

The Hegemony Practices of Indigenous Agencies in the Settlement of Violence against Women in Sigi Regency

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Abstract

This research seeks to uncover the the hegemony practices of indigenous agencies in the settlement of violence against women in Sigi District. Customary institutions are the people's choice in solving social problems, especially violence against women. This shows that the control or hegemony of adat institutions is so strong in influencing decisions or functioning as a mediator in problem solving. In addition, the use of interpersonal communication strategies that are practiced in the implementation of the hegemony of traditional institutions in resolving cases of violence against women. This study uses a qualitative method based on a critical ethnographic approach. The findings of this research are, first, the practice of traditional institution hegemony proved effective in resolving social cases, especially violence experienced by women. The adat institution functions as a mediator like a community without going through a normative judicial process. Second, the Pabbisara Ada Adat Institution 'has significant strength in solving interpersonal problems in the Sigi region through interpersonal communication. This research implies that through interpersonal communication tools, hegemonic practices are persuasively persecuted. This means that this form of communication has a very significant role in realizing the harmony of communication between people of different ethnic backgrounds. Hegemony is achieved because adat institutions work effectively both directly and indirectly, aimed at evaluating problematic social realities. The practice of hegemony with the interpersonal communication approach is considered effective for resolving violence

Keywords

hegemony; customary institutions; interpersonal communication



I. Introduction

The progress and modernity of a society cannot be separated from the various underlying aspects. One of them is the cultural aspects of the community. At the same time, this study will explain the position and function of traditional institutions in Sigi Regency, namely Pabisara Ada '. The position and function will be explained because currently the customary institution is still the choice of the community in solving social problems, especially acts of violence against women. The choice of resolving social problems of violence against women to adat institutions proves that adat control and community attachment to the strength of local adat cultural institutions are still strong. This also indicates the people's distrust of social institutions or normative institutions, such as the police.

The report of the National Commission on Violence Against Women (Komnas Perempuan) collected from various service institutions in Indonesia from 2001 to 2012 recorded a total of 3,169 to 216,156 cases of KTP (Violence Against Women) each year with a tendency to increase from year to year (Husda, 2018).

Central Sulawesi is one of the newly developing regions, also not spared from various problems experienced by the community, especially women. In the aspect of fulfilling basic rights for women, it seems to be ignored, including the protection of women and children. The big phenomenon is the problem of violence against women and children which continues to increase every year. In Sigi Regency, the pattern of handling women victims of violence is done in two ways. First, through the customary law mechanism carried out by the Adat Institution. Second, through normative legal mechanisms. Especially since the formation of the Women's and Unit Pelayanan Perempuan dan Anak (children's services unit/UPPA) accompanied by a Ruang Pelayanan Khusus (special service room/RPK) at the Sigi Police Station in September 2010, then a small number of people who live in Sigi Regency have utilized the service.

To overcome violence against women, it is not enough to approach legal and formal institutions, but also through social and cultural approaches. Socio-cultural approach is very possible to be one alternative to minimize the occurrence of violence against women. Because socio-culture is a very local product which has wisdom besides being an inseparable part as a system circle in the community that owns it.

Customary institutions in the administration of government, development and society in the community of Sigi Regency function as a vehicle for community participation. The role of adat institutions can be seen in the implementation as executive, legislative and judiciary. As a society that has been formed by a long history, the role of adat institutions in the community has its own patterns and approaches. Then, to solve social problems that occur in the community, the customary institution has its own pattern and approach as an alternative to resolving disputes / conflicts in the community. As stated in the customary legal system, the To Kaili (to: meaning people or ethnic groups) and To Kulawi customary communities which include *Givu*, *Vaya*, *Sompo*, and *Ombo*¹ in regulating the management of territorial territories and dispute resolution based on the principles of social justice, gender equality, rights human rights and environmental preservation as stated in the Decree of the Regent of Sigi Number: 189.1-521 of 2015 concerning Recognition and Protection of the To Kaili and To Kulawi Customary Law Communities in Sigi District.

Before the issuance of the Regent's Decree, the life of the people in Sigi was very close to the customary rules. Traditional institutions have long been established and carry out their activities in creating customary law in order to maintain the community's harmonisasi. Even Sigi is one of the regions in Central Sulawesi, which until now still holds firmly to the principle of custom. When Sigi was formed into a separate district from Donggala and Palu, the Sigi Regent felt it was necessary to issue regulations governing the principle of customary law through the mechanism of adat institutions. So traditional institutions are increasingly being established as institutions in governance in Sigi. This means that basically the practice of hegemony by traditional institutions has occurred long before there was formal regulation.

