LUWU SOCIETY'S PERCEPTION TOWARD

THE CUSTOM LAW 'RIPAOPPANGI TANA'

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ABSTRACT

The objective of the research was to find out the Luwu society's perception toward the custom law "Ripaoppangi Tana" and its existence in the society. The method used in this research was descriptive method and the technique of data collection includes interview and document analysis. The result of the research indicates 1) the society's obedience toward the custom law "Ripaoppangi Tana" because they believe that *Datu* was the God descent and all of their decision must be obeyed. 2) Some people are fearful of the custom law because of the sanction that will be applied to them. 3) Bravery, the society is brave to defy the custom law because the unfair sanction and it does not deserve with the violation that they do. The custom law "Ripaoppangi Tana" in Kabupaten Luwu vanished and changed with the national law since the Independence Proclamation.

I. INTRODUCTION

Heritage of history and culture gives peculiar color for the notion culture they could be put into account as valuable data or information of culture, in order to the law development. Besides, saving and preserving national culture that is source from different region of Indonesia.

Indonesia a big country that has thousands of islands and has many kinds of home traditional culture, and one of the sources is from Luwu Regency, that is located in South Sulawesi. The culture and human being in any part of the world is a unit that cannot be apart. Human being is the creator and supporter of culture, because the culture is result of thought, feeling, and activities in their life.

"Adat as a system of norm and custom order" (Mattulada, 1985) is developed based on the foundation of prestige of siri'. They obey and glorify the law because they believe that Adat take care the prestige of siri' that they hold.

Cultural researchers of South Sulawesi or Buginese stated that "Buginese civilization was center in Luwu". So that, it had resemblance between Makassar, Mandar, Toraja, and other sub ethnics in their life style, language, custom and tradition. Cultural of Hindu that developed in Sriwijaya and Majapahit influenced toward the truth, custom and tradition of Luwu society. They worshiped the ancestor's souls, such as Batara Guru and Sawerigading.

During the time, the government's rule in Luwu is "Absolute Monarchy" or the kingdom is an absolute authority and unlimited. *Datu* or *Pajung* cannot be opposite and everyone will be punished if he broken them.

One of custom law which applied by the society in Luwu is Ripaoppangi Tana. Ripaoppangi Tana is the sanction which is gives to somebody who had done a illicit big mistake. So that they are thrown out from the village. Based on the clarification above, the question may be occur about the perception of Luwu society's toward the Custom Law "Ripaoppangi Tana" in Kabupaten Luwu.

Based on the background above, the writer formulates the problem statement "What are the Luwu society's perceptions toward the Custom Law "Ripaoppangi Tana"?

The objective of the research is to get information about the Luwu society's perceptions toward the Custom Law "Ripaoppangi Tana".

II. REVIEW OF RELATED LITERATURE

A. What is Ripaoppangi Tana

1. Etymological Meaning

According to the language structure, the basic form of Ripaoppangi Tana is "oppang" or the position where the body heaped up, then the word is added to double prefixes those are "ri" and "pa" and they merge into "ripa" and added with suffix "I". Therefore, the basic form from oppang becomes paoppang then ripaoppang and then ripaoppangi. Therefore, there are four processes of word forming "oppang" means heap, "paoppang" means to be heaped up, "ripaoppangi" also means to be heaped up and "ripaoppangi" means heaped up by something. The second word is "tana" which means soil or land. Therefore, from the statement above, it can be concluded, "Ripaoppangi Tana" is to be heaped up by the soil.

2. Terminological Meaning

The Ripaoppangi Tana will be given to the person who has broken the custom law. Ripaoppangi Tana in terminological meaning is to be thrown out from the village or the Luwu land. He will be forbidden to step his foot into Luwu again they considered him dead because he was heaped up by soils.

B. Definition of Custom Law

Our nation lives in the world of mores that must be expressed, understood, known, and realized that the mores contain the regulation, which have sanctions. That is a method, which is if it broken, it can cause a bad things to its' trespasser and those who against it will be punished.

