

## Function of Givu as Traditional Law of the Tau Taa Wana Tribe

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### ABSTRACT

This study aims to explain the function of Givu as customary law as well as an identity that is able to regulate social life in the Tau Taa Wana Tribe community. The research approach used is descriptive qualitative. There were 13 informants who were selected by purposive sampling. The data used include primary and secondary data through qualitative observations, in-depth interviews, focus group discussions, documentation and document studies. Data analysis is a qualitative analysis through an interactive model, namely data reduction, data presentation; and levers. The results of the study show that Givu is a customary law that is sourced from noble abstract values and rules so that it becomes a guide for social behavior that is able to support social structures. The application of Givu is regulated through institutions such as regulating economic, political and social needs. Close relationship with Mogombo (deliberation) for customary law decisions against a disturbance that maintains the spirit of collectivity and is able to strengthen a participatory culture. The importance of external recognition and respect for Givu customary law as well as state recognition and protection for the existence of the Tau Taa Wana Tribe.

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## 1. INTRODUCTION

Every social life always requires an order (law) to regulate its social order. Not only the state, society and groups also form laws based on collective interests. As a legal state, Indonesia has legal sources both written and unwritten, as well as customary law or what is called local law as unwritten law that is still alive and functionally maintaining patterns of social order.

There is concern about the emergence of various social deviations that can disrupt the social structure so that people need customary law to tidy up the social structure. Like the Tau Taa Wana people in Central Sulawesi who use customary law as a source of regulating social behavior, which they call "Givu", which means customary sanctions. According to Zaiful (2020), Givu makes Tau Taa Wana a living community of indigenous peoples who are harmonious in strong emotional ties because they have legal power stemming from ancestral character.

The rapid progress of science, technology and information today shows a lot of shifts in legal values. However, the Tau Taa Wana Givu Tribe as a source of local legal values continues to live sustainably and is maintained to this day (Tampubolon, 2008). Named Givu because it is the rules for regulating behavior based on the principle of punishment (punishment) it has sanctions - so it is called customary law, namely legal norms and values that provide a sense of justice, harmonization and are recognized by the community and come from local customs and habits.

Any violation of social norms and values is believed by Tau Taa Wana as non-conformist behavior that should not be tolerated. This is where Givu functions as the application of customary sanctions (Tampubolon, 2008; Nutfa, 2019). Anna T. Grumbles said that through their customary law, Tau Taa Wana implicitly reveals that they are real natives - especially when they acquire a new identity as indigenous peoples (Grumbles, 2013)

Givu is considered by the Tau Taa Wana Tribe as an important tool in social institutions that manifest the philosophical and sociological values of the Tau Taa Wana Tribe so that it is unique, different from other communities and recognized by the state. In Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), it is expressly stated that:

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

Soerjono Soekanto from a sociological perspective states that the law that lives in society and is applied in everyday life is a fabric of values from abstract concepts in humans about what is considered good so that it is adhered to or obeyed and about and what is considered bad so that it is avoided (Soekanto, 2011). 2009).

Givu is the basis of the traditional mind and legal awareness of the Tau Taa Wana indigenous peoples (Camang, 2003). Givu is a customary law that is considered rational by the Tau Taa Wana Tribe - implemented through the practice of imposing customary sanctions for social deviations or despicable behavior (Red and White Foundation, 2014). Mohammad Nutfa's research found that Givu is a value rationality that has an absolute goal, namely to achieve harmony between the sacred and profane worlds. Givu as customary law is a symbolic cultural truth that aims to achieve a balance of relations between God, humans and nature (Nutfa, 2019).

Based on the description above, this paper is one of the efforts to raise the values that live in society by focusing on the study of the sociology of law on the function of Givu

as the customary law of the Tau Taa Wana Tribe in Central Sulawesi. This article is indispensable in the midst of the appearance of the weakness of positive law in regulating social structures. The results of this study reaffirm that customary law originating from a group of people (customary communities) is proven to be able to control social behavior that is difficult to regulate by positive law. The formulation of the problem in this research are: How is the function of Givu as customary law of the Tau Taa Wana tribe and how is the study of legal sociology regarding the function of Givu as customary law of the Tau Taa Wana tribe in Central Sulawesi.

