

FUNCTION AND DUTIES OF TRADITIONAL INSTITUTIONS IN IMPLEMENTING VILLAGE GOVERNMENT IN LUWU UTARA REGENCY

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Abstract

In essence, customary institutions are partners of the village government. This is where the understanding and capability of traditional leaders and officials in a customary institution are needed in carrying out their roles. So that then the existing village government can better understand that the village government itself is carried out with respect and/or based on community initiatives, the rights of origin and traditional rights of the village. This paper analyzes the implementation of the functions and duties of customary institutions in the administration of the Hono Village government. The research method used in the empirical research, namely by examining the implementation of the functions and duties of customary institutions in the implementation of Village Government in Hono Village, Seko District, Luwu Utara Regency and the obstacles to implementing the functions and duties of Traditional Institutions in implementing Village governance in Hono Village, Seko District, Luwu Utara Regency. The types of data used are primary data and secondary data obtained from interviews and documentation. All data collected were analyzed qualitatively. The results showed that the implementation of Village Government in Hono Village, Seko District, Luwu Utara Regency has been implemented effectively and efficiently. This is shown by the harmonious cooperation between the traditional Hono village government, Hono traditional institutions and other village officials in developing consensus deliberations for decision making in village deliberations as well as the development of customary values in resolving land disputes and conflicts in the social life arrangements of the indigenous Hono community. In addition, the hono customary institution has also carried out functions in protecting the cultural identity and traditional rights of indigenous peoples including marriage and other kinship elements. On the basis of this, it can be concluded that the hono village customary institution has carried out its functions and duties as stipulated in the Minister of Home Affairs Regulation Number 18 Year 2018 concerning Village Community Institutions and Village Traditional Institutions.

Keywords: *Hono village, governance, traditional institutions.*

INTRODUCTION

The aspirations of the Indonesian people as set out in the preamble of the 1945 Constitution of the Republic of Indonesia, namely, the creation of an independent, united, sovereign, just and prosperous Indonesian State which is a national goal that must be achieved through the implementation of a state government that protects all Indonesians. and all the blood of Indonesia and to promote public welfare, the intellectual life of the nation, and participate in implementing world order based on independence, eternal peace and social justice.

In order to bridge efforts towards these lofty ideals, a Vision of Indonesia for the future has been formulated, namely, the realization of an Indonesian society that is religious, humane, independent, just, prosperous, united, advanced and democratic, as well as good and clean in state administration. This vision serves as a guideline for reforms to achieve good governance. But in reality, now Indonesia's national competitiveness is considered so low¹.

In general, this occurs due to the low welfare of the people, the low quality of human resources, the high poverty rate, and so on. The fundamental thing that occurs in this matter is the failure in governance which is defined as the failure of the interaction process between various factors in government and the target group or the majority of the individual in society. Whereas, in essence, governance is a process of coordination, influence, control and balancing of each of these interactions. The administration of government, development and public services lately has tended to be colored by various problems including the centralization of government power which has committed many acts of corruption, collusion and nepotism, obstruction of the channels for aspirations and public participation, etc².

Laws as part of the people are made by the people and intended for the people, which is the main characteristic of a democratic country. The implementation of the concept of democracy in exercising power is important, in relation to the limitation of power which creates certain powers within one power. This is none other than an effort to protect and guarantee people's rights as well as a legal protection in the administration of government by the state. The idea of the rule of law concept has long been developed by ancient Greek thinkers such as; Plato (429-374 BC) and Aristotle (384-322 BC). Aristotle provides an understanding that the state must stand on laws that will ensure justice for citizens³.

Indonesia as a country based on the law contained in article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia. In that article it is clearly stated that the State of Indonesia is a state based on law. The meaning of Indonesia is a state of law, namely a state whose constitutional implementation is carried out based on the applicable rules and regulations that in a rule of law, power will be exercised by the government based on the rule of law or the rule of law which aims to carry out a legal order. The rule of law must be based on three kinds of basic ideas of a law, namely the basis of justice, benefit, and legal certainty itself. Therefore, the law must not neglect public justice.

Indonesia is a country whose territory is known to be rich in cultural diversity, where the types of culture and forms of conservation are different. Cultural diversity in Indonesia has a bond between nature and society. Culture is a nation's wealth that must be preserved for the national interest as the identity of the Indonesian nation. In order to maintain what it has, the Indonesian government always carries out development and preservation by utilizing its wealth such as its culture, so that the welfare of the people is in accordance with the national goals of the Indonesian nation. Customs that are supported by cultural traditions make Indonesia a country with a large and diverse population. One that still exists today is the customary law community.

Article 18B of the 1945 Constitution of the Republic of Indonesia accommodates that:

The state recognizes and respects customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society with the principles of the Unitary State of the Republic of Indonesia.

This has the implication that in some areas, indigenous and tribal peoples still have rights over their assets to be used according to the needs of their community life. As stated in Article 96 of Law Number 6 Year 2014 concerning Villages which explains the formation specifically related to Traditional Villages.

