idea of democracy where respects individual freedom and diversity as well as the general election, it should be seen as part the state's efforts on its authority that should be obey. In Indonesian tendency of democracy, state position is tends similar as Jessop views.

Since the early day of its independent, Indonesian governments seems hardly believe that democracy thru general election as tools to allow people participated in political field. In this sense, people are directed to the idea of democracy based on state meaning. Thru some formal

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[2] Jessop, Bob in E. Amenta, K. Nash, A. Scott, eds, 2012. Marxist Approaches to Power'. The Wiley-Blackwell Companion to Political Sociology, Oxford: Blackwell, 3-14.

institutions, people are required to respect the state democracy pathways as part of their respect the state that intend to proof their respect to the individual freedom and people diversity.

That Indonesian historical experience on democracy seems confirmed tendency on deal with the liberal democracy. It is indicated thru respect to individual freedom and diversity where was proved since the first elections in Indonesia in 1955. The election was to vote for the members of the People's Consultative Assembly (MPR) and the Constituent Assembly in 1955. The first election confirmed that the spirit of democracy, especially tendency of liberal democracy had existed earlier in Indonesia. Actually the spirit was still used by the next regime whether it was the Sukarno's Regime or the "Old Order" and also the longest sovereign regime, the "New Order" under Suharto.

After the fall of Suharto in 1988, Indonesia entered the reform era or *"era reformasi"*, where one of its agendas is to amendment Indonesian constitution. Despite the constitution was experiencing three times of amendment, but the part of state's recognition to equal rights for all citizens is still exist even further developed. After the third amendment of the constitution, the contents of article number 28 does not changes. The article that regulate human rights has actually grown with the ten additional articles which are from the article 28A to 28J. Specifically, section 28E regulates "*Every person has the right to freedom of association, assembly and expression*". It deeply provides evidence that Indonesia has adopted democratic system since beginning. To prove as a democratic country, Indonesia puts election as an important pillar of its democracy where was held firstly in 1955.

As one most important pillars of democracy, election has been chosen as way to realize people's rules. To ensure it, Indonesian government has been produces some institutions and law as the infrastructure of democracy. Presence of legal instruments is to ensure sustainability of the democratic process and to show that there is connection between the acceptance of the importance democracy's ideas and the law enforcement or often called the rule of law. One important effort that crucial for Indonesian democracy is to keep general election as the one main event of democracy.

Based on set of formal law about principles and procedures for individual freedom and equality, citizens allowed participate in the election. It is indicate that all citizens have equal position before the law including in the general election process to express their voting behaviour based on their own preference. State is responsible to the certainty of citizen's rights while the citizens are also required to respect the legal principles. It becomes a trend in Indonesian democracy, especially in the reform era.

2.3. Toraja and the Importance of *Adat*

Tana Toraja or Toraja is a region located in the northern part of South Sulawesi province, Indonesia. Until 2008 this region was a unitary administrative area called the Tana Toraja district. In middle of 2008, through the Law No. 28 year 2008, this area is divided into two districts, which is the Tana Toraja district, where its capital is in *Makale*, and the North Toraja district with its capital in *Rantepao*. The region is inhabited majority by the toraja ethnic group. Currently, estimated population of the toraja ethnic group is ranging from 1 million, which around 500 thousand people lives in the Toraja area, which is in Tana Toraja and North Toraja districts. Beside those two Toraja areas, there are more toraja people living in the *Mamasa* district, one of the districts under the *West Sulawesi* province, where geographically is adjacent to the Toraja area.

As one of the well-known ethnic groups in Indonesia, the toraja people is an ethnic group that still shows its unique locality existence through their *adat* or customary. Therefore, this ethnic group is identified as exist indigenous people in Indonesia. The existence can be proven based on the using of various *adat* rules and values in various activities of this community both in the Tana Toraja and the North Toraja districts. The existence of *adat* is not only present through the various traditional ceremonies, but also in the various social interaction and dynamics of their lives (Adams 1997). It shows that *adat* is an important aspect of the toraja people's lives as well as their social identity.

Basically, the word *adat* is derived from the Arabic meaning "habit". In Indonesia, the word refers to the indigenous "habitude" or "customary practices" of a group of people (Li 2001). The usage of the word also can be used to distinguish one certain culture to others associated with the different communities conducted (Spyer 1996). It reflects their unique identity as an indigenous community. Thus, by referring to what was proposed by Li (2001), *adat* is a set of common values as part of a particular community identity.

In Indonesia, for centuries understanding of *adat* is usually associated to a set of social rules, custom, politics, perceptions of justice, and even the habits of the individual (Prins 1951 after Tyson 2010:1). Moreover, Tyson (2010) looked it as something that is changing, concept of unity that includes a variety of unique custom and traditions of each major ethnic group in Indonesia. The statement seems to indicate that *adat* is not something that very rigid due to its changing remain subject. But it is still in the frame that *adat* is still a part of a particular community's identity.

In addition, indigenous can be seen as a concept that represents a system of government based on the oral tradition, the antecedents and customary law, which provide set of rules in ceremonies for weddings and funerals, homes and crops, or land-use rights and mechanisms (Hooe 2012). That understanding indicates custom is also seen as a set of rules that has fundamental position to various communities.

In the toraja people context, labeling as indigenous people is associated with combination of myths, origins, legends, and memories of past that displace orally until now. Transformation and sustainability of local values in the minds of the toraja are manifested in many practices of everyday lives (see eg. Adams 1997; Kobong et al. 1992; Mattulada 1982). Until today, there are many symbols and activities of the toraja people that still exist to proof them as the indigenous people. Values that underlie the toraja ethnic group linkages with their ancestors are embedded in the memory of the place and stories of significant symbolic in formal history, where in the conventional meaning is a set of writing collection about the past (Waterson 2009). The *adat* is a building of belief system formed from the internal experience of the toraja people related to the *"aluk to dolo"* or the "ancestor's guidelines". For the toraja people, *aluk* is similar to the word *ada'* or in Indonesian term called *adat*. Those two words will always be associated with the toraja people's daily life (Kobong et al. 1992).

Although the word *ada'* or *adat* is often used by the toraja people nowadays, but the word just started popularly used in toraja in 1947 since the *Luwu* and *Toraja* were split in two administration authorities (Bigalke 2005). This separation was then followed by procuring a traditional institution called *tongkonan ada'* (Kobong et al. 1992), which is the institution that played major role related to *adat* and culture of the toraja's society. Since that, the utilization of the word has been shifted some of the meaning and functions *aluk*. Therefore, in many toraja's rituals or ceremonies, it is no longer using *aluk*, but instead *ada'*.

The shift in use of *ada'* as to reflect *aluk* can occur due to in facts that both contain similar meaning for the toraja people. The definition of *ada'* also reflects various practices of ceremonies follow the norm that has been implemented so far by the toraja's people in order to respect *aluk*. It shows that the word is seen different but the content and its meaning remain the same. Every *ada'* ceremony actually is part of the implementation of the *aluk*. It makes people to be ultimately more familiar with the term of *ada' toraya* or the "toraja's custom" when actually the true meaning is to express *aluk* as one of the toraja people's important concept. Its actualization can be seen for example in one of the toraja people's famous ritual, the funeral procession called *rambu solo*. The ceremony is often referred as an *ada'* ceremony, whereas the

ceremony is an implementation of *aluk tomate* or the principles for the death man. Subsequently, the word *ada'* then is more often used while used for many Toraja people's activities referring to their indignity than the word *aluk* that is used limited only for religious ceremonial related to worship procession. The implication is the word *ada'* then seen in broader meaning than *aluk,* but basically both reflect the similar thing. To emphasize the meaning of that word, for the toraja people *aluk* is *ada'* and vice versa and it is accepted by the toraja people that are inevitable for certain groups or individuals (Kobong et al. 1992). So, *adat* as Indonesian word of the toraja people language of *ada'* is associated with a set of rules and instructions that comes from a religious faith of the community, and where it also contains many good practices in social and religious life.

According to the toraja's people mythology, *aluk* or *adat* fundamentally comes from the heaven that is based on the gods establishing system of life. Therefore*, aluk* then considered as complete and perfect pattern because was created by the gods. Within that mythology, the gods themselves are also believed live within the rules of *aluk*, where they then bring it down to the earth thru various interactions with the humans (Kobong et al. 1992) who were only known as the "*tomanurun"* or the people from the sky. Actually, the concept of *tomanurun* is also used by the *Bugis* people and *Makassarese* as *tomanurun* related to their myth of the important people or the noble's descent (see eg. Waterson 2009; Pelras 1996; Mattulada 1982). In this sense, for the toraja people, *aluk* serves also as a regulation or laws that must be obeyed due to it contains values and norms that govern whole people system of life.

Since, the ceremony about sadness or happiness is still practiced by the toraja people, the *adat* and its consequences will still occur. So, these are not only part of the toraja ethnic's identity to distinguish them from other communities, but also as important practices that are often be done to fulfill the cultural touch of their life. It makes *adat* to still become a set of fundamental patterns of life among the toraja people.

In general, the existence of *adat* for the toraja people occurs in various aspects of their lifes. In this situation, the existence of *adat* is seen as the presence of sacred values that are fundamental for their many activities as the toraja people since their birthday until their death. They will always have contact with the ethical rules, rituals, and symbols associated with the existence of *adat* as a value one important value in their lifes. Various ethical rules, rites and symbols are believed to connect the toraja people and to create typical order, either with the divine, or with human beings and nature. The belief that shapes the lifes of toraja establishes a culture that attached firmly in their minds. Although there are those who feel that the toraja's *adat* practices

in is a symbol of primordialism which has been outdated and unsuitable with the present modern's values, but the linkages of people on the ethnic identity as part of the toraja people inevitably will continue to put them to become part of the social system that still refers to the importance presence of *adat*.

For the toraja people, the existence of *adat* is not only seen as a ritual that refers to any traditional tenets. Moreover, *adat* becomes as a device at once that is considered to have ideal values as guidance towards a harmonious order of the toraja people's life. Therefore, *adat* values as well as a set of rules and orders cover the toraja people's aspect of life, which are needed for obedience because it also has any implications for violation and obedience as it is a belief from the gods.

2.4. The Legal Pluralism Research Framework

Overall, this research uses the legal pluralism to obey the dynamics of the toraja ethnic group associated with the presence of democracy governed by the state law and *adat* as a set of beliefs that also serves the community as well as social and legal systems for the community. It means since the beginning there are two important aspects that are analyzed in this research, which are democracy in term of election that is regulated by a set of formal law that promotes by state and asks for people's obedience, and the *adat* as a set of belief and pattern of life that also needs to be respected by the people.

The choices to use the legal pluralism closely to the understanding of the two key words "legal" and "plural". The word "legal" is strongly associated with the law or something that is justified or authorized by a law or rule. Usually it is associated with something that is legally established by a statute or regulation (Lazar 1999). That concept is always related to the existence of a set of rules to get the justification of a particular system of power in particular society. The trend so far has showed that it is something often associated with the existence of a legal system of state. This trend indicates that something is legal usually has received approval from the state or even from the state.

Thus, the law tends to be understood as legal laws made by the state are often called the formal law that aims to regulate human's behaviour. In this position the formal legal's rules tend to be regarded as a device that also contains elements of moral guidelines to follow what is contained in it. This suggests the existence of two positions, whether based on the legitimacy of state power or the moral meaning of the importance of justice, which can also rely on values outside the legal justification for the state, for example local wisdom is often not part of the formal legal

system of the country. Although it is still being debated, but there is general agreement that the legal meaning could not be separated from the existence of certain legitimacy that gives justification to the existing legal order.

The word "plural", usually contrasted with a single form, which means more than one. It can be applied to indicate the person or thing. It shows the existence of a particular unit consisting of a variety of individuals or objects. Therefore, the primary meaning of "pluralist" is something that is formed from a plurality or something that varies. Thus, the plurality is always indicated the presence of two or more things that exist simultaneously in the same space and period and these are associated with more or less similar conditions.

Presently, pluralism tends to be used to refer to both a normative and descriptive concept where on the other hand it can also refer to a situation with different belief systems, but in side by side's condition. Social facts are quite important in monitoring the plurality is associated with claims about the universality of human rights or natural law principles (Twining 2010), which allows for the existence of a legal norm that is locally believed by a particular community as part of identity or system of social life of their country in addition to the formal law. That understanding becomes a starting point for the emergence of ideas about the existence of a situation of legal pluralism as a context analysis of the dynamics of the community associated with the presence of a variety of norms or laws related to the attitudes and behaviours that are present simultaneously in people's lives. Thus, the legal pluralism is a necessity that possibly occurs in many contexts of communities.

Hooker defines legal pluralism as a situation in which two or more legal rules interact with each other (Lakin 2005:8). This definition seems to focus exclusively on a particular community that is particularly interested in the transfer law between cultures. In order to examine the plurality clearer in conditions of legal pluralism, the majority of thinkers tend to make the context of legal pluralism in colonial societies or post-colonial as an example. Processes that occur in colonial society were very clear in showing the equivalent power relations or not the existence of two or more legal rules interact with each other. This trend leads to the existence of two fundamental laws for people who are intertwined in a particular condition or event. It is usually associated with the state law and local law that simultaneously regulate society in a particular context.

In terms of discussing the legal pluralism, Benda Beckmann et al. (2009) noticed that it has important relations between law and space. When most work in the geography of law and in legal studies have mainly focused on law and space in the context of state law, many people live under plural legal constellations where they should negotiate one set of rules related to personal

law, such as customary law with another religious or international human rights law along with state law that also reflects a degree of heterogeneity. Thus multiple legal constructions of space open up multiple arenas for the exercise of political authority, the localization of rights and obligations, as well as the creation of social relationships and institutions that are characterized by different degrees of abstraction, different temporalities and moral connotations (Benda Beckmann et all. 2009). It means the legal pluralism is actually a condition where there are various law exist in the same space, not only the formal law associated to the state but also some indigenous laws that are still obeyed by its people.

Those conditions then trigger emergence question in debate over whether legal pluralism is associated with state regulations or formal law something that mandatory, binding, authoritative or whether the obligation is to obey and respect the law based on external contingencies law itself (Lakin 2005). The question is highly correlated with the presence of conditions, such as the individual's responsibility to the legal system and the legal system of the individual earlier. How should the formal legal's position and attitude of citizens towards existences of a legal system derived from the state are fundamental in understanding legal pluralism. It is because related to the main aspects of legal pluralism: the focus is on the local law of a particular society; both the ideas of the law are limited to state law, and the focus on the participants or the subject of the legal system. Thus, the legal pluralism situation usually occurs in the context of the community, which has a particular legal system or norms that they believe fundamentally in their social system other than the formal state law that binds them as part of the citizen as a legal object.

Basically, there are two types of legal pluralism, the weak and the strong. The weak pluralism occurs when there is a command of different legal institutions against different groups in society through a normative order of a court or legal institution center, thus it can be seen as a "technique of governance" or arrangements that exists only on state law, which in this case the presence of non-state normative norms will depend on recognition to it by the central government. The strong pluralism is where the existence of normative rules regardless of their origin exists together and mutual respect with other's situation that are unavoidable in the rules of the universe (Griffiths 1986).

In this perspective, the formal state law is only one among many other rules in the society. Furthermore Griffiths found only in the form of legal pluralism can both serve as a basis for analytical and descriptive framework, because weak legal pluralism or state legal pluralism is nothing more than a statement of legal doctrine, and therefore it's not relevant for sociological research (Sezgin 2004).

In its developments, the meaning of legal pluralism has been defined by a variety of disciplines, but the most influential studies can be divided into three groups: (1) studies that emphasize institutional analysis, (2) evolutionary analysis, and (3) the colonial jurisprudence. Related to institutional analysis, legal pluralism is identified by a synchronic analysis of complex societies. This has profound implications for legal pluralism, because for the first time it identifies the pluralistic nature of the law and has the widest application to all studies of legal pluralism.

Actually, when legal pluralism was as an approach to analyze social phenomena about the presences of laws in the early 20th century, Eugene Ehrlich's (1936) argued about the existence of *"lebendes recht"* or the law of life. Ehrlich puts *lebendes recht* as a legal order that is contrary to the official law of the country. It is found in community organizations or groups where laws are made by the social processes in each group. In this context, Ehrlich considered to have an understanding of legal pluralism similar to colonialism thinkers where their views are labeled as "classical legal pluralism". But Ehrlich demonstrated the difference from other thinkers is that the law of life is a necessity in every society where among other thinkers saw it as an intersection of different cultures. It gives an important notification to the important of people's context and the relation that occur in the area.

The importance to looking the context of each community becomes important due to the possibility of "sflp" (Social fact of legal pluralism) due to the reasons that it is (a) not limited to nation states, countries, or society understood as a unit; (b) extends the concept of the law to include at least some types of non-state law; (c) adopts the standpoint of legal observers that are beyond them, but take into account the point of view of the internals of the citizens, lawmakers, judges and others (Lakin 2005). Thus, "social fact legal pluralism" can be built upon contexts that are anthropological and socio-legal studies based on the understanding that the main thing of "social fact legal pluralism" is that local knowledge is essential.

This condition further demonstrates the importance to see where other laws that exist in the community based on the context of each community in addition to the existence of a state law are often based on the justification that is general in regulating the behaviour of all its citizens. For a particular community, a law based on the context of their sociocultural is often as important as the formal state laws.

So, when legal pluralism defines all normative orders as "law", it could not be used as an effective analytical tool to analysis the interaction between law and normative order specifically for each normative order that is legal. There is no reason to separate multiple normative orders as

law and others as sub-ordinate of formal law, legal pluralism, really study the interaction among all normative orders and must be admitted to all normative orders interact as equals.

That is also shows despite sometime a unique legal order in a society that actually sets limits on what is considered "legal" and what could not be considered to be "legal", but the order to law is in the same way. The problem then is how those treated by the individual in society. The situation becomes critical because although indigenous peoples around the world are living in a system with a particular country's constitutional system and legal order that is based on a formal legal state, but many of their social and cultural practices still follow their traditional law or so-called customary law (Lakin 2005).

The dualism between the legal formal law-based state and local customary law based on belief in the practice of life of indigenous peoples is inclined be as dilemmatic choice. It is strongly associated with the tendency to challenge the idea of "legal centralism" and "state centralism". In this point, the idea of state centralism distinguished in a series of distinctions, but related to the various types of propositions (Lakin 2005):

> (a) At this level of description, the state is the only institution that contributes to the social order; (b) Empirical claims that, at least in modern society, the law of the state in the form of the most important practice of the law: is dominant, technically superior and more powerful than other forms of institutionalized others; (c) Normative claims that the state has the sole and supreme authority within a territory or a given space and has a monopoly of the legitimate use of force; (d) Ideological claims that the state is the political form that offers the best or only hope for the realization of liberal democratic values, such as democracy, equality, human rights and the rule of law.

Various propositions indicate existence of claim that the highest supreme law is the formal law where comes from the state people in the area are required to obey it. These conditions tend to ignore "sflp", in which the uniqueness of the community context. The denial of the existence of a variety of practice based on the belief in a certain local norms have lasted for generations and even have existed earlier than the existence of the state itself as a modern legal system. The conviction to local norms is often believed to have certain implications in case of violation. It means customary law also requires people's compliance that it also applies for the formal law. The dualism of law is likely to become increasingly for indigenous people if there is a fundamental difference in principle on the basis of the set or desired behaviour by both laws. The position is likely to force people to choose where every choice has consequences that may not be desired by the community, either in the form of social sanction or taboo if it ignores traditional law and legal sanctions if they ignore formal law. Therefore, although there is an attempt to generalize the meaning of legal pluralism, however, there is an idea that tends to agree that this understanding presupposes the existence of non-state legal conception.

Thus, understanding of legal pluralism is made possible through the recognition of the existence of a set of rules that cover a wide range of norms or normative rules that is referred as law in certain contexts (Twining 2010). These conditions make the rule of law as managing people's behaviour is no longer just seen as something that refers to the formal legal state, uniform for all persons, exclusive of all other law, and administered by a set of state institutions but also will refer to the context of local values that guide behaviour for the local community as a real fact in the community associated with the existence of a particular legal system petting for a particular community. Thus, this view of the diversity of legal systems, which are legally supposed to distinguish from one another, sometimes even contradicts condition and reflects the description of the pattern of sub-groups related to the so-called social structure (Lakin 2005).

In this situation, law could not be viewed simply only in the instrumentalist paradigm because of the potential to cause discord in practice. This paradigm's usages are naive positivist conception of the nature of the rule of law and the role of law in a variety of social life. The law is seen as an order issued by legislators or the government and addressed to individuals, who are required to adjust their behaviour according to the instructions. It is as if the made law as an absolute dominance does not want a different behaviour expected by existing rules even though such behaviour is of fundamental public's beliefs based on their socio-historical context.

In this context, a legal order is an intrinsic property of the social field, which shows that the law is self-regulation a "semi-autonomous" social field. According to Griffiths, under normal conditions situation of legal pluralism can be found anywhere due to every form of social relations requires its own law and all social fields have a legal order. Individuals accept or reject a state law is to accept or reject the same as other association rules (Lakin 2010:11). Hence, legal pluralism founds legal function in a modern society should be understood as a negotiation between a different set of rules of law commands that operate simultaneously. People who do not create or make an authoritative legal system to interact with a system of law, but make a decision, any person or society faced with several overlapping of legal systems

Moreover, Wang (2001) looked at the legal pluralism as an ideological view of the law by stating that the notion of legal pluralism is associated less as an ideological dimension, where government authorities seek to highlight the pluralistic orientation but do not question the monopoly itself to administer the law. In the ideological perspective of law, legal pluralism is defined as the recognition by state about the existence of several sources of law in their own jurisdiction. Meanwhile, in view of the socio-legal perspective, legal pluralism assumes that the law has not been or could not be said to have such authority deemed owned by the government.

Conversely, in the long term, an institution or a social community has a set of normative and regulations that affect their own and is able to enforce their will to its members independently of government authority. As a result, there is a parallel existence of various social norms generated by different sources of authority and autonomy within a framework of state authority (Omara 2010).

The consequence of the condition of legal pluralism is people are usually positioned between both laws. The people who have their own legal system that still believe as customary law should deal with formal law and customary law due to both regulate people's behaviours and attitudes where they accept it. At this point a community of people is possible to find a way of its own to avoid the implications if the violation or disregard of existing laws. It is likely there will be a level of understanding between the two laws that are likely to bring a second agreement against the law or bring a different law altogether with both of them.

It is strongly associated with Moore (1969), who believed that every society is continuously creating norms and orders of the new law because the social relation in society is constantly changing. These conditions created a "semi-autonomous social field" containing a different legal order. Furthermore, each individual is considered to have some social areas at all times present in a certain space of time. That is to make individual's attitudes should be the result of selection of particular order in full or a negotiation between two or more existing norms. It is likely to be present because of the necessity to consider the existing laws and their incorporation with the potential undesirable effects of disobedience on certain legal norms (Lakin 2005).

These conditions then push the current trends in legal pluralism approach that tries to put the country back to the community. Some people believe that the state has minimal effect both on the individual as well as the various legal orders in which he lived. John Griffiths is one of the most supportive forms of legal pluralism by rejecting the state's position as a center of law and believe that the law is inherently plural. Because members of a country are also members of various other social's order, then the state could not expect social control, in the form of law to the exclusion of all other forms (Lakin 2005:10).

That shows that Griffiths saw the influence of state law is not too large in people's lives. The influence of the country will depend on the extent to which citizens will adopt the state rules to be run within the scope of their area, which also has its own set of rules. It certainly has the potential to cause a different interpretation based on the context of people's social objective. There are the objective conditions of society that will intersect with the purpose of enforcement of a legal device, which always wants the effectiveness and accuracy in enforcement. The

effectiveness of the law will be based on the relationship between means-ends, which means it is associated with the relationship between rules and behaviour intended to achieve its enforcement goals, which of course requires people's obedience.

According to Griffith, there are three important things that must be considered namely: First, it really depends on how the law is regarded as one of the norms, but people do not always look at the state law only as a social norm among other social norms. Each individual has an interest in the state law then it gives a special place in society to have more power in an attempt to influence the existing social order. Second, the theory is always in favour of Griffiths' local law than state law. He denied that the change of the "Semi-autonomous Social Field (SaSF) is forced by external pressures (such as state law), which allows for easier "impregnable." In other words, citizens will naturally follow every SaSF condition in the community before the state. But he did not provide evidence for this phenomenon. Third, state law is always plural and never united (Lakin 2005:10)

Based on the above explanations and definitions, this paper uses an understanding of legal pluralism as (1) There are two systems of law that are applicable and govern the behaviour of a society in a very particular context and it may have a fundamental difference in the basic principles and objectives; (2) The space creates a dynamic negotiation space between the two legal systems, formal and customary governing a particular context that requires collaboration between the two to realize that a certain order does not ignore them.

Therefore Benda-Beckmann stated, a claim to validity own legal system is in a particular social and physical space. The law defines the boundaries and the area, in which the validity claims force and being one of the criterions that are relevant in relation to citizenship and nationality (Benda-Beckmann 2009). It shows that there is absolutely equivalent position for the community in addressing the two systems of law governing a context related to their lives. Thus, a form of respect for the observance of these laws becomes imperative for society. In this position, people will attempt to keep the two together or adhere to a particular one based on considerations related to their interests and level of recognition in the law as well as concerns about the sanctions that would be obtained if it is broken.

In that situation, people have only three options with its consequences: *First,* to obey the law by ignoring formal customary law, which they also believe to be the foundation of life as well as their identities and potentially lead to the emergence of social sanctions of society. *Second,* just obey the customary law by ignoring formal law that allows them to show the existence of their custom and beliefs on the local values at the same time maintaining the existence of their

identity, but it will be considered as an anti-state attitude of potential punishment from the state. *Third*, tried to run both, but this would require attitudinal to be more carefull, especially if both laws have a pretty fundamental difference in setting a context. In this position there would be rational reasons of people to run either through collaboration or run each simultaneously, which would carry implications that each is different.

Under these conditions, the use of a legal pluralism in this thesis is more emphasis to the discursive aspects. This aspect of the discursive emphasizes on how the subject establish themselves in relation to the existence of others and understanding in relation to the facts or discourses that exist around them. Fact or discourse is around them in relation to how to explain the existence of a legal system as a form of execution of a particular idea within the context of the formal and non-formal contexts associated with the existence of a set of basic values of the local community on the social and political aspect of their life.

Hence, the subject is seen as a construction of analysis that allows gaining clarity about the complexities occured in social practices, power relations, institutions and political law, formal law, the rule of non-formal normative orders, and the discursive and institutional devices. When those exist in the dynamics of democracy, then local election in the area may arise as a result of the dynamics of the relationship of formal law that regulates process of democracy and *adat as* a belief system that society deems to include all aspects of their lives.

2.5. Tana Toraja as Research Location

The research was conducted in the Toraja or Tana Toraja regions, *South Sulawesi* province, Indonesia. Actually this research's specific is analysis of the local election in the North Toraja district, but due to some informants lives in the Tana Toraja district, especially to those who have good knowledge and information related to the toraja customary, then a few interviews were done in this district. Actually it is because this region was united under one administration authority, which is the Tana Toraja district. But since the Law No. 28 year 2008, this district blossomed in two districts, the Tana Toraja itself, which its capital is in *Makale,* and the North Toraja as the new district, which its capital is in *Rantepao.* Therefore, some information related to the socio-cultural of the toraja ethnic group still could be found in both districts. This region is located in the highlands to the north of South Sulawesi. This area is occupied majority by the toraja ethnic group. The total amount of this region's population is nearly 500,000 people. The numbers are including other ethnic groups, such as *Bugis*, *Makassarese*, *Javanese,* and the others with small amount (BPS South Sulawesi Province 2015).

The Toraja region is located about more than 300 kilometres at north of *Makassar*, the capital of South Sulawesi province. This region can be reached by road about 8-9 hours or by plane in about 1 hour. The North Toraja district is the focus of this study. This area is bordered on the north side by the *Mamuju* and *Luwu* districts, in the southeast with *Enrekang* and *Pinrang* districts while in the eastern bordering to the *Mamasa* district.

Most of the Toraja region is mountainous area. In general, the Toraja region geographically is located at 2 40 'LS to 3 25' latitude and 119 30 'E and 120 25' east. The lowest elevation in the district of 300 m above sea level is in the river valley of *Lebanu* and the highest elevation is in *Telando-lando* Mountain (2,884 m) in the district of *Rinding Allo*. *Rantepao* and *Makale* located 775 m above sea level. Even, due to its geographical condition, it was actually quite difficult to reach a few of the key informants and also to attend directly the *rambu solo* that was held by a family in Sa'dan area, but attend some *adat* rituals was an important part of this research process.

Currently, most of toraja people are adherents of Christianity. It is about 87 % of the total population (77 % are Protestant and 10 % are Catholic) and only about 10 % are Muslim. More about 3 % consist of the other official religions (North Toraja Government 2010). In associated with that, before religions had entered into Toraja, the toraja have had a belief in the existence of the creator through a belief system called *aluk to dolo* is often referred to *aluk* or custom. The existence *aluk* or customary in toraja society is an important aspect of their daily lives, which is the important focus in this study because of its presence as well as make the toraja has its own local laws a device other than the formal legal system prevailing in this region as part of the territory of the Republic of Indonesia.

The reason to choose the research focusing in the North Toraja district due to this area is a new district as a result of the blossoming in 2008. Thus, their local election in 2010 was the first as part of effort to implement democracy in the new district. As a first event, the local election became the new arena for the North Toraja people's political interaction for their various reasons in their own region separates from the Tana Toraja district in the South. The local election in the North Toraja could be considered as a new space for rivalry without inserting any actors from the Southern part.

The Toraja Map
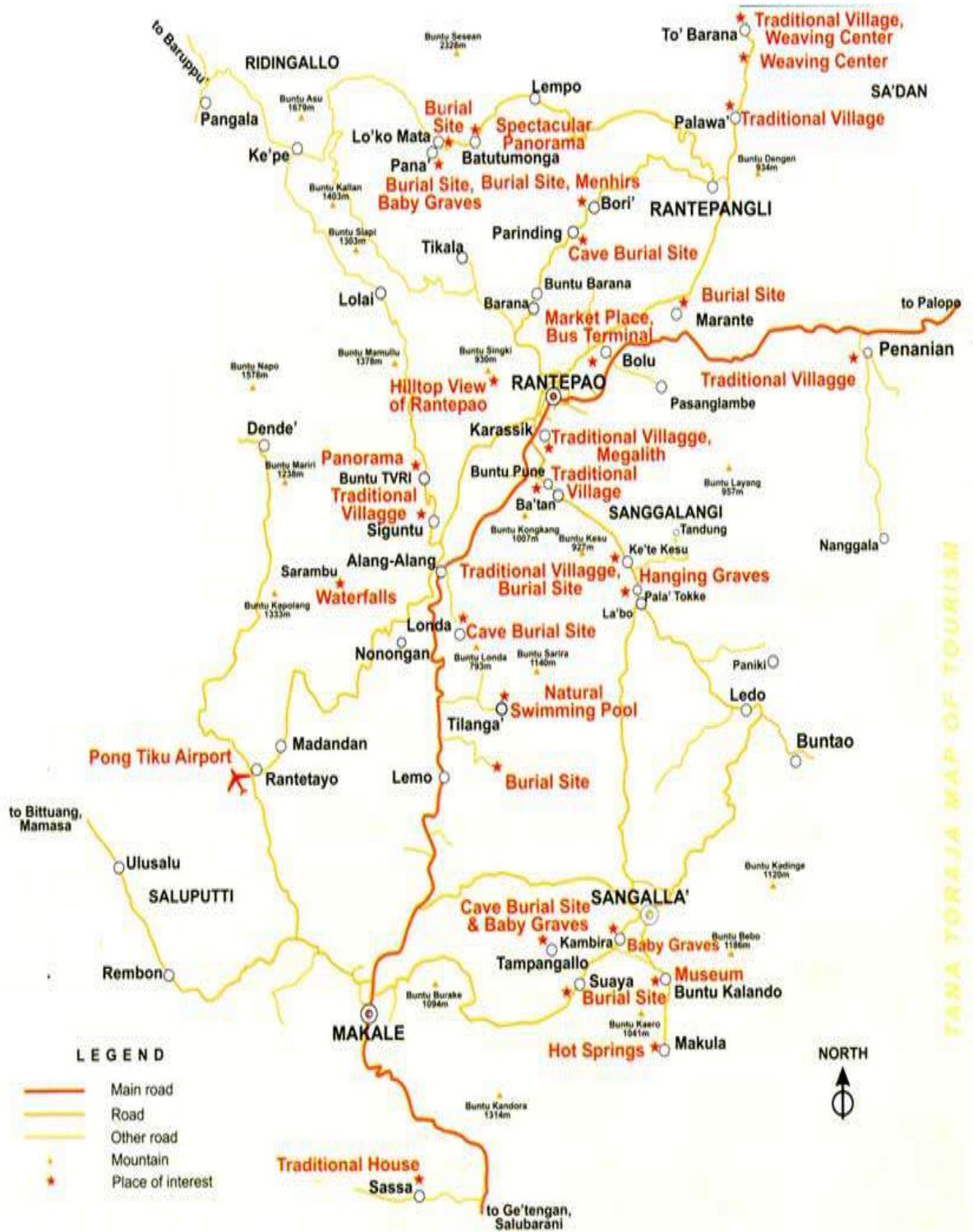
source: pnpmkabtanatoraja.blogspot.com accessed March 2015

2.6. Methodology

This thesis is based on fieldwork carried out in Indonesia especially in the Toraja regions (the Tana Toraja District and the North Toraja District). The fieldwork was done in two periods, from January to April 2013 and from November 2014 to April 2015. The research focused to observe dynamics when two fundamental laws, the customary law or *adat* and the formal laws related to toraja people react based on those laws in presences of local election in their region in 2010.

In first stage, as usually a research conducted in Indonesia area should get a recommendation letter, such as governmental permission, where it is usually vertically. It means I should get a permission from the higher level of government (provincial level) before went to the district level as my research location. So, for around four days, I stayed in the South Sulawesi province's capital city, Makassar city, to get the provincial letter. To get the letter, I visited directly the *"Kantor Perijinan Provinsi Sulawesi Selatan"* or the "South Sulawesi provincial permission affair office" to fill the application form and attached a research recommendation form my supervisor. The process in Makassar was at least around two to four days after my application received.

After done with the process in Makassar, I went to toraja regions. Due to since 2008 the Toraja region as my research location has been separate in two districts, then I should apply research recommendation from the government in each districts, the Tana Toraja and the North Toraja districts even actually my research focused on the local election in the North Toraja district. After received letter from each district government, I formally began my research in the Toraja regions.

Actually, to reach various informants in the fieldwork, the recommendation letter was not as the only main important aspect. One crucial thing should be have is the local contact, people who have good relation with the potential informants. I was fortunate to have some friends in Toraja region that can help me to contact with all of my informants, especially to those who have bureaucracy or other government institutions, political institutions, church institutions, local and adat elites, and academician backgrounds. For this I was greatly helped by the presence of Mr. *Agus Burhan*, a journalist from BKM (*Berita Kota Makassar*) who served in the Toraja, *Allosius Lande*, a commissioner of the KPUD of the North Toraja district, and Mrs. *Romba Sombolinggi* as an activist of the Indigenous Peoples Alliance of the Archipelago (AMAN) in the Toraja region. Associated with AMAN, I was also helped by some of the AMAN's board on the South Sulawesi province region. Usually I asked those local contacts to made preliminary contact for

me before I directly contact them. In addition, I was also greatly helped by a kinship networking of Hermas Rerung. He comes from *Bokin,* one of the areas in the eastern part of North Toraja district who recently lives in *Luwu*.

Other advantage aspect during my research was related to my hometown background. As an Enrekang people, I have quite enough ability to speech and understand the toraja language or the *"tae"*. It is because *Enrekang* region is directly adjacent to the Toraja region in the southern and it has some similarities in the cultural and language.

All of informants in my research consisted of people who were selected based on their insight and knowledge related to my research focus. Therefore, my informants was came from various backgrounds as the regional leaders, politician, bureaucrat officers, social elites, the *adat* elites, religious elites, NGO employees, press, and academicians, while informants from the ordinary people were usually selected based on their good insight to my research goals.

The interviews with the ordinary people were in form of informal conversations. It is because there was tendency that their response will quite formal and answer the research questions in normative ways so it was difficult to get deeper point of views of them. When I arranged the interview in the informal way, they were more open to the question and provided some essential information. One important thing during the research related to the ordinary people was to get their trust, so they will give as much as we need information.

During the research periods, I mostly lived in Toraja region, especially in *Rantepao*, the North Toraja's district capital. It made me had wider opportunity to meet with some especially at night. It was important because some of my informants were busy during the day, then the best time to meet them were in evening. Moreover, some informants are living in some marginal areas where it is far from the capital city where I lived. Sometimes it took several hours to reach their places. It was challenging due to some roads that are still not good enough to be passed. Beside that the geographical condition made communication system by phone or web was very difficult.

All interviews in this research were conducted in Indonesian language, the *Bahasa* Indonesia and in some part combined with the local language. It was because most of informants relatively comfortable to be interviewed in *Bahasa* Indonesia. It was also important to minimize some miss-interpretation to the questions and answers during the interview process.

During the research, semi-structured interview was the appropriate form of interview. It was open opportunity to get more in-depth information from each informant but still remain in desired structure of the research. It is also was very helpful due to most of informants were comfortable in this way. Therefore, I often did it as like as an informal conversation.

Consequently, an interview process sometimes needed quite long hours and I usually needed around two to four hours.

There were several things to be noted during this research related to meet informants who came from state officials and politicians where it was very difficult to make an exact appointment for an interview, therefore flexibility of researcher was much needed. It is because they usually have much information and wanted to convey that, but in workdays they are usually busy with their regular duties. Furthermore, they are very respectful to various social activities where they are invited such as the funerals, weddings or other events the community and they tend to prioritize these things. It made me fortunate to be asked to attend those events with them.

Another important thing from this research was the necessity to use the appropriate words or sentences. It was needed to avoid words or concepts that are unsuitable or considered in negative connotation. For example, although my research is basically very related to the politics aspect, but the word "politic" caused some discomfort or even was interpreted in negative connotation. This was especially for the ordinary people or the traditional elites.

Overall, this study was based on the fact that a large number variables and factors were outside of the researcher's control. Therefore flexibility is important since beginning then any desired data and research's objectives can be achieved. It was usually a few questions allowed to be developed if it potentially will get deeper and fundamental information from the informants as far as it is still in line with the research's objective framework.

Chapter 3
Decentralization and the *Adat* Revivalism in the Indonesian after Suharto

3.1. The Term of Decentralization

In last couple of decades, the big waves of decentralization have affected the government's structure in many countries in the world. Crisis of welfare state in the west, the collapse of socialist system in Eastern Europe, and the end of Cold War, which then led to no need for authoritarian regimes in the third world, seemed to describe the political failure on the country with centralistic political system. Organizations, such as the World Bank, suggest that through the idea of Neo-liberal, decentralization will trigger the economic aspect and also the democracy system simultaneously. The democracy system is expected to bring strong civil society, which will promote the efficiency and transparency in the regional government level (Malley 2003; Hadiz 2003). This condition shows that the decentralization has become international public's discourse, which is regarded as one of the effective methods to deal with some fundamental issues related to the efforts to promote the effectiveness of government work. It also as well as to support government's plans in any part of the world that has diverse contexts and problems that produces different implementation.

In general decentralization tends to be understood as a process of redistribution or dissemination functions, powers, people or other things of location or central authority. Decentralization is seen as a series of reforms to address the various challenges in service as well as the attitude effectively on the tendency of a system that is built up in a country. The concept of decentralization is not used as an adjective to qualify a political system or a given fiscal (Falleti 2004). Decentralization seems to be intended mainly to encourage efficiency in the allocation needs of society in the context of different societies (Litvack 1998). Thus decentralization will be associated with a variety of adjustments related to the context of allocating the needs and service to the community. Facts that the context and needs of each community make the idea of decentralization make its implementation always to cover a variety of aspects and concepts so that observations of implementation in various regions will depend on the type and purpose. Although there is a tendency that religions in its implementation in various places, but in general decentralization will be associated with the transfer of authority and responsibility for public functions and services of a higher government to the government in the lower level (Litvack 1998).

Basically, the concept of decentralization today is a result of various fundamental evolutions of

its variations, means, purposes, and its forms within the last half century. Its development has shaped perspectives of the term and implementation of central government, transfer of authority, and the presences of the regional government and its various consequences. According to Hadiz (2004), in the last two decades decentralization has become one of the most important topics in development policy and theoretical debates, including in the political context.

After more than two decades during the period of 1940s and the 1950s, there was several power centralization's and authority's phenomena. After that period, some changes occurred which were indicated by presence of the good governance's importance in developing countries or less developed countries. Many countries in the world have begun to decentralize their hierarchical structures in effort to provide more efficient and reach broader type of public services. This matter then pushed significant reason to give more wide responsibility to units of regional government in the period of 1960s and the 1970s (Cheema and Rodinelli 2007). In this point, decentralization became an important issue that was deemed as an appropriate solution to solve the centralization of power and other negative problems around it.

Basically some scholars tried to be more carefully in giving the definition of decentralization and in which the context of this topic is studied. But the struggle related to differences in type and degree of decentralization has resulted chaos in its conceptuality. Some Scholars have merged the concept of decentralization by associating it with another concept that produces different meaning based on the positive norm values, combines it with other concept and ignores its multidimensional aspects. According to Cohen and Peterson (1997 after Schneider 2003:39) the differences in the disciplines and even language have led to diversity in the implementation of the concept. But when it is compared with the antonyms of decentralization, which is centralization, the idea of centralization has more appropriate use and acceptable in the understanding of concentration of power, resources, and authority in one unit or center (Schneider 2003).

In the political science domain, decentralization tends to focus on the mobilization, organization, articulation, participation, contestation, and aggregation of interest (Fox and Aranda 1996). All political systems, including this process and the process itself, are likely to depend on the individual's contexts. Decentralization of political system is defined in which the political actor and issues are locally significant and at least quite independent from those in national level.

Decentralization is believed as a concept to bring the government more closely to its people (Work 2002). Thru decentralization, government is expected to be more aware of its society's needs so they can produce the appropriate policies. When decentralization is implemented well,

it will improve the regional economic and prosperity of people in the region. It shows the concept of decentralization also implies that the policy maker does not always have to force one policy to all regions. In some cases the policy has to consider the different conditions within the regions, therefore it is important to understand the contextual characteristic of each region. It means the implementation of policy or programs has to be adapted to the respective region (Hartono and Irawan 2008). Consequently, the form of decentralization tends to have different implementations in various countries or regions where it will depend on the context and important problem to be answer.

The initial phase of decentralization's implementation in the post-World War II occurred during the 1970s and the 1980s focused on the deconcentration hierarchy structures of government and bureaucracies. The next phase occurred between the 1980s, where there was concept expansion in the division of political power, democratization, and market liberations, as well as the expanding the scope of expansion in the decision-making in the private sector. In this period there were weaknesses of centralized model of economy, the waning of the cold war, the rapid growth of international trade and investment, and also pressure from various political's forces. It then emphasized the importance of concept sharpening where during this period was considered as conventional and tends to focus simultaneously only on the government's aspect and decentralization's understanding. The fall of some authoritarian regimes in Latin America during the 1980s and in Eastern and Western Europe in the 1990s also spread fast to market economy with more democratic principles in Eastern Asia have brought a new interest in decentralization (Cheema and Rodinelli 2007).

In the Latin America, Eastern Asia, and Middle of Europe, the government oversees the transition from state-planned model to market economies focused on strengthening the private sector, privatization or state corporates liquidation, streamlining the bureaucracy of central government, and strengthen the regional government. International Monetary Fund (IMF), World Bank, and other international development organizations notes the decentralization as part of the structural adjustment is needed to restore the market, create or strengthen the democracy, and promote good governance (Cheema and Rodinelli 2007).

During the 1970s and the 1980s, globalization had forced many governments to recognize the limitation and constraint in their plan and management of centralized economy model. In the same period, the shift in theory and development strategic on the international aid organizations began to leave the centralized planning model and trickle-down effect on the economic growth as the effort to fulfill the human's basic needs with the growth and aimed participatory

development, which was intended to realize the justice as an important purpose, has placed the decentralization as a very necessary thing (Cheema and Rodinelli 2007). The stagnancy of economics condition and inefficient centralized bureaucracy had forced many researchers to consider decentralization as solution towards the problems happened in many developing countries. Besides that, various multilateral institutions begin to add decentralized aspect in many programs they are conducted (Schneider 2003). In this extent, during 1990 decentralization was seen as a way for the government to open up a broader public participation through civil society organization.

Besides some problems caused decentralization, the choices to implement decentralization were also caused by the pressures from the community itself. In this case, political actors and civil society tried to achieve more portion of power from the central government and the national leaders. These conditions were then reciprocally when the national leaders seem to give access to the center of power and resources for the local actors as part of effort to gain control from their local allies or to show that they are the democratic leaders.

Ideologically, the support to decentralization also comes from the "right side" that emphasizes on improving the efficiency and from the "left side" to the differences in power distribution. Moreover, the existences of free trade, international agreement, and loan schemes, have caused the government to choose to relinquish their important traditional's role as the holder of great power and authority to deliver of its power to the government at lower levels (Schneider 2003). Through decentralization, the local authorities will carry out larger portion to develop their region.

When more countries are leaving the centralized governmental model, the decentralized concept has been increasingly studied as a new way to organize power between the central government and the regional governments as a new bid. Therefore, although many countries choose to deploy a decentralized system in their system of government currently, but there are still significant differences in the type and degree of decentralization carried out by different countries. Besides those reasons, the choice to implement decentralization by many governments in the world is also happened due to the pressure from many political parties, ethnics group, religions, and culture that seek to gain more autonomous rights in decision-making and control over national resources.

In most African countries, the volition for decentralization comes from some minority ethnic groups and the economically marginalized groups. The increase of dissatisfaction to inability of the central government's bureaucracy to provide effective services to the society has sparked

movement to emphasize the need for decentralization. Demands for the devolution or rules on autonomy also come from minority groups in Belgium, Quebec, Wales, Scotland, Malaysia, the Baltic Countries, Mexico, Philippines, India, Yugoslavia, and the former Soviet Union that are unsatisfied with its political representation or the allocation of the national budget (Cheema and Rodinelli 2007).

The decentralization issue then gets wider perspective of the movement of new public management in the period 1990s in some the wealthy countries. It has affected the perspective of some international development organizations and many public officials in developing countries to have reformative orientation on what the government should do and how they should do. Generally, decentralization in the government shows dynamics of transfer authority and responsibility related to the public functions from the central government to the government in the level of province and district or, in some cases there is even to the private sector related to the four areas of government activities: (1) Political Decentralization - Focus on the transfer of responsibility and political authority to organize themselves from the central government to subordinate levels of government, especially for the formulation and implementation of policies; (2) Decentralized Administration – It seeks to redistribute authority, responsibility and financial resources to provide public services at different levels of government; (3) Decentralization market- Privatization and deregulation are the core elements of market decentralization are aimed at creating a free market, in which government and industry work together to provide services or public infrastructure; (4) Fiscal Decentralization - The core component of decentralization is fiscal decentralization where there is a transfer of income from the government, or allows the subordinate levels of government to raise their own funds. Those four area of activities are then manifested itself in some form of decentralization implementation. Until the late 1980s various implementations were undertaken by many governments around the world to show that there are three main forms of decentralization: deconcentration, devolution, and delegation (World Bank 1999).

In the form of deconcentration, presence of decentralization is to transfer administrative responsibilities of ministries and departments of the central government to regional and local administrators. It is intended to establish representative offices in various regions once it moves some authority in the decision-making process to the staff of the local or regional territory. Furthermore, the form of devolution aims to strengthen regional governments by giving them the authority, responsibility, and resources to provide services and infrastructure, to protect public safety and health, and to formulate and implement local policies. The delegation of authority

indicates an authorization by the central government to the specific functions of the semi-autonomous government organizations and state-owned or parasternal institution, planning agencies and regional development, and public authorities that have single function or multi-functions (Cheema and Rodinelli 2007).