## **2. METHOD**

The object of research is the Tau Taa Wana tribal community in Tojo Una Una Regency and North Morowali Regency, Central Sulawesi Province. Socio-anthropologically they identify themselves as "Taa People". But in general (since the Dutch colonial era until now) they are often called the Wana Tribe, which means indigenous people living in forest areas. This paper chooses to use the term Tau Taa Wana which means "Taa people in the forest area". This term is considered more sociohumanistic.

This research is an empirical research (field research) using a descriptive qualitative approach that produces narrative data (Bungin, 2008; Moleong, 2014). The depth of field research data is supported by the need for library data and documentation (Mestika, 2004; Creswell, 2014).

Data mining involved 6 sources (informants) who were selected by purposive sampling from the Tau Taa Wana as research subjects – to provide information or information (Bungin, 2012). The data collection method was carried out through the following stages: (1) qualitative observation; (2) in-depth interviews; (3) focused group discussions; (4) documentation; and (5) document study (Bungin, 2015; Moleong, 2014). The collection of qualitative data is supported by several instruments, namely: researchers (key instrument), interview guidelines, and interview matrices.

The depth and validity of the data were also strengthened through in-depth observation and triangulation during the research period to collect data thematically (Denzin & Lincoln, 2009; Creswell, 2014). Data analysis used an interactive analysis model, namely a series of processes: (1) data reduction, (2) data presentation; and (3) verification (Idrus, 2009; Sugiyono, 2016).

## **3. RESULTS AND DISCUSSION**

### **3.1. Givu in the Tau Taa Wana Mind Realm**

Customary law is a reflection of the identity of a society to regulate social, namely the rules and values that come from the community itself. Indigenous people in Indonesia actually have and live in their own legal system, which is called customary law. No Tau Taa Wana Tribe community interprets Givu as a law that comes from ancestors and is religious magic.

Indo Laku, a traditional leader of Tau Taa Wana said that Givu cannot be separated from their lives because it is an ancestral heritage that is intended to protect Tau Taa Wana and its nature from various threats. "If there is no Givu how can we protect the customary forest from outsiders stealing rattan? A lot of outsiders enter here but we forbid it because they violated Givu." (Interview, July 2021).

Givu is considered to be closely related to the awareness of maintaining harmonization. Tau Taa Wana understands and believes that outside of them there is something sacred – it cannot be separated from the external (profane) so that there must be a balance between the two. The balance between the sacred and the profane is determined by how and how each person behaves in communal life. The better the character, the more balanced between the sacred and profane worlds. On the other hand, exploiting behavior will destroy the balance (God, humans and nature).

Apa Laku, the traditional head of Tau Taa Wana also said that Givu is still a guideline for behavior, as he puts it: “The Taa (Tau Taa Wana) people adhere to customary rules. Without Givu the Taa people can't do anything. That's why Givu was retained. Anyone who violates customs will get a Givu.” (Interview, July 2021).

Tau Taa Wana's belief that every human being has a bad temper and the belief that life is full of challenges, then the abstract values originating from collective consciousness and customs change a legal format used to control or regulate behavior and social activities which they call Givu or customary sanctions. According to Tau Taa Wana Givu functional to bind community members to merge into a collective unity.

Sociologically, individuals are determined by the culture and structure of the society in which they live so that each individual's interests are always adjusted to the interests of the community (Soekanto, 2009). So the law becomes a collective interest that must be obeyed by individuals, because the communal nature based on the spirit of collective consciousness cannot be removed from social life.

The integralistic spirit is the embodiment of harmony, harmony, kinship and cooperation that are shared by blood, territory and ideals (soul). The collective awareness by those similarities is called Ferdinand Tönnies, which is called *Gemeinschaft* (Soekanto and Sulistiyowati, 2014).

Givu as customary law in Tau Taa Wana's mind is not only a means of protection against external threats, but tends to be seen as the glue of the *Gemeinschaft* solidarity they maintain. According to Robert Merton, something (law) that is functional for the social system must be maintained and maintained, both visible (manifest) and unconscious or latent (Poloma, 2007).

### **3.2. Givu: A Social Need**

The Tau Taa Wana Tribe community cannot be separated from customary law in the existence of its identity as a customary law community whose social stability depends on the law adopted. As according to Talcott Parsons quoted from Nasikun (2009) who sees that society consists of functional elements that support the stability of social systems with three basic assumptions: (1) society must be seen as a system whose elements are interconnected; (2) every relationship influences each other in a double and reciprocal manner; and (3) integration is not always perfect, but fundamentally the social system moves towards equilibrium and is dynamic.

