Importance of Cultural Legitimacy to the Local Government in Indonesian Democracy

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Abstract. This paper aims to analyze the importance of legitimacy aspect for a government, related to the existence of indigenous people, in the context of local election as the manifestation of democracy. Generally, legitimacy is interpreted in a normative understanding, particularly in its relation to the legal fulfillment of formal requirements that produces a legitimate government. Legitimacy is required to ensure that a government has justifications to implement all of its functions. Moreover, legitimacy is also necessary to ensure the compliance and support of people. Nevertheless, in terms of indigenous peoples, though formal legitimacy is indeed important, it is not the only legitimacy required by the local government. The legitimacy shall also be related to local values upheld by people. Based on the research conducted on the Toraja ethnic group in Tana Toraja, in the perspective of legal pluralism, there are two crucial intersecting governing norms. This study shows the importance of adat values to obtain legitimacy, in the context democratization in Indonesia, and the existence of adat in the implementation of local autonomy. By using several different principles as the bases, the existence of adat and formal law in the implementation of local election show that there is a collaboration effort to make the process of democracy and adat go along well, conferring a legitimacy for the local government despite the uniqueness of the Toraja people.

Keywords: adat, democracy, indigenous people, legal pluralism, legitimacy

INTRODUCTION

There were many prominent social scientists such as John Locke, Max Weber, and Seymour Martin Lipset, claiming that legitimacy is central to political outcomes (Greif and Rubin, 2014). Moreover, Max Weber (1964 cited in Greif and Rubin, 2014) went as far as to claim that political legitimacy is “the basis of every system of authority”.

Generally, legitimacy is defined as “a generalized perception or assumption that the actions of an entity are desirable” (Suchman, 1995; Higgins and Gulati, 2006 cited in Rao, 2008). In the studies of politics and governments, legitimacy became a crucial concept. Legitimacy is known as a concept, usually associated with a governing regime or a system of governance. The word has a normative meaning. To say that an institution is legitimate in the normative sense is to assert that it has “the right to rule”—where ruling is promulgating rules and attempting to secure compliance with them by attaching costs to noncompliance and/or benefits to compliance (Buchanan and Keohane, 2005).

As a normative concept, legitimacy should be associated with a set of rules or regulations that must be obeyed. By confirming them, the government or the governing regime will have justification for their various actions in the context of their original legality to govern people in the right ways. In this sense, the domain of the concept of legitimacy, then, is the space between the through-going normative agreement that makes questions of legitimacy and the through-going normative disagreement that precludes coordinated support for
institutions on any basis (Buchanan and Keohane, 2005). Hence, when people perceive an authority or legal system as legitimate, neither “consent of the governed” nor “benefits received” are required to justify obedience (Gelpi, 2003; Tyler, 2006 cited in Skitka, et.al. 2009). Instead, legitimacy is believed to create a duty and obligation to obey as an imperative that replaces even personal moral standards as a guide or primary motivation (Kelman & Hamilton, 1989 cited in Skitka, et.al., 2009). It means without normative legitimacy, the government will not be accepted as the governing institution. People will potentially reject or ignore their policies or regulations. These show how important legitimacy is to justify the existence of a governing regime or governance system; it becomes a normative reason. That kind of legitimacy established by the governmental institutions, which in normative aspect is based on institutional procedures, is usually called as rational-legal legitimacy (O’Neil, 2010).

Although the normative aspect of legitimacy is important for the existence of a government, that kind of legitimacy can not play as the only player. In order to obtain people’s obedience and to ensure its continuity and effectiveness, a government also needs another legitimacy which is based on the unique context of the society. It is usually called as traditional legitimacy.