Those various illustrations and explanations show how the idea of decentralization has become one of the important issues globally. Decentralization has currently been seen as a better way to overcome problems in the government management system as well as internal demands of society. Moreover, the current development dynamics even tend to show that decentralization is a necessity system to address some problems of the ineffectiveness and inefficiency of centralized model of government. Decentralization is seen as the most logical choice of the central government in effort to provide the best service to the public effectively and efficiently in the regions. Therefore, even understandings of decentralization on some things result different models and implementations but it is still intended to address general issues related to the effectiveness and efficiency of government services. It means defining decentralization often is associated with several variants that may be implemented at the same time within a country, and even within a given sector (Litvack 1998).

Although there are two different outlooks to the reasons and effects that arise in the implementation of decentralization, but the tendency shows that they have common understanding that it will lead to an increase in the authority of regional governments. In this point, the decentralization also will serve as an important variable in supporting of either good or poor performance as well as the result of decentralization (Falleti 2004). It shows that successful implementation of decentralization will be affected by the accuracy of its implementation.

The accuracy will affect the shape of the authority of the regional government in effort to address the existing problems, such as that is related to the political aspects, fiscal, or administrative, thus the type of decentralization applies the design that relies heavily on the political structure and the problems encountered. The diversity of forms and types of decentralization is applied to the various regions very likely will be vary. But it remains intended to address the problems faced related to the ongoing efforts to encourage better governance systems in performing their duties and functions to provide the needs and best services to the community. In addition, through the implementation of decentralized government, it potentially encourages efficiency by providing room for differentiation in the line of duty and simultaneously increases government's accountability. Decentralization will encourage proximity between the governments with people so they will be able to recognize the real needs

and problems of its society and makes the government to adjust its policies appropriately. It will promote the more accountable government due to people can simultaneously oversee the government directly due to it is closer to the constituents than the central government (Shah 2006 after Akramov 2008:1).

Besides that, another valuable thing from implementation of decentralization is to give effect on the citizen's participation. Although its form is likely to vary in different countries depend on the type of decentralization that is used and the political situation but issue related to people's participation remains the same. For example, the regional governments in Africa are often constrained decentralization and local groups and limited community participation, especially the poor. As in the Central and Latin America show that decentralization is an important component but not necessarily as most important because participation is a critical component of the community. In this case, relationship between decentralization and citizen participation is conditioned by political factors, history, social, and complex economic that are different between strengths and interests of the country. Therefore, decentralization is believed to have potentiality to lead priority policies towards the real needs of the local communities, where it's believed to increase political stability and even the nation's unity (Hadiz 2004). By tailoring government policies to the real conditions and needs of society in the name of decentralization, various potential shocks and disappointments might be minimized. It is because people enjoy the benefit of the policies due to it is more suitable to their context. It indicates the orientation of decentralization towards the government's efforts is the most fundamental aspects to be considered.

Until the early of 1990s only 12 of seventy five countries had population more than 5 million people that adopted the various forms of decentralization as part of their government systems. Moreover, in the late of 1990s, about 95 percent countries with democratic political systems have sub-national units of its administration or governance system (Cheema and Rodinelli 2007). Referring to that, at this time either in the form of decentralized democratic governance or decentralized government, decentralization has become an important part of the political and administrative system in many countries in the world. It has become an accepted concept in the world as a model in developing a governance system which is oriented to improve the effectiveness of government policies by providing large opportunity for local people to participate and determine the policy based on their objective context.

One of the countries that seem to agree to the idea of decentralization as government's system that desire to provide goodness for local people is Indonesia. Therefore, at the end of the New Order era in 1998, decentralization in Indonesia has been considered as important and fundamental issues in the changing of Indonesia. It has deeply related to the terms relationship between the central government and the regional governments and its variety consequences in term of government system and local people participation.

3.2. Decentralization and Regional Autonomy in Indonesia

Actually, the concept of decentralization for Indonesia is not a new thing. At the very least, since the beginning of the independence Indonesia has shown its consent to decentralization as an important part of the Indonesian governmental system. The Indonesian constitution, the *UUD 1945*, states that Indonesian government also has a regional administration where its presence as the founding fathers' awareness to the importance of decentralization for Indonesia. If we trace the history of Indonesia, the decentralized system of government had been imposed ever since before Indonesia declared its independence from the colonialism of the Dutch's authority.

During the Dutch colonialism period, the ruler has tried to apply principle of decentralization in their government system. The implementation was conducted in order to increase revenue for the government from various activities in the Dutch East Indies' colony areas. Regarding to that interest, one strategy taken was to emphasize efficiency by releasing laws about decentralization of authority and power from the center authority to the local rulers. It was including the native rulers in some areas. Through that law, the colonial government provided assisted tasks to the heads of the local rulers as part of the central government system in regulating its interests in those areas. At that time, decentralization not only was done due to the government's intention to increase profits from some business activities from its colonial regions, but it was also to satisfy demands from some people who support the "*etische politieke*" (ethical politics) issue. That issue demanded the colonial government to make various efforts that encouraged the increase of prosperity for the colony people.

It shows that at the first, the idea of decentralization from for the Colonial government was laded with economic and political interest. In order to support it, the government established some authorities, duties, and rules that should be followed by the decentralize rulers in their territory. Thus, the local rulers had worked based on the established guidelines of the colonial government as the center of authority.

After the Indonesia's independence on 17th August 1945, regarding to the constitution mandates

in the article 18, the decentralization remained as one of the important parts of Indonesian governmental system. Based on that article every regime that ruled in Indonesia has always shown indication consent to the principle of decentralization. At least it is indicated thru some laws addressed to govern the regional government and the pattern of relationships formed with the central government. It shows how important the decentralization for Indonesia that has millions of citizens where they live in the various island with their certain diversity and context.

As an archipelago, Indonesia's territory that extends along 3.977 mile between the Indian Ocean and the Pacific Ocean has a land area of approximately 1.922.570 km² and 3.257.483 km² area of waters, the form of decentralization seems to become logic offers as the governmental system. With almost three hundred millions citizens that spread in various islands, decentralized government will be effective for Indonesia to ensure well services and policies for the local people. Beside the geographical factors, diversity condition in social and cultural contexts also makes decentralization as a rational choice for its governmental system. Moreover, the constitutional mandates to respect diversity in each Indonesia's regions by giving attention to the origin of each region. The state should respect and recognize the diversity of local people, including how to manage it based on its diversity as the constitution mandates.

In 1948, the new Indonesian government under Sukarno as the first president made the Law No. 22 year 1948 on the establishment of rules concerning the Basic Self-Governing (autonomy) regions that were entitled to set up and manage their own region. About 10 years later, amid the upheaval in the political situation in Indonesia, including the proliferation of various movements that showed resistance to the central government in Jakarta, an later the government replaced the previous law to the Law No. 1 year 1957 on the Principles of Regional government.

The article 2 paragraph (1) in that law clearly confirmed that the adoption of a decentralized system is through granting the right to take care of the regional governments own region. Having survived for 8 years, the Law No. 1 year 1957 was replaced by the Law No. 18 year 1965 on the principles of the regional government. This constitution was regarded as one of the important products in managing regional government system in the era of the guided democracy of Sukarno. In the article 2, paragraph (1) of this law stated:

> "The territory of the Republic of Indonesia is divided in areas that are entitled to organize and arrange their-own- household in three tiers as follows: (1) Provincial and / or municipality as the Regional level I; (2) the District and / or the Regional Municipality as level II and; (3) sub-district and / or municipality as the Regional level III."

Like the previous law, this law also did not exist for long. It was because soon after this law officially implemented, there was a big change in Indonesia political turmoil. That moment

known as the 1966 incident, in which the Indonesia Communist Party or *"Partai Komunis Indonesia"* (PKI) was considered to attempt a coup against the legitimate government under Sukarno. It triggered many social and political upheavals. One of big impact of that moment was the fall of Sukarno as the President where replaced by Suharto and also marked as the begun of a new mastery regime in Indonesia, the New Order era (Ricklefs 2008).

In the New Order era, the new regime then led to Law No. 5 year 1974 on the principles of regional government. Just like the previous law, this law formally adopted the decentralized system. At least it can be seen from the article 1 that was explaining the notion of decentralization (part b) and autonomy (part c). Furthermore, in the article 7 it stated:

> "The region is entitled, authorized and obliged to organize and manage its own regions in accordance to the implemented laws and regulations."

According to this article, there was implementation of decentralization in Indonesia, which was realized through granting autonomy to the regions. In this case the autonomous region focused on the area level II as listed in article 11 paragraph (1). The first level regional governments in this province had no rights but only autonomy duties from the central government in co-administration scheme and deconcentration.

Formally, that law likely provided flexibility to the regional governments and its people to manage their own areas through the regional autonomy rights. Actually, this law affirmed tendency of Suharto's desire to acknowledge the existence of local community that has diversity. But factually, its implementations did not perform in that meaning. Granting the wide rights thru the regional autonomy for regional government as a manifestation of decentralization just existed as concept in various chapters of the law. Facts that the political power and authority were highly concentrated in the central government under Suharto's hand actually led the government of provinces, districts, cities, and villages as the supporting of central government's policies implementation (Aspinall and Fealy 2003). The centralized of power in the Suharto's regime was followed by some centralized policies to manage the Indonesian economic affairs in Jakarta. In addition by control the military institutions, excessive bureaucracy, and control the natural resource made implementation of regional autonomy just became the regime's strategy as if adhere the constitution and respect to the diversity. The implementation of decentralization thru the regional autonomy was an ambiguous and paradox policy in New Order era. The Suharto's desire to maintain a unity of nation by controlling the diversity of communities was done by raising the authoritarian power centered in Jakarta (Malley 1999) that made the regional autonomy was not implemented seriously due to it had possibility to enlarge sentiments of

ethnicity, culture, and other diversities among the local people that were seen as the triggers of conflict.

Therefore, even it was as mandate from the constitution and followed by some other laws' implementation of regional autonomy were still controlled tightly by central government. It showed how the reluctant of government to give more opportunity for the local people. It seemed as strategy to influence people strongly by the regime's views that diversity is a source of vulnerabilities where it could lead a national disintegration (Anwar 1999). Although the Law No. 5 year 1975, which mentioned the existence of the right of regional autonomy, especially in the second level was a regulation made by the Suharto's regime, but the regime itself was trying to deny it at the implementation.

During the New Order era, decentralization only became political "lip-service" of the ruling regime. It was done only to indicate that Suharto respected the idea of decentralization as well as an effort to demonstrate his regime obedience to the constitution. The reluctantly of Suharto to give more rights to local people clearly appeared through present of the Law No. 5 year 1979 on the villages administrations. This law essentially performed the uniformity of the village government and administration system in Indonesia. It made the recognition to the local community's existence difficult to be realized.

The uniformity on the village level indicated systematic efforts of Suharto to ignore the local people existences formally. By imposing the rigid form of village's government, automatically the whole diversity of values and the dynamics of community-owned village's regime were marginalized as instructed by the laws. That denied the existence of diverse identity and activity that were usually based on the local values, including the indigenous people's communities where mostly live in the rural area. Moreover, the law basically was the regime's desires to ignore the fact that many village governments were set up and influenced by some unique locality values. That condition happened until 1998 when Suharto finally declared to resign as the president of the Republic of Indonesia.

After the end of New Order's era, there were variety changes occured in Indonesia's political constellation. One of rhe changes was the amendment of the Indonesian constitution for four times during the period 1999 to 2002. Through the amendments, some of the provisions were amended, including the article 18 that regulate regional government. The chapter VI of the constitution about the Regional Governments was also amended. That article then turned into three chapters: the article number 18, 18A, and 18B, where previously it only consisted of article number 18. Furthermore, article 18 later became seven paragraphs while the article 18A and 18

B has two paragraphs each. The whole additional part in the article 18 shows the government's desire to encourage creation of more real decentralization for the local people. In attempt to form the regional government, the amendments also grant the autonomy rights to the regional government (paragraph 2) as well as the co-administration duty. In this view, the right of autonomy is granted for the *Kabupaten* (district) and *Kota* (city) government where the provincial government is not included. It also comes with the presence of important government institutions other than the legislative area executive members that are elected through the electoral process (paragraph 3).

The paragraph 4 of the article 18 that regulates the determination of regional leaders is also handed over to the people through a democratic election process. This part shows that decentralization in Indonesia seems seriously to grant the regional autonomy governments. It is also indicated by the attempts to integrate democracy idea in the implementation of the decentralization's principles through the provision of the regional autonomy.

As part of the constitution amendment, there were two significant laws produced related to regional governance as well as to set the regional autonomy. It was the Law No. 22 year 1999 concerning regional government was that equipped by the Law No. 25 year 1999 on the financial balance between the central government and regional government. Both laws were often referred as a package of the regional autonomy laws. This package was later replaced by the Law No. 32 year 2004 on regional government that was equipped through the Law No. 33 year 2004. These laws have similar function with the previously laws in regulate the regional autonomy.

Basically, apart from being considered as an appropriate concept to be implemented at the local people, the government's further efforts to emphasize the importance of regional autonomy was not separated from the regional people dynamics against the central government in demand for more widely rights, powers, and obligations to control and manage its own territory (Mietzner and Aspinall 2010; Tyson 2010; Nordholt and van Klinken 2007). It shows that the dynamics of decentralization and regional autonomy's issues in Indonesia were not just a part of the central government's desire to carry out the constitutional order only, but also to respond the dynamics of the regional people.

Various demands arise in some regions of Indonesia, regardless to its character that tend to be elitist and followed by some social, economic, and political interests by certain actors (Mietzner and Aspinall 2010, Tyson 2010, Nordholt and van Klinken 2007) indicated by local people's dynamics in the regions. That demands came from dissatisfaction of people to the way of the central government in organizing and managing development in the regions. The central

government was too centralized, so they failed to know the actual conditions in the region where it often made them mistakes in response to the regional people's real conditions (Cheema and Rondinelli 2007). The local people then tried to get bigger rights to mange their own territory in accordance with the belief to be more understanding of their region that possibly has different contexts with the other areas and local communities. It then requires a decentralized government's management based on each region objective condition. It shows the state's respect to the local people, including their unique locality.

State's recognitions to the existence of local people through regional autonomy are realized through the provision of powers in order to regulate its territory based on their objective context, including the diversity. In addition, to organize society in the regions, utilization of natural resources is also as a thing that has been given, but it still should be aligned with the regulation from the central government that are contained in the article 18a paragraph (1) and (2) of the Indonesian constitution. It is the manifestation form of formal recognitions to the existence of local people that is strengthened by the article 18B paragraph (1) which states:

> "The state recognizes and respects the regional government's units that are special or specific regulated by law."

The recognition is increasingly asserted in paragraph (2) that states:

> "The state recognizes and respects units of indigenous peoples and their traditional rights as long as they are still alive and in accordance with the development of society and the principle of the unitary Republic of Indonesia, which is regulated by law."

Respect to existence of the regional community, including what they owned of indigenuity, then manifests through the regional autonomy's rights. Through the provision of the regional autonomy, central government is attempting to address the problems in Indonesia that are related to increase of turbulence in various regions after the fall of the New Order era. It was present along with the euphoria of the changing era that was driven in the name of democracy. It was also as the reappearance of the local elite's forces in the region that sought to regain position determining the political constellations in the region, which has become the background for the emergence of various social movements in the local communities level demanding more participation opportunity regarding to the objectives condition in the regions (Tyson 2010; Nordholt and van Klinken 2007). It shows that the issue of decentralization and regional autonomy in Indonesia after Suharto was not only as desires of government to implement the constitution as well as to respond to the challenges of the geographical condition of Indonesia. Moreover, the regional autonomy is also driven by the various regional dynamics.

The assertion of the local communities to have more right to actively participate in their own territory using socio-historical and cultural justification frequently leads to some conflicts. It was not only vertically with the central government, but also horizontally between the regional people (Davidson et al. 2010, Tyson 2010, Wilson 2008). All of phenomena showed that regional autonomy is seen as an urgent necessity for the Indonesian especially for the regional people. It makes the regional autonomy's policy to be regarded as one of the important parts of the effort to achieve democratization in the region (Heuser-scaublin 2013).

Efforts to connect the regional autonomy and democracy in the reform era can be found through readjustment of the local election's system in most regions in Indonesia. The effort can be seen from the changes of electoral system into the direct system to elect the head of regional government in the provincial, district, and city level. The new systems are used in nearly all regions in Indonesia except in two provinces, *"Daerah Khusus Ibukota Jakarta"* (Special Capital Region of Jakarta) and *"Daerah Istimewa Yogyakarta"* (Special Province of Yogyakarta).

For Jakarta, only the governor and its deputy are elected through the new system. The city's government head or the mayor appointed by the governor, where the decision needs approval by the provincial legislature. That condition is caused due to as the capital city of the Republic of Indonesia that makes Jakarta regulated by two laws simultaneously: the Law No. 32 year 2004 about the regional government and the Law No. 29 year 2007 concerns the Jakarta provincial government.

As for the Special Province of Yogyakarta, the governor is determined based on the Law No. 13 year 2012 about the Special Province of Yogyakarta. Based on that law, the *Sultan* of Yogyakarta automatically becomes the governor while its deputy must occupy by the existing *Pakualam*. In contrast to Jakarta province, all of the head city and district government should be elected based on that new law. Besides those two special provinces, the entire regional government's leaders (Governor, Regent, and Mayor) in Indonesia are determined through a selection process that is carried out directly by the people through the process of *"Pemilihan kepala daerah langsung"* (the direct election for the regional head government) or "*pilkada*".

The changes of system actually give opportunity for the regional people to involve and participate actively to determine the various local policies through votes for the regional heads. It believes that decentralization's implementation in the scheme of regional autonomy to be considered as part of democratization progress in Indonesia (Erb and Sulistiyanto 2009). The regional autonomy is not only seen as preferred method to implement the decentralization, but also as the solutions to dampen the turbulence in the public areas. Furthermore, the regional

autonomy is seen as a path to implement democratization in the regions, therefore granting larger rights to participate for local people to manage their own areas and the direct involvement to choose their own leaders are seen as indications of democracy. In this view, one indicator for success of democratization is the implementation of regional autonomy, which allows people directly involve in the regional government's policies. It means more authority is given by the central government the more opportunities for local people to involve.

The implementation of regional autonomy and its dynamics has guaranteed formally to show its existence as an important part of democratic system adopted in the reform era. It also can be seen as formal recognition of the state, the existence of diversity, and unique context among the local people. It makes the decentralization's implementation in Indonesia to be currently believed to bring some important changes to the empowering of the regional community, including the indigenous people (Nordholt and van Klinken 2007). It means the regional autonomy is then considered as medium and opportunity for the regional communities to restore their existence including the presences of the locality values and its influence in their regions.

3.3. Regional autonomy and Revivalism of the *Adat* in the Reform Era

During the Suharto era, the policy tends to reduce the various issues related to diversity in the identity of the regional community. The Suharto's regime interpreted ethnic identity differences, culture, and tradition just as a unique culture, and not merely a socio-political system that has fundamental meaning and implications for the life of the people in the region. Therefore, the recognition to the existence the native in the context of understanding as indigenous people tended to be ignored. This matter changed meaning of the indigenous people's concept, which is recognized by the world through an international categorization that did not meet its relevance in Indonesia (Li 2000). It shows that the policies of the New Order regime were different in defining the concept of indigenous people in Indonesia.

The cultural diversity and indigenous people was only seen as a symbol of local identity and not given a specific meaning broadly as a social and political system that exists and believed by local people who exist in a state system in Indonesia (Hooe 2012). In fact, if one learns more about it, the existence of custom as social community's system even existed far before Indonesia was formed as a nation state in 1945. It then became the government's systematic effort to do depoliticization toward the reality of cultural differences (Henley and Davidson 2007 after Hooe 2012:13). Indigenous diversity was seen just as the common parts that complete the unity of Indonesia. That outlook was coopted through the slogan *Bhineka Tunggal Ika* by the regimes.

Through the regime monopoly of meaning, diversity of indigenous people was only seen as the unique characteristics of a particular community and not as the valuable and fundamental systems of their life with that has existed for generations.

For the New Order regime, phenomena of diversity of indigenous people and its unique values were interpreted by classifying it as the "isolated communities" (Ministry of Social Affairs 1994). The indigenous people were positioned as communities that still needed hands because they are still lagging behind, primitive and less powerful. Even more extreme, the phenomena tended to regard as indication of Indonesian negative associated with the regime's desires to build an Indonesian image as the modern country that will promote to the international society (Henley and Davidson 2010). Therefore, the phenomenon of indigenous people's existence as part of the objective condition depends on how the state put their existence in the frame of the desired state policies. The indigenous people had not enough opportunity to develop their existence in context and characteristics of their own culture due to the hegemony of the regime's meaning on it. The diversity of values within the local people was considered as potential source of conflict that potentially disrupted national stability that was very crucial for the regime's existence. Even if there was space given by the regime but it was limited only to certain symbols as part of the regime's propaganda in promoting the ideality of solidarity and harmony to support the existence of the unitary state concept in Indonesia. It was simply seen that on behalf of importance to maintain the national unity, the existence of diversity should be avoided.

Moreover, through the Law No. 5 year 1979 that regulated uniformity of village's administration across Indonesia, the regime had pushed major changes related to the roles in the village's lifes. If far before the New Order era the village government system and its communities' life have been strongly influenced by various existences of local values such as the customary law. Various issues such as religion or traditional values were removed systematically by the government by removing the important traditional roles and the character through the uniformity of the village form. The uniformity was then accompanied by a change in the mechanism of determination as well as the requirement for the village's heads and other village's officers had made the roles of indigenous elite marginalized. Their roles tended only on the things that were merely ritual. The condition immediately made the existence of various values and traditional institutions that were part of the village community life was replaced by new values through new village's administration system. By performing the strict control mechanism to the village lives, the regime attempted to ensure compliance throughout the region toward the central government. For the Suharto's regime, the existing diversity within the social and political systems was seen

as potential obstacles in efforts to drive the Indonesian development. Therefore, the roles were usually carried out by the local elites such as *lembaga adat* (indigenous council) or were reduced by creating a general governance structure as the common standard in Indonesia. Consequently, the traditional elite's position was then replaced by the new village leaders that were produced based on the formal laws that controlled by the regime. In addition, although position of *lembaga adat* still remained in the community, but their removal was officially made them out from the government's system structure that had eliminated most of their authority. That strategy taken by the New Order regime appeared as a denial to reality of the indigenous people's existences as an objectives condition in most area in Indonesia.

Alfred and Corntassel (2005) noticed that those conditions had forced the regional people, including the indigenous people communities that are scattered in different areas of the village must comply or cooperate with the rulers. It impacted to their participation to be limited which made them apolitical and marginalized from participating in determining of dynamics in their community life. That actually ignored ability of local people as the most known of their condition and needs based on their own ways and values in their region.

Despite their belief to the existent values that are based on the belief of the truth of value on psychological aspect, ranging from individual (Lewis and Weigert 1985), but the reality showed that existence of indigeneity remained mostly indicated by various people in Indonesia. That situation can be interpreted as an acceptance of a community towards the values as shared value in their community. Moreover, its practices demonstrated that existence of indigeneity or customary frequently occured in Indonesia is a characteristic or symbol acknowledgement of a particular community identity and not just as a series of ritual activities as well as a symbol of the values. It makes the existence of customary is seen in the existence of a community as a part of other communities who live in the same region together. Thus even customary that is generally regarded as one of basic guidance in the dynamics life of certain community, but it was not given the opportunity and even tended to be marginalized in the reality of people's lives by the New Order regime.

Hopes to get wide space for the indigenous people's existence were present along with the resignation of Suharto as Indonesian president in 1998. Since then, Indonesia attempts to move away from the authoritarian regime towards a democratic country. In this new era, Indonesia seeks to encourage wide range of important changes in the socio-political construction system in Indonesia based on democratic values. For the people in the regions, regime's change helps back cultivate the spirit to demonstrate their existence. The reform era closely to the spirit of

democracy is seen to provide opportunity for the locality revivals, including for the indigenous people. It is then realized through the implementation of regional autonomy. Presences of the regional autonomy are seen as a way to make it happens.

Spirit of democracy that accompanies the socio-political dynamics changing in the reforms era seems to have passion and better hopes in creating a more real autonomy for the local people that would be a chance for return of their existence. Nordholt and van Klinken (2007) considered that law goes further in efforts to achieve decentralization process, which even according to them it had been halted since the 1950s. Therefore, the regional autonomy is considered as a way for the return to the uniqueness that is seen as a revival of indigenous communities in Indonesia (Tyson 2010). At least some indications on recognition of the indigenous people's existence are embodied in various areas such as West Sumatra, Aceh, Papua and South Sulawesi provinces, while Maluku and Kalimantan use symbols customary or *adat* to mention the community or government systems at the village level. The use of "*Gampong*" in Nanggroe Aceh Darussalam, "*Lembang*" in southern Sulawesi especially in Tana Toraja, *"Kampung"* in South Kalimantan and *Papua, "Negeri"* in Maluku, as well as the "*Nagari*" in western Sumatra are forms of state's recognition to the existence of the indigenous people's values in the region (see eg. Tyson 2010; Davidson and David Henley 2007; Benda Beckmann 2006).

In 2004, Indonesian government issued a new regulation Law No. 32 year 2004 on regional governments to replace the Law No. 22 year 1999. Although the new regulation was considered not only amending the previous legislation and replacing it with a new one, but the points that granting autonomy to the regional government area of the district and the city remained as before. In the context of central and regional government's relationship or the relationship between the legislative executive, there are several changes associated with their authority (Nordholt and van Klinken 2007), but the aspects related to the recognition of the existence of local community values are retained. At least it is reflected in article 1, explanation number six stated:

> "Autonomous Region, hereinafter called the area, is the unity of the legal community, who has boundaries, is authorized to regulate and administer governmental affairs and interests of local communitiy's own initiative based on the aspirations of the people in system of the Republic of Indonesia."

This article shows the rights for local people to organize and manage their interests based on their aspirations. Excitement about the recognition of values of the local community is increasing as shown at article one, explanation number 12 associated with the existence of the villages, states:

"The village or called by other names, hereinafter called the village, is the unity of the legal community, who has the authority to limit boundaries to organize and manage the interests of the local community, based on origins and local custom that recognized and respected by the government's administration system of the Unitary Republic of Indonesia ".

The existences of right to organize and manage the interests of village communities based on the origin and local custom showed that public is given chances to show their inherent local values in their existence in an autonomous region. In this point, the villagers are part of an autonomous region also obtain autonomous rights based on the context and the origin, of which is based on historical and their socio-cultural aspect. By giving the autonomy rights to the village communities, it shows there is serious attempt of the state to give space of the local people's existence. Although the statement in the law tends to express significantly on the recognition existence of indigenuity in the region placed in the context village, but facts that most of the territory in Indonesia, especially the district regions is set from many villages has made this law suitable to the Indonesia's current context where most of indigenous people community live in the rural areas.

According to the Indonesian government, the number of villages in Indonesia continues to grow. If in 2009 the number of villages in Indonesia was 76,983, until 2013 the number of villages has reached 80,714 villages. It means that in this period, the number of villages in Indonesia has increased by 3,731 villages (BPS 2014). Thus the formal recognition would include many village areas and becomes a way for many communities and their customary to exist. Total figures show the number of counties and cities as well as the large number of villages in the region of Indonesia, which has the right to autonomy. The figure also shows that the number of area communities could indicate the existence of local values that exists and thrives in the region and becomes an important part in the socio-political dynamics in their region. Although not the entire region is a region that still exists with certain traditional values, but the autonomy is given by central government to regional government and village also remains a huge opportunity for people in various regions in Indonesia, which still has variety of customary values. It shows that the space given through a formal policy on regional autonomy will be an opportunity for many communities.

By referring to data of the Ministry of Social Affairs the Republic of Indonesia, population of *"kawasan adat terpencil"* (KAT) or the indigenous people that live in remote area spread in 30 provinces, who inhabit almost in the entire territory of Indonesia. Based on the national results of updated KAT data, as much as 229,479 *"kepala keluara"* (KK) or households reside in 2,658 locations. The community is spread in 246 district, 852 districts, 2,037 villages and 2,650

locations. Those communities inhabit variety of places, such as upland, lowland / swamp, inland / mountain, and coastal / marine. By the looks of this data, it appears that the number of indigenous communities in Indonesia seems to be not many compared to the overall number of Indonesia's population, which are more than 230 million people.

However, when compared with the data held by the "Alliance of Indigenous Peoples of the Archipelago" (AMAN), the number of indigenous people is much greater. AMAN estimates that there are approximately 50-70 million people who can be categorized as indigenous peoples are scattered in almost all provinces with a total population and the different groups in various parts of Indonesia. Difference in the estimated number of indigenous people between the government and AMAN seems to be related to the difference of meaning and understanding of the existence of indigenous communities. The ministry of Social Affairs as an official government agency tends to see the indigenous communities in the frame as KAT. This community was considered as one of the communities that have social welfare issues and require special attention of the state related to some fundamental reasons that could affect the development process. The reasons are: (1) The high quantity of KAT population untouched by the development; (2) Related the issue of dignity as a nation and the issue of human rights; (3) Not described in the achievement of national development goals for the nation; and (4) Related to the issue of national security, especially KAT who inhabits the border region between countries (The Ministry of Social Affairs 2010).

Reasons expressed in the government's institutions tend to consider the indigenous peoples just as the objects of development process untreated and yet enjoy the result of development conducted by the state. It can be seen from how these communities are considered to have the right to live in prosperity, the right to basic social services, the right of participation in the development and protection of the rights of a variety of conditions that interfere, whether social, cultural, economic, legal and political are to be met by the state with those aspects considered as part of state's obligation for the welfare of all its citizens. But certainly the problems associated with the indigenous people are not only related to how they would enjoy the process of development, but also deeply related to how they will get more space to participate in determining of development policies in their respective territories based on their interest.

Related to that matter, AMAN proposes that indigenous people are communities that live together in a traditional territory based on their ancestral origins for generations, which have sovereignty over land and natural resources, social and cultural life governed by customary law and traditional institutions in charge the continuity of the community (AMAN 2001). The

definition indicates that recognition of the indigenous people must be seen in the broader dimension, including the social, economic, political and cultural context that are associated with their existence in each region. The definition by AMAN seems as an attempt to broaden the meaning of the indigenous people's existences as well as the consequences associated with their rights due to its status and that broad meaning seem to find enough relevance in the presence of regional autonomy and democracy in the reform era in Indonesia. There has been number of conditions that encourage the revivals of indigenous peoples in the reform era, thus the implementation of decentralization through the implementation of regional autonomy is basically a meeting point of many conditions that occurs in Indonesia allowing the indigenous people to get more respects from the states.

The falls of Suharto's regime has led Indonesia towards a more democratic regime. It simultaneously triggers the rise of the various demands of the people to be given a broader engagement space as during the Suharto's regime they were marginalized and tend to be placed on apolitical position (Aspinall and Mietzener 2010; erb and Priyambudi 2009; Nordholt and van Klinken 2007), as well as the rise of local elite forces that are trying to bring the socio-cultural existence by using the justification has become images that explain the resurrection. In addition, the rises of indigenous people are also obviously from more intense movements carried out by various NGO's such as the AMAN that was formed in 1999.

Presence of AMAN is seen to fight for the recognition of the indigenous people's existence rights, such as in economic, social, political, and culture rights. In addition, the important thing is also the international recognition of the existence of indigenous people through ILO (International Labor Organization) No. 169/1989 concerning to the identification of indigenous and tribal people that was followed by the Declaration on the Rights of Indigenous Peoples by the United Nations No. 61/295 in 2007 also affect the growing demands of society in many countries to gain recognition for their existence.

In Indonesia, despite the international recognition, which comes from basic understanding of the indigenous peoples to fight for the return of existence, the presence of discourse related to the understanding is brought by various organizations outside the community of indigenous people through some NGOs, who initiate the issue by making the inclination views as international world of discourses that are also relevant for Indonesian context (Davidson et al. 2010). It makes pressures for the recognition that encourages the revival of indigenous peoples as one of the important aspects in the dynamics of indigenous people's revivals in Indonesia. Some laws provide formal recognition of these communities then occur, such as the Law No. 27 year 2007

on Coastal and Small Islands, which gives recognition and protection of indigenous peoples explicitly, and the Law No. 32 year 2009 on the management and protection of the environment formal recognition of the state of evidence for the existence of indigenous peoples.

Those various formal recognitions basically can be seen that those have been given legitimacy both nationally and internationally against the existence of indigenous communities, which has been marginalized. Those recognitions also provide the opportunities for indigenous communities to participate actively in various aspects of life as well as to maintain its presences. Consequently, it then encourages those communities to look for the sources of legitimacy that they might have to reclaim justification for their existence as indigenous peoples (Tyson 2010). It then will be part of certain community to get the recognition as well as the rights contained in it.

In the Indonesian reform era, some communities then try to dig or bring it back their potential reasons that might give them legitimacy or strengthen their claim as indigenous communities. Various claims are made by indigenous peoples, especially related to the recognition of land rights, autonomy of political structures, the hegemony of the dominant culture of the outside community, the desire for cultural custom, and their spiritual outlook that are different and can be respected by other parties either by the state or by surrounding society. Turpel (1992) stated that it is strongly associated with a model of understanding of the new human rights called the rights of the community. This understanding puts the rights of indigenous peoples as equal rights, so the rights absolutely belong to them and should be respected even for the other communities outside.

That condition shows desires for recognition as indigenous people not just as cherished desire as a community or as a community in other society. Moreover, the claim is basically a way for this community to be able to sue or preserve various special rights over the area where they live as a community based on their belief that they are the rightful owners of the region. That claim seems parallel with the specific rights and continuity of the ownership or control over a given territory based on principle of the first occupancy. This principle states the first, or the first right to take or have a piece of land and obtain exclusive rights over it, as far as restriction of property rights and sovereignty (Nozick 1974 after Waldron 2002:7). Thus, the claim as indigenous communities or sometimes referred to as the indigenous communities are associated with the history of the early settlers in a region of an entrance for special privileges over land or territory they occupy.

It brings huge implications on various occasions for them to have benefit in social, economic and political in the region. In addition, the claim is not only related to the ownership of a particular region, but also as an effort to protect its existence. Thus, the basic identity as indigenous communities remains a major cornerstone to claim a particular area, so that the articulation of the meaning is absolutely necessary (Dove 2006). By that justification, then the existence of indigenous peoples, especially related to the recognition of a certain regions as a basis of its existence, will be a fundamental aspect that is very important for the sustainability of the existence of such as is the case in many areas in Indonesia (Davidson et al. 2010; Tyson 2010). The recognition indeed will relate to certain formal justification by the state, therefore through implementation of regional autonomy the revivals of the indigenous people have been facilitated. It is then implicated to emergence of issues that tend to promote the natives aspects as justification for what is right and should be done in the area.

The emergence of the issue of *"putra daerah"* or "local people" for instance that allows the native people claim a certain area as theirs seems as part of consequences of the state recognition, where the people put it in the principle of first occupancy. Thus, there is a tendency that various communities in the regions seek to provide reinforcement of their claim as the most appropriate to regulate the territory based on their way of life. By these principles, the indigenous people in general feel that they were placed in the area hereditary for a long time and therefore they were placed an area in a very long time hereditary and they have within its own area (Waldron 2002), thus only the "son of the soil" or the first community living in the region and the descendants are entitled to have sovereignty over the area. The implications are they feel appropriate to apply their values in their daily lives without fear of protests from other communities that are just regarded as the immigrants in their own regions. This is likely to provide a favorable position for those identified as part of the indigenous people in a particular region.

Various explanations above show the regional autonomy that comes along with the spirit of democratization in the reform era has prompted many regional discourses that come along with the rise of the existence of indigenous peoples. It has encouraged communities to local communities in the identification of their existence as a community and their relationship with certain regional contexts. Discourse on regional identity appears as an interesting paradox in which the identification of differences in the identity of each community is done in a way that is likely to be similar (Nordholt and van Klinken 2007). It shows that decentralization and regional autonomy has implications for the dynamics of the local community to do re-identification of

their existence occurring on one area. By digging through the potential aspects of socio-historical and cultural, indigenous communities then attempt to claim a particular territory as their lands and thus, as the son of the area then they are entitled to set the region. Of course this is also the belief that only the *putra daerah* understand better how to respect local values that exist in the community in their daily lives. This suggests certain decorum in the frame of the values of local custom based on the needs of the people in the region. This course is related to the tendency that the traditional value is an important basic regulating decency to behave and law for the community. It is becoming customary in traditional practices and institutions based on a certain belief that is considered suitable for the whole community in maintaining the harmony of life. In the context of indigenous peoples, such beliefs will be related to the values that have become common value as traditional values are generally considered to be the truth in the reality of their lives.

The community's enthusiasm to showing its indigenous values again thru various regions based on the awareness of its benefits is always based on local values and historical aspects that are very well known by the people. Thus, the customary practices that are possible by the state through regional autonomy become as effort to get the benefits associated with their belief in certain values. These beliefs are not only related to the desire to avoid disharmony conditions through the creation of a good relationship between tradition and order, but also provide opportunities to obtain various advantages of social, political, and economics as an indigenous people.

In the political context itself, the resurrection has brought back the local custom as one of the important sources of political power on the public area. The fall of the Suharto's regime actually provides an opening for the indigenous revival. At the state level, the position of the indigenous council in the village administration restores it substantially to be recognized in the law on regional government generated in the reform era. At the level of civil society, there is proliferation-oriented indigenous group (Davidson and Henley 2007). Overall, the custom has come to realize the desire of normative society adherents facilitated by regional autonomy that is reinforced by the presence of the spirit of democratization in Indonesia in the reform era. It makes the indigenous people to have their existence, obtain various advantages in the aspects of political access, claim ownership of the land and territory, resource distribution, conflict resolution and so forth. These increases are showing the effect of the indigenous' revival in the reform era in Indonesia post-Suharto.

Based on explanations above, the revival term is more suitable to indicate the Indonesian

indigenous people situation after Suharto. Because actually it is the dynamics of indigenous people during the Suharto's era that still exist even though it was limited by the ruling regime. The regime was successful to control the dynamics of various indigenous people's activities through various policies but it never dispels those community's existences. There are many symbols, practices, and events that still exist, where some were used by the regime under its desire to support the "unity in diversity" jargon or even for tourism policy. That condition explains that indigenous people were only forced to follow the authoritarian regime's policy but it never fully obliterated their existence with their local unique values. Therefore, after the regime falls in 1998, indigenous people then have free space to showing their existence without worries to the repressive control from the state. It means that they have chance to return their various indignity where most of it was restricted by the ruling regime.

Moreover, the *adat* revivalism is not the same as *adat*, and it is a particular form of traditionalism, rather than tradition itself – either in specific local contexts or in general. But this is not to suggest that the "*adat* rights" advocated by the currently *masyarakat adat* movement are necessarily "invented traditions" (Hobsbawm and Ranger 1983 after Davidson and Henley eds. 2007:2). Particularly when it comes to land right, the most important single issue in the current revival is the continuity between contemporary claims and past practices is often real. Even in the context of contemporary *adat*'s revivalism, then, one way in which the term *adat* is used is simply to refer to particular time-honored practices and institutions, inherited by communities rather than imposed by the state, which are seen as having continuing relevance to current political concerns (Davidson and Henley eds. 2007).

Chapter 4
The Figures of Indonesian Democracy in the Reform Era

4.1. Democracy as an important Governmental System

After long period since the ancient Greece, when democracy was recognized for the first time, the history shows that the emergence of democracy as a govermental system was motivated by many processes and changes. It was ranging from the signing of the Magna Carta in 1215, the French Revolution, the American Revolution in the eighteenth century, until the expansion of the franchise in Europe and North America in the nineteenth century (Sen 1999) that influenced development of the concept of democracy.

During its development, throughout the nineteenth century, observations about democracy and democratic theory naturally tend to focus on the discussion of whether a state or territory is suitable for democracy. In this point democracy tend to be seen as an option among many tools to organize the system of society. As an option, the question regarding its suitability in a community becomes an important aspect of the debate about democracy (Berman 2007). That tendency however changed when entering the twentieth century.

The questions about the compatibility of democracy to be applied in a particular context of community no longer relevant because the important thing lately was a society or state would be better by adopting democracy into their system (Sen 1999). It shows that there is a shift of ideas which implicates wider area of idea democracy reach billions of people, eventhough these people have different level of history and cultures prosperity. These conditions show that the propensity of democracy idea is seen as an offer that should be chosen by people in the world if they want to make a better governmental system and condition of community life. This view makes democracy as an important concept in the mankind development process in the world. Presence of the democratic wave that swept the world during the 20th century where many countries experienced changing or the transition from authoritarian systems toward the democratic system deeply indicated it. Various transitions toward democracy in many parts of the world during the democratic waves have made democracy as a governmental system served as dominant and most implemented in in the world today. Democracy tends to be seen as the best option to apply the system for the state and appropriate to be implemented in their communities respectively. The dominance of the idea of democracy seems to have made a lot of countries vying to assert itself as a state that adopts democracy, or at least to be considered as a state with a democratic system (Sen 1999). Some results of research and assessments conducted by a few international agencies

using various indicators show that more than 60 percent of countries in the world, at least showed themselves as democratic countries through the presence of some institutions or procedures which are considered as the characteristic of democracy (Landman ed. 2008).

Indeed the waves of democracy had experienced what is called as the "reverse wave" phases marked by the reign of Mussolini in Italy and made the number of democracy countries to decrease to only 12 countries in the world (Huntington 1991). But soon after the World War II, the merged states has made up the alliance during the war and initiated the emergence of the "second wave" of democracy in the world. This matter was indicated by the adoption of the democratic system by 36 countries in the world at that time. Although in the period 1960-1975 that number experienced a reduction to only 30 countries, but soon after entering the early of the 1990s, various dynamics in many regions of the world has prompted a wave of democratization of third world, which was marked by more countries experiencing transition to democracy (McFaul 2002; Huntington 1991). These conditions then make democracy as the dominant discourse debate about the social and political system in the world nowaday.

Currently, discussion about democracy tends to no longer about whether democracy is a good or bad system. The disagreements to democrcay only occurs in efforts to identify type of democracy that is more democratic, or where the more authentic of the type of democracy (Lukin 1999). It shows that democracy has been accepted as an ideal concept or at least as the best concept recently among the political scientists, including for some political elites in many countries. It makes democracy experiencing the extensional term where there are changes in the understanding of democracy. It is no longer just be as an understanding of the specific and limited to the vague support for a popular idea but at this time it is seen broadly in the context of people lives in the current world.

Regarding to expansion on meaning of modern democracy, the scholars are divided into two groups into definition of modern. Those who are included in the first group, such as Joseph Schumpeter, preserves that election is the only practical criteria of democracy, while the other believes that democracy can not be defined only on the election (Lukin 1999). The second group itself divided into two sub-groups.

The first sub-group consists of people who add the political liberalism in their definition of democracy. They argue that a democratic society should be characterized not only by freedom and justice elections but also by pluralism which is defined broadly. As such, they identify democracy with a liberal form of democracy. The other sub-group states that democracy should insert the social and economic aspects, guarantees for social equality, or at least some thing on

the level of social justice (Lukin 1999). It means, by linking democracy with efforts to achieve social welfare, democracy is not necessarily synonymous with the majority rule only.

In similar term, Sen (1999) stated that democracy demands several more complex things, where voting on the election process and respect for the results is just one part of it. In more extent, democracy requires protection of the freedom and independency, respect for the legal rights, and guarantees for the free discussion space and dissemination of information and fair statement. Without these things, even elections can not be implemented properly in the certain society. Democracy is a system that requires some preconditions and not just as a mechanical process (as like as the majority rule) that may occur in a context of isolated communities (Sen 1999). In this sense, the benefits of democracy and the claim as a universal value can be linked with a different virtue where the practices are free from restraint. It is asserted that development of ideas and understanding of democracy always leads to benefits that will received or perceived by the people.

Minimally, Sen (1999) proposed that there are three different ways to see how democracy can provide benefits to the community. *First,* political freedom is a part of human freedom in general. Therefore freedom in carrying out the civil rights and political rights is an important part of the lives of individuals as social beings. In this regard, the social and political participation has its own intrinsic value for human life and its well-being condition. This point of view also confirms that the effort to prevent human beings from a political participation is a deficiency in the system of democracy. *Second*, democracy has an important instrumental value in enhancing intensity for people in order to be able to indicate and support their claims related to their political interest. *Third*, although it should get further attention, practices of democracy give citizens opportunity to learn from one to another while helping people to establish the values and priorities.

In this sense, democracy has its constructive interest, besides an intrinsic value to the people's lifes and their importance presence in the political decisions dynamics. Based on that condition, claims of democracy as a universal value should insert the understanding of diversity in society as a consideration in determining the claims as a democratic society.

In order to precisely understand to the society needs, it requires room for discussion and adequate of exchange ideas. Attempt to achieve this requires the guarantee of civil rights and political rights to ensure possibility of an open discussion, debate, criticism, and dissent to get a wide selection of information which in the end it will presence of a choice (Sen 1999). Hence democracy is important to provide a guarantee for the continuity of that processes where it

indeed should get an approval from the people that needed to maintaining continuity of democracy. The society's support for democracy at the same time can be seen as people expression to democracy as a right government system to manage their lifes.

Facts that democracy is based on the people's consent makes it highly to depend on the support of the people who indeed require deep moral commitment and emotional devotion of the people. At the next stage it becomes the people legitimacy on it. That legitimacy will eventually develop from time to time where later it will also involve in supporting the continuity of democracy. Needs for effective performance as reason for society support democracy is caused by effective thing related to the socio-economic problems as well as the achievement of order and justice (Diamond 1990). Besides that, a necessity to state power's limitation is also a reason for people to control the state under the conceptual understanding where the power is basically owned by the people in term of democracy. In this point, the function of community's control as the owner of power has two important dimensions. Those are monitoring and controling the enforcement of power in a democratic state as well as democratization's efforts for the authoritarian states. Therefore, the most effective way to proof it is through presence of some democratic institutions that are accepted that will sustain and ensure the continuity of democracy. It then can be accepted as a habit of behaving and ultimately establish a democratic political culture in society. The establishment of a democratic political culture in certain society means that the idea of democracy has become important part and highly trusted as a system that can set up a good life for them. Therefore, development of democracy can be understood as an attempt to develop a certain culture-based under the values of democracy.

That culture requires good consideration on balance, moderation, and mutual respect for difference of interests. It shows that the main core in a democracy will be associated with the conflict and consensus (Diamond 1990). That statement seems to be supported by facts that since the beginning democracy has been an open field for dissent among the people, in which it certainly has potentiality to results conflict and division in society. It shows that agreement and consensus become crucial for the sustainability of social systems and government based on democracy. In these conditions, it will need various expressions from the society to show their desires and at the same time also have to accept the government authority, which serves to keep the differences and conflicts within people, that won't lead to a split so that the formed political culture will remain stable (Diamond 1990).

Beside tolerance to the difference and the democratic political culture also contain trusted toward fellow political actors, willingness to cooperate, accommodate, compromise, and also a certain flexibility, moderation, mutual respect, and refrain from actions that deny the values of democracy in alignments on a particular person (Diamond 1990). It can be understood that well habit on moderation and conciliation will allow democracy constantly balance the conflict and consensus. Amid the diversity of backgrounds and interests of individuals and groups in society, democracy is expected to bring harmonization and order that are agreed upon the society. Therefore, a community claimed as a democratic society needs an appropriate form of government in managing its people as well as embodies the virtues of democracy where one of it is to protect the equality and freedom for all individuals.

Actually, it may be possible to fine the non-democratic form of government that may be better than the average of democratic government in attempt to find the goodness of a system, but that form of government has not been able to protect individual freedoms better than democracy (see eg. Martí 2006:33). As an example, in the form of authoritarian rules, the average number of irregularities can occur, such as the misuse of the power and even cruelty, as it has been repeatedly demonstrated as long as mankind history, therefore democracy is seen preferable than others. It means all process and dynamics within the implementation of democracy should be accepted as the better one. Various processes in a democratic system can increase chances to get good result compared with other forms then it makes democracy established as the best alternative among some other systems. However, it could not be ascertained simply based on a partial knowledge because presence of other knowledges has made it possible to obtain another truth that enable us to produce some other good results too (Mebane 2012).

