



Interpersonal Communication of Customary Institutions as a Solution Model for Violence Against Women in Sigi District

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Abstract

This study used a qualitative method based on an ethnographic approach. The instrument was in the form of an interview guide which contains a list of open-ended questions to obtain in-depth responses. The determination of the sample used a purposive sampling technique. The results of the study showed that the resolution model for violence against women in Sigi District used interpersonal communication of Customary Institutions to resolve conflicts with the customary deliberation mechanism. Customary deliberation is a mechanism carried out by the Law Customary Law Communities of "To Sigi" with parties in the communities. The Customary Law Communities of "To Kaili" and "To Kulawi" in Sigi District solve many problems through the Customary Deliberation process such as forest encroachment issues, community disputes ("sala kana"), slandered or uttered obscene words ("sala mbiwi"), and hit someone wrongly ("sala mpale").

Keywords: *Communication; Interpersonal; Customary Institutions*

Introduction

This study aims to explain the position and function of customary institutions in Sigi District, namely "Pabisara Ada". Indeed, the communities in Palu are increasingly advanced and modern but this customary institution still becomes the people's choice in solving social problems, especially acts of violence against women. Does the choice of solving social problems such as acts of violence against women in customary institutions prove that customary control is still strong and the community's attachment to the strength of customary institutions, or does it show people's distrust of modern social and legal institutions?

The National Commission on Violence Against Women issued the 2016 Annual Notes (CETAHU, 2016). It reports that during 2015, violence did not only occur in the domestic area but expanded in various domains including in the public sphere. The issue of violence against women can be divided into 3 domains, namely personal relations, community, and state. A total of 232 cases were obtained by partner institutions of the National Commission on Violence Against Women in 34 provinces and the most prominent violence against women occurred in the personal sphere. The 2016 annual report showed an increase in types of sexual violence in the personal sphere than the previous year with 11,207

cases. In the community sphere, a total of 1,657 cases out of 5,002 cases of violence against women is sexual violence. The theme is widespread covering online sex workers, pimps, celebrity sex workers, cyber-crime, matchmaking agencies that are considered under the guise of sharia, and unregistered marriage service providers. Most of the data in this annual report came from victims' complaints to state institutions, and victim assistance organizations, and direct complaints to the National Commission on Violence Against Women.

Resolving violence against women with legal approaches and formal institutions is not enough as it needs social and cultural approaches. The sociocultural approach can be an alternative to minimize the occurrence of violence against women as socio-cultural is a local product that has wisdom besides being an integral part of the system in a society. Likewise, in resolving social problems, customary institutions have their patterns and approaches as an alternative to dispute/conflict resolution in society.

The handling of female victims of violence in Sigi District is carried out in two ways. Since the establishment of the Women and Children Service Unit along with the Special Service Room at the Sigi Police Office in September 2010, a small number of people who live in Sigi District have used this service. Meanwhile, the customary law system of "To Kaili" and "To Kulawi" which includes "Givu, Vaya, Sompou, Ombo" regulates the management of customary areas and dispute resolution based on the principles of social justice, gender equality, human rights and environmental preservation (Keputusan Bupati Sigi, 2015). "Givu" is a customary process carried out in decisions for rules and sanctions. "Vaya" is the decision result of "Givu" process. "Sompou" is the result of the implementation of the "Vaya" process and "Ombo" is a temporary customary prohibition that regulates the interaction between humans and humans, and humans and nature.

In implementing customary law that deals with serious problems, customary institutions need a lot of consideration to please the conflicting parties. An example of the form of the sanction of "Vaya/Sompou" for people who commit minor offenses in the "To Kulawi" community is "Hangu, Hampulu, Hangkau". If it is translated, the sanctions are one buffalo, 10 pieces of "dulang", 1 piece of cloth "mbesa" and in the case of a minor violation in the Customary Law Community of "To Kaili Vaya/Sompou", it is 1 goat, 1 dozen stone plates, and 1 piece of sarong (Keputusan Bupati Sigi, 2015).

The position of customary institutions has been as a mediator in resolving conflicts so far. Studies on the position of customary institutions as mediators explain in detail the roles and procedures carried out by traditional institutions in resolving conflicts in society through the mediation process. Customary institutions in Minangkabau are one of the places to solve problems in cases of violence against women. The approach of customary institutions is considered to have a close relationship with the high level of society. The approach of customary institutions is always in collaboration with the beliefs of the community. Thus, it is difficult to separate problem-solving between traditional and religious teachings.

Customary deliberation is a mechanism carried out by the "To Sigi" with parties in the community. In the "To Kaili" and "To Kulawi" Customary Law Communities in Sigi District, many problems are resolved through the Customary Deliberation process, for example, encroachment on customary forests, community disputes ("sala kana"), slander or uttering obscene words ("sala mbiwi"), and hitting people wrongly ("sala mpale"). This customary deliberation process was attended by conflicting parties and customary leaders ("Totua Ada") who have to manage, organize, and decide the case. The forms of customary deliberations are divided into "libu" and "tangara".

