

TOLAKI CUSTOMARY LEGAL TRADITION IN SAMBEANI VILLAGE: A STUDY OF ITS IMPLEMENTATION AND IMPLICATIONS TOWARDS SOCIETY

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Abstract

Custom is an unwritten legal system implemented by indigenous communities, such as the Tolaki community in Sambeani Village, Southeast Sulawesi. Tolaki customary law protects social and cultural values in addition to resolving disputes. However, during the era of modernization and the increasingly strong dominance of national law, the existence and implementation of customary law began to experience difficulties. This study is crucial for understanding how Tolaki customary law is still applied and how it impacts the community's social life. This research aims to explain how Tolaki customary law is implemented in Sambeani Village, analyze its function and role in conflict resolution, and evaluate its impact on the social structure and customs of the local community. The method used is descriptive qualitative with a legal ethnography approach. Data collection was carried out through participatory observation, in-depth interviews with traditional leaders, village officials and community members as well as documents related to Tolaki customary law. Local policy recommendations for preserving and strengthening the role of customary law in resolving conflicts at the village level and (3) Digital documentation in the form of narratives and visualizations of Tolaki customary law practices as a form of preserving local culture. The results of this study on the Tolaki customary law tradition in Sambeani Village, Abuki District, Konawe Regency show that customary law still plays an important role in regulating the social life of the local community. Customary law is not only considered as a rule that is held traditionally, but is also considered as a value system that binds, shapes behavior, and maintains harmonious social relations between citizens. The implementation of customary law based on deliberation, mutual cooperation, and respect for traditional figures shows that collective values are still highly valued by the community.

Keywords: *Tradition; Law; Custom; Tolaki; Sambeani Village*

INTRODUCTION

The lives of indigenous communities in Indonesia are heavily dependent on customary law. Through its existence, it preserves cultural values passed down from generation to generation and regulates social order. The Tolaki community in Sambeani Village, Southeast Sulawesi, is one such community that still utilizes customary law. Tolaki customary law has unique mechanisms for combating conflict, protecting norms, and maintaining social balance. However, changes in modern society, along with the introduction of the national legal system, often lead to a shift in the role of customary law in daily life. Some traditions are being eliminated, the authority of customary institutions is diminishing, and the younger generation may have a less understanding of customary law principles. In this context, it is crucial to examine how Tolaki customary law is still applied, its place in modern society, and how it impacts the social structure and customs of the Sambeani Village community.

The Tolaki tribe, as one of the largest ethnic groups in Southeast Sulawesi, has a strong and structured customary legal system, called Sara Tolaki. Tolaki customary law is based on moral values, justice, and balance between humans and nature and between individuals and their communities. The main principle upheld in the Tolaki customary legal system is "mosara" (togetherness and honor), which is the basis for resolving various social and community problems. This customary law tradition not only functions as a conflict resolution mechanism, but also as a means of maintaining social harmony and strengthening solidarity among community members. Sambeani Village in Abuki District, Konawe Regency, is one of the areas that still maintains Tolaki customary law practices in daily life. In various aspects of community life—from marriage and inheritance to dispute resolution to

violations of social norms—customary institutions such as *toono motuo* (*customary authorities*) still play an active role in making decisions and upholding justice. The implementation of customary law in this village reflects the strong presence of Tolaki cultural values amidst the dynamics of social change and the influence of the national legal system. However, in today's modern era, the practice of customary law often faces serious challenges. The influence of state law, changes in the mindset of the younger generation, and developments in technology and information have an impact on the sustainability of customary law. There is a tendency for customary values to be eroded by the more dominant formal legal system. On the other hand, there are also efforts by communities and local governments to revitalize the role of customary law in maintaining social order and as a basis for implementing *restorative justice* at the local level.

Based on this background, it is interesting to examine how the Tolaki customary law tradition in Sambeani Village is still practiced, what values underlie its implementation, and its implications for the social life of the local community. This study aims to describe the implementation of Tolaki customary law in Sambeani Village, understand the customary-based dispute resolution mechanism, and analyze its impact on the community's social structure, norms, and cultural identity. It is hoped that this research will contribute to the development of legal science, particularly in the field of customary law and socio-culture, as well as become a reference for efforts to preserve and strengthen the customary legal system as an integral part of national identity. In addition, the results of this study can also be used as a consideration for local governments and traditional institutions in developing conflict resolution models rooted in the local wisdom values of the Tolaki people.