The high level of violence in society mostly occurs against women. Efforts that have been made by the government in overcoming the violence that occurred are the establishment of service units in solving problems until the issuance of regulations. However, various government efforts have not been able to reduce the occurrence of acts of violence against women. There is a tendency for the community to be more interested in solving social

¹Givu is: Customary processes carried out in decisions for Rules and Sanctions. Vaya is: Results of decisions from the Givu.Sompo process are: The results of the implementation of Vaya and Ombo processes are: Provisional prohibitions that regulate the interaction of human and human and human interactions and natural.

problems, especially violence against women in local institutions. The local institution is a traditional institution that has an important role in the administration, development and society of the Sigi Regency community, including functioning as a mediator and a vehicle for community participation. Therefore, an interesting problem examined in this research is how to practice the hegemony of traditional institutions in resolving issues of violence against women in Sigi Regency. And how are interpersonal communication strategies practiced in the implementation of hegemony over the resolution of women's violence in Sigi Regency?

II. Review of Literature

Hegemony is a council concept from a theory put forward by Gramsci. According to Gramsci, hegemony is a form of power relating to economic, political and spiritual, specifically that of power which is a combination of agreement and power. The concept of hegemony requires sufficient reinforcement and analysis before it can see how it is applied or what it claims to be. The concept of hegemony that has been explained by Antonio Gramsci has been interpreted into various relationships besides politics, such as religion, culture, race, lifestyle and others. The term hegemony itself comes from the Greek language, *egemonia* which means ruler or leader. Then this term developed in relation to power, especially in certain classes.

Hegemony is therefore domination obtained with the approval of the power of one class or group over another class. While 'domination' is realized, in essence, through the coercive machinery of the state, 'intellectual and moral leadership' is objectified, and mainly carried out through, 'civil society', educational institutions, religions, and associations. Hegemony is achieved through the various ways in which civil society institutions operate to form, directly or indirectly, cognitive and affective structures in which men perceive and evaluate problematic social realities. In addition, this ideological superiority must have strong economic roots: if hegemony is ethico-political, it must also be economical, it must also have a foundation in the function that determines that the main group exercises in the core that determines economic activity.²

Gramsci illustrates theorists as superstructures, and the reason for giving them is a reason to see more clearly and clearly about the central role of intellectuals in Gramsci's thinking. According to Gramsci that everyone is intellectual but not every person in society carries out his function as an intellectual. Gramsci said that everyone, in the end, outside of his professional activities, carries some form of intellectual activity, whoever, whether a philosopher, an artist, a person who has a taste, he participates in giving pertikular conceptions of the world, has a common thread of awareness of behavior moral behavior, and moreover contributing to the continuation of the conception of the world or modifying it, that is what makes and brings new forms of thought into existence.³

Seeing the explanation of the concept of hegemony described by Antonio Gramsci, it is clear that Gramsci prioritizes a process that is mutually understanding and supportive of both the dominant party (the dominant class - the ruling party), to the party that is dominated, not by force even more as a form of community approval of values the value of dominant society

²seph V. Femia. 1981. *Gramsci's Political Thought: Hegemony, Consciousness and Revolutionary Process*. Oxford: Clarendon Press. pp. 24-26.

³Antonio Gramsci. 1978. *Selections From Prison Notebooks* (Eds. by Quintin Hoare and Geoffrey N. Smith), London: Lawrence and Wishart. p. 9.

is done by mastering thought-bases, critical abilities, and affective abilities of the community through consensus that leads community awareness of social problems into a framework pattern determined through bureaucracy (dominant society).

So Gramsci changed the meaning of hegemony from strategy (as according to Lenin) to a concept which, like the Marxist concept of power and relations of production, class and state, became a means to understand society with the aim of changing it, he developed the idea of leadership and its implementation as a condition for obtaining state power into the concept of hegemony. Hegemony is the relationship between class and other social forces. The hegemonic class, or hegemonic class group, is a class that gets approval from powers and other social classes by creating and maintaining an alliance system through political and ideological struggles. Ideological concepts are built by including several other concepts related to them. That is why a brief definition of hegemony is never adequate.