The process of institutionalizing customary law communities is carried out through recognition by the government to institutionalize customary law communities which are known as Traditional Villages. In order to carry out the functions of customs in the midst of communities in rural areas, Law Number 6 of 2014 concerning Villages also accommodates the formation of an institution that organizes these affairs which are then called Village Community Institutions/Village Traditional Institutions as partners in empowering, preserving, and developing customs as a form of recognition of the customs of the village community.

Considering that Indonesia is an archipelagic country, the implementation of these national objectives is carried out through the decentralization of power in accordance with Law Number 23

¹ Santosa, P, *Administrasi Publik: Teori dan Aplikasi Good Governance*, Refika Aditama, Bandung, 2008, p. 7

² *Ibid.* p. 7-8

³ Aminuddin Ilmar, *Hukum Tata Pemerintahan*, Identitas Universitas Hasanuddin, Makassar, 2013. p. 55

Year 2014 concerning Regional Government. Related to the principle of decentralization in running the government, it is intended to provide opportunities and flexibility for regions to carry out regional autonomy. The concept of regional autonomy in the 1945 Constitution of the Republic of Indonesia regulates the division of provincial regions, in which the province is further divided into districts and cities, each of which has regional governments regulated by law. In the administration of provincial, regency, and municipal government, each has space to regulate and manage government affairs by themselves according to the principle of autonomy and the principle of assistance tasks.

The implementation of regional autonomy with the principle of decentralization, positions local governments to be able to formulate policies in accordance with the conditions of their respective regions which provide opportunities and opportunities for regions to adjust the lowest government system based on the uniqueness and local wisdom of the local community.

Based on the provisions of Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that

The state recognizes indigenous peoples and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia.

Based on this Article, it can be understood that the position of the village is included as a customary law community unit with traditional rights recognized by the 1945 Constitution of the Republic of Indonesia. In this regard, in the implementation of regional government, village government is the lowest unit of government. In this case, the village is the protection of the city district government.

According to Koentjaraningrat, cultural preservation is a large system, having various components related to the subsystem of life in society. Culture is the embryo characteristic of society. Culture is made by society, there is no society without culture, which means that almost all human actions are culture⁴.

The existence of customary institutions basically cannot be separated from the culture of a society. Its function is to maintain, implement and preserve the customs that have been applied to the community from generation to generation. The role of customary institutions in cultural inheritance is to socialize the norms and customs that apply in society. Therefore, the existence of customary institutions in every society in principle is always maintained and empowered, so that the cultural treasures of each community and the values contained therein are maintained and sustainable. This is because customary institutions as social organizations are tasked with regulating the implementation of adat as inherited from previous generations, and will provide sanctions for citizens/communities who violate them. Customary institutions as a place for cultural heritage teaches how important it is to preserve customs, so that the younger generation doesn't just forget about it.

Customary institutions have actually existed in every community/ethnic group for a long time, whose duties and functions include maintaining, administering and preserving the prevailing culture or customs in the community. In fact, it is not uncommon for customary institutions to function at the same time as a leadership system in a general sense, namely the ruler in the area or a form of the traditional leadership system of the community. However, in its development, on the initiative of the government in collaboration with local traditional leaders, a new customary institution was created with the aim of ensuring that the implementation of adat continues as it should be and strives for its preservation. The formation of these customary institutions starts from existing customary institutions and is adapted to the needs and conditions that exist in community life.

In the diversity of ethnic groups, we often find customs and traditions that apply in a particular society. For example, customs that are hereditary from their ancestors, such as the habit that the leader of a community group is passed down by their ancestors and will continue. Such a society is a traditional society. As is well known that in this society, the members then are more likely to obey their own leader.

Regulation of the Minister of Home Affairs Number 5 Year 2007 concerning Guidelines for the Structuring of Social Institutions, explains that Village Traditional Institutions are social institutions either deliberately formed or which have naturally grown and developed in the history of society or in a certain customary law community with jurisdiction and rights. assets and assets in the customary law, as well as the right and authority to regulate, manage, and resolve various life problems related to and referring to applicable customs and customary laws. The village customary institution is tasked with assisting the village government and as a partner in empowering, preserving, and developing the customs of the village community.

⁴ Koentjaraningrat, *Kebudayaan Jawa*, Balai Pustaka, Jakarta, 1984, p. 83

Customary law is all decisions that are determined with authority which in their implementation are simply applied⁵. In essence, this customary institution is a partner of the village government. This is where the understanding and capability of traditional leaders and officials in a customary institution are needed in carrying out their roles. So that then the existing village government can better understand that the village government itself is carried out with respect and/or based on community initiatives, the rights of origin and traditional rights of the village. Village government will run well if there is a synergy between the village government and the local customary institutions which are the regulators and administrators of customs. Capability usually shows the potential and strength that is in a person to show his abilities.

