

# Local Wisdom of Sultanate of Buton Governance to Create Democratic Governance of Baubau

Rizki Mustika Suhartono

Indonesian Moslem University, Doctorate Program, School of Law, Urip Sumoharjo Road 10, Makassar 90231, Indonesia

**Abstract:** *This study aims at : (1) identifying and analyzing the essence of local wisdom in the governance of Sultanate of Buton; (2) analyzing and describing the implementation of local wisdom to create democratic governance of Baubau; (3) analyzing and identifying the challenges in implementing local wisdom in the governance of Sultanate of Buton to create democratic governance of Baubau. This study is a normative research which involved reviewing related literatures or primary, secondary, and tertiary legal resources. Primary legal resources refers to the constitution and related laws. Secondary legal resources refers to description of primary legal resources in the form of literature, journal articles, research paper, or other academic resources. Finally, the tertiary legal resources refer to any description on primary and secondary legal resources in the form of dictionary and encyclopedia. The results of this study indicate that: (1) The nature of the local wisdom of the government of the Buton Sultanate contained in the Sarapatanguna philosophical foundation, (2) The application of local wisdom in realizing regional autonomy in the Baubau City that has accommodated democratic implementation of cultural values towards development, leadership government towards development, values of development in government towards development, (3) constraints in the application of local wisdom in realizing democratic Baubau City government, namely the tendency of materialism, hedonism and individualism and liberalism.*

**Keywords:** local wisdom, government, sultanate of Buton, Baubau City

## 1. Introduction

Indonesia is a country that has a diversity of cultures, languages, customs and traditions. The State of Indonesia is the unification of the Kingdom and the Sultanate which extends widely in the archipelago from Sabang to Merauke framed in the Unitary State of the Republic of Indonesia so that a central government and regional government is formed. In the Kingdom and the Sultanate a system of government was governed by each king or sultan in power in a kingdom.

The Buton Sultanate is one of the many Sultanates in the archipelago, located in the Buton Islands of Southeast Sulawesi Province. In ancient times it had its own kingdom called the Kingdom of Buton. Buton Kingdom was founded in early 1332 until 1542, then changed its status to the Buton Sultanate in 1542 until 1960. After the Buton Sultanate was abolished by the government of the Republic of Indonesia, Buton became a Regency based on Law Number 29 of 1960 concerning the formation of regions Tk.II on Sulawesi. In 1964 Southeast Sulawesi Province was formed with the Capital in Kendari, covering 4 Regencies namely Buton District (Baubau Capital City), Muna, Kendari and Kolaka.

In 2001 the Administrative City of Baubau which was the Capital of Buton Regency increased its status to Autonomous Region in Southeast Sulawesi Province through Law Number 13 of 2001 dated October 17, 2001. Since then Baubau City has been organized as an autonomous region.

Vision mission 2013-2018 Baubau City Government shows that culture as the local wisdom of the City of Baubau has been revived and has become the spirit of Baubau City government towards a democratic government. The culture which is the priority of Baubau City administration shows the seriousness of the Baubau City government to maintain and preserve customs as an inseparable part of regional

government. The Baubau City Government needs to continue to develop the noble values of the community culture in the administration of the government so that the ideals of the people of Baubau City can be achieved and succeed well.

Sarapatanguna (norms or rules) is a norm, rule, or outlook on life, the philosophical foundation of the society of the Buton Sultanate in the life of the community, state, government and berketuhanan during the Buton Sultanate. As a philosophical foundation, sarapatanguna (norms or rules) are formally stated in the Basic Law of the Buton Sultanate (Basic Law of Dignity Seven). The philosophical foundation of sarapatanguna (norms or rules) is a life view of norms, rules that must be understood, internalized and applied by all people supporting these values.

Sarapatanguna (norms or rules) consists of two parts, namely sarapatanguna (norms or rules) the first part that carries the noble values of philosophy "Pobinci-binciki kuli (mutual pinching will feel the same pain)", which contains the principles of equality, equality and justice, the second part includes: Yinda yindamo arata somanamo karo: so that the property is destroyed as long as you are safe, Yinda somanamo lipu yindamo karo: let yourself be destroyed as long as the area is safe, yinda yindamo lipu somanamo sara: so that the area is destroyed provided the government, Yinda yindamo sara somanamo religion: so that the government is destroyed as long as religion.

The implementation of the cultural values of sarapatanguna (norms or rules) in the City of Baubau, will create a stable, peaceful, conducive atmosphere so that on one hand the community will be calm and safe in activities and on the other hand the government will focus more on running a democratic government. But the phenomenon that occurred in the city of Baubau in Southeast Sulawesi Province, there are still some corrupt practices, and legal cases involving a

number of officials in Baubau City and even leaders at the Southeast Sulawesi Province. The cultural values of sarapatanguna (norms or rules) become eroded by the flow of globalization and neglected in society. This is where the role of government is needed which is oriented towards local cultural values in order to encourage the participation of all levels of society in realizing a democratic Baubau City government.