The fact that the theory of hegemony that Gramsci's theory puts a lot of emphasis on the centrality of consensus and not on strength and that consensus and not on strength and that consensus is "one of the basic conditions for gaining power" has obviously given a very significant role to organic intellectuals. This is evident in his conception of the path to socialism. Borrowing military terminology, Gramsci differentiated two strategic differences for socialism, "war of movement" or "war of maneuver" and "position war." In his conception of the war of the movement, Gramsci pointed to the Marxist-Leninist revolutionary strategy in the fight for socialism. Strategy fits in perfectly with the notion of orthodox Marxism about the centrality of power in a social challenge. This strategy relies entirely on the violence of the revolutionary party to counter what is seen as the violence of the bourgeois state. The rise of the proletariat to power can be seen as this manifestation and strategy, that is, merely replacing the coercive power of the state. In Gramsci's view, however, the war of the movement can only be upheld under special conditions, namely in the "modern state".

Gramsci explained that the concept of hegemony is not only used in political terms especially domination, but more importantly related to intellectual and moral leadership or commonly referred to as cultural leadership. This concept allows the use of hegemony in cultural contexts due to the phenomenon of leadership. Hegemony requires a balance between power and public acceptance, so that public acceptance is not generated solely from the power of weapons, but from intellectual, moral to cultural excellence. For example, through the opinion leader mechanism, cultural leadership will form or create public opinion to build and disseminate hegemonic ideas and traditional institutions as a medium or institution. Customary institutions as structures that form hegemonic tools in which ideas and hegemonic ideas are reproduced and reproduced. This is in line with the thought of Louis Althusser who called the hegemony tool as an ideological state apparatuses. This order is where hegemonic ideas are produced and disseminated.

III. Research Method

This research is qualitative using a qualitative research method with an ethnographic approach. The ethnography that will be discussed in research relates to human behavior in the cultural setting of a particular adat institution or community. Ethnographic research can also be approached from the standpoint of preservation of art and culture, and more as a descriptive effort rather than an analytical effort. Ethnographic researchers usually focus their research on a community, but not always geographically only, but can also pay attention to other aspects of society.

In recent years ethnography has begun to be used as a research method in the fields of education, health and others. The result of ethnographic interaction is the free transfer of ideas and information exchange.⁴ This research is based on a critical ethnographic approach, namely conventional ethnography, followed by an analysis of the underlying meanings in the culture with a feminist perspective as an analysis tool using gender. Historically the ethnographic method has been used by both anthropologists and sociologists. The main framework of those who have used the critical ethnographic method is the conventional method.

Critical ethnographic research paradigm according to Jurgen Habermas (1971) is based on three points of view, namely: first, the natural science model of empirical analysis, namely the social world that can be measured, predicted, and tested as a phenomenon of life in natural science that can be measured objectively by researchers. Second, historical and interpretive models, namely social phenomena are described and interpreted that are balanced and philosophically explained by researchers. Third, the critical theory model, research in the context of the analysis of social life and has the aim to overcome social inequality both culturally or politically. The third view is critical theory which is the root of the birth of critical ethnography. Therefore critical ethnographic theorists are seen as "... the doing or the performance of critical theory. It is critical theory in action. This means that critical ethnography is the application of critical theory in a study (Madison, 2005: 6).

This research was conducted in Sigi Regency precisely in Baluase District based on the following reasons: a) The selection of subdistricts was directed based on the high number of cases of violence that occurred in that district compared to other districts. b) The selected sub-districts are directed to represent the phenomenon in the figures drawn in the district. Looking at cases that occur in women in the Baluase District may be different because of different regional characteristics. c) Through a purposive approach, this research takes the subject or informant namely women who experience violence as well as people who are in the structure of *Pabisara Ada*' traditional institutions' as public consent such as the Head of Custom, Custom Adviser and its members.