Soepomo in Soerojo Wignjodipuro in Harun Utuh stated that:

Hukum adat adalah hukum tidak tertulis di dalam peraturan-peraturan legislatif (Unstatury Law) meliputi peraturan-peraturan hidup yang meskipun tidak ditetapkan oleh yang berwajib, tetapi ditaati oleh rakyat berdasarkan atas keyakinan bahwa peraturan-peraturan tersebut mempunyai kekuatan hukum.

The system of custom law comes from an unwritten regulation that grows and developed and survived by the awareness of its society. Its type was traditional and originated from the of the ancestors. These custom complexities are not written in a book, are not codified but they are compulsory, and have sanction; and thus they have legal consequence, these are called custom law (Soekanto, 1981: 18).

According to Van Vollenhoven, custom law is an original law of Indonesian people or unwritten in character, it grows and expands freely unconsciously, must be obeyed because;

- a. Has blood relative.
- b. Fears that ancestors will fulminate if the custom law

c. Is always given advice about custom law is broken.

Luwu Kingdom had a Basic Law was arranged by Opu Patunru Mustafa (Datu XVI) and Datuk Sulaiman. When impose a punishment, they must be based on the Basic Law. The Basic Law is

Patuppui ri Ade'E (Bersandar pada Adat) Based on the tradition.

Pasanrei ri Sara'E (Bersnedikan agama) Hinged on the Religion

Muattangnga ri ParangE (Perhatikan keadaan masyarakat) Pay attention the society condition.

Mupataratte'I ri Wari'E (Tertib sesuai aturan) Straightened up the rules

Mualai peppegau ri PabbiasangE (Bandingkan dengan kebiaasaan) Compare with the custom.

The rule of Government of Luwu Kingdom used two institution, *Ade' Asera* (Hadat Sembilan) and *Ade' Seppulo Dua* (Hadat Dua Belas). *Ade' Asera* has functioned to control the government and *Ade' Seppulo Dua* as the institution who elected *Datu*.

The sovereignty of citizen held on the governor that called *Anak Tellue*. They are Madika Bua, Madika Ponrang, and Makole Baebunta. The Governor had under a certain area. In the implementation of Kingdom, *Datu* was helped cabinet called *Pakkatenni Ade'* that consist four officials. They are Opu Patunru, Opu Pabbicara, Opu Tomarilaleng and Opu Balirante. Opu Patunru as the deputy on general policy, Opu Pabbicara as the justice upholder. Opu Tomarilaleng as the controller of palace's necessity and Opu Balirante as the controller of society's prosperity.

C. Definition of Perception

The process by which an individual as acquainted with his immediate surroundings. It can be defined by such behavior as looking, listening, and touching or otherwise reacting with discrimination to the objects and events of the environment. For the human animal it can also defined in terms of precise verbal activities such as naming, describing, comparing and distinguishing objects. Finally as much as it seems to be possible for the human observer to note the process of perception as it occurs in himself it can be defined as awareness of the external world or consciousness or experience of it. Perception term comes from latin "perception of taking possession, obtaining, receiving or perceiving, in Indonesia words "Anggapan or pandangan".

However defined, perceiving is distinguished from remembering, which refers to past events and from expecting, which refers to future events and from imagining, which refers to absent or nonexistent states of affairs. But in no case can these distinctions be sharply drawn, since the "present" environment in time and space cannot in fact be divided from either the past, the future or the distant environment by any sharp line of demarcation. "Now" is not a single instant of time and here is not a single point of space. There is considerable span of perception in space, hence perceiving and only secondarily with apprehension. Ensiklopedia Nasional Indonesia states that:

"Anggapan" pendapat yang lebih kuat daripada sangkaan, dugaan, kesan atau pengiraan tapi belum merupakan pengetahuan positif yang telah diuji. Kadang-kadang merupakan kecenderungan untuk mendapat gambaran terlebih dahulu mengenai sesuatu atau seseorang mendahului penyajian objektif. Dalam hal "Anggapan" itu bersifat subyektif ia disebut pra-anggapan (pre-okupasi,ing:preoccupation atau prasangka,ing: prejudice atau pra kecenderungan (ing:predilection). Anggapan ini dibentuk oleh asal-usul

social, kebudayaan, pendidikan, agama/kepercayaan, tradisi, mitos, golongan dan pengalaman subyektif orang yang beranggapan oleh karena itu mulai anggapan secara ilmiah bersifat nisbi (relative).

According to the New International Dictionary, Webster third as follows:

- 1. The act of perceiving; cognizance by the senses or intellect; apprehension by the bodily organs or by the mind, of what is presented to them; discernment; apprehension; cognition.
- 2. (Methap.) the faculty, or peculiar part, of man constitution by he has knowledge through the medium or instrumentally of the bodily organs; the act of apprehending material objects or qualities through the senses; distinguished from conception---(Sir W. Hamilton). Matter hath no life nor perception and is not conscious of its own existence (Bentley).
- 3. The Quality, state, or capability of being affected by something external; sensation; sensibility. This experiment discovered perception in plants (Bacon)
- 4. An idea; notion. (Sir M.Hale)
 - The word perception is in the language of philosopher previous to Reid, used in every extensive signification. By Descarter, Malebrabche, Locke, Leibnitz and others, it is employed in a sense almost as unexclusive as consciousness, in its widest signification. By Reid this word was limited to our faculty acquisitive of knowledge and to that branch of this faculty whereby, through the senses, we obtain a knowledge of the external world. But his limitation did not stop here. In the act of external perception he distinguished two elements, to which he gave the names of perception and sensation. He ought perhaps to have called these perception proper and sensation proper, when employed in his special meaning (Sir W.Hamilton).

Wordnet Dictionary states that Perception are:

- 1. Become aware of something via the senses
- 2. The process of perceiving
- 3. Knowledge gained by perceiving
- 4. A way of conceiving something
- 5. The representation of what is perceiving; basic component in the formation of a concept.

From the statement above, Perception can be concluded as the process by which people give meaning to what they sense and experience, process of gathering sensory information and assigning meaning of it.

D. The History of Luwu

In Galigo epic (Sure' Galigo) which is being estimated as social culture background of South Sulawesi about in the V-XIV centuries, when leader of heaven (Bottilangi) and earth (Toddangtojang), Sawerigading and his families came back to origins in *Siparimang* then *Tomanurung* appeared, brought new changes and create many orders in the society of South Sulawesi.

Before *Tomanurung*, the people lived in chaos and in lontara was called "Sianre baleni tauwe" (eating each other). It was the lifestyle of ancient society in Luwu. The first tradition of South Sulawesi people based on *Tomanurung Mythology* (Human from the heaven). Culture observer of South Sulawesi, Prof. Dr. Mattulada clarified that in Tomanurung period in the XIV-XVII centuries.

There are four ethnics in South Sulawesi, Buginese, Makassarese, Mandarese, and Torajanese. General spreads of them are as follows:

Buginese : Bone, Sinjai, Bulukumba, Maros, Pangkep, Barru, Pare-pare, Pinrang, Luwu, Soppeng,

dan Wajo.

Makassarese : Makassar, Gowa, Takalar, Jeneponto, Part of Bantaeng, Selayar, Maros, and Pangkep

Mandarese : Polewali Mamasa, Majene, and Mamuju Torajanese : Tana Toraja, Part of Luwu and Mamasa

Luwu or Lu' some people called it Luhu that has some meanings: a land or an area. It is known as Tanah Luwu and then is called Bumi Sawerigading. Luwu's History was revealed on Negarakertagama Book in 1365. The book contained about Majapahit kingdom, a kingdom in Indonesian archipelago. Beside Majapahit, there was another kingdom that had historical relationship with Luwu. Sriwijaya kingdom was centered in Palembang.