## 2. Basic Theory

### 2.1 Legal History Theory

History of law is a method and science which is a branch of history (hence not a branch of legal science), which studies, analyzes, verifies, interprets, constructs propositions and trends, and draws certain conclusions about each fact, concept, rule, and rule with regard to the law which has been valid, both chronologically and systematically, following the cause and touch with other fields of law. Legal history also studies the process of occurring and the implementation of history in the past and its development and its relevance to what happened in the present, both as contained in the literature, manuscripts, even oral utterances, especially the emphasis on the characteristics of the facts and norms so that they can find symptoms theorem, and the development of law in the past that can provide broad insights for people who study it, in interpreting and understanding current laws. One of the uses of studying legal history is to observe the development of law from time to time, where we will know how the law moves throughout the ages. [1]

### 2.2 Common Law Theory

Proclamation of the Independence of the Republic of Indonesia which was proclaimed on August 17, 1945, since then customary law has become the main reference in making regulations that apply to the Indonesian Nation, so that it is expected that customary law as a law of the Indonesian people is part of the national cultural roots being the main law at least being the main source of the regulations formed. Koesno argued that in essence there had never been a tradition that showed the same absolute form from the past until later. What is called tradition shows that there are indeed elements and lines of continuity in development and does not mean absolute practice from the past until later times.[2]

### 2.3 Body Politic Theory

According to Burg State Kranen is a system of general tasks and organizations that are regulated in the efforts of the State to achieve its objectives, which are also the goals of the people / society, then there must be sovereign government [3]. The rule of law in the Indonesian language is a translation of the rule of law (English) and rechtsstaat in the formulations of the Dutch and German languages. [4]

### 2.4 Democracy Theory

Etymological democracy is that democracy consists of two Greek words, namely demos, which means people or

residents of a place, and cratein or cratos, meaning power or sovereignty. Combined two words demos-cratein or demos-cratos (democracy) [5] means a system of government from, by, and for the people. [6]

### 2.5 Sovereignty Theory

Sovereignty is the highest power to determine the law or will in a country [7]. Sovereignty is part of the conception of democracy. Sovereignty is a concept commonly used as an object in political philosophy and state law. In terms of language, the word sovereignty itself in Indonesian actually comes from Arabic. that is from the word daulat and daulatan [8].

### 2.6 Theory of Legal Effectiveness

The effective word comes from English, which is effective, which means success or something that is done successfully. According to Soerjono Soekanto that to measure whether the law is successful or fails to achieve its objectives, it is usually measured whether the influence is successful in regulating certain attitudes, actions or behaviors, so that what is achieved is the goal or not [9] The legal effectiveness theory itself is rooted or inspired through legal system theory proposed by Lawrence M. Friedman arguing that the effectiveness and success of law enforcement depends on three elements of the legal system, namely Structur of low, substance of the law, and Legal culture (legal culture) [10].

### 2.7 Local Wisdom Theory

Wisdom comes from the word arif. According to the Big Indonesian Dictionary [11], wisdom has two meanings, namely knowing or knowing. The second meaning is clever, clever, and wise [12]. Local wisdom is the basis for policy making at the local level in the fields of health, agriculture, education, natural resource management and activities of rural communities. In local wisdom, the wisdom of local culture is also contained. Wisdom of the local culture itself is local knowledge that has been so integrated with the system of beliefs, norms and culture and expressed in the traditions and myths that have been adhered to for a long time [13].

### 2.8 Government Theory

Government according to language is interpreted by the government, derived from the Latin word, namely gubernaculum means steering. The government is a power that is organized as a result of the actions of several people or groups of people prepared by an organization to realize its common goals which can deal with general problems or the community. The meaning of government in the broadest sense is to include the four powers in the words "chess praja" namely (i) making regulations, (ii) government / executors, (iii) judiciary, and (iv) police. Whereas the government in the narrow sense is "bestuur" which covers the part of government duties that do not include the task of making legislative laws, or judicial judicial duties. [14]

### 3. Research Methodology

#### 3.1 Research Type

The research is normative law research using secondary data. The data were obtained from references that formed from some legal materials such as primary, secondary, and tertiary legal materials.

#### 3.2 Data Type and Source

Sources of data in normative legal research are carried out by examining library materials or secondary data which includes primary legal materials, secondary legal materials and tertiary legal materials

#### 3.3 Legal Materials Collection Techniques

The collection of legal materials is carried out through the procedure of identifying and inventorying primary legal materials, and secondary legal materials critically, to subsequently go through a logically systematic classification process in accordance with the themes formulated, and the objectives of this study.

#### 3.4 Legal Material Analysis

The legal materials obtained are processed qualitatively by identifying, then through a systematic logical classification process in accordance with the themes formulated for analysis.

