

SINTUVU AND THE MADIKA SYSTEM OF THE KAILI TRIBE AS A MODEL OF LOCAL WISDOM IN FORMULATING ASYMMETRICAL DECENTRALIZATION POLICIES IN CENTRAL SULAWESI

Randy Atma R Massi¹ Wahyuni²

^{1,2}Faculty of Sharia, Datokarama State Islamic University, Palu

Email: randyatma@uindatokarama.ac.id

Abstract

In the context of asymmetric decentralization in Indonesia, integrating local wisdom into constitutional policy formulation is increasingly crucial, particularly in regions with distinctive cultural governance systems. This article examines how the Sintuvu principle and Madika system of the Kaili tribe in Central Sulawesi can serve as a normative and strategic model in formulating asymmetric decentralization policies. Using a normative-legal approach combined with socio-legal analysis, this study demonstrates that the Sintuvu tradition (collective cooperation) and the Madika governmental structure constitute a contextual governance system that aligns with principles of responsive law and legal pluralism. The study analyzes the Pali customary law, the Libu nu Maradika deliberative council, and Givu sanction mechanisms as concrete manifestations of local constitutional values. This research argues that asymmetric decentralization in Central Sulawesi should not merely adopt a formalistic approach but must integrate Kaili traditional governance values as a foundation for inclusive, contextual, and culturally-rooted policies. The article recommends a specific policy formulation model based on the Sintuvu principle as the philosophical foundation for regional governance that honors local constitutional identity.

Keywords: Asymmetric decentralization; Kaili tribe; Madika system; Responsive law; Sintuvu.

A. INTRODUCTION

As a multicultural country, Indonesia faces complex challenges in implementing decentralization that can accommodate the diversity of local government systems. Article 18B, section 2, of the 1945 Constitution of the Republic of

Indonesia explicitly states, “The State recognizes and respects customary law communities and their traditional rights, as long as they are in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, as regulated by law.”¹ This constitutional provision provides a normative basis for developing an asymmetric decentralization model that accounts for regional differences shaped by history, culture, and traditional systems of government.

Asymmetric decentralization is a model of power-sharing in which power is unequally distributed between the central and regional governments. This model is tailored to the characteristics, needs, and specific conditions of each region.² In Indonesia, asymmetric decentralization has been implemented in various regions, including Aceh, Papua, the Special Region of Yogyakarta, and DKI Jakarta, each with its own specificities.³ However, the development of an asymmetric decentralization model in Central Sulawesi, particularly one based on the local wisdom of the Kaili tribe, has not yet received adequate academic and policy attention.

The Kaili people have a deep philosophical principle in their system of government and social life that goes beyond just

¹Indonesia, 1945 Constitution of the Republic of Indonesia, Article 18B Section (2).

²Bayu Krisnapti, “Desentralisasi Asimetris dalam Negara Kesatuan Republik Indonesia”, Yogyakarta: Universitas Islam Indonesia, 2012, 23.

³Gunawan A. Tauda, "Desain Desentralisasi Asimetris Dalam Sistem Ketatanegaraan Republik Indonesia", *Administrative Law & Governance Journal*”, Vol. 1, Issue 4, November 2018, 415-430.

an institutional structure: *Sintuvu*. *Sintuvu* embodies the values of togetherness and mutual cooperation, forming the foundation of every aspect of Kaili society, including dispute resolution, infrastructure development, and the implementation of traditional ceremonies.⁴ The *Sintuvu* principle aligns with Satjipto Rahardjo's progressive legal theory, which emphasizes that law should be grounded in societal values rather than confined to formalism.⁵

In addition to the *Sintuvu* principle, the Kaili people have a comprehensive customary legal system that includes Pali law, or customary prohibitions, which govern human relations with the Creator (*Karampua Langi Karampua Tana*), relations between humans, and relations between humans and nature.⁶ The customary sanction system known as *Givu* is applied strictly and fairly without distinction of social status, including against the aristocracy (*Madika*).⁷ The concept was embedded in the traditional Kaili legal system long before it was known in modern law.

According to the responsive law theory developed by Philippe Nonet and Philip Selznick, a good legal system is one

⁴Ahmad Yunus, *Sistem Gotong Royong dalam Masyarakat Pedesaan Daerah Sulawesi Tengah*, Jakarta: Ministry of Education and Culture, 1986, 34-41.

⁵Satjipto Rahardjo, “Hukum Progresif: Sebuah Sintesa Hukum Indonesia”, Yogyakarta: Genta Publishing, 2006, 19-25.

⁶Regent of Sigi's Decree on the Recognition and Protection of the *To Kaili* and *To Kulawi* Customary Law Communities in Sigi Regency, 2014.