Luwu was known as a victory kingdom in prehistoric period. Luwu people believed that their ancestors who became "Datu" for first time is from the heaven. This belief caused the situation where society only obeys to their leader from *Tomanurung* descent. The characteristics of traditional Kingdom of Luwu government are:

- 1. The elevation of the government official based on the nearest descent of the official (*Datu* I till the next *Datu*)
- 2. Supreme powers are not given to ordinary people because it will make vagueness to the genealogy of Luwu.
- 3. The desires of *Datu* or *Pajung* cannot be objected or protested, because their command must be obeyed as the basic law such as:

"Naiyya DatuE, mattukku ului, mattukku aje

Tenna wellang esso, tenna iri' anging".

(Adapun Datu itu menutup kepala dan menutup kaki

Tidak terkena sinar matahari dan tidak terhembus angin).

The meaning is: Datu or Pajung was not required to do a duty but he could do anything they want.

"Puakko siyo kiraukki

Riakkomiri' riakkeng teppa"

(Sesungguhnya engkau angin dan kami daun kayu.

Kemana saja angin bertiup di sanalah kami terdampar).

The meaning is: all of the desires of *Datu* or *Pajung* must be obeyed by the people.

The characteristics above pointed that the government in Luwu is "Absolute Monarch". The absolute authority is in the clutches *Datu* or *Pajung* because :

"If the head of the state was elected by the royal descent and inheritance from the previous king, so the state is a monarchy" (Sanusi Dg. Mattata, 1981:45). The Luwu Kingdom was led by 36 *Datu*, they are:

1. Batara Guru 19. Petta MatinroE Ri Polka

Batara Lattu
Settiaraja
Simpurusiang
Topalaguna

4. Anakaji 22. Batari Tungke

Tompohallugu 22. Datari Tungke

5. Tampaballusu6. Tanraballusu23. Bataritojang24. Etenrileleng

7. Tompanange 25. Lakaseng

8. Batara Guru 26. Etenrileleng

Lamariawa
Datu Risaunglebbi
ManingoE Ri Bajo
Latenripeppang
Etenriawaru
La Oddangpero

Tosangkawana
Datu Maoge
Etenrirawe
Patipatau Toappanyompa
Petta Matinroe To Malullu
Iskanda Opu Dg. Pali

15. Patiarase 33. Andi Kambo opu Dg. Ri Sompa

16. Patipasaung 34. Andi Patiware

17. Petta MatinroE Ri Gowa 35. Andi Djelling

18. Settiaraja 36. Andi Djemma

In Undang-undang No. 29 Tahun 1959 tentang Pembentukan Daerah-daerah Tingkat II Sulawesi caused the broke of the autonomy of kingdoms in South Sulawesi and form 13 regencies. As the consequence of the breaking Andi Djemma (Luwu's *Datu*) appointed as the Regent of Luwu.

Luwu society was complexes, it consists of some sub ethnics who have a different dialects. They are:

To Ugi
To Seko
To Ware'
To Limolong

To Ala'
To Wotu
To Raja
To Padoe

5. To Rongkong 11. To Bajo

6. To Pamona 12. To Mengkonga

E. Kabupaten Luwu

The area of Luwu Regency is 3.247.77 km² or 5.20% from all of South Sulawesi's area. It divided into 1 administrative city, 11 definitive districts, 5 proportional districts, 16 definitive sub districts, 181 definitive villages, 18 preparation villages and 1 unit for transmigration. Astronomy position of Luwu regency is 2°-59° - 3°-44° south latitude and 199°-98° - 120°-25° west longitude, Luwu's administrative limits are:

Northern : North Luwu Regency

Eastern : Bone bay, Province of Southeast Sulawesi

Southern : Wajo regency and Sidrap regency

Western: Tator regency and Enrekang regency

The capital city of Luwu regency is Belopa. Belopa is strategic because it is located in the main road in Sulawesi that connects South Sulawesi, Southeast Sulawesi, Central Sulawesi, and North Sulawesi. So that, Belopa can be function as center of supplies and main entrance of economic distribution for it is around place.

