

**THE TORAJA ETHNIC GROUP AND INDONESIAN
DEMOCRATIZATION
(A *LEGAL PLURALISM ANALYSIS OF THE NORTH
TORAJA LOCAL ELECTION 2010*)**

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This paper aims to analyze the phenomena of democracy in term of local election in the Toraja area related to the existences of the Toraja ethnic group as the majority and their indigeneity. It tends not simply as the way to proof the “people rule” only as usually known by people tin related to the democracy that legalized by the state regulation. That democracy event is an opportunity for their customary guidance existences that make this situation as the “legal pluralism” arena. That situation should be viewed as a “critical discourse” between the general idea of democracy that formalized by the state and the local values. Hence, as two important things, it seems that presences of both laws will influencing the Torajas form of democracy that showing dynamics of the state formal regulation and the Customary existence.

Keywords : Democracy, legal pluralism, Local Election, Indigenous People, Custom.

INTRODUCTION

Democracy is one of the most important issues where indicated by it being applied by most countries in the world although it implement in different forms and interpretations in the different contexts. In Indonesia, after the fall of the New Order regime under Suharto in 1998 and the presence of “the reform era” or “*era reformasi*”, the democracy present as the promising idea to be better Indonesia including in the local communities. Indeed, several phenomena showed that the presences of democracy at the local level tend to produce different condition related to the distinction context of each region.

In the context of indigenous peoples, one of it identity is existence of unique local values that occurs as important base for their behaviors. It generally associated with certain belief system where they used as part of standard of life. The system usually has common values including to how they reacts to presences of new values that has tendency

to direct people into certain behaviors base on the new outlook. It means there are various factors occurring in the local community as like as indigenous people that also take role in the newest era including to selects the leader for their region. In context of the indigenous people, one important and influencing factor is their custom. Means, when the democracy values with its various institutions that formalized by state through some formal laws came into the indigenous people, it will became the meet of two fundamental laws for that community.

As one of democratic event, the local election that presences in the local people as the formal form to elect the regional head government then became an event dor the two laws. The local election as manifestation of democracy then meet the common values of indigenous peoples that should be obey by the people. The local election for the indigenous people then occurring as a “legal pluralism” condition due to there are two fundamental laws met in the same event.

Within the situation, political actors or the candidates should conform themselves to the two laws as the objective context. As a formal rivalry arena for various interest, it seems that local election is an opportunity to get some political power and authority by meet the formal requirements. But facts that the arena involves people directly to votes for the leader as the regulated by the formal law then make this event not only as the competition to fill the formal requirements but also to fix with the informal aspect based on the local values such as the custom. Means the candidates should appropriate with the formal requirements as well as the local values as fundamental reasons for the people to elect their leader.

Based on those pictures, presence of democracy after Suharto actually became an important space for the *toraja* ethnic group as the indigenous people and its customary to influences the socio-political aspect in their area. The unique fact from the *toraja* area related to the present of local election should be views as their objective react based on their unique condition even it tends produced some aspect based their own way that possibly unsuitable with the Indonesian general term of democracy. In term of the leadership, the leader should suitable with the two laws form, the formal law and the existence of their customary.

Legal Pluralism Analysis

The legal pluralism defines by Hooker as "*a situation in which two or more legal rules interact with each other*" (Lakin 2005). It tend focus on a particular communities, that particularly interested in the transfer law between cultures. In effort to examine the plurality in term legal pluralism, most scholars usually used the legal pluralism in colonial societies or post-colonial context to provides the model of its existence.

From the colonial society, the existence of legal pluralism was very clear related to the power equivalent relations of two or more rules interact with each other. The existence showed two or more fundamental laws for certain community that intertwined in a particular condition. The interrelation between both usually associated with the formal law by the state law and the local custom that simultaneously regulate certain community. It means the legal pluralism situation will usually occurs in context of certain community that has particular legal system or norms based on beliefs of common values that mostly as part of their social identity (see e.g Benda-Beckmann 1993).