LITERATURE REVIEW

Understanding Customary Law

Customary law is the totality of rules and regulations that grow and develop in community life based on cultural values and traditions passed down through generations. According to Van Vollenhoven (1931), customary law is living law because it originates from the community's legal awareness and is applied in daily life without being formally written down. Meanwhile, Soepomo (1986) defines customary law as a legal system that is not codified but lives within the community's sense of justice, reflecting the relationship between humans and their fellow humans and the natural environment. Customary law in Indonesia has unique characteristics, namely it is flexible, dynamic, and rooted in the values of togetherness and balance. In contrast to positive law, which is formal and rigid, customary law places more emphasis on deliberation, peace, and the restoration of social relations as a form of justice. These principles make customary law relevant in the context of resolving social conflicts at the local community level, including in the application of the concept of restorative justice today.

Tolaki Customary Legal System

The Tolaki people, who inhabit most of Southeast Sulawesi, have a customary legal system called Sara Tolaki, which regulates the social, economic, and spiritual life of their people. According to Hamid (2018), Tolaki customary law is derived from moral and religious values inherited from their ancestors and is based on the principles of *mosara*, namely honor, togetherness, and justice. In this system, any violation of customary law is not only viewed as an individual error but also considered to disrupt the balance and harmony of the community. Tolaki traditional institutions are known for their clear structure, consisting of *toono motuo* (supreme customary authority), *pabitara* (decision-makers), and community leaders who play a role in deliberation and dispute resolution. Customary sanctions typically take the form of fines or symbolic apologies, aimed at restoring social relations, rather than simply punishing the perpetrator. This customary law system reflects the values of social justice that exist in society and shows that customary law has a corrective and educational function in fostering social order.

Implementation of Customary Law in Community Life

The implementation of customary law in rural communities, such as Sambeani Village, remains a crucial component in regulating social norms. In practice, customary law is implemented through deliberation and joint decisions by local customary institutions. According to research by La Ode Rahman (2020), customary law in the Tolaki community is still used to resolve various social issues, such as land disputes, moral violations, and family conflicts. The process of implementing customary law begins with a community report to a traditional leader, followed by deliberation to find a just and balanced solution. The primary goal is not punishment, but rather restoration of social harmony. This kind of settlement pattern shows that customary law functions as a means of social reconciliation that prioritizes the principles of humanity, mutual cooperation, and shared responsibility.

Implications of Customary Law on the Social Life of the Community

Customary law has broad implications for social structure and the order of community life. According to Koentjaraningrat (2009), customary law plays a role in shaping societal thought patterns and behavior because it embodies moral and ethical values passed down through generations. In the context of Tolaki society, the application of customary law strengthens social solidarity, mutual respect, and a collective awareness of the importance of harmony. In Sambeani Village, the implementation of customary law serves not only as a tool for social regulation but also as a means of preserving the cultural identity of the Tolaki people amidst the influence of modernization. Enforcing customary law fosters pride in ancestral heritage and strengthens the position of customary institutions as guardians of local values. However, there are also challenges that arise, such as the declining interest of the younger generation in customs and the influence of a more dominant national legal system. Therefore, revitalization and preservation of customary law is important to ensure its sustainability as part of the social life of the community.

Customary Law from the Perspective of Restorative Justice and National Law

The concept of customary law is closely related to the principle of restorative justice, which is now widely developed in modern legal systems. According to Braithwaite (2002), restorative justice emphasizes restoring relationships between perpetrators, victims, and the community, rather than simply imposing sanctions. This aligns with the conflict resolution mechanisms in Tolaki customary law, which focus on social balance. In the context of national law, recognition of the existence of customary law is regulated in Article 18B paragraph (2) of the 1945 Constitution, which states that the state recognizes and respects customary law communities and their traditional rights as long as they are still alive and in accordance with societal developments. This recognition serves as a legal basis for the continuation of the customary law system as part of legal pluralism in Indonesia. Research by Wulandari (2022) shows that the integration of customary law and the state legal system can create a more humanistic and contextual approach to conflict resolution, especially in areas with strong local wisdom, such as the Tolaki community. Therefore, a study of the Tolaki customary law tradition in Sambeani Village is important to understand how local values can synergize with modern principles of justice in realizing social order and sustainable development.