Luwu regency spread from south to north. In the southern is spread highland but in northern is spread lowland and coast that has fertile soil to develop agriculture specially plants. Has long line coast so able to do cultivation of coastal pond.

III. RESEARCH METHOD

A. Research Design

The design of this research was descriptive methods. This method is suitable to describe the cultural event. Descriptive research involves collecting data in order to answer question concerning the current status of the study.

B. Technique of Data Collection

The writer used two techniques of data collections, they are interview and documentation. Interviewer that conducted in this research is free interview or the conversation in informal situation. This way was taken because the writer was sure that interviewee would more relax and easily give information in such situation. There are 10 interviewers and interview recorded and analyzed. The writer interviewed society figure, law expert, religious figures, youth figure and historian. The data of documentation were collected by reading some books that are relevant such as, the history of Luwu, and some papers about Luwu.

C. Technique of Data Analysis

The writer classified the data that has been collected from the interview. Then the writer analyzed the Luwu society's perceptions toward the Custom Law Ripaoppangi Tana.

IV. FINDINGS AND DISCUSSION

A. Findings

1. Luwu Society's Perception toward the custom law Ripaoppangi Tana

This chapter deals with the research findings and discussion of the research findings. It entirely covers the perceptions of Luwu society toward the Custom Law Ripaoppangi Tana in Kabupaten Luwu and its existence in the society. In connection with the explanation above, there are two words used to indicate the perception of Luwu society toward the Custom Law Ripaoppangi Tana namely: submission, fear, and bravery.

a. Obedience

According to informant, the Luwu society obeyed and respected toward the command and decision of *Datu*. All of *Datu's* decree must be accepted sincerely. The obedience of the society toward *Datu* was reasonable. It is suitable with the role and absolute authority in the hands of the *Datu*. The society accepted the sanction that imposed to them because they believed that *Datu* was God descent. So, whatever the decision of *Datu* it must be with relieved as the consequence from their violation that had been done.

The authority of *Datu* that was absolute monarch begins from Batara Guru (the first *Datu*) about X centuries till the fifteenth *Datu* (Datu Patiarase). Since the govern of Patipasaung (the 16th *Datu*) or Sultan Abdullah, the authority of *Datu* limited when *Ade' Seppulo Dua (Adat 12)* and *Ade' Asera (Adat 19)* was formed. *Datu* as the organizer of the government helped by *Ade' Aserai* and controlled by *Ade' Seppulo Dua* (leveled with People's Consultative Counsil). The change caused the sovereignty was in the people's hand.

Rusa' taro Datu Tenrusa' taro Ade' Rusa' taro Ade' Tenrusa' taro Anang Rusa' taro Anang Tenrusa' taro Tomaega (Pendapat Datu dapat dibatalkan oleh pendapat Hadat Pendapat Hadat dapat dibatalkan oleh pendapat Anang Pendapat Anang dapat dibatalkan oleh pendapat Rakyat)

The meaning is the *Datu* decision toward something can be changed if different with *Hadat*. The decision of *Hadat* can be changed if different with *Anang*. The decision of *Anang* changed if different with People. In other words, the decision of *Datu*, *Hadat*, and *Anang* can be changed if different with People opinion that represented by *Ade' Seppulo Dua* (People's Consultative Council).

(Anang is the ex official of kingdom, like the Ex Hadat (Minister), Maddika (the head of Regency), Tomakaka (the head of District).

b. Fear

Fear is an emotion experienced in anticipation of some specific pain or danger (usually accompanied by a desire to flee or flight), or be afraid of feel anxious of apprehensive about a possible or probable situation or event (Webster's Revised Unabridged Dictionary 1913).