Griffiths (1986) state that there are two types of legal pluralism which is the weak and the strong. The weak pluralism presence when there is a command of different legal institutions against different groups in particular society through a normative order of a court or legal institution center. It can be seen as “technique of governance” that exist only on state law. In this case, presence of non-state law will depend on recognition by the central government (Griffiths 1986). Furthermore, the strong pluralism exist in the existence of normative rules regardless of its origin exist together and mutual respect with others is a situation that is unavoidable in the rules of the universe. Moreover Griffiths (1986) found that only in the form of legal pluralism both of them can serve as a fundamental basis for analytical and descriptive framework.

Currently, meanings of the legal pluralism has been defined by a various disciplines, but the most influential studies can be divided into three groups; (1) studies that emphasize institutional analysis ; (2) evolutionary analysis, and (3) the colonial jurisprudence. This perspectives and approach began in the early 20th century by Eugene Ehrlich's argument about the existence of “*lebendes recht*” or the law of life. Ehrlich puts “*lebendes recht*” as a legal order that is contrary to the official law of the state. It is found in community, or groups where laws are made by the social processes. Ehrlich demonstrated distinction with other thinkers that the law of life is a necessity in every society where other thinkers saw it as an intersection of different cultures. Thus, it indicate the important of people context and the relation in the area (Lakin 2005). It means, the objective context of each community will be important for this approach.

Focus to view the context of each community becomes important due to "sflp" (Social fact of legal pluralism). It is based on the reasons that (a) not limited to nation states, countries, or society understood as a unit; (b) extend the concept of the law to include at least some types of non-state law; (c) adopt the standpoint of legal observers that are beyond them, but take into account the point of view of the internals of the citizens, lawmakers, judges and others (Lakin 2005). Therefore the “sflp”

can be built upon contexts that are anthropological and socio-legal studies based on the understanding of “sflp” that local knowledge is an important aspect. Means, legal pluralism concern to the interaction among all norm or orders and must be admitted that those orders equally. Thus, the understanding of legal pluralism made possible through the recognition of the existence of a set of rules that cover a wide range of norms or normative rules are referred to as "law" in certain contexts (Twining 2010). These conditions make the rule of law as managing people's behavior is no longer just seen as something that refers to the formal legal state, uniform for all persons, exclusive of all other law, and administered by a set of state institutions but also will refer to the context of local values that direct local community behaviours (Lakin 2005).

Under that condition, using of legal pluralism analysis then more emphasis to the discursive aspects. It emphasis on how people established themselves as the subject in relation to the existence of two laws and understanding in relation to the facts or discourses that exist around them. Hence, the subject is seen as a construction of analysis that allows to gain clarity about the complexities occurs in the social practices, power relations, institutions and political law, formal law, the rule of non-formal normative orders and so on.

When both are exist in the important event that believable by the state such as the local election as part democracy within certain community that has own laws the event will affected by them. People as the subject of the laws both formal law and the customary law then will stand in term of those. It means, the local election will confront two fundamental laws in term to vote for the formal regional leader. Therefore, the analysis tin legal pluralism then will related to those laws as the reason and patron of people in that democratic event. Results of the event then believed came from the two laws existences.

Propensity of Locality in Indonesia after the New Order

When the New Order regime under Suharto fall in 1998 after ruling Indonesia for around 32 years, Indonesia considered has begin it's a new story as a nation. Presences of the “reform era” or *era reformasi* that replace previous era has considered as gate where Indonesian enters to the more democratic era. The newest era seems as Indonesia just begin the be the “trully” democracy after the pseudo-democratic that actually an authoritarian system for more than 32 years by Suharto. Aspinall and Mietzner (2010) believed that the newest era then regarded as the transition momentum of Indonesia's transition from authoritarian toward a democratic system. The tendency of pseudo democracy in Indonesia, actually based on previously condition where Indonesia has tried to

portray itself democracy state through presence of the democracy pillars as sovereignty lay in the hands of the people, the political parties, the receipt of the elections as a mechanism of leadership change in Indonesia. It shows that Indonesia has sought to provides itself as a democracy state before the newest era. Moreover the indication starts earlier since early days of Indonesian independence day on 17 August 1945.