Nowadays, conception of democracy explicitly tends relate to the individual freedom. This is related to the idea where individuals should control the decisions that affect their lives. In this view, the freedom is understood as capacity to make choices over individual own lives. As for democracy, it is seen as capacity to participate in effective control over collective choices that affect someone lives as members of a certain community (Mebane 2012). It is linking between how the society positions itself under a particular government and the government duty to ensure better life for its people. Based on that reason, the appropriate decission and policy by the government could not only based on an epistemic process.

Although the decision and policy conducted to look for people goodness based on the government authority, it still can not be an absolutely perfect decission. Therefore, there is a necessity for the government to keep the basic valuable thing, such as freedom and justice, in the

uncertainty of state imperfect process. Therefore, the process should be governed by formal regulation or laws. When democracy is the selected system with various processes and consequences that comes with its existence, then definitely it needs an agreement that binds all people as well as ensure its existency. Thus, democracy requires basic foundation that enables its continuity as the socio-political system. It is needed a formal justification through formal legal instrument from a legitimate authority. The option to using democracy as a system of government then should be formalized to sustain and encourage its institutonalize within society daily lives. In short, democracy should be formalized as the part of government policy to keep its existence.

The formalization of democracy through various formal laws will encourage the establishment of mechanism of a collective decision-making. It is considered as the most promising for further progress in the distribution of power and the substantive form of equality upon society. Consequenlty, some pillars of democracy indicate people's involvement as the influence factor. One important pillar that will be very important in implementation of democracy is the election (Kuhne 2010). The prescense of election can be seen as event to proof the people rules thru their involvements in the politcal process to determine the result that later will influence to all forms of government's policies.

The election is seen as a form of people's participation in influencing based on their interest orientation. Through a competitive selection process, public has wider opportunity to determine the people who will be the decision makers. Normatively, through that event any influences exerted by society are definitely considered as a good thing and represent what people want. It is also proof that a democratic process is not only a symbolic term, but a real effort in realizing the "people'S rule", which formally has authority as common agreement. Therefore, the result of an election is actually as the formal agreement that binds all people. It is because the event has been justified through a set of formal laws that should be obeyed. It means diversity of people's background and interest will come together in the event to result a normative aggreement. Necessity of the people approval in objective composition of society is not easy to put together. That condition is possible as the results of the domination of some people through the support of the majority. In that situation, a majority support become a logical option to keep the democracy's sustainability. The majority groups will become the decisive group in effort of the "rules by the people". At the same time, tendency of the majority in the understanding of democracy will create those who become the minority due to their difference position in the election. It means the election as part of democracy implementation always potentially seperates

people. But the differences remain to be honored the logical decission by people as part of overall society and it is considered as fair condition to create a better life. It is then important to maintain its sustainability by ensuring people's continuity to support it.

In this point, presence of an appropriate legal instrument becomes important to ensure the existences and some process in it. Therefore, as a form of public agreement governed by the state, presence of a set of laws will formally guarantee the sustainability of democracy. Consequently, all people should adherence to accept democracy as governed by formal rules as a good thing because the state has decided it. It means all form of democracy, including election, should be seen as the good event for people and must be respected due to it regulates through formal laws. In other word, just because the election is set out by a set of state regulations then it should be accepted as the goodness for all. But this point seems can not be generalized within all communities. It us because for some communities as like as how the election produces the minority groups, it is indeed potentially to result some negative results for certain community.

It is likely related to some fundamental questions, for example, what if there is a disagreement over the law regulating the existence of democracy by some people based on their internal fundamental values in their context and to whom the elected one will put their favor. These questions show that there is a tendency that democracy has potentially be accepted by all people because of the differences in principle between the laws on democracy and the certain community that also has its own fundamental norms. Moreover, the facts that the elections will tend to produce a ruling group in the name of majority support makes the overhang positions for minorities related to how the authorities or the government will address them in a fair existence.

In that view, Lijphart (1984) stated that the elected government from an electoral process must take responsibility for many people as possible. It shows that democracy has a strong potential to deliver a majority rules through a legitimate electoral process in accordance with the formal rules. The election could bring up the majority population or also the people who were elected to make the results of the election as justification to get rid of the other groups or minoritiy's interests. It can done by using the justification in the name of democracy to make their groups and interests becomes dominant. In this point, despite a way to realize the people's government, as a process that is regulated by a variety of formal legal instruments, the results of the election will have a strong legitimacy to those are elected, though perhaps not precisely reflect the government by the people as a whole.

Assuming that the formal law is an agreement of the most society, the chosen people feel that they have great power and authority to carry out various actions as manifestation of the people's

will. The potential formation of democratic power despite not being produced from a democratic process will make the power of goodness to require a principle that is embodied in the society who votes in the electional process. Without that, it is very likely that an election will produce the chosen ones that would deny the virtues of democracy. Although people have the opportunity to conduct surveillance and even resistance to the existing irregularities, but the legitimacy of formal laws for the results of the election process will be a very strong foundation for the people who are elected to perform various actions. It includes in taking advantage of their positions that may deny the will of the people, both the majority and minority groups. It means democracy does not automatically guarantee the sustainability of the entire value of goodness within community. Democracy still needs other aspects for example the moral aspect and more social fundamental values to ensure all grades of its positivity to be manifested in some diverse communities.

Diverse backgrounds and contexts in social and cultural aspects as part of their social identity will be related to different rationality of certain community. It potentialy will impact their attitude towards the presence of democracy. It means the presence of electional process in the context of heterogeneous society will be difficult to avoid number of preferences, interests, and goals that express certain community's attitudes and their involvement. In terms as voter or candidate, people will use various standards they believe as a basis for exercising its rights in a democratic system which are guaranteed by the formal laws. It will strongly be associated with some system of beliefs and local values in their internal context.

The conviction in determining choice in electoral process will certainly involve diverse preferences, which are known and believed by society based on their knowledge and basic principles of life. Thus, the electoral process is basically a meeting point of many interests and preferences of people in realizing the fundamental rule of the people. Therefore a good election should truly reflect the people's will, which means it should be based on their preferences as well as the reasons for their choice. Based on it, an election will substantially reflect the people's will as what actually the democratic election's desire.

It means the attitude of public's support of the election results will substantively often be associated with how people assume that the process represents their context. An election basically also has potential conflict and rejection although legally the results are suitable with the formal laws requirements. The diversity basic context of people, such as the ethnicity, culture, and religion, is an important factor but also has potential problem that can trigger some social conflict. Therefore, the legal instruments through various laws become a fundamental choice for

democracy's existence. Thus, in the context of understanding the laws are designed to be the foundation for the democratic process that is under way and is intended to reduce the possibility of the effects arising from the differences in society. It means that formal law is important factor to keep the continuity of a peaceful election. But it must also consider the conditions and mentality systems that exist in the community. In this point, combination of formal laws, the idea of democracy goodness, and the suitability with the objective context of people becomes important thing to keep the the existence of democracy for various society, including in Indonesia that has various diversity backgrounds in its people contexts.

4.2. Indonesian Democracy and the Importance of Election

Recently, there is perception that Indonesia just begins their process to be a democratic nation since the reform era. It seems because the presence of the reform era, which replaces the New Order, has been considered as the transition momentum of Indonesia's transition from authoritarian toward a democratic system (Aspinall and Mietzner eds. 2010). Actually that perception is not entirely true due to there are some tendencies that Indonesia substantially just begins the attempt to perform democracy after the New Order era. But actually, Indonesia has tried to perform itsef as a democratic state since it proclaimed itself as the indenpendent nation in 1945.

Minimally, based on presences of democracy indicators, the political parties and the general election has been indicated the presence of democracy in Indonesia. That fact can not be separated from the fundamental statement regarding the idea of democracy as an important thing to the existence of Indonesia as an independent nation thru the principle number fourth of the *Pancasila*. As an ideology for Indonesian people, *Pancasila* contains a set of principles for Indonesian people. The statement number fourth stated *"Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan perwakilan"* or the "populist is led by wisdom in the consultative/representative".

As the Indonesian ideology since its independence day, that statement shows that the populist as well as the process of deliberation and representation are important in Indonesia. That idea of democracy is reinforced in the Indonesian constitution article 1 paragraph (2) where Indonesian declares that

> "Sovereignty is in the hands of the people, and carried out entirely by the Consultative Assembly of the people".

That statement indicates that people are the holders of supreme sovereignty in in this country where sovereignty is represented by the presence of the Consultative Assembly of the People as the representatives of the people. Furthermore in article No 28, Indonesian constitution indicates tendency of a form of democracy by stated :

> "Freedom of association and assembly in stating the thoughts with oral and written, and so on are set by law".

Those statements basically have two meanings. *First,* the state provides opportunity to all Indonesian citizen to be able to express their opinion that is guaranteed by laws. *Second,* the liberty, which is owned by Indonesian citizens to gather, associate and express, must be in accordance with the law. By putting sovereignty in the people and then making room for the community to express opinion on bail of laws, Indonesia has shown that the spirit of democracy has been present in each regime before the reform era.

In the early period of Sukarno as the first president of the Republic of Indonesia's post-independence, Indonesia had held the first election in 1955 as one indication of the acceptance of the idea of democracy. The election was the realization of a government's edict recommendation on formation of political parties and the mandate to hold election to choose the members of the House of Representatives (DPR) in January 1946. However, due to the uncertainty political and less secure situation at that time, the election that was planned in January 1946 could not be conducted on time. The first election in Indonesia held on September 29, 1955. This election was followed by 18 political parties that gained the seats in the parliament. Besides the election at the national level, at that time Indonesian history also noted elections at local level. There were two local elections held in two regions in Indonesia, which were in *Minahasa* and *Yogyakarta* at 1951. The *Minahasa* local election had chosen directly 25 legislators, while elections in *Yogyakarta* chosen the legislators indirectly.

Still in the Sukarno's period that is commonly called *Orde Lama* or the Old Order regime from 1959 up to 1965, Sukarno applied a leadership model that he proclaimed as *"Demokrasi Terpimpin"* (Guided Democracy), which was chosen to address the dynamics and the political turmoil that took place during that period. Basically, the leadership concept of Sukarno was an attempt to confer legitimacy on him as the supreme leader and the most decisive in the Indonesian political system and governance, but at the same time it also tried to indicate the aspect of democracy within the system. Even Sukarno's presence showed as the dominant and decisive political patront, but the presence political parties as well as its representatives in the legislature showed the period the presence of democracy. It means Sukarno still tried to show

that leadership models could also be categorized as a democratic leadership. At the very least it indicates his desire to be remain seen as a democratic leader despite the meaning of democracy interpreted by its desire. Within his period, Sukarno tried to distinguish the form of his democracy with the democracy as he named as the "western democracy" that performed liberalism that was considered to be not suitable to Indonesian context. Preceded by some social political chaotic conditions, Sukarno's regime ended in 1966 with the appointment of Suharto as acting president of Indonesia by the Provisional of People's Consultative Assembly (MPRS) on 12th March 1967. A year later, on 27th March 1968, Suharto was officially appointed as president for a term of the first five years. It marked as the start of a new era called the New Order era. What could be seen from the Sukarno's era was presenced of the effort of Indonesian leader to establish election as manifestation of democracy that was considered as the important instruments of political system in Indonesia. As like as the Sukarno's regime, the new regime led by Suharto named the New Order also tried to show itself as a democratic regime. In his period, Suharto still presented some important pillars of democracy, for example by maintaining the existence of political parties and the presence of the election.

The first general election in the Suharto era was on 1971. In fact, based on the People Consultative Assembly's Decree or *TAP MPR* No. XI year 1966, an election should be held no later than 6th July 1968. But Suharto declared that the election could not be held at the prescribed time due to the social and political upheavals that caused the election to be considered unsecure to be held. Therefore, the People's Consultative Assembly eventually rescheduled the election no later than in 5th July1971. In the New Order's first election, the participants consisted of nine political parties and one community organization, which was "*Golongan Karya*" (*Golkar)*. In this first election, *Golkar* became the winner.

Table 4
The Results of General Election 5 July 1971

No.	Party	Total Votes	Percentage	Amount of Seat (s)
1.	Catholic Party	603.740	1,10	3
2.	Indonesian Islamic Corporation Party (PSII)	1.308.237	2,39	10
3.	Nahdlatul Ulama Party	10.213.650	18,68	58
4.	Muslimin Indonesia Party (Parmusi)	2.930.746	5,36	24
5.	Golongan Karya (Golkar)	34.348.673	62,82	236
6.	Indonesian Christianity Party (Parkindo)	733.359	1,34	7
7.	Deliberation of Many People (Murba)	48.126	0,08	0
8.	Nasional Indonesia Party (PNI)	3.793.266	6,93	20
9.	Islamic party (PERTI)	381.309	0,69	2
10.	Association of Independence Supporter Party (IPKI)	338.403	0,61	0
	Total Amount (s)	**54.669.509**	**100**	**360**

Source: Created from various sources

The *Golkar*'s winning was very significant. It was because *Golkar* won majority voters by getting 62.82 percent of the total valid votes. With that acquisition, *Golkar* won 236 parliamentary seats that positioned *Golkar* as the majority in the parliament.

In 1973 Suharto simplified political parties system through the policy to merge the political party thru the political party's fusion. That policy then created two political parties and one group work as an institution that was allowed to participate in the election. The "*Partai Persatuan Pembangunan*" (*PPP*) or "Unity Development Party" was formed from combination of the four Islamic political parties: *NU, Parmusi,* Islamic Associate Party, and *Perti*. The five other parties, which were *PNI*, the Indonesian Christian Party, the Catholic Party, *Murba* Party and *IPKI* Party, merged in to the Indonesian Democratic Party or "*Partai Demokrasi Indonesia*"(*PDI)*. The last institution was "*Golongan Karya*", an organization originally formed workmanship since 20th October 1964 by the military, especially the officers of the "*Tentara Nasional Indonesia*" (TNI) or the Indonesian National Army. *Golkar* collected some youth organizations, women, scholars, workers, farmers, and fishermen with the name of the Joint Secretariat of Functional Groups (Joint Secretariat *Golkar*), which was intended to counter the influence of the *PKI* (Communist Party of Indonesia) that then became one of the influential political parties.

In its development, *Golkar* became an organisation whose rules fundamentally in the Suharto's period. It was related to the desire of the New Order regime that wanted to create political stability in order to support the major regime's paradigm, the develop mentalism. *Golkar* was then designed to be a socio-political force that was the main supporter of the regime by highlighting the importance of a single majority (Anwar 2009). Therefore, *Golkar* later on was

always an important institution that guaranteed Suharto's position as President in Indonesia. As the majority in the parliament, *Golkar* always became the main supporter for the whole Suharto's policy in the *Dewan Perwakilan rakyat* (DPR) or the House of Representatives. Therefore, the presence of *Golkar* as the main supporter for Suharto could be understood that Suharto wanted to keep his power as well as his policies to be always justified by the parliament. In addition, Suharto still felt that it was important to provide justification that his power was built upon the idea of democracy that was demonstrated through the support of elected parliament. It became one reason why the Suharto's regime can survive for about 32 years even there were five elections during his period. It means all elections were won by the "regime's political party", *Golkar*, significantly. Therefore Golkar could continue its support to the Suharto regime during that period (Anwar 2009).

Table 5
The Percentages (%) of *Golongan Karya* result on the General Election in
the New Orde Election Period 1977-1997

Political Party	1977	1982	1987	1992	1997
PPP	29.29	27.78	15.97	17.00	22.43
Golkar	62.11	64.34	73.16	68.10	74.51
PDI	8.60	7.88	10.89	14.90	3.06

Source : Syamsuddin Haris, "general Elections under The New Order" in Hanz Antlov &
Sven Cederroth (eds.), Election in Indonesia; The New Order and Beyond, RoutledgeCurzon, 2004

Actually, even it seems more as the authoritarian regime, but situations occured during the Suharto's periods could be seen as attempt to realize two important things. First, the New Order regime still felt it was important to maintain the existence of political parties and elections as part of efforts to implement the constitutional mandate as well as to show itself as the democratic regime. Second, as its consequences, the government's built should be legitimized through the election process as democracy implementation. Therefore, Suharto was very concerned to ensure the election's results should be won by *Golkar*. As part of his strategy, the regime conducted stiff control to the socio-political constellation of Indonesia. Suharto then was able to show the construction of democratic regimes, although it tended only in the context of formal democracy, which only was referred to the attempt to run the various laws based on the understanding to

support his needs and interests. It shows that Suharto controlled the political dynamics in Indonesia, including the process of democracy.

One effect of the Suharto's control in Indonesian socio-political lives was the marginalization of the people's rights, which basically should be protected by the state to be involved actively in various political rooms freely and received state's protection as mandated in the constitution. In addition to his mastery of three critical pillars in the political system and governance in Indonesia that was the military, bureaucracy, and *Golkar*, the socio-cultural orientation of Suharto, which was leaning toward Javanese values, was also considered as a cause of marginalization of the people, including the various local communities (Wardaya 2007).

His mastery in almost all importants sector of public lifes made Suharto as the central point of the entire policy in Indonesia. The results, even though Indonesia has parliament as the People's Representatives Office and the People Consultative Asembly, where the head positions were even higher than the president regarding to the Indonesia constitution, but both institutions were likely just became the ratifying institutions for all Suharto's policies. It made the regime to control the socio-political systems.

To ensure his continues control, Suharto made efforts to reduce or even get rid of various power that potentiality disturbed the construction stability. It began by simplifying the party in 1973, then as well as the use of a single principle of *Pancasila* for any political or community based organizations in Indonesia. It also was followed by some repressive interventions in all electoral process as Suharto's efforts to sustain his power. The situation led various repressive actions to the people to maintain the stability. For more than 32 years, the Suharto's leadership had became a bleak for the existence of various communities in the regions.

The public's participation was minimized under the tight control of the central government, including to the regional governments. Through the policy stability, the regime strived to minimize the various dynamics of society that were considered potentially destabilizing country, including the condition of society both in terms of the diversity of ethnicity, cultures, and religions. Varrious policies were made by the government to reduce the issues. It shows that recognition of the existence of the native in the context of understanding of the "indigenous people" seem ineligible. There was not any policy from the government that promoted the recognition (Li 2000). It disclosed why the meaning of indigenous people in Indonesia did not correspond to the categorization of the international community.

Through various policies that marginalized the existence of indigenous people, the government showed a systematic effort to carry out the depoliticization of the cultural differences reality (Henley and Davidson 2007). In this context, the effort to put the custom and cultural diversity in a union made through a process of the meaning cooptated by the concept of *Bhineka Tunggal Ika*. In addition, the regime seemed just to place that diversity in a quantification of unity in support the regime's policies. It makes the unique customary and culture characterized by particular community was not given the opportunity to rise and exist politically. The restriction was done simply by looking at unique custom and culture of the people as a symbol or local identity of a community and not as a social and political system that were also important for communities existences in the Indonesian state system (Hooe 2012). That condition made various activities as well as symbols of the custom and culture of the people seemed to lose its existence but in substance customary never completely disappeared in the context of people's daily lifes. During the New Order era, the society in Indonesia as if it was in stable condition and comfortable New Order's regime appeared to successfully perform stabilization in social and politics. Even if there was a few shakes arised in the community, but Suharto was always able to muffle it.

Systematically, the diverse in socio-political aspect of society was hegemonized by Suharto through *Pancasila* as the foundation to maintain stability in Indonesia. In addition, Suharto defined the meaning of democracy himself by associating it with *Pancasila* (Wardaya 2007). Suharto named the democracy pratices during his period as the *"Demokrasi Pancasila" (democracy of the five commandments)*. Through that way, Suharto tried to give legitimacy to his authority and power as a democratic regime. Regular elections with multi-party system with the presence of election participants were used as justification by Suharto. It was equipped with the facts that his appointment as president was always carried out by the institution of the assembly as mandated by the constitution.

That condition shows that Suharto was very concerned to always ensure that the election remained to be done eventhough the result was usually in favor of the rulers. This will certainly make the various objections or disapproval of the people, which should be realized through the electoral process that will be broken. Various inconveniences, instability, and the discontent of the people due to tight control of the state toward dynamics life of community simply could not come to the surface, but it actually settled "under the carpet" (Wardaya 2007). It means the government did not managed well to get rid of the important position of custom and culture of

the communities in Indonesia. Therefore, when the regime ended with the fall of Suharto in mid-1998, it then marked as the start of a new era in the history of Indonesia, the reform era.

The fall of Suharto is seen as a momentum to push the necessity of a transition toward democracy in Indonesia. The reform era is considered as new hopes to realize better lives in Indonesia. The expectations arised from the conditions that have been experienced by marginalized people in a variety of important roles in the political system of the New Order. The New Order is deemed to have elitist system that was not conducive to create the way of life of the nation that is democratic, egalitarian, favoring the civil society, and provide free space for citizens. State hegemony that is so powerful has made the idea of a democratic state was rated only as regime of political rhetoric, because in facts the state weakened the democracy in Indonesian people's lifes.

Various changes then occured in the reform era, which shows that democratization in Indonesia is progressing well and rated as a positive process (Aspinall and Mietzner 2010). An important aspect of concern to various groups in the process of democratic transition in Indonesia is the elections. After the strictly controlled carried out by Suharto to the existence of political parties and the electoral process during the New Order era, the reform era then has brought great passion about the need of a better improvement of the electoral system in Indonesia as one of the important pillars of democracy .

The euphoria came from public's encouragment of their passion to establish political party. It made the first election participants in the reform era in 1999 followed by 48 political parties. The number showed very rapid development over the number of political parties participating in the election. The number indicates the amount of public's interest to be involved in the electoral process. In June 1999, for the first time Indonesia hold an election, which was deemed free and fair, since the previous period, elections tend to be a tool of legitimacy of the New Order's regime only.

Demands for the democratic elections could no longer be restrained after the fall of Suharto. The agreement of the Habibie's reigns who replaced Suharto was to carry out elections in 1999 driven by demands of emerging democratization by the people. That demands has forced the government to replace three political laws (on political parties, elections and arrangement/position of the *MPR, DPR,* and *DPRD*) with a more democratic law. Although the time was very narrow, the election in 1999 could be held up well and much more democratic in compare to the elections in the New Order (Rauf 2003). It proves that the efforts to make

Indonesia more democratic including through a system of democratic elections tends to be the result of the demands of people who want the elections to be much better.

Efforts to restore people's positions become an important aspect in the implementation of democracy as well as the purpose presence of the reform era. In order to obtain it, presence of various regulations and related institutions occur as important foundation. Facts that through an elections those who occupy political positions as an important policy makers both in the legislature and executive will be generated, making it as one of the main focus of the reform in the newest Indonesian era. The election results then will strongly influence the government policies in accordance to the state objectives and the constitutional mandate. Importantly, through the involvement of people in the election democracy can be realized to be more real. It shows the elections as a way to moderate various conflicts of interest tends to strengthen in line with the emergence of various social and political power rivalry importance in the reform era. The presence of the election then becomes important and believed as indicator of Indonesian democracy nowadays.

The first election in the reform era in 1999 was conducted under article 4 of the Law No. 3 year 1999 on General Election that stated:

> "Election is held to select the Members of the Board of Representatives, Regional Representatives Council Level I, and the Regional Representatives Council Second Level hereinafter referred to DPR, DPRD I and DPRD II, except for the DPR, DPRD I and DPRD II of the Indonesian Armed Forces ".

Furthermore, in accordance with Article 5 of the constitutions, it stated:

> "Election refers to paragraph (4) as well as to fill the membership of the People's Consultative Assembly, hereinafter referred to as the Assembly".

In the election 1999, the president was not voted directly by the people but elected by members of the People's Consultative Assembly. It refers to the Indonesian constitution article 6 paragraph (2) that stated: *"The President and Vice President must be elected by the Assembly with majority votes."*

Although the 1999 election has not given major contribution towards more political stability in Indonesia, but the election has been considered as a very important turning point of the development of democracy in Indonesia. The election also becomes more free and fair since the first election in the New Order Era in 1971. The election had made the emergence of democratic institutions in Indonesia to have more focus and attention and regarded as a significant step in getting rid of the old authoritarian power's structure towards the more democratic state (Sulistyo 2002).

Attempt to realize democracy in Indonesia continued in 2003 under the Megawati Sukarnoputri's era as the president. After the MPR endorsed the dismissal of Abdurrahman Wahid as the President through the special session on 23 July 2001, Megawati Sukarnoputri conducted the Law No. 12 year 2003 concerning to election of members of House of Representative (DPR), the Regional Representative Council (DPD), and the Regional legislative DPRD). Some important things that came through the law was the use of the proportional system with open candidate list in article 6, paragraph (1) as well as the election for the position of representative of the Regional Council in paragraph (2) of same article, which provides a way for individual candidates to compete in an election without political party. The efforts in the Megawati's era was intended to carry out the mandate of the constitution amendment in 1945 resulted a new high state institutions namely the Regional Representatives Council (DPD). Based on the results of the constitution, article 2, paragraph (1) of the 1945, the constitution stated:

> "The Assembly made up of members of the House of Representatives and the Regional Representatives Council are elected through general elections and further regulated by the constitution."

Existence of the DPD itself is regulated in Article 22C of the Indonesian constitution in paragraph 1 to 4. The existence of this institution is meant to bridge the interests of the local communities to the central government.

Another change that is also important in Indonesian elections is the change in the mechanism of votes for president. The constitution amendment in article 6A paragraph (1) states *"The President and Vice President are elected as a pair directly by the people."* This point becomes a strong formal basis for the direct presidential election by the people. The constitutional mandate was then followed up by the presences of the Law No. 23 year 2003 concerning the president and vice president election in Indonesia.

Through that presidential electoral law, there are efforts to realize people's sovereignty through a process of direct election and no longer through the electoral process in the representative institution as stated in article 1, paragraph (2):

> "Election for President and Vice President, hereinafter called the Presidential Election and Vice-President is a mean of implementation of the people's sovereignty in the Republic of Indonesia based on Pancasila and the Constitution of the Republic of Indonesia Year 1945 to elect the President and Vice President."

The statements in this section is further supported by article 7, which regulates the right to vote :

> "Citizens of the Republic of Indonesia on the voting day should have been 17 (seventeen) years of age or has / have been married have the right to vote."

As for the voting process by the people contained in article 49 stated:

"Voting for the election of President and Vice President is done by punching one candidate on the ballot pair".

Based on that law, the president in the period of 2004-2009 was a pair of candidate who gets the most voters' supports who had been elected directly in the 2004 presidential election.

The changes of electoral system in the reform era can be seen as an indication of Indonesian desire to provide better democracy in compare with the previous era. It is realized by making formal law's devices to support these efforts to be accepted by all parties and can be intended to provide certainty and legality of various democratic process and its results. Existence of various regulations embraces democratization efforts is seen as guarantee for democracy in Indonesia, including the election as important pillar of democracy.

In order to achieve the democratic elections, election in Indonesia strives to meet several important requirements. According to Becker and Jean-Aime (2008), there are a few requirements of a democratic election such as: (a) Democratic elections is free when citizens have the right to opt out of some of the candidates or political parties that take place in the electoral process without any restriction. They also should be free to decide whether they want to use their right to vote or not as they wish. (b) The democratic election is fair when each citizen, both men and women, who have rights to be able to exercise his or her rights to vote or have been regardless of sex, language, wealth, occupation or social status / class, gender, activity, religion or belief political and there is no exception for the value of assessment or vote that it provides. (c) In a democratic election, there should be no attempt to find out who the candidates or political parties which have been selected by the people as citizens. Therefore, there must be a mechanism in democracy which can guarantee the secrecy of each voter choice toward particular candidate or political party. (d) Democratic elections must be known by the public and transparent. This means that on the one hand, every citizen has the right to attend the vote counting process when the ballot box is opened; it also means that people are really possible to follow the entire process from beginning to enter the ballots to counting the election results. (e) In addition to the requirements mentioned above, it is also important to hold regular elections. Everyone, in this case, has the possibility to know the date of the upcoming elections, and get ready for it beforehand. This is a way to ensure that the government is now defined in terms of time and that those who have the right to drag them down from his position. Elections should represent the entire population, this means that apart from the population that is still under age, all groups should participate. And finally (f) the election result must be the final result, which means that the election result must be enforced effectively and must be accepted as legitimate as

anything.

Those requirements are indicators that show necessity of certainty for each election regularly. In addition, it also emphasized importance of elections and by promoting respect for the rights of citizens, the process should take place in freely, fairly, without intimidation, and the election result is a final decission and should be accepted by all participants and people.

In the reform era election, the tendency shows that people believe the system provides equality and freedom for the people to achieve their common goal in a democratic system. That belief towards the goodness of democracy tends to be a "social capital" that is built on the terms of a particular faith of community on a particular issue that then manifested through various behaviors, either directly or as a symbol of those beliefs. Currently, the belief in the goodness of democracy is laid on respect for individual rights. This condition reflects the strong influence of liberalism in the operationalization of democracy thinking in many countries in the world nowdays. It emphasizes the importance of equality and freedom as a fundamental pillar of democracy besides the legal certainty to ensure its survival and continuity.

The influence of liberalism in Indonesian democracy tends to become a dominant idea. It seems to implement the constitution mandate that emphasizes the people's rights in terms to express their own expression as stated in Article 28 of the Indonesian constitution, especially in the article 28E that stated : "*Everyone has the right to freedom of association, assembly and expression*". The constitution mandate shows that there is a formal guarantee by the state for each person to speak or expres their opinion, including in the various elections in Indonesia.

In order to achieve the recognition of equal rights for citizens to argue in relation to the implementation of democracy, one thing considered as appropriate mechanisms is the election. The election is believed as one of the most important pillars of democracy in Indonesia. It is very important to ensure the presence of the devices of legislation in regulating the elections to ensure the implementation of the rights of people in an effort to realize the "people's rules" in Indonesia. It means operationalize of democracy requires appropriatre rule based on the rule of law.

Through the presence the rule of law, the basic principles and procedures guarantee the freedom ef each individual. The guarantee is mainly intended to give freedom to develop themselves for each individual (Kreptul 2003). It allows individual to participate in the political is a formal guarantee of the state. Legal formal guarantee for every individual makes equality for all citizens in a democratic state. Such guarantee is the state's responsibility to presence of certain rights for

citizens, in which citizens are at the same time also be a requirement for citizens to respect the principle law.

The presence of legal formal rules is guaranteeing the continuity of democracy, but eventhough it rests on respect for individual rights it brings messages that only state can make standard and justification a democratic context in its community. It is because only the state is considered to be able to establish the fundamental civil rights and political rights through the constitution that can keep democracy. It proves that through democracy, positions of people in realizing of the "people rules" become very important, but only the state that determines how it will be manifested. It can be seen in changes of the electoral system in Indonesia during reform era. The election phenomenon shows that state seeks to openl wider possibility access to the community but it is regulated by a series of formal laws. However, the changes of electoral system has made public's position be decisive in the election process to determine the people who will occupy positions in the government, where it was a thing appear to be merely an event that seems democratic in the previous era.

Those various conditions has made election process in Indonesia during the reform era usually occurs dynamically. The desire of the political party or elite to win the election always requires an attempt to persuade people to vote for them. That situation basically provides an opportunity for people to be able to vote their most suited candidate with their interests. It will be closely linked to the people's preferences or reasons that considers appropriate to use before votes. Thus, for the people the electoral process is a way to demonstrate their existences that are guaranteed by formal to embody principle of the "people's rules".

For the politicians, an election would be a way to get desired position through their ability to influence people to vote for them. It absolutelly needs ability to influence the people's basic reasons. Politicians certainly need to have the resourcess to influence people by their ownership of various resources that are often influencing the people reasons. Therefore, existences of specific resources that must be owned by politicians related to people's preferences or reasons to vote. It does not only take place in the elections at the national level, but also in the local election. That picture confirms that presence of the election in Indonesia is an important element in the democratization process as well as to assert that Indonesia is a democratic state. Thus, the implementation of the election will be one of the important indicators, which are confirmed by the state through a variety of devices formal rules in order to be accepted by society as as an important necessity both for the system and people's lifes in Indonesia.

4.3. The Local Election as Indicator of Democracy in the Regional Frame

During the Suharto era, the socio-political dynamics in local people was controlled strictly by the central government. Although the Law No. 5 year 1974 concerned the main points of local government was used as an legal formal patront on the local government managing in the Suharto's era also had set the regional autonomy, but in reality the local government never had trully rights to be autonomous. Facts showed that the article 3 paragraph (1) and (2), and also in article 7 of the law clearly stated and indicated the presence of the spirit of regional autonomy. But, the strict control of the central government also included the bureaucratic network until the lowest level, the villages made the real autonomy to never occur under that law. Moreover, by controlling the head of the regions, the regional bureaucracy can be seen simply just as implementor of the central government's policies, even if it seemed as the policy of the regional government. It made the regional governments to be submissive to the central government in Jakarta.

By implementing the regional head election through the members of parliament, the Suharto's regime easily determined who would become the head in almost all regions in Indonesia. Two supporting pillars of the new order, Golkar and the Military, dominated majority of the legislature member's composition in almost all regions, even in the provincial, district, and municipal level. The composition of legislature's member from Golkar and the Military faction in the parliament led their candidate to have the biggest chances to be voted as the head of the regions. Therefore, it can be said that Suharto ussually controlled the results of the process in the legislature office. That condition made the officers usually intend to meet the various commands and desires from Jakarta than earned attention to the interests and wishes of the people in the region. It was uncommon policiy of local government, which was more a manifestation of the desire of the central government that was often incompatible with local community's context. It then led to rise of the local communities'disappointments to the regime and the electional system.

When the regime fell in 1998, those disappointments were later found its momentum to explode. Turmoil in the region was regionally based and then popping up as part of a public protest against what they experienced from the previous regime and simultaneously as the demand to get wider space to participate in the political field to determine what is the appropriate thing to the context of their respective territories (Davidson et al. 2010; Wilson 2008; Nordholt and van Klinken 2007). It then led to desire for more freedom of expression based on the values of contextual regionalism, which are considered by the community. Thus, in line with the spirit of

democratization in the reform era, the demands for more regional autonomy appear to be a real necessity.

One month before the general elections in June 1999, the national parliament, where at that time was still contained some politicians from the New Order regime, then agreed to encourage the implementation of a better democracy by agreeing to implement the Law no. 23 year 1999 and the Law no. 25 year 1999. Both provides administrative and fiscal framework, which at glance was considered promising for the improvement of local people's conditions. The reasons of the immediate approve of those laws without much debate was to accommodate the anti-Jakarta movements in many areas outside of Java (Nordholt and van Klinken 2007). Both of laws became the complement regulation for the Law no. 22 year 1999 on local government, which includes rules on the regional autonomy.

Basically, presence of the law No. 22 year 1999 was formulated by the Department of Internal Affairs to achieve a substantial devolution of power to bring the government closer to the people and held out transparency. Its implication was the governors, regents, and mayors actually were still selected through the regional parliament's process but it no was longer appointed by the central government (Nordholt and van Klinken 2007). It made the region to become a new arena for interestrivalry among various actors to be the owner of the great authority through the regional autonomy's schemes. The huge authority of the local government granted by the central government in regional autonomy impacted the growing authority of local governments to regulate and organize its own territory. This situation made the political dynamics in the region to be more dynamics with the emergence of various forces and local political. The localactors who seek to obtain the position and benefit from the socio-political processes in the regions that received bigger authority under the regional autonomy (Davidson et al. 2010). It made the local governments to get authority to manage various matters related to public works, education and culture, health care, agriculture, transportation, industry, trade, investment, environmental issues, cooperatives, labor, and land (Ray and Goodpaster 2003 after Nordholt and Van Klinken 2007:18).

Despite the impressions of regional autonomy in Indonesia is decentralization of power heavily subsidized by the central government, but the fact shows that the regional governments get the authority to manage their territory has been a tremendous appeal to a variety of local actors to be able uses it to reach their interests. Every opportunity to get the access to the authority and power in region has always been contested by various forces with diverse interests. Thus, as the decisive position in the regional administration, the regional head government becomes

important position that is highly desirable and contested by various actors in regions, especially those who are considered as the most appropriate actors.

For the actors who feel that they deserve to be the head of regions, have the opportunity and ability to reach the position then performssome efforts to hand it the event became tremendous opportunity and valuable to emerge as rulers of the region with all of authority and power to regulate the regions. The local election then becomes a reason to strengthen their socio-political position and also access to the whole resources in the regions that is justified by the formal law in the name of democracy. In other words, the democratization in Indonesia has a considerable influence on politicians that are able to gain access to the position and become an important mean towards the authority to obtain various advantages in the region.

For the people, the regional eletion is seen as an opportunity and hopes to at least get the leader that fits the needs and context of the local communities. In this point, people are still not directly involved in choosing the head region. The wishes and interests of the community were assumed and represented by members of parliament who have the right to elect regional heads. That condition also shows that there is still a tendency on determination of regional heads, which belong to the elite mainly the political parties, become a supplier of the people who occupy positions as legislator. In simple ways, that democracy ceremony has been a new attraction of socio-political dynamics in the regions.

After a few years of implementation, the law for regional autonomy was then replaced by the Law No. 32 year 2004 on Local Government where it contains the changes of the local election process. The local election or *pilkada* system then entered a new era thorugh the direct election system where people become the main determinant factor for the people who intend to win the *pilkada*. Basically, the changes of the local electional system in 2004 could be observed as response to the profound dissatisfaction within Indonesian people over the previous election mechanism, which is considered to be still laden with the negosiation and bargaining process of interest among the political elite through the process of buying and selling its support and voters mobilization. Through the new local election system, the regional head is then determined through the results of the people's direct vote. Actually, it does not eliminate the function of political parties as bearers of candidates, although there are also rules regarding the possibility of a candidate to participate through independent or non-party. But the crucial roles of political party to be the final arbiter of election results shifts where people then took the role of constitutionally as listed in article 5, paragraph (1):

"The regional head and the deputy head of the region are chosen in a couple of candidates that

was conducted democratically under the principles of direct, public, free, confidential, honest, and fair."

That article also supported by article 68, which stated:

"Citizens of the Republic of Indonesia on the day of voting of the local election and the deputy head of the region should have been on the age of 17 (seventeen) years old or has / have been married and have the right to choose".

The change of the local election system then produces a few big consequences for the political dynamics in the regions, where people get a very crucial role in it. The shifting of the people's roles as the determinat factor indicates a shift in Indonesian democracy in the context of elections. After attempting to strengthen the institutions to support the election, involvement of community directly as voters is seen as one of the efforts to strengthen democracy in Indonesia. Barber (1984 after Schecter 2009:90) argued that the direct democracy can enhance public's participation and in depth of govermnent's responsibility, providing permanent instrument for civic education, popular reality and power disciplinary, which are needed to become more effective. Furthermore, Yudini (2014) specifically believed that the direct election system is believed to encourage candidates to try to attract support with a wider range of constituents and promote the involvement of constituents in the process actively. That involvement of constituents in the electoral process is an important aspect for the existences of the elections as a pillar of democracy. Furthermore, the changes in the electoral system have provided a way for the community's active involvement in the political dynamics to determine the process of regional policy in selecting the candidates of the leader in the region. It shows the tendency that the direct election system is considered to be better for democratization's efforts in Indonesia as well to be seen as an attempt to implement the constitutional mandate in article 1, paragraph 2 after amendment that, "*Sovereignty belongs to the people and carried out according to the constitution*".

As the constitution mandates, the local election carried out directly intends to give people more opportunity to participate in determining their regions conditions. In order to achieve it, a legal system is needed to regulate and ensure the process working as it should due to according to article 1 paragraph (3) of the constitution states that "*Indonesia is a state based on law*". It showed the existence of formal law's instruments to regulate the electoral system will make all citizens to accept all processes and the results as a binding obligation. It means the formal instruments have become a fundamental aspect of the Indonesian system, including the presence of election as part of the embodiment of democratization. The presence of formal law is through a series of regulations governing the elections, including the "*pilkada*" as an important basis as

one indication of the desire to realize democratization in Indonesia.

Moreover, changes of the electoral system in the local election have consequences on the relationship between the politicians and people. If in the previous election system, involvements of people was minimal or even tended to be marginalized in the process, then in the new election system, whether they want it or not, the politicians and political elites should intensely create good relationship with the people. The politicians are no longer able to resolve the affairs of the local election only on lobbying on the political elite's level, but it needs majority votes from the people that will determine the winner of the competition. The determines roles of political parties previously then shifted mainly to the propose of candidates as stated in the Law no. 32 year 2004 and then its provisions amended by the Law No. 12 year 2008. On the second amendments in article 56 paragraph (2) stated:

> "The pairs of candidates referred in paragraph (1) are proposed by the political party, coalition of political parties, or individuals who are supported by a number of voices that meet the requirements as set forth in this law."

Moreover, based on changes to the provisions of article 59 paragraph (3) :

> "Participants in the local election on the head and its deputy of the region are: (a) the candidates nominated by a political party or coalition of political parties; (b) pairs of independent candidates supported by a number of people".

Furthermore, political party or political parties coalition that want to propose candidates must qualify as regulated in the changes of the lawthrough the Law No. 12 year 2008 which stated:

> "A political party or coalition of political parties referred to in paragraph (1) letter (a) can enroll candidates if they meet the requirements of the acquisition at least 15% (fifteen percent) of the total seats in parliament, or 15% (fifteen percent) of the accumulated acquisition of valid votes in the election of general legislators in the concerned region".

Furthermore, formally, the change in the provisions of article 59 paragraph (3) of the Law No. 32 year 2004 to the Law No. 12 year 2008 that stated:

> "A political party or coalition of political parties shall open widest opportunities for prospective independent candidates who qualify as referred to in article 58 and shall further process the intended prospective candidates through a democratic and transparent mechanism".

Further, still in the same article referred to in paragraph (4) stated:

> "In the process of determining the candidate political party or coalition of political parties, pay attention to the opinions and responses of society."

That indicates formally the state is seeking to restore people as an important factor of democracy through electoral process. It is also proved by the possibility of the independent (non-political party) to participate as contestants in the elections as stipulated in article 59, paragraph (1) section b.

The independent candidates should be qualified based onthe article 59, paragraph (2a) the Law No. 12 year 2008 which stated:

> "The pair of independent candidates as referred to in paragraph (1) letter b may enroll as a candidate governor/deputy governor if it satisfies terms of support with the following provisions: (a) the province with a population of up to 2,000,000 (two million) people should be supported at least 6.5% (six point five percent); (B) a province with a population of more than 2,000,000 (two million) up to 6,000,000 (six million) people must be supported by at least 5% (five percent); (C) a province with a population of more than 6,000,000 (six million) up to 12,000,000 (twelve million) people must be supported by at least 4% (four percent); and (d) a province with a population of more than 12,000,000 (twelve million) people must be supported by at least 3% (three percent)".

This rule further indicates that presences of formal regulations are intended to support the implementation of local election by giving great portion to the public's participation to determine democratic process at the local level. It showed that position of people in the new system as the determinant factor is not only related to the right to vote, but also has chances to be candidate through the independent way, or at least be a consideration for the political parties to submit their candidates. That situation can be seen as an expansion of people's suffrage that is implicated to the traditional voting patterns in influences of regional head election where it is previously completed just by the lobby of political elite. Facts that local people tend heterogeneous both from its social context and its interests have made the electoral process to become a more complex due to the involvement of diverse interests among people, including the political elites in the region.

Those changes then impact political actors, especially to the candidates to consider the earnest desire of people as the voters. It massivelly triggers the interaction between politicians and the public to determine the executive leadership in the regional government. It makes the election as an open space for various actors to compete. Every people who have ability to gain the support of public then have opportunity to take advantages. That condition then produces new field in the local democracy context, which creates new political dynamics in the regional people in terms of choosing their formal leaders.

Through the direct votes, people's acceptances to the popularity and suitability candidates become the deciding factor. It makes each candidate strive to be the most recognized and acceptable candidate for the society. Thus, each candidate must convince thousands or even millions of voters that they are the most appropriate persons to provide better condition and appropriate with the society interest (Gross 2007 in Mietzner 2009:106). The local election process then shifts from bargaining process between the elites and candidates to the process how candidates show themselves as the best for the people in the region. That situation certainly

requires ability of candidates to exhibit themselves more appropriate than others. It absolutely requires self-image of the candidates to be able to take the hearts of the people (Mietzner 2009). It makes each candidate to take advantages of their resources to influence the public to see them as the appropriate leader. The candidates require determining the need of people and the reasons that they use to vote. The candidates should be appropriate with the various preferences and reasons of the voters. It means, the most connectivity in term to get the position as the head of regional government is between the candidates and the people as the voters. Consequently, the political party loses some of its advantages as the one and only factor that could determine the result of the electional process.

The relatively diminish of political parties influences in the first wave of Indonesian direct local election in July 2005. There were local election took place in some areas of Indonesia that expressed directly that the elections have to follow the similar political logic of the presidential election. In this part, the political party machine and the campaign standard methods in facts only gave little effect, instead individual reputation, charisma, personal networks, and familiarity with the local context became the most important asset for a candidate to win the local election (Buehler and Tan 2007 after Mietzner 2009:107). Since the individual aspect of the candidates becomes the crucial thinks in the local election, it confirms that the event has significant connectivity to the people as the voters.

Therefore, by the needs to win the election based on the most votes from the people, the popularity and ability of candidates to take advantage from the people preferences become two main things. It shows that local election has encouraged the candidate to become the most popular figure within the regions (Mietzner 2009). The candidates then tried various strategies to increase its popularity through utilizing any social base, economics, political, and even religiousity to get it. Again, it confirms how important the issue of suitable and appropriate candidates in this event. All process in candidacy and efforts to win the event then usually will be related to those factors.

For political parties that attempt to nominate candidates to the election, those two factors will be considered significantly. Political parties should be able to fine the most suitable and appropriate candidate based on what people wants. In the same time, that also becomes a bargaining field for the candidates and political parties to makes any deals that brings advantages for both sides during and after the election. Candidates who feel have potential or deemed to takes public attention as the right candidate potentially gain an advantageous position in the candidacy process as compared to the non-popular candidates or even considered as the "weak quality

level" candidates to participate in the elections. Political parties would attempt to get the most appropriate candidates before trying to understand the desires of the voting public to guarantee that their chosen candidate has chance to win the democratic competition. In this context, the suitability or appropriateness of the candidates with desires and reasons of people to vote become the deciding factors. It also indicates that the people's objective understanding for the politician who wants to participate in the electoral process is an absolute requirement. On the other hand, the objective context of the community will strongly be associated with a particular standard that is considered as a crucial thing for people to justify that a suitable candidate to participate in the democratic dispute. When they are later appointed they indeed deserved to be voted according to the beliefs and considerations that are generally believed within the society in the regions.

That situation makes the democratic process at the regional through the elections has a tie with the rights of people to shows their opinions as the citizens with the state's ability to prepare an electoral process on a regular basis to respond it. It shows that electoral process as well as a room for interaction between the desires of society with the works of the elected government (Sisk 2001). It means the presence of an election in the regional communities through the will gives better meaning in realizing the concept of "people's rule" in implementation of democracy. It shows that the election of regional leaders in Indonesia becomes one of the most important democratic aspects for the desires to be the democratic nations. At the end, one indicator for the succes of democratization in Indonesia including in the regions will be connected to the local election's process by referring various formal laws that imposed by the government.

Chapter 5
Toraja and Indigeneity

5.1. Ethnic Group and the Form of Indigeneity in Indonesia

Ethnicity is clearly a derivative term that is quite new and where it commonly used as an adjective "ethnic", which in English it would go back in the understanding form the middle Ages. The English adjective "ethnic" basically comes from the ancient Greek term *"ethnos"*. It was used as a synonym of gentile that is non-Christians and the pagan gentile in the Greek New testament. In French, for example, that Greek noun is known as *"ethnie"*, which is associated with the adjective *"ethnique"*. As the English does not have any concrete noun for *"ethnos"* or *"ethnie"*, the term in the French language is used here to indicate the ethnic communities or "ethnic groups" (Hutchinson and Smith 1996).