Traditional leaders and apparatuses in a customary institution, sometimes do not understand their functions and duties, as well as their very strategic and influential position in community life in terms of absorbing community aspirations, regulating the structure of community life which is very helpful in implementing village governance, such as institutions customs in Hono Village, Seko District, Luwu Utara Regency. This customary institution in Hono Village is led by the Chairman of the Sallombengan Seko Traditional Stakeholders Council, assisted by several other traditional institutions.

The existence of this customary institution has a very strong influence on community life, is obeyed and obeyed by the community as seen from its ability to regulate and carry out habits such as managing social problems in the community according to custom. Because the position of this customary institution is very influential and its role is very much needed, for that customary leaders and officials must be able to better understand this and maximize their role in order to help the community and village government in the implementation of village governance in Hono Village, Seko District. In fact, the existence of customary institutions in Hono Village has so far experienced obstacles and limitations in its implementation. Based on the author's research, this happened because the Hono Village government had not yet clearly understood and understood the duties and functions of the customary institutions in Hono Village itself.

In the Regulation of the Minister of Home Affairs Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions, one of the duties of the function and existence of customary institutions is spelled out, namely carrying out the affairs of recording and or data collection with the aim of planning and formulating policies and strategies in supporting smooth governance and sustainable development. and support the success of community development. Based on this proposition it can be concluded that the function of customary institutions can be said to be one of the important elements supporting the successful implementation of village governance, which in the context of work implementation, customary institutions are partners in realizing government affairs in the village. However, the fact is that the customary institutions in the village of Hono, Seko District, Luwu Utara Regency, in the context of carrying out their functions and duties, are known not to be effective and efficient enough in helping the implementation of village government affairs. Meanwhile, if observed carefully, basically the existence of traditional institutions in the village of Hono, Seko District, Luwu Utara Regency will certainly help the village government if it is properly functioned. Based on this explanation, the problem discussed in this paper is how the implementation of the functions and duties of customary institutions in the administration of Hono Village government?

METHOD

The research method used in the empirical research,⁶ namely by examining the implementation of the functions and duties of traditional institutions in the implementation of Village Government in Hono Village, Seko District, Luwu Utara Regency and the obstacles to the implementation of the functions and duties of the Traditional Institution in the implementation of Village governance in Hono Village, Seko District, Luwu Utara Regency. The types of data used are primary data and secondary data obtained from interviews and documentation. All data collected were analyzed qualitatively.

RESULTS AND DISCUSSION

Implementation of Functions and Duties of Traditional Institutions in Hono Village Governance

Implementation is one of the activities that can be found in the administrative process. This is in line with Bintoro Tjokroadmudjoyo's explanation who argues that implementation is a process that we can understand in the form of a series of activities that originate from policies to achieve a goal.⁷

⁵ A. Suriyaman Mustari Pide, *Hukum Adat Dahulu, Kini dan Akan Datang*, Kencana, Jakarta, 2014, p. 4

⁶ Kadarudin, *Mengenal Riset dalam Bidang Ilmu Hukum, Tipologi, Metodologi, dan Kerangka*, Ponorogo: Uwais Inspirasi Indonesia, 2020, p. 151

⁷ Rahardjo Adisasmita, *Pembiayaan Pembangunan Daerah*, Graha Ilmu, Yogyakarta, 2011, p. 24

Implementation is also a dynamic concept that involves continuous efforts to seek what is done, organize activities that lead to the opinion of a program into impact⁸. Meanwhile, executors are people who work on or carry out a plan that has been prepared⁹. Nining Haslinda Zainal¹⁰ states that functions are details of similar or closely related tasks to be performed by a certain employee, each of which is based on a group of similar activities according to their nature or implementation. Meanwhile, according to the large Indonesian dictionary, function means the position/work that is done or the use of something, and the use is identified with function. Likewise, in the legal dictionary which defines function as position, role, work, use, a group of jobs, one with another there is a close relationship in carrying out main tasks.¹¹

Customary institutions are a combination of the words institution and the word adat. In English, the word institution is called institution, which means establishment, institution, customs and habits. Whereas adat is a habit of a society that is steady (carried out continuously), maintained by its supporters.¹² Based on this definition, customary institutions can be defined as a term that indicates an established pattern of human behavior consisting of social interactions that have a structure within a relevant value framework. Indigenous peoples have the right to determine and develop development priorities and strategies that use their lands or territories and other resources as a form of implementation of indigenous peoples' rights.¹³

Conceptually, the measuring index for the implementation of village governance is in principle not only based on how far the village development process is carried out but the extent to which the village government is able to move the community to participate in development and implementation of village administration as a form of democracy in the village. It should be that every decision taken in the village must be based on deliberation to reach a consensus so that with a concept like this the aspirations of the community are very important in the successful implementation of the village government. This also applies to the aspirations of the village customary community in village governance, where the existence of the implementation of the functions and work of the village government is the manifestation of the aspirations of the village customary community through the existence of customary institutions in the village.