IV. Discussion

The Kaili indigenous community has also known for a long time "*Atura Nuada Ante Givu Nuada To Kaili Ri Livuto Nu Palu*" (Kaili Customary Law and Sanction in Palu City) which in legal science is known by the term material law that is the regulation governing prohibited or recommended acts. accompanied by sanctions which in Kaili are known as *givu* (sanctions). *Givu* (sanctions) in customary law (*Atura To Kaili*) is a punishment imposed for those who violate adat. Material law is meant to live and develop in society for generations from generation to generation in the Kaili community even though it is not written but obeyed and respected by the community. Violations of the material law are threatened with *givu* (sanctions). To impose *givu* (sanctions) on violators of the To Kaili indigenous community using the Customary Court (Potangara Nuada) as a forum for the community to solve problems that arise in the community.

The existence of a Customary Court has a strategic role in the development of justice institutions, because the existence of a Customary Court in principle can ease the burden on

⁴See Sorrell, J. & Redmond, G. 1995. *Interviews in qualitative nursing research: differing approaches for ethnographic and phenomenological studies*. Journal of Advanced Nursing, 21, 1117-1122.

the state justice institution, namely: a) Helping and saving the police force's energy in handling certain criminal cases on a local scale, b) Avoiding a case buildup unnecessary in court, c) Assist the state in resolving social conflicts, such as the role of traditional institutions in resolving bloody conflicts in Maluku, d) Maintaining environmental sustainability such as the resolution of illegal logging cases by the Adat Justice in several villages in Central Sulawesi.

Customary Law and Sanctions in the Land of Kaili came into force before the entry of religion into Sigi and also the alienation of foreign nations. This is part of the cultural process of the Kaili people who uphold their customs. The customary law and sanctions are oriented towards the provision of *Givu* (Sanctions) for the Kaili community who live in Sigi. When traced from aspects of culture and local wisdom, it turns out that Customary Law and Sanctions have noble values and remain upheld and obeyed. But in today's modern era most people have forgotten it and are even considered as *pamali* (taboo) in their daily lives. However, customary law and sanctions are still guided by the negative influence of modernization in damaging the order of life.

Laws and sanctions within the community of Baluase customary institutions are applied violations within the community can be minimized. The various issues handled by the Baluase customary institution in Sigi show the traditional hegemony of normative law. Customary rules serve as guidelines in acting and ethical life, as stated by the Chairman of the Baluase Custom, Amuddin that: "Between traditional institutions and formal law enforcement agencies such as the police have their respective roles. In the past up to now in Sigi, adat institutions still have traditionally strong legitimacy to make efforts to solve the problems that exist in their communities even though there have been so many changes taking place in the community, so as to adjust the role of each each institution, both formal and customary institutions, is their respective responsibility. Efforts made by the government are to create an integrated collaboration between formal institutions and traditional institutions in a solid mechanism for the peace of life of the people".

In resolving various cases, especially violence against women in the community, customary institutions call the warring parties to sit together. Because of the weight of any case, everything must go through one door, namely a meeting or a meeting of traditional institutions. As stated by the Adat Adviser as well as the Head of Baluase Village that: "Ah, if we continue to process it here, even though we will continue to resolve the case in the adat institution first then proceed to the police. If they report directly there, the police will still return it to the village first. Whatever, except for the murder case, if what, such as infidelity, domestic violence and others, once the police have not immediately received it first, they still return to the village first to tupoksi traditional institutions. Then given sanctions. Sanctions are worth what they do. If it is then given a period of time, then it cannot be resolved, it will be, directly (to the police)".

Basically, adat institutions do not differentiate between criminal and civil cases, because all case management is focused on reconciling parties to the conflict. But in certain cases there are cases where the civil dimension is stronger and there are also cases where the criminal dimension is stronger. Every case that is reported to my customary court is resolved through a Customary Court which will be handled by an adat institution. Before being brought to the Customary Court, the adat authorities will try to reconcile the warring parties. In this case, the customary stakeholders mediate so that the parties to the conflict can negotiate or deliberate to resolve the dispute between them. If disputes cannot be resolved

through this process, only then will adat holders hold adat trials, which involve more adat holders and are conducted openly.

Customary cases handled by traditional institutions differ from one region to another. That difference depends on the development and values that grow and develop in indigenous peoples. The following outlines some examples of cases that can be handled by traditional institutions in Sigi, namely: *halam pale* (error of hands), *halam bivi* (error of mouth / wrong using mouth), *hala kono* (severe error), *hala mata* (error using eye) or *hala Mpa* (mismanagement / violating ethics) and many other rules.