In the Ancient Greek context, the word *ethnos* was understood in different ways. *Ethnos* can be understood as an *"Ethnos hetairon"* means a group of friends, *"Lukion ethnos"* means the tribe of Lycians, and "*Melisson ethnos*" or "*ornithon"* means a swarm of bees or birds. As Aeschylus said that Persian is an *ethnos*, *Pindar* speaks of "*Aneron ethnos*" or "*Gunaikon*" means the race of men or women, Herodotus to "*Medikon ethnos*" means the median, and Plato of "*ethnos kerukikon*" means the carrier caste. For "Testament writers" and "Church Fathers" they are referred to as "*ta ethne"*, or the infidels (Liddell and Scott 1869; A.D Smith 1986; Tonkin et al.1989 after Hutchinson and Smith 1996:4). There is similarity of the word usage regarding to idea of the number of people's or animals' existence that share some cultural or biological characteristics and living and acting in a particular order or harmony. It explains the word as certain people who are part of a group of community with its own characteristics.

That term was also used in Britain and America by the white anglo-saxon protestant to show it as a "nation" to identify themselve and use the term "ethnic" for immigrants, as they often used the term of "ethnic minorities". In practical use, the term of "ethnie" and "ethnic" are used to indicate the majority and minority groups, such as the use of the terms native and immigrant (Hutchinson and Smith 1996). Based on that meaning then the word can be interpreted as the essence of an ethnic group or a quality possessed taste of people that belong to certain ethnic communities or groups, or something that someone possessed if it is included as part of the ethnic groups (Chapman et al. 1989).

Other alternative of that word meaning may refer to the study of classification societies and inter-group relations, in the context of the difference between "self-other" (Eriksen 1993).

Starting in around the mid-century of XIV, that terminology was used in England where during its development its meaning was reduced to mention the racial characters. United States also used this terminology massively during World War I as a subtle mention of considered the inferior nations.

Beside the "ethnie" there are several other concepts, such as "ethnic identity", "ethnic origin", "ethnocentrism", and "ethnicism". Ethnic identity and ethnic origin refer to a level of identification of individual against the collectivity, which is defined culturally. Individually it demonstrates an understanding of the person's attachment to a particular cultural community. Ethnic origin also refers to the feeling of connection with the lineage and birth as part of an individual through his parents or grandfather. Even though this concept may also have a collective dimension or even more complicated, it will usually refer to a cultural group and migration origins of ethnies (De Vos and Romanucci-Rossi 1974; A.D. Smith 1986 after Hutchinson and Smith 1996:5).

Furthermore, the term "ethnocentrism" is often used in the context of social psychology of individual or interpersonal level as a synonym to underestimate the foreigners. But it means also to have a collective historical reference as a sense of uniqueness, centrality, and the virtues of an ethnie in relation to other ethnies. It has become an essential feature of all ethnies in history that helps to maintain their condition and position in related to the others. That refers to the protest movement and resistance in the name of ethnies against the outsiders who oppress or exploitative. The kind of movements often arises in a variety of the many community's histories (Hutchinson and Smith 1996). Those various explanations and concepts of ethnic actually showed the diversity of its concepts and meanings.

Although there are some multiple meanings, but for the political scientists the basic conception of ethnic or ethnicity seems to be interpreted in two ways. *First,* the sighting of the limit the different forms of creation reality that is contrary and dichotomous. *Second,* the construction of understanding based on the views of the social buildings. Based on those views, the understanding of ethnicity is almost usually understood as reality of dichotomous perceived difference in certain people identifying themselves. In this point, ethnicity is seen as a relational concept related to the self-identification and social ascription. Therefore, ethnic identity is relatively difficult to be changed due to it is built on blood equation (birth), skin color, beliefs, which include ethnicity, race, nationality, and caste (Hutchinson and Smith 1996).

Based on that understanding, an ethnic group indicates that it have its primordial bond rooted in the basic identity owned by its members as the body, name, language, religion or belief, history,

and origins (Issac 1993). These basic identities are source of reference for ethnic group's members to conduct their social interactions. Those are also as source of presences of the primordial tie occured from the relations of kinship, races, environmental or religious beliefs, as well as the specific language or dialect. It means the basic identity is a crucial reference and generally in nature as well as being the main framework for an ethnic group's existence. In this point, identity obtained based on ascription is that difficult to be denied and present in social interaction among different ethnic groups. Within social interaction, people from various ethnic groups will realize that there are some differences between them as the pattern of distinguishing their groups to others.

According to Geertz (1992), a similarity in filiation, dialect, race, and habits has produced an emotional tie where it is sometimes excessive and even destructive. That bond can be considered as the heritage of existing social nature and something that is continuous mostly of the family ties. Moreover, that bonds are derived from the birth aspects in a community who have certain beliefs, which speaks in dialect of a specific language, and following particular social practices (Isaac 1993). Therefore, those become as fundamentally aspect of the basic identity for each community.

Cohen (1971) noticed that the basic identity of an ethnic group is often manipulated. It means the basic identity can be disabled, enabled, and narrowed. It is possible due to the basic identity to be not really stiff but rather liquid, so it can flow and evolve in order to adjust in various life contexts. Although basic identity looks like a dynamics thing but it sometimes can strongly hit in certain circumstances. The basic identity that embodies its existence in the form of primordial bonds can result strong emotional cohesion or even become the ethnocentrism excessive, so it is not rare that it can become sources of harm. It means despite as something fluid and not rigid but under certain conditions, the basic identity can also be recognized as rigid thing that cause of the excessive ethnocentrism feelings, which can provoke problem and catastrophe. But even so, the emotional cohesion derived from primordial ties can also be acceptable as something that can increase the sense of security, warmth, or trust among them.

Along with Cohen, Jenkins (1996 after Bromell 2008:286) stated that presences of a social identity in the context shows that both individually and collectively formed a structure of relationships associated with the similarities and differences of "us" and "them". Collective identity is always held a certain similarity between its members. Thus, collectivity is received by as an intrinsic part of them, which is later materialized in the form of relationships, practices, and processes in everyday lifes, located in a context of place and time.

Therefore ethnicity deeply potential becomes the fundamental social identity for certain communities. Although he concluded that ethnicity is not always primordially towards the social identity due to several factors. Those factors of ethnicity can be negotiable, an individual ethnic identity may change over time, an individual may "pass" as being of other ethnicity (or indeed, another races), and ethnicity does not have the similar salience everywhere (Jenkins 1996).

That statement shows there are other scientists who see ethnicity as condition that can move and change dynamically, not only a primordial tie. It raises question about whether familial or hereditary and ethnicity are the major social identity only as a question, which tends to be local or attached to a particular community context, and not to be universal, where social identity is emphasis more on selfhood, humanness or gender (Bromell 2008).

Furthermore, Fenton (2003) saw that ethnicity in relation to its aspects of descent and cultures through his view that:

> "Ethnicity refers to the social construction of descent and culture, the social mobilization of descent and culture, and the meanings and implications of classification systems built around them. People or peoples do not just possess cultures of share ancestry; they elaborate these into the idea of a community founded upon these attributes."

The important thing from that view is under certain condition, cultural identity and descent potentially become less valuable. In other contexts, ethnicity becomes a restriction group that plays a key role in the social order and social conflict. Consequently, it will be almost imposible for presences of single discourse. It is imposibble for presence only one single discourse of "race", "ethnicity" or "nation". It will be rather as a series of discourse, which it is conformable with demands of historical and socio-political dynamics in various specific regions (Bromell 2008).

Moreover, Fenton (1999) stated that ethnicity is based and built not only on the material context but also with various symbols. It is intended to show that ethnicity is built by demonstrating how ethnic categories can change the position and condition of their position. Nevertheless, ethnicity also has a real social foundation in a sense that ethnicity is attached firmly to the offspring, cultural, and linguistic differences. Thus, ethnic differences will not only in the aspect of "culture" but also organized and mobilized in the context of political and economic structure (Bromell 2008). It means ethnic identity is articulated on similiarity or real differences perceived associated with heredity, culture, and language in a slushy social process as a society, both individually and collectively create a boundary around them in social, economic and political aspects. In certain contexts, ethnicity may take form of material and symbolic, in terms of the structure of power and prosperity, both within and between the social groups.

More deeply, Fenton (1999) indicated that functions of descent or kinship in the rhetorics of ethnicity are a relevant comparison with the "family likeness". It does not necessarily engage in real of the ancestral aspect. People can select to remember or to forget their past and can choose to honor ancestors and throws some others. Thus, the use of "family likeness" may be more or less fictitious, and action to claim as represent of the ancestral culture that can be superficial or unreasonable, but the "symbolic ethnicity" of this kind still can be a sensitive and powerful thing if it is used (Fenton 1999).

That perceptivity is basically reinforced among scientists who see ethnicity as a fundamental social identity. In this point, concept of identity associated with a dynamic and ongoing process that continues where it is politically contested and historically unfinished (Clifford 1988). This view basically shows that the old understanding of identity as something inert, or as a primordial legacy that was built in an isolated context has been replaced by a more dynamic conception emphasizing the contrasting conceptual process through where identities take shape (Kipp 1993; Norton 1988 after Adams 1998:328).

Some explanations above basically show that in general, ethnicity can be seen as something that has relevances to the concept of identity and differences. It is strongly associated with how people will behave, speak and express something by putting himself in a certain position (Hall 1989). Thus, an identification of their history is required in an attempt to find their ethnicity. In this view, the story of their past is not only a position where people would talk but it is also related to what they want to say. It is also not a simple matter and most essential because the history of past is basically reconstructed. The reconstruction in history also involves political aspects. The society's past history is narratively. People build their contact with the past through various stories, which are created together. It means ethnicity always has connectivity with that history and that relationship is built through memory that is created mostly through the narrations (Hall 1989).

Another important point related to the understanding of ethnicity is the existence as basic identity can become a bond between the participants that can be a tremendous energy for various forms of actions which are carried out by either group members. All of those then lead the presence of different understanding of the etnicity concept, which generally puts a person or group of people which has difference with another group. That difference can be represented through language, dialect, or even certain symbols that indicate some clear differences of each group. In the togetherness context, there is an attitude to respect the habit or rules together as part

of its fundamental common social identity as consequence of an association with a particular ethnic group.

An establishment of social identity based on ethnicity becomes a basic presence on the sense of trust between the ethnic groups. It often becomes the basis for bonding solid foundation for some interactions and shared activities among them. Some occured interactions is formed and conducted on under mutual trust due to their feelings that come from same hometown, language or having the same dialect, same surname, or from the same lineage. In short, similarity of basic identity helps them to create mutual trust condition among them. At least, at the first interaction people who come from the same ethnic will be assumed that they have the same behaviors where it deserves to be trusted. Such awareness constantly experienced by people who shapes a bond primordial and expressed it in various forms.

Therefore, ethnicity associated to realization of a common of basis identity of a particular community. It will be realized in the form of various actions or feelings, or a combination of both. In addition it can manifest in a variety of situations that are virtually unlimited and shows the tendency of the nature of collectivity as part of existence of a particular community. The community has ties of ethnicity and serves to maintain the stability of a social identity, including collective stability for the indigenous people as one social community. That explanation shows the possibility of linkages between the concept of ethnicity and indigenous people as community based on some social basic identity, including in Indonesia.

In Indonesia, the linkages of etnicity and the concept of indigenous people are actually not a novelty discourse. At least since beginning of the Indonesian as a nation state, these concepts have been drawn attention of the founding fathers. Therefore, implicitly the issues related to the etnicity and indigenous people are present in the Indonesian constitution. It means the issue indeed is an important for Indonesia.

Basically in Indonesia, the concept of "indigenous people" is often interchangeable with the term "*masyarakat adat*". In this extent, indigenous is deemed to reflect the existence of a claim related to a separate identity, which is owned by a community identity that is different from other communities. For centuries, in Indonesia, "custom" or well known as *"adat"* is always associated with a set of social rules, custom, politics, perceptions of fairness, and even habits of individuals (Tyson 2010).

In addition, custom is something changing, the concept of unity, which includes variety of unique custom and traditions of each main ethnic groups in Indonesia (Tyson 2010). Custom also represents a system of government based on oral tradition, antecedents, and customary law,

which provides a set of rules in ceremonies for weddings and funerals, homes and crops, or the mechanisms and land use rights (Hooe 2012). It means, the custom can not only be seen as a series of seremonial activities to show certain symbols of their identity. Moreover, custom is also a system of belief of certain community related to particular values that are accepted as common value and one of important basic identity for a particular community. Believe of that value is obtained through inheritance mechanism of their ancestors where it accepted as guide towards the harmonic and orderly life. Therefore, the existence of custom becomes one of important indication of the existence of indigenous people. It should be seen as normal phenomenon in context of society that have it for long time as part of their historical story as a community.

Basically, recognitions of the importance of custom's existence as part of particular social identity has occurred in Indonesia even before Indonesia became an independent nation state. However, despite having existed since a long time but the Indonesian history provides that their position usually tends to be marginalized by the dominant power or the ruling regime. Even there was respect from the regime, but the community always under the regime control. Thus, their existence becomes very dependent on how the regime provides space for them through the generalization meaning in accordance with the regime interests.

In the colonialist period, the ruling regime actually had realized the indigenous people's existence based on their existence of customary law within their community. Therefore, in some areas the government tried to takes advantage of that existence to support their authority. It was indicated by the government retained power systems based on the local values in various regions as part of efforts to sustain their power. In its development, based on the objectives condition in the region of Dutch East Indies and also many pressures from society in the Netherlands, the government then had tried to give more formal recognition to the customary law's existence as a social and legal system of various communities as an objective condition in their territory. One of very famous expert in term of indigenous people and customary laws existence during the colonial period was from a Dutch expert, Van Vollenhoven.

Based on his works on some particular communities, the Dutch colonial government then openly recognized the presences and the existence of customary as objective conditions that exist in the society context. His works, which consist about 45 volumes, has become a significant step not only for the recognition of indigenous people but also as a foundation of the customary laws studies in Indonesia (Holleman ed. 1981). The government at that time then realized their respect by dividing its territories into 19 (nineteen) jurisdiction areas by incorporating the religion and custom aspect as an important part of the consideration (Takano 2009). Although in reality, the

roles of state authorities remained very crucial to influence the indigenous people's existences with their different social attributes, but formally the authorities demonstrated their recognition of the custom's existences as a norm or a social system of the some communities in the East Indies.

At the early days after Indonesia declared its independence in 17 August 1945, under the first president of Indonesia, Sukarno, there were some fundamental laws produced that implicitly indicated the recognition of the existence of indigenous people and their variety of customary laws. Although that such recognition still showed the mastery of state by centralized understanding of indigenous people, but it still shows that the indigenous people is seen as part of society that objectively demonstrate its existence. In that period, there were some opportunities for the indigenous people's existences in Indonesia, although state remained as the most influential factor. It was because state did not make any strong control against the existences, except those that were considered to have potential to disrupt the unity of the new republic. The worse conditions for the indigeneous people seemed to happen after the period of Sukarno where Indonesia entered the New Order era under Suharto.

In this period, Suharto was very strict in control the various diversity, including custom and culture, which is the basis of social identities in Indonesia. Under this regime, customary activities and institutions were significantly attenuated. The state propaganda that tried to promote the importance of harmony and solidarity has been a reason of the ruling regime to marginalize the existence of custom as an important thing in social and political dynamics. That was increasingly apparent through the uniformity of village administration, which was conducted through the presence of Law No. 5 year 1979 that changed the role and influence of custom drastically in the village's government system. Before the application of this law the villagers were still governed by rules-based custom, which also shows the magnitude of the role and influence of custom systems of lifeinrural communities, but through that law the customary important roles then were eliminated.

In these conditions, the role of customary leader who previously were very strong and influential was then replaced by a new village leader, which was elected through state-regulated mechanism and must be approved by the regime. Although the previous customary council plays a pivotal role to implement variety custom values that still exists institutionally in public lifes, but they were officially abolitioned from the administrative structure of village and impacted on the loss of revenue as well as their authority (Kato 1989). It makes the traditional leader who has important position to secure the implementation and sustainability of customary values in

managing marginalized people. The institutions and actors that were influential then were marginalized thru the coming of new administration system based on formal laws. It was implemented based on the state's interpretation on the best system that should be implemented generally to all villages in Indonesia. In essence, the uniformity of village's administration basically had become a formal mechanism to marginalize the important roles of some unique values and local laws witihn indigenous peoples. That such condition was an indication how the New Order regime's systematically efforts reduced and marginalized the custom's existence as an important part of many communities in Indonesia.

Towards the fell of the Suharto and his regime in 1998 and a few moments after, the customary's revivals as a concept associated with resistance efforts to the centralized government (Davidson and Henley 2007). In this context, presence of custom or *adat* tends to be associated with activism, mobilization, protest, and violent conflict. It seems relevant to how the New Order regime deal with the indigenous people and various people in Indonesia become more active and critical to participate in public that often lead to various violences within the community itself. These various conditions are viewed as an effort to restore and re-apply the customary principles in their region (Henley and Davidson 2008). Thus, it is a line to indicate the existence of customary at once as part of their existences as well as a justification foundation for claims that they do as a community-based on the indigenous identity.

The reform era, which comes after the end of the New Order era, has presented the spirit of democratization and decentralization that seem opened some opportunities and space for the return of indigenous people's existences in various regions (see eg. Tyson 2010; Davidson 2010; Nordholtand van Klinken 2007). After experinced pressured in previously era, the decentralization of power in the reform era as a result of various local people pressures has made indigenous people to re-acquire significant position in socio-political aspect in the regions. Some turmoil and conflict in the name of ethnicity or religion have become the phenomenon that characterized the early period of the reform era. Although many conflicts seems to be triggered not only by the differences of ethnic identity, but facts that some conflicts attached to or on behalf of ethnic's identity was the evident of the return of its existence after the New Order (Wilson 2008).

In addition, besides the horizontal conflicts between communities in based on different ethnic and religious identity, the existence of customary-based community is also present in many symbol of resistance against the power of state through variety of their attitude towards the government in the region. Many indigenous people seem to find significance of identity based on

their local values, including customary as justification to fight the powers that is felt from the outside that they have been marginalized and deprived of which should be theirs for generations as a custom legacy of the ancestors (Tyson 2010).

Indigenous people seem to find its momentum in the reform era to show themselves as the important forces on the various dynamics of lifes that in their region. In facts, according to Li (2009) that discourses regarding indigenous peoples in the arena the struggle for power is increasing in Indonesia. This is a particularly evident from the magnitude of custom in a variety arena of power struggling in various regions in Indonesia. The customary seems to have been transformed into one crucial aspect in some competitions to gain power as well as accesses to the various resources available in the regions. The use of customary as the legitimacy to perform some claims of access toward the power and its implications on the acquisition of existing resources in the region tends to be a common way in Indonesia (see eg. Hooe 2012; Tyson 2010; Wilson 2008; Van Klinken 2007).

The customary or *adat* as part of social identity founded in the form of traditional communities in many regions in Indonesia has regained its place. As an habitude believed by some certain communities based on their particular standard of legal thought, the existence of indigenous as a part of their social identity has been allowed through the democratization and decentralization precisely in the implementation of regional autonomy. The indigenous people then regain an opportunity to be involved significantly in some important activities, including the power and control of social and natural resources in Indonesia.

5.2. The Toraja Ethnic and the Importance of Adat

    5.2.1   The Tana Toraja region

Nowadays, the Toraja region has been divided into two districts. Those are the Tana Toraja district and the North Toraja District. The Tana Toraja district inhabited by 227,558 people, while about 224,003 people live in the North Toraja. In aggregate, the total population of both districts until the 2014 was approximately 451,591 people. That amount represents approximately 5.36% of the total population of the South Sulawesi Province, where this province has 8,432,163 inhabitants (BPS South Sulawesi 2015)

Besides as the name for this region, the word "toraja" also used as name for the majority ethnic group that lives in this area. Numbers of the toraja ethnic group or the *"toraja"* reaches more than 80% of the total population. The majority amount of this ethnic group is related to their history of their ancestors that had occupied this region and continue for generations until today.

Therefore, this ethnic group has claimed this region as their sacred land as their ancestor heritage.

As one of the famous ethnic groups in the *South Sulawesi* province and even in Indonesia, total population of the toraja ethnic group is still below than the two biggest ethnic groups in the province, the *Bugis* and the *Makassarese*. Based on the Indonesian Central Bureau of Statistics (BPS), the toraja ethnic group is considering as part of *"suku asal Sulawesi lainnya"* (the other ethnic groups from Sulawesi). The toraja ethnic group and more than 200 ethnic groups in the Sulawesi Island consist with around 7,634,262 people while the *Bugis* population itself is around 6,359,700 and the *Makassarese* is 2,672,590 people (BPS 2011).

Although in the national level, the toraja is still considered as part of the small ethnic group that comes from the Sulawesi Island but, at the provincial level, this ethnic group population is the number three of the biggest etnic group population behind the *Bugis* and the *Makassarese*. The *Bugis* is 41.90% and the *Makassarese* is around 26.43% while the Toraja is 9.02% of the total population in the province.

Table 6

Ethnic Population composition in the South Sulawesi province in 2000

Ethnic Group(s)	Amount	Percentages (%)
Bugis	3.266.440	41. 90
Makasar	1.982.187	25. 43
Toraja	**702.951**	**9. 02**
Others	596.369	7. 65
Mandar	475.505	6. 10
Luwu	318.134	4. 08
Jawa	212.273	2. 72
Duri	121.688	1. 56
Selayar	93.183	1. 20
Sunda	8.145	0. 10
Madura	5.788	0. 07
Minangkabau	4.294	0. 06
Betawi	4.065	0. 05
Banjar	3.657	0. 05
Banten	3.657	0. 05

Source: Leo Suryadinata, Evi Nurvidya Arifin, Aris Ananta, Indonesia's Population: Ethnicity and Religion in a Changing Political Landscape, Singapore, ISEAS, 2003.

Historically, the *toraja* people's existence is actually related to a complex mixture of myth, genealogy, legend, and orally transmitted memories of the more immediate past. It has more to do thru memory and its precipitation in landscape, places, and symbolically significant stories,

than with the conventional sense of formal that usually as the written accounts of the past (Waterson 2009).

One part their history tell that before using the term Tana Toraja or Toraja for this region, in around the sixth century, some small groups of people were led by people who are called *arruan* or *arroan* which means "group of men" entered the area. The *arroan* groups were gradually coming from the south into Toraja through the river using boat. When this groups were no longer able to continue their journey then they settled around the river and later moved towards the mountains and settle down (Bararuallo 2010).

After settling down, they set up a confederation among the three communities under name *"Tondok Lepongan Bulan Tana Matari' Allo"* means the "the place and country which has a shape like full round of moon and made of the sun". It is also possibly interpreted as the country with the unity form of government and society as like as moon and sun. This federation is usually cited by the toraja people as original source of their identity. But there is no evidence that it was not rised to any long-term as political unity, despite of recorded in folk memory. The memories of this event are linked in number ways, and through similar form, show the considerable local variation in its content (Waterson 2009).

Each *arroan* was led by a leader called *"ambe' arroan"* (*ambe* meant father or elder, *arroan* meant group of people), who occupied certain place and manages each family communion. Growth and development of the *arroan* were quite rapid where it spred to various areas, especially in the form of small families or *pararrak*. Each *pararrak* was always led by a *pong pararrak* that means the main leader of the explorers. The widespread of *pararraks* made implication on increasing number of members who joined to the *arroan*. The condition was pushed the need for a government system to organize every *pararrak* community that led the designation of *pong arroan* (Bararuallo 2010). That feature shows that an *arroan* usually consists of some *pararrak* that indicates a group of family. One famous *arroan* was *Tangdilino'*, a nobles which set up the model of house that later becomes one of the important symbol for toraja people, namely *tongkonan* or *banua puan*. After that period, in around ninth century, *tomanurun* or *tomanurun di langi*, a group of strong people considered came from sky or heaven (Waterson 2006).

The idea of *tomanurun*, mythical beings that descended from heavens who arrived on top of the mountain and became the local rulers, it may have borrowed it from the Bugis, where the legends of supernatural beings are recounted in court chronicles, and performed a legitimate function in the formation of lowland kingdoms during the thirteenth century. The *tomanurun* are

always paired with an equally supernatural spouse, a woman who rose out from a river. The toraja people can trace their descent from one or another of these ancestors, though they appear to feature most prominently in southern, central, and western areas (Waterson 2009). The newcomers from the sky then began to dominate and control the territory in that region and later became the ruling caste called the *puang* or the "honorable" people (Buijs 2009).

Since the power and followers of *puang* were increasing, then conflict and rivalry were arising among them. It pushed struggles for power between the *puang* in the south areas, so that the area became chaotic. As the result, there was a displacement portion of some *puang* from southern to the northern part of the region. Although in some places some *puang* still dominated their respective areas by being quiet and far away from the conflicts to fight over territory, but the effect of various struggles decreased the *puang*'s honour. In that such situation then a child from *Puang ri Buntu* (the ruler of the mountain) named Tangdilino came who moved from south to the north to a place called *marinding* in the southern Buntu Kandora. He and his followers pushed a house called *ramba titodo* (*ramba* meant expelled, and *titodo* meant stumbling or tripping). The house then was to be crowned as the first *tongkonan* in Toraja named *banua puan* (Bararuallo 2010). It becomes the first step to further reinforce the symbolism on strong kinship in the context of the toraja ethnic group.

After settled in Marinding, Tangdilino created a system of government that does not follow the pattern applied by the *puang* in the southern area. He removed the title and the rules on the *puang*. The rulers then used the title *sia-ambe*, *sia-indo,* and *ma'dika.* Furthermore, Tangdilino then drew up the rules and the way of the new government called "*aluk sanda pitunna*" or "*principle of* 7777". Since then, *aluk* 7777 is enacted simultaneously throughout the northern region of the Toraja (Bararuallo, 2010). *Aluk sanda pitunna* later becomes an important principle of the government's rules as the characteristics of the social and political context in Toraja (San, interview 2014).

Tangdilino later married a princess of *puang ri tabang* named Buen Manik. From this marriage they had nine children who propagated *aluk sanda pitunna* while expanding their power. Finally the center of Marinding's authority then covered the whole territory where their sons and daughters domiciled in efforts to strengthen the teaching of *aluk 7777.*

Table 7
Spreads of *Tangdilino* and *Buen Manik* Siblings

No	Name of the Child	Destination Area
1.	Tale Bue	Duri
2.	Kila'	Buakayu
3.	Bobong Langi'	Mamasa
4.	Parange'	Buntao'
5.	Pata'ba	Pantilang
6.	Lanna'	Sangngala'
7.	Sirrang	Dangle'
8.	Patabang	Banua Puan Marinding
9.	Pabane'	Kesu'

Source: Baruallo (2010)

All Tangdilino's children had given duties and powers by his father to spread the guidance of *aluk sanda pitunna* and also get the rights and full power in each region that they occupied. It shows that the descendants of these authorities played an important role in regulating community lives of their people through the teaching principles derived from *aluk* 7777. All of their territory was called *Tondok lepongan Bulan Tana Matarik Allo* with their principle of unity, kinship, and mutual collaboration. Their symbol is "*barre allo*", while their religion was *aluk* 7777. That is sufficient to explain mostly all toraja traditional house or *tongkonan* has that symbol on the house front which indicate the relation with *Tondok lepongan Bulan Tana Matari' Allo* (Bararuallo, 2010).

1	2	3
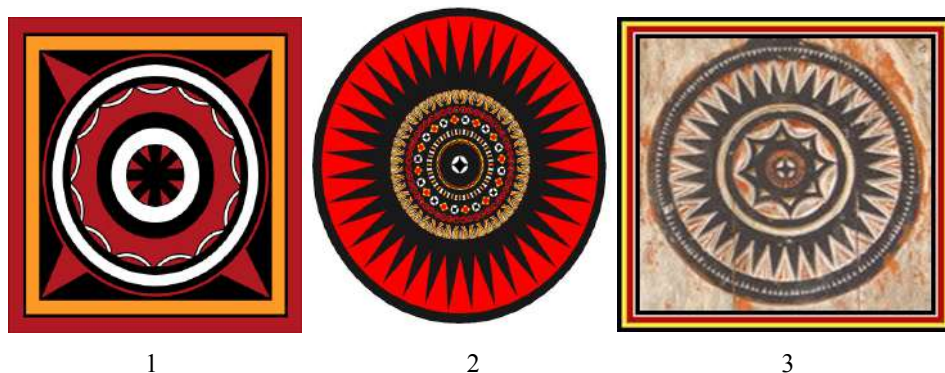
Figure 7: Symbols of Pa'barre Allo
Source : commons.wikimedia.org (1) galeri-mamasa-sulawesi-barat.blogspot.com (2) ;
torajagallery.wordpress.com (3)

The story of *Tangdilino* has showed that the toraja people were divided into small units structured of hierarchical society and led by small elite of nobility caste through a traditional council (Waterson 2009). The hierarchical structures are mainly based on the wealthy, age, and occupation (Adams 1997). Since the pre-colonial period, the toraja society are divided into three social strata that is aristocrats (nobles), ordinary people (commoners) and slaves (slaves), where

status is determined by birth, economic ability or some social mobility (Adams 1997). Their structures later become one of the important social identities in the social structure of the toraja. The history shows that all ethnic toraja never really be a united society under one central power and authority. The toraja people were sepatrated in many smaller groups family-based where at the end it was successfully to reinforce identity as a community called the "*toraja*" where actually it has several meanings.

According to Tangdilintin (1980) there are three possible origins of naming associated with the three of wind directions. First, it comes from the word "*to riaja*", which may be given by the people in the kingdom of *Bugis Sidenreng* who knew the toraja as people derived from "*riaja*" that means "above" or "in the north" (Bigalke 2005). Thus, based on that understanding, *"to riaja"* means people who come from above (mountains) or people who come from the north part. It is very likely related to the location of the Toraja region that is located in the mountainous region and at the north side of the *Sidenreng* kingdom (Bigalke 2005).

Second, according to *Tangdilintin*, the "toraja"comes from "*to riajang*", which means the "people in the west". This name is very likely was given by the Bugis who live in coastal areas of *Luwu'*, where it is in the east side or the mountainous region of the Toraja. The use of this word was mainly used to distinguish this group of people who occupy the highland with "*to luu*" or "the sea people" for people who live on the coastal area. The term is also used by the Dutch missionary, Nicholas Albert Kruyt and Adriani, who came to works in Poso, the Central Sulawesi in 1892 (Waterson 2009) to the community of people who live in mountain areas in that region. They were also used to differentiate for people who speak *bare'e* in central Sulawesi and speaks with *tae'* in southern Sulawesi (Buijs 2009).

Third, the word "toraja" may come from the Makassarese people in the sultanate of *Gowa* to refer to a king who came from the northern mountainous the "*tau raya*", which means descendant of the king family who came from the north (Buijs 2009). Those various explanations in facts indicate that the reference of the "toraja" refers to the communities who live in the mountainous region in the northern region of South Sulawesi. It indeed explains that the name of this "mountainous community" was from the outsiders. It is used especially to identify and distinguish the communities from other communities based on their inhabitation place. Beside those three sources, there is possibility of another source for the word toraja.

Another source of the word probably is related to the toraja's mythology about the ancestors of a few kings of tribes in South Sulawesi. Their ancestors came from a royal family in the toraja. Therefore, the word "toraja" is believed came from *"tana to raya"*, which means the "land of

kings" (Buijs 2009). Some toraja people would like to agree with this interpretation that is linked to one characteristic of this community, which has caste-based social structure where the nobles is the most influential and dominant people. The word seems to be interpreted as an admission that the toraja region is an area of the nobility. Apart from the various possibilities for the analysis of the origin, the important thing to note is the community has been recognized by the surrounding communities for a long time as a unique and different community. It is as well confirmed that this community has indeed occupied the toraja region for a long time as part of their history as a group of society.

Before the 20th century, people of toraja were divided into few small groups living in autonomous-rural areas. The toraja people were still animist and untouched form the outsider. They did not have same awareness about the identification of a specific identity that could unite them as a community group of people who living in around the mountainous in togetherness. The awareness then arose as a joint of this ethnic community seems to be more influenced by their experiences related to their interaction the outsiders community surrounding and also during the colonial period.

At the colonial era, the government prepared this region consisting of the Bua district and "*kampung*"or villages, which each of those was led by a local ruler called *puang*, *parengnge'* and *ma'dika*. After 19 years occupying this area, the colonial government then used it as *Onderafedeling* under *Selfbestuur Luwu*. It consisted of 32 Lanschaap and 410 villages where the first Controleuur was *HT Manting*. After some legal process in term to establish the Tana Toraja region, especially after the independence of Indonesia, the Toraja area was then lead under one authority the regional government of the Tana Toraja district until 2008.

After some dynamics process of people in Tana Toraja, in 2008, the long process to divide the Toraja region ended on 21 July 2008. The central government enacted the Law No. 28 year 2008 on establishment the district of North Toraja in South Sulawesi province. Based on that law, the administration of Tana Toraja region was then divided into two districts, the Tana Toraja district and the North Toraja district as the new autonomous districts. It has been inaugurated in 26 November 2008.

Since then, the area of Tana Toraja is divided into two administrative regions. But even so, in the context the particular majority ethnic group, these two regions remain the same as the territory claimed by the toraja people as their sacred land associated with some histories and myths. As one ethnic group, which is widely known by the public regionally, nationally, and even internationally, this ethnic group is one of some ethnic groups in in Indonesia that still show its

existence as the indigenous people. That existence is indicated by the existence of customary values into their daily life (Adams 1997), where mainly it is still presented as an important factor in the Toraja area curently practices in some activities.

5.2.2 *Importance of Adat for toraja people*

For the toraja ethnic group, labels as an indigenous people are more outward as a combination of myth, origins, legends, and the transfer of memories from the past orally to its present generations. Transformations and the sustainability of custumary values in the minds of the toraja people are manifested in some daily life practices (Kobong et al. 1992). The values underlie the customary for the toraja people have more to do with a memory that is more embedded in their minds about places and stories of significant symbolic if it is compared to the formal history in the conventional sense, where it is done as collection of writings about the past (Waterson 2009). It shows that a building of indigenous belief system is formed from the internal experience of the toraja people closely linked to the *aluk*. The *aluk* is associated with a set of rules and instructions originating from toraja people's religious belief, which contains the various guidance on practices related to social and religious aspects of life and other aspects of life.

Moreover, the toraja people are highly cognizant of directions marking in their speech the direction (north, south, east, west, up, down, across, etc.), in which they move and they are highly attuned to the timing of particular events in their lives. There are, moreover, numerous traditional rules regulating the proper orientation of objects, plants, people, activities, and so forth, in space and time. They have for example, regulating of the location and orientation of houses, rice barns, and requirements to cut off certain plants and trees in the village, as well as the time of year during which specific foods can be consumed, rituals can be performed, and certain children's games can be played and so on (Wellenkamp1988). All of that direction and rules are part of the *aluk* or *aluk to dolo*.

For the toraja's people, *aluk* or usually called *ada''* is a word that contains very broadly meaning. The meaning of those two words will usually be associated with the various aspects of the toraja's people life where both are inseparable. Although the word *ada'* or in Indonesian language called *adat* has been frequently used by the toraja, but the word is popularly used in 1947 since the *Luwu* and the *Toraja* has been split into two autonomous regions. This separation was followed by formation of customary agency named "*tongkonan ada'*" (Kobong et al. 1992). The institution was running a major role related to aspects of the custom and culture of toraja society. Since then the use of the word *ada'* has shifted in part a function of the word *aluk*. It can

be seen from some of the ceremonies of toraja's people, which no longer refer to it as *aluk* but *ada'*.

Using *ada'* as refers to *aluk* can be occured fast due to in reality the understanding of both words are similar. Definitions of *ada'* also include the implementation of ceremonies or rituals that follow the norms as what it has indeed been carried out by the toraja in order to implement *aluk*. Every *ada'* rituals or ceremony actually is part of the implementation of *aluk*. It makes people in Toraja to be quite familiar with the term of "*ada' Toraya*" (the toraja people's costumary) rituals when it actually refers to *aluk*. Significantly that shows in one of the important and famous rituals of this ethnic group, the funeral event called *rambu solo*. Implementations of this ceremony often referred as the "*upacara adat rambu solo*" (*adat* ritual of *rambu solo*) when the event is basically as an implementation of the *aluk rambu solo* associated with the *aluk tomate* or a set rules of the funeral ritual (Kobong et al. 1992).

Within its development, the word *ada'* is then more often used while the word *aluk* tends to be limited only to the religious rituals associated with the worship of the gods and the ancestors. Implications, in the context of the toraja people, the term *ada'* then tends to be seen in a broader meaning than *aluk* eventhough both represent similar thing. Therefore, basically the use of *ada'* or *adat* as a peripheral discipline in the society for the Toraja is quite new because previously the term used was *aluk*. Thus, it can be said that *aluk* basically is *ada'* or *adat*, and otherwise "*adat*" is "*aluk*", which is inevitable and binding on all toraja people according to the mythology came from the gods live and arranged in the sky as a set of rules that is also used by the gods. It makes *aluk* to be believed as guidance to bring the toraja people towards the light as the phrase "*anna bendan tutungan bia 'tunannang tendanan ma'lana-lana*" which means "then the 7777777 torches stand upright and flaming as direction", with other version that number amounted of 7777. That numbers implies existence of completeness. Therefore in the context of the Toraja people, *aluk* is believed as complete and perfect guidances due to it was created by the gods and the gods are believed to live within the rules of *aluk* (Kobong et al. 1992).

Based on the toraja people's mythology, *aluk* as a life-guiding formula was brought down to earth by "*Pong Pakulando*", one of the famous gods in the toraja mythology. Furthermore, the gods coming down from the sky, either because of marriage with humans on earth, or the gods wanted to stay on earth and have an understanding of *aluk* later known as *tomanurun*. *Tomanurun* always refer their origins from "*langi'*" or comes from the sky (Bararuallo 2010). In the earth, *tomanurun* is believed as smart, clever, thoughtful and devout people. Therefore, *tomanurun* often referred as *to matasak*. They had guided people, either for planting and farming

as well as worship to the "creator". People had accepted them in the high degree position to guide them into better path by following the teachings of the *aluk*. These people and their descendants were later regarded as those who occupy the highest position in the social hierarchy structure of the toraja people. They are placed as the nobles who receive high appreciation and respect of the public because they have many capabilities social and religious aspects according to the *aluk* or *adat*.

As a set of beliefs and life guidance, *aluk* is passed down through generations of the toraja people's ancestors from generation to generation. That is why *aluk* is often referred as *aluk to dolo* or the "principles of the ancestors". In addition, since the number of *aluk* are 7777777 or 7777 then *aluk* is also often referred as *aluk sanda pitu* or the "completely of aluk rounds seven". In the toraja people's beliefs, these figures reflect the perfection in managing human life because it covers all areas without exception. In general, the area's coverages in *aluk* are: (1) *Aluk mellolo* (concerning to human birth adulthood), (2) *Aluk Rambu Tuka'* (concerning to the marriage party), (3) *Aluk Rambu solo* (concerning to the death, burial party, (4) *Aluk Bua'* (concerning the joy party), (5) *Aluk Tunanan pasa'* (involving market), (6) *Aluk Tedong* (concerning buffalo), (7) *Aluk Pare* (concerning rice), (8) *Alukna Bangunan Banua* (concerning to the construction of the house), and (9) *Aluk Padang* (concerning to land) (Kobong et al. 1992). Those aspects managed in *aluk* indicate that these cover all aspects of the toraja people's life. As the pattern of life, *aluk* contains some commands and prohibitions. It shows the relevance of any *aluk* with the religious aspect. It means the completeness of *aluk* has made all aspects of the toraja people's life related to its guidance. When there is a violation to the principles of *aluk* then all of the toraja people's efforts are believed to vain. The violations of *aluk* will be seen as violation of *adat*. As a system of law, the violation is believed that it would get vengeance due to it is regarded as disavowal of the gods.

Therefore, if there is an event that is considered calamity, the toraja people will promptly investigate which part of *aluk* has been violated. Toraja people believe that disharmony occured in a family or in the society are believed as an effect of violation to *aluk*. It shows that *aluk* is believed as a path to salvation that demands obedience from those who believe and potentially disastrous if its provisions are violated. That also indicates that *aluk* also serves as laws that must be obeyed by all toraja people because it has such values and norms that governs the entire system of public life.

Nowadays, basically there are some toraja people that interpret *adat* and *aluk* in a different meaning. *Aluk* is seen as a legacy of the ancestors with all of its rituals, as *adat* is understood as

community's rules either social, economic, or political (Kobong et al. 1992). In this sense *aluk* is seen as religious governing rules and procedures of worship to the creator, whereas *adat* is regarded as customary social rules that govern the relationships between individuals or the community to related aspects of earthly life. One important thing that contributes to those conditions is the coming of Christianity in the Toraja regions since 100 years ago (Mus, interview 2014).

The arrival of Christianity, which is then widely embraced by the toraja people have driven them to complicated situation. With the new religion, they should seek to follow its guidances, included with leaving various *adat*'s practices as well as the teachings of their old religion previously that is based from *aluk to dolo*. It means the toraja people who embrace the Christianity come to a dillema due to the *aluk* remains part of their identity as the toraja people ethnic group but due to the new religion some parts of their identity should be abandoned. It makes some toraja's people seek to separate the religiousity aspect from the *aluk* associated with the worship of the creator that seems to be incompatible with the christianity. They are more like to use *adat* term as seen as a procedure in the people's behavior that is considered more neutral against their faith in Christianity faith (Kobong et al. 1992). Therefore, despite the Toraja people currently tend to use *adat* as the values, rules, or customs that govern their lifes rather than using the term *aluk* in a religious context. But it does not eliminate the fact that the existence of *aluk* remains associated with its religious values.

Indeed, the presence of Christianity affects to the decreasing of the amount of original *aluk to dolo* adherents and makes them as the minority. For some of the toraja people, Christianity is not only seen as a new belief but also as the new spirit of the equality among mankind, which is accepted as the symbol of modernism. In this sense *aluk* tends to be considered as an old belief that is unsuitable anymore to the current condition and that situation becomes paradoxical. The acceptance of the new things thru the presence of Christianity, which is unsuitable with the *aluk*, is considered as potential determinat eleminating factor of the toraja people's real identity. But on the other sides, keeps the *aluk* with its various fundamental values tend to be regarded as disavowal of the Christianity. In addition, one important thing as pro and con in this situation is about the social hierarchy system as an intrinsic point in the term of *aluk* or *adat*. Existence of *aluk* will keep the system exist, which relates to the primordialism. But when the system still exists, it will be deeply seen as the opposite position to the Christianity spirit of the mankind's equality and also with the term of modernism.

For people who want to keep the existence of *aluk,* the existence of a social hierarchy that divides the toraja people into vertical-shaped classes is a consequence of their social identity as the toraja ethnic group. But for those who have felt as "modern" people will regard *adat* as outdated. That term of modernity seems to be influenced by the liberalism that is indicated by spirit of liberty and equality for all people. Besides the coming of Christianity, another thing that is considered as a factor influencing the toraja people of the customary's existence is education. Influences of the Dutch during its colonialized periods through the power of government besides the arrival of the missionaries who brought the Christianity has made many people in toraja had enjoyed good education. There were many toraja people from the middle and lower ranks who were trained as a teacher before the end of the Second World War, which did not come from the traditional circles of nobility. Those educated people then began to form a new other elite group beyond the traditional system. The new elites then developed broader understanding about the existence of the toraja ethnic group beyond the traditional elite point of views. They developed perspectives of the world associated with the modernist culture, Christianity, with new ethnic consciousness of themselve as *"toraja"* in a complex cultural mosaic of the Dutch East Indies (Waterson 2009). In this regard, Bigalke (1981) identified the use of the term *"tana toraja"* in 1934 through a charter drawn up by a newly formed association for the advancement of social and educational advancement of the *"Perhimpoenan Bunga Lalan"*or the *"*Lalan Flower Association". It shows level understanding of the toraja people was increasing through number of well-educated people who come from the non-noblity has brought consequences in perspective against the existence of *adat* among them through perspective that is influenced by a rationality based on the knowledge that they received from the government. By carrying the value of "modernity" they tried to criticize existence of *adat* and its consequences on society. Those educated people began to see *adat* as something less irrelevant to the modern condition because there were some traditional teachings that seem no longer appropriate. Its inappropriateness, such as the existence of a social hierarchy including some traditional rituals, is considered no longer relevant to be maintained as it was taught by based on *aluk to dolo.* That is even continued until the educated generation at the present time (Yus, interview 2014).

However, although there are some toraja people seing *adat* as an outdated term, in daily lifes of the toraja people, it showes that *adat* is still an important term among them. The indications of adat influences remain present through various traditional rituals and ceremonies associated to either *rambu solo* or *rambu tuka*. It shows that in important reasons *adat* would be used when they feel it is needed (Waterson 2009). It indicates that despite the toraja has received a lot of

influence from outside, such as Christian faith or understanding of modernity that comes through awareness result of education people, but the existence of *aluk* as one of the toraja ethnic identity can not be removed because it is an important part of the toraja ethnic communities (Mus, interview 2014).

In context of Christianity's presence in toraja, the Christian institution, especialy *Badan Pusat Sinode* (BPS), introduces some accomodation ways toward the existences of *aluk* as the fundamental aspect of the toraja people. The accomodation used by shifts the meanings of various rituals of *aluk* into a meaning that is suitable to the Christianity. As an example, the Christian institute does some disseminating on different meanings to the bufallo slaughtering in the *rambu solo*. As the informant stated:

> "the Church teaches a new meaning for the sacrifice ritual as only as a tribute from the host to the guests and families who come to attend the funeral ceremony, therefore animals that are slaughtered will be cooked and served for all guests"(Mus, interview 2014).

That statement shows that if in its nature meaning based on *aluk,* a sacrifice is to provide supplies and vehicles for the deceased for its journey toward the *"puya'"*or *"tana dea'" (*a place before towards to heaven). But through the efforts of the new meanings, the rituals based on *aluk* that have religiousity significance shift its meaning in understanding of relationship between societies. Therefore, *adat* is more placed as meanings of the rules or habits in relationships with fellow human beings by the Christianity institution.

In some Toraja regions, the collaborative efforts initiated by the church are quite acceptable. In other forms, some people tried to make a different collaborative way than what the church did. Some people present the Christianity in the various *adat* rituals through the presences of a pastor to give some speechs on the first day of the funeral event that symbolizes the presence of Cristianity in this event. But in the next days of ceremony, people tend to return *aluk*'s guidance, including the slaughters of the sacrifice animals (Rom, interview 2014). This condition indicates that although majority of the toraja people has becomes Christians, but various rituals based on the *aluk* still run on the grounds in their daily lifes. Moreover, those adat rituals are also linked with the need to proof their certain family status related to *siri'* (honor) and proudness of the family that holds the ceremony. Once again it shows that people's respect to the *aluk* remains strong as part of their lifes.

Altough some phenomenas in the twentieth century has produced cultural changes in the toraja society, but within this transformation there was a remarkable thing where there are certain elements that are typical of an order of the pre-colonial culture still able to maintain the spirit of

adat. That is certainly not to suggest that the traditional culture of society did not change before the colonial's intervention. It is because the change is the only element of culture that always happens, which can be guaranteed. Attempts of the colonial government to turn out the influences of *adat* preceded social upheaval in the toraja society. In this regard, the European colonization that occurred in this region experienced collision with different cosmological understanding as happening in other places related to the meaning of attempt to bring people into a good life (Waterson 2009). It shows although the changes is necessary in every culture including various *adat* activities, but there are certain parts of the culture that will endure as a fundamental factor of their existence as a community of people who have a certain identity that is unique and different from other communities nearby.

5.2.3 Tongkonan and importance of Kinship for the toraja people

In the context of toraja ethnic group, the *adat*'s existences are realized not only in various ritual practices but also through some symbolization that reflect the fundamental values in their customary doctrine. One fundamental symbol related to presence of customary in the toraja people can be seen from their original house, the "*tongkonan*". *Tongkonan* is the main point of reference in a bilateral kinship system. The interelation of the house to the genealogy, myth, and history are closely bound together among the toraja families in the region and even with their family that lives outside. The toraja people can track their offspring based on their parents both equally from the house where the parents, grandparents, or the farther ancestors were born (Rom, interview 2014).

