

Negotiated Legal Pluralism: Institutional Formalization and the Resilience of Tolaki Customary Dispute Resolution

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Abstract

Introduction: The Customary Dispute Resolution Mechanism (CDRM) of the Tolaki people in Southeast Sulawesi faces structural pressures arising from state legal expansion, jurisdictional overlap with formal courts, and the gradual reconfiguration of customary authority within Indonesia's plural legal order. Historically, the Tolaki customary law system has played a central role in maintaining social harmony and resolving internal conflicts. However, the penetration of national law, globalization, and rapid socio-economic structural changes have placed Tolaki CDRM at a crossroads of adaptation.

Purposes of the Research: This study aims to analyze the transformation patterns of Tolaki CDRM and to measure its resilience as an alternative dispute resolution mechanism amid the dominance of the national legal system.

Methods of the Research: This qualitative research employs a socio-legal approach, combining normative analysis of Tolaki customary norms with empirical data from in-depth interviews with customary leaders (Pu'utobu, Mosoro), disputing parties, and judicial apparatus. Data was collected through document studies and field research in several Tolaki regions in Southeast Sulawesi.

Results of the Research: (1) Tolaki CDRM has undergone significant institutional transformation through formalization under local regulations, (2) Procedural adaptations include standardized mediation and documentation systems such as structured mediation stages, written settlement documentation, and administrative reporting mechanisms; (3) CDRM demonstrates high resilience, sustained by the philosophical foundation of Kalo Sara and dual legitimacy – traditional community-based legitimacy and administrative state recognition. CDRM operates in active co-existence with the national legal system, often functioning as a pre-litigation mechanism. The restorative justice approach of CDRM, emphasizing social relationship recovery (Loleka), proves more effective than retributive formal justice in maintaining long-term kinship harmony.

Keywords: Transformation; Indigenous Dispute Resolution; Tolaki Customary Law; Legal Pluralism.

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INTRODUCTION

The Indigenous peoples in Indonesia, including the Tolaki Tribe in Southeast Sulawesi, have a crucial historical role in maintaining social, moral, and legal order.¹ The Tolaki Customary Dispute Resolution Mechanism (CDRM) is a local wisdom system that has been the foundation for centuries in maintaining harmony and justice.² This system not only

¹ I Maulana et al., "Sistem Perkawinan Dan Penyelesaian Sengketa Keluarga Dalam Hukum Adat Tolaki Di Sulawesi Tenggara," *Jurnal Penelitian Multidisiplin Bangsa* 1, no. 12 (2025): 2138-2149.

² A M Fadly, "Efektifitas Hukum Adat Kalosara Dalam Penyelesaian Perkara Pidana Penganiayaan Melalui Alternative Dispute Resolution (ADR) Pada Masyarakat Suku Tolaki Sulawesi Tenggara," *Jurnal Hukum Adat Indonesia* 3, no. 2 (2024): 45-62.

functions as a tool for conflict resolution, but also as a mirror of noble values such as family, deliberation, and mutual cooperation. The process of resolving Tolaki customary disputes has traditionally been carried out through informal channels led by traditional leaders, such as *Mokole* (king), *Mosoro* (traditional elder), and *Pu'utobu* (spiritual leader).³ They act as respected mediators and mediators, with the goal not of punishing, but rather of restoring fractured relationships and maintaining the integrity of the community.

Along with the wave of modernization, urbanization, and penetration of the national legal system, the Tolaki CDRM has encountered increasingly complex disputes, particularly land tenure conflicts linked to plantation expansion and mining investment, inter-village boundary disputes, and compensation claims involving external corporate actors.⁴ Rapid socio-economic transformation has transformed the landscape of conflict, from community-based disputes to conflicts involving greater economic interests.⁵ This shift places the Tolaki CDRM at a crossroads between a well-held tradition and the demands of a modern legal system that emphasizes formality, legal certainty, and individual rights. Increasing agrarian conflicts, complex inheritance disputes, and marriage issues in the Tolaki region can no longer be resolved by customary approach alone.

The problem of jurisdictional overlap between customary law and formal courts is a complex issue that often arises in various regions, including Indonesia.⁶ One of the most crucial issues is the existence of legal dualism in handling disputes. The Tolaki people are often faced with difficult choices: resolving problems through customary channels that uphold togetherness, or through state courts that offer formal legal certainty, even if it often feels foreign and expensive.⁷ This parallel process where the same dispute is being processed by customary institutions and courts creates legal confusion.

In addition, the penetration of the national legal system also has an impact on the erosion of authority and the relevance of indigenous leaders. Many people, especially the younger generation who have been exposed to modern education, tend to trust court decisions more because they are considered "fairer" and have clear executive power. This phenomenon gradually weakens the legitimacy of the CDRM. In the absence of strong recognition from the state and full support from the community, the CDRM risks becoming a mere formality without substantive force.