Usually in the application of sanctions against cases of violence it is seen from the economic ability of the person or behavior of the person. As stated by the Chairman of the Indigenous Baluase, Amuddin that sometimes seen the position of the victim's family. What about customary sanctions? How is the economy? So it was consulted to the village government. If given sanctions then compassion will also appear against the victim. As he said: "Later if there is a policy they will think, I am a weak economy, let me do it, then there will be a policy or relief. How is that, sir? If so repeatedly, if he does it again later. Means you just deliberately this indeed. Don't repeat it. But there will be a second statement, sir. There was made a statement, that would not repeat the action again. Same with that earlier. Created an official report. Ready to pay customary fines according to our mistakes, with the deadline for this date. Once in the news. If, the specified date we do not finish then we are ready to be submitted to the authorities. But if it goes to the police too, if there is still adat, the police will not accept it".

At this level, it appears that the important role of the Baluase traditional institution in resolving cases in the community. Customary institutions as the first and foremost foundation for regulating community behavior and ethics. It does not mean that normative institutions or the government are not important but the government provides a clear main function in the norms of customary law. The hegemony of adat institutions is prominent in all ethical codes. Customary institutions also function to minimize communal conflicts that occur in the community.

The main method of decision making in the administration of adat institutions is through deliberation. Only by deliberation can the decisions of adat institutions be accepted by the warring parties. This principle must be upheld by the adat stakeholders who hold the Customary Courts. In certain complicated cases, customary stakeholders in one village can involve customary stakeholders from another village to help resolve the case they are handling.

Another advantage in the mechanism of problem solving through traditional institutions in Baluase that can be felt by the people in Sigi Regency especially Baluase. The people whose average daily activities in meeting family needs as farmers or gardening are hampered by the problem of financing. This means that the community must take legal mechanisms through the police or up to the court so the consequences of large expenditure are difficult to fulfill. In addition, the resolution of disputes through the mechanism of formal law enforcement agencies is often used by parties who have the availability of large funds to win a case when the opposing party comes from a public community that has limited funds.

In Baluase, there are several cases of violence against women that are resolved by custom and there are also cases of violence that are resolved through state law. Examples of cases of violence that were resolved in a customary manner include cases of wife beating or infidelity cases. In cases of violence against women, if the victim or the victim's family chooses a customary resolution mechanism, there are several different forms. For physical

violence, the traditional fine is in the form of cattle, three plates and money. The meaning is the offender apologizes for the action.

This is where customary justice becomes the most important institution because of its existence which is close to the daily life of people whose existence has never died. Customary justice in both simple and institutionalized forms is still solid in building interpersonal communication with the community. Customary institutions as a means of effective communication in minimizing conflict and ethical issues of community behavior. Therefore, customary justice plays the role of communication to fill the limitations of formal institutions to resolve disputes that occur within the community.

V. Conclusion

Based on the findings of the data that has been stated, it can be concluded that: the practice of hegemony of adat institutions has actually occurred since before the existence of government regulation. This is consistent with what was stated by Gramsci that 'domination' was manifested basically through a state coercive machine, 'intellectual and moral leadership' was objectified, and mainly carried out through, 'civil society', educational institutions, religions, and associations. Hegemony is achieved through the various ways in which civil society institutions operate to form, directly or indirectly, cognitive and affective structures when men perceive and evaluate problematic social realities.

Through interpersonal communication devices, in essence, hegemonic persuasion is institutionalized. That every form of communication must have advantages and disadvantages. One of the advantages of interpersonal communication is humanizing humans. The assumption is because they directly meet and interact with other people (this kind of communication is able to provide a sense of support, acknowledge, respect, and respect for others). Interpersonal communication is proven to be able to change the audience or individuals with approaches that are done in a very personal way. It's just that the weakness of interpersonal communication is difficult to apply when dealing with a large number of people, or when we relate to parties related to the media and institutions that are more towards a strong system.

Communication practices carried out by traditional institutions tend to take an interpersonal approach because this approach is considered effective in resolving violence. The adat institution becomes the mediator between the disputing parties, namely the victims and perpetrators, to settle everything by consensus. In that context, it can be said that interpersonal communication delivered there are two types namely verbal and nonverbal. Verbal communication when delivered by traditional institutions and their management in the form of words such as appeals or oral messages containing customary regulations, while non-verbal communication is delivered in the form of customary symbols which are usually manifestations of adat regulation sanctions.

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