In the New Order regime, the sovereign claimed itself as the democratic one, even they did it in authoritarian way. The democratic idea through various institutions was only used by the regime to legitimate its continuity of power and authority, so they can proclaims itself as the democratic regime. It showed that democracy accepted as the important thing related to the government system as well as the political system in Indonesia. But, the truth was showed that the regime control almost all aspects of life and restrict people participation in various political activities. It means, eventhough it was important for the people to actively in term of democracy as the fundamental aspect of the system but the regime restrain it. Therefore when the Suharto regime fall in 1998, the euphoria of democracy means opportunity to involve in various socio-political aspect of the state occurs in most Indonesian people including in the local people.

Indonesian democracy in the reform era then attempts to encourage greater role as well as to provides wider opportunity for people to actively in the various aspect of the nation's life. Thus, the important thing of Indonesian democracy discourse is convergence of democracy ideas by the state with the public acceptance associated with how they will participate. Facts that peope participation is not only associated with desire to fit the formal rules but also due to other reasons that are as part of their contextual then make people participation became general overview in Indonesia regions. It encourages emergence of local people demands related to need for reforms in political, administrative, economic, and others in mostly regions in Indonesia. That conditions then leads to transformation of political and administrative authority that produces wider opportunity for local people and its governments to take control of the decision-making processes in the region (Palmer and Engel 2007). That pictures showed that most people optimistic with the Indonesian democratization currently. In fact, various groups or specific communities that marginalized previously then get opportunity to got bigger authority for their community existence in areas that they claim as their area (Tyson 2010).

That dynamics actually showing tendency of democratization in Indonesia that local people mostly demand more wider opportunity to involve in the various important aspect in their regions. Besides that,

there is also effort of the government to keep the euphoria of locality still under control by the state. The government wish to control it seems based on the reason that the increasing of locality based on ethnicity, regionalism, religion and so in various islands potentially trigger disintegration and create disunity in the nation. By the current political transformation, the process not to seen only as positive effort to stabilize the new institutions, but also as an attempt to modify existing institutions which are unsuitable with the purpose to bring real changes for Indonesian people. It becomes important attention in transition phase nowadays where civilians hopefully will play prominent role (see eg. Nordholt and Klinken 2007). It because a transition process not always will create a more democratic condition, democratic transition process even can turn to create another authoritarian system (Huntington 1991). That potentiality things then make Indonesia should play thoughtfully. Therefore the tendency of Indonesian democracy that seemly more liberalism should be adapted with the certain fundamental condition in various background of people in each regions. Therefore, government intend to keep the process under it control by produce various formal laws that binding all people including to regulate local people. In within the local people euphoria for freedom and demands for more actively involving in the their regions policy process, the government then decided to provides two important thing which is the regional autonomy and the more democratic local election.

The regional autonomy and the newest system of local election seems become important factor that believed will drive Indonesia into more democratic society. It seen as real effort to give big authority to the local people to actively participate in variety of political and policy-making process (Pratikno 2005) that guarantee by the state under various formal laws. It means the local people considered seriously as important factors in the Indonesian democratization. Based on those senses, local people then received important rights to voted for their regional government head which means they became the most influences factor for the most important position in term of public policy in the region.

Based on the tendency of liberalism, the form of democracy in Indonesia then formalize through some formal laws by the state. It means the form of democracy in Indonesia became the formal idea that should be obedience by all people in Indonesia. The idea of equality and freedom that place individual rights as main issue became the formal thing and compulsory for mostly region in Indonesia. Through presences of the rule of law, basic principles and procedures that guarantee the equality and freedom for individuals and that allows them to participate in the political life is guaranteed. In this term, each people who

considered eligible to the law, have the same right to choose or to be vote in the election process regardless of differences in social, political, culture, and economic backgrounds. Consequently, all people allows to vote based on their personal preferences that possibly based on undemocratic reasons as like as the state proposed.