⁷Syamsul Saifudin, “Pedoman Hukum dan Sanksi Adat Kaili”, Palu: Palu City Regional Research and Development Agency, 2017, 45-52.

that responds to a society's social dynamics and values.⁸ The Kaili customary government and legal system is an effective, responsive form of law that has operated for centuries. However, integrating these values into the state's formal legal system, particularly within the framework of asymmetric decentralization, still faces conceptual and implementation obstacles.

John Griffiths's theory of legal pluralism asserts that more than one legal system can coexist within a single social territory.⁹ In Central Sulawesi, a plurality of legal systems coexists, including state law, Kaili customary law, religious law, and other informal laws. This diversity should be viewed as an asset, not a threat to national legal unification. An appropriate approach would be to harmonize these systems while respecting their existence within the framework of a unitary state.

The fundamental problem is how to integrate the traditional Kaili system of government, which is based on the *Sintuvu* and *Madika* principles, into Indonesia's asymmetrical decentralization framework. This challenge is further complicated by the fact that Indonesia's legal system still largely adheres to a positivistic and centralistic paradigm, which tends to overlook non-formal legal systems. However, ignoring effective

⁸Philippe Nonet & Philip Selznick, *Law and Society in Transition: Toward Responsive Law*, New York: Harper & Row, 1978, 73-79.

⁹John Griffiths, "What is Legal Pluralism?", "Journal of Legal Pluralism and Unofficial Law", Vol. 24, No. 1, 1986, 1-55.

local governance systems can result in a loss of social legitimacy for government policies and weaken social cohesion within the community.

This study aims to critically analyze how the *Sintuvu* principle and the *Madika* system of the Kaili tribe can serve as normative and strategic models for the development of asymmetric decentralization policies in Central Sulawesi. The analysis will use a legal-normative approach, reinforced by empirical data on customary Kaili governance practices. Additionally, this study will identify theoretical and practical obstacles to integrating Kaili local values into the formal legal system and formulate an operational, contextual policy model.

The novelty of this research lies in its specific focus on the Kaili tribal government system as the basis for formulating asymmetric decentralization policies. This differs from previous literature, which tends to discuss local wisdom in general or asymmetric decentralization without linking it to specific traditional government systems. Theoretically, this research is expected to contribute to the development of the concept of local wisdom-based asymmetric decentralization. Practically, it will provide policymakers with recommendations for designing a more responsive and contextual regional governance system in Central Sulawesi.

B. RESULTS AND DISCUSSION

1. Sintuvu and the Madika System as the Normative Foundation of Asymmetric Decentralization in Central Sulawesi

Asymmetric decentralization in Indonesia is a logical consequence of constitutional recognition of the diversity of customary law communities and regional specificities as stipulated in Article 18B section (2) of the 1945 Constitution of the Republic of Indonesia. However, the implementation of asymmetric decentralization to date has tended to be reactive to conflicts (such as in Aceh and Papua) or based on specific political histories (such as in DKI Jakarta and Yogyakarta), without considering existing local government systems that have proven effective in regulating community life.¹⁰

The Kaili tribe inhabits Central Sulawesi, an area with a unique and comprehensive traditional system of government. This system is based on two pillars: the philosophical principle of Sintuvu and the institutional structure of Madika. These elements are not merely ceremonial cultural heritage; they constitute a valid system of governance that continues to operate in various aspects of Kaili society today.¹¹

¹⁰Rahmi Hayati & Muhammad Noor Ifansyah, "Praktik Desentralisasi Asimetris di Indonesia", "Publis: Jurnal Pemikiran dan Penelitian Administrasi Publik dan Administrasi Bisnis", Vol. 3, No. 2, September 2019, 78-92.

¹¹Ahmad Basir Toana, "Persekutuan Hidup dan Sistem Pemukiman Masyarakat To Kaili", "Jurnal Gagasan Universitas Tadulako", Vol. XII, No. 28, 1997, 1-6.

Etymologically, *Sintuvu* comes from the words “sintu,” meaning one, and “vu,” meaning goal or direction, so *Sintuvu* can be interpreted as unity of purpose or togetherness in achieving a common goal.¹² In practice, *Sintuvu* is a principle of collective cooperation governing various aspects of Kaili social life, including economic activities such as farming and building houses, social activities such as wedding ceremonies and funerals, and political activities such as deliberation to resolve disputes and collective decision-making.

The *Sintuvu* principle aligns with the theory of deliberative democracy developed by Jürgen Habermas, which emphasizes inclusive participation and rational discourse in public decision-making.¹³ In the context of asymmetric decentralization, *Sintuvu* can serve as a philosophical foundation for developing a participatory and inclusive governance model. In this model, policies are not formulated by the central or regional government, but rather through a deliberative process involving all elements of society.