Settlement of women's violence is carried out at the "Tangara" customary meeting. "Tangara mbaso/bohe" is the process of resolving major cases handled by "Totua Ada" by involving the parties in the community. The "Tangara mbaso/bohe" handles conflicts concerning immoral cases, detrimental cases, and cases involving damage to customary territories. Generally, the cases handled involve the "sala kana" case. The "Pabisara Ada" or Customary Council becomes a reference for establishing

communication in solving problems. Based on preliminary observations, communication is an important factor for customary institutions ("Pabisara Ada") in resolving violence against women in Sigi District. Communication is in the form of interpersonal communication. This study is expected to have a direct impact on the object under study to provide an understanding of the effectiveness of the communication pattern of the "Pabisara Ada" among women in this district.

Method

This study used a qualitative method based on an ethnographic approach. Ethnography relates to human behavior in the cultural settings of certain customary institutions or communities. This method is considered capable of digging up in-depth information from a wide range of sources to understand the behavior of each individual, to describe complex interactions with a deep and detailed focus, and to describe phenomena in order to produce a theory focused on interactions and processes of the study. This ethnographic study can also be seen from the preservation of art and culture perspective and as a descriptive rather than an analytical analysis.

The instrument used was the form of an interview guide containing a list of open-ended questions in order to obtain in-depth answers from respondents. Besides, researchers also conducted causal interviewing (B. Suyanto & Sutinah, 2005). The determination of the respondent used a purposive sampling technique based on the following categories: (1) key informants, consisting of youths who experienced violence and the "Pabisara Ada" customary council in Sigi District; (2) ordinary informants, perpetrators, and families of victims and perpetrators, friends of victims and perpetrators, women leaders, religious leaders and community leaders in Sigi District. Data were analyzed using descriptive qualitative analysis to describe and interpret the data collected systemically and present them in a more meaningful and easy to understand using an interactive model analysis (Miles, Huberman, & Saldaña, 2014).

Result and Discussion

Customary law is still applied in each process in the "To Kaili" and "To Kulawi" Customary Law Communities. Customary law regulates human-human interaction and human-nature interaction. In the application of customary law, the priority is not the value of the sanction, but the deterrent effect and social sanctions for the perpetrators so that the customary law is still maintained.

The principles of customary law in the Customary Law Communities of "To Kaili" and "To Kulawi" in Sigi District prioritize a system of transparency and information disclosure. Customary law is not in favor of certain persons/groups (neutral), absolute, and through consideration based on human rights. Meanwhile, the function of customary law in "To Kaili" and "To Kulawi" is to reconcile conflicting people, create a peaceful atmosphere for people who are being processed by customary law, and restore good family relations for both parties.

The Sigi customary law communities have established customary law to regulate the life of its people which in this case are enforced by the customary institutions "To Kaili" and "To Kulawi" in regulating human-human interaction and human-nature interaction. The form of customary law imposed by customary institutions is based on the severity and lightness of customary sanctions given to people who are in conflict. In the same case, the application of customary law may be different for people who know and don't know customary law. Another example is the application of customary law which will harm the public and individuals is not the same as the application of customary law to the perpetrator. The decision-making mechanism in customary institutions is collegial collective or jointly deciding cases. Thus, the customary institutional structure does not organizationally have a certain division.

In dealing with the case, customary institutions need a lot of consideration in terms of deciding a case to please the conflicting parties. For example, the form of the "Vaya/Sompo" sanction for people

who commit minor offenses in the “To Kulawi” community is “Hangu, Hampulu, Hangkau”. If translated, the sanctions are abuffalo, 10 pieces of “dulang”, 1 piece of cloth “mbesa” and in the case of a minor offense, it is 1 goat, 1 dozen stone plates, and 1 piece of the sarong in the Customary Law Communities of “To Kaili” “Vaya/Sompo”. The application of sanctions carried out by Customary Institutions in conflict resolution can be seen below:

1. “Givu” is the customary process carried out in decisions for rules and sanctions
2. “Vaya” is the decision result of “Givu” process
3. “Sompo” is the result of the implementation of the “Vaya” process
4. Ombo” is a temporary customary prohibition that regulates human-human interaction and human-nature interaction.

Customary law has a very important role in the “To Kaili” and “To Kulawi” Customary Law Communities in Sigi District in regulating community kinship relations and preserving nature. It is because this was long before the arrival of Religion and the period of Government in Sigi District, Customary Law has been enforced by the customary figure in the “To Kaili” and “To Kulawi” Customary Law Communities. This is recognized and accepted by outsiders who live in the Sigi customary territory.

In terms of conflict resolution, a customary deliberation mechanism is carried out. Customary Deliberation is a mechanism carried out by ‘To Sigi’ Customary Law Community with the parties in the community. In the “To Kaili” and “To Kulawi” Customary Law Communities, many problems are resolved through the Customary Deliberation process such as forest encroachment issues, community disputes (“sala kana”), slander or uttering obscene words (“sala mbiwi”), and hitting people wrongly (“sala mpale”).

This customary deliberation process is attended by conflict parties and traditional leaders (“Totua Ada”) who have the task to manage, organize, and decide the case. The Customary Deliberation in the “To Kaili” and “To Kulawi” Communities in Sigi District aims to resolve problems, decide customary sanctions, and reconcile conflicting parties. There are two forms of Customary deliberation namely “Libu” is a process carried out by the Customary Law Communities of “To Kaili” and “To Kulawi” in planning and decision-making, while “Tangara” is a process of deliberation in settling cases.

The diversity of aspects of life such as customs, norms, language to ethnicity is something to be grateful for in order to create dynamic and open communication in society. The creation of effective communication can minimize conflicts between communities. Inter-ethnic communication has a vital role in creating harmonious communication among people with different ethnic backgrounds. If different ethnic groups do not understand each other, it can lead to misunderstanding which in turn causes conflict that can affect all aspects of life. One of the communication models used by the Customary Council in realizing religious harmony in Sigi District is interpersonal communication. Interpersonal communication occurs almost every day, especially at the level of the Customary Council and the community during activities in public places and privately during meetings, gardening, and weddings. DeVito (2019) states that interpersonal communication occurs when sending messages and receiving messages between people which provides immediate effect.

The observations show that interpersonal communication occurs in the form of face to face. This communication aims to exchange messages (Guerrero, Andersen, & Afifi, 2017), for example, in meeting activities at the Customary Institution. In various activities, traditional leaders and village/sub-district heads joined the community to guide the form of counseling on customary law or rules. This model of communication is often used to make changes to people's behavior. This change occurs because when communicating, there is a direct dialogue between the communicator and the communicant so that the communication will be known directly.

Face-to-face communication is mostly carried out by traditional leaders and heads of village administration by collaborating with customary institutions from other regions. Then, religious leaders and traditional institutions also involve the community directly, for example, through a question and answer session. This can strengthen unity and solidarity among people of different ethnicities. The strengthening of inter-ethnic harmony and the way of life of the people in Sigi District is because they can appreciate and respect each other. The interpersonal dialogue established with the community further strengthens the emotional and psychological bonds between them. Strong harmony among the people of Sigi District becomes an indication of the success of interpersonal communication carried out by traditional leaders and various parties.

The communicator who conveys messages related to customary values to the community is the Head of the Customary Institution (this is a position attached to the Village Head). Messages are made and designed to provide understanding to the public to respect and uphold their customs in all aspects of life including waste disposal, cheating, and even theft. But, a murder case is not included here as it is under the authority of the police. Therefore, the customary institutions mobilize and motivate the community to maintain traditional values in Sigi District.

Before starting the deliberation process, the Head of the Customary Institution begins by checking the readiness of the procession. The traditional stakeholders as administrators of customary courts are accountable for their duties to the community, nature, and God. Customary justice is held for all people who feel their rights have been aggrieved in society. Customary officials administering customary courts may not discriminate against gender, religion, social status, or age. Everyone has the same position and rights before the customary law so there should be no discrimination against the conflicting parties. Thus, the Head of the Customary Institution builds interpersonal communication to make other people understand (trust), be honest or sympathize and people will get these feelings if the head is respected. Interpersonal communication can be used to reduce and resolve conflicts (Knapp, Vangelisti, & Caughlin, 2014), and even provide meaning for the parties communicating (Trenholm & Jensen, 2008) as this communication is communication between humans (Beebe, Beebe, Redmond, & Salem-Wiseman, 2002). Concerning social life, communication among people can be regarded as a process of interaction between one person and another in any situation.

To make the customs officials who act as mediators or intermediaries be more trusted by the conflicting parties, they must be trustworthy, honest, impartial, have no personal interests to resolve disputes, friendly and confident, and able to control the emotions of the parties, understand the will and aspirations of the parties, translate the wishes of one party to another using polite and cool language, use approaches that have elements of religion, social, and psychology, and good at using language. Meanwhile, the function of the mediator is to help the parties to realize that a dispute is not a battle to be won but to be resolved. Customary officials need to compile and propose and help the conflicting parties find the best solutions.

Conclusion

Based on the results of the study, it can be concluded that the model for resolving violence against women in Sigi District is carried out through interpersonal communication with the Customary Institution which aims to resolve conflicts using the customary deliberation mechanism. Customary Deliberation is a mechanism carried out by the "To Sigi" Community with parties in the community. The "To Kaili" and "To Kulawi" Customary Law Communities in Sigi District solve many problems such as forest encroachment issues, community disputes ("sala kana"), slandered or uttered obscene words ("sala mbiwi"), and hitting someone wrongly ("sala mpale") through the Customary Deliberation process.

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