The Toraja Ethnic Group as the Indigenous People and Its Leadership Concept

The Toraja ethnic group is one of Indonesian ethnic group form the Sulawesi Island. They are mostly inhabitant in the middle area of Sulawesi island, where is in the area named Tana Toraja or the Toraja area. This area is about 350 km in the north part of the South Sulawesi province. This ethnic group mostly live in the Toraja area which is separate in Tana Toraja district and the North Toraja District, the South Sulawesi Province. Besides those two districts, they also can found in the Mamasa District, a district under the West Sulawesi Province, near to the Toraja area. Currently, the Tana Toraja inhabited by 223.306 inhabitants and amount 220.304 people in the North Toraja district. In aggregate the population of both until the year 2012 approximately 443.610 people. Approximately more than 80% of those people in both area is the Toraja Ethnic Group.

For the Torajas, assumptions as an indigenous people more outward as a combination of myth, origins, legends, and the transfer of memories from the past orally to its the present generations. Transformations and the sustainability of customary values in the minds of the Toraja people manifested in some daily life practices (Kobong et al., 1992). The values underlie the customary for the torajas has more to do with a memory that is more embedded in their minds about places and stories of significant symbolic if it compared to the formal history in the conventional sense, where it done as collection of writings about the past (Waterson 2009). It shows that a building of indigenous belief systems are formed from the internal experience of the Toraja people is closely linked to the "*aluk*". The *aluk* associated with a set of rules and instructions originating from Toraja people of religious beliefs which contains the various guidance on practices related to social and religious aspects of life and other aspects of life. For the Torajas, "*aluk*" or usually called as "*ada*" is words that contain very broadly meaning. The meaning of those two words will usually associated with the various aspects of the torajas life Toraja where both are inseparable (Kobong et al. 1992).

Basically the use of the term *ada*' or *adat* as a peripheral discipline in the society for the Toraja is new because previously the term used was *aluk*. Thus, it can be said that "*aluk*" is basically "*ada*" or

adat, and otherwise “*adat*” is “*aluk*” which is inevitable and binding on all the Toraja people according to mythology comes from the life of the gods and arranged in the sky as a set of rules that is also used by the gods (Kobong et al. 1992). Therefore, *aluk* is believed as guides to bring the torajas towards the light as like the phrase “*anna bendan tutungan bia 'tunannang tendanan ma'lana-lana*” which means “then stand flame torches, the upright burning stick numbers 7777777 ” (or another version amounted of 7777). Numbers implies the existence of perfection or completeness. In the context of the Torajas, *aluk* believed as guidance direction to be complete and perfect because that was created by the gods where the gods are believed to also live within the rules of *aluk* which later manifested on earth (Kobong et al., 1992).

As a set of beliefs and life guidance, *aluk* passed down through generations of the torajas ancestors from generation to generation of the torajas. In general, the torajas aspect of life coverage in *aluk* which is ; *Aluk mellolo* (concerning to human birth adulthood), *Aluk Rambu Tuka'* (concerning to the marriage party), *Aluk Rambu Solo'* (concerning to the death, burial party), *Aluk Bua'* (Concerning to the joy party), *Aluk Tunanan pasa'* (involving market), *Aluk Tedong* (Concerning to Buffalo), *Aluk Pare* (Concerning to Rice), *Alukna Bangunan Banua* (Concerning to the construction of the house), and *Aluk Padang* (Concerning to land) (Kobong et al.1992).

Those aspects managed in *aluk* indicates the coverage on all aspects of the torajas life. As the pattern of life, *aluk* contains some commands and prohibitions. It shows the relevance of any “*aluk*” with the religious aspect (Kobong et al.1992). It means, the fullness has made everything should be based on it. When there is violation of the principles of *aluk* then all efforts will be vain. Violations of *aluk* will be seen as violation of *adat* as a law where believed would get vengeance from the gods because the violation also regarded as disavowal of the gods as the ancestors of the Torajas that brings the *aluk* from heaven. That also indicates that *aluk* also serves as laws that must be obeyed by everyone because it has such values and norms that govern the entire system of public life.