Usually, when a child is born within the toraja's family, his father will bury the baby's placenta on the east side of the house. From time to time the house has become a place where a lot of placentas are buried so the house should not be moved. Some of the toraja people believe that the burried planceta will always make the owner returns to their origin house of their *tongkonan*. Some origin-houses associated with the very important ancestors in fact no longer exist, but the sites are still remembered well and if the offspring want, they can rebuild it in the same area. This house has a pedigree with a depth of between twenty and thirty generations, and many toraja people can ultimately trace back their kinship even some of them have passed away or even live outside of Toraja regions. When the toraja people talks aboout lineages, they will say who married whom, who their children are, and where the children will move to find a new branch of their own home. The founder and the branch houses are sometimes characterized as mother and child (*indo'na /anakna*), sometimes in the botanical metaphor it is commonly figured

out as *garonto'* and *tangke* (rods / branches), or the original founder house can be called as *ongi' na* (Waterson 2006).

It shows the concept of house is not just seen as a place to stay. Moreover, a house reflects the concept of the toraja people's originality, which is very prominent in the life and imagination of the toraja people. It also shows the importance position of a family and its kinship in their socio-political context. For the toraja ethnic group, the family is a social group as well as the important political resources. Therefore, the family is an identity as well as justification for togetherness and compulsions position of every person or a group of families in the social structure. The kinship of a family continues to grow, for example through the marriage mechanism with other families. It is an important base formation of communities within the larger bond as like as within a *lembang* (village).

The earlier *lembang* formed is usually by existence of a large family who lives together in a particular area. It makes the kinship becomes one of the important crutches in harmony and unity of the people within the area. Before the modern official government proposed by state into local level, each *lembang* conducted its own government. Under certain conditions, when the toraja family could not handle their own problems, some villages were usually formed groups; sometimes, some of *lembang* will unite against the others *lembang*.

They attempted to keep the relationship among people in *lembang* through the interralation between families. The relationship between families where expressed by blood, marriage, and shared the ancestral home or *tongkonan* is practically marked for example by the exchange of buffaloes and pigs in some important rituals (All, interview 2013).

That explanation shows existence of *lembang* as an institution initially very dependent on a certain kinship family's existence symbolized by presence of a *tongkonan*. Therefore, the marriage between the "distant cousins" is a common practice as an attempt to strengthen the kinship ties. Except for the nobility, the toraja prohibits marriage with the "close cousin" (up to the third level). It is intended to prevent spread of properties owned by a certain family. For the toraja ethnic group, the kinship takes place on a reciprocal basis. A large family would always help each other in some ways. For example, in an implementation of customary rituals, all members of particular kinship will help to finance the activities carried out by one of the family members. It is because if there are some mistakes within the ceremony, whole family will feel ashamed as part of that kinship. It shows how important the kinship for the toraja ethnic group. Therefore, it is not surprisingly if *tongkonan* as the symbol of a group of family has an important role in maintaining kinship ties for the toraja people.

In addition, related to that function, that house also becomes a symbol of the toraja people who still maintain connectivity with their ancestors. *Tongkonan* also functions as a fitting historical for the toraja people. Since the toraja people's dynamics are dominated by oral system in cultural inheritance, *tongkonan* then plays a role as reminder of a person or people's origins or their family pedigree, which is always attached to their existence and social status. Therefore, *tongkonan* as a place of origin is very prominent in the imagination of the toraja people, thus not surprising that tongkonan performs a special role as a carrier of history or as the "structure to remember" (Fentress and Wickham 1992).

Moreover, their genealogy itself has become a main vehicle to remember and also to justify the claims of their past history into the present time. A pedigree in toraja society always begins with the presence of some real or mythical story about a husband and wife who first built the house. Their children later were named along with the houses they were founded. It makes a kind of map genealogy settlement for their offspring. If there are descendants of those who moved then it will remain recorded, so the pedigree still can trace their genealogy through the existence of their *tongkonan*. It is strongly associated with the justification of specific lineage existence to justify their existence by associating with the existence on their ancestors in the past. Therefore, *tongkonan* becomes the center of the toraja's social life. Some rituals associated with *tongkonan* are very important in the spiritual life of the toraja people. Therefore all family members are required to participate due to the *tongkonan* represents their relationship with their ancestors.

As in many societies in Southeast Asia, the adhere distribution of certain groups of people based on the structure and the knowledge of pedigree tend not evenly on the entire community. Only the noble families usually tend to have interest in considering a long pedigree, while the ordinary people seems to be amnesia about their pedigree (Waterson 2009). For the nobles, a clearly genealogy will be an important source of legitimacy to maintain their existence as the elites and to be respectable by the social system that embraces social system hierarchy. In the presence of the genealogical records of a family in the main *tongkonan*, the lines descendants of the nobility will remain because the justification related to the historical aspects of the family will remain exist. It means the descendant of a noble family at any ages can use it to claim and keep their position as a noble's descendants. Thus the existence of *tongkonan* is intended to maintain the relationships and linkages with the ancestors to descendants that exist in the present time as well as a statement of the present existence of a noble family's lineage. On important part of the toraja people's life that continues to promote the important of placing people in the appropriate positions based on their descedant background is the *adat*'s ritual.

In the *adat* rituals, there are some specific adjusment that could not be ingnored based on the *aluk* guidance. It usually will be related to validity of this event based on the adat requirements and also related to the society perception to the family that holds the events. One of very important requirement in the adat events is about the position of all people, especially to the noble families during the event. Based on adat guidance, positions of a person or a family in an *adat* ritual can not be changed with other. All of the noble families should be positioned appropriately based on their position in the structur of caste. It because the position will be related to *siri'* and honours of each families, as well as the host family's attitudes to respect it. Therefore, this point must be conducted without any mistakes. It is one condition where the event will be regarded appropriatelly and if there is a mistake in putting positions of the noble family then the host family will be deemed to have made fundamental mistake that is hard to be forgiven even until their descendants later (Rom, interview 2014). A mistakes in an adat rituals will not only impact the person or the family members who attend the event but also potentially will be considered as the humiliation for all of family or worstly as a contempt to their *tongkonan*.

Figure 8: The Tongkonan of Ke'te Kesu' inRantepao, the North Toraja District
Photo: Sukri, December, 2014

Thereby for the nobles, genealogy is important for legitimacy to maintain existences not only among the elites in the social system but also to the all society in the region. As the kinship symbol of a family, presence of *tongkonan* is very important not only as the living house but more importantly as the symbol of a family's existence including the ancestors and their future generations. Besides that it will become an important cultural legitimacy for them to get another important and valuable position beyond the social position as like as the political position. The

existence of *tongkonan* as a point of linkages with their ancestors, who are considered as the great nobles previously, will be one of the valuable resources of their political interest. It makes all of activities or symbols that possibly to show or to proof a person or a family lineage as the noble descendant to be very important. It becomes opportunity to reproduce awareness for all people about their positions as the important person or family in the context of the toraja's people life. The awareness is not only happen among the toraja people who lives in the in the toraja area but also those who lives outsides (see eg. de Jong 2013). Even they are lives outside of the region but more of them still recognize and respect to their *adat* including the social position in the caste system.

5.2.4 The Adat Ceremonies and the existence of Hierarchical system of the Toraja people

In context of the toraja etnic group, an appropriate placement of a person or a particular family in an appropriate position related to their social hierarchy position is not only as an attempt to respect the *aluk* but also related to the pride and prestige for them. When they are not placed appropriately then it will cause offence for them where it could disrupt interfamily relationships, even for long time. Therefore, an understanding of people position in the hierarchial stratification is a crucial thing.

When the slavery caste was still going on in Toraja, there was *puang* (the master or lord), the *kaunan* (slaves), and two other levels. But even since the slavery had subsequently banned in the colonial period, but in practice some toraja people is still able to distinguish the castes in their society. Actually there are two views on the level within the caste's structures but actually there is not any significant different of those two views, except the aristocrat caste separates in two different positions. Some scholar stated that there are only three levels in this structure, which are the aristocrat, the commoner, and the slaves (see eg. Adams 1997), while a few toraja people distinguish it in four levels, which are the *tana bulaan* or descendants of the high nobles, the *tana bassi* or descendants of nobles, *tana karurung* or the commoners, and the lowest level is *tana kua-kua* where it was formerly regarded as slaves (Yus, Interview 2014. Both of those views are still similar to figure out the level of social structure within the toraja ethnic group.

Nowadays although the separation on caste is no longer applied stricty and practiced in all aspects, it still exists in some important aspect of their lifes. Its existence is still present in various rituals or ceremonies that are held as part of effort to respect in *aluk or adat*. In the context of the rituals, everyone will be placed in the appropriate position social based on their caste's position. It means each person will occupy the position and perform some functions as part of their honour and resepct the *aluk*. One of the very traditional rituals that reflect how the

position of a person or family line indicates the obligation of each person based on the hierarchies is *rambu solo* or the funeral ceremonial. This ritual actually is as a set of process to bury a deceased person committed by their family.

For the toraja people, that ritual is very important due to it is part of their beliefs in the guidances of *aluk*. This ceremony is an event to deliver a member of particular family who passed away to the "next step of life" as part of process towards heaven. Therefore this ritual always involves many customary rules to ensure that the purpose of this activity can be achieved. In addition, this ritual also becomes very important for the host family, especially to maintain their existence and prestige in front of their internal family and other people in the vicinity.

In general, the higher of a person's positions in the social hierarchy, more complex the ceremony will be. It will certainly have impact on the increasingly of cost should be provided as the consequences of their position that must be filled by the family who holds the event. Basically, based on the *aluk*'s directions, only the noble descents are entitled to hold a large funeral event. The noblesman funeral ceremony is usually attended by hundreds people even the ritual conducted for several days. Terefore, the funeral procession place called *rante* is usually prepared on large meadow, other than as a place of mourners in attendance, as well as a granary, and various other funeral devices made by the family that is left behind.

Due to the tight requirements in its implementation then the activities usually will cost a lot. In some cases this ritual could not be held soon because the event will be the host family's symbols of *siri'* then it should be held appropriately. Therefore, there are some of these events that will be held after weeks, months, or even years since the death of their family member. It is strongly associated with family's readiness to be held both in terms of financing and also in gathering the various families who may be spread through out the Toraja regions.

During the ritual, some activities or symbols should be performed to ensure this event is appropriate with the *adat*'s requirements. It shows that for the toraja death is not something that comes suddenly, but it is a gradual process toward *puya* (the world of spirit). Facts that the *aluk*'s guidance is not based on inheritance of certain books but through oral tradition makes this ceremony should be led and directed by the appropriate people. It is because only very limited people that have the ability to lead the event and they must come from the noble family. They served as the traditional leader called *to parengnge, to puang*, or *to ambe*[3]. They are considered

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[3] Basically all of the three forms of the mention have the same meaning and refers to a figure that traditionally have high knowledge as well as having an important position in the social hierarchy structure of the Toraja (Yus, interview 2013).

to have the ability and keep the implementation of the *aluk*'s guidance as part of their duty to manage the harmonization in the society based on the *aluk.*

Therefore, the comprehensive knowledge of *aluk* believed not owned by the inappropriate person. Only particular person who came from certain circles usually comes from the present traditional leader family member possibly to replace the old. The transfer of knowledge in *aluk* will be very crucial for the toraja people. It is because the existence of *aluk* should be kept appropriately where it will be as the foundation of the toraja ethinic group's existence as indigenous people. Therefore *to parengnge*, *to puang*, or *to ambe* positions will be very important to ensure the appropriate implementation of *adat*. The false or violation of adat is considered as source of disasters where it occurs not only for those who violates it but also for all, including their close relatives, distant relatives, or at the newcomers. Therefore, in an adat ritual as like as the *rambu solo*, presence of *to parengnge*, *to puang*, or *to* ambe to lead the process in the ceremony actually is not only to ensure the appropriatenes of this event but also to ensure that all people will have respect based on the *aluk*'s guidance.

Figure 9: Yusuf Langsa, one of the to parengnge' in Nanggala, the North Toraja District
Photo: Sukri, March, 2014

As an important ritual, one crucial thing in the *rambu solo* event is the slaughter of the sacrificial animals. There are usually two types of sacrificial animals slaughtered, which are *bai'* or pig and buffalo or *tedong*. However buffalo occupies more important position. It is because the toraja believes that the buffalo is a sacred animal. The toraja people believe that the spirits of the dead need the buffalo to continue his journey and will reach *puya* faster. It will depend on the

appropriate number of buffaloes that are sacrificed. Therefore, the presence of buffalo in the *rambu solo* is not only as the ordinary farm animal but as the important requirement to meet with the *aluk*'s requirements. It makes the buffalo prices in toraja to be very expensive, especially for buffalos that have some certain signs on its body that is related to the *adat*'s meaning. In that context, the most sacred type of buffalo is the striped buffalo or *"tedong bonga"*. It makes its prices becomes very expensive.

Figure 10: The "Tedong bonga" or the Bonga Buffallo
Photo: Sukri, March, 2014

Figure 11: The "Tedong biasa"or the common buffallo
Photo: Sukri, March, 2014

The expensives price of *tedong bonga* and desires to present it during the event is part of efforts to fill the *adat*'s qualifications. As one of the animal to be sacrificed in the *rambu solo* besides

the ordinary buffalo and pigs, the presence of *tedong bonga* becomes the high cost factor in the event. In fact, according to the informants, there was a family in the near Rantepao in the district of North Toraja who held *rambu solo* showed a stripped buffalo that its prices was about 1 billion rupiah. The price of the cheapest buffalo has reached the price ranging from 20 to 50 million rupiah and it is possibly more when the buffalo has certain sign in its body. Therefore, the customary guidance requires that the higher one's position in the hierarchy should sacrifice more animals.

In addition, nowadays it seems there is a tendency that implementation of *rambu solo* as well as a person or family arena is to show their existence as prominent family as well as family who is successful or wealthy families. There is tendency that a family who has high status in the social hierarchy tries to show off with the large number of sacrificial animals that are slaughtered in *rambu solo*, where sometimes it already exceeds from the *adat*'s requirements. Actually for the highest nobility, according to the *adat*'s direction, numbers of buffalo should be slaughtered are only nine. However, in reality the total numbers of slaughtered animals could reach tens or even hundreds. This further makes the sacrificial animals, mainly buffalos and pigs, to become one important commodity in the existence of the toraja people as an indigenous people where it is also associated to the principle of *siri'*.

Figure 12: The Animal Farm market in Rantepao, The North Toraja Utara
Photo : Sukri, March, 2014

Therefore, the more powerful or more higher of person's position in the hierarchy, the more buffaloes should be sacrificed. The crucial thing that is important to be noted regarding the sacrificial animals is sharing process of the meat from the slaughtered animals. It is associated with *adat*'s guidances to distribute the meat to the people who are eligible based on the guidances.

Based on the guidances, people who are entitled to receive the distribution of meat from the sacrificed animals are the nobles. Facts that in the aristocratic level still have division between the highest and the middle level, then the meat distribution will be based on a list of names where each person who is entitled to received meat is prepared based on the propriety caste ranging from the highest to the lowest. In this procession, it is not possible for a mistake to put the name in an improper order. Besides deemed as violating *adat*, a fault in the names list will be considered as unrespectful to persons or even as an insult that would trigger disharmony in family relationship with the other members of family or the family invited outsider.

Figure 13: The Master of Ceremony in a *rambu solo* event checked the name list of the sacrificial meat's recipients in the North Toraja
Photo: Dintan, July 2014

Figure 14: *To Parengge* sits down in lumbung during a *rambu solo* event in the North Toraja
Photo: Dintan, July 2014

An informant who was from the noble family once felt so offended and leave a *rambu solo* just because his name's position was incorrectly placed in the list, he stated:

> "There was one day I attended rambu solo, but when the buffalo meat is divided by the order of names on the list of the committee, I felt offended and immediately leaved the location of the event because my name is mentioned behind the name of someone who in my opinion according to the "adat" should be behind me. It's not a question of the amount of meat that will be accepted because it is not a lot, just less than 2 kg, I can buy meat even more than that. But it is related to the appropriateness of adat and my self esteem, especially in front of the crowd."(Hen, interview 2013).

His statement indicates that the *rambu solo* became one of the arenas to show his existence based in the social hierarchy system. In this event everyone becomes very sensitive to their positions in the hierarchial system. Thus, the position of a leader that is usually occupy by *to parengnge*, *to ambe* or *to ma'dika* on the ritual is very important to ensure all *adat*'s guidance fulfilled including positioned people in the appropriate places. A violation of it will possibly affect in the long term. As told by one informant:

> "Once, there was families who have a rambu solo but there are families that should have come to bring the buffalo in accordance propriety of customs, but none of the family who has come to bring the buffalo, then after that over the years the two familiese then do not greet each other and do not invite each other if there areActivities that are held by each of them" (All, Interview 2013).

That condition shows that, hierarchical system embodied in the placement of one position in various processes in the ritual *rambu solo* shows a very strong existence. It also proves that the

system of social hierarchy in the toraja people still exists and remains important in their life. It indicates that the existence of *adat* for the toraja people can survive as an important part of the internal instinctively ethnic group identity, which remains an important part in the dynamics of that society. Facts that almost all adat activities of the toraja people usually involve large number of people from some groups and regions in the toraja area has made the hierarchical system to always witness its existence and silently still accepted by people as normal thing.

Since *rambu solo* becomes a meeting event for many people from various regions in toraja area, it then becomes as an effectives arena to justify positions of a person or a family in the social hierarchy system. It becomes more important due to involvement of some traditional leaders that will symbolize justification from the *aluk*. That fact seems as the answer for some toraja people who think that existence of *adat* is no longer relevant. Facts from the *rambu solo* as a very famous event in the toraja ethnic group shows that it is still as part of the identity of the Toraja, where it still continue to exist and is believed by the toraja people (Adams 1997). It shows how existence of the hierarchical system in the toraja ethnic group is still maintained, especially in the certain important event. It makes the nobles to still enjoy some important position as their priveleges due to the *adat*.

In an effort to maintain their position, the current noble lines of toraja always try to take advantage of the legitimacy of the traditional values and tend to be still accepted by the public as a social fairness. One that is often regarded as legitimate for them is the idea that they are the descendants of the "white blood", in which the concept is related to the myth of supranatural aspect of the early founders or ancestors of the Toraja, the "*tomanurun*" (Waterson 2009). Based on this, the highborn then occupy a privileged position in the social structure and gets special treatments that are included in the various ceremonies, which become a very important aspect in many aspects of lives and identity of the *toraja* people until nowadays.

In the political aspect, the privilege position becomes a justification for them in order to got support from the people in effort to access some political positions. By using the legitimacy of *adat,* the descendants of nobles will be considered as the appropriate to be a leader due to since beginning they are the descendants of the toraja leaders or nobles (Yus, interview 2014). Their appropriateness to be a leader is mostly associated with the duty to keep the continuity of *aluk* within the toraja society. The identity of the toraja people is still proven with the many social activities of toraja people from various adat guidances and the path of the truth as it happened in the past with their ancestors. The ancestors of the nobles are considered to have duty to lead the community toward a better condition of society with always be based on the guidance of *aluk*,

which is considered as an indicator of the way. It is because *aluk* is a set of rules derived from the gods. By following the *aluk*'s guidances the toraja people believe that it will be heading to the good life and will receivs some disaster and tribulations by ignoring those guidances (Yus, interview 2014).

5.3. Concept of Leadership for Toraja People

Generaly, the leadership can be linked to individuals, groups, organisations, states, or even in a culture collection scattered in various processes. A leader is a person who chooses, equips, teaches, and affects one or more followers. A leader has a variety of talents, abilities, skills and capabilities to direct his followers to the mission and goals of the organization, whose followers are always willing and eager to expend any energy spiritual, emotional, and physical in a coordinated effort together to achieve the mission and goals of the organization (Kotter 1990).

All of those are important because a leadership position is always related to position with a series of moving forward with the process, taking authority, creating change through innfluence. The discussion on leadership is usually related to the fourt things; leadership as a process, leadership involves influence, leadership occurs in a group context, and leadership involves goal attainment (Yuki 2002). It shows that the aspect of leadership is not only related to the presence of person to lead and how he will lead only. Moreover, the leadership will always be associated with the process, the authority, and how to get the position in a particular community's context.

In carrying this position, a leader usually attempts to reach the goal by providing good effects through humble attitude so all of his visions for the achievement of target are believed by his followers and can be realized. In directing his followers to achieve the goals, a leader should do it thru ethical activities and based on good intentions (Winston and Patterson 2006).

It means a leader must have good intentions, able to adapt to a variety of ethical values prevailing in society, and have the ability to lead in accordance with the needs of the organization or institution he leads. That shows two things: First, someone can be a leader because from beginning it deserves to be the leader where it is usually called as the Great Man theory. Second, someone can be a leader because it has a special character that will allow him becomes a leader as the Trait theory states.

The Great Man theory presents that a leader is an individual who is endowed with great characteristics and heroic capabilities. This theory was first popularized in the 1840s by Thomas Carlyle (Grinin 2010). This theory indicates that someone is somehow endowed with some "essence" of leadership in himself. The theory shows from beginning a leader has the signs as

well as the ability to be a leader as a blessing or talents since his births (Winston and Patterson 2006). Generally, this theory shows that a leader has some characteristics or traits that are not found in the entire community. This understanding indicates a belief that a great leader is not made deliberately but born with some unique charcteristics that allow him to ride in a period to overcome obstacles and lead successfully.

An important thing from the Great Man theory is the assumption regarding the "greatness" owned by someone that makes him suitable to be a leader. The greatness is no longer only associated with heroism but currently can be attributed to the strict consideration of the community associated with their reception. A person can be a leader becasue he is considered as the great person by the society. In this term, the greatness possessed only by a few people so a leader will come from a small group of people among the society. Thus, a legitimacy factor as the great man is related to the ownership of certain greatness that is recognized by the community and makes him appropriate to be the leader of community.

Acceptablity of people to the great man will depend on how the typology of the society's views and beliefs, thus someone can be placed in a position as the great man that deserves to be a leader. Ownership of certain greatness as a justification for a person that is considered for the appropriate candidate is directly or indirectly associated with the historical stories from the past in a certain community. It is sufficient to explain why a person who was then considered appropriate as a leader can be present at one place but not in the other places (Grinin 2010).

In contrast to the Great Man theory, the Trait theory depicts a leader is an individual who has special characteristics that can help or allow someone to be a leader. This theory provides a basis for measurable characteristics and can be tested for a person's appropriateness, such as the virtue, race, gender, height, appearance, psychological factors, success factors, cognitive factors, and emotional factors that are regarded as important categories for a leader (Winston and Patterson 2006). This theory clearly shows that everyone has opportunity to be a leader as far as they can fill the basis requirements of the appropriateness categories. This theory then does not agree with the Great man theory that notices someone to have the leadership traits since his birth. The Trait theory rather looks at the capabilities that are most likely owned by everyone. The presences of those two perspectives indicate a disagreement in view of the background and categories that will be attached to a person related to his suitability to be a leader.

Absence of consensus in perspective of the appropriateness basis for a leader is generally associated with the four major problems. First, it is related to the "process", which is still lack of agreement on whether the leadership comes from the personal qualities (ie.character) as leader,

or whether the leader induces followership through what it does (ie. social processes). Second, it is related to "position" where the issue is whether the leader is responsible after the official authority allocated or with informal influence. Third, it is related to aspect of "philosophical" about whether the leader intentionally directs as a causal effect on the behavior or actions of their followers where it is determined by the context and situation or even retrospectively attributed. Fourth, it is related to the fundamental aspects as to whether leadership is embodied in individuals or groups and it is a human phenomenon (Bolden 2004).

Presences of those dimensions related to identification of appropriateness to be a leader demonstrate that leadership is a complex issue and tends to be viewed in different perspectives. It means leader and leadership are defined depending on how to be viewed and who views it. Therefore, attempts to ensure the suitability for the leader is incorporated with some aspects related to the real context of a community in perceive a leader because it is difficult to find a consensus in different contexts of community (Grint 1997). It showes that leadership is not a shared meaning but more depends on a community's discussion and agreement.

Each person or a group of people has their own intuitive understanding on the meaning of leadership based on their various experiences and learning, which is difficult to understand in concise definition. The way in which the leadership is defined and understood is heavily influenced by personal theoretical attitude. There are those who see leadership as a consequence of a series of traits or characteristics possessed by the leader, while the others see leadership as a social process that arises from group relationship. Those different views will always result to different opinions about the appropriateness of someone to be a leader and also the traits of leadership formed.

For the toraja ethnic gorup, the leader position to lead community is a very important and fundamental position. A leader will not play only as a regulator and the guardian of public order. Moreover, the leader will also be the role model of society to bring people into a better way. Thus, the leader has two functions, which are as acting as society manager and also as a spiritual figure who has ability to ensure people reach the prosper condition as the guidances *adat* as their fundamental pattern in their daily life. It makes the efforts to determine appropriateness of someone to be a leader to be not easy.

A leader should be someone who can become a role model for the community and able to execute his authority to lead people well in accordance also with the *adat*'s guidelines. Therefore, a leader is obligated to meet the various requirements of *adat*. The fulfillment of these conditions is not only related to whether the public would accept a leader candidate but also

related to their local values. The *adat* does not just contain a series of rituals but it further serves as laws that govern how the toraja people sholud behave properly towards the goodness, including determining a leader. The appropriateness of prospective leader related to various *adat*'s prerequisites becomes one of the most important things in the toraja people's context. Neglect to *adat* values is believed to bring bad things not only for the leaders who are considered as inappropriate but also for the toraja people under his lead. It is because the denial of customary guidance in determining a leader has been breached (Yus, interview 2014). That term is similar with Grinin (2010) that notes the roles of individual, including the leader in particular society, are determined by various factors, including social structures and situations. Someone may be able to establish his suitability to be a leader through series of long process. On the other hand, a person may only need a shorter time or just a moment to show himself as the appropriate person. Thus it showes that an individual does not only depend of what he can do, but also will depend on the context and circumstances in each place. Facts that the toraja still live with their custom as part of their fundamental ethnic group identity then make the term of leader will usually be related to existences of *adat*.

For the toraja, a prospective leader should have a few important things as a prerequisite to become a worthy leader. Those things are the capability or ability, wisdom, and wealthness (Cam, interview 2013). Those terms should be owned by a prospective leader in Toraja not only because he will smooth the task when he is appointed as a leader, but it is also related to the important position of a leader in the socio-political context of the toraja people. A leader is an esteemed, important, and honorable person; therefore it will have certain implications on its placement in a variety of important activities, such as some traditional rituals based on *adat* or *aluk*. Thus all of these requirements are absolutely necessary for the prospective leader in the Toraja regions.

The leader should have wisdom. Wisdom is mainly related to the attitudes and properties owned by a prospective leader in running its lead as well as addressing the diverse conditions in the community. As someone who will lead the community, a leader should always be able to show his good attitude and behavior. It is because a leader is always going to be a good role model and example for the community. In addition a leader will also be challenged to always be able to take appropriate measures and fair in solving various problems of society. With so many interests and background of the community, then a candidate for leader indeed will always deal with various problems in his society. It absolutely will always demand the proper attitude. As a person who is

considered to know many things and be able to solve various problems, then a leader is expected to behave wisely and does not make any mistakes.

The third important thing to be possessed by a leader in the context of the Toraja people is to have "wealthness" or should be *sugi (*wealthy*)*. The wealthness is interpreted in two ways, which are wealthy in the form of ownership of economic assets, cash, land, property and other property, and wealthy defined as the capacity and magnanimity and wisdom of a leader (Yus, interview 2014). It means, ownership on wealthness is defined as possesion of various things that are important to support and implementation their functions and duties.

Presumption that a leader is not an ordinary person but a person who is considered to be a great man indeed requires the existence of a capability degree from a leader compared with the ordinary people. In linkaged with wisdom, wealth means the extent of the degree of wisdom possessed by a leader. A leader in Toraja should always be able to act appropriately in accordance with the context. Basically the terms of "wealthness" in relation to capabilities and wisdom of a leader for the Toraja is suitable with the general terms of the appropriate leader. In addition, the meaning of "wealthy" for a leader in Toraja is strongly associated with the social construction that is placed the leaders to be always able to feed his people. Therefore, a leader is also often referred as *to parengnge*, meaning "someone who bears his people" to keep his people survive.

With that requirement a leader should guarrantee his people will not be hungry and live in peace. If there are people deprived then the leader must always be ready to bear their burden. With the large number of people that needs to be led then makes a leader to have sufficient level of property ownership as one of the resources that can be used to help people. In addition, a wide variety of *adat*'s rituals based on the *aluk* makes a leader must be ready as always to provide some assistance or perform various actions based on appropriateness in *adat*'s guidances that requires enough ownership of property.

In addition, as a leader, one must be the role model to people related to how to behave properly to the *adat*'s guidances. As a result, the leader must ready to use his property to perform variety *adat* rituals that usually costs a lot. It is especially for preparing number of buffaloes and pigs that will always be present in various types of toraja people's rituals, both *rambu solo* as well as *rambu tuka'*. It shows that the position of a leader in the social order based on the *adat* requires a leader who also has wealthy in the form of property.

The necessity to have wealthness in the form of property for a leader in Toraja is the construction of a social context that is based on the *adat*'s rules (Yus, interview 2014). It shows that the

toraja's social context influenced by *adat* has more specific interpretations related to the characteristics to be possessed by a leader in Toraja. Basically, in the *adat*'s perspective, besides the three things mentioned above as important thing for a leader in Toraja, there is one impotant and fundamental requirement for a leader. That is related to a prospective leader heredity based on the social hierarchial system in the toraja ethnic group.

As a society that has social hierarchy system as found in traditional guidance in their social structure, one of the appropriateness for a leader is related to his kinship and ancestors. In this term, a leader must come from the lineage of nobles. Thus for the toraja people, a leader is expected to have three things namely capability, wisdom and wealth must also have a custom-based legitimacy which is derived from noble's descent. Existence as a family of nobles descendant is important for a candidate leader because it is not only intended to meet the required criteria, but also the suitability of the local values with categories that are based on *adat* and also related to how the level of public acceptance of the leader and his authority.

In addition, it will also be strongly related to how the leader will be placed in a variety of social important activities, where a person will be placed based on caste and not his position on formal institutions, for example in government. It will become a dilemma for the toraja to address a leader appropriately for those who do not come from the nobility when it should take a position on an activity or ritual based on *adat*'s direction. Therefore, both traditional's and social context's guidance directing a leader in Toraja must be equipped with the terms in accordance with these conditions.

The conditions show that almost certainly, when the process of determining leadership in the region Toraja is given to people in the region, the various requirements will be subject matter of this very influential for the choice and community support. It shows that when the process becomes the rights of the citizens that live in this regions, including the non toraja, but only people of Toraja will be elected as the leader in the region. The condition was different when the leader determined by other authorities without involving the toraja people. For example, all people who have led the Toraja regions, including the recent leader, are almost entirely a toraja people. But there were some leaders who came from the non-toraja. It was only happening because the Toraja was not directly involved in determining it. It was determined by the central government precisely in the New Order regime. Until now, since the early period of Indonesia's independence, there has been sixteen people who have became leader in the Toraja region. Among of them, only six of them were non-toraja people.

Table 8
People had as the Head of District Government In Toraja Region

No.	Name (s)	Position	Period (s)	Ethnic Base	Other (s)
1.	Lakitta	The district head of Tana Toraja	1-3-1957 to 23-7-1958	Non- Toraja	Appointed by the Central Government
2.	S.J. Sarungngu	DPD and Concurrently as Deputy Head of Tana Toraja	23-7-1958 to 21-10-1958	Toraja	Appointed by the Central Government
3.	D.S. Rantesalu	Vice-Chairman of the Council / The district head of Tana Toraja	21-10-1958 to 15-5-1959	Toraja	Appointed by the Central Government
4.	B.A. Simatupang	The district head of Tana Toraja	15-5-1959 to 12-7-1960	Non-Toraja	Appointed by the Central Government
5.	H.L. Lethe	The district head of Tana Toraja	12-7-1960 to 24-3-1963	Toraja	Appointed by the Central Government
6.	A.J.K. Andi Lolo	Acting Position The district head of Tana Toraja	24-3-1963 to 11-1-1964	Toraja	Appointed by the Central Government
7.	D. S. Rantesalu	The district head of Tana Toraja	11-1-1964 to 25-6-1966	Toraja	Appointed by the Central Government
8.	A. Tampubolon	The district head of Tana Toraja	25-6-1966 to 4-9-1972	Non-Toraja	Appointed by the Central Government
9.	A. Tampubolon	Acting Position as the district head of Tana Toraja	4-9-1972 to 11-4-19	Non-Toraja	Appointed by the Central Government
10.	Nusu' Lepong Bulan	Acting Position as the district head of Tana Toraja	11-4-1973 to 24-1-1974	Toraja	Appointed by the Central Government
11.	A.J.K. Andi Lolo	The district headof Tana Toraja	24-1-1974 to 6-6-1979	Toraja	Chosen by Parliament
12.	A.J.K. Andi Lolo	The district headof Tana Toraja	6-6-1979 to 4-7-1984	Toraja	Chosen by Parliament
13.	A.J.K. Andi Lolo	Acting Position. the district head of Tana Toraja	4-7-1984 to 3-12-1984	Toraja	Chosen by Parliament
14.	A. Jacobs	The district headof Tana Toraja	3-12-1984 to 2-12-1989	Toraja	Chosen by Parliament
15.	Dr. T.R. Andi Dolo	The district headof Tana Toraja	2-12-1989 to 12-1-1995	Toraja	Chosen by Parliament
16.	Drs. Tarsis Kodrat	The district headof Tana Toraja	12-1-1995 to 12-1-2000	Non-Toraja	Chosen by Parliament
17.	Abbas Sabbi, SH.	*Caretaker*. The district headof Tana Toraja	12-1-2000 to 5-8-2000	Non-Toraja	Chosen by Parliament
18.	J.A. Situru, SH.	The district headof Tana Toraja	5-8-2000 to 5-8-2005	Toraja	Chosen by Parliament
19.	J.A. Situru, SH.	*Caretaker*. The district headof Tana Toraja	6-8-2005 to 12-8-2005	Toraja	Chosen by Parliament
20.	H.B. Amiruddin Maula.	*Caretaker*. The district head of Tana Toraja	13-8-2005 to 15-9-2005	Non-Toraja	Chosen by Parliament
21.	J.A. Situru, SH.	The district head of Tana Toraja	15-9-2005 to 15-9-2010	Toraja	Chosen by Parliament
22.	Theofilus Allorerung, SE	The district head of Tana Toraja	2010 to 2015	Toraja	Chosed directly by the People
23.	Frederick Batti Soring	The district head of Toraja Utara	2010 to 2015	Toraja	Chosed directly by the People

Source: The Government of Tana Toraja District 2014

Some names repeated once served both as the district head as well as in the acting position. A few of the non-toraja that served for some periods as acting leader or in the transitional process was appointed by the central government according to the existing law. The two leaders in Toraja, Theofilus Allorerung who served as the district head of Tana Toraja (2010-2015) and Frederick Batti Soring as the district head for the North toraja (2010-2015), had been elected through direct election.

That situation shows that even there was a few of the non-toraja led this region, but the people in Toraja region were not directly involved as the decision was taken by the central government. In the current reform era, when people, especially the toraja, have wider rights to vote directly for their regional formal leader, it then makes them as the crucial determinant factors for that position. It means the reason and preferences of the toraja then deeply influence in that democratic event. The results from two local elections in the Toraja region, which were in the Tana Toraja district election in 2010 and in the North Toraja district in 2010, strongly indicate it.

Chapter 6
The Local Election in the North Toraja District 2010

6.1. Local election as the New Political Competition Arena in the Region

Presence of reform era after the fall of Suharto in 1998 has marked a new chapter in the political dynamics in Indonesia. Some change has occured as the part of Indonesian transition to democracy. In the regional context, various changes were carried out by the new regime in response to some problems about massive public's demands to get more wide opportunities to participate in various aspects in their area (Davidson et al. 2010; Tyson 2010; Nordholt and van Klinken 2007). The new regime has responded it by putting the issue of regional autonomy as one of the important agendas to be implemented much better and democratically.

In early phase of the reform era when Habibie was the president in 1999, the government had included two laws that immediately triggered process of administrative decentralization in Indonesia. It was as a follow-up of various upheavals that occurred in various regions in Indonesia, including some of the anti-Jakarta sentiments (Nordholt and van Klinken 2007). The two laws were the Law No. 22 year 1999 concerning system of regional government and the Law No. 25 year 1999 on the financial balance between the central and the regional governments. These laws were defined as the central government in Jakarta attempted to grant the wider rights of autonomy to the regional people. Through this law package, the central government gave more rights for the regional governments to regulate its region. Through these laws, the central government formally supports the regional people to create their daily lifes based on their objective contexts, where it also earns funding support from the central government. Presence of these two laws then was regarded as opportunity for local people to participate actively in various social and political processes and development in their regions.

Implementation of the Law No. 22 year 1999 that contained the regional autonomy rights for local people becomes indication of shifting of some power and authorities from the central government to the regional governments. It makes the regional governments to receive some important authorities to manage its regions as the formal rights. It makes them to have more authority in administering and managing its region based on the conditions and interests of their community. It makes the regional governments to have important roles as decisive decision makers in the region. Consequently, the autonomous regions have formal rights to occupy and utilize various resources in their region that can provide some social, political, and economical

benefits for them. It then makes the regional leader position to become more powerful in the regions (Rya, Interview 2014)

When the law replaced by the Law No. 32 year 2004, the scheme of regional autonomy is still similar. In essence, the regional government still has wide rights and authorities in managing their territory. The explanation of the article 2 of the new law indicates the regional government has the rights as autonomous regions in the district and city level. The provincial government as one form of the regional government in Indonesia is still as the representative of the central government thus it is not an autonomous region. The provincial governments perform their duties in the term of deconcentration, which the provincial governments gets an abundance of authority from the central government as stipulated by article 1 paragraph 8, besides running their obligation as stated in article 13 paragraph (1) of Law No. 32 year 2004.

Although there are some changes in the content of the law, but the rules on regional autonomy, including the authority given to the regional government is retained. The local people people still have the right to determine the fate of their region where it allows local people to involve in various dynamics. It seems the idea of democracy becomes major passion in the Indonesian reform, including in terms of regional autonomy. In this point, the autonomous region government still has great authority in regulating the affairs in its territory as stipulated thru article 14 paragraph (1) that states:

> "The obligatory concern under the authority of regional governments to the district/city is affair-district/city scale, including: (a) planning and development control; (b) the planning, utilization, and control layout; (c) the organization of public order and public tranquility; (d) provision of facilities and general infrastructure; (e) the handling of the health sector; (f) the provision of education; (g) prevention of social problems; (h) the service areas of employment; (i) facilitating the development of cooperatives, small and medium enterprises; (j) environmental control; (k) land services; (l) the service population and civil registration; (m) the general administration of government services; (n) investment administration services; (o) implementation of other basic services; and (p) other obligatory functions mandated by laws."

Those concerns are also equipped with the optional affairs of the district or city's government affairs. It was including the significantly existing and potential affairs, to improve the community's welfare in accordance with the conditions, peculiarities, and potential in the regions concerning notes in paragraph (2). Furthermore, paragraph (3) states:

> "Implementation of the provisions referred to in Article 10, Article 11, Article 12, Article 13 and Article 14 paragraph (1) and paragraph (2) shall be further regulated by Government Regulation".

Several articles in that law formally indicate the magnitude of authority possessed by the regional government in their territory. It makes the position as the regional governmental head

becomes very important and decisive for the society's dynamic lifes in the region. Thru the position, the head of government will have significant authority to regulate most affairs in the region. In this extent, the leader position is very important in managing various aspects, including the available resources in the region as part of the regional development. The important position also comes with the authority to regulate the financial area as stated in article 15, paragraph 1, 2, and 3 of the Law No. 32 year 2004.

Delegation of large size authority from the central government to the local people via the regional government where it also comes together with presences of democracy spirit has fueled the social and political upheavals in the local level. When all people realize that they have the ability and sufficient resources to participate in gain access of various resources available, they will attempt to take advantage as much as possible. The presence of regional autonomy is viewed as an opportunity and pathway that provide equal rights for all people to obtain some benefits on their region. As the executor of the regional autonomous authorities in regulating policies in its administration territory, including accessing and utilizing existing resources in the region, the regional head position then becomes very significant and desirable for many people in the region, especially those who feel to have some important resources to reach the position. It makes the regional government head position as the *bupati* (regent*)* in the district level or *walikota* (mayor) in the municipal level becomes much contested position for the local people. Those some conditions then explain how the local election process to vote for that position becomes very important and dynamics event. It is deeply related to the high tension of the competition from various actors, backgrounds, and interests.

As the arena where it brings two great ideas, which are the regional autonomy and democracy, the local election then becomes one crucial democratic event for the local people's existences. It is more clearly seen since 2004 under the implementation of the Law No. 32 year 2004. Under this law, the mechanism to vote was switched from the indirect to the direct vote mechanism. Therefore the regional election is then called as *"pemilihan kepala daerah langsung"* or *"pilkada langsung"* or the direct regional election. Under this new mechanism, people can directly vote for the candidates in that event thru the one man one votes principle. Facts that the background and interests of the candidates are different and also the reasons of people to vote then have turned the election as the competition arena for these various differences. It makes implementation of regional autonomy and the important position of the government leader then opens a new competition arena for various actors and various interests in the local level.

Besides as the decisive of political influence on the process and implementation of policies, a regional government leader also has the authority to influence the access to the important resources, such as the economics resources in the region. The great formal authority of the regional government's head will be an important point to influence utilization of various economic resources for variety of people's interests. At the very least, the amount of funds managed by regional governments as well as the authority to regulate how these funds will be used through a variety of policies and development plans has to show how important this position is. Based on the Law No. 10 year 2010 concerning on *"Anggaran pendapatan dan Belanja Negara"* (APBN*)* or the State Budgeting Plans of 2011, the amount of equalization fund for the regional autonomous government consists of three components: revenue-sharing, general allocation funds, and special allocation funds that was more than 300 Billion rupiah or almost 25% from the total of Indonesia's budgeting plans in the year.

Those funds were transferred to regional governments throughout Indonesia as part of the policy of decentralization and regional autonomy. The amount was divided into all regional governments based on various criteria. There were 524 regions, including 33 provinces, 398 districts, and 93 cities that received the funds. Thus, each region was indeed received number of different funds, but the amount received was still in large number for the regional governments. Besides to handle these funds, there are some other fund sources that also contain a lot of money that will be managed from some other sources.

For comparison in 2015, the funds amount transferred to the regions government as equalization funds was in total about 516 billion Rupiah. The figure was up by only around 300 billion in 2011. It indicates how much money will manage by the regional governments. It means the regional government's head will hand important roles and make the regional head position potentiality to be utilized not only from the leader itself but also for his families and others circles of the head. In this advantage position, they have opportunity to manage various policies, programs or activities where it is usually connected with allocation of money thru their relationship with the leader. That significant authority in the leader's hand is seen as a new investment opportunity for many people. So that position actually has economical potential profit for the regional head and his cronies.

Besides as the economical potential advantage, the position also has social importance. Socially, the position as the leader of the regional government is very honorable and respectable. Usually in the public's mind, a leader is a person who has certain abilities as well as his profound influence, which people will give tremendous respect for the leaders. Hence, as a supreme leader

in the region, the regional head will be regarded as a respectable person who has a lot of advantages and capabilities. The position allows the owners to be accepted by many people in formal and informal activities with respect of the soceity. The social respect will become more in the context of a society that has social differentiate system through the hierarchical system that a leader position is related to the respectable people (Ste, Interview 2014).

If a leader is in the context of certain community where a leader considered as very important people or in a system of social hierarchy that distinguishes people's based on certain standard still exists, then the position as the head of the region will pose a great respect. That respectable position certainly raises a matter of pride that is not only attached to the regional head as the owner, but also for his family and the people around the leader. In this point, the pride and honor then become one of many gifts that are promised from the regional government head position.

Some advantages of the regional government head where the effect for many people and the interest then make the local election to become more and more important. Therefore the event could not be considered simply just as a formal mechanism as implementation of some formal laws to select the regional leader. Moreover, *pilkada* has been reincarnated as the fighting arena among various actors to reach the position for all of its potential advantages. It makes this to be not only as a meeting point of variety of interests and actors who fights for that position, but also as space to bargain and compete for various groups that have certain interests related to some potential profit via the regional head authority. Therefore, the event usually is often analogized as transactions arena and capital investments opportunity for the people to get the political, social, and economical returns.

Consequently, even some people are not suitable as candidates due to their absences of some important resources but they still have chances to share some potential profits from the election through their candidate. It makes many people from political parties, local informal elites, as well as businessmen and other circles strive to build a close relationship to the head of the region even before the local election is held. It shapes a pattern of patron-client relationship between the head of region and those who support and fund him during the local election process. That condition is based on the conviction that ultimately various dynamics in the local election process later on will be one of the main factors that determine the future shape of the regional government's policy. It will impact the success of development process, including the survival of democracy in the region (see eg. Erb and Sulistiyono eds. 2009).

Based on those various explanations, the local election was in the North Toraja district in 2010 can be seen in similar frame. The local election was as a new arena in the new administrative

region after it was blossomed from the Tana Toraja District since 2008. It provides some tight rivalry that is not only seen as the way to get the position as the *Bupati* in the new district but also to get all potential "gifts" contained in that position (Tam, Interview 2014). Besides that, one important thing from this first local election was the presence of *adat* as the prominent factor. Since the Toraja region, including in the North Toraja district, has indigenous people based on the uniqueness of *adat* that are the majority community, the democratic event that is regulated under formal laws then meets with the existence of customary laws or the *adat* guidelines.

6.2. Effects of the Direct Election System in the Local election

The change of the law on the Region Government from the Law No. 22 year 1999 into the Law No. 32 year 2004 has brought variety implications toward dynamic of the government and community in the region. One important change is the system and mechanism for the local election. Under the previous law, the regional head had been chosen by the regional parliament. By followed the Law no. 22 year 1999 section 34 subsection (1) stated:

> "Mechanism to fill the post of Regional Head and Deputy Head are conducted simultaneously by the regional legislative through voting mechanism".

It was then followed by paragraph (2) that stated:

> "Candidates of Regional Head and the deputy of Regional Head are set by regional legislative through nomination and votes phase".

That part of the laws explains that a regional head government and his deputy at the provincial, district, and city are determined through a selection process carried out by the members of regional legislature in every level. The member of the provincial parliament selected the governor, the district legislature selected the regent, and the city legislature chose a mayor. It shows that there was not direct involvement of the community on the process to select their regional government's head. The process was absolutely controlled by political parties through their cadres in the legislative office. Even there was a nomination process where the parliament has that authority based on the article 36, paragraph (1) that stated:

> "Each fraction conducts screening prospective partner in accordance with the conditions laid down in Article 33."

That article was then fitted with paragraph (2) that stated:

> "Each fraction sets a pair of candidate Regional Head and the Deputy of Regional Head and presents it in a plenary meeting to the leader's parliament ".

In these points people could only give their support to a candidate through the political party via their fractions as the political party's representation within the legislative office will still determine the decision based on the agreements of the majority of the parliament through the election mechanism as stated in article 40 paragraph (2):

> "Every Member of Parliament may vote for one pair candidate of Regional Head and Deputy Regional Head of prospective candidates who have been assigned by the leader of Parliament, as referred to in Article 37 paragraph (4)".

Stipulations of the pair regional head and deputy of regional head who received the most votes was mentioned in article 40 paragraph (3) that stated:

> "A candidate of Regional Head and Deputy Head of the candidate with the most votes in the election, as referred to in paragraph (2), are designated as Regional Head and its Deputy Head by parliament and approved by the President ".