The customary institution in its position is an institution that is formed in a structure in which there is a customary structure that is recognized by law. when referring to Article 95 paragraph (1), (2) and Paragraph (3) of Law No. 6 Year 2014 concerning Villages clearly states that:

The Village Government and the Village community can form Village customary institutions.¹⁴

The Village customary institution as referred to in paragraph (1) is an institution that carries out traditional customs functions and becomes part of the original Village composition which grows and develops on the initiative of the Village community.¹⁵

Further in paragraph (3) it is explained that:

The Village customary institution as referred to in paragraph (1) is tasked with assisting the Village Government and as a partner in empowering, preserving and developing customs as a form of recognition of the customs of the Village community.¹⁶

He admits that the village customary institutions legally as explained in the article above, according to the author's opinion, are not only because the law requires the existence of customary institutions to exist but in fact village customary institutions also have a substantial role in supporting the successful implementation of governance in the village. In addition, if examined further at the level of work practice, customary institutions do not only play a role in the context of cultural preservation of indigenous peoples, but traditional institutions also play a role in Village Government. This can be

⁸ Hisyam Djiha and Suyanto, *Pelaksanaan Pendidikan di Indonesia Memasuki Millenium III*. Adi Cita, 2000, Yogyakarta, p.151

⁹ W.J.S. Purwadarminto, *Kamus Umum Bahasa Indonesia*, Nilai Pustaka, Jakarta, 1986, p. 553

¹⁰ Nining Haslinda Zainal, *Analisis Kesesuaian Tugas Pokok dan Fungsi dengan Kompetensi Pegawai pada Sekretariat Pemerintah Kota Makassar*. (undergraduate Thesis), Hasanuddin University, 2008, p. 22

¹¹ Paimin Napitulu, *Peran dan Tanggungjawab Dewan Perwakilan Rakyat (Kajian di DPRD Provinsi DKI Jakarta)*, PT. Alumni Bandung, Bandung, 2005, p. 36

¹² Dominikus Rato, *Hukum Adat (Suatu Pengantar Memahami Hukum Adat di Indonesia)*. Laksbang Pressindo, Yogyakarta, 2011, p. 1

¹³ Aminuddin Salle, *Hukum Pengadaan Tanah untuk Kepentingan Umum*, Kreasi Total Media, Yogyakarta, 2007, p. 9-10

¹⁴ Law Number 6 Year 2014 concerning Villages

¹⁵ *Ibid.*

¹⁶ *Ibid.*

seen from the fact that various problems and village conflicts are often resolved not only by the village head and village officials alone, but also by customary institutions that have contributed greatly in solving these problems.

Based on the above arguments, it becomes clear that the nomenclature of the existence of customary institutions is clear. This is stated in Law Number 6 Year 2004 concerning Villages. The phrase in the Village Law relating to the existence of the Customary Institution is explained by the Village Government and the Village community to form a Village customary institution, that the word can in this phrase in law can mean whether or not the Village Adat institution is formed. However, in the opinion of the author, one form of guaranteeing the recognition of the existence of indigenous peoples must be legitimized by the existence of a structure or a forum for indigenous peoples to convey the ideas of indigenous peoples. So that the position of customary institutions becomes mandatory in villages that have indigenous peoples who up to now still adhere to ancestral values. This argument makes the Hono Village Customary Institution, Seko District, Luwu Utara Regency legally recognized by law based on the a quo Law. This is in line with the results of the author's interview with the Head of Hono Village, Seko District, Luwu Utara Regency on behalf of Ilham, who further explained that:

There is a special customary institution in Hono village. There is Tu Bara who is structurally in the lead and under it is the name Matua Lipu, an extension of Tu Bara's hand in carrying out traditional rules. If Hono, it is indeed a customary area but it oversees three village administrative areas, namely the villages of Padang Balua, Hono, and Marante, all of which are led by Tu Bara Hono.¹⁷

The statement of the Head of Hono Village at least shows that the Hono Village Government also recognizes the existence of the Hono Village Customary Institution which then has an important position in the life of the indigenous community, which in turn becomes a partner of the village government in carrying out village administration affairs and/or as a forum for conveying the aspirations of the Village adat community Hono. In addition, identification from the historical, territorial, legal and customary legal system as well as the inheritance of the Hono indigenous people shows that the Hono indigenous people are a society that continues to exist and develop until this moment, becoming an entity that colors the life of the Indonesian nation, it is mandatory. To be recognized by the local and central government, the Hono indigenous people, even the world needs to recognize that.