Traditional legitimacy is derived from societal custom and habit that emphasize the history of the authority of tradition. It means, there is another kind of legitimacy beside the normative one, existing in term of governance. Hunt and Smith (2005) note that governance can be broadly defined as the process and structures (formal and informal) by which a group, community or society makes decisions; distributes and exercises authority and power, determines strategic goals, organize corporate and individual behavior, develops institutional rules, and assigns responsibility for those matters. Even traditional governance has its own kind of legitimacy, existing based on their local context or traditional culture. Traditional cultural expressions, often the product of inter-generational and fluid social and communal creative processes, reflect and identify a community’s history, cultural and social identity, and values (World Intellectual Property and Organization, 2012). In this view, traditional or cultural legitimacy is a crucial thing in particular society that has their common norms or rules beside the formal one.

When there are two basic norms, formal and cultural ones, in the same space, the conditions tend to become legal-plural. The word “plural” usually means that there are more than one entity existing in one space. The space could be persons or objects. In the context of indigenous society, that usually have their own “law”, the legal-plural condition tends to widely affect the society, since they should obey their own “law” and at the same time must also conform to the formal law as the legitimate government product.

Legitimacy entails obedience based on the moral obligation to follow the authority, and public displays of the support (Greif and Rubin, 2014). Related to public support, for the indigenous people, legitimacy tends to plays in two sides: local norms and the formal law. For our country has many indigenous societies, spreading in many regions, the issue of “legal pluralism” become crucial, particularly in the current Indonesian situation. In the current condition where local autonomy allows local existence within the concept of democratization, legal pluralism tends to be taken as a general option in several regions. In a local election to choose the District Head/Regent (Bupati) or Municipal Head/ Mayor (Walikota), democratic procedures are taken to produce legitimate local government (pemda). Here, legal-pluralism becomes a fundamental aspect for the continuity and success of the government after election. Election is a medium to prove whether the new government is committed to build democracy in the political system in Indonesia or not (Boediono in Tolo, 2013).

RESEARCH METHODS

This paper is based on the result of qualitative research conducted in Tana Toraja area, i.e. in two Districts: Tana Toraja and North Toraja. The research was conducted in the period of December 2012 to April 2013. The analysis is based on two kinds of data, primary and secondary. The research was focused to answer the research objective, i.e. “the importance of legitimacy and how it is produced in the context of Indigenous people.”

The primary data was obtained through in-depth interview with few key informants that was chosen based on their suitability to the research objectives. The informants come from various backgrounds: the regent, member of bureaucracy, informal elites, the “adat” leaders, academician, people from NGO, and Torajas students. The interviews were also supported by observations and informal interviews or discussions with few ordinary people.

By using the “legal pluralism” framework, this research analyzes the crucial aspect of meaning and reason of government legitimacy. The framework is very important in the context where there are two fundamental “laws” existing for the same occurrences or situations (Benda-Beckman, 2006). In the context of Toraja, these two laws are the formal regulation and cultural customs, where both require people’s obedience. As two crucial things, fundamentally required to choose an appropriate leader, both laws grant legitimacy for the government and justification for their actions.

RESULT AND DISCUSSION

During the Suharto’s period, the New Order (Orba), local communities including indigenous society tended to be marginalized in most of political dynamics. Based on the need to keep the state stabilization, the regime minimized all potential conflicts by tightening policy control to most of public aspects of life. Therefore, the issues related to the differentiation of ethnics, customs, cultures, and belief were usually minimized since they were considered as potential conflict-triggers. Various local identities, unique cultural practices, and many local
As one of the main pillars of democracy, election is a crucial indicator of a democratic society. Therefore, the changing in the electoral system, including in the local elections through Law Number 32/2004 on the System of Local Governance, local election becomes an important aspect that reflects the attitudes and aspiration of society. Through direct local election (Pilkada), local people, including indigenous people will show their aspiration. Furthermore, all people who are formally qualified, have the rights to vote and be elected in this process.