That method gave significant authority to political parties to choose the regional head was then changed through enactment of the Law No. 32 year 2004. Based on this new law, the local election is then carried out directly by the people. The success of the Indonesian direct presidential election in 2004 was considered as a democratic election system that becomes crucial background for the switching method of general election in the local election. It drives some circles to encourage local election to be carried out also by the same mechanism (Rya, interview 2014). For the regional head government, the law on one hand has made them more autonomous of the central government, but on the other hand they have become stronger in relation to the parliament by utilizing a direct popular mandate received from the people (Nordholt and van Klinken 2007).

Actually even in the article 56, paragraph (2) of this law states:

> "The pair of candidates referred to in paragraph (1) shall be submitted by a political party or coalition of political parties".

But the final decision for the winner does not belong only to the political party and it is represented in the regional legislative office. It is because a pair of candidates can win the election if they can get the most voters support than others, as stated in article 107, paragraph (1):

> "The pair of candidate for the regional head and deputy regional head who earns more than 50% (fifty percent) of the number of valid votes is set as the elected candidate".

In addition, under certain conditions the election's winner can also be determined in accordance with paragraph (2) of this article stated:

> "If the provision referred in paragraph (1) is not fulfilled, the pairs of candidate for regional head and deputy regional head who obtain more votes than 25% (twenty five percent) of the total valid votes, the candidate who gains the most vote as a candidate is declared elected ".

By the right to vote that exists in the community in accordance with article 68 stated:

> "Citizens of the Republic Indonesia on the voting day of local election of head and deputy head of the region has been the age of 17 (seventeen) years old, has / have been married, or have the right to vote."

Most of that explanation provides that people will decide the person who will win the position. It means even the candidacy process is done by the political party or coalition of political parties but the final decision will be in the people hand. It confirms that the public's participation in the election is crucial as it impacts the political constellation in the regional people. If in the previous law the results came from the agreements made among the political elites and the selection process was done by member of parliament only, in the new system that pattern is changed where it makes the field openly for direct participation of the people to be the most determinant factor. As part of Indonesian area that is regulated by the same law, people and the political constellation in the Toraja region, including the North Toraja district, are also impacted by the changes of the local election's mechanism.

Basically one important view that can be stipulated thru the changes of local election's mechanism is the loss authority of the political party trough their representatives in parliament to determine the result. It affects the pattern of political interaction among the political actors and also the position of people as the new determination factor in the local election. In the previous system, political interaction to select the regional head was often only occurred at the level of political elites, especially the elites of political party thus the result was indeed determined around the elite level (Aspinall and Mietzner eds. 2010).

For the toraja people, the condition where the elite position in the society context is still strong and interconnected with the position in the political elites. It was some local elites that were as the political elites that made the process in Toraja to become absolutely elitist. Therefore, it was almost impossible for the non-political party members to have decisive position in determined the regional government leader's position. Moreover, as it happens in other regions in Indonesia, the result of the parliament process in effort to select the regional leader was strongly interfered by the central government in Jakarta as part of the New Order regime's interest. That condition was also to impress that the regulation allowed only the political party to nominate a candidate. But currently in the direct vote system, political interaction is becoming increasingly broad and complex as it involves people directly in the process. The interaction then not only occurs in the elite level but also and more importantly in the various aspects of the people's lifes as the voters.

The significant position of the political party as the only gate to nominate a candidate was changed in 2008. The changes were associated with the Law No. 12 year 2008 regarding to the second changes of the Law No. 32 year 2004. The new law is the government's response to the Constitutional Court decision No. 5/PUU-V/2007. This decision's essence is to give permission to people beyond the political party to be able to run as candidate in the local election through the independent candidate's principle. Through that changing, there is a constitutional guarantee for people who want to run as candidate of regional head without being nominated by political party as stated in article 56 paragraph (2):

> "The pair of candidates referred to in paragraph (1) is proposed by a political party, coalition of political parties, or individuals who are supported by a number of people who meet the requirements as set forth in this law".

That article was then reinforced by article 59, paragraph (1) that stated:

> "Participants of local election and deputy head of the region are: (a) the candidate is nominated by a political party or coalition of political parties; (b) pairs of independent candidates supported by a number of people."

The enactment of section, which allows the independent candidates to be involved in the local election, has sparked a further shift in dynamics of interaction between actors in the local election process. It makes people to have two potential ways to be nominated as candidates in the elections by the political parties regarding to article 59 paragraph (2) of the law that stated:

> "A political party or coalition of political parties referred to in paragraph (1) letter a couple of candidates can enroll if they meet the requirements of the acquisition of at least 15% (fifteen percent) of the total seats in parliament, or 15% (fifteen percent) of the accumulated number of votes valid in the general election of DPRD members in the concerned area".

In other sides, as stipulated in Law No. 12 year 2008 as the second changes of the Law No. 32 year 2004 in article 59 paragraph (2a) stated:

> "The pair of independent candidates as referred to in paragraph (1) letter b may enroll as a candidate governor / deputy governor with the qualified support with the following provisions: (a) the province with a population of up to 2,000,000 (two million) people must be supported by at least of 6.5% (six point five percent); (b) a province with a population of more than 2,000,000 (two million) of up to 6,000,000 (six million) people must be supported by at least 5% (five percent); (c) a province with a population of more than 6,000,000 (six million) of up to 12,000,000 (twelve million) people must be supported by at least 4% (four percent); and (d) a province with a population of more than 12,000,000 (twelve million) people must be supported by at least 3% (three percent)."

For the independent candidates the public support must qualify as regulated in Article 59 paragraph (2b) that:

> "Couple of independent candidates as referred to in paragraph (1) letter b may enroll as a candidate regent / vice regent or mayor / deputy mayor if qualified support with the following provisions: (a) the district / municipal with a population of up to 250,000 (two hundred fifty thousand) must be supported by at least 6.5% (six point five percent); (b) the district / municipal with a population of more than 250,000 (two hundred and fifty thousand) to 500,000 (five

hundred thousand) must be supported by at least 5% (five percent); (c) district / municipal with a population of more than 500,000 (five hundred thousand) to 1,000,000 (one million) people must be supported by at least 4% (four percent); and (d) districts / municipal with a population of more than 1,000,000 (one million) people must be supported by at least 3% (three percent). "

Besides requirements on the amount of public support, this law also regulates the distribution of the support, which should be held as listed in paragraph (2c), which stated:

"The amount of support referred to in Article 59 paragraph (2a) spreads over more than 50% (fifty percent) of the district / city in the mentioned province."

As for the candidates at district or city level, the support should also be spread in a number of areas as stated in paragraph (2d) stated:

"The amount of support referred to in Article 59 paragraph (2b) spread over more than 50% (fifty percent) of the number of sub-districts / cities mentioned".

Supports given by the public both to the independent candidate for election at the provincial level and at the level district or city are proven as stated in article 59 paragraph (2e) that stated:

"The support referred to in paragraph (2a) and (2b) is made in the form of letters of support, along with a photocopy of identity card (KTP) or certificate of identity in accordance to the law".

Actually, the law provides two potential ways to be the candidates in the local election. If they could not reach the political party's requirements to be nominated, they can ignore them and still have opportunity to run for the election. Based on the significant changes on the candidacy mechanism, consequently people who want to participate in the contestation no longer just approaches the political party to ensure their candidacy prospect. They can use the independent path by approaching to the public in the region for their support.

Indeed, the terms given to people who will use the independent way are quite complicated. But it is still remains one of the important opportunities for the candidates to participate in the regional head election process without the political parties. That condition basically has opened wider opportunities for many potential candidates to participate in the election. It is also as the important alternative way especially because the political party or coalition of political parties is only allowed to nominate one pair candidate as the regional head and the vice head position. The limited number of parties that may eligible to apply for the candidate then makes competition to get nomination ticket from political party to become difficult where in the same time has made the independent way to become more relevant.

For the political parties, the new system makes them to no longer waiting for the candidates to come and ask for be nominated. They should actively to find the potential candidates from their internal cadres or the external people to ensure the best candidates to be nominated. The

candidacy process that is usually closed and exclusively internally by the political parties then becomes open for public. It also makes the political party to need the public's preferences and tendency to the various potential actors before take one of them to be nominated in the election.

Therefore the interaction with the public is needed by political parties to obtain input on candidates who have the high degree of popularity and electability. It certainly forces the political party's elites to conduct some strategy to approach both to people and especially to the potential candidates. It is crucial for the political party as an attempt to get general overview of people as the voters related to their point of views. It is also as the important strategy to ensure that they will still be able to propose potential candidates where it will reduce the potential candidates that will participate through the independent mechanism. That approach should be made by political parties to get the potential candidate, who has good opportunities than other candidates to win the election.

Moreover for the political parties, effort to find the most potential winner among the provided candidates will be a way to ensure their interest related to the advantages of the regional head government position. It is confirms how important the general election for political party's existence is. Moreover, in general there is tendency that some political parties require large amount of money as their internal requirement for the potential candidates that want to be nominated (see e.g Buhler and Tan 2007). In simply term, when political party could not nominate a candidate in that election and win it, they will lose some potential incomes during the and after process. In this point, political party will not only lose potential income from the candidacy process but also from the candidate who might win the election after the event.

Another important consequence of the law changes is compulsion for candidate to conduct more massive interaction not only to the political elites but also to the society. In this sense, since the law provides two options for candidacy, the candidates should do the hard work to get it. The potential candidate should make any interaction to the political parties, especially the elite political parties that will determine, whether they are able or unable to be nominated. Besides that, they also should conduct some direct interactions with the people. Such interactions are related to efforts to get people's support as an independent candidate.

As the formal requirements of the minimum support requirements from people, an independent candidate is obligated to provide the evidence of the supporters by attaching copy of the *"Kartu Tanda Penduduk"* (KTP) or citizen ID card of each person. In the North Toraja's local election 2010, the minimal number of ID card should be collected by the independent candidates was around 13,000. It means all independent candidates should interact with a lot of people, directly

or indirectly, to get their supports. That condition certainly requires suitable and appropriate strategy in interaction from the candidates. Moreover, except as supporter for the independent candidates in the candidacy process, the interaction also potentially determines the winner in the election. It makes the candidate should know various factors that influence people to vote for someone in the election.

Therefore the candidate must have ability to attract sympathy and convince people to vote for them. By knowing the tendencies of society, then candidates will be able to perform various suitable strategies that are appropriate to the context of people also as the voters in the elections. The candidates will do their best to utilize their advantages to get people's attention and support, including by relying on personal and family as well as enjoying a variety of socio-economic resources (Buehler and Tan 2007). That condition then provides a gate for various political maneuvers by the candidates and other relevant actors to adjust the society context. It shows that the changes of law have encouraged all people who intend to participate as candidates must be able to adapt to the voter's perspective in assessing whether a person deserves the support or not. In this sense, people indeed have various requirements and reasons to assess the appropriateness of candidate in term to vote the more appropriate candidate where the requirements usually become the significant factors of the voters to put their votes.

6.3. Case from Dynamics in the North Toraja Local Election 2010: First Round and Utilization of the *Adat* Existence

6.3.1   Issue of the Right Candidates

 The local election or *pilkada* in the North Toraja district in 2010 was the first local election in the district since the blossoming of the Tana Toraja district in 2008 into two districts. For the North Toraja people, though basically they had followed direct local election when they were still as part of the Tana Toraja district in 2005, but the local election in 2010 remained special because it was the first time for them to choose their own leaders as a separate district with the southern Toraja people. The event did not provide competition between the southern (*Makale*) versus the northern Toraja (*Rantepao*) at the first time. If at the previous local election, the competition usually provided an issue about the southern and northern Toraja's rivalry, the 2010 local election no longer appeared. The issue was switched to the rivalry of the most appropriate of the northern region people. The main issue then about who was the most appropriate candidates to be the first regent this new district in Toraja region.

Basically, based on the formal regulation, the appropriate candidate is required to meet several requirements as listed in the article 58 of the Law No. 12 year 2008 as the second amendment of the Law No. 32 year 2004 that stated:

> "Candidates of Regional Head and Deputy Head of Indonesian citizens are eligible if (a) believe in one God; (b) faithful to Pancasila as the state's ideology, the Constitution of Republic of Indonesia 1945, the ideals of the independence proclamation of 17th August, 1945, and to the Republic of Indonesia and the government;(c) has education at least secondary high school and/or equivalent; (d) be at least 30 (thirty) years; (e) healthy physical and mental condition based on the results of a thorough medical examination of the doctors; (f) have never been sentenced to imprisonment by a court decision that has obtained permanent legal force for committing a criminal law punishable by imprisonment of five (5) years or more; (g) not being deprived of their right to vote under a court decision, which has obtained permanent legal force; (h) know the area and known by the people in the region; (i) submit a list of personal wealth and willing to be announced; (j) does not currently have a mortgage debt of individuals and / or legal entity that is detrimental to its responsibility to the state finance; (k) is not bankrupt by a court decision that has obtained permanent legal force; (l) never commit a disgraceful act; (m) have a Taxpayer Identification Number (NPWP) or for those who do not have a NPWP must have proof of tax payments; (n) submit a complete curriculum vitae which includes, among others, education and employment history and biological family, a husband or wife; (o) have never served as regional head or deputy head of the region during the two (2) consecutive terms in the same office; and; (p) not in status as the acting head of the region."

This article provides formal requirements for all people that meet with the requirements as a candidate nominated by a political party or a coalition of political parties, or as the independent candidate. It means all candidates are the people who fit with all of these requirements. It makes all candidates as the people who have integrity and do not have any legal problems that make them lose their political rights to be the candidate. Basically, the formal requirements are placed on conformity on the terms of the rule of law, integrity, and capabilities for all appropriate people. Ideally this law seeks to ensure the candidates will be able to participate in the event as appropriate persons who can execute his duties properly later after elected.

Based on those rules plus the others formal requirements, such as the minimum standard of formal education a candidate is considered to meet the formal requirements to be submitted as a candidate in the local election. But since only a few people can participate as candidates in the local election based on the minimum support of political party or people through the independent way, thus each person who formally intends to participate then must fulfill other requirements as determined by the political party or people that will support them in the candidacy process. It means the legal propriety is not a guarantee for someone to participate as candidate in the local election. The formal requirement is only a little part of the complexity requirements for a prospective candidate to win the election. A prospective candidate should be fit with the political party's need as well as the people's preference about the appropriate candidate.

In the North Toraja's local election 2010, the issue of appropriateness delivered some names. Through the daily people's conversation or even in the some media, including social media, various names appeared as potential person to be delivered a few months before the candidacy process. Some names from different backgrounds were widely mentioned by people in the North Toraja. The public dynamics related to the some appropriate names was through some newspapers such as "*Fajar"*, "*Tribun Timur"*, "*Beritakota Makassar"*, "*Palopo Pos"* and so on. In addition, through the social media, some accounts such as "Torajaonline news", "NewToraja.com", "TanaToraja's blog" or Facebook accounts such as "North Toraja" or "TORAJA.community" was very dynamic with conversation and pros and cons about the appropriate persons to be the regent.

Beside those people who finally participated in the local election as the candidate based on the formal laws, some names were considered as the potential candidates. They were *Komet Mangiri* (a bureaucrat who works in Jakarta as an expert staff of the Coordinating Ministry for People Welfare), *Jonathan L. Parapak* (an academician who was serving as the Rector of Pelita Harapan University in Jakarta), *Benjamin Patondok* (a member of parliament in the Papua Province), *Y. Rante* (an academician who works at the University of Cendrawasih Papua), *Yohanis Embon Tandipayuk* (served as Chairman of the Democratic Party in Tana Toraja), *Nico Biringkanae* (a bureaucrat who works at the provincial level in Makassar as Head of Department of Cooperative and SMEs or KUKM in South Sulawesi Provincial government), and some others. Since only a few names were mentioned during the candidacy process mean there are some internal requirements of the toraja people for the appropriate candidates.

At the end, in the voting day that took place on 11 November 2010 in North Toraja it were only followed by seven pairs of candidates. All pairs were qualified based on the formal requirements that were released by the Regional General Election Commission (KPUD) of North Toraja district. Based on their social backgrounds, all of them were the toraja people and have nobility background based on their parents. They also came from some professional backgrounds and considered as the success people. Those candidates were the government officials, doctors, academician, businessmen, and others. Some of them even had important position. Two of them were the vice-regent in two districts in the province of Papua, which were *Freddy Batti Soring* who was the vice regent of the *Asmat* district and *Daniel Rendeng Madao* who was the vice regent of *Yahukimo* district. In addition, one of them was an important official in the central government in Jakarta. It emphasized that the official candidates in the North Toraja's election in 2010 were great people and indeed believed as the wealthy or *sugi'* people where fundamentally

it is an important factor to be considered as the appropriate one. Their ability to pass all of the formal requirements as well as the toraja people's requirements thru the political party or as the independent candidate was the indicator of their possessions of some important resources, including the economical resource.

Table 9
List of the Regional Head and its deputies in the North Toraja local election 2010

No	Candidate of regent	Candidate of deputy regent	Candidacy Through
1.	Andarias Palino Popang.	Sarah Lallo	Political Party
2.	Daniel Rendeng Madao	Palimbong	Political Party
3.	Y.S. Dalipang	Simon Liling	Independent
4.	Bride S. Allorante	Johanis Oktavianus S. Bari	Political Party
5.	Deka Paranoan	Mathius Lobo	Independent
6.	Frederik Batti' Sorring	Frederik Buntang Rombelayuk	Political Party
7.	Kalatiku Paembonan	Alfritha Pasande Danduru	Political Party

Source: The KPUD of North Toraja District 2010

All backgrounds and condition owned by the candidates actually became the facts that they met not only the formal requirements but also the local requirements based on the *adat*'s guidance. It showed how the toraja people still respect their *adat* even they never said it clearly. Moreover, as the majority ethnic group in the district, their preferences indeed become very determinant, especially when it is associated with their believes that the Toraja region is a sacred land so they are obligated to be led by the toraja people who are suitable with *adat*'s requirements. It explains that the appropriateness of candidate is deeply related to the concept of leadership for the toraja ethnic group. The toraja people believe that they have unique and fundamental values that can only be understood only by the toraja people (Yus, interview 2104). So when there is an activity to choose a leader for their sacred land then the toraja people will ensure the appropriate candidate based on their fundamental values will be chosen.

Indeed the standard of appropriateness based on adat principles from beginning has made most of the toraja people to be not suitable. Moreover, the *adat*'s requirements can also be understand as the filtering mechanism against the non-toraja people. It means, since beginning presence of *adat* is as mechanism to ensure only the most appropriate people among the toraja will participate as the candidate that will be voted by the people within the local election.

Table 10
Age, Birthplace, and Residence Place of Candidates
In the North Toraja Local Election 2010

No.	Name	Date and Birth Place	Place of Residence	Position	Background Activity(s)
1.	Andarias Palino Popang	Rantepao, 13 October 1948	Makale, Tana Toraja	Regent Candidate	Vice-regent of Toraja (2005-2010)
	Sarah LalloM.Si	Rantepao, 10 September 1958	Depok, West Java	Regent Candidate	Head section II Supervision and consulting services Office Primary Tax Depok, West Java.
2.	Ir. Daniel Rendeng Madao	Gorontalo, 23 December 1957	Yahukimo, Papua	Regent Candidate	Vice regent of Yahukimo (2005-2010)
	J. Palimbong	Makale, 26 June 1946	Rantekesu, North Toraja	Calon Wakil Bupati	Members of parliament Toraja Utara (2009-2014)
3.	Y.S. Dalipang	Rantepao, 15 December 1955	North Toraja	Regent Candidate	Caretaker regent of North Toraja (2009-2010)
	Simon Liling	Rantepao, 6 April 1953	Palopo	Calon Wakil Bupati	Functional Manpower at the Regional General Hospital Palopo
4.	Bride S. Allorante	Banjarmasin, 22 June 1963	Pontianak, West Kalimantan	Regent Candidate	Head of Water Resources Department of Public Works, West Kalimantan
	Johanis Oktavianus S. Bari	Palopo, 27 October 1962	-	Regent Candidate	
5.	Deka Paranoan	Rantepao, 17 August 1950	-	Regent Candidate	Former Head of Sub-Directorate General Administration Directorate East Region Urban and Rural Planning
	Mathius Lobo	Rantepao, 17 May 1960	-	Vice- Regent Candidate	
6.	Frederik Batti' Sorring	Tana Toraja, 28 May 1955	Asmat, Papua	Regent Candidate	Vice-Regent of Asmat, Papua (2005-2010)
	Frederik Buntang Rombelayuk	Nanggala, Tator, 23 December 1949		Vice- Regent Candidate	Bureaucrat of Tana Toraja
7.	Kalatiku Paembonan	Tana Toraja/Rantepao, 16 November 1953	South of Jakarta	Regent Candidate	Secretary of the Director General of Community Development, Ministry of Home Affairs.
	Alfritha Pasande Danduru	Luwu/Palopo, 16 April 1968	-	Vice- Regent Candidate	Notary

Source: KPUD of North Toraja District and other sources (2010)

Beside issues of appropriateness based on the family tie's background, the next interesting issue was related to the wealthy status of candidates. Basically the wealthy term for the toraja is related to they owned good degree on capacities and capabilities that will be important during his period as the leader. But currently, the concept tends to be interpreted as the ownership of money and some properties. It can be seen by how people link the potential names with what they have to be a candidate. It can be represented by the common questions *"who is he and why does he need to be the leader of this land?"* (Yus, Interview 2014).

The questions generally become the usual question from the toraja people in terms to ensure the appropriateness of a prospective leader and it is usually associated to the socio-economic background. That is actually a reflection of the tendency of people who see that a leader should be someone who has various advantages over many other people, where one of it is considered to be the wealthy in economical term (Agu, Informal conversation 2014). It means when there were some potential names considered as the potential candidates, it was connected with that people's wealthy condition. Therefore it was not surprising where people who finally participate in the local election are the success and rich people thus they can be considered as *to sugi* or the wealthy people.

Actually, the split meaning of the *to sugi* as part of standard for a leader from the capability to the issue of wealthy in economical perspective was as the toraja people's attempt to relay the currently condition. Since the rivalry in local election promises some important power and authority, it is deeply associated with potentiality to gain variety of social, politics, economics and other advantages. It means democratic event was seen as the opportunity for investments as like as in the economical practices that potentially brings some profits for the investors.

Besides that, the newest election system where people are asked to vote directly for the candidates has triggered the increasing of more "economical views" on this event. It seems relevant because according to an informant, a candidate in the North Toraja election 2010 had spent around 20-30 billion Rupiah to fund all of his activities related to his participation in the event (Ket, interview 2014). That amount was used not only to pay for the political party's charge to nominate and support him during the election. For the political party, that fund was generally referred as a party's operating funds that will be used to promote the proposed candidate through various props or other technical matters (Adi, Interview 2013). The needs for certain amount of fund potentially will increase where there are a few political parties that were involved proposing the candidate in a coalition form. Moreover it was also to pay for many activities related the candidate effort to win the event. Therefore, it was much money used not only to finance some formal activities of their teamwork but also to pursue most people to vote him through various social and *adat* activities.

For the independent candidates, fact that many people intend to be candidate then made the way to get initial support from many people to fulfill the formal requirement was very costly. The need to proof their support from the people by providing copies of the ID card minimal 6.5% of the total population, which are around 229.000 people. It means minimally an independent candidate should collect more than 13.000 copies of ID card. From informal conversation with

some people in North Toraja, they declared that during the candidacy process, they were often visited by some teamwork of people who intend to be the candidates. Their arrival was to ask for support of particular candidate by giving their ID cards to be copied and collected. In attempts to get the ID card that teamwork usually offered some money, ranging from 50 thousand rupiah up to more than 100 thousand rupiah per ID card. If that amount of money is multiplied with the number of funds offered to get minimum ID card, then a candidate should have around 1 billion Rupiah only to get the minimum support. That amount was not yet including various activities that should be financed, such as the teamwork staff, dissemination to the public, campaigns, various social activities, and the *adat*'s ceremonies. It shows that only the wealthy people could meet the requirement. All candidates and also the people realize the democratic event requires so much money and only the rich people can fit to take part.

Based on data from the KPUD of North Toraja district, the candidacy way for those seven pairs of candidate was varied. The pairs number 1 was nominated by coalition of the *Demokrat* party and the PIB party*,* the candidate number 2 was supported by the *Golkar* party, the candidate pair number 3 was through independent way, the pair number 4 was proposed by coalition of 12 political parties, which were *PDI-P*, *PKDI*, the National Front Party, Republican Party, Labor Party, *PPD*, *Pakar Pangan*, GN, PKPB, PIS, PPI, and PKNU. Similar with the pair number 3, the candidate number 5 candidacy was through independent mechanism, the candidate number 6 was supported by coalition of the Patriot Party, PDK, PNI Marhaenisme, *Kedaulatan* Party, and PKPI and the last pair of candidate was the number 7 proposed by coalition of *PDS, PDP, PKB, PNBK, PPRN, PPDI*, and the *Pelopor* parties.

Figure 15: List of the candidate for Regent and Vice Regent of North Toraja by numbers
and the form of candidacy In the elections of 2010
Source: KPUD of North Toraja District (2010)

Based on the candidacy background's composition, we can imagine how much money was needed by the candidate to be proposed by the political party as well as through the independent pattern. In an interview, one informant said that he spent so much money during the election process, but he forgot its exact amount. That money was used for some activities, including paid the political party supporting for his candidacy (Fre, interview 2013). Within my informal conversation with a newspaper journalist, he believed all candidates spent a lot of money during their involvements in the local election. He said:

> "It was indicated by the involvement of some rich people to support certain candidates. Based on the reputation of what they own, that some rich people became the backup power of the candidate to pay their activities during the election process (Agu, informal conversation 2014).

It basically confirms that only the rich people and have good connection with other rich people had the opportunity to be a candidate in the local election North Toraja 2010. That condition then was suitable with the *adat*'s requirements that a leader should be the rich people due to the obligation to feed their people. It also then opens the event as the rivalry field between the rich people as the "political investors" to get some opportunity to influence the elected leader later as the payback. Politically, that rivalry was usually connected with the authority to determine the public policy's process. In social term, it is closed related to the proudness as the people who are success to support the leader.

The involvement of the "political investors" to support the candidate actually was not seen as their wish only to be involved. It was also as the opportunity get some profit that is provided by the democracy event accidentally. As implications of the changes of mechanism then the candidate should approach as much voter as possible to vote for him. It made the process to win becomes more complex and costly therefore all candidates are required to prepare themselves well.

Based on the customary laws, a leader will bear big responsibility to prosper his society. If there are poor people in his society, the leader is obligated to help them. It is one of the reasons why the leader should be the wealthy people. Obligation to provide assistances to his people is considered as important term to be a successful leader. In the very previous era, there were many poor people in the region where they had nothing to defray their lives. In that situation, a leader must present as the problem solver to ensure his people will still live properly and still in accordance with their *aluk*. As an example, if there are members of society who will hold an *adat*'S activity but did not have enough money, then a leader is responsible to help them carried out that activity (Yus, interview 2014). It is to ensure that a leader to always demonstrate their suitability as leader as required by the *adat*'s guidelines.

In its development, recently the wealthy tends to be associated with ownership of some money, farm animals (pigs and Buffalos), properties, professional carrier, and so on. All of them are seen in related with the ability of the person to proof his wealthy by giving it away to the appropriate people or even to use it in various important moments. That is deeply related to part of his prestige and proudness as the right leader. Therefore during the social activities or *adat*'s ceremonies, the candidates usually intended to spend a lot of money as their contributions. The

contribution was not only to show itself as the generous rich people only, but also to meet with their status as the noble descendant. The ability as a prospective leader to fulfill all those requirements will influence people to respect them as the appropriate people. That condition confirms that the local election was involved in variety of cultural activities that basically non-political but have significant influence.

Besides the right candidate issues based on their capability and ownership, another important issue occurred in the North Toraja's local election 2010 was related to the social hierarchical system. Based on the *adat*'s guidelines, only the nobles and its descendants are appropriate to be leader in the Toraja regions. In this extent, it includes not only for the social leader but also the political one. That guideline actually is based on the hierarchical structures system of the Toraja ethnic group where all levels have its functions and consequences in their lives. Even the structures seem to be not exactly the same as it was in the pre-colonialism period as a work division, but it still exists as part of the toraja ethnic group's social identity. Its existence actually can be found still in the toraja people within their daily lifes. Most people are still able to recognize their position and the others in the structures. More precisely, *adat*'s existences can be found within some important activities of the toraja people, especially in the various adat ceremonies. Thru the adat events all toraja ethnic groups who attend that event will be placed based on their caste. It means during that event the toraja will be remained about their status and position and they seem to accept without any complains. Therefore, for the aristocrat descent, various *adat* events actually become their stage to re-identification of their social status among the society as the great descendants.

Since the nobles are in the highest and honorable position then it makes them to be considered as the most proper leader candidates. In related to the *adat*'s guidelines that their scared land must be led by the appropriate people then the local election actually becomes their way to show it. Without descendant of the previous nobles status, a leader believed will fail in his period. Moreover, the land will curse by the gods due to disavowal of the *adat* compulsion. This condition then makes the appropriateness requirements issue for the participants in the local election was basically related to the noble descendant figures. That compulsion of candidates will simply be indicated thru their *tongkonan*'s background.

Basically, this requirement does not really appear in the daily conversation of people in the North Toraja, but it seems to be hidden inside among the toraja people and occurs when they needs to make a decision. Through facts that all prospective candidates who finally involve in the election days were those who have nobility background then indicate presence of that

requirement clearly. Not only the independent candidates, even the candidates proposed by the political party that background was the fundamental consideration.

For candidates, a justification as part of certain noble family was considered to be significant for their effort. That way all candidates initiated their purpose by asking support from their *tongkonan* that is probably from his father or mother or both kinship (Fre, interview 2013). Without that justification the candidates will be difficult to begin their intension to be a candidate due to it will be difficult to get community's attention. Moreover, since the candidate should make approach to some important noble *tongkonans,* then the nobility background was really needed. The approaches were really important to get widely support from the other noble families. The justification was really important to promote the candidates and also to have the valuable advantage and minimize their weakness. The candidate without this justification will be seen as the person who has "disability" to join the competition since beginning. Therefore their background as the nobles became the fundamental aspect that should be owned.

6.3.2 Utilization of Adat Ceremonies for the Candidates Political Support

One important fact from the local election 2010 in the North Toraja was that all candidates were the noble descendants, therefore all candidates were considered as the right person. It means the rivalry involved only the noble against the other nobles. Consequently, they should establish themselves as the appropriate one through the majority of toraja people as the majority voters. One important strategy did by the candidates was to exploit the *adat*'s aspect through some of the *adat*'s ritual events.

Basically, there were two reasons related to utilize some *adat*'s events by the candidates. First, through the ceremonies, candidates could promote themselves as the noble descendants where it was important as the very basic requirement based on the most toraja's voter preference. The ceremonies are the important activities in the toraja people's lifes where there are many important things occurred or present in the events that have unique or fundamental meanings in the toraja's views. Secondly, since the *adat*'s events are usually attended by many people from various areas around Toraja regions and even from outside of region, it becomes a potential event to socialize the candidates to many people during the events. The toraja people believe the events are not similar with others social activities due to these are related to *aluk*'s principle*s*. In this view, the ceremony contains various obligations and prohibitions that bind people during the ceremony. Therefore, people are restricted to converse or to behave unsuitable during the events. All requirements should be respect by all people including how to place and respect people based

on their position in the caste structure. That such situation could be found simply for example within the *rambu solo* as one important event for the toraja ethnic group.

There was tendency that candidates believe people will more respect to their words when it is delivered during that sacred ceremony. In an informal conversation with one of the toraja people, he explained that within an *adat*'s procession, especially in the *rambu solo*, all attendants are basically asked to behave appropriately due to there are some guidelines that request people's respect. Therefore all people will attempt to manage their behaviors during the procession (Her, informal conversation 2014). It also affected the candidates to behave appropriately. For the candidates, it keeps them to act honestly and evade all potential behaviours that will be considered as an inappropriate one. It was as part of their respect to *adat* as the fundamental thing for the toraja people. Therefore the events was as the candidate's stage to promote himself while people as the potential voters also could utilize the ceremonies to meet the most potential leader based on their behavior during the events. It makes a *rambu solo* to usually provide some rivalry of a few candidates that accidentally attend the event thru their contribution or a few aspects during that event (Cha, Interview 2013). It was because there were many people that pay attention of them as the candidates.

Based on those reasons the candidates usually will attend all *adat*'s events when they are invited, even from the other families. By attending some *adat*'s events candidate could meet many people where most of them are as the potential voters, especially for the candidates who mostly live beyond the Toraja regions (Fre, interview 2013). For the candidates that live in the Toraja regions, that ceremony was also important to compensate the candidates besides to fill the social ethics. One former candidate said that he even socialized himself to the Toraja people for two years before the election and mostly by utilizing all the possible of *adat*'s ceremonies (Fre, Interview 2103). He believed that through the ceremonies he could socialize himself effectively. That statement explains how that *adat*'s ceremony was recognized as an important arena that should be utilized to get people's support. Moreover, some candidates used the *adat*'s events to measures their potential support from the prospective voters since beginning.

Figure 16: The guest entourage headed to "lumbung"in the "rambu solo" event
Photo: Dintan, July, 2014

Another important thing from the *adat*'s ceremonies such as in *rambu solo* for the candidates was to proclaim themselves as the appropriate candidate as the *to sugi* (wealthy people). Through that event the candidates showed their ownership besides asserting their status as the descent of nobles in Toraja thru some methods. The common way was by bringing some sacrifice animal, contributing some money to the host, and sharing some things (cigarette, t-shirt, sarong, etc).

As described in the previous chapter, the people who came to *rambu solo* are usually divided into a few categories. The categories are the invited guests consist of family, the guests from non-family (usually the relevant local elites), the invited guest from the formal institutions, and the ordinary people. In that event the invited guests from both family and non-family will be placed in a special place called *lumbung*. Each invitee will be placed in each *lumbung* based on its position in the social hierarchy system in Toraja. The placement is usually based on the list that is arranged by particular *adat* figure that knows how to put each names properly. The list of names will be used as the pattern to placed people in suitable position. Besides that it is also used as the queue list for the distribution of meat from the sacrifice animals. Since the list is very important due to it is deeply related to people's prestige and proudness, then it is usually arranged by *to parengnge* or in other parts of Toraja regions called *"to ma'dika"* or *"to puang"*. They are considered as the important *adat* figure as well as the leader of the event. During the event they are usually called as *"to ambe"* (the honorable elder). The list usually will start form

the owner of the highest and most honorable in the family and those who live around the event place (Cam, interview 2014). It means only the nobles family will be put in the list even the ceremony is also attended by the ordinary people.

The government officials are usually also invited. As they have important position in the formal institutions, they are actually considered as the honorable people. But due to the events deeply based on the *adat*'s guidelines then not all of the government officials will be placed as like as the descent people in the *lumbung*. Therefore only the government officials who come from the noble family will be placed in particular *lumbung*. If they are not, they will be placed in another place that is specially arranged for the important guest but does not have the right as the nobles. It means they are considered similar with the ordinary people.

According to one informant, there was a highest regional government officials came in one of the *rambu solo* events but he was placed in the common people's *lumbung*. It was very embarrassing for that official but since it was determined by the *adat,* then all toraja people should accept it (Yus, interview 2014). After that embarrassing moment, the toraja people usually build additional *lumbung* just in case if there is an important person comes to the event but factually he is the non-nobles or even the non-toraja people. For the commoners, since they are not in the nobles level then they are only allowed to help the host for the some technical activities, such as cleaning and shredding of sacrificial animals and prepare the ceremonies location. They do not have rights to occupy a *lumbung*.

Figure 17: The lumbung where the guests who have high position
in the Toraja Social Hierarchy will sit during the rambu solo event
Photo: Dintan, July, 2014

Figure 18: Some commoners in the rambu solo event
Photo: Dintan, July, 2014

That position will be further strengthened by the sacrificial meat's distribution process where only the noble descendants will receive it. Those facts then made the candidates to attend as many invitations as they could to assure that many people will recognize them well. Consequently, all candidates spent much money related to that event. In the terms of *rambu solo*, that money is usually used in various ways. Candidates used a lot of money to bring the farm animals, such as *tedong* (buffalo) or *bai'* (pig), to be sacrificed in the event as their offering.

Actually carrying farm animal in an adat event especially in *rambu solo* is considered not only as contribution of the carrier but also considered as a payback mechanism for what they got previously from the host family. Moreover, that thing is also as part of respect to the host family. In some cases, the farm animals brought by other people could not automatically accepted by the host family. It is because when they accept that contribution, then they will automatically have a debt that should be paid back later as like as what they have received. The obligations to pay back usually will still be a burden of the family even for their descents. It will be considered paid off only when they have brought the similar contribution to the carrier family even after some years.

Due to the event attended by many people, regulated by *adat* rules, and believed as an important sacred event, then bringing the sacrifice animal will be one of the people's concerns during the

event. It makes some people who bring the sacrificial animal tend to use it as the rivalry moment related the kind of animal that they bring. The rivalry actually occurs since there are a few types of the sacrificial animal that has some characteristic that affects its prices. For example, for the pigs, people will concern especially to its size, the bigger the better. It makes people who bring pigs sometime intend to bring the bigger size just to ensure that their contribution is considered as the better one.

Moreover, the rivalry will be more complicated when people bring *tedong* as contribution. Buffalo or *tedong* is considered as more important sacrificial animal in the *rambu solo* event. Besides its size, the buffalo also will be considered regarding to some aspects. Based on *adat*'s rules, a good and valuable buffalo is also related to some signs or symbols on its body. As an example the color of buffalo indicates certain meaning that important for the ritual. *Tedong bonga* that has stripes symbolizes the rich, *tedong balian* symbolizes the nobility, and *tedong pudu'* that has black skin represents proudness (Rom, interview 2014). The buffalo that has some important marks will be considered as the appropriate one. Another important thing related to presence of buffalo within *rambu solo* is to be contested. The event to contest the buffalo actually also contains the proudness aspect of the certain people. The winner buffalo owner will be respected by the people while the loser buffalo will made its owner to be called as the loser (Bel, informal conversation 2014). Based on that, people who intend to contribute by bringing buffalo to the event will be careful. It is because their contribution will be associated with their social status as well as their proudness. It confirmed by one informant:

> "I felt embarrassed once due to as a social and political elite, I brought smaller buffalo than the buffalo brought by someone else at a rambu solo and I still remember that event until now." (Kha, Interview 2013).

That statement has explained how important for the toraja people, especially the nobles or the wealthy people, to bring the sacrificial animal. Therefore, for the candidates it became important to contribute within the event. It shows that through various *adat*'s activities performed by people, the candidates used it to compete for the support to show that they were the appropriate candidates.

In that event, if the candidates are the host family, then it will be announced as the part of the host family where basically it can be assumed as supporting statement addressed to their kin and all people around. As part of the host family, all family usually will support the candidate since it also will be part of their proudness if the candidate wins (Ant, interview 2014). Therefore, it was

important for the candidate to ensure that they are fully supported by their family and truly appropriate to be supported.

Those explanations above show that the existence of *adat* or customary in the shape of various *adat*'s ceremonies in the life of Toraja is seen also as important political space. These phenomena indeed show that the candidates realized the potential within the various *adat* for their political interest and utilized it under the *adat*'s guidances. Therefore, few informants claimed that during the various *adat* and social ceremonies, the toraja people usually play what they call as the *"politik kampung" (politics of the village people)*. The term is actually used to explain that the toraja people are actually familiar with various political activities during their social interaction in some ceremonies in their lifes. Moreover, the term is also intended to show that even the word politics tend to be seen as the controversial word but in terms of its meaning and application the toraja people are familiar to that term. It means that actually the political action for the toraja people is not a new thing even the word is often avoided to be used in the daily life but they realize it in their context of lifes. It means the toraja people are actually aware to the politics in term of tactics and strategies related the people's interests. The term is part of their lifes that present in various forms including in the *adat*'s ceremonies, which is still considered as the sacred ceremonies. Therefore it was not surprising where candidates in the local election 2010 attempted to utilize some *adat*'s events as the political arena even far before the local election stages formally launched. Thru that event, they can reclaim their positions as the important person among many people and socialize himself as the candidate. It made the events to become indirectly event of justification for the appropriatness candidates based on the *adat*'s guideline requirements. It means various *adat* ceremonies are the important events in the political dynamics for the toraja people.

6.3.3   *Family Network Utiliazation Thru the Tongkonan*

As already presented in the previous chapter, the kinship is one important characteristic of the toraja ethnic group symbolized by the *tongkonan*. Besides as a symbol of family based on certain lineages (Adams 1998), *tongkonan* is also a symbol of the unity and honor of the ancestors and also the family members. Generally, the concept of *tongkonan* is usually used to symbolize the noble's kinship. Solidity of connection between each member of certain family affects their loyalty to their kinship that means the family members should respect other member of the same *tongkonan*. That bond is very tight and not easy to be interferenced by other families group. It make a family group's interaction will be relatively easier for member of that family. Since the

group of family or *tongkonan* usually has large of members and tends to respect their kinship then *tongkonan* becomes an opportunity to collect and direct their voting behavior. Therefore, *tongkonan* became an important basic support in the North Toraja's local election 2010.

Each candidate initially started their socialization by ensuring the support of their family (Fre, interview 2013). For candidates, the family's support has two benefits. First, in the tradition of the toraja, a member of family who intends to do some important thing usually asks for blessing and agreement from his family. It is as also part of respect to their ancestors. The blessing is important as it follows the *adat*'s guidelines where the family's permission is an obligation related to the concept *siri' (*prestige and proudness*)*. Without family's permission, the attempt will fail or do not get any goodness. It is strongly associated with the traditional belief that the blessing of family is an essential condition for success. Second, family member's support is needed as voters as well as important network to reach as much voters from various areas in the North Toraja. In point, the greater number of family ties scattered in various parts of the district, the more access for candidates to reach various potential voters in some regions. An informant who was former of candidate's teamwork claimed that their team was able to socialize the candidate effectively with the help of family under the "family team" that spreads in the various areas of the North Toraja (Gar, interview 2013).

Due to there is many people lives in the various area of the district, it then made difficult for candidates to reach all people directly by themselves. The proper strategy to reach them was by using his family that lives in the particular area to socialize the candidate. Thus the candidate did not need to come directly to the certain area. Even when the candidates still visit the area, but it does not need to come regularly. After that visit, the next activities to mobilize support from the area were continued by his family that lives there. Moreover, if the family member of certain *tongkonan* scattered in various regions is considered as good and honorable people then their effort to approach the potential voters will have good chance (Gar, interview 2013). Another important thing related to the family ties support was when candidate approaching other noble families to ask for support.

Since all candidates must get as much supports as possible, it made them to maintain various approaches to other people beyond their kinship. Therefore, they also need to approach the other noble families (All, interview 2014). The approach should be adapted to the context of the nobility ethics through the proper way based on the *adat*'s principles. In this effort, the appropriate behaviour will be needed. Thus the appropriate people and how their gesture and speech will be very crucial in this move. An inappropriate attitude could result rejection from the

approached family where it will influence the potential support, at least from that family members. It potentially occurs not because the candidate or his family is considered as less worthy person to be a leader, but the refusal is possibly more related to the approach that is considered unsuitable with the noble's positions in hierarchy of caste. It will be more complicated when the family also still holds important positions in the government or they become influential public figures. Therefore the approaching method should be adapted with all of the contexts of the person or nobles family that will be approached. Without proper approach, the candidates and their family will be rejected (Gar, interview 2013).

Moreover, when the approached family is willing to support particular candidates, they firstly will ask the family's background of the candidate. It is based on the prevalence that the noble family will support only the appropriate noble family too. It makes information about the candidate's family background to be important to justify his position as the noble descent. Within the approaching process, the candidate will be represented usually by an appropriate person where might be the most honorable in his family. The representation should be the right person due to his presence will be the first aspect measured by the approached family before they continue to discuss about their decision to support or not. It makes the representation to be the best and with appropriate person who has good understanding about the *adat*'s patterns and ethics.

During the North Toraja's local election 2010, approaching other *tongkonans* to support them was one of the crucial strategies. During the approach the candidate's envoy and the representative of the family were approached to discuss about the form of support, the responsibility and consequences for both sides of family due to the support (Gar, interview 2013). Actually, this process was usually done secretly especially in the first approach since sometimes the approached family is a famous and honorable family where usually they do not want to show their support openly to a particular candidate. Some of this kind of family usually will conduct a neutral position during the election process. It was because they do not want to be considered as the partiality family or in opposite position to the candidates who also come from particular noble families. In some extent, a partiality can be considered as contradictive attitude of their position as the role model for the noble that is usually known as the fair and wise family. When some families finally decide to support a particular candidate, they usually conduct it in secret; even some of them still confirm it clearly. When a noble family finally decides to support a candidate openly, it is usually because there are no other candidates approaching or they deeply believe to the one candidate to be supported. It also might be the candidates that are proposed are

not the appropriate one or possibly there is conflict with the other candidate's families (Ant, interview 2014). Moreover, one important thing that should be emphasized in this term is the support will only occur for the appropriate candidates where it is deeply related to how the toraja people interpret the *adat*'s guidelines related to the leader's requirements.

All of those dynamics once again demonstrated that process for obtaining political support in the context of toraja people could not be separated from the utilization of the existence of *adat*. It then confirms the *adat*'s position as social guidelines as well as the presence of political dynamics in the Toraja region that is regulated through formal laws. It shows that the formal laws is still obeyed but in the same time it is also considered as the space where the *adat*'s principles are also present as the important factor where even more important than the formal laws.

6.4. The Second Round and Bias of Political Elite Rivalry in the Provincial Level

After the voting day in 11th November 2010, the election result shows that there was no pair of candidate that won the election based on the regulation. Therefore, according to the local election's regulation the election must be done through the second round. In this round, the participants were only two pairs that got highest voter's supports form the first round.

Table 11
Result of Vote Acquisition of North Toraja District Election 2010
1st Round

No.	Regent Candidate(s)	Vice-Regent Candidate(s)	Total Voters and Percentages	Annotation
1.	Andarias Palino Popang	Sarah Lallo	3.546 votes (3,20%)	Not qualified
2.	Daniel Rendeng Madao	J. Palimbong	19.274 votes (17,37%)	Not qualified
3.	**Y.S. Dalipang**	**Simon Liling**	**27.014 votes 24,34%**	**Qualified to the 2nd Round**
4.	Bride S. Allorante	Johanis Oktavianus S. Bari	8.743 votes 7,88%	Not qualified
5.	Deka Paranoan	Mathius Lobo	4.515 suara 4,07%	Not qualified
6.	**Frederik Batti' Sorring**	**Frederik Buntang Rombelayuk**	**30.236 votes 27,25%**	**Qualified to the 2nd Round**
7.	Kalatiku Paembonan	Alfritha Pasande Danduru	17.642 votes 15,90%	Not qualified

Source: KPUD of North Toraja District (2010)

Based on the first round voting's result, the first pair candidate that was qualified to compete in the second round was the pair number 3 (*Y.S. Dalipang* with *Simon Liling*) that used "*YESS*" as their tagline who got 27.014 votes or 24.34% of the total valid votes. The other one was the pair

number 6 (*Frederik Batti Sorring* with *Frederik Buntang Rombelayuk*) that proposed "*SOBAT*" as their tagline, which obtained 30.236 votes or 27.25% of the total valid votes. Both pairs then continued their rivalry in the second round that was held on 11th January 2011.

Figure 19: The two Pairs Candidates compete in the second round

Besides as the confirmation of the need for the second round, the results of the first round actually shows majority of the voters want these pairs to lead the North Toraja district. It was indicated by the total votes of those pairs that reached 57.250 votes or more than 51 % of all valid votes. Moreover, the results actually confirmed the requirements based on the toraja people's preferences related to the *adat* about the leader's capability, wisdom, wealthy, and their family background as the nobles.