### 4. Results and Discussion

#### 4.1 Local Wisdom of The Government of The Buton Sultanate

The local wisdom of the government of the Buton Sultanate is found in the philosophical foundation of Sarapatanguna (norms or rules). Sarapatanguna (norms or rules) consists of two parts, the first part concerns the human or social dimension which contains the philosophy "PoBinci Binciki-Kuli" (pinching each other will feel the same pain). The second part is as follows: Yinda yindamo arata somanamo karo: so that the property is destroyed as long as you are safe, Yinda somanamo lipu yindamo karo: let yourself be destroyed provided the area is safe, Yinda yindamo lipu somanamo sara: so that the area is destroyed provided the government, Yinda yindamo sara somanamo religion: so that the government is destroyed as long as religion.

#### 4.2 Application of the Local Wisdom of the Buton Sultanate in Realizing the Democratic City of Baubau as an Autonomous Region

The Implementation of the Local Wisdom of the Buton Sultanate in Realizing the Democratic City of Baubau as an Autonomous Region, namely (1) Implementation of the values of sarapatanguna (norms or rules) for development in the City of Baubau, Southeast Sulawesi Province. (2) Effects of Government Leadership on Development in the City of

Baubau, (3) Sarapatanguna Values in the Government Against Development in the City of Baubau.

#### 4.3 Constraints on the Implementation of Local Wisdom of the Government of the Buton Sultanate in Realizing a Democratic Baubau City Government

Based on the influence of the cultural values of the people, there are obstacles in the application of the local wisdom of the Buton Sultanate Government in realizing the democratic Baubau City Government, namely the tendency of materialism, hedonism and individualism and liberalism that contradicts the cultural values of sarapatanguna (norms or rules) Buton Sultanate.

### 5. Conclusion

The essence of the local wisdom of the government of the Buton Sultanate contained in the sarapatanguna philosophical foundation (norms or rules), which contains the principles of equality, equality and justice as instruments of the Baubau community to advance and excel.

The application of local wisdom The government of the Buton Sultanate in realizing regional autonomy in the democratic City of Baubau has accommodated in (1) the implementation of the cultural values of sarapatanguna (norms or rules) towards development in the City of Baubau, (2) leadership of government towards development in Baubau City, (3) sarapatanguna values (norms or rules) in the government towards development in the City of Baubau.

The tendency of the influence of cultural values of society, there are obstacles in the application of the local wisdom of the Buton Sultanate government in realizing the democratic Baubau City government, namely the tendency of materialism, hedonism and individualism and liberalism.

### References

- [1] <http://jagonyahukum.blogspot.co.id/2015/02/sejarah-hukum.html>, diakses, 24 januri 2017
- [2] Koesno, (1992), *Hukum Adat Sebagai Suatu Model Hukum, Bagian I (Historis)*, Bandung, CV Mandar Maju
- [3] Max Boli Sabon, dkk (1992), *Ilmu Negara Buku Panduan Mahasiswa*, Jakarta: Gramedia Pustaka Utama
- [4] Marjene Termorshuizen, *The Concept Rule of Law, dalam "JENTERA Jurnal Hukum"*, Edisi 3, November 2004
- [5] Masykuri Abdillah, (1999), *Demokrasi di Persimpangan Makna: Respon Intelektual Muslim Indonesia terhadap Konsep Demokrasi 1966-1930*, Yogyakarta; Tiara Wacana.
- [6] A. Ubaedillah dan Abdul Rozak, (2008), *Pendidikan Kewargaan (Civic Education) DEMOKRASI, Hak Asasi Manusia, dan Masyarakat Madani*, Jakarta; Edisi Ketiga ICCE UIN syarif Hidayatullah.
- [7] Amzulian Rifai, (2010), *Teori Sifat Hakikat Negara*, Cetakan ke-1, Malang: Tunggal Mandiri Publishing

- [8] Jimly Asshiddiqie, (1996), *Pergumpulan Peran Pemerintah dan Parlemen dalam Sejarah (telaah perbandingan konstitusi berbagai Negara)*, Cetakan 1, Jakarta: UI-PRESS
- [9] Soerjono Soekanto, (2008), *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, Jakarta, PT. Raja GrafindoPersada, Hlm. 8
- [10] Lawrence M. Friedman, (2009), *Sistem Hukum; Perspektif Ilmu Sosial (The Legal System; A Social Science Perspective)*, Bandung; Nusa Media, Ujung Berung, Hlm 33.
- [11] Depertemen Pendidikan dan Kebudayaan (1989), **Kamus Besar Bahasa Indonesia**, Jakarta; Balai Pustaka, Hlm 48.
- [12] A. Muin Fahmal, (2006), *Peran Asas-Asas Umum Pemerintahan Yang Layak dalam Mewujudkan Pemerintahan yang Bersih*, Jakarta; Kreasi Total Media, Hlm 45.
- [13] Pengertian kearifan budaya lokal (beserta Cirinya) \_ Smanit News.htm, di akses 10 Desember 2016
- [14] Irfan Fachruddin, (2004), *Pengawasan Peradilan Administrasi Terhadap Tindakan Pemerintah*, Bandung; PT. Alumni, hal. 27