In the new electoral system, to be elected and rule the local government, one must win the majority of votes. Thus all interested candidates must get public sympathy as much as possible (Agustino, 2009). Thus, to achieve their goal, candidates must recognize public mindset and their tendencies in voting. The recognition is important for the process of election. That process requires people to make a choice among multiple candidates. Every person certainly has a reason and foundations of its own for the choice that he makes. Since each individual is a part of his society, his option tends to be associated with a certain belief, and based on a set of values that are considered as “the good ones”. The consideration comes from himself through his interpretation of his surroundings. In a community that still strongly holds its customary values, the interpretation of this values is likely to be very influential, especially depending on how strong the values still exist in their system of life. It makes the values, used for choosing a leader, tend to be associated with their relation to traditional values. It makes the existence of indigenous communities become increasingly important. Their local value or “adat” is served not only as a guide to behave in their relationship with their surroundings but also as a fundamental rationale to make any important decision. Moreover, the reform era makes “adat” values likely become the main preference in democratic processes, including to determine who will become the leader in a region. Such condition has become one of the actual trends in the Reform Era in Indonesia, like what also occurs in Toraja ethnic group or the Torajas who live in Toraja area.

As one of the ethnic groups considered famous for their unique customs and cultures, the Torajas, who occupy the majority of Toraja area (the Toraja and North Toraja Districts), are indigenous people with unique characteristics in term of democracy and “adat”. The “adat” values, still influentialy existing in the daily life, makes the Torajas occupy a strong position in the region, yet at same time creates a dilemma for them. The discourse about the revival of Localities, as well as the current on-going democratization through various institutional pillars, put the Torajas, with their unique traditions, in an important position. Unfortunately, this position also give them a problem, particularly when their use of “adat” values is conflicting with the democratic mindsets. Such conflict and the final value/principle that they eventually win over shall influence the judgments for this area, whether it belongs to democratic or non-democratic region and/or community, in terms of democratization process in Indonesia.

The word “adat” is closely associated with a uniqueness of a particular group of people. In the Indonesian context,
the word “adat” refers to the indigenous “custom” or “certain practices” of a group of people (Li, 2001). The word can also be used as a distinguishing mark between a culture with other cultures through the collectivity practices undertaken by the community of different communities (Spyer, 1996). Those views put “adat” in Indonesian word as referring to the indigeneity of a community or indigenous people. For centuries, “adat” is always associated with a set of social rules, customs, politics, perceptions of fairness, and even individual habits (Prins, 1951 in Tyson, 2010). According to Tyson (2010) custom is “something changing, the concept of a unit that includes a variety of unique customs and traditions of each of the major ethnic groups in Indonesia. This understanding suggests that “adat” practices be embodied in the habit of a particular community group. Moreover, “adat” also showed a dynamic aspect that allows it to change or adjust to the circumstances around them.” Hence, for Mary Ellen Turpel (1992) Indigenous peoples as groups of people, who are in the midst of a distinct dominant people, have special and unique characteristics, associated with the culture, language, politics, and spiritual aspect.

The images show that in Indonesia, the word “adat” is used to refer to an indigenous culture, set of values and traditional practices. “Adat” refers to the custom made by a particular group of people, based on a value that is accepted as the basis of its adherents to behave in society, and as the characteristics or identity of the community at once. Furthermore, the meaning of indigenous people implicates a strong relation to the ancestors associated with the land they occupy since the very beginning, as well as to a set of values passed on from generation to generation. This tenet is associated with a community and their ancestors, occupying the area immemorial (Waldron, 2002), a community whose own identity tied with their ancestral history and unique practices of daily life. Therefore, the adat community is often called custom community or the indigenous people.

In terms of social order, adat can be considered as customary law which provides a set of rules in ceremony for weddings and funerals, homes and crops, or land-use rights and mechanisms (Hoe, 2012). Therefore, “adat” contains various norms and rules that are usually used by people to rule their daily life in a particular social system. It means, adat is one of the important things kept by people in their daily life.

In Indonesia, after the falling of Suharto in 1998, the discourse of “adat” became a significant issue (Tyson, 2010; Henley and Davidson, 2007). The discourse showed that adat had triggered social movements as part of an effort to criticize the New Order’s attitude toward localities including indigenous people. The euphoria of the indigenous community was also an effort to show their identity in order to get what they perceived as their rights on the territory, based on their customary law (Henley and Davidson, 2008).