A community leader from Tau Taa Wana, Indo Ija, said that Givu is a customary law that is already embedded in their lives so that it becomes a necessity regarding the importance of feeling safe in society. As he said: “Anyone who violates adat will get a Givu. Starting from Givu Ada Pay (fine), Givu Vintasi (compensation), Mawali Watua (voluntary work), to Sakimpuli (death penalty)” (interview, July 2021).

According to Apa Imel, a community leader in Tau Taa Wana, that violation of customary law (Givu) is considered an insult to ancestors and a disgraceful act, so deviating is an act of shame, taboo or irrationality. Because Givu is a value system that has been determined and passed down by their ancestors or ancestors who they call "Old Ntau".

Givu becomes a social need for Tau Taa Wana which is expected to be a social control in controlling deviant behavior in individuals. Why is that? The Tau Taa Wana community is a family-oriented form of society with humanistic social characteristics. According to Francis Fukuyama, social order actually stems from social virtues made by members of society (Fukuyama, 2014). Another opinion says that in traditional societies familial ties are still very strong because they are bound by a high sense of trust (Fukuyama, 2002; Hasbullah, 2006).

Givu is proven to be functional in providing comfort for everyone, because Givu through traditional institutions is able to regulate the fulfillment of social, political, and economic needs at the community level. Customary institutions regulate how they should: (a) behave according to ancestral guidelines; (b) regulate resource ownership; (c) distribution of positions (positions); and (d) regulate social relations.

### **3.3. Mogombo (Consensus) as the glue of the soul**

The magical power of magic gives indigenous peoples the confidence to manage their customary territory which is sacred by their alliance (Kalalo, 2018). Mogombo or deliberation means decision making through collective deliberation (mufakat). To maintain and seek commonalities of mind, Mogombo has become a means of legitimacy in the social structure of Tau Taa Wana. There are two forms of Mogombo, namely Mogombo Bae and Mogombo Kodi. The first mentioned is a form of deliberation involving customary institutions and the community – usually for customary deliberations, including when imposing customary sanctions on a deviant actor (Givu). While Mogombo kodi is a small deliberation that only involves a few people.

Between Givu and Mogombo cannot be separated because the function of Mogombo is needed in making customary decisions, especially in the imposition of customary sanctions or Givu. As the head of the village, Tau Taa Wana, Apa Milas, said: "To give customary sanctions if someone violates it, they must go through traditional consultations or Mogombo Bae. Because the customary head has to decide the punishment after everyone agrees" (interview, July 2021).

Research by Zaiful et al., (2018) proves that functionally, Mogombo has become a key in the customary institutional structure that is respected in the community as well as a means of social needs (tranquility). Communalistic manifestations in the life of the Tau Taa Wana people can be observed in deliberation activities that discuss fundamental issues.

According to the traditional woman leader Tau Taa Wana, Indo Ija, that Mogombo is very important for joint decision making. "Mogombo Bae for customary decisions or discussing activities in Lipu (village). The use of Mogombo is so that our decisions are the same and both know the information." (Interview, July 2021).

Mogombo is concerned with decision making at the community and small group levels. As Indo Imel put it, the Tau Taa Wana traditional woman said this: "when

Mogombo Tau Tua Lipu (village head) and Tau Tua Ada (customary head) led Mogombo. Mogombo Bae was attended by traditional institutions, village heads, and the community. Like when there is Givu and when guests come. Mogombo Kodi is only for small meetings or family matters. The point of this Mogombo is to build a common agreement." (Interview, July 2021).

According to Tau Taa Wana Mogombo is very useful in tying the solidarity of those who are bound by the same lineage, the same soul (idealism) and the same place of residence. In another sense, Mogombo – has become a social practice that encourages participatory culture so that it can strengthen the social capital of the community as well as deal with community problems through such traditional formalities (Ife and Tesoriero, 2008).

#### **4. CONCLUSION**

Customary law is a reflection of the identity of a society to regulate social order. Givu is a customary law of the Tau Taa Wana Tribe which originates from noble abstract values and rules that serve as guidelines for social behavior so that it is functional in maintaining the stability of the social structure. Givu becomes a social need that is regulated through customary institutions, especially in regulating economic, political and social needs. In addition, Givu is closely related to Mogombo (consultation) for making customary law decisions such as imposing customary sanctions on deviant actors. Mogombo as a collective spirit is able to strengthen the participatory culture of the Tau Taa Wana Tribe and is still the lasting strength of Gemeninchaft to this day.

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