METHOD

This research uses a descriptive qualitative approach with a legal ethnography method. This method was chosen because it is suitable for exploring the social and cultural practices of the Tolaki indigenous community in the context of customary law that is still alive and practiced.

Research Process Stages	Output Generated	Achievement Indicators	Person in Charge / Partner
1. Preliminary Study and Problem Formulation	Problem formulation, objectives, and theoretical framework	Complete background documents & research proposal	Team leader and research members
2. Literature Study and Instrument Development	Review of legal pluralism theory, legal ethnography, interview instruments	Structured bibliography, observation and interview guidelines	Research member
3. Field Data Collection in Sambeani Village	Primary data from interviews, observations, and local documents	Minimum 15 key informants, 5 documented customary activities, customary documents collected	Team leader, assisted by local partners (traditional leaders, village officials)
4. Data Analysis and Interpretation of Findings	Data matrix, main themes, contextual analysis results	The compilation of a map of the implementation of customary law and its impact on the social structure of society	Team Leader, with the support of qualitative data analysts
5. Validation and Triangulation of Findings	Interview results were validated by informants, cross-data triangulation	Minimum 2 focus group discussion forums (FGD)	Team leader and local partners (traditional leaders and village residents)

TOLAKI CUSTOMARY LEGAL TRADITION IN SAMBEANI VILLAGE: A STUDY OF ITS IMPLEMENTATION AND IMPLICATIONS TOWARDS SOCIETY

Syaiful Arpin and Sabri Guntur

6. Preparation of Policy Recommendations and Academic Papers	Draft recommendations for the preservation of customary law	Recommendation documents are received by the village government or traditional institution	Research Member
7. Writing Scientific Articles and Digital Documentation	Accredited national journal articles; visual documentation of customary law practices	Article submitted to journal; 1 documentary video uploaded on public platform	Chair and Research Members

RESULTS AND DISCUSSION

Forms and Practices of Implementation of Tolaki Customary Law in Sambeani Village, Abuki District, Konawe Regency

a. Customary Law Traditions that are still practiced in Sambeani Village

The customary law tradition, still practiced in Sambeani Village, Abuki District, Konawe Regency, remains a crucial part of regulating the social life of the Tolaki people. This is because customary law serves not only as a living rule but also as a social bond that helps maintain harmony among residents. Some forms of this customary law can be seen in the way disputes are resolved, which prioritizes deliberation and agreement within customary institutions called mosalaki, or traditional leaders. Every conflict, whether over land, family issues, or violations of norms of decency, is resolved through customary forums involving the disputing parties, extended families, traditional leaders, and sometimes religious leaders. In these forums, the main principle emphasized is restorative justice, which emphasizes the restoration of social relations, acknowledgment of wrongdoing, forgiveness, and the fulfillment of certain obligations. Generally, these obligations take the form of customary fines or sara law, such as livestock, agricultural produce, or money, depending on the severity of the offense. Another tradition that remains strong is the practice of mombesara, which imposes social sanctions for serious violations, such as immoral acts, defamation, or violence.

These sanctions are not only material but also moral, as violators are required to apologize before the community. This mechanism reinforces a sense of shame (moromu) as a form of social control. In traditional marriages, the tradition of momini, or the presentation of a dowry (belis), remains in place as a form of respect for the bride's family. This process is accompanied by binding customary rules to maintain kinship ties, so that marriage unites not only two individuals but also two families. Furthermore, customary law regarding the management of customary land is still maintained. Land is considered communal property passed down through generations, and its use must be approved by traditional leaders. In this way, conflicts over boundaries and ownership can be resolved. The practice of customary law in Sambeani Village also has a spiritual impact, as every customary decision is usually accompanied by rituals such as communal prayers and symbolic offerings to maintain the balance between humans, ancestors, and nature. Despite the increasing development of modernization and state law, the Sambeani community still prioritizes customary law because it is considered closer to local values of justice, faster in processing, and more effective in restoring harmony than formal law. This demonstrates that the Tolaki customary law tradition in Sambeani Village is not merely a cultural heritage, but rather a living, flexible, and relevant legal system that plays a vital role in maintaining social order, avoiding prolonged conflict, and strengthening the community's collective identity amidst changing times.