Nowadays, there are some torajas see *adat* and *aluk* in a different meaning. *Aluk* more seen as a legacy of the ancestors with all of its rituals. As for *adat*, quite understood as community rules either social, economic, and political (Kobong et al., 1992). In this sense *aluk* seen as a religious governing rules and procedure of worship to the creator whereas *adat* regarded as customary social rules that govern the relationships between individuals or the community to related aspects of earthly life. One important thing that contributes to that condition is the coming of Christianity in the toraja area since 100 years ago. The arrivals

then widely embraced by the torajas have drive them complicated situation where it indicated by the still exist of both in the torajas daily life. It means, despite the Torajas currently tend to use *adat* as the values, rules, or custom that govern their lives rather than using the term *aluk* in a religious context, but it does not eliminate the fact that the existence of *aluk* remained associated with its religious values. One of the effect of the existences of *adat* for the torajas is the way to select the leader for their community. For the torajas, *adat* is not only contains series of rituals but further serves as legal rules that govern how the torajas with some aspects of public life towards the goodness included in determining a leader.

For the Torajas, the leader position to leads community is a very important and crucial position. A leader will not play only roles as a regulator and the guardian of public order. The leader also as the role model of society to bring his people into better way. Thus, the leader has two functions which is as acting structuring society and also as a spiritual figure who has the ability to ensure people prosper with guidances on their *adat* as their one fundamental aspect. It make efforts to determines appropriateness of someone to be a leader is not easy. A leader should be someone who can become role models for the community and able to execute his power to lead people well in accordance also with the customary or *adat* guidelines.

For the Toraja a prospective leader should have three important things as a prerequisite to become a worthy leader. Those three things are the ability or capability, attitude wise, and have a "wealth". The terms of the absolute owned by a prospective leader in Toraja not only because it will help smooth the task when later appointed to be the leader, but also related to the important position of a leader in the socio-political context of the Toraja people who see that the leader as an esteemed and important therefore it will have certain implications on its placement in a variety of important activities such as the Toraja traditional rituals. Thus, all of these requirements becomes absolutely necessary by a prospective pemimin in understanding the concept of the Toraja.

For the Torajas, the ability or capability to be linked to whether a person does have the ability to become a leader. This is based on the realization that a leader in the Toraja people is not only a symbol of the presence of an authority or authorities, but also related to how power will be executed in accordance with the conditions and the context of the community and aims to provide a prosperous conditions and harmony in society. A prospective leader must understand various tasks and jobs related to his position as leader . Mastery of the aspects contained in the various tasks as well as how it is done in an effort to provide a variety of good things for the community is a necessary condition for a leader. To

supports it, a prospective leader must have experience or at least have certain basics that will be able to support the execution of his duties properly. A leader is always be able to provide a variety of solutions to his society problems. Therefore, a leader should have good knowledge related to various dimensions of his society.

In context of the torajas, a potential leader should have three important things as a prerequisite to become the appropriate leader. The third thing are wisdom, the ability or capability, and “rich” or have enough “wealthness”. Those terms should owned by the prospective leader in Toraja not only because it will helpful to smooths his tasks, but also related to the important position of a leader in the socio-political context of the Toraja people who believed that eader is an esteemed and important person. Therefore it will have certain implications on its placement in some of important activities such as the *adat* rituals. Thus, all of these requirements becomes absolutely necessary for the prospective leader in in the torajas perspectives. The requirements believed guarrantee his people prosperity and orderly as like as the *adat* guided. The leader must be the role model to their people related to how to behaves properly to the *adat* guidances. It shows that the toraja social context influenced by *adat*, have more specific interpretation related to the characteristics to be possessed by a leader in Toraja. Basically, in the *adat* perspective, the three things mentioned above are important things for a leader in Toraja, but actually there is one more requirement to be met by someone who wants to be a leader in the traditional Toraja based on guidance is heredity in connection with one's position in the social construction Toraja people.