The land tenure of the indigenous people has been legitimately conferred by the United Nations (1997): Indigenous people are the owner of a unique language systems, knowledge and belief, and have invaluable knowledge of the practice of sustainable natural resource management. It means, they have special connection and use their lands traditionally. For indigenous people, their own land has a fundamental function, i.e. granting their physical and cultural survival as a collective society. The United Nations develops an understanding which is expected to be a universal standard for the characteristics of indigenous people, i.e. self-identification as indigenous peoples at the individual level and accepted by the community as their member; historical continuity with pre-colonial and/or pre-settler societies; strong link to territories and surrounding natural resources; distinct social, economic or political systems; distinct language, culture and beliefs; forming non-dominant groups of society; resolving to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities (United Nations, 1997).

Those characteristics are important cornerstones to give a label of indigenous people to one particular community. Based on those characteristics, the Toraja ethnic group can be considered as indigenous people in Indonesia.

The Toraja ethnic group is one of the famous communities in Indonesia as well as in international level. Most of Toraja ethnic groups live in the Tana Toraja area as part of the province of South Sulawesi. Tana Toraja is one of the main cultural tourist destinations in Indonesia. It is attractive since the Torajas still uphold their unique values in their daily practices (Adams, 1997). Currently Tana Toraja area has been divided into two Districts: the Tana Toraja District with Makale as its capital, and the North Toraja District with Rantepao as its capital. As they reclaimed the area as their ancestral land, the Toraja ethnic group became the majority in that area.

The name “Toraja”, is basically derived from the call of the Bugis to address the communities who live in the highlands. The Bugis people referred to them as “To ri ajag” which mean “The people who lives in north” (Bararuallo, 2010). For the Bugis people, such call was used to distinguish that community with “To luu” or the “sea people”, people who live in coastal areas of South Sulawesi. The use of the word “Toraja” was later used by the Dutch missionary Albert Kruyt and Adriani Nicholas, who came to work in Poso, Central Sulawesi in 1892 (Waterson, 2009). It means the word did not formerly exist before the beginning of the existence of this ethnic group. It was used to identify this community by outsiders, as well as to differentiate them from other surrounding communities, such as Makassar, Bugis, and Mandar ethnic groups.

The history records that this ethnic group had never been united under a centralized authority. They were divided in many small units, formed in structured hierarchical society and led by a handful nobility of caste through “dewan adat” or the ethnic council (Waterson, 2009). Since the pre-colonial period, the Torajas has been divided into social caste systems: as an “aristocrat”, “ordinary people” or “commoners”, and the “slave” whose status is determined by nascency, economic ownership or Social mobility (Adams, 1997). Specifically, Kombong et. al. (1992) divided the caste in four levels where he
divided the aristocrat into two different levels, “Tana’ Bulaan” (High Nobility) and Tana’ Bassi (Intermediate Noble). Below of those two aristocrat levels, there is “Tana’ Karurung” (ordinary people but independent), and “Tana’ Kua-kua” (servant or slave).

Since the Torajas believe in the “adat”, the aristocrats plays important role in various aspects of social life of this community, based on the “adat” principles called “aluk to Dolo” (the ancestors legacy) or “aluk”.

According to Torajas mythology, “Aluk to Dolo” is originally derived from the Gods. The “aluk” was indeed arranged in the heaven; the Gods followed and adhere to the precept of it. Also called as “Tarian Pempitu dolangi” or the “seven dances in Heaven”, “aluk” serves as the procedures that will lead the disciples towards “the light”. This is evident from the expression “anna bendan tutungan bia’ tunannang tendanan ma’lana-lana” which mean “then the torch stand, and the burning stick erect”.

The Numbers of the Torchs are 7777777 (in another version states are 7777777). The number implies the fullness or completeness (Kombong et. al., 1992). The torch is an allusion that refers to a patron or a way that will direct people into the goodness or the truth.