b. Mechanism for Implementing Customary Law

The mechanism for implementing customary law in Sambeani Village reflects the Tolaki social system, which is based on the values of deliberation, justice, and balance. This customary law is not written down in formal regulations but is passed down orally from generation to generation. Every customary legal process is based on the principle of mosara, a deliberation involving customary leaders, the disputing families, and community members as witnesses. The process typically begins with a report from the aggrieved party to the customary leader. These reports can relate to various issues, such as land disputes, family conflicts, violations of norms, and even customary crimes like theft. Once the report is received, the customary leader summons the relevant parties for mediation, with the goal of reaching an agreement so that it can be resolved peacefully without severe penalties. If an agreement is reached, the case is considered closed and social relations are restored. If no agreement is reached, the case then proceeds to a formal customary court hearing.

The next stage is a customary hearing held in a traditional hall or at the home of a traditional figure. This hearing is led by a customary institution consisting of traditional leaders and village elders who wield

significant influence in the community. During the hearing, both parties, witnesses, and relevant evidence are taken into account. This hearing is usually conducted openly in front of the community, thus having a strong social impact. The concept of Inae Konasara, or collective honor, is the primary reference point. Every decision is not only considered personal interests but also maintains family dignity and community harmony. This mechanism differs from state law because the process emphasizes deliberation, mutual agreement, and the restoration of social relations rather than simply imposing punishment. After the deliberation process, the customary institution will issue a decision and impose sanctions according to the severity of the violation. In Tolaki customary law in Sambeani Village, sanctions vary, ranging from fines in the form of money, livestock, or agricultural produce, to the obligation to perform traditional rituals such as mopondau, which aims to cleanse oneself and the community. In addition, sanctions include a public apology before the community. Customary sanctions are not intended to impose harsh punishment, but rather to restore social balance and repair relationships damaged by violations. This demonstrates that customary law is more restorative than merely punitive. For example, in cases of adultery, the perpetrator is not only fined but also required to perform customary rituals to restore the honor of the family and community. Similarly, in land disputes, customary law emphasizes fair agreements to avoid family divisions.

The final stage is the implementation of customary decisions. Decisions made by customary institutions are binding and must be carried out by the guilty party. The people of Sambeani Village strictly adhere to customary decisions because they are considered ancestral mandates that must not be violated. If anyone refuses to comply with a decision, they face social consequences such as social punishment, loss of honor, or being excluded from community activities. The mechanism for monitoring the implementation of these decisions is carried out collectively by the community, so that customary law continues to operate effectively without the need for assistance from formal legal authorities. The success of this mechanism is due to the community's trust in the credibility of customary leaders and the cultural values that bind them. Thus, the mechanism for implementing customary law in Sambeani Village is not only a procedure for resolving cases, but also reflects the values, solidarity, and cultural identity of the Tolaki people that persist despite modern developments.

c. The Role of Traditional and Community Leaders in the Implementation of Traditions

Customary law in Sambeani Village, Abuki District, Konawe Regency, remains a crucial tool for regulating social life. The sustainability of this customary law depends heavily on the role of customary leaders and community participation, which play a key role in maintaining and preserving traditions. Customary leaders serve as guardians of values, interpreters of customary law, and problem solvers. Meanwhile, the community is responsible for implementing and ensuring customary law is implemented in daily life. The relationship between the two parties demonstrates a mutually supportive partnership, where customary leaders lack power without community support, and the community needs the guidance of customary leaders to maintain social order. Traditional leaders in Sambeani Village are known as mosalaki, individuals considered to possess wisdom, experience, and understanding of Tolaki customs. They are chosen for their moral integrity and ability to uphold ancestral values, not for wealth or official position. In practice, mosalaki serve as customary judges, leading customary deliberations (mosara) to resolve various conflicts. The presence of these traditional leaders validates decisions, as the community believes they are based on customary justice and noble values.