The pair candidate number 3, *YS Dalipang* was the former official caretaker of the North Toraja district when it was first formed. He also was the chairman of the Committee for the Establishment of the North Toraja district. His experience shows his ability to be the leader in the region. Moreover, he was a professional bureaucrat that served as the head of *"Badan Pengelola Keuangan Daerah* (BPKD) or the "financial region management agency" in Tana Toraja district before the region was separated into two regions. Dalipang's partner, *Simon Liling* was a successful dentist. The pair was also considered to reflect two poles of the region. *YS Dalipang* was considered representing the character of the lowlands (*Rantepao, Kesu, Tondon, Sanggalangi*) while his deputy candidate, *Simon Liling*, was regarded as a figure that represents the upland communities, including *Rindingallo, Baruppu, Kapala pitui, Sesean*, and so on. The last thing that made this pair to be considered as very appropriate candidate was their social status as the noble descent.

Furthermore, the pair number 6, *Frederik Batti Sorring* and *Frederik Buntang Rombe Layuk* were also considered as the appropriate figures that meet all requirements of leader propriety. In

the context of capabilities and experiences, although *Frederik Batti Sorring* mostly lives outside of Toraja, but his family is a noble family. His mother is from a *tongkonan* in the highlands and his father comes from a *tongkonan* in the lowlands of the North Toraja region. He is an experienced bureaucrat, especially during his duty in province of Papua. He also was as the vice regent of the *Asmat* district in Papua province within the period of 2005-2010. As Batti Sorring's partner, *Frederik Buntang Rombe Layuk* is also a descendant of aristocrat family in the North Toraja. He also has long time experience as a bureaucrat in the Toraja region. He was a former head of the *"Badan Pemberdayaan Masyarakat Desa (BPMD)"* or the "Village Community Empowerment Agency" of Tana toraja district before it was divided in two districts. Related to wealthy aspect, all candidate pairs were considered as the wealthy people and that status was well known by people in the North Toraja region.

The illustration above then confirms that both pairs of candidate in the second round were considered a match with the two kinds of requirements, the formal and informal provision. Therefore in the second round, attempt to get support from the people were no longer deeply conducted to show who is the appropriate candidate based on the *adat* as like it was in the first round. Even those candidates still attempted to attend various social and *adat*'s activities as they did previously, but the aims did not longer intend to ensure people to know them as it was in the first round. The strategy within the second round mostly extended some potential supporters from various areas. Since in the second round the rivalry only followed by two pairs, then they focused to increase voters from the areas that were previously claimed as their competitor's area that was not qualified to the second round. With only short time left before the voting day in the second round, both candidates attempted to reach as much people in the various areas in the region. Therefore, the strategy of using a few local elites that live in the targeted area became the logical choice. Therefore, some approaches were related to the local elites conducted by both candidates.

The option to approach the community's leaders, especially the traditional elites and *tongkonan* were briefly considered as an effective way to reach people in the much area faster. The strategy was used mainly because in many areas in the North Toraja district, the status and position as traditional elites are still considered as important and influencing factor. Some people usually still considered what they said; therefore the candidates seemed to count them to increase their potential voters for the second round. One informant stated that both candidates came to him for asking support for the second round of the election. In that condition, they would try to convey to

the people surround his area to support them. At that moment, he did not show his side even actually he personally had chosen one candidate to be supported (Yus, interview 2014).

Besides the local elites, another important approach was to get support from their former competitors in the first round. As it was known, the pair number 3 started their candidacy through the independent mechanism that means there was no political party behind them. Unlike the candidate number there, the pair number 6 was supported by five political parties since beginning. Even though those were only the middling parties due to they were not the best three of the political party in the general election result in 2009, but their support was still significant. Due to only two pairs will compete in the second round, the political condition was then separated into two poles. The political parties with their candidates defeated in the first round then attempted to join into one of the poles in effort to get mutual benefits. For the candidates, the merging of political parties into their side was expected to increase their potential voters that previously were as the voters for that political party's candidate. At least the candidates could utilize the members and sympathizer of the political party to vote for them. Moreover, by integrating the political party to their sides, it expanded their network to reach out more areas by using the political party's networks in some areas. It then increased their opportunity to get more voters in compare with what they had in the first round.

For the political party, joining to support one of two candidates basically was a political investment. It is because their involvement was basically the results of political lobby where it contains various interests bargaining for the candidate and the political party. Therefore, the decision of political party to support one of the candidates was actually based on some agreements that were considered to be the political or economic profitable for both sides. Moreover, the political party potentially increases their political image when their candidate wins the competition. Another beneficiary for the political party is related to the administrator of the winning political party. They will respect a good politician from their upper political party administrator where it will impact their political career within the political party (Ste, interview 2014).

Another important phenomenon in the second round was associated with the two famous politicians that were also as the chairman of the two biggest political parties in the South Sulawesi province. As the winner for first and second places in the Indonesian general election in 2009, the *Demokrat* party and the *Golkar* party became two influencing political party in the province. Both provincial level chairman, Ilham Arief Sirajuddin (IAS) for the *Demokrat* party

and Syahrul Yasin Limpo (SYL) for *Golkar* party were involved in the North Toraja's local election in 2010. As reported by one of the online media in the Toraja region:

> "In essence, the second round of North Toraja Election becomes a fight between Syahrul Yasin Limpo and Ilham Arief Sirajuddin. It is related to their position as the Chairman of the Political Parties in South Sulawesi province. Syahrul is the DPD Golkar Party and Ilham is the Chairman of the Democratic Party. Through this election of North Toraja, both want to test the candidate's ability to support different pairs." (Tabloid Kareba, Thursday, January 13, 2011).

As the chairman in the provincial level, both of them directed their political parties to support different candidate pairs. The most influence political party in the South Sulawesi, *Golkar* decided to support the pair candidate number 6 after their candidate lost in the first round. In another side, the *Demokrat* party preferred to stand with the pair candidate number 3, when their candidate was defeated also in the first round. Actually the involvement of that two political party chairmans in the North Toraja's local election was driven by their interest to compete in the next South Sulawesi province's election for the governor on January 2013, two years after the local election in the North Toraja district. As two most potential candidates for the provincial election, they intended to utilize all potential supports from the various local elites, including the regent and its deputy for their candidacy. They realized that position as the regent and its deputy in the North Toraja district as well as in the Tana Toraja district will be important to mobilize people in these regions to vote for them later. Both of them consciously realized that the position is important in the context of the toraja ethnic group.

Since the majority of ethnic group in this region is the toraja people then it will be important to approach some elites, including the head of regional government where it will be filled by those two candidates who competed in the second round. Syahrul Yasin Limpo and also Ilham Arief Sirajuddin consciously realized that when they could hold the leader in their side then they have a crucial key to mobilize people's support for them in the provincial election two years later. Their belief was because they figured out that in the toraja socio-political context a respectable leader is an important person who also becomes the role model for most people. Thus by hand in their side then they will occupy most of the Toraja's voters. The significant number of voters in the North Toraja based on data in 2013 of the South Sulawesi Election Commission (KPUD Sulawesi Selatan), it was around 172,000 voters of the 6,279,350 total voters of the provincial election 2013. That number made this district as well as the Tana Toraja became the crucial regions for both provincial prospective candidates. Therefore they needed to have potential supporter with the leader in that region. Through their support in the second round, they intended to bind those pair candidates to support them later. Therefore, they were all out to support their

candidates to win the second round. It made the competition in the second round to become competition for the two famous politicians in provincial level.

After the voting day in the second round, the General Election Commission (KPUD) North Toraja formally declared that the pair number six, *Frederik Batti Sorring and Frederik Buntang Rombe Layuk (SOBAT)* as the elected Regent and Vice Regent of the North Toraja district for period of 2010 -2015. It was based on the result from the voting days that was held on 11th January 2011.

Table 12

Result of the 2nd Round Vote Acquisition of North Toraja District Election 2010

Candidate No.	Regent Candidates	Vice Regent Candidates	Total Vote	Percentage (%)
3	Y.S. Dalipang	Simon Liling	53.177 votes	48,52
6	Frederik Batti' Sorring,	Frederik Buntang Rombelayuk	56.428 votes	51,48%

Source: KPUD of North Toraja district 2010

Even though the result has released by the North Toraja General Election Comission, but the winner was not automatically inducted by the central government. It was because the candidate number 3, *YS. Dalipang* and *Simon Liling* rejected the results. This candidate presumed that the second round process was full of violations where it disserved them. It was reported by the *Palopo Pos*:

> "In a press conference to reporters at his residence, Thursday, January 13th yesterday, North Toraja Regent Candidate, YS Dalipang said they were disappointed with the performance of the organizers of the election, and the election of Trustees (Panwaslu) in North Toraja. Besides disappointment, Dalipang also revealed several new findings of fraud, such as vote recapitulation at the level of sub-district election committee (PPK) which was carried out at night" (Palopo Pos, 14 January 2011).

The disappointment of the pair number three was also occurred through some demonstrations in the North Toraja district. As published in the tabloid *Kareba* Monday, 24th January 2011:

> "Hundreds of the supporters of the candidate Regent and Vice Regent of North Toraja, YS Dalipang-Simon Liling, who lost in the second round of Regional Head Election (Election kada) North Toraja 2010-2015 damaged iron fence of the offices of Local election Commission (Election Commission) North Toraja, on Monday (24/1) ... Protesters also directly damaged the local election office fence made of iron to the ground. Although it had been done by anarchists, the police did not capture a single person." (www.tabloid-kareba.com)

The pair number three then proposed accusation related to the second round results to the *Mahkamah Konstitusi* (MK) or the Constitutional Court. However, on 16th February 2011, the Constitutional Court decided to reject the objection from the pair number 3. It means the Constitutional Court agreed with the General Election Commission of the North Toraja who

declared the pair number six, *Frederik Batti Sorring* and *Frederik Buntang Rombe Layuk* as the elected regent and vice regent for the North Toraja District period 2010-2015.

Beyond facts that the second round must be resolved through the constitutional court, actually the number of votes obtained by both pairs significant increased compared with their results from the first round. The pair number 6 won by 56.428 votes or 51.48%. This result is increased by more than 24 % percent. For the pair number 3, although it was defeated but their results reached 53.177 votes or 48.52 % of all valid votes. The results from the second round shows that both pairs have quite equal voters and both pairs were considered as the appropriate leaders based on the leader requirement for the toraja people equally.

Moreover, by only 1.48 % of their results gap or only 3.251 votes it indicated that their various methods to increase their voters during the second could be considered as success strategy. Their approach to the various local and *adat*'s elites and also to the some political parties had given them significant increasing of voters. Although finally the pair number 6 achieved more voters, it seems only because the teamwork and its strategies were more effective. It was also could not be separated by the support of Syahrul Yasin Limpo. As the governor, he was able to use his influence in the region through his subordinates to fully support the pair number 6. One informant that was the part of the teamwork for the pair number six informed that he and other *Golkar* party's administrators in the North Toraja were ordered directly by the governor to do it.

Besides that, one important part of the pair number 6's teamwork influencing the results was the *"Tim Papua"* or the "Papua team". This team actually consisted of the Toraja people live in the Papua Island in both two provincies (the Province of Papua and the West Papua) as the *perantau* or migrant. Basically the member of this team was the person who has close to relationship with Frederik Batti Sorring, even far before the election process in the North Toraja. As an important bureaucrat and his last position as the deputy of regent in Asmat district, he was considered as one of the successful *perantau* in Papua. He had helped many of Toraja people in Papua, especially in Asmat district to access position as the state officers or *"pegawai negeri"* and also other opportunities to access various economical resources. The toraja people who think that they are indebted to him were then involved to the Papua team to support him in the North Toraja's local election. The members of this team were considered as the successful *perantau* in Papua. They became one of the main teamworks that fully supported the pair number 6 both financially and also social networking. As the toraja people and also successful *perantau,* they have two important resources that were helpful to mobilize people to vote for the pair number 6, their economic resources and their kinships that live in the North Toraja region (Fre, Interview

2013). Actually the presence of the Papua team during the election was also seen as prestige competition between the successful toraja migrants and against the toraja people who are successful in various works in the Toraja regions (Agu, informal conversation 2014). It means that the local election became a rivalry of proudness between the toraja people where it involved the family connection and the kin of the both sides. It means that the political rivalry in the local election in the North Toraja district in 2010 also became the competition indirectly between the toraja people to proof and to increase their prestige and proudness by using the competition between the candidates.

6.5.   The Issue of Christianity in the North Toraja Election 2010

As most of the people in Toraja are Christian adherent, one important issue during the local election was the Christianity related to the background and candidates behaviour in daily life. Fundamentally, one different context of the toraja people that are majority in the Toraja regions compared with others regions in the South Sulawesi province is about the existences of Christianity in the regions. While others regions in South Sulawesi mostly inhabitants with the Muslim people, the Toraja regions precisely show a different view where these regions are inhabited by mostly Christian people. In 1993 there were approximately more than 80 percent of the Toraja are Christian and only about 11 percent of them still adhere *aluk to dolo* (Adams 1993).

Based on data from The South Sulawesi Central Bureau of Statistics or (*BPS Sulawesi Selatan*) 2015, the Christian followers in the North Toraja for both the Protestant and the Catholic were more than 229,440 people. In that amount, the Protestants were 179.791 and the Catholics were 49,649 people. Basically for the Toraja ethnic group, religious, politics, and agriculture are a few of important things that are integrated in the *aluk* or *adat*. It had been introduced very beginning in the era of Dutch colonialism and still continues as the most belief in the regions. Based on that fact, the Christian people were the most voters in the North Toraja's local election in 2010. Due to the toraja ethnic group identity is usually identified also with the Christianity thus it becomes an important issue in the toraja daily life (Mus, interview 2014). Therefore the issue about Christianity occurred as one crucial issue during the local election. The issue of Christianity was related in two aspects. First it was seen as through the presence of church as the important institution for the Christian people in term of supporting candidates. The second issue was related to the candidates and their family's Christianity.

For the first issue, actually the Church as the Christianity's symbol did not clearly show their support for certain candidate. The church seemed formally intend to play as the neutral institutions for all candidates. It was indicated thru the *Badan Pekerja Sinode* (BPS) or the central bureau of synod position among the candidates. As institution that controls mostly the Toraja's Protestant churches or usually called *"gereja Toraja"*, actually the central bureau of synod has significant relation with most the toraja people in the region. It is because this institution manages the majority of Christian people in the Toraja region where mostly of them (around 70%) are the Protestant while only around 10 % of the Catholic. It made this institution was as one of the main concerns of the candidates.

By maintaining around 70 % of the people in the North Toraja through some churches under its authority, this institution actually has significant resources to play significant roles in the local election. But the institution preferred to be the neutral during the event. Formally, BPS released a few requirements as the general statement of this institution that must be considered by people, including its followers. In its statements, BPS remains people in the North Toraja to choose the best candidate based on their capacity, capability, and religious (Mus, Interview 2014). Basically, the statements were generally based on the tendency of what the toraja people want. Especially for the religious term, it is deeply related to the candidate's religion should be similar with the most of the toraja people as the Christian. It means that there was not contradiction between the church and the community's desires. Therefore, even there were a few candidates that approached this institution to support them, but the statements showed its neutrality formally. That formal position was based on the position of BPS as well as the church as the religious institution that should be free from any political interests. This condition made no chance for all candidates to get support from this institution formally. But beyond the formal position, a few people that are considered as part of the administrator of this institution supported certain candidate personally (Mus, interview 2014). It generally conducted secretly by those people.

Figure 20: The oldest church in the Toraja regions located in Rantepao, North Toraja District
Photo: Sukri, March, 2014

Based on the BPS formally position, the institution proclaimed as the neutral institution, but there was no prohibition for the administrators to support certain candidate personally. Since most of the administrators of BPS are pastors, then they have opportunity to socialize his candidates through their activities in their church. As the head of BPS confirmed:

> "Institutionally the church institution was neutral in the Pilkada but a few people inside were not automatically same. Individually, some pastors in certain church were secretly involved in socialize certain candidates" (Mus, interview 2104).

Generally the pastor occupies very important position and is esteemed in the church and its pilgrim's community. Besides as a person with good knowledge in religion, a pastor is also considered as the respectable persons. It is because they usually have good level of education teaching goodness to the community through various activities in the church and other social activities. In this position, a pastor or certain church is basically potentially to mobilize community support for certain candidates.

Chapter 7
Paradox of Democracy in Toraja

7.1. Tendency Towards Inequality in the North Toraja's Local Election

The *adat* Existence in the toraja ethnic group's context has various consequences mainly to preserve continuity of their unique social identity. One of its significant effects is existence of the social hierarchical system. The system is about actually, the system is not longer as like as its format on the pre-colonialism period where it was as the division of works. The slave category had been removes by the Dutch authority, but the system is still existing based on their descents background where influences on certain people placements in important and honoured positions socially. In minimally condition, it still present in some important social activities or customary rituals performed by referring to the *aluk* principles.

The categorization of people seems affect to attitude and public's perception as consequences of people's position in their daily life. Through various *adat* ceremonies to celebrate the happiness "*rambu tuka*" or ritual involves sadness *rambu solo*, the hierarchical system is constantly institutionalized through the reproduction process within the events simultaneously. In effect, the system still exists as important part of the toraja social identity. Importance and the regularly of some rituals event held in toraja area have been as important social arena to legitimize the social differences and inequalities position of the toraja people based on *adat* guidelines. The *adat* events produce many events where remaining people about the system. Thus, notions that some people have more respectable position compared to others become quite durables as it can be accepted by society even it is only in their minds. It then potentially appears anytime to deal with some appropriate moments.

In the various *adat* ceremonies, every person is aware of their respective position as well as the social consequences associated with the attitudes and respects among people to the noble descents. The higher position in the social hierarchy system is closely associated with greater respect earned where it can be found deeply in various kinds of *adat* rituals (Man, interview 2014). It is create legitimacy of the aristocrat descendant as people who have advantages based on its position. That condition basically produces two important implications for the toraja people. Firstly, there are people who are considered as the honourable people as being descendant of their ancestors. It usually indicates by the presences of various *tongkonan* as a symbol of the noble kinship. Consequently, even though the social segregation does not exist explicitly, but it still recognized by the toraja people in their daily life. It is usually associated in

comparison of the people who have special advantages and the ordinary people who are considered have not any advantages in the social system. Secondly, it potentially becomes the reasons for social competition and conflict. It is potentially not only between the ordinary people and the nobles but also among the highborn. Basically, potential conflict caused by the inequality in the social hierarchy is not novelty phenomena. It has become part of the toraja ethnic group history. It means a conflict might occur among the nobles that involve certain *tongkonan* as a possibility. One main reason of the conflict between the aristocrats was usually related to desire of each *tongkonan* to exhibit their existence. It is part of attempt to maintain and continue their family pride, honour, and also their privilege in various social activities (Lew, interview 2014). It makes presence of the hierarchy system as consequence of *adat*'s existence always dynamically within the toraja land.

Indeed, there are many toraja's people have contacts with the various aspects of modernism in term of education and the coming of Christianity who sees the social hierarchy system as an irrelevant system regarding to the modern era. But it is still not able to disrupt presence of the social hierarchy system. Therefore, although the system seems keep the inequality but it does not lead great schisms among the toraja people. In fact, most of toraja people usually seek to maintain their existences in the hierarchical system indirectly through some *adat* activities whether it conducts by itself. Most people still continue to perform a few activities based on the *adat* guidelines in attempt to be considered as the prominent people in the society. Therefore, some non-nobles family intend to hold the *adat*'s events, especially the *rambu solo* even more than what the nobles did. For examples, they sacrificed more animals (*bai'* and *tedong*) than what the *adat*'s rules suggested. They seem to believe that by sacrificing much more animals, they will get more respect from the society. At least, they will be considered as the rich family and potentially to get any honourable respect from society. Therefore, many of the toraja people who lives outside as migrants or "*perantau*" attempt to get as much money as they can to support their kinship that still lives in the toraja regions (De jong 2013). It will become their resource to perform the *adat* ceremony for their family or even to give contribution for their kinship in the ceremonies.

For people from the ordinary family, the ritual is not only to provide great tribute to their deceased family but also to obtain social respect as a family that has ability as the nobles. In this case, that attempt can be defined as attempt to raise prestige and honour of the ordinary families or even to maintain their existence and confirms position as the respectful families. Since the proudness and prestige are important and fundamental for the toraja people, it makes some non-

nobles families attempted to get thru perform some *adat* ceremonies within their family that is usually identically to the noble families.

Facts that there are a lot of people from the common families have success stories background in various activities and occupations abroad then encourage their demands for a respectful from the society. Actually, the ordinary people are allowed to perform the event but only under a few conditions. They allowed to sacrifices animals less number of animals than the nobles. They may sacrifice just one buffalo or even none if they do not have the ability to make it where for the nobles it is a compulsory as consequences of their position in the social hierarchical system. Besides that, there are some symbols in the form of carvings and certain things that are required during the ritual for the higher rank people due to his status, where it is not possible for ordinary people because it considered as violations to *adat* (Yus, interview 2014). But due to the tendency of competition for family's proudness then made some non-nobles family still conducts the *adat*'s rituals more then the nobles did. As an example, there was a family in *Rantepao* where was perform *rambu solo* ritual by slaughtering more than 20 or even hundreds *bai'* and *tedong* although they are the non-nobles descent. When it was held and attended by many people, including by some the toraja social elites, then at that time that family will be remembered as the family that carried out a pretentious event. But meanwhile, some people will also potentially consider that family as the violated family due to they are not the noble although have significant wealthy (San, informal conversation 2014).

That phenomenon can be interpreted as an attempt to demonstrate existence of certain family where has some aspects equally or even more than the noble families have. It makes them ask to be respected as the haves or the prominent family. It means the ordinary person or family actually has comparative resource to "challenge" the existences of aristocrat families. One important desire of the ordinary family is to prove their ability, especially in the economical aspect. It indicates that their families are not inferior anymore before the noble families. So, even they still could not occupy particular high ranking in the hierarchical system due to their family background and bloodlines but they still have some important resources to compete (Lew, interview 2014).

Actually, it shows the tendency of indirect rivalry among the toraja people regarding the social status based on the social hierarchy systems. That rivalry usually is related to proudness as the prominent people where it has consequences in the society respect. It deeply indicated the silent rivalry among people in the toraja ethnic group. That rivalry is generally driven thru issue irrelevant of *adat* to the current people's era and the inequality among people. Those who have

interaction with the outside through education or even as the migrant worker in many activities sees the *adat* generally considered as irrelevant with the modernity. For them, all people should be equal in social and political lives, though there is tendency that few persons received more respect from the society. The respect is not based on the primordial basis but from their professional achievement where all people have their same chance to get it.

What is noticeable from that condition is presence of the *adat* ceremonies still present as the important event to justify particular status of the toraja ethnic group as the crucial thing in their live. Once again, it confirms that there is hidden competition or rivalry within the toraja people to prove themselves as the prominent one, not only between the lower class to the high one but also between the high rank groups where usually occur in various *adat* events. Based on those reasons, the various *adat* events including the famous one, *rambu solo,* frequently utilized by the nobles family to institutionalize their social position in their community. The event is always as events to legitimize their status as prominent and high rank people as well as to distinguished to others. It has crucial effect not only to their social position but also in the political field where it happened during the North Toraja's local election in 2010.

As event which offers high formal respectable position as the regional head government, the local election became the rivalry arena to get important and honourable position for the toraja ethnic group. It is because not only in formal term, the winner will also receive honourable respect and within their social lives. When someone occupy the position, He or She will considered as the appropriate persons related to the all requirements, including the toraja's preference of the good leader as the wisely, capable, and wealthy person. Through the region, He or She will receive two important honours at once, the social respect as Community leader as well as the formal leader. Only those who appropriate could win the competition and hold important authority from this position. The owner of this position will believed as the great people who obtain many advantages compared to the ordinary people or even the other nobles where justify by the formal laws. It made the regional election in the North Toraja 2010 where actually as an open arena to all people formally but in reality it was not all people could win or even involve. Formally the local election was as opportunity for all people including the non-nobles to compete the honourable position. It actually was a great chance and formally opportunity for the ordinary people as the low class to challenge the nobility existence as the most appropriate people.

Basically, the formal law as state authority indicator can be interpreted as a disregard to the social hierarchy system even more the *adat* existence as fundamental aspect of the toraja ethnic

group identity. In general, presence of democracy within the reform era basically has become opportunity for ordinary people to challenge the privilege of nobles under the formal laws. In other word, the local election provides disapproval of some people against the privileges obtained by the nobles. Presence of formal laws on the local election brought important justification for some toraja people against the hierarchical system that was usually done thru discourses of unfairness, anti-modernity, and even the beliefs in Christianity. Through the formal laws, state promoted issues of equality, freedom, and respect for all as important aspect to respect all people without any discrimination. It is because one of main consequences of formal laws is ask people to respect it based on all people equal before laws. The formal law actually does not care about the toraja context where internally has its own local law based on the *adat*. The condition showed that presence of democracy that formalized by the state was as opportunity for the non-nobles revivals. The spirit of equality in the local election is presence thru potentiality for all people to win. The only thing is, they should involve as candidate in the election. But the equal respect of democracy to all people became as problem for the local election as equal event in the toraja context.

Although the formal regulation allowed all people involved in the local election as candidates but it was not simple to win this competition. Since the winner will depend on the majority votes under the one man one vote system, then candidates should win majority votes. Candidates possibly will win when they appropriate to the most voter's preferences. It made, the competition became difficult for the non-nobles. With more than 80% population, the toraja's ethnic group voters became the most prominent voters in the area. Thus the candidate should be able to fit with this community requirements and preferences. The election winner can justify as the appropriate candidate based on the toraja's preferences.

As it was explained previously, the deserved candidates for the position based on the toraja people preference should be suitable to some general requirements that are related to wisely, capability, and wealthy beside the special requirements as the noble's descent. Although the requirement as the nobles family does not stated formally, but facts from the local election was confirmed it clearly. Therefore, even some people, including the non-nobles, potentially to have the three general requirements, but it was not an absolute guarantee especially for the non-nobles to be nominated as the candidate. Therefore, even in the early phase of the local election, some non-aristocrat names were touted as the potential candidate they never involve as the election participant candidate. The participants were those who were considered as the "complete" candidates. It basically can be seen as the toraja ethnic group have their own logic in

implementation of the democracy values thru the event in their context. Indeed, facts from the North Toraja's local election 2010 should be done thru the second rounds confirmed how tight the competition where was involving seven pairs of nobles-background candidates.

In the second round, the local election was only follow by two pairs of candidates. Each pair was the representation of the complete candidates. It means they were suitable not only to the formal standards but also the fundamental preference of the majority community. That fact actually no wonder had its similarity with what happened in the pre-colonial periods.

In that period, the rivalry to be the community leader or to expand lands or authority usually became tight and bloody conflicts (Yus, Interview 2014). Beyond the form of the rivalry, fact from these two periods, the pre-colonial and the recent condition, showed that the rivalry to occupy the leader's position usually involve the aristocrat families especially when the result is based on the toraja's desire. Even those were a few regional heads were lead the toraja regions where actually was a violation of *adat* but it only happens due to the toraja people were not the decisive factors at the time. It was occur under the strong control of powerful regime's that did not give significant opportunity to the local people to make decision.

Therefore, when the event currently involves the toraja people directly, then it returns as the battle between the toraja, especially to the noble descents. The local election was in toraja confirms that the competition actually was belonged the nobles. The coming of local election into the toraja's context was became a new arena for the aristocrat competition facilitated by state. It means, state was allowed the nobles descent to bold their existences in the land where in other sides showed as state permission to strength inequality during the democratization era. The existence of *adat* as the important principles for the toraja ethnic group has created as unique form of democracy for the toraja people. Within the tendency of the toraja's voting behaviour, the local election was only for the aristocrat communities. The local election was became the formal battlefield for the noble's competition justified by the state. It makes attempt to keep the nobility status for the noble people always important since it could be use as political resources to compete some political positions.

For the ordinary people, without noble's status, they consider have a fundamental weakness to participate and win the competition. Since the issue about kinship and family lines still play important roles especially for most of the toraja people, then the non-nobles will be difficult to be promoted or to get considerably support from the voters who think the candidates are incomplete candidate. A former member of one candidate team works stated:

"It was difficult for the teamwork to promote or socialize a non-nobles candidate because there are still many people in Toraja considers that a leader should come from the noble descent. If not, some people will think why we must choose him to be the leader that later will command us while he is an ordinary people and we are higher than him therefore it will be easier to promote those who have the aristocrat status. Moreover, since a candidate needs to get support from some other noble families, so the status made the approach process be easier (Gar, interview 2014).

Facts from the North Toraja local election 2010 actually reflected the toraja ethnic group pattern to select a leader for their land. The process was not as simple as the formal law's requirements. The respect of people towards the existence of *adat* as part of their social identity was the crucial factor to determine the people's voting behaviours. Basically, the toraja people have similarity in some general requirements for the prospective leaders. But due to they still admit the *adat* guidelines as an important laws that should be respected thus they involved other requirements based on that. Therefore, although the issue of the candidate social background was not as the one and only determinant factor to win, but the issue is a fundamental factor that should be owned by the prospective leader. It made the non-nobles almost impossible to win the election since beginning. The disadvantages as the non-nobles will not only difficult to promote to the majority voters but also the susceptibility point that potentially attacked by rivals. By using that issue, at least the non-nobles will be very difficult to have support from the noble families. In addition, the non-nobles will also not be easy to expect support of others non-nobles people. It is because the non-nobles voters still feel that the noble candidate have the blood of leadership from their ancestors, thus they are proper to be a leader. It was basically related to the voter's preference that would like to vote for those who occupy the complete requirements than those who do not (Ant, Interview 2014).

The dynamics of local election was toraja can not simply judged as non-democratic proses even it was mostly influence by the *adat* where result competition only between the noble descents. All process and activities during the election should be seen as the toraja people way to respect of democracy best on their context to fix it with their fundamental identity as indigenous people. What was happened in that election should be considered as the toraja best reason to vote leader. It is fundamentally related to the reason that the regent or *Bupati* is not only occupying formal position but also will receive social respected position before the majority and "owner of the land", the toraja ethnic group. It means, that toraja people preference as voters was involved *adat*'s as important guideline that make the nobles as the most prominent one. Indeed, if a noble candidate has not rich as the non-nobles in compares and both has similarity in capability and

good attitudes, the most toraja people possibly would like to votes the noble one (San, informal conversation 2014). It was their kind of rationality based on their recognizing of their context.

In psychological aspects, the toraja people feel more appropriate to be led by the nobles than by the ordinary people. It is because they will be more comfortable to give their respect to the nobles than the non-nobles leader (Yus, Interview 2014). Those explanations indicate that the gentility equipped by various posses of economic resources and others social advantages was as the main factors for the candidates to win the local election.

Moreover, when the local election became the rivalry between the descendants of the nobles then it not only was a competition among the candidates. It could be seen as the competition between certain *tongkonan* to other *tongkonans*. When candidates asked for the support and blessing from their family in the beginning, basically it was a crucial step to involve their *tongkonans* into the competition. Although it was generally considered as strategy to measure the potential initial support, but in the *adat*'s views it was considered as measures to fulfilled the social ethic aspect serves as a request for support from entire family. Through that way, candidate attempted to exploit his *tongkonan* to unify basic supports for him where it also could be use to make as deal with others *tongkonan*. Basically that figure was not a new thing in the toraja ethnic group's context. Based on the toraja ethnic's group history, this ethnic group had never been ruled by a centralized power for all regions (Adams 1998). The toraja people was separated in some small groups under a certain clan authority where it sometime involves in rivalry related to their authority, pride, and proudness where it still occurred nowadays.

When Indonesia declared its independence on 17 August 1945, the Toraja region that was dominated by the Dutch colonial government automatically became part of the new country and new regime. Even after the proclamation, competition between *tongkonans* seems often occur continually. Although it no longer took place as the bloody conflict over certain territory due to the Toraja regions has been under the Indonesian laws, but the competition still occurs in the more formal and informal events. It is including the rivalry to occupy some formal position as like as the regional government leader.

Competition to be a leader in the toraja's context is usually related to various aspect, reasons, and consequences. Besides the social structures, self-consciousness as unique society, internal perspectives of their area, and important position and various consequences of the leader then results the competition will always present rivalry among the nobles. One consequence of significant position of the leader is its effect to the social lives. In various social or *adat* activities, a leader basically should be respected properly as the prominent people. But the

respect will still based on the leader social background as a noble descent too. In terms of the regional government head, due to this position is considered as important one in formal or informal lives then the owner should be placed in the honourable place within *adat* events such as well as in daily life.

That condition seems does not seem relevant directly to the local election event. But due to its relation to the people's preference to vote then its became important as the *adat* existence influence. It is including presence of the *adat* elites as people who realize as the important actors who have thigh relation to the people. Therefore, all candidates were intended to approach others important *adat* elites to get some support. Thru their close relations based on kinship or friendship and by approaching taken by the teamwork or the candidate families, the *adat* elites became one of significant factor. Presence of the *adat* elites in the local election was not only for certain candidates but also to ensure that the toraja's voter will vote the most appropriate one based on the *adat* complete requirements. By direct involvement as part of certain candidate teamwork, the elites became prominent resources that influence the teamwork strategy. Even, some *adat* elites were not involved as the candidates teamwork but their also actively promote importance of suitable candidates who are appropriate to be voted based on the toraja's local values (Yus, Interview 2014).

Pictures from the North Toraja local election 2010 has explain dilemmatic condition when there is non-nobles intend to involve to the competition and elected as the Regent. In one side, the toraja ethnic group is community with highly respect to their leader as the prominent persons. But in other side, they also respect to their *adat* principles that asked a leader should come from the noble's descent. In their preference, persons that deserve to be a leader should be proper to all requirements that will make them as the complete leader. Therefore, a candidate must be aware that position as the regent is not only seen in formal views but also as in the social and cultural values with all of its consequences.

In this point, when the toraja are gived rights to determine their leaders in the democratic election, it will connected also with importance of certain local values based on *adat*. The changes of system and mechanism to vote that is driven by the spirit of democracy then allow the emergence of those values. These conditions turned out to be tendency of locality resurrections within the formal government regulation that occurred in various regions in Indonesia (see eg. Tyson, 2010; Li 2010). Based on some pictures from the toraja land, the North Toraja's local election actually showed paradox condition in implementation of democracy through the local election.

Intention of democratization in Indonesia to provide equal opportunity for all people to compete for the important political position instead triggered the raise of local values where seems unsuitable with the spirit of democracy itself. Some facts during the election such as the only noble descent become the candidates and various activities based on the inequality in the toraja social structure was proved it. In this sense, implementation of democracy has justified the aristocrats to strengthen their status as the prominent people. It was by completing it with the formal justification through the formal process from the local election. That explanation actually shows how local election in the North Toraja asserted competition only for the nobles. It made idea about equality for all evidently became unequal event for the ordinary people.

That condition demonstrates local election was became paradox event of democracy. It was because presence of meets should made a deal with some *adat* principles of the toraja ethnic group. Since they are majority community in the land, their preference became the most influence factor during the event. In this society context, the one and only equal for all people were the rights to vote that are regulated strictly thru the formal laws. It occurs under the "one men one votes" principle. Those situations explain t implementation of equality produce tendency of unequal condition meanwhile provide some advantages for the nobles (Ant, interview 2014).

Actually, there were certain people that might potentially become the challenger in the local election. Those were the non-toraja migrants who live in the region together for some reasons, such as merchants, businessmen, government officer and so on. Most of them are the Bugisnese, Makassarese, Javanese, Massenrempulu (*Enrekang*) and so on. Due to they are the non-toraja then they consider do not have obligation to respect the *adat*'s guidelines as like as the toraja does. Basically, since they have different values then will not make any violation within their ethnic group when they intend to run as candidate in the local election. But the local election showed that they would like to adapt the general tendency where the toraja people as the dominant and determinant in the area. They do not have intention to challenge the contextual tendency. It made them usually asked to involve as part of the toraja's candidate teamwork or even only stand as moderate community (Mig, informal conversation 2014). Their seems confirmed that the Toraja region posses by the toraja ethnic group as their sacred land. The non-toraja communities usually accept that situation and usually use term "*toraja kampungnya orang toraja*" meant "the toraja region is the land of the toraja people". It basically becomes a confession that only the toraja people appropriate to lead the land. Those facts may be seen as

unfair an unequal condition in democratic event. But basically it can be seen as the objective condition in this indigenous people context.

Formally, most requirements had been meet by candidate where there was absence of formal violation. The results then can be justified as democratic result even the local election was significantly influenced by existence of customary law. It could not blamed as violation of the formal laws or intention to ignore the state authority. There was not violation of the formal laws that indicated by justification of KPUD as the formal institution that held the election. In this point, people do not challenge the state authority. It was happen still under the state authority. It means, the state asked to handle it appropriately. In this situation, state actually does not as weak state where could not manage its people thru the regulation. Actually all regulation has been obedient formally which meant all state authority has been respected by people. Fact that during implementation of formal laws on the local election, some customary laws has been part of the game even more prominently, but it was part of how the people choose their own way to respect the state authority. Result of the election was set under the formal law indicate that state position is still prominent in the process especially to justify the result. It shows how the state position still crucial as like as Migdal (2001) indicated. Although state could not manage all the process thru the spirit of equality in democracy but its still was under the state regulation.

Fact that the toraja people would like to use local values during the election as basis preference should be recognize as their rationality. It was as their path to ensure the process will result appropriate leader to their *adat* as another important law for their context. Their rationality were by involved their *adat*'s principles in all possible spaces only where the formal law was not regulate it strictly. It was the toraja people's attempt to integrate their local values in all possible process within the formal event. Therefore, all unique facts from the North Toraja's local election were as their attitude to obedient formal laws while still keep their *adat*. In this sense, they were utilize all possible opportunities to keep their adat as symbol of their social identity during the state effort to penetrate people life. It was part of the toraja people political strategy to ensure their social identity and claim of the land as their ancestors land will still continue. It was an effort to guarrantee their possession of the land as well as their existence that should be respected as indigenous people community. Thru the local election it receive the acknowledgment based on the result where justify by the formal institution.

Since most of the toraja ethnic group and the others ethnic group that lives in toraja were involved in the event, it could be seen as people give their legitimation to the elected leader. Although the event tends provides opportunity only for the noble descent, but its results was

based on the objective toraja's context and their preference in of an appropriate leader. Therefore, the local election in the North Toraja 2010 indeed should be accepted as the toraja's democratic ways to vote their formal leader even mostly based on their unique context. In this condition the leader has more legitimation based on formal and customary laws as what people want.

In simple thing, the paradox in the condition is actually related to the unequal situation within the election where state regulates it formally. Formally, it should be done thru equal position of all people. But it was not due to the existence of *adat* that was influenced. Due to the majority seems agree of the tendency in unequal situation that indicated thru the majority voting behaviour then what was happened during the election should be accepted as a democratic process. Due to all formal requirements were fulfilled then there are not reason to reject the result as a democratic result where state also justify it thru the formal regulation.

7.2. *Adat* and issue of *"Putra Daerah"* in the Toraja Context of Democracy

One important achievement considered in the reform era is desire to implement better policy of the regional autonomy. Through some new laws its implementation intended to do better than was in the New Order era. In the previous era, although it had implemented the regional autonomy policy, but regional governments and local communities were still under tightly control of the state, both in economic and political aspects. It made the presence of regional autonomy seem only as pseudo policy where ironically lack of enthusiasm from the public.

In term of the head of regional government selection process, the lack of public enthusiasm during the New Order era was strongly influenced by two important things. First, the electoral system used mechanism involving only the members of parliament to choose the regional head. It made the process was become domain of the political elite exclusively. Facts that only three political parties was exist in that era since 1973 where *Golkar* became the regime political party made the process always controlled by *Golkar*. Together with the military represents in parliament where it was allowed by the constitution, *Golkar* became the dominant political party that controlled most of political process including to choose the regional head. Within that condition, people could not participate actively in political field. Secondly, facts that Suharto became the main political control of the political system had made the candidates not only convince the members of regional parliament but also to Suharto's desires. Therefore, although there was presence of regional autonomy imposed by the regime, but the regional leaders were

still influenced and controlled by the central government, meantime was alienated people participation.

During that situation, made the Toraja regions (before separated into two districts in 2008) has lead by some non-toraja leader. It made the importance term of *"toraja son for toraja"* or *putra daerah* (son of soil) to lead Toraja land based on the *adat* was denied. Under the New Order regime the issue of *putra daerah* was never as a crucial issue. It made the issue only occurred as a part of political discourse in the Toraja region. It was only seen as one of alternatives to be considered by the ruling regime. It was never an important issue as like as its presence in the reform era. It was because the toraja people found that the decision was the domain of the authorities and could not be resisted.

During the New Order regime, even though there were some toraja people had became the regional head but it was not as result of the process that involved desires of most toraja people. It depended on the regional head's candidate ability to meet the various requirements desired by the central government. Presences of some toraja people as the leader in the region actually was as a campaign of the regime to show as if they respected to the toraja people's unique context. But due to those were some non-toraja leader allowed to lead this region then the real intention of the regime it was not to respect it. It was only as strategy to maintain and guarantee its power and influence in all regions, including in Toraja region.

After the huge crisis in socio-economic and political aspects in Indonesia, Indonesia entered the reform era after Suharto fell in 1998. Political situation in most Indonesia's regional is change significantly including implementation of the regional autonomy by the central government. Under the new spirit of democratization within the regional autonomy, some fundamental things are changing where lead the revivals of locality sentiments in most regions in Indonesia.

The local people intended to show their local values existence openly. It occur as their social identity and essential characteristics based on religion or customary aspect in their region (Tyson 2010; Nordholt 2008). The met of desire to implement more real regional autonomy policy with presences of democratization then affected political behaviour of the local people. Presence of the *putra daerah* issue was seen as the result of that combination.

In the toraja context, the issue has accepted as opportunity to restore the concept of the "Toraja land is owned by the toraja ethnic group". It means, as their sacred land, toraja region should be returned to them, including to posses the appropriate leader. The issue then met its relevance in the context of toraja people that claimed themselves as the owner of the land and based on their

customary laws. Thus the land obligates to be lead by the "son of soil" who must the toraja people.

Within the local election 2010, the issue of *putra daerah* was emerged as one of important issues. It confirmed and explained why all potential names to be candidates were the toraja's people. Concept of the "son of soil" on that election was interpreted as someone who descent of the toraja people. Consequently, even there were others ethnic group living in this region for generations, but they considered inappropriate due to absence of the toraja's bloodline. It means that candidate must be a descendant of the toraja's parents either both or only one of them. It shows that the bloodline became fundamental aspect in this issue. The meaning is strongly associated with the toraja ethnic group's claim as the native in the region based on their socio-historical justification that proclaimed through *aluk* or *adat*.

That claim becomes effective within facts that this ethnic group is majority. It made them as the most influencing community in this region. This issue was deeply used existence *adat* to strengthen the majority ethnic group position and control to the field as well as to minimize possibility of the non-Toraja involve in the competition. That condition explained that since beginning the democratic event has facilitated the *putra daerah* issue for the toraja people even it regulated to formal law. As implication, almost impossible for the non-toraja to be a leader in the regions, especially under the current local election system (The, interview 2014). It was actually related to the determinant position of people in the direct election mechanism under the principle of one men one vote where the toraja as the majority voters.

That facts demonstrate democratic process in the North Toraja's local election 2010 were dominated by the majority ethnic group in the region. It makes the majority ethnic group played important roles during the process. Even there were a few roles played by the non-toraja people in that competition but it was only part of the mobilization efforts made by the toraja elites for benefit of candidates who were involved in the election. There was no effort of indication from the non-toraja people to mobilize their community as the migrants to challenge the toraja ethnic group's domination. The migrant community recognize their unfortunate position to compete then accepted the toraja ethnic group domination. There is almost no chance for the outsiders to take advantage in the election due to the *putra daerah* issue. The issue was eliminated all non-toraja potential candidates even they have has lived and settled in the Toraja region and may have done a few important activities for the region. Due to they have no kinship relation to the majority group then they are always regarded as the outsider and the non-appropriate people.

Moreover, even the non-toraja intends to try collects support from all non-toraja people community by using issue of migrant unity it will still defeated. Since They quantity all together are only around 20 percent in compare with the toraja people, it will always difficult to challenge the majority community.

Those conditions indicate presences of unique local context in the form of *adat* and fact that the toraja is majority community in the land had made form of democracy in the North Toraja's electoral process in 2010 result unique pattern. Implementations of the direct election system in the local election that attempted to provide equal opportunity was not succeed. It was ignored due to existence of *adat* that restrict the non-toraja opportunity. It made the toraja ethnic group proof their domination in the region.

The domination in quantity and presences of *adat* as the prominent factor showed the competition was as imbalance competition. It was not only for the non-toraja people but also for the non-nobles within toraja people. It was showed that idea of democracy through some formal laws does not automatically generate equality and fairly opportunity for all people in the region. Facts from the North Toraja local election in 2010 showed that the equality brought out the revival of the toraja ethnic group's domination. In other words formalization of democracy in the local election was used to utilize the non-formal values domination based on *adat* in the North Toraja.

If the presence of *adat* effects is usually considered as part of non-formal or social activities and rituals, based on facts from the local election that regulated thru formal law, its presence indeed became the prominent factor in the formal event. The success of *putra daerah* to dominate and win the local election in 2010 made the toraja ethnic group receives formal legitimacy as the most appropriate leader for their land. Thus, it was difficult to sue the "son of soil" issue in the North Toraja election 2010 as a way to narrow the field of democratic and political actors to simply secure the political field as their domination. Furthermore, tendency of ethnic group dominance and the unequal rivalry could not be simply considered as non-democracy indicators. It was happened due to the objective condition in this region that influenced the voter rationality in democracy event.

Significantly, the direct election in the Toraja context could not be understood only as a formal democratic process to select a regional head. The election must be seen also in related to the toraja objective context as a unique community based on their *adat.* At the end, how the toraja ethnic group as majority community is interpreted their objective condition into their voting behaviour must be seen as the result of their attitude to democracy implementation in their land.

If the local election seems to become a formal process to confirm their objectives condition based on the *adat* guidelines, then it should be accepted as their unique rationality as indigenous people. It also could not be separated from importance of two laws for the toraja ethnic group during the local election and even after the election, the formal law and the customary laws.

7.3. The Importance of the *Adat* Legitimacy for the Regional Government after Election

In general as fundamental aspect, all government form requires certain basis for its authority and power existence. Based on the presence of appropriate legitimacy to a form of government that is accepted upon the public then will allow maintains its existence and public support at once. It makes legitimacy become a fundamental requirement that should be owned by certain form of government in any level. Without legitimacy the government will meet difficulties to implement their policies due to people will ignore it.

As legitimacy is known generally as a concept understood as "the attitudes of an entity which can be accepted" (Higgins and Gulati 2006 after Rao 2008:59), then thru legitimacy a person or institution can perform various actions that will affect public even they actually do not agree with that. It indicates that legitimacy will always associated with acceptance of society in term of formal or informal form to regulate relationship between the state and citizens or between leaders with the followers. The indication then makes legitimacy to be usually associated with presence of certain power or authority.

So far, legitimacy is often associated with a regime or a particular form of governmental system. It makes legitimacy usually associated to the formal basis of government. Therefore, an institution, including the government, which has formal legitimacy, is commonly called as the legitimate institution. By owning appropriate legitimacy, an institution formally has the rights to rules. In this sense, the rights means to possess authority deploy various rules and seek to secure the appropriate goal by incorporating aspects of sanctions for non-compliance and rewards for compliance against the authority (Buchanan and Keohane 2005). Presences of sanctions and rewards associated with level of compliance. In understanding of legitimacy made it usually associated with a legal system that asks people's obedience as part of the legal system existence. All government or a system of governance policy and regulations then will have justification that binds people as an obligation. All legitimate government actions or attitudes then will considered as attempt to perform its functions appropriately, even it might protested as inappropriate policies.

Legitimacy provides justification for all government action and their interpretation of the rightness for its policies. In this point, domain of legitimacy concept is between normative agreements through people who show their full support to the legitimate institution (Buchanan and Keohane 2005). Therefore, when public agrees to the legitimacy of a particular institution or system of government that is resulted through a process of "people agreements" or on the "benefits received", people will justify it through their obedience toward the government (Gelpi 2003; Tyler 2006 after Skitka et al. 2009:567). Moreover, importance of legitimacy also relates to believe on it as an obligation to comply at once to replace personal moral standards as the primary basis (Kelman & Hamilton 1989 after Skitka etal. 2009:567). It means without legitimacy an institution, including the government institution, will be ignored or even hard to get obedience due to people have not any moral reason of it.