Customary law communities according to Ter Haar in his book entitled *Beginnelsen en Stelsel van bet Adatrecht*, defines customary law communities as regular groups that are steady (carried out continuously) with self-government which has both material and material objects,¹⁸ then it is natural and proper if the legal awareness factor of regional government officials towards regulating authority is interpreted as awareness of regional values that manifest in the implementation of local government.¹⁹

Referring to the customary law community in Utara Luwu Regency, namely the Hono indigenous community, the local government has issued Luwu Utara Regency Regional Regulation Number 12 of 2004 concerning Empowerment, Conservation, Development of Customs and Customary Institutions and to further ensure their recognition, the Luwu Utara Regent issued a letter The decision, namely the Decree of the Luwu Utara Regent Number 300 Year 2004 concerning the Recognition of the Existence of the Seko Indigenous Community. The enactment of this decree provides the basis for the local government's right to recognize and respect the existence of the Seko indigenous people.

In terms of customary law and customary government systems, the Seko indigenous people in each region have their own customary leadership. Based on the customary leadership system, the legal territory of the Seko indigenous people consists of 3 Tu Bara, 3 To bara, 2 To Makaka and 1 To Key, each of which has a leader, namely:

- | | | | |
|----|----------------------|---|----------------------------------|
| 1. | To Key Singkalong | : | Traditional Leaders Singkalong; |
| 2. | Tu Bara' Turong | : | Traditional Leaders Turong; |
| 3. | Tu Bara' Lodang | : | Traditional Leaders Lodang; |
| 4. | Tu Bara' Hono | : | Traditional Leaders Hono; |
| 5. | To Bara' Ambalong | : | Traditional Leaders Ambalong; |
| 6. | To Bara' Hoyane | : | Traditional Leaders Hoyane; |

¹⁷ Interview with Ilham (the Head of Hono Village, Seko District, Luwu Utara Regency), on November 2, 2020

¹⁸ Soerjono Soekanto, *Hukum Adat Indonesia*. PT Raja Grafindo Persada, Jakarta, 2011, p. 93

¹⁹ Achmad Ali, *Menjelajahi Kajian Empiris Terhadap Hukum*, Yasrif Watampone, Jakarta, 1998, p. 192

7. To Bara' Pohoneang : Traditional Leaders Pohoneang;
8. To Mokaka Kariango : Traditional Leaders Kariango;
9. To Mokaka Beroppa ': Traditional Leaders Beroppa'.

All of these customary leaders lead based on their respective customary territories and until now all customary leaders still get along. On the basis of the explanation above, it becomes clear that the Hono Traditional Institution has an existence in the administration of government in Hono Village, Seko District, Luwu Utara Regency.

Conceptually, the Village Head basically has a higher position than the Traditional Head in his position in the government. But culturally custom has existed since the era of government administration has not been known so that at the cultural level it is not uncommon for customary institutions to have a very important position in the eyes of the indigenous village community, where the importance of the customary head is accompanied by the behavior of the customary head who is responsible for his customary community, and participate. take part in solving problems in the implementation of village government by customary methods and this is also carried out in the Hono village government administration system. Where based on the results of the author's interview with the Head of Hono Village, it was explained that:

For example, if there is a dispute, then Matua Lipu will take over. If there are activities that require large numbers of people, then Matua Lipu will be in charge of collecting them. If there is an activity or event for the rice planting season or rice harvest, then Matua Lipu will usually play a role in gathering the community to organize an event. Another task is to resolve land disputes in case of disputes.²⁰

If examined carefully, basically the arguments above illustrate the conflict that occurred in Hono village, the resolution is not only the responsibility of the village head of Hono and his staff, but the Hono village customary institution also has a major role in providing support to solve the problems of the village community by the form of coordination between village heads and customary institutions, because it is not uncommon for the village customary institutions to better understand and understand the situation desired by the village adat community, so based on these arguments, according to the author there is a need for a harmonious working relationship between village heads, customary institutions and village officials. other, so that various conflicts and problems that occur in the village can be easily resolved.

Referring to the historical customary village, in essence, long before the existence of this state was formed, social structures such as indigenous peoples and so on had already been formed which later became social institutions and had an important position at the level of social life of the community. Whereas in the context of the current government structure, the implementation of village government is part of the government administration system, so based on this argument, the village has the authority to regulate and manage the interests of its community which has become known as Village Autonomy. This is done so that the success of Village Government administration can be manifest in practice, which is why both the customary village community and the village government are very much needed harmonious cooperation as it is known that these two institutions are an important element in the success of governance in the village. So far, based on the results of the author's investigation, a harmonious work system has been built between the Hono Village Traditional Institution and the Village Head and Hono Village officials in terms of implementing and or resolving the problems of the Hono Village Indigenous community. This can be seen from the results of the author's interview with the head of the Hono Village, Seko District, Luwu Utara Regency who explained that:

The settlement carried out by customary institutions if there is a dispute such as land dispute, usually the two parties who are in dispute will come to Matua Lipu because they realize that if there are only two of them, this problem will not be resolved. Therefore, they came to Matua Lipu to ask for his involvement in solving the problem. Here, Matua Lipu took the role of occupying the two of them and mediating and helping to solve the problem. Matua Lipu will make decisions based on considerations from both parties. For example, if there is a witness brought by the two parties, then Matua Lipu will listen and also consider it.²¹

²⁰ Interview with Ilham (the Head of Hono Village, Seko District, Luwu Utara Regency), on October 23, 2020

²¹ Interview with Ilham (the Head of Hono Village, Seko District, Luwu Utara Regency), on October 23, 2020

The head of Hono Village further explained that:

So far, the village government has always followed Matua Lipu. This means that if Matua Lipu has decided, then the village government will follow the decision. If Matua Lipu has decided and it turns out that one of the parties or both parties who are in dispute have objections and do not accept the decision, then this matter will be raised and will be resolved by Tu Bara. If it turns out that Tu Bara has decided and one or both of these parties still do not accept, then the matter will be left to the village government. If in the village government the positive legal decision is still not acceptable to one or both parties, then the village government will provide recommendations for this matter to be resolved in court.²²

The statement of the head of Hono Village shows how important the role of the Hono Village Customary Institution, Seko Subdistrict, Luwu Utara Regency in the administration of governance in the village. In addition, there are even a few problems in the Hono customary village that are resolved by the customary institutions in the Hono village that no longer need to intervene by the village government. Because it has been resolved by the Hono Village Customary Institution, Seko District, Luwu Utara Regency.

As an indigenous community, Hono Village, Seko District, Luwu Utara Regency, of course, has its own culture, customs and language as a form of identity and customary personality. Quoting Widjaja's opinion, it was explained that the customary/primordial or traditional communities in moving them are different from urban communities where indigenous peoples are moved on a shared desire with local customary bases, for local custom itself in its definition defined as a living and developing custom, followed and maintained its traditions by the local community.²³ From this argument alone, it can be seen that in the successful implementation of the functions and tasks of village government, it is necessary to have harmonious cooperation between the village government and local customary institutions. In relation to this argument, based on the results of the author's search, it is known that this is very effective in the context of the implementation of the work of the Hono village government where Matua Lipu, Hono Village, on activities or events in the rice planting season or rice harvest, will usually play a role in gathering the community to create activities or events together with custom Society.

Juridically based on the Minister of Home Affairs Regulation Number 18 Year 2018 concerning Village Community Institutions and Village Traditional Institutions, it is explained that Village Adat Institutions are institutions that carry out customary functions and become part of the original village structure that grows and develops on the initiative of the Village community. A village customary institution is an institution that naturally has grown and developed in the history of the Village community or in a certain customary law community with a legal area and rights to property and assets in that customary law, and has the right and authority to regulate, administer and resolve various life problems related to and referring to applicable customs and customary laws.²⁴

The proposition above shows that in practice the existence of a village customary institution is tasked with helping the village government in its position as a partner in preserving, empowering, and advancing the customs of the village community. Customary institutions as partners of the village government make the understanding and capabilities of traditional leaders and officials in a customary institution needed to carry out their roles. In line with this the Hono Village Head explained that in the recruitment system who filled positions at the Hono Village Customary institution it was explained that:

Tu Bara is in charge, and for the election of Matua Lipu there will usually be proposals for names to be submitted to become Matua Lipu which are then fully elected and determined by Tu Bara and confirmed by custom.²⁵

So far the author views that the recruitment of filling positions at the Hono village customary institution is carried out with the consideration that Tu Bara is seen as a person who has knowledge in terms of determining Matua Lipu where Matua Lipu must be someone who has the capability, capability and responsibility to the problems of the village's Indigenous people Hono. In addition, there is still a customary lineage by Matua Lipu, which indicates that his words are a representation of the customs themselves so that the decision of Tu Bara is considered final by the Hono Village government, Seko District, Luwu Utara Regency.

²² *Ibid.*

²³ Widjaja, 2003, Otonomi Desa Merupakan, Otonomi Yang Asli, Bulat dan Utuh. PT. Raja Grafindo Persada, Jakarta, p.11

²⁴ Explanation of village customary institutions in Law Number 6 Year 2014 concerning Villages

²⁵ Interview with Ilham (the Head of Hono Village, Seko District, Luwu Utara Regency), on October 23, 2020

The above argument basically emphasizes the village government that the traditional village government is carried out with respect and / or based on community initiatives, rights of origin and traditional village rights. A village government will run well if there is a synergy between the village government and local customary institutions which are the regulators and administrators of customs in the area.

Based on Article 10 of the Minister of Home Affairs Regulation Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions, it is stated that:

- (1) LAD is tasked with assisting the Village Government and as a partner in empowering, preserving and developing customs as a form of recognition of the customs of the Village community.
- (2) In carrying out the tasks referred to in paragraph (1), LAD functions:
 - a. protect the cultural identity and traditional rights of indigenous peoples including birth, death, marriage and other kinship elements;
 - b. preserving ulayat rights, ulayat land, customary forest, and other customary assets and/or assets for the source of livelihoods of the community, preserving the environment, and overcoming poverty in the village;
 - c. develop deliberation to reach consensus for decision making in Village deliberations;
 - d. develop customary values in the settlement of disputes over ownership of inheritance, land and conflicts in human interactions;
 - e. development of customs values for peace, tranquility and order of the Village community;
 - f. develop customary values for health activities, community education, arts and culture, environment, and others; and
 - g. develop cooperation with other LAD.