In addition to serving as customary judges, traditional leaders also serve as cultural educators. They teach customary law to the younger generation through advice, participation in customary events, and discussions in village deliberation forums. Traditional leaders teach values such as inae konasara (shared honor), mosara (deliberation), and meohai (mutual cooperation), which are the foundation of Tolaki life. Therefore, traditional leaders not only act when problems arise, but also help disseminate customary legal values to ensure traditions survive. When resolving disputes, traditional leaders play a dominant role. They are tasked with facilitating discussions, listening to the testimony of both parties in conflict, summoning witnesses, and formulating solutions deemed just. Decisions are made not only to enforce punishment but also to restore social relations. Traditional leaders ensure that sanctions are in accordance with the principles of justice and balance. For example, in cases of fighting, traditional leaders will impose fines and force both parties to reconcile, forgive each other, and reconnect with the community. The Sambeani Village community also plays a crucial role in enforcing customary law. They are the actors who follow customary rules, comply with the decisions of customary institutions, and serve as witnesses in dispute resolution processes. Community participation maintains the viability of customary law, as rules established by customary leaders are meaningless if not adhered to by the community. Community attendance at customary courts also exerts moral pressure,

encouraging disputing parties to accept and implement decisions. The community's role extends beyond mere obedience to the law, serving as a social watchdog. If a community member violates customary rules, the surrounding community typically immediately reports the violation to the customary leader or directly warns the affected party. This collective oversight mechanism is crucial in maintaining the validity of customary law, as social control comes not only from customary leaders but also from the community. In this way, customary law becomes an inseparable part of collective consciousness.

The community is also involved in implementing customary law sanctions, for example, when someone is punished by confiscating livestock or agricultural produce, the community participates in the handover process as witnesses. In customary rituals, the community is present and plays both the implementer and the beneficiary. Through this participation, customary sanctions not only impact the perpetrator but also strengthen unity and solidarity within the community. Customary and community leaders support each other in addressing the challenges of modernization. Globalization and the introduction of formal law often lead to the younger generation losing knowledge of the importance of customary law. In such situations, customary leaders serve as reminders and explanations, while the community continues to practice customary law in their daily lives. Both parties work together to ensure that customary law in Sambeani Village remains valid, even though it falls under the more formal state legal system.

The interaction between traditional leaders and the community is also evident in various social and cultural activities, such as wedding ceremonies, inheritance distribution, and the resolution of moral violations. Traditional leaders lead the process, while the community acts as the actors and adherents of values. This relationship is participatory, not authoritarian. Traditional leaders do not impose rules, but rather act as respected facilitators, while the community accepts decisions because they consider them to represent the collective voice. This is what keeps customary law relevant and respected. Thus, the roles of traditional leaders and the community in implementing customary law in Sambeani Village are an inseparable whole. Traditional leaders serve as guardians of values and guardians of custom, while the community implements and reinforces tradition. The combination of the two ensures that Tolaki customary law remains alive, protected, and respected amidst changing times. The existence of customary law serves not only as a tool for conflict resolution but also as a symbol of identity, unity, and local wisdom that serve as a strong foundation for the Sambeani Village community.

Implications of the Implementation of Customary Law on the Social Structure, Norms and Cultural Identity of the Community in Sambeani Village

The implementation of customary law in Sambeani Village influences how the community lives together socially. Customary law relies on traditional leaders, village elders, and extended families as the primary actors in maintaining community unity. Through the mosara mechanism, traditional deliberation, relationships between individuals and groups are maintained based on the principles of kinship, mutual respect, and a clear hierarchy. Traditional leaders hold a high position due to their wisdom and understanding of customary law, while the community acts as actors subject to the rules. This social structure maintains order in the lives of the Sambeani community, as conflicts are quickly resolved peacefully. Another visible aspect is the formation of strong social bonds among residents, as everyone feels a shared responsibility for maintaining harmony. In other words, customary law serves as a tool for effectively regulating social relations, placing each individual according to their role within the community.