When the public acknowledgment becomes one of the important aspects for emergences of legitimacy, then context of the community will also play an important role in the presence of legitimacy. Indeed, existence of a government institution will usually need a legitimacy based on formal regulation as an important aspect. But in context of particular community, the formal legitimacy is often not enough to ensure existences and success of a government system. In some context of particular communities, the formal legitimacy could not as the sole source for the government's existence. In effort to guarantee people obedience, it also need people's acceptance based their informal aspect that usually occurs in some form as indicator of certain fundamental local values existence. It is because the informal legitimacy often also becomes important part of society in order to obtain adherence as well as to ensure continuity and effectiveness of government's policies. Moreover, role of government also requires consent and adherence to other sources of community that comes from community's faith contextually as the source of legitimacy of the non-formal legitimacy.

The non-formal legitimacy usually comes from local people's habits and culture associated with their historical source and authority of local value. Therefore, it is always sustainable due to its part of their dynamics of life. It shows there is other legitimacy besides the formal legitimacy related to the existence of a government. Hunt and Smith (2005) stated that governance can be broadly defined as a process and structure, both formal and informal in which group or community of people are making decisions; distributing and executing authority and power, determining the strategic objectives, regulating the behaviour of communities and individuals, developing institutional rules and responsible for it. It makes process to make any decision is possibly influenced thru both basic legitimacies, the formal and non-formal at once. In terms of

indigenous people that usually have their laws system internally or the customary laws, it makes them usually meet with presence of the two laws related to existence of local government in their regions. When there are two fundamental laws, the formal laws proposed by the state and the customary laws based of the unique context of particular community intersect in the same time. It then becomes a legal pluralism situation. It will potentially become a tricky situation due to they have respect both due to a violation believes will brings some undesirable consequences for them.

Within the Indonesian current context where regional autonomy has allowed existence of local values and goes along with democratization initiatives. It then has created a legal pluralism space related to some important political activities in the region. In the context of local election, the democratic process to produce a legitimate government potentially that appears the legal pluralism situation, including in a context of indigenous people community. That situation will be more intense in the regions where there are certain indigenous people that claim the region as their land based as ancestor's heritage. In that context, the legal pluralism situation should be treated appropriately due to the situation will affect people's live including the election process as well as the result after as one of important democracy event in the region.

Since in the regional autonomy schemes, the local communities are considered as the most knowing of their region then involvement of the public in various social and political processes becomes a necessity (Hoe 2012), thus they will behave based on it in the local election. Therefore, their local values usually will play as important roles during the event. Those conditions then pushed both of laws to found an equilibrium point to ensure there will not crucial violation during the democracy process. In this point, indigenous people have their own values, requirements, and methods for selecting an appropriate leader, even the formal leaders. It is usually related to their belief of particular customary principles in determining the leader. On the other side, the formal laws rules have its own principles about how to select the regional government leader based on how they interpret the democracy. As the state's institution, government is considered as the highest agreement of people including its legitimation to represent people. Therefore, the government laws should be respect by all people as the highest rank of laws in the state. It then rises the dilemma related to how people should react it properly due to potentially will bring big effect for the government system and also the community.

The election from North Toraja 2010 showed that it has strong connection with issue of legitimacy even after the election. Presence of *adat* as one of basic legitimacy resource is not only as a pattern of the appropriate leader. It is strongly related to importance of non-formal

legitimacy to regional government. It is happen due to the non-formal legitimation will affect its existence, continuity, and effectiveness based on how society will support it during its period after election (see eg. Yunus and Sukri 2014). Therefore the local election in the North Toraja 2010 was also as the process to ensure the result will be suitable to non-formal standard for legitimation based on the *adat* requirements. It means the event was as the procession of a candidate to be the leader based on both legitimation sources. Without those legitimations, government that leads by an elected leader will not get fully support from the people. It was because political process within the framework of democracy in form of local election could not be separated from objective conditions of the toraja community. It means, existence of *adat* have a potential disrupt if it is ignored even if the election has fit with all of the formal laws. Indeed without the formal process, a formal leader could not be justified as the legitimate leader due to the election should done thru the formal laws but absence of *adat* legitimation will affect the government after election before its people.

In this sense, the customary law is also a fundamental norm that has strong influence on society because it has consequences for people who hold them (Burns 1989). Indeed, it is related to how community will accept and comply the future elected leader resulted thru a democratic process regulated by the state formal laws. Therefore, even the formal regulations require people respect the formal mechanisms to select the leaders as formal legitimacy requirement, but for the toraja people it is not yet enough. The leader should have legitimacy of *adat* too. For the toraja ethnic group, once someone occupies an important position as a formal or social leader, it will relate to the leader social status and how people should behave appropriately. Therefore, process to select a leader becomes more complicated due to the toraja is an indigenous people. They must ensure the process will suitable not only to the formal laws but also for their *adat*. It makes the democratic process was not only seen as a formal process but also should consider as way to affirm the local values where both have consequences on the elected leader legitimacy as well as existence of the government. Although, the final results of the election was depends on the people vote, but the process can not ignoring the local context. Side by side, the two sources of legitimacy are very likely to be used to control the government effectively due to both have its consequences, the formal penalties and social sanctions.

Basically, the presence of two sources of legitimacy based on two legal systems for local governments in toraja region can be viewed as a condition that requires goodwill to collaborate both. Presence of both laws is the fundamental asepct of the regional government's legitimacy in the toraja context. Furthermore, it can be as opportunity to strengthen democracy's existences as

well as to sustain the social identity of the toraja people in the land. In addition, all government activities will regularly controlled under the two important guidelines. For the Toraja people, violation of *adat* as local guidelines regarded as a taboo that is inappropriate and unusual. An offense is believed influential on their presence where potentially lead emergence of social sanction. Undertaken of taboo will lead disgust of the community so offenders will be embarrassed. In the context of toraja, if certain family ever makes a mistake where it is widely known by public as a violation of *adat,* then it will not only result social sanction to the violator. It will also befall to the family and their descendants even further.

It makes, presence of both legitimacy resources is believed to maintain compliance and support of the people in the system of government. Absence of one of them will make society acceptance to the existing regime will probably decrease. That condition would continue to disrupt the existence of government even formally has its legitimacy. Thus, formally the regional government in Toraja region indeed will have legitimacy based on the formal legal aspects, but will be considered as less of illegitimate based on the customary law.

It means, one significant things for the toraja ethnic group about the leader in their region basically can not seen only merely as a leader due to results from the formal electoral process. The toraja's uniquely context with their *adat* existence has forced the election not only to fulfill the formal aspect. It was also to get informal legitimacy thru fulfilled the *adat* requirements to confirm the formal laws as well as the socio-cultural believed of society.

Actually phenomenon from the North Toraja election in 2010 was as presence of state dominance thru its formal authority but had modified by the toraja ethnic group thru their own preference based on *adat*. This condition seems occur seems because state power is not succeed to eliminate others fundamental norms in the community. Some local communities have successfully to keep their local indigenity during all regimes. It is seems only matter of time to return as the prominent aspect in their land and receive respect also from the state. Therefore, when the reform era occurs with the wave of democratization in Indonesia, the localities then has opportunity to return (see eg. Tyson 2010) where will make implication to the state position as the formal owner of the authority to regulate people's life. In this situation, democratization in Indonesia actually has makes state position should compromise to the context of localities. The compromise is not as the challenge to the state authority but asked for respect from the state. It means state is still in strong position. It occurs thru people obedience people to the formal law that regulated the election. Meanwhile state should also open opportunity for locality that allowed existence of some customary laws to show its existence where state could not fully

ignored. It possibly seems as the state allowed the diversity exist but not as the opposition of the state autohrity but only as the state goodwill to allow localities exist as like as their uniqueness.

In this condition, the election is the opportunity of indigenity to return as prominent aspect where inderectly allowed by the state. The return of locality looks as unexpected event. It seems state was only wanted to provide a space to involve people in the political process actively. But due to the toraja's *adat* is not ever dissepear from their context in the land then it immediatelly return when the opportunity coming.

That condition actually is proofed two important things. First, the adat is still as important part of the toraja ethnic group identity where it still exist parallel with the identity existence. It means, the state is never succesfully to hide and reduce important aspect of locality even thru the Indonesian national jargon *"Bhineka Tunggal Ika"* (*United in Diversity*). In this sense state was seems relatively weak before its society. Second, the state basically was provided opportunity for the locality to proof itself as fundamental aspect in the region. It could be interpreted as the *adat* was legitimated formally by state. It was made *adat* return to the field where seen as its strong position thru the formal process. It means, *adat* was utilise opportunity thru implememtation of formal laws in regulated the local election where state position seems weak before the diversity but still strong in the same moment based on the people obedience on the formal law.

Chapter 8
The Future of Democracy in Toraja

8.1 Between Centralism of Law and the Legal Pluralism in Toraja

The local election from the North Toraja 2010 shows that the legal pluralism condition was a tricky situation. That was an effect of the presence of two legal systems, the formal law and the customary law that are basically important for the community where both have its consequences. Basically, since the formal law as state product appears more dominantly than the customary laws then the final result of the election must fit with this law. But when there were some activities that are not regulated strictly by the formal law then various principles of the customary laws had been inserted in some important activities. This situation appears as one of unique characteristics in the modern state where a state becomes the centre of system regulation that is realized through various regulations or formal laws. It makes government as the state embodiment has enormous authority to regulate various aspects of people life. The form of state existence has made its legal system to dominate all aspects of public life. Consequently all of its products must be obey by the people. Related to the presence of state, there are two scholar perspectives that tried to explain it.

First is a thought that is influenced by Hobbes perspectives. According to his views, the people's obedience is based on the fear. Government can exert its authority using sanctions as the primary basis to enforce its authority. It means that people's obedience to the state is caused by the fear of people towards the sanctions for all forms of violations. This point of view seems to explore the human psychologists to afraid for make any fouls (Laski 2000). Second a view influenced by Rousseau shows a different attitude from the Hobbes side. According to this perspective, the observance is based on the people's approval. People obey the state for believing that they would get the reward when obeying the state in form of freedom and protection against the possibility of anarchy actions from other people by the state. Thus, the obedience seems based on volunteerism on a belief that people's life will more secure through the obedience.

Based on the both perspectives, the obedience to the state by admit the formal laws will results some consequences for people. It should be accepted in order to avoid possible conflicts and anarchy that will potentially harm itself. Therefore, the laws will be deemed as an approval of the public against state's authorities to keep their life secure. Therefore, adherence to formal law has become an imperative for the community where it tends to become dominant in the social community. But at the same time, in the context of certain community that has another different

system of law, such as customary law like in the toraja ethnic group's context, presence of the formal laws will result various pattern of people's obedience based on their own reasons.

Since the customary law for the toraja people is based on their ancestor's heritage and believe as the way of gods live then its righteousness is respected as a trustworthy guidelines for them. Therefore they are continuing to use it as part of their fundamental patron beside the formal laws. It shows that the toraja people are in a situation to adhere two legal systems with variety of reasons at once. For the formal laws, the toraja people are still considered themselves as part of Indonesian nation that should respect the government laws. It is related to ensure that they will always be protected under the state laws as well as to prove their respect to the state authority. As for the customary laws, they keep it due to it is part of their social identity as an indigenous people as well as their attempt to keep their ancestor's heritages as a sacred legacy where it potentially brings some curses for any violation. Actually, that situation will not become a dilemma if both regulates same object in similar perspective. It happened in the North Toraja's local election 2010 because both regulate an important event but have some fundamental difference point of views. The legal pluralism situation actually showed how important the leader for the toraja ethnic group's context related to their *adat* existence but should be done thru the formal law principles.

During the event, the formal law was asking an obedience of entire community as citizens to the government. In this position, adherence to formal law is an obligation. Therefore, all non-compliance will be punished as violation to the law or even considered as resistance to the state authority. On the other side, as part of the identity and fundamental principles of this community, the customary law has become an important thing that should be hold by this ethnic group. As similar with the formal law, the customary law also demands people obedience. In this view, a violation belief will potentially cause punishment from the gods as "karma". With the strong relief of toraja to the *adat* presence makes compliance to customary law will be seen as a respectable attitude of society that related to people respect. For the toraja people, getting disrespect of the society is embarrassing because it is associated with their proudness and prestige. It will affect not only those who commit violations but also towards their families and descendants. It makes the violation does not have implications for the life of the present time for the offenders only but also to their next generation. The toraja people usually will remember continuously the violation of *adat* that is done by a person or family. The false will impact the ancestry even far after that moment happened. It means, the family will always be remembered as the violater to *adat* as the fundamental principles. Continuity persistence of customs as

important part of the toraja people is reflected by various *adat*'s events. It make violations will be remembered by the toraja people until next generations.

When various *adat*'s ceremonies are continuously conducted then the *adat* principles will deliver continuously to the community. It makes customary laws to be always present as one important part of the toraja ethnic group's existence as an indigenous people. Therefore it will be almost impossible to separate the toraja ethnic group to their *adat*'s guidelines. An informant indicated it thru a parable sentence:

> "The adat's existence will only disappear from the toraja people if the water in the Sa'dan River has stopped flowing." (Yus, interview 2014).

That statement actually confirms that *adat* believed will exist within the toraja ethnic group as like as the *Sa'dan* River.[4] Consequently the toraja people's life will usually come into two laws associated with their position as indigenous people as well as the Indonesian citizens. That condition can not be rejected by the toraja ethnic group in a context of modern nation state where the state has its sovereignty while they still exist as a community group with some uniquely thing as part of their social identity. In this point, the legal pluralism condition potentiality will occurs in various parts of their lives.

In context of the current local election system, the nature of formal laws usually regulates the community in general. In term of the local election in almost all parts of Indonesia, it is present as tendency to force people to accept the truth of democracy as the "only game" based on the state's interpretation to manage the government and community life. It is seems happen without seriously admit to certain unique law's existences in the some local people's context. On behalf of the necessity to comply the state authority, the toraja people are then forced to abide by the system. As a community that has its own legal system from beginning as part of their existence, the condition makes their own legal system to receive pressure from the legal system of the state. It evokes some problem related to people's behaviour in practices of both laws in same time. Although the existence of customary laws has become part of the indigenous community's existence but it does not change the condition where domination of formal laws even what it has regulated as the new thing for the local community. It seems that the formal law becomes a dogma that is difficult to be rejected by people because the state as the authorities puts it as the good and appropriate regulation for all people. In addition, to ensure the obedience of people, the

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[4] The *Sa'dan* River is the longest river in the South Sulawesi where it flows in the Toraja region through three others regions: the *Enrekang*, *Polewali Mandar*, and the *Pinrang* district. It is also as the important thing within the toraja ethnic group's history.

state formally is allowed to press all people even thru the repressive actions. Therefore, the state can control people to adhere their interpretation of the legal system, even though it may result to incompatibility with the other existing legal systems that are used by the local people that even exist far before presence of state within the local communities. In simple terms it can be seen as an effort submission by the state through marginalization or even neglect the importance of the existence of some legal system owned by local people, such as the customary laws. In such situation, the position of local laws that exists in the community in the form of traditional values or other forms such as religion is viewed as a sub-ordinate to the state legal system.

The necessity to comply the formal laws is based on the understanding that the state is the highest representation in the context of public life. State is seen as a unifying aspect among all individuals, which then leads to a common desire as something more real than the desires of the individual. Thus the state is seen as a representation of the wishes of all individuals and communities within its territory (Bosanquet 2001). That understanding seems to indicate that the integration of the various desires of different individuals in a common desire is embodied by the concept of the state and considered as a good and right idea to guarantee the public welfare. As implication, a respect to the formal laws is seen as good attitudes. It suggests that there is important aspect of morality in regulating individual and society. It shows that the concept of the existence of the formal laws is very close with the moral aspect that is accepted as a truth about the importance of community to set (Nozick 1999). It gives legitimacy for the state to regulate people's attitudes as an effort to achieve the common desires. The opposition stands to the formal laws will be formally associated and regarded as a denial of the people's desire to be good and true.

Existence and position of some customary laws for the community are seen as something that is not commensurate to the formal laws. Adherence to formal laws is an absolute aspect in respect to state authority. But at the same time the state seems to comply with the some local system of laws that exist precisely based on the state's permission. Basically, if the state will, all customary laws can be declared as the restricted one that unsuitable or contrary to the state laws. It is possible because the dominant position of state in interpretation of the legal system that is suitable to be applied. But since many communities that have lived with their some unique legal system as part of their existence even before the state presence then make state should put them within their interpretation. This point became the point of view of the Indonesia's founding fathers. Consequently the presence of customary law never fully disappears and still become important part of certain community's existence. It makes the indigenous people such as the

toraja ethnic group will always be confronted with dogmatic condition to accept the formal laws because the law represents an idea about something that is right and truth for al people. This is the truth condition faced by the toraja ethnic group.

When the customary law remains a part of the characteristic, identity and custom of the toraja, they always will be dealing with the legal conditions of pluralism because at the same time they remain a part of the Republic of Indonesia. This condition is very likely to continue to be an important feature of the dynamics of the toraja ethnic group's lifes in their land, including reacting the coming of democracy as part of implementation formal laws. Demands to respect the election will lead the toraja people playing their roles as a citizen that require to obey the rules, on the other hand they are also toraja people with all the consequences of the existence of customary guidance that also serves as a legal instrument guiding, the right behaviours, and the right belief in the moral values of their belief. In this condition, the toraja people should follow certain parts of the formal law on the grounds and will try to abide by the customary laws with other reasons.

That situation opens a path for toraja people to find reasons to justify their action and choice to obey certain parts of that two existing laws. Facts that all laws, either formal law or customary law, provide certain opportunities to be exploited in justifying this action to make the presence of the two laws in the local elections have shaped discourses shopping conditions. In this condition, the toraja people will move from one law to other laws based on their desires to justify all of their action as the right and proper one. Therefore, during the local election, at a certain moment, the toraja people may use formal law's justification to support an action. While in other conditions, customary law may be used to justify their choice although it is still in the same context. That condition is very difficult to be avoided from the democratic process in the context of the toraja region.

Democratic process to ensure people realize the concept of people rule in the direct election system is not able to break away from traditional value's involvement in the process. Moreover, tendency from the local election was actually dominated by efforts of candidates and the toraja people to involve indigenous elements, because they considered those as more appropriate strategies during the election process. That condition then provides that presence of the state through formal laws as representation of dogmatic truth does not necessarily eliminate the other "truth", which is believed by the toraja ethnic group as an indigenous people. This condition forced the toraja people to show their unique pattern as their rationality within the election. Their rationality was more related to how to make the election will be suitable with their culture. It

means the advantage for them was about presence of the appropriate of the toraja people as the elected leader who are suitable with the *adat*'s principle requirements. Therefore, their rationality was about how to act properly between the two laws. The toraja people choose various options of the truth discourse based on the interpretation of the two laws to justify their attitudes. In the local election, the system prevailed in the process of the direct election mechanism basically has given rise to the enactment of discourse shopping's conditions for each actor involved. When the system of direct elections puts the final decision to the highest number of voters then people will have diverse preference to make decision. In this point, the formal law actually has opened the gate for *adat* to be involved thru the voter's preference. It makes the democratic process in Toraja will continue to involve the two important laws. Under that condition it can be said that process of institutionalization of democracy in the toraja region will be characterized by the pluralism legal condition.

Thus, phenomenon from the North Toraja's local election 2010 basically shows that although the idea of democracy desired by the state thru some formal laws, presence of unique context as indigenous people thru the customary law certainly affected its dynamics. The facts that event in Toraja region was likely a model of democracy resulted by the effort to respect the formal laws and the attempt to still use the customary laws as an important aspect. The formal institutions are formed through a democratic process such as local government would be absolutely fit to the formal laws. But the ideas presented in some process, strategy, and form of people agreement is not merely as set out in the formal legislation. The concept of people rule thru local election indeed should be realized because the formal law regulates it as an obligation. But the meaning of the rule in relation with people voting behaviour as well as the processes that accompanies these dynamics will be strongly influenced by what the toraja people's perception of the appropriateness leader where it was greatly influenced by the *adat* guidelines. Thus, some aspects of the constructive ideas of democracy in the context of local elections may look same as the other areas. But the meaning of the process and the process that occur possibly will different. It is because the toraja was not only putting it solely as a process to fulfilling the demands of formal laws but also an important part of their way to determine the appropriate requirements for their territory regarded as sacred land. The event involved some reasons related to their objective context; therefore it was unsurprisingly when the proudness, prestige, kinship, social structures and more cultural symbols occurred during the event. The pattern by the toraja people during the local election has showed how the coming of democracy into their region was addressed wisely based on some internal reasons without any open rejection to the state authority.

The existence of indigenous people in Indonesian region where recently it becomes the influencing factor in social and polticial fields actually also has its significance with the Indonesian historical story as a nation, although the birth of the Indonesian nation is seen as a strong national spirit pledge to form a unity. The unity indeed will bring all variety of different backgrounds of socio-cultural identity under the new nation but it does not mean that ethnicity disappears from socio-political life in Indonesia. The ethnic's identity remains embedded in the discourse of the nationalism of Indonesia although the independence is related to the civic nationalism that transcends of the narrow boundaries of ethnicity or religion bulkhead (Riwanto 2007). In this situation, the founding fathers of Indonesia intended to put the diversity's existence into the new system as a modern state by leaving some spaces to the traditional leaders and customary laws in various contexts of society (Holleman 1981). It shows that even though there is a presence of modern state in Indonesia but it never eliminates the entire local law system, such as customary law or religion as an objective context of Indonesian society. Therefore, there are many communities still live with their unique system of life's pattern as their basic principles such as the toraja ethnic group.

In the context of toraja ethnic group, the situation will basically lead the continuity of legal pluralism condition in their context. The strong position of state law while the *adat* still exists as part of this ethnic group identity will make the two laws still present together in this community context. Both laws will continue to be adhered under some reasons that are possibly different. State law will be obeyed as part of a consequence as part of Indonesian state and in order not to be considered against the state authority. In addition, adherence to state law will also be completed with fact that the justification and legality from the state will always needed by people related to their various activities. As for obedience to the laws, the customary law will continue as part of the fundamental identity of the toraja people that regulates many aspects of this ethnic group's lifes. Without the existence of customary laws or *adat*, the existence of this ethnic group's believe will obscure their identity. They potentially will lose their existence as an ethnic group community. Therefore the toraja ethnic group's existence will always be related to existence of *adat* as their ancestor's legacy.

By concerning this condition, it is almost certain that the future of democracy through a variety of processes applied in this region will continue to meet the condition of legal pluralism. Therefore, it will be impossible to separate the various behaviours associated with the toraja people culture included in the realization of people rule adopted in the concept of democracy applied by the government. The dominance of state law in implementing democratic values will

be met with the unique perspective of the toraja people that will affect the existing and continuity of democracy in this region.

Thus the phenomenon of the democratic process in the North Toraja should essentially be seen as a condition of the attitude of indigenous peoples to the values, which are legalized by the state. Magnitude of the influence of local values is associated with the objective conditions in the community. If local values are still quite strong and influential in the local people lives, the system will also be a very large effect in influencing people's behaviour. The influence is included in addressing to other things that comes from outside even if it is coming from the powerful authorities like the state. What was in the North Toraja's local election basically indicates this condition.

Although in the end the formal law still seems to be dominant in regulated various processes during the local election, but the reasons used by the toraja people was actually based on the *adat*'s principles. In the context of democracy, for the toraja people it basically would encourage them to be able to put themselves with good attitude between the two laws that govern them. Thus the need to obey the formal laws, desire to be obedient to the guidance of customary laws, and penalties or consequences that will arise as result of violation against both laws has been marks the democratic process in the Toraja regions.

8.2 Re-interpretation of democracy based on the Toraja Context

The local election was in the North Toraja in 2010 showed manifestation of democracy imposed by the state apparently showing the dynamics of how indigenous people behaves within two fundamental laws. Thus, the local election process that formally regulated by the state is not merely walked just in the formal logically and the suitability of the formal requirements. The dynamics of the North Toraja elections 2010 showed that the toraja ethnic group as the majority and dominant community had inserted some of their *adat*'s principles during the process. This condition arose as a result of the election system that is formalized by the state as well as the objective condition of the toraja people that influence their common preference. Therefore, the local election was as effort to realize the people's rules turned out could not be seen as fully formal activities. Although it was carried out in orders of state regulation, but the process influenced significantly some principles of customary law. Thus, the local election involved not only the meaning of democracy of the state, but it also involved a perspective and appreciation of the customary's existences of the toraja people. That fact then brought out one important

question, whether the prominent influence of the *adat* principles in the local election can be regarded as the democratic process as an effort to realize the people rules?

For the toraja people who live in the Toraja region, inclusion of customary guidelines in the electoral process was the form of their attitude to the coming of democracy from the state. Based on consideration to their objective context, the event made them stand between two fundamental laws. The condition basically showed how the toraja in the end opted to obey both by using the logic of each law alternately depending on the intention to justify every act they took. It then results some unique strategies, actions, and reasons as part of toraja people rationality to fit within the two laws

The condition seems to indicate that democratic process in Toraja was largely determined by the presence of the toraja ethnic group as the majority community based on their indigenity. Although many scholars may see that kind of phenomena may not be a very significant factor in the political dynamics in several parts of Indonesia (see eg. Liddle and Mudjani 2007), but in some other areas it remains as one of the important factors that affect the dynamics political and social communities (Hooe 2012; Tyson 2010; van Klinken 2010).

In the Toraja's context, presence of adat as the prominent factor must be recognized as important context for the existence of democracy as the state desire. It indicates a message that the democratization in the Toraja regions will continue as far as it can be suitable within the local context. It means its coming should be accepted by most people based on their preference. The existence is likely to persist over time as part of the toraja ethnic's uniqueness. It also should be recognized as the logical effect from the implementation of some formal laws to frame democracy as the state policy when meet with the some fundamental local values as like the customary for the toraja people. It should be seen as the toraja's way to realize their desires within the democratic event. That phenomenon is laid down an understanding that it was the toraja people's way in realizing democracy. Therefore, it should be considered as a democratic process by embracing the distinctive perspective of toraja people.

By considering understanding that democracy essentially provides a way for the people to govern their region it then only needs to adjust how to run it. But reason and choice stance used by the community in creating a formal process defined by the state should still be submitted to the people. It is placed in the understanding that everyone in the community has each form and reason to make it happen. Therefore if the state tries to force a homogenous way and principles in determining the choice, then it is basically could be seen as a denial to the idea of democracy itself where it provides freedom for people to determine their reason. In condition of

embodiment of democracy, it is not only placed rigidly in the formal standards but still have to see how the community context and objective response. Therefore, the phenomena of the North Toraja's local election in 2010 remained to be seen as a democratic process even though some process was done by the reasons and uniquely way of the toraja ethnic group. By understanding this condition, it can be understood how the form and future of democracy might occur in the Toraja region.

Within the context of local democracy in Indonesia, the tendency from the Toraja region is basically a reflection potentiality of democracy form and future. It also probably will occur in various parts of Indonesia where some fundamental local values influence the democratic event. Indeed it is only likely to occur in areas that have similarity to the toraja ethnic group although perhaps it might be not exactly same. But tendency that some particular communities use some local values to influence political process, such as local election could not be ignored. Some cases have showed it clearly.

One example is from the Papua province local election 2013. The case from this province to vote for the governor indicated similar condition. While the toraja local election was influenced by existences of *aluk* or *adat,* the event in Papua was influenced by an indigenous system called *noken* system. It was found in a few districts. Actually *noken* is a traditional net-woven bag using orchid fiber, Yarns spun, and bark. Various indigenous ethnic in Papua use it as bag for both daily and special purposes. The indigenous people use the bags to carry a variety of agricultural products, as a baby swing or baby carrier, a storage/carrier of important documents, student bags, and during cultural occasions like as souvenirs and symbols of affection/brotherhood to be given to others. However, there was anxiety among some stakeholders that *noken* system harmed the principle of one men one votes using in secret ballot, since the *noken* system allows for proxy and open votes (Anfrel 2013).

Other case is from a few local elections in 2005 and 2010 in the North Sumatra province. It was also involved some local values such as social identity. Even it was mixed with various pattern of elite's desire to mobilize people support, but fact that it also utilized various existing local values could not be denied (see eg. Tan 2012). Another interesting phenomenon can be seen from the return of the *Sultanate* in the North Maluku province (van Klinken 2001) or the rise of the *Dayak* ethnic group in *West Kalimantan* political field as the important political phenomena within dynamics of democracy process in the local people (see eg. Erb and Sulistiyanto eds. 2009). The fact that it happened in the elections that produced a variety of forms of tendency

such as undemocratic elitism, the dominance of political parties, the spread of money politics are basically present simultaneously with optimism towards democracy.

That condition would not be regarded simply as less democratic phenomena or even anti-democracy. That conditions basically can be understood as a recently form of public response on the system applied in supporting democratization agenda in Indonesia. Public response of course is adjusted to the trends in the region. In the end it should be seen as an option that has its own rational reasons related to the fundamental aspects of the social life. Thru this understanding, the presence of democracy in Indonesia probably produces different patterns in every region that is considered as the form of particular community rational behaviours. Emerging inclinations indeed is democracy to always meet the local context that is very likely to join related or deliberately involved by local people as a form of their reception. Thus, it is conceivable that the future of democracy in various parts of Indonesia, including in the Toraja regions will always be associated with the existence of local value-existence, which still has a strong influence in society as part of objective condition of certain community. This could not be avoided if democracy does want retained performance unique contexts of society in various parts of Indonesia.

Chapter 9

Conclusion

As diversity and multicultural country, Indonesia is consisted by diversity of social identity and cultural uniqueness of the various communities. It contains hundreds of ethnic groups, varieties of unique cultures, languages, symbols and so on. In this sense, the diversity could not be separated from various Indonesian people life. Consequently, dynamics of communities in many areas usually bring diverse norms continually as fundamental aspect of certain community. It then results the legal pluralism condition where two or more important laws. It is ask society compliance to that condition where has been occur even before Indonesia proclaimed as independent country. Therefore, it is very common for a meeting of the formal laws that is proposed by the state and some customary laws in many regions, especially in certain community such as the indigenous people. It means presence of legal pluralism in Indonesia should be considered as an objective fact and could not be ignored as it had been recognized by state since the early days on Indonesian Independence Day.

When finally Indonesia became an independent nation since 17 August 1945, the new regime inherited a lot of legal systems and rules from the Dutch colonial system. The founding fathers of Indonesia also noticed that the diversity of custom and cultures embodied in the existence of customary laws in various parts of Indonesia as were in the colonialism period. Thus the founding father proved their respect by promoting the jargon "*Bhineka tunggal ika*" or "unity in diversity" as part of the state ideology. The recognition also has been stated implicitly within "*Undang-Undang Dasar* 1945" or the Indonesian constitution. It means since beginning the state has recognized the existence of various local values and social identity as well as the indigenous people as the unique communities that own some fundamental way of lives, including some customary laws.

But the shape of state's respect indeed will depend of how the ruling regime wants to implement it is indicated thru its regulations. Therefore, even though it has been regulated in the constitution, but during the New Order era under Suharto, the diversity, including the indigenous people's position, was worse and far from what the constitution desires. The general policies of the Suharto's regime showed that diversity was seen more as a potential conflict and a symbol of backwardness than as the unique context of community as important part of Indonesia. Therefore various indigenous people were tightly controlled by the state and even removed from its position as one of the prominent factors within the community life in the regions. Indigenous people were considered merely as object of policies, both in terms of understanding as a

backward society and the tourism resources. Moreover, thru the regime uniformity of village's administration system policy, the existence of indigenous people and some customary laws as the fundamental factor in the regional lives was marginalized. In this condition, the diversity and also the indigenous people's existence were only seen as assets of the state where it could be utilized based on the regime's interest. Through the hegemony and control of the state ideology, the indigenous people, even most of diversity, were kept away from the role and influencial position within their society, including in the political field. Thus, the existence of customary laws on indigenous communities was subjugated by the state's control mainly through the formal laws and other legal instruments that forced people to obey them as the Indonesian citizens. The role of customary laws was then marginalized and replaced was by the formal laws based on the ruling regime's desires. Even though some of the indigenous communities were still given an opportunity to show their unique identity thru various rituals or symbols, but it was on a limited basis under the tourism policy. It made the presence of custom as part of the existence of a community that was never actually eliminated by the state. The locality such as *adat* was only marginalized from the key roles that was previously owned and later replaced by the roles of institutions and state's laws. It shows that there was still a little opportunity for indigenous people to respect of custom as their desire to keep their social identity even though it was under tight control by the regime.

That condition made various indigenous people then came into a dilemmatic position. It was because they must keep their some locality, such as the customary law, that had been in existence and believed as part of their social identity while in the same time they should respect the formal laws, even there were many aspects that are incompatible with their context. In such conditions, some indigenous people tended to choose to keep their custom silently in effort to evade from violation to the state's provisions. That kind of condition had been experience by many indigenous people and ethnic group communities including the toraja ethnic group in South Sulawesi Province.

During the New Order era, the toraja ethnic group as an indigenous community also experienced considerable pressure from the state. It was related to their identity as the indigenous people that still has custom that plays important roles in their region. Important role in various aspects of live of indigenous people were then marginalized by presence of state's laws that promoted general principle for all regions in Indonesia. Consequently, some important aspects, such as the role of indigenous councils and the local leader crucial position, were done thru the formal law that was strictly controlled by the ruling regime. In this condition the customary laws that were a

decisive factor were then marginalized. One of its indications was when some non-toraja people placed by the ruling regime to lead the region. It was essentially a waiver on the toraja custom's principles where their sacred land must led by the toraja people itself, especially those who has nobility background. Although the non-toraja leader was considered being quite successful formally, but they were still not considered as a whole leader in this region due to unsuitability to the *adat*'s principles as one of the important sources of justification for the appropriate leader. One important principle denied was the compulsion of a leader from the noble descent. It made the non-toraja leader to never be the complete leader for the region.

When the Suharto's era finally ended in 1998 and the spirit of democracy deeply influenced of Indonesia transition within the reform era then it becomes an opportunity for indigenous communities to fight for a respect from the state for their existences. For the toraja ethnic group, the new condition has been seen as an opportunity to re-affirm their identity as well as the majority community in Toraja region. It also becomes crucial opportunity to return itself as the owned of the toraja land as their ancestor legacy. The return of the toraja and their custom as the prominent factor has been caused by the implementation of decentralization principle thru the regional autonomy scheme. Through those two significant policies changing, the state in reform era tried to show the truth of democracy where it was deeply restricted in the previous era. Through both of these arrangements in a series of formal law, the state intended to give respect to the indigenous communities formally. The regional autonomy's policy was then given the wider space and authority to local communities in order to determine policies in the region based on their context and the objective conditions.

Related to allow more participation for local people in the political field, on important result during the reform era is the change of the local elections system in 2005 into the direct system. That change is part of the regional autonomy as well as to implement democracy in the local level. As part of the regional autonomy, the new electoral system is to give more important position to people to vote for their leader while in the same time allow the local people to use all possible preference they have to vote for the most appropriate leader for them. Therefore for the toraja ethnic group, the local election as implementation of democracy in term of regional autonomy has provided valuable opportunity to emphasize their position as the owner of the land that deeply related to the existence of *adat*. Actually, the condition when implementation of democracy has been given the equal rights to all people to vote or to be voted and the return of *adat* as the significant factor for the toraja people then makes a dilemmatic condition. It is because some unsuitable principle of both laws. The formal laws allow all people to participate

as the voters and candidate but some *adat*'s principles assert that only the appropriate people especially the noble descents must be the leader. It made the toraja people should respect to two laws at once during the event.

As a process that is done based on the formal laws then each process should be done as is. But at the same time, based on the toraja's customary a process to select a leader is an important event then they usually use *adat* as one of the important basis preferences even it is possibly inappropriate with the formal laws idea. In this case the toraja people then addressed existence of the democracy event thru their own preference to choose. They were trying to obey the formal laws where at the same time inserting some *adat* principles in various important proces during the election. Facts from the toraja ethnic group's attitude of the meet of two important laws showed their rationality to fulfil the demand of each law as much as possible. In this case, the toraja people would like to use both of laws instead of confronting it. It was because the elected leader should be appropriate not only to the formal requirements but also to the *adat*'s principles. Both of laws will be needed for the elected leader to lead in the toraja region due to a leader should has two basis legitimacies at once to fit with the toraja's context as consequences of the legal pluralism condition.

Indeed it seems to produce some tendencies of inequality and even undemocratic conditions, especially for the non-nobles and also for the non-toraja people, but it could not be easily avowed as the undemocratic fact. It should be recognized as the toraja's way to practice the democracy event in their land based on their unique and objectives conditions. Some important facts during the local election showed that *adat*'s guideline was the most important factor that influenced not only the voters and candidates but also some important strategies taken by all involved actors to wins the event. Therefore, where the voters would like to vote for the candidate who is suitable with the *adat* principles and the political party also would like to nominate the candidate who is not only suitable with the formal laws but also should be appropriate with the *adat*'s guidelines then it was based on how they recognized the objective conditions of the region. Moreover, where the entire candidate were the noble descents and most of them would like to utilize some *adat*'s symbols, such as their *tongkonan* or various rituals even some *adat* elites, then it should be seen as their rational to behave appropriately to this region objective condition. All of that were their reactions to the real condition and to fit it with the formal laws. It means the unique form of democracy dynamics within the local election in this region actually was caused by the desire of the toraja ethnic group as an indigenous people to ensure the coming of democracy into their land will not disrupt their fundamental principles

that have existed since long time ago for generations. It was not as the urge of the toraja people to against the state authority thru the implementation of formal laws to the local election event. It was basically as their attitudes to still respect the state authority and the importance of democracy without discards their *adat* principles as part of their social identity.

Therefore the local election was in the North Toraja in 2010 should be seen as different path of particular community admit democracy. It is important before justifying what was in the North Toraja local election as democratic or not democratic event. Indeed the formal law was regulated equality and some standard for requirements within the local election. But the existence of *adat* was considered to make specific restriction for all people and result only a few people suitable to participate as candidate since beginning could not be judged as the violation to the formal laws. It was the toraja ethnic group's unique way in effort to have the most appropriate leader for their sacred land. Presences of the two laws within the event made the local election to become a real form about how particular community, such as the indigenous people, react to the formality of the state. Even the democracy spirit with the equality issues are not rejected clearly, but in terms of voting for a leader, the toraja people would like to use their *adat*'s guidelines to ensure the best leader for them. The facts from the Toraja region then still can be seen as an effort to promote the concept of people's rules as the main idea of democracy based on how the people, in this case the toraja ethnic group, realize their rights not only as the citizens of the state but also as the community that has own basic principles in terms of *adat*.

Moreover facts from the Toraja election actually provide particular democratic way from the indigenous people to collaborate two fundamental laws that has some discrepancies in wisely ways. Rather than confront their locality with the state authority and its implementation in an open conflict like in some regions in Indonesia (see eg. Tyson 2010; Wilson 2008: Schulte Nordholt and van Klinken 2007), the toraja would like to keep it in peace. What the toraja people did during the event process was to utilize fluidity of the formal laws to regulate all process. Therefore there was some important process that seemly based on the principles of *adat.* That was a clever strategy to utilize the significant influence of the *adat* due to it is recognized as the most valuable way within the unique context of the toraja ethnic group.

The case from the North Toraja's local election 2010 actually should be considered in term of analysis and explanation of the dynamics of Indonesia's democracy in the reform era. What happened in the Toraja region potentially occurred in some other regions in Indonesia. Since Indonesia has much diversity, including some indigenous people's existence, then the toraja phenomena might happen in similar ways. All indigenous people usually have their own form of

customary existences that are different with the toraja's context. But facts that every customs has their own principles that are possibly unsuitable with the formal laws that are implemented in their region will also produce some unique ways. It maybe occurs in similar or different form, but it should be still consider as the indigenous people's way that absolutely has its own basis of truth and goodness.

Finally, in terms of presence some institutions or events of democracy in Indonesia as part of the reform era desires to democratize Indonesian people; the fact from toraja should be seen as the part of objectives condition in Indonesia. It means the implementation of democracy indeed could not be seen as a way to force a generalization way to all community. If it happens then it can be considered as non-democratic action does by the state that actually intends to create a democratic society. It will be an ambiguous fact if the state forces to democratize its people but thru some undemocratic ways. It means that the state should consider the existence of other local laws of its communities and respect it as part of objective condition to create a democratic society based on the people's context. It is important to be pointed due to democracy is a dynamic system where its continuity will deeply related to people acceptances. Since the people's acceptances is fundamentally related to their preference then people will ensure that based on it suitability with their context. If that happens then desires to be a democratic people it will represent the truth of what people want. At the end, facts from the toraja people's experiences in democracy event should be seen as a reflective phenomenon in term to internalized democracy as part of the state system. Based on the toraja's fact, democracy should received diversity and distinctness part of its existence due to is occurs in the diversity. It is important to guarantee the existences and valuables idea of democracy as the best system to regulate people's life thru the democratic's way.

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Appendix

Appendix 1 : Indonesian words, abbreviations, and acronyms

ABRI	Angkatan Bersenjata Republik Indonesia	Indonesian Nation Armed Forces
Adat	Custom or Tradition	
AMAN	Aliansi Masyarakat Adat Nusantara	Indigenous People's Alliance of the Archipelago (An Indonesia NGO's which its members are various Indigenous People in Indonesia)
Barnas	Partai Barisan Nasional	National Front Party
Bhineka Tunggal Ika	Unity in Diversity	
BPKD	Badan Pengelola Keuangan Daerah	A district Government institution on Financial Affair.
BPMD	Badan Pemberdayaan Masyarakat Desa	A district Government institution on The villager community empowerment
BPS	Badan Pekerja Sinode	Central Bureau of Synod (Central Coordination Institution for all the Toraja Church)
BPS	Badan Pusat Statistik	Central Bureau of Statistics (A Indonesia Government Instituion on Statistical Affairs)
District	Kabupaten	A region of an administrative Government system in regencial level.
DPRD	Dewan Perwakilan Rakyat Daerah	District People's Representative Council
Golkar	Golongan Karya	The Party of the Functional Groups
Indigenous People	Masyarakat Adat	Community that live by the ancestral origin of hereditary on a above an indigenous territory and has a set of customary law to manage the continuity of community life.
KAT	Kawasan Adat Terpencil	Indigenous People in the remote area
KK	Kepala Keluarga	Household
Komnas HAM	Komisi Nasional Hak Asasi Manusia	National Human Rights Commission
KPU	Komisi Pemilihan Umum	General Election Commission in the National Level
KPUD	Komisi Pemilihan Umum Daerah	General Elections Commission in regional level.
KTP	Kartu Tanda Penduduk	Identity Card / ID Card
KUKM	Koperasi dan Usaha Kecil Menengah	Cooperative and SMEs
Mayor	Walikota	The Head of Municipal Government
New Order	Orde Baru	Indonesia Period under Suharto's leads in 1967-1998)
NGO's	Lembaga Swadaya	Non-Governmental Organization

	Masyarakat	
NKRI	Negara Kesatuan Republik Indonesia	Indonesia as a Unity State
NPWP	Nomor Penduduk Wajib Pajak	*Taxpayer Identification Number*
Nusantara	Archipleago	Concept to mention one identity of Indonesia as an archipelago country
Old Order	Orde Lama	Indonesian Period under Sukarno's lead as the first president of Indonesia in 1945-1967)
Pakar Pangan	Partai Karya Perjuangan	The Functional Party of Struggle
Pancasila	Lima Dasar Negara	Indonesia Nation five-pillars as State ideology
PBB	Partai Bulan Bintang	Crescent Star Party
PDI	Partai Demokrasi Indonesia	Indonesian Democratic Party
PDI-P	Partai Demokrasi Indonesia Perjuangan	Indonesian Democratic Party for Struggle
PDK	Partai Demokrasi Kebangsaan	Democratic Nationhood Party
PDP	Partai Demokrasi Pembaharuan	Democratic Renewal Party
PDS	Partai Damai Sejahtera	Prosperous Peace Party
Pemekaran		Blossoming (the splitting off a new district and province)
Perda	Peraturan Daerah	Regional (District/Municipal or Provincial) Regulation
Pilkada	Pemilihan Kepala daerah	*Local election for regional government*
PIS	Partai Indonesia Sejahtera	Prosperous Indonesia Party
PKB	Partai Kebangkitan Bangsa	National Awakening Party
PKDI	Partai Kasih Demokrasi Indonesia	Indonesian Democratic Party of Devotion
PKNU	Partai Kebangkitan Nahdatul Ulama	Ulama National Awakening Party
PKPB	Partai Karya Peduli Bangsa	Concern for the Nation Functional Party
PKPI	Partai Keadilan dan Persatuan Indonesia	Indonesian Justice and Unity Party
PNBK	Partai Nasional Benteng Kemerdekaan Indonesia	Indonesian National Populist Fortress Party
PNI Marhaenisme	Partai Nasional Indonesia Marhaenisme	Indonesian National Party Marhaenism
Politik Massa Mengambang	The Floating Mass	The New Order Regime policy to restricted all political parties to have office in the

		sub-district and village level. It was allowed only in the Province and Districs/Municipals area.
PPD	Partai Persatuan Daerah	Regional Unity Party
PPDI	Partai Penegak Demokrasi Indonesia	Indonesian Democratic Vanguard Party
PPI	Partai Pemuda Indonesia	Indonesian Youth Party
PPIB	Partai Perjuangan Indonesia Baru	New Indonesian Party of Struggle
PPPI	Partai Pengusaha dan Pekerja Indonesia	Indonesian Workers and Employers Party
PPRN	Partai Peduli Rakyat Nasional	National People's Concern Party
Provinsi	Province	
Putra Daerah	Son of Soil	A concept of a person came from the region based on his/her who part of the local community
Reform Era	Era Reformasi	An Indonesia new era after fall of Suharto in 1998.
Regent	Bupati	The Head of District Government
RepublikaN	Partai Republik Nusantara	Archipelago Republic Party
SARA	Suku, Agama, Ras, dan Antar Golongan	Ethnicity, Religion, Race, and Inter-group relations
Tap-MPR	Ketetapan Majelis Permusyawaratan Rakyat	Decree of the People's Consultative Assembly of the Republic of Indonesia
TMII	Taman Mini Indonesia Indah	The Beautiful Indonesia in Miniature Park
TNI	Tentara National Indonesia	The Indonesian Nation Army
UUD 1945	Undang-Undang Dasar 1945	Indonesian Constitution released since 1945
Walhi	Wahana Lingkungan Hidup Indonesia	Indonesian Forum for the Environment
Walikota	Mayor	
YLBHI	Yayasan Lembaga Bantuan Hukum Indonesia	Legal Aid Foundation of Indonesia

Appendix 2 : Toraja's words

Aluk	Customs	
Aluk to dolo	Principles of the ancestors	
Arroan	A group of men	The leaders of small groups of people
Bai	Pig	
Banua Puan	The Main House	A Concept for the First *Tongkonan* in the Region
Lembang	Village	Village or the Toraja name for the Government system in Village level
Lumbung	A place to collect some harvest result	A small form of Tongkonan usually use to places the nobles family during some *adat* events
Pararrak	Form of small families	
Parengnge	Someone who take responsibility for His/Her people	An Adat elite status
Puya	The spirit world	A place before the spirit toward to heaven
Rambu Solo	The sadness Ceremony	A Funeral ritual for the Toraja ethnic group
Rambu Tuka	The Happiness Events	
Tedong	Buffalo	
Tedong Bonga	The Mottle Buffalo	
To Ambe	The Elder	
Tomanurun	The coming down people	In the Toraja Mithology, they believes came from the sky
To Matasak	The mature people	Usually use to named to people who wise and has some important advantages
To Sugi	The Rich People	The people who consider have wealthy
Tongkonan	Rumah/Tempat Tinggal	Traditional House of The Toraja Ethnic Group
Siri'	Shame	A concept about people honor (Prestige and proudnes)