Research on customary law in Indonesia has produced a vast wealth of knowledge, but it still leaves significant gaps, especially in the context of adaptive dynamics. Most existing studies tend to be descriptive or confrontational, focusing on the description of customary law norms or on the conflict between customary law and positive law. This knowledge gap needs to be filled with research that not only describes the Tolaki CDRM, but also examines its specific adaptation mechanisms in responding to co-existence with state law. This study addresses these gaps by analyzing the dynamic transformation of Tolaki CDRM within a plural legal framework and by empirically assessing its resilience through observable

³ S Rahmawati, "Islam Dan Adat: Tradisi Kalosara Dalam Penyelesaian Hukum Keluarga Pada Masyarakat Tolaki Di Konawe Selatan" (UIN Syarif Hidayatullah Jakarta, 2017).

⁴ A Adenisatrawan, "Eksistensi Hukum Pidana Adat Suku Tolaki Dalam Konteks Modernisasi," *Jurnal Esensi Hukum* 5, no. 2 (2023): 22-29.

⁵ A Nurjaman et al., *Konflik Sosial Dan Resolusi Konflik: Kajian Sosiologi Perspektif Pendidikan, Ekonomi, Dan Hukum* (Jakarta: Star Digital Publishing, 2025).

⁶ A H P Teguh et al., "Peradilan Agraria Di Persimpangan: Antara Kepastian Hukum Dan Keadilan Sosial. Pohon Cahaya" (Jakarta: Cahya Atma Pustaka, 2025).

⁷ G Hakim, "Prinsip Hukum Adat Kalosara Kesatuan Masyarakat Hukum Adat Suku Tolaki Sebagai Dasar Alternatif Penyelesaian Sengketa" (Universitas Airlangga, 2015).

dimensions – procedural formalization, dual legitimacy, and functional integration as a pre-litigation mechanism.

Based on this background, this study focuses on two main questions on the transformation of the Tolaki Customary Dispute Resolution Mechanism (CDRM) occurred in the modern era; the resilient is the Tolaki Customary Dispute Resolution (CDRM) Mechanism as an alternative dispute resolution avenue amid the dominance of the national legal system. Therefore, this study aims to analyze the transformation pattern and measure the resilience of CDRM Tolaki in the context of modernization and legal globalization.

METHODS OF THE RESEARCH

This study uses socio-legal research methods. This approach combines a normative approach with an empirical approach to obtain a comprehensive understanding of the phenomenon of Tolaki customary law. The normative approach is carried out through the study of positive Indonesian legal norms relevant to customary law, as well as documentation of unwritten Tolaki customary norms.⁸ Meanwhile, an empirical approach is carried out through direct observation and in-depth interviews with various key informants. Rather than treating customary norms as static doctrine, the study adopts a living law approach, identifying norms as they operate in practice and are recognized by legitimate customary authorities. The research locations were selected purposively in several areas of the Tolaki Tribe in Southeast Sulawesi, with a focus on areas that still have active customary institutions. The research informants consisted of: (1) traditional leaders (*Pu'utobu, Mosoro, Mokole*) who have knowledge and experience in handling customary disputes; (2) parties who have had disputes and resolved their cases through customary channels; (3) formal judicial apparatus (judges, prosecutors, police) who have an understanding of the interaction between customary law and national law; (4) academics and practitioners of customary law in the Tolaki area. The sample size reflects the qualitative design of the study, prioritizing depth of narrative and institutional insight over statistical generalization. Data collection techniques are carried out through: (1) Document study, namely analysis of laws and regulations, Regional Regulations that regulate customary institutions, documented customary decisions, and scientific literature on Tolaki customary law; (2) In-depth interviews with key informants to gain an in-depth understanding of CDRM practices, challenges faced, and adaptation strategies; (3) Participatory observation of the ongoing customary dispute resolution process (if possible), to obtain a direct picture of the mechanisms and dynamics of the CDRM. The collected data was analyzed qualitatively inductively using thematic analysis techniques. The analysis process is carried out with the following steps: (1) Transcription and codification of data from interview results and documents; (2) Identify the main themes that arise related to CDRM transformation and resilience; (3) Categorization and mapping of adaptation patterns and factors affecting resilience; (4) Triangulation was conducted through cross-verification among multiple data sources. Statements from customary authorities (*Pu'utobu* and *Mosoro*) were compared with accounts from disputing parties and local judicial officials to identify convergences and inconsistencies in procedural narratives; (5) Construction of a conceptual framework on the resilience of Tolaki customary law in the context of Indonesian legal pluralism. Dual legitimacy thus reflects a negotiated form of legal pluralism rather

⁸ Agus Agus et al., "The Use of Artificial Intelligence in Dispute Resolution Through Arbitration: The Potential and Challenges," *Sasi* 29, no. 3 (2023): 