In addition to changing the social structure, the implementation of customary law also significantly influenced the formation of norms and ways of behaving in the Sambeani Village community. Customary norms such as inae konasara (maintaining collective honor), mosara (deliberation), and meohai (mutual cooperation) shape a way of life that encourages solidarity, honesty, and social responsibility. Customary law serves as an effective tool of social control, as violating norms not only harms individuals but also affects the reputation of families and social groups. For example, immoral acts such as adultery not only result in material sanctions but also require customary rituals to restore the dignity of families and communities. This makes people more cautious in their actions, as the consequences of their actions can affect collective self-esteem. Thus, customary law establishes strong norms and fosters social behavior that emphasizes harmony and balance, rather than solely emphasizing personal interests. Customary law in Sambeani Village also plays a significant role in shaping and strengthening the cultural identity of the Tolaki people. In daily life, the customary traditions they practice serve as symbols that distinguish the Tolaki people from other groups. Traditional marriage ceremonies, mopondau rituals, and customary dispute resolution methods are not merely rules but also tangible manifestations of local wisdom

passed down through generations. Through the application of customary law, the community affirms their identity as part of the Tolaki community, which possesses unique and distinctive values. This cultural identity is not only maintained through customary symbols but also embedded in the thoughts and behavior of the younger generation. By continuing to practice customary law, the people of Sambeani Village feel proud of their ancestral heritage and develop a strong emotional bond with their land and traditions. This identity serves as a buffer against the cultural homogenization of modernization, while also demonstrating the existence of local culture amidst the nation's diversity.

The implementation of customary law in Sambeani Village also impacts the community's relationship with state law and the impact of modernization. On the one hand, customary law offers a faster, cheaper, and more focused way to resolve problems, leading communities to choose to resolve conflicts through customary institutions rather than formal legal channels. However, on the other hand, formal law often creates overlap, particularly when customary sanctions are deemed to conflict with state regulations. In this situation, customary and community leaders have a role to play in ensuring that the two legal systems do not conflict. Another implication is that customary law faces challenges due to the influence of modernization, particularly among the younger generation, who are beginning to be influenced by individualistic mindsets. However, these challenges actually encourage customary and community leaders to increase the instillation of customary values through informal education, traditional ceremonies, and involving the younger generation in deliberation forums. Thus, customary law persists despite facing social change.

Overall, the implementation of customary law in Sambeani Village has a broad impact on community life. In terms of social structure, customary law creates a clear hierarchy and strengthens social relations. In terms of norms, customary law establishes rules of conduct that serve as effective social controls, thus maintaining balance and collective honor. In terms of cultural identity, customary law strengthens community pride in ancestral heritage and helps maintain the sustainability of local wisdom amidst the process of modernization. Even in interaction with formal law, customary law remains relevant as a conflict resolution tool that emphasizes restorative justice. These implications demonstrate that customary law is not merely a tradition, but a crucial pillar supporting social life, maintaining norms, and shaping the cultural identity of the Sambeani Village community. Therefore, it is crucial to maintain the sustainability of customary law as a cultural asset and a valuable social mechanism for present and future generations.

Challenges and Opportunities for Preserving Tolaki Customary Law Amidst the Current of Modernization and the National Legal System

Tolaki customary law, practiced by the people of Sambeani Village and the Konawe region in general, faces significant challenges due to the advancement of modernization. Modernization has influenced the community's way of thinking, lifestyle, and values, which now emphasize individualism, in contrast to customary law, which prioritizes cooperation and social balance. Younger generations are increasingly exposed to digital media, state laws, and universal values learned through education or contact with the outside world. This has led them to increasingly disparate understandings of customary law. These changes have led people to increasingly view customary practices, such as deliberation to resolve disputes or traditional rituals, as irrelevant to their daily needs. Furthermore, urbanization and migration to cities have weakened cultural ties, as many villagers now live outside their traditional areas and have lost direct connection with their traditional heritage. The main challenge is how customary law can survive amidst rapid social development, without losing its meaning and function as a guide for community life.

Tolaki customary law also faces challenges in establishing a relationship with the national legal system. The national legal system tends to be dominant and centralized, while the Indonesian constitution states that customary law remains in existence as long as it is alive and in accordance with state principles. However, in practice, customary law is often ignored. Many customary dispute resolution processes lack formal legal force and are therefore not recognized by national legal institutions. Thus, customary law finds itself in an ambiguous situation: while respected by the community, it also lacks strong legal legitimacy. This discrepancy between customary sanctions and positive law often creates confusion, as in cases of unregistered marriages or land disputes resolved based on customary law but not registered in the national land law system. This challenge is compounded when the government fails to understand or allows for customary mechanisms, leaving customary law as merely a cultural symbol rather than a legitimate means of resolving disputes.