The “aluk” is a model of the gods system of order, directly derived from “Puang Matua” or the “Creator” (Bararuallo, 2010), who will then form an embodiment on earth. It was done through a marriage of gods with human on earth or even because the gods wants to live on earth. Those gods who were down to earth are known as “To Manurun” or people who came from heaven. In Torajas mythology, the most famous god is Puang Tamboralangi. He is believed as the bearer of “aluk” from the heaven. Thus, the various “aluk” were then inherited to the next generations through the oral tradition. As a legacy of the ancestors, “aluk” is also called “aluk nene” or the “principles from the ancestors”.

The “aluk” is a reflection of the comprehensiveness, since it covers all aspects of people’s life. Thus, the guidance for every life aspect of the Torajas can be found in: Aluk mellolo (concerning human birth to adulthood), Aluk Rambu Tuka’ (concerning the marriage ceremony), Aluk Rambu Solo’ (concerning the funeral ceremony), Aluk Bua’ (concerning joyful ceremony), Aluk Tunanan pasa’ (concerning market ceremony), Aluk Tendon (concerning the importance of the Buffalo), Aluk Pare (concerning paddy), Alukna Bangunan Banua (concerning the construction of the house), Aluk Padang (concerning the land) (Kombong et.al., 1992).

As the guidance of behavior, “aluk” contains series of instructions and prohibitions or “pemali” (taboo). Therefore, every aspect of life should be based on the directions referred in “aluk”. When people heed it, they will get the goodness; on the other hand, the violation of the “aluk” is believed to cause misery and calamity from the gods (Kombong et. al., 1992). Hence, in the Torajas context, “aluk” is a law that must be adhered to in social life. Therefore, Aluk is regarded as “ada” “ or “adat”. “Aluk” is usually practiced like a habit in the Torajas life.

Indeed, the existence and relevance of “aluk” is increasingly questioned by some of the Torajas; mostly by those who have interacted with the outside world through education or employment. However, many of the Torajas still practice the “aluk” in their daily life, despite having adhered the Christian religion (Adams, 1997). More than just as a ritual practice, “adat” is related to the desire of individual or kinship pride of the Torajas. Therefore, the existence of “adat” usually becomes an important thing; each individual or community has the interest to preserve the adat (Tyson, 2010).

As a general concept, democracy is interpreted in many practical ways today. Basically, democracy refers to the combination of the Greek words “demos” and “kratein”, defined as “to rule” or “to govern” and “the people” (Ober, 2007). Therefore, generally democracy mean “government or power by the people”. Based on few indicators of democratic practices in many countries, in various level, democracy still remained as the most well-known and widely accepted thing in the world as a political system (the Economist index, 2012; Freedom House Report, 2013). The reports showed that even though many of them are not in similar practices, many countries in the world proclaim themselves as a democratic society. In this term, referring to Sidney Hook (1939), a democratic society is one in which the government rests upon the freely given consent of the governed. It meant the adults participate as members of the community, with their dependents, whose way of life is affected by what the government does.

Nowadays, democracy became an important concept, which is commonly seen as a positive thing; though its interpretations and practices still vary in many parts of the world. Some people accept democracy as a community life system which refers to a system of life in the western world, where freedom and equality is a must, as the basic norms. Some other people see it as a political system with particular basic concepts, mechanisms, and certain patrons that can be practiced by adjusting to the conditions of each region. In addition, some practices in many countries shows that democracy is only used as a label in order to get a positive image of the rest of the world, but practically they are not a democratic community (Dalton et. al., 2007). This tends to obscure the meaning of democracy as a political system that considers people as the owner of legitimacy.