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

Since the formal law Through the Law Number 32/2004 that amandement by the Law Number 12/2008 give people right to vote directly for the leader then the Torajas as the majority group became more determinant. It means, their preferences taht still influencing by the *adat* then take roles in that democratic process. The torajas views on the

appropriateness of the leader then became determinant factors in the process. It shows that when the process became the property of the citizens of Toraja, only people of Toraja who will be elected as the leader in the region.

Local Election as Legal Pluralism Arena for the Torajas

The local elections or "*pilkada*" in the North Toraja district in 2010 was the first local elections in that district after it separated from the Tana Toraja district in 2008. The local elections in 2010 remains special due to it was the first time for the northern people to choose their own leaders as a separate district with the Southern people. Therefore the event was only for the northern people rivalry people. In this condition, the main issue then remains about the appropriate candidates for North Toraja district first regent.

Formally, it was that people who will be nominated as candidates in the local elections in Indonesia should meet several formal requirements as listed in the article 58 of the Law No. 12/2008 as the second changes Law of the Law No. 32/2004, which states :

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

That list is the main requirements for all person who want to be a candidate even proposed by a political party or a coalition of political parties, or by the independent pathway besides other conditions that stipulated by the law. Those formal requirements basically make all people that appropriate with the law have opportunity to be nominated.

All of that requirements were basically meant that every regional head candidates are those who have integrity and do not have legal problems as a candidate. As part of the spirit of democracy, the legal requirements basically was presence as the formal guarantee for the equality for all people to be vote but it not a insurance for all people to be vote. Besides the position only for one pair (the regional government head and its deputy) the other important thing is the others appropriateness of the candidates for the voters. Since the voters has their own reasons to vote, then the candidates should be someone who has macth with their appropriateness requisite.

In the North Toraja local election 2010 issue of anyone who deserves to be nominated was diverse. Some names deserve considereda as leader in the North Toraja district popping up in communities through social conversations as well as through a variety of media, including social media. Besides the names that eventually qualified and were eligible to compete in the election process, some other names from different backgrounds are also widely mentioned.

Actually, besides the names that ultimately qualify as participants in the 2010 election, some of the names which are considered as potential candidates was discussed, among them but At the end, the local election which took place on 11 november 2010 in North Toraja followed by 7 pairs of candidates who qualify based on the formal requirements that justified by the North Toraja Regional General Election Committee Election (KPUD)

Table 1
**List of the Regional Head and its deputies in the North Toraja
 Local Election 2010**

| No | Candicate of regent | Candicate of deputy regent | Candidacy By |
|----|---|-------------------------------------|-----------------|
| 1 | Drs. Andarias Palino Popang, MH. | Sarah Lallo, SE, M.Si | Political Party |
| 2 | Ir. Daniel Rendeng Madao | Dr. J. Palimbong P.SpB | Political Party |
| 3 | Drs. Y.S. Dalipang | Drg. Drs. Simon Liling, SH, MH, MSi | Political Party |
| 4 | Ir. Bride S. Allorante, MM, MT | Drs. Johanis Oktavianus S. Bari, MM | Political Party |
| 5 | Ir. Deka Paranoan | Dr. Mathius Lobo, S.pB | Independent |
| 6 | Drs. Frederik Batti' Sorring, S.Sos, MM | Frederik Buntang Rombelayuk S.Pd | Political Party |
| 7 | Drs. Kalatiku Paembonan, M.Si | Alfritha Pasande Danduru, SH, MKn | Political Party |

Source : The Regional General Election Committee (KPUD), North Toraja District, 2010

A leader should come from the Toraja is closely associated with the understanding that the unique customs of the Toraja people will be more easily understood by the torajas. Moreover, they are the majority

ethnic group in the area. It shows that the appropriateness then associated to the existence *adat* values of the Torajas. They assume that only people Toraja understand how to address the unique customs that became one of the important element in their social identity as an ethnic majority in Toraja region. Toraja people believe that they have an important value that is only understood by the Toraja only. Standard appropriateness is then from the beginning to make people socially non-toraja has been eliminated from the possibility to compete. Thus it can be said that the social context is characterized by the their belief over their traditional has become a filtering mechanism against decency potential leaders which based on the origin of descendants.