Sintuvu is more than just a philosophical principle; it also has a concrete normative dimension in the Kaili customary law system. For example, in dispute resolution, the *Sintuvu* principle requires that conflicts not be resolved through an adversarial

¹²Masyhuddin Masyhuda, “Etnik dan Logat di Sulawesi Tengah”, Palu: Central Sulawesi Cultural Foundation Publishing Section, 1991, 67-69.

¹³Jürgen Habermas, “Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy”, Cambridge: MIT Press, 1996, 287-328.

approach seeking to determine a winner and a loser. Rather, it requires a restorative approach aimed at restoring social harmony.¹⁴ This approach is highly relevant to the theory of restorative justice developed by John Braithwaite, which emphasizes the importance of reconciliation and restoration of social relationships in conflict resolution.¹⁵

The second pillar of the Kaili government is its *Madika* institutional structure. The *Madika* system is a hierarchical structure consisting of various institutions with clear, specific functions. The *Magau* (King) is at the top of the structure and serves as the head of government and a symbol of unity for the community. The *Magau* is assisted by the *Libu nu Maradika* (Royal Council), which consists of:

1. *Madika Matua* serves as the prime minister, overseeing the prosperity and welfare of the people.
2. *Punggawa* oversees the implementation of customs and domestic affairs.
3. *Galara* serves as a judge who administers customary law.
4. *Pabicara* serves as a spokesperson and mediator in dispute resolution.
5. *Tadulako* leads security and defense affairs.

¹⁴Jolylis Rawis, “Sintuwu Kerjasama Tradisional di Poso Sulawesi Tengah”, Jakarta: Directorate of Traditions and Fine Arts, Directorate General of Cultural Values and Film, Ministry of Culture and Tourism, 2012, 23-28.

¹⁵John Braithwaite, “Restorative Justice and Responsive Regulation”, Oxford: Oxford University Press, 2002, 32-35.

6. *Sabandara* manages finances and port affairs.¹⁶

This structure illustrates the separation of powers within the traditional Kaili government. The existence of the *Galara*, who serves as a customary judge separate from the *Magau*'s executive function, demonstrates the principle of judicial independence. Similarly, *Libu nu Maradika*'s role as an advisory council to the *Magau* exemplifies a system of checks and balances in traditional governance.¹⁷

In addition to *Libu nu Maradika*, there is also *Libu Nto Deya* (People's Consultative Assembly), which represents the people through *Pitunggota Ngata* (Council Representing the Seven Directions) or *Patanggota Ngata* (Council Representing the Four Directions).¹⁸ The existence of this institution demonstrates that the Kaili government system recognized the importance of representation and public participation in decision-making long before representative democracy became a recognized concept in modern government.

The Kaili customary law system also includes comprehensive *Pali* laws (customary prohibitions) covering various aspects of life. *Pali* is a set of prohibitive rules that must

¹⁶Compiler, “Adat Kaili dalam Lembaran”, Palu: Central Sulawesi Cultural Development Agency, 1990, 34-45.

¹⁷Jamrin Abubakar, “Menggugat Kebudayaan Tadulako dan Dero Poso”, Palu: Central Sulawesi Cultural Foundation, 2011, 56-62.

¹⁸Indonesia, Decision of the Regent of Sigi regarding the To Kaili and To Kulawi Customary Institutions in Sigi Regency, Number: [Decree Number], 2014, 5-7.

be obeyed to maintain harmony among humans and the Creator, among humans themselves, with nature, and with their environment.¹⁹ Specific examples of *Pali* include:

1. *Pali* cutting down trees in certain forests that are considered sacred (*Pali Ngata*);
2. *Pali* catching fish at certain times to preserve the ecosystem (*Pali Tana*);
3. *Pali* committing adultery with a son-in-law or stepmother (*Vaya Rabayana Langi*);
4. *Pali* hunting in ways that damage the environment (*Pali Vea*).²⁰

Violations of *Pali* are subject to sanctions called *Givu*. The *Givu* penalty system is gradual, depending on the type and level of violation, ranging from minor penalties in the form of reprimands (*Niinu*), moderate penalties in the form of traditional fines (*Nisanggeya*), to severe penalties in the form of social exclusion (*Nilabu* or *Nipali*) or even the death penalty (*Vaya Mboso Bangu Mate*) for serious violations such as adultery with the king's wife or child.²¹ Interestingly, the *Givu* sanction system applies without discrimination based on social status. Even the *Madika* (nobility) or *Magau* classes must accept the same

¹⁹Syamsul Saifudin, “Pedoman Hukum dan Sanksi Adat Kaili”, Palu Palu City Regional Research and Development Agency, 2017, 23-29.