Currently, the tendency of democracy seems to focus more to a set of institutions and procedures of democratic government. The term of democracy is related to various procedures and institutions with various requirements to support it (Dahl,1971 cited in Dalton et. al., 2007). Hence, the concept of “people rules” is achieved through a range of mechanisms and processes that involve people’s participation with certain indicators which formally regulate it. Thus, that views put an election as one of the main pillars of democracy. A context can be categorized as a democratic system when people participate in the free and fair electoral process, accompanied by the desire to use the results as crucial aspect in various activities of government.

Volition to follow the path of democracy is usually based on the wish to acquire better condition, especially to guarantee the equality and freedom for all people. Equality is believed to minimize imbalances and
possibility of conflict. Moreover, democracy is also a mechanism, with various indicators that aim to provide a way for each individual to take part in influencing the policy-making process either directly or indirectly. Thus, the principle of “people rule” is not only accepted in the ruling majority meaning but should also be associated with people’s control over elected authorities, equality and freedom, political liberty and freedom of oppression, respect for the rule of law, justice and security, in its various forms (Beetham, 2008). Hence, democracy is not so simple as “the majority get all”, but it is more about how power and legitimacy are used as a way to increase the quality of people’s life. This term showed that legitimacy in democracy is present in a crucial position, i.e. the guarantee for the government to do all of its activities.

Recently, in the Indonesian reform era, the promises to encourage the quality of life has driven democracy as a primary discourse. Democracy is believed as the necessity to fight against all marginalized conditions as was in previous authoritarian regimes under Suharto. In this point, democracy is considered as the route that brings prosperity for the people. Therefore, Indonesia seems to affirm it by designing various regulations towards getting into a democratic society. The regulations have been used as the legitimate route to get people’s affirmation. Thus, It has provided a space for people to participate in social and political aspects. All parts of society, including local communities are required to participate in the democratic system. It means, indigenous people must also follow the way as part of the system. The uniformity of democracy requires indigenous people to follow the direction. In this sense, the local values or “adat” is required to do so. Such condition became dilemmatic for both the formal regulations that oblige democracy and the “adat” as a set of norms that equally important for the indigenous people.

Moreover, as a result of the Indonesian reform dynamics, the implementation of the local autonomy has been considered as an opportunity for indigenous community in Indonesia. The local values revitalized in post-Suharto were also parts of the current democratic progress (Tyson, 2007; Henley and Davidson, 2008). It is a chance that allows indigenous people with their local values to exist. Therefore, the revivalism was seen as an attempt to take advantage in the current democratization based on their common objectivity, especially in current local autonomy era.

In this terms, local communities are considered as knowing best of their region. Hence, the involvement of a community in a variety of socio-political processes becomes a necessity (Hoe 2012). The suitable options of development policies are supposed to involve the local community, including how to choose the appropriate leaders for their region. As a community that has their own way based on “adat”, more or less the process to vote for the local head is also affected by these localities. This situation has put the traditional aspect to deal with the formal state regulations. It provoke the “plural legalism” situation where there are two basic norms that regulate people to act in the same arena, where both have its own justifications and consequences.

In one hand, indigenous people with their “adat” have their own values, requirements, and method to choose the appropriate leader, even for the formal one. It is justified by the belief that “adat” will bring people into an ideal condition and harmony in social order. But in other hand, the formal regulations make “adat” deal with the democracy method and values in the election process.

Based on the formal law number 32/2004 which regulates local elections through direct election mechanism, people who have been qualified have the right to elect and be elected as the Governor, Major, or Regent. Basically, it seems to bear no problem, since the option give an opportunity for the people to elect their proper leaders. The chosen leader will get formal legitimacy to lead the region. But the meet of democracy, implemented by formal regulations and the “adat”, has produced a dilemma to build a legitimate government.

On one side, in democratic terms, all people have equal rights guaranteed by the state through formal regulations. Consequently, all people are allowed to be the candidates in an electoral process. It means every person suitable with the regulation has his chance to be the local head as far as he wins the election. On the other hand, for the Torajas, the election certainly involves a series of social preferences in determining “the right” leader where one of the most important consideration is the caste.