Based on those informal requirements from the torajas, Not surprisingly where people who are then chosen as a participant in local election are people who are considered to have enough wealth to sustain itself to be a leader in the North Toraja. It shows tendency that a leader in Toraja should be someone who has suitability with the local contextual values which mean the *adat*. Besides as the requirements, i was facts that various *adat* ways was used by the candidates to get sympathy from the people where most of them are the torajas. It indicated by the candidates strives to approach the community by attending various social and *adat* events that carried out under the *adat* guidelines. That was very important due to those events have implications for the candidates in order to meet part of the social decorum as a potential leader and showed himself as a candidate which has more capabilities than the most people. It ultimately led the candidates attempts to fulfill appropriateness based on what the mostly the torajas accepted as the very important events. When the candidates can provides themselves properly in the various events, they will known as the appropriate persons that has privilege to be the leader based on their beliefs in *adat*.

That facts is confirm that the democratic competition in teh local election was included variety of cultural activities that actually non-political but important to influences the voters. It means that formal events was deeply influenced by various informal aspects. The local election from the North Toraja 2010 then confirms that teh event actually was a “legal pluralism” event. The results of the local election can be seen as the torajas way to react the formal event of democracy by including their local values based on *adat*. This attitudes then confirm that the leader should serve as the formal and informal leader. Since most the torajas used that two laws to decide their choice and seems regards it as mandatory aspect, then the “people legitimacy” to establish the “people rule” in the torajas democracy should based on that two laws. It means, almost imposible for the non-torajas to be the leader in this regions under the currently system of votes. Moreover, it also confirm

that only those people who have the complete requirements will have bigger chance to be elected.

CONCLUSION

The dynamics of the Toraja ethnic group related to produce legitimacy in the democratic way tends to produce a unique pattern. The pattern occur in a legal pluralism situation, where there are two fundamental norms in same event, the *adat* norms and the formal regulations in the term of democracy. Even as democratic way to choose the Head of local government, the local election actually became an arena of the two norms which influencing the legitimacy for the elected leader as well as his leadership in the regional government in the North Toraja district.

The local election confirms that dynamics of democracy in the North Toraja term of local election should be seen in different way related to the justify whether it was indicated a democratic event or not as well as its result. Although basically the right to vote or be votes in the electoral process is not limited only for certain people based on the formal regulation, but the existence of *adat* seems made specific restriction for person's suitability to participate especially to be the candidate that will vote by the people. At this point, the "*adat*" was play important role determining the candidate and the tendency of people choice which at the end will impacted to the government legitimacy after the election.

Presences of the two laws in that event was made the local election bacame the real pictures about how certain people like an indigenous people react to the formality of the state. Even the democracy spirit through equality and liberty accepted by the people but for the special concern as to chose a leader for their area, the Torajas seems would like to return yo their locality preference, *adat* to make sure that the electable one should be the appropriate candidate through most of *adat* requirements. Simply, it can be seen as non-democratic terms under the formal perspectives. But if we switch the perspective to the torajas side then it still can be seen as an effort to prmoted the concept of "people rules". It means, the torajas was choose their own way to celebrate the democracy based on their actual preferences where it should be accepted as the equal position of the laws for the torajas.

Finally, since the leader formed by that uniquely way in the "legal pluralism" condition of the torajas then they must stand in that two sides. It mean the leader will always expected as the formal and informal leader as well. In this situation, measurements of the leader succeed will be seen under that two laws due to both of those has its own standard for a leadership successfully.

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