Law aims to control and manage people in law relation that concrete in law events and caused law consequence. The law consequence caused the right and duty. Law as a system of society management applied by regularly compulsion. Without law as society controller, the people can be resembled to the destruction behaviors.

Law is a moral authority and needed a compulsion to uphold the law. The compulsion toward the society as law subject makes them fear toward the law and the sanction were caused by them. The sanction was caused by the law violation is very frighten. The darkness of prison and the thrown out from the villages very horrifying. Those things that caused the society to obey and respect toward the law, even though they agree or disagree to the sanction.

Beside the heavy sanction, the separation with the relatives who must endure the punishment is a horrifying ting to their family. Their family must entrust their relatives to thrown out from the village for the peaceful of their village.

c. Bravery

According to Harun Utuh (1998:75), the aims of law is to keep the society peaceful and quiet, to solve the dispute quarrel in the society by fair, so the public order and the peacefulness will be produced and to get the change in the society (social engineering).

However, the aims of the law sometimes violated by the people who disagree with the sanction imposed to them. They bravely defied the law because the unfair sanction and it does not deserve with the violation that they do.

Kahar Muzakkar is one of them who is brave to do the quarrel toward the *Hadat's* decision. The sanction of the custom law Ripaoppangi Tana imposed to him because he disagree with the government system of *Datu* Luwu that feudal (Absolute Monarch). Kahar a Moslem (Muhammadian Sect) defied the difference of social statues. He always oppose the *Datu's* command, so it makes *Datu* angry and thrown him out from Luwu.

The thrown out from Luwu did not make him afraid to come back to Luwu. So that on March 1943 the execution on him was prevailed, Kahar could be killed if he is still in Luwu area. The seeks of him was lead by Opu Pabbicara and Kapten Harada.

The bravery of Kahar Muzakkar is reasonable, *Datu* Luwu did not objective in imposing the sanction because the treason of Hadat members who cooperate with the Japanese Army.

Beside that, Lontara *Galigo* told about Sawerigading when he left Luwu to find out his prospective wife, I We Cudai Dg. Risompa Punna Bolae Ri Latanete, swore will not come back to Luwu. However, he came back to Luwu again. He offered some food to God but the God did not accept it. Then his ship sank in Bira Cape.

B. Discussion

The custom law Ripaoppangi Tana is the sanction given to person who violates the law. The sanction is compulsory and must be obeyed by the society. The obeyed and respect toward the law because the belief that *Datu* as policymakers is God descents. Beside that the fear toward the sanction was imposed to the trespassers, so they will think twice to do the violation. Some people were brave to defy the custom law because the unfair sanction and it does not deserve with the violation that they do.

The custom law applied in Luwu kingdom, it was prevailed when the kingdom system vanished and changed with the law that was prevailed now since the Independence Proclamation of Indonesia.

V. CONCLUSION AND SUGGESTION

Conclusion

Each ethnic has a custom law and tries to respect it. The national law sources from custom and the custom law. But the custom law often left because it was considered to be irrelevant with the situation. Ripaoppangi Tana is one of the custom laws applied by Luwu society. In the society, sometimes disputes that cause violation of right, and disturb others. So, the society must be holding on to the advices and the basic law of kingdom to handle the problem.

Luwu societies obey and respect toward the custom law that was, because they believed that was prevailed, because they believed that *Datu* is God descendants. However the custom law Ripaoppangi Tana left and changed by the national law since the Independence Proclamation of Indonesia. But there are some people who brave to defy the law because the unfair sanction and it does not deserve with the violation that they do.

Suggestion

The custom law Ripaoppangi Tana in Luwu is the oldest law that has to be learned by lawmakers as the policymakers. The cultural resource as one of the factors in development has to be use effectively and maximal. Therefore all of the society can take part and have the sense belonging and sense of responsibility about the development of our local government.

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