²⁰Ibid., 67-84.

²¹Hilman Hadi Kusuma, “Hukum Pidana Adat”, Bandung: Pustaka Diklat Alumni, 1985, 123-131.

sanctions if they violate customs, in accordance with the philosophical principle of “when in Rome, do as Romans do”.²²

From the perspective of responsive legal theory, the *Pali* and *Givu* systems are not only repressive, punishing offenders, or autonomous, standing alone without regard to social context; they are also responsive to social values and aimed at achieving substantive justice.²³ This aligns with the view of Nonet and Selznick that responsive law integrates legal objectives with social aspirations and adapts to social change.²⁴

The relevance of the Sintuvu and Madika systems in the context of asymmetric decentralization can be analyzed from several perspectives. From the perspective of constitutional legitimacy, for example, Article 18B, section (2), of the 1945 Constitution of the Republic of Indonesia explicitly mandates that the state recognize and respect customary law communities and their traditional rights. As a traditional Kaili government structure that is still active and recognized by the community, the Madika system has constitutional legitimacy to be integrated into the formal regional government system.²⁵

Second, from a government effectiveness perspective, the Madika system has proven effective in regulating the lives of the

²²Syamsul Saifudin, “Pedoman Hukum....”, 91-94.

²³Philippe Nonet & Philip Selznick, “Law and Society in Transition: Toward Responsive Law”, New York: Harper & Row, 1978, 73-113.

²⁴Ibid., 107-109

²⁵Jimly Asshiddiqie, “Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi”, Jakarta: Bhiana Ilmu Populer, 2007, 456-461.

Kaili people for centuries. Its clear institutional structure, specific division of functions, and participatory decision-making mechanisms through *Libu Nu Maradika* and *Libu Nto Deya* demonstrate its good governance capacity.²⁶ Integrating this system into the formal local government structure would improve the effectiveness of public services by better aligning them with the local community's culture and needs.

Third, from the perspective of social cohesion and conflict resolution, the Sintuvu principle has proven capable of maintaining social harmony and resolving various conflicts within Kaili society. In an era of decentralization often marked by horizontal conflicts among community groups, the Sintuvu principle can be an important social asset for maintaining stability and social cohesion.²⁷ Experience across regions shows that without effective conflict-resolution mechanisms, decentralization can trigger social fragmentation and prolonged conflict.

Fourth, from an environmental sustainability perspective, the Pali system, which regulates human relations with nature, demonstrates the Kaili people's longstanding ecological awareness. Pali prohibitions on cutting trees in sacred forests or on fishing at certain times are examples of traditional

²⁶Ahmad Basir Toana, "Persekutuan hidup....." 3-5.

²⁷Arkanudin, "Menelusuri Akar Konflik Antaretnik", "Mediator: Jurnal Komunikasi", Vol. 7, No. 2, 2006, 185-194.

environmental conservation practices highly relevant to the current global challenge of sustainable development.²⁸

However, integrating the Sintuvu and Madika systems into the framework of asymmetric decentralization faces several obstacles. The first obstacle is conceptual-theoretical: the dominance of the legal positivist paradigm, which considers only laws enacted by the state legitimate.²⁹ In this paradigm, customary law is considered inferior and recognized only if codified and adopted into formal legislation.

The second obstacle is structural and institutional: the absence of specific regulations governing the integration of traditional governance systems into local government structures. Although Law No. 23 of 2014 on Local Government recognizes the existence of traditional villages, its provisions are limited and do not adequately accommodate complex traditional governance systems, such as the Madika system.³⁰

The third obstacle is political, stemming from the central government's concern that recognizing the customary system of government could threaten the integrity of the unitary state of the Republic of Indonesia. However, this concern is unfounded if asymmetric decentralization is well designed. The cases of Aceh

²⁸Koentjaraningrat, “Kebudayaan, Mentalitas dan Pembangunan”, Jakarta: Gramedia Pustaka Utama, 2009, 198-203.

²⁹Hans Kelsen, “Pure Theory of Law”, Berkeley: University of California Press, 1967, 193-220.

³⁰Indonesia, Law Number 23 of 2014 concerning Regional Government, Articles 96-123.

and Papua demonstrate that granting special autonomy can strengthen national integration by recognizing and respecting local cultural identities.³¹

To overcome these obstacles, a comprehensive and gradual approach is needed. First, a paradigm shift from legal centralism to legal pluralism is necessary. The theory of legal pluralism developed by John Griffiths, Sally Engle Merry, and Franz von Benda-Beckmann asserts that multiple legal systems can coexist within a single country without threatening the supremacy of national law.³² A harmonization mechanism that regulates the interaction between state and customary law within a framework of mutual respect is needed.