TOLAKI CUSTOMARY LEGAL TRADITION IN SAMBEANI VILLAGE: A STUDY OF ITS IMPLEMENTATION AND IMPLICATIONS TOWARDS SOCIETY

Syaiful Arpin and Sabri Guntur

Despite facing various challenges, Tolaki customary law still has a significant opportunity to survive and thrive, particularly as it forms part of the cultural heritage that strengthens the community's identity. Amidst globalization, communities are increasingly interested in seeking a local identity that distinguishes them and serves as a source of pride. Customary law, with its traditions, rituals, and problem-solving methods, can be considered a valuable intangible cultural heritage. To strengthen customary law, the role of traditional leaders needs to be enhanced, the younger generation needs to be more involved in ceremonies and deliberations, and customary law needs to be documented in written or video form. Furthermore, the local wisdom within Tolaki customary law, which promotes the principles of deliberation, maintaining honor, and mutual cooperation, remains relevant to modern values such as participatory democracy and restorative justice. This demonstrates that preserving customary law is not merely about preserving tradition but also enriching current social and cultural practices.

Another opportunity to be exploited is to integrate Tolaki customary law into the national legal system. With the development of the concept of restorative justice in Indonesian criminal law, customary law, which emphasizes the restoration of relationships and social balance, is becoming increasingly relevant. The government is beginning to recognize that resolving certain cases, particularly at the community level, is more effectively done through simple, cost-effective customary mechanisms that emphasize peace. In this context, Tolaki customary law can be a vital partner for the government in achieving more tangible justice. Official recognition of customary institutions through regional regulations, budgetary facilities for customary activities, and synergy between village officials, customary leaders, and law enforcement officials present significant opportunities for preserving customary law. If this integration is carried out consistently, customary law will not only survive as a tradition but also become part of a pluralistic legal system recognized by the state. Thus, Tolaki customary law will gain stronger legitimacy and make a tangible contribution to the development of national law.

Ultimately, preserving Tolaki customary law amidst modern advancements and the national legal system is both a challenge and an opportunity that must be addressed appropriately. Problems arise from the strong influence of modernity, which makes the younger generation less familiar with customary law, and because formal law often dismisses customary law as less important. However, a significant opportunity remains: customary law can be preserved as part of the region's distinctive cultural identity and adopted into the national legal system through a restorative justice approach. Success depends on the collective willingness of the Tolaki community to involve the younger generation, strengthen customary institutions, and push for official recognition from the government. In this way, customary law will not only serve as a memory of the past but also as a tool that remains relevant for the present and the future. Sambeani Village and the Tolaki community in general can serve as an example that tradition and modernity are not necessarily in conflict, but can complement each other in building a society rooted in local wisdom and open to global change.

CONCLUSION

Research on the Tolaki customary law tradition in Sambeani Village, Abuki District, Konawe Regency shows that customary law still has an important role in regulating the social life of the community. Customary law is not only understood as traditional rules, but also as a value system that binds, shapes behavior, and maintains harmonious social relations between citizens. The mechanism for implementing customary law, which is based on deliberation, mutual cooperation, and respect for traditional figures, is evidence that collective values are still highly respected by the community. Forms of traditional customs that are still practiced, such as resolving family disputes, marriage rituals, and regulating social relations, demonstrate the continuity of ancestral heritage that remains relevant amidst modernization. The implementation of this tradition takes place through a structured mechanism, with traditional figures functioning as mediators and guardians of traditional values, while the community plays a role as implementers and guardians of the preservation of traditional customs. This proves that customary law is still alive (*living law*) and functions as an effective instrument of social control. The implications of implementing customary law for society are evident in three important aspects: social structure, norms, and cultural identity. Social structures become more robust due to a clear customary hierarchy and respect for community leaders. Social norms are formed through values of honor, deliberation, and solidarity, which encourage community behavior to maintain collective balance. Meanwhile, cultural identity is strengthened because customary law serves as a marker of Tolaki identity, distinguishing them from other communities.

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