Referring to the “adat”, the requirement for the proper leader must be based on the “aluk” where the candidates must be the nobles and should have three principal aspects: Capability, Wisdom and Wealth. Even the “Tana’ Bassi” also has a chance, but the most appropriate is the Highest caste, “Tana’ Bulaan”. The requirements must be filled by appropriate leader, to avoid the potential gods’ curse. Most Torajas still believe that the violation of adat will bring negative consequences. It shows that in Torajas “adat”, there is no equality for all people. Basically, that situation is based on the duties for all level caste in the social order based on the “aluk to dolo”, where the noble duty is to keep the “aluk” or “adat” run well as a social order. The local head position is not only as a formal position in the governmental structure, but also a position that has cultural consequences, that is still important in Torajas’ daily life.

That conditions indicate that the political process within the framework of democracy, like an election, cannot be separated from the objective conditions of the local community. The existence of “adat” has presented a potential conflict between the two principles or basic norms of the social system of the Toraja people if those are ignored. Formal regulation that becomes the patron for electoral process must meet the traditional values that still exist in local society’s context.

In the frame of legal pluralism, the values of custom or customary law are a legal norm that has a strong influence in the community because it also has legal effect in the context of the community who subscribes (Burns, 1989). It will be related to how people accept and obey the leader. Formal regulation requires all people to be respected, as a fundamental way to produce formal governance legitimacy. On the other hand, for the Torajas, “adat” also
requests the adherence of people as their fundamental belief and basic unique identity at once. Violation of the formal law will deliver sanctions or produce illegitimate result. In the same condition, the disavowal of “adat” norms will triggers social sanction and also the illegitimate result, based on the belief in “adat”. This dilemma makes the democracy process for the Torajas should not only be viewed in line of formal process but also should also consider the objective locality, since both have it legitimate consequences for the local government. The practices of election in the Torajas context would be affected by social context of the community; it ultimately affects the outcome and after election result since it is related to the society supporting the government policies. The “adat” norms and democracy through the formal regulations will always play its roles. Therefore, although the final results of the election is in people’s hands, the process cannot be separated from the local context since it will be related to two important legitimacies for the government after election: formal and cultural legitimacies. Both of them, side by side, possibly will control the government effectively based on the two norms and its consequences, formal sanctions, and society punishments. Therefore, liberal democracy is, to a large extent, constructed on the basis that governments should not be trusted, nor can they be (Hardin, 1999 cited in Rothstein, 2000). There should always be ideas such as “checks and balances,” judicial review, Bills of Rights, etc., rest on the idea that we ought not to trust governments, even if they are democratically elected.

CONCLUSION

The dynamics of the Toraja ethnic group, in terms of securing legitimacy in the democratic way, tends to produce a unique pattern. The pattern occurs in a legal pluralism situation, where there are two fundamental norms in the same event: the “adat” norms and the formal regulations in terms of democracy. Even as a democratic way to elect the Head of local government, the local election actually becomes an arena of the two norms which produce legitimacies for the government.

It confirms that the dynamics of democracy in Toraja, in the context of local election should be seen in different views. Although basically the right to vote or be voted in the electoral process is not limited by the formal regulation, the existence of “adat” is likely to make a specific restriction for a person’s suitability to participate in it, especially the possibility to be a candidate that will later be supported by the indigenous people. At this point, the “adat” also plays an important role in determining the choice, thus giving impact to the government legitimacy and justification after the election.

Finally, the collaboration of them can be an opportunity to strengthen democracy as well as keep the local identity to play its role to legitimate the local government. Moreover, the government will be controlled by two norms where both have its consequences should there be violation. For the Torajas, “adat” violation is considered as a big mistake. It will affect their presence in the society that potentially results in social punishment that will embarrass themselves and their kinship at once. Therefore, without collaboration, the government will be illegitimated culturally, where there shall be no obedience and support to the government policies from indigenous people. Finally, the collaboration will become a double checked system for the government to make sure that their duties are still in the line of the people.

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