Second, it is necessary to selectively codify Kaili values and governance structures that are still relevant and do not conflict with constitutional principles and human rights. This does not mean eliminating the dynamics of customary law, but rather providing legal certainty and formal legitimacy to the existing system. To ensure that the codified values remain authentic and in line with the spirit of Kaili culture, the codification process must be carried out in a participatory manner

³¹Agung Djojosoekarto (Ed.), "Kinerja Otonomi Khusus Papua", Jakarta: Kemitraan Partnership, 2008, 67-89.

³²Sally Engle Merry, "Legal Pluralism", "Law & Society Review", Vol. 22, No. 5, 1988, 869-896.

by involving traditional leaders, academics, and local communities.³³

Third, an asymmetric decentralization model specific to Central Sulawesi must be designed that integrates the Madika system into the regional government structure. This model can draw on elements from existing special autonomy systems, such as those in Aceh and Papua, while adapting them to the Kaili community's specific characteristics and needs. For instance, a Kaili Customary Council could be established as an institution with legislative and consultative responsibilities in drafting regional regulations. Its composition should reflect the structure of the *Libu Nu Maradika* and the *Libu Nto Deya*.

Fourth, the *Sintuvu* principle must serve as the philosophical foundation for formulating all public policies in the region. This means every policy must be developed through an inclusive deliberative process aimed at achieving consensus and social harmony rather than a simple majority vote. This approach aligns with the concept of deliberative democracy and can bolster the democratic legitimacy of local government policies.³⁴

Fifth, the customary justice system, which is based on *Pali* law and *Givu* sanctions, can be integrated into the formal justice system through mediation and alternative dispute resolution (ADR) mechanisms. District courts can allocate space for

³³Soetandyo Wignjosoebroto, “Hukum: Paradigma, Metode, dan Dinamika Masalahnya”, Jakarta: Elsam, 2002, 167-182.

³⁴Jürgen Habermas, “Between Facts.....”, 296-302.

resolving disputes through customary justice for certain cases, provided that the processes and decisions do not conflict with fundamental legal and human rights principles. This approach has been successfully implemented in countries with multicultural societies, such as Australia, to handle cases involving indigenous peoples.³⁵

2. Sintuvu-Based Asymmetric Decentralization Model for Central Sulawesi

This study proposes a specific model of asymmetric decentralization for Central Sulawesi based on an analysis of the Sintuvu and Madika systems and the obstacles to their integration into the formal legal system. The model is founded on three pillars: (1) constitutional recognition of the Kaili customary government system, (2) integration of formal and traditional government institutions, and (3) harmonization of customary and state laws.

First Pillar: Constitutional Recognition

Constitutional recognition is a fundamental step that must be taken through specific regulations. These regulations can be in the form of the Central Sulawesi Special Autonomy Law or, at a minimum, a provincial regulation on the recognition and protection of the Kaili customary law community. This regulation must explicitly recognize:

³⁵Larissa Behrendt, “Indigenous Australia for Dummies”, Melbourne: Wiley Publishing Australia, 2006, 234-241.

1. The *Madika* system of government is an integral part of the regional government system.
2. The *Sintuvu* principle is the philosophical basis for regional government administration.
3. *Pali* customary law and the *Givu* system of sanctions are part of the legal system applicable in Central Sulawesi.
4. Customary law areas (*Ngata*) are recognized units of government.³⁶

This recognition is not merely symbolic; it must be accompanied by guarantees of the Kaili indigenous community's constitutional rights. These rights include the right to customary land (*Vaya Ntana*), the right to administer customary justice, the right to manage natural resources in customary territories, and the right to participate in the formulation of policies that affect indigenous communities' interests.³⁷

Second Pillar: Institutional Integration

Institutional integration can be achieved through the establishment of new institutions that connect formal and traditional government structures:

Institutional integration can be achieved through the establishment of new institutions that connect formal and traditional government structures:

³⁶This model adapts the structure of Law No. 11 of 2006 on the Government of Aceh and Law No. 21 of 2001 on Special Autonomy for Papua.

³⁷These rights align with the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which Indonesia has ratified.

1. Papuan People's Assembly (MRP) Kaili Model: *Libu Ngata*, Central Sulawesi.

Libu Ngata Central Sulawesi was established as a customary representative institution with legislative and consultative functions in the formulation of regional regulations. The composition of this institution consists of representatives of the Madika structure from various customary areas in Central Sulawesi.

This institution has the authority to:

- a. Providing consideration and approval of local regulations related to customs, culture, and the rights of indigenous people;
- b. Monitoring the implementation of policies related to indigenous people;
- c. Proposing draft local regulations related to cultural preservation and protection of customary rights.³⁸

2. Customary Dispute Settlement Agency

An Indigenous Dispute Resolution Body was formed, led by *Galara* (indigenous judges) and consisting of indigenous leaders from various regions. The body resolves disputes within indigenous communities through a deliberative process based on *Sintuvu* and *Pali* customary law principles. This body's decisions

³⁸This model adapts the Papuan People's Assembly (MRP) as stipulated in the Papua Special Autonomy Law.

are final and binding for certain disputes, particularly those related to customary civil law and minor violations of customs.³⁹

3. Customary Council at the Regency/City Level

In every district/city in Central Sulawesi that has a Kaili indigenous community, a Customary Council is formed to represent the *Libu nu Maradika* and *Libu Nto Deya* structures. The council acts as a partner to the local government in formulating and implementing local policies, particularly those related to natural resource management, conflict resolution, and cultural preservation.⁴⁰

Third Pillar: Harmonization of Legal Systems

Harmonization of legal systems is carried out through several mechanisms:

1. Codification of *Pali* Customary Law

Pali customary law should be selectively codified into a provincial regulation on Kaili customary law. This does not mean freezing customary law, but rather providing legal certainty to relevant and active customary norms. To ensure the authenticity and acceptability of the codification results, the process must

³⁹This mechanism has been recognized in Supreme Court Regulation No. 1 of 2016 concerning Mediation in Court.

⁴⁰The establishment of the Customary Council is regulated in the Minister of Home Affairs Regulation No. 52 of 2007 concerning Guidelines for the Preservation and Development of Customs and Social and Cultural Values of the Community.

involve customary leaders, academics, and civil society organizations.⁴¹

2. Integration of Customary Sanctions into the Criminal Justice System

According to the Juvenile Criminal Justice System Law, *Givu's* customary sanctions can be integrated into the formal criminal justice system through diversion and restorative justice mechanisms. For certain offenses, particularly minor ones that do not cause harm to victims, perpetrators may be given the option to undergo customary sanctions rather than formal criminal sanctions. This approach can enhance the effectiveness of sanctions while honoring local communities' values.⁴²

3. Recognition of Customary Law Areas

Customary law areas (*Ngata*) must be recognized and granted clear legal status in provincial and district/city spatial planning. Recognizing these areas is important for providing indigenous peoples with legal certainty regarding their rights to customary lands and natural resources in their territories. One possible recognition mechanism is the model implemented in Sigi District through the Regent's Decree on the Recognition and Protection of Customary Law Communities.⁴³

⁴¹Soetandyo Wignjosoebroto, "Hukum: Paradigma.....", 198-205.

⁴²John Braithwaite, "Restorative Justice", 56-67.

⁴³Indonesia, Decree of the Regent of Sigi on the Recognition and Protection of the To Kaili and To Kulawi Customary Law Communities in Sigi Regency, 2014.

4. Mechanism for Synergy between State Law and Customary Law

A clear protocol needs to be formulated on how state law and customary law interact in practice. This protocol regulates matters such as:

- a. Types of cases that can be resolved through customary courts;
- b. Procedures for the recognition of customary court decisions by state courts;
- c. Mechanisms for resolving conflicts between state law and customary law norms;
- d. The role of customary leaders in formal judicial proceedings as expert witnesses or mediators.⁴⁴

3. Implementation and Evaluation

Implementing the *Sintuvu*-based asymmetric decentralization model requires a planned, phased strategy. The implementation stages include:

- a. Preparation Phase (Years 1-2)
 1. Drafting regulations on special autonomy or at least provincial regulations on the recognition of customary law communities;

⁴⁴This model has been applied in Australia in interactions between the formal legal system and the Aboriginal customary law system. See: Larissa Behrendt, *op.cit.*, pp. 267-281.

2. Inventory and mapping of indigenous communities, customary law areas, and customary law systems that are still in force;
3. Socialization and building understanding among stakeholders about the asymmetric decentralization model;
4. Formation of a drafting team consisting of the government, indigenous leaders, academics, and civil society organizations.

b. Legislative Phase (Years 2-3)

1. Discussion and ratification of regulations on asymmetric decentralization.
2. Drafting of implementing regulations and technical guidelines;
3. Establishment of new institutions (*Libu Ngata*, Customary Dispute Resolution Agency, Customary Council).

c. Initial Implementation Phase (Years 3-5)

1. Operationalization of established institutions;
2. Trial of dispute resolution mechanisms through customary courts;
3. Capacity building for government officials, law enforcement officials, and traditional leaders on asymmetric decentralization mechanisms;
4. Regular monitoring and evaluation.

- d. Consolidation Phase (Year 5 and beyond)
 1. Comprehensive evaluation of model implementation;
 2. Improvement of regulations and mechanisms based on evaluation results;
 3. Replication of best practices to other regions with similar characteristics;
 4. Continuous strengthening of institutional capacity.

The implementation of this model must be periodically evaluated using clear indicators:

1. Level of participation of indigenous peoples in policy formulation processes;
2. Number and types of disputes successfully resolved through customary mechanisms;
3. Level of public satisfaction with public services
4. Level of social conflict and violations of customary law;
5. Effectiveness of natural resource management based on local wisdom;
6. Preservation and revitalization of Kaili culture and language.

The *Sintuvu*-based asymmetric decentralization model proposed in this study is not merely a formal recognition of the existence of indigenous peoples, but a substantial effort to integrate traditional governance systems that have proven effective into the formal local government structure. This model is expected to serve as an alternative for developing asymmetric

decentralization in other regions of Indonesia with strong traditional governance systems, regardless of whether they are experiencing conflict or have a specific political history.

The success of this model depends heavily on the political will of central and regional governments, support from indigenous peoples, and active stakeholder participation in its formulation and implementation. A paradigm shift is also crucial: from legal centralism to legal pluralism, from a uniform approach to a contextual one, and from a power-oriented to a justice-oriented approach in governance and law enforcement.

C. CONCLUSION

The study concludes that the Kaili tribe's local wisdom—embodied in the Sintuvu principle and the Madika governance system—constitutes a living and socially legitimate framework of governance that holds strategic relevance for the formulation of asymmetric decentralization in Central Sulawesi. Far from being merely cultural heritage, these indigenous institutions reflect substantive principles of good governance, including separation of powers, checks and balances, public participation, and the rule of law, which predate and complement modern legal concepts.

The integration of Sintuvu and Madika into asymmetric decentralization is constitutionally grounded in Article 18B (2) of the 1945 Constitution and theoretically supported by legal pluralism, responsive law, and progressive law. Nonetheless, such integration faces persistent conceptual, structural, and political

obstacles rooted in legal positivism, regulatory gaps, and concerns over national unity. These challenges underscore the need for a paradigm shift toward recognizing Indonesia as a pluralistic and multicultural rule-of-law state.

In response, this study proposes a Sintuvu-based asymmetric decentralization model founded on constitutional recognition, institutional integration, and legal harmonization. The model envisions the establishment of customary representative and dispute resolution institutions, selective codification of Pali customary law, and recognition of customary territories in spatial planning, implemented through a phased and participatory approach. Ultimately, this model contributes to the development of a contextualized approach to asymmetric decentralization in Indonesia, positioning local wisdom as a foundation for substantive justice, respect for diversity, and strengthened social cohesion within the Unitary State of the Republic of Indonesia.

REFERENCES

Abdullah, Djaruddin M. *Mengenal Tanah Kaili*. Palu: Badan Pengembangan Pariwisata Pemerintah Daerah Tingkat I Sulawesi Tengah, 1975.

Abubakar, Jamrin. *Orang Kaili Gelisah*. Palu: Yayasan Kebudayaan Sulawesi Tengah, 2010.

Abubakar, Jamrin. *Menggugat Kebudayaan Tadulako dan Dero Poso*. Palu: Yayasan Kebudayaan Sulawesi Tengah, 2011.

Arkanudin. "Menelusuri Akar Konflik Antaretnik". Mediator: Jurnal Komunikasi, Vol. 7, No. 2, 2006.

Asshiddiqie, Jimly. *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*. Jakarta: Bhuanan Ilmu Populer, 2007.

Behrendt, Larissa. *Indigenous Australia for Dummies*. Melbourne: Wiley Publishing Australia, 2006.

Braithwaite, John. *Restorative Justice and Responsive Regulation*. Oxford: Oxford University Press, 2002.

Djojosoekarto, Agung (Ed.). *Kinerja Otonomi Khusus Papua*. Jakarta: Kemitraan Partnership, 2008.

Djafar, Suaib. *Kerajaan dan Dewan Adat di Tanah Kaili Sulawesi Tengah*. Palu: Yayasan Kebudayaan Sulawesi Tengah, 2012.

Friedman, Lawrence M. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation, 1975.

Griffiths, John. "What is Legal Pluralism?". *Journal of Legal Pluralism and Unofficial Law*, Vol. 24, No. 1, 1986.

Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cambridge: MIT Press, 1996.

Hayati, Rahmi & Muhammad Noor Ifansyir. "Praktik Desentralisasi Asimetris di Indonesia". *Pubis: Jurnal Pemikiran dan Penelitian Administrasi Publik dan Administrasi Bisnis*, Vol. 3, No. 2, September 2019.

Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Indonesia. Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh.

Indonesia. Undang-Undang Nomor 21 Tahun 2001 tentang Otonomi Khusus bagi Provinsi Papua.

Indonesia. Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.

Indonesia. Keputusan Bupati Sigi tentang Pengakuan dan Perlindungan Masyarakat Hukum Adat To Kaili dan To Kulawi di Kabupaten Sigi, 2014.

Indonesia. Peraturan Menteri Dalam Negeri Nomor 52 Tahun 2007 tentang Pedoman Pelestarian dan Pengembangan Adat Istiadat dan Nilai Sosial Budaya Masyarakat.

Indonesia. Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang Mediasi di Pengadilan.

Kelsen, Hans. *Pure Theory of Law*. Berkeley: University of California Press, 1967.

Koentjaraningrat. *Kebudayaan, Mentalitas dan Pembangunan*. Jakarta: Gramedia Pustaka Utama, 2009.

Krisnapati, Bayu. *Desentralisasi Asimetris dalam Negara Kesatuan Republik Indonesia*. Yogyakarta: Universitas Islam Indonesia, 2012.

Kusuma, Hilman Hadi. *Hukum Pidana Adat*. Bandung: Pustaka Diklat Alumni, 1985.

Masyhuda, Masyhuddin. *Etnik dan Logat di Sulawesi Tengah*. Palu: Yayasan Kebudayaan Sulawesi Tengah Seksi Penerbitan, 1991.

Mattulada, H.A. *Sejarah Kebudayaan To Kaili*. Palu: Tadulako University Press, 1983.

Merry, Sally Engle. "Legal Pluralism". *Law & Society Review*, Vol. 22, No. 5, 1988.

Nonet, Philippe & Philip Selznick. *Law and Society in Transition: Toward Responsive Law*. New York: Harper & Row, 1978.

Penyusun. *Adat Kaili dalam Lembaran*. Palu: Badan Pengembangan Kebudayaan Sulawesi Tengah, 1990.

Rahardjo, Satjipto. *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*. Yogyakarta: Genta Publishing, 2006.

Rawis, Jolylis. *Sintuwu Kerjasama Tradisional di Poso Sulawesi Tengah*. Jakarta: Direktorat Tradisi dan Seni Rupa Dirjen

Nilai Budaya dan Film Kementerian Kebudayaan dan Pariwisata, 2012.

Saifudin, Syamsul. *Pedoman Hukum dan Sanksi Adat Kaili*. Palu: Badan Penelitian dan Pengembangan Daerah Kota Palu, 2017.

Septiwharti, Dwi. "Konsep Sintuvu Masyarakat Kaili Sulawesi Tengah dalam Tinjauan Filsafat Kebudayaan Cornelis Anthonie van Peursen dan Relevansi dengan Penguatan Budaya Nasional". Disertasi, Universitas Gadjah Mada, 2020.

Septiwharti, Dwi. "Sintuvu sebagai Kearifan Lokal Masyarakat Kaili dalam Perspektif Filsafat Kebudayaan" dalam *Sosial, Pendidikan, dan Agama sebagai Pondasi dalam Mewujudkan "Maju Bersama Kita Berjaya". Pekanbaru: Marpoyan Tujuh, 2020.

Septiwharti, Dwi, Septiana Dwiputri Maharani, dan Rizal Mustansyir. "Budaya Sintuvu Masyarakat Kaili di Sulawesi Tengah". Naditira Widya, Vol. 14, No. 1, April 2020.

Septiwharti, Dwi, Septiana Dwiputri Maharani & Rizal Mustansyir. "Concept and Development of Sintuvu Culture in Kaili Central Sulawesi Community". Research, Society and Development, Vol. 9, No. 2, 2020. DOI: 10.33448/rsd-v9i2.2495.

Septiwharti, Dwi. "Character Education Development Model for Children Based on Sintuvu Local Wisdom in Binangga Village". Research, Society and Development, Vol. 10, No. 3, 2021. DOI: 10.33448/rsd-v10i3.13500.

Tauda, Gunawan A. "Desain Desentralisasi Asimetris Dalam Sistem Ketatanegaraan Republik Indonesia". Administrative Law & Governance Journal, Vol. 1, Edisi 4, November 2018,

Toana, Ahmad Basir. "Persekutuan Hidup dan Sistem Pemukiman Masyarakat To Kaili". jurnal Gagasan Universitas Tadulako*, Vol. XII, No. 28, 1997,

United Nations. *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*. New York: United Nations, 2007.

Wignjosoebroto, Soetandyo. *Hukum: Paradigma, Metode, dan Dinamika Masalahnya*. Jakarta: Elsam, 2002.

Yunus, Ahmad. *Sistem Gotong Royong dalam Masyarakat Pedesaan Daerah Sulawesi Tengah*. Jakarta: Departemen Pendidikan dan Kebudayaan, 1986.