The article above shows that in the implementation of village governance, customary institutions are formed in accordance with the culture that develops in the village, which function as partners in the implementation of village governance.

Referring to the provisions of Article 10 of the Minister of Home Affairs Regulation Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions, in relation to the functions and duties of Village Traditional Institutions as mentioned above it is known that one of the duties of customary institutions is to carry out the function of protecting the cultural identity and traditional rights of the community. customary law. This function has been carried out by the Hono village customary institution where Matua Lipu leads for customary activities. For example, in early November there was a customary activity to sow rice seeds together. In addition, during the rice harvest season, Matua Lipu will usually play a role in gathering the community to make traditional events as a form of gratitude for the harvest. This can be seen from the results of the author's interview with Matua Lipu, the Hono Village Customary Institution on behalf of Muh. Ali who explained that:

I lead for customary activities. For example, in early November there was a customary activity to sow rice seeds together. Besides that, I also have the duty to protect the community so that there are no disputes.²⁶

In addition, the function of developing consensus deliberations for decision-making in Village deliberations is also carried out by the Hono Village Customary Institution, where based on the results of the author's interview with the Head of Hono Village it is explained that:

If there is assistance such as subsidies for indigenous peoples. Usually if there is such assistance, the village government will sit down together. For example, like yesterday, there was BST assistance, we called the BPD, Matua Lipu, hamlet heads, religious leaders to propose names who are entitled to receive this assistance. Matua Lipu here is the person who knows best about the condition of his people.²⁷

Another function of the Village Customary Institution based on Article 10 of the Minister of Home Affairs Regulation Number 18 Year 2018 is to develop customary values in the settlement of disputes over inheritance, land and conflicts in human interactions. In the context of this function, the writer has interviewed Matua Lipu which explained that:

²⁶ Interview with Muh. Ali (Matua Lipu, the Hono Village Customary Institution), on October 23, 2020

²⁷ Interview with Ilham (the Head of Hono Village, Seko District, Luwu Utara Regency), on October 23, 2020

Disputes between residents are resolved in my way, Matua Lipu, along with elder figures and religious leaders who decide, but if the person feels objectionable and does not accept it, then this matter will be left to Tu Bara. And if Tu Bara also can't finish it will be handed over to the village government. And if the village government does not resolve it, it will be handed over to the sub-district and then to the court. A little extra, actually the rules of customary institutions are like religious rules. You could say it was like a religious rule which was later enforced. For example, you cannot steal, you cannot commit adultery and so on.²⁸

Furthermore, Tu Bara Desa Hono on behalf of Kisman Takhir explained that:

In each region there is Matua Lipu whose role is to carry out customary activities and Tu Bara plays a role if there are customary problems that Matua Lipu cannot work on or resolve. Matua Lipu was entrusted with carrying out traditional activities and reporting them to Tu Bara. So far, every problem in society can be resolved in traditional institutions: in Matua Lipu or in Tu Bara, except for killing. Until now, in Seko there hasn't been a problem that Matua Lipu or Tu Bara couldn't solve. So Tu Bara usually waited for what Matua Lipu could not finish and then discussed it together.²⁹

As far as the search and the results of the author's research are concerned, with disputes concerning customary law and customs of the Hono people. The role of the Hono Customary Institution is to become a mediator and executor who imposes sanctions. This is based on the coordination between the village government and the Adat Hono institution itself, where the village government in resolving disputes at the social level of the Hono customary community leaves the resolution of community conflicts to the Hono Village customary institution completely. However, if one party is still not satisfied with the decision of the Hono customary institution, the village government recommends the conflict be resolved in court.

This concept, according to the author's opinion, in the implementation of work based on good coordination between customary institutions and Hono village officials can foster and instill the principles of customary law in the practice of government administration to community behavior. This can be seen by the existence of phenomena ranging from mutual cooperation, social feeling, democracy, and fostering a sense of togetherness in achieving common goals carried out by the community together with traditional institutions and village administration of Hono, Seko District, Luwu Utara Regency.

As far as the author's investigation, the implementation of the role of the Hono village customary institution, Seko District, Luwu Utara Regency in the administration of the Hono Village government has been carried out, even the implementation of its role is very important. This is because the Hono Village Traditional Institution always builds coordination, cooperation, and good relations between village officials, making it easier for customary institutions to participate in government administration, although not all in terms of village government affairs, customary institutions take part, but there are parts. which customary institutions cannot participate in because it is not the domain or part of the functions and duties of the customary institution.

The implementation of village government should be able to motivate the community to participate in the development and administration of the village. Therefore, every decision taken must be based on deliberation to reach consensus. Community aspiration is a strong desire or ideal. The Hono Traditional Institution, which is a means of accommodating and channeling the aspirations of the community in Hono village, synergizes with the village government to realize, accelerate and strengthen the implementation of village autonomy and facilitate the community in accordance with their respective functions and authorities which are explicitly and clearly regulated in statutory regulations applicable. This confirms that the Hono customary institution is a force that must be embraced in such a way so that it can continue to help solve the problems of the Hono Village Indigenous people.

In addition to land disputes based on the results of interviews with the author and Tu Bara, the Hono Customary Institution, it was also explained that:

Cases that are usually resolved by customary institutions are usually like beatings. So if there is a beating, both parties will usually be summoned. Or sometimes one of the parties who feels guilty, usually will come himself and admit his mistake. If custom calls for the beater, it could be a different story. Usually those who are summoned will be subject to sanctions. If the hitter comes himself and admits, usually the penalty is lighter. If something goes wrong, both

²⁸ Interview with Muh. Ali (Matua Lipu, the Hono Village Customary Institution), on October 23, 2020

²⁹ Interview with Kisman Takhir (Tu Bara, Hono Village) on October 23, 2020

parties will also be summoned. Then the customary institution will determine how the fighting took place, who started it and then imposed sanctions. If the sanction imposed is to pay several million, (for example four million, or six million) then the money is used to buy buffalo. The buffalo will later be slaughtered for a meal with the local community which is intended to solve problems and cleanse them from their sins and mistakes. This is also done because, there is a concern that the problem could bring disaster to the local community and region.³⁰

The above proposition can be seen that the role of the customary institution in the village of Hono, Seko District, Luwu Utara Regency is very important in creating a harmonious and objective relationship between customary stakeholders and the village government and indigenous village communities. The role of the Hono Customary Institution in this case has been carried out well that regardless of their position as village government, village officials, they are part of the tribal children and tribal chiefs in the Hono Traditional Institution so that they respect every suggestion, rules to always live to help each other, this is reflected from the implementation of existing customary activities and continue to be carried out from year to year.

The role of the Hono village customary institution in maintaining local culture with various kinds of local wisdom has now become an urgent matter, especially in dealing with cultural clashes that are often brought by members of the village community from the city. The cultural clash gradually acculturates the local culture which has long taken root as the lifestyle of the village community, especially Hono village. Village community life with kinship and or kinship patterns are local wisdom values that are very important to be sown and preserved. Therefore, the Hono Village Customary Institution has a very important position in the eyes of the village community as an effort to deal with the clash of cultures.

The juridical mandate for the establishment of a Village Traditional Institution is the will of Law Number 6 Year 2014 concerning Villages and its derivatives Government Regulation No. 47 Year 2015. More technically, it is contained in the Regulation of the Minister of Home Affairs Number 18 Year 2018 concerning Village Community Institutions and Village Traditional Institutions. The existence of the Village Customary Institution is a strategic option to maintain and maintain the importance of local wisdom values and village community mutual cooperation amidst the great stimulation of the government which is currently boosting village development through village funds and so on. So that it requires the awareness of the village community to maintain the values of local wisdom in their village.

In carrying out its functions and duties, the Hono Traditional Institution has carried out its role as stipulated in the Minister of Home Affairs Regulation Number 18 Year 2018 concerning Village Community Institutions and Village Traditional Institutions, although the Hono traditional institutions do not always take part in the implementation of village governance. Because customary institutions and village governments have their respective controls in it, which in carrying out village government programs, the village head always coordinates with the customary head of Hono village, so as to minimize any conflicts or differences in understanding between customary institutions and village government officials and avoid obstacles - Constraints that may occur in running village government administration programs. So it can be said that the customary institutions in Hono village have played a role in the implementation of village governance

The role of customary institutions in the context of implementing village governance is not at all contrary to the vision and mission of holding the Hono village government where the Hono Village Traditional Institution has an important role in the village, both in government administration and in preserving local customs, because the Hono traditional institution stands based on the benefit of the Hono community.

CONCLUSION

The Village Administration in Hono Village, Seko District, Luwu Utara Regency has been carried out effectively and efficiently. This is shown by the harmonious cooperation between the traditional Hono village government, Hono traditional institutions and other village officials in developing consensus deliberations for decision making in village deliberations as well as the development of customary values in resolving land disputes and conflicts in the social life arrangements of the indigenous Hono community. In addition, the hono customary institution has also carried out functions in protecting the cultural identity and traditional rights of indigenous peoples including marriage and other kinship elements. On the basis of this, it can be concluded that the hono village customary institution has carried out its functions and duties as stipulated in the Minister of Home Affairs

³⁰ Interview with Kisman Takhir (Tu Bara, Hono Village) on October 23, 2020

Regulation Number 18 Year 2018 concerning Village Community Institutions and Village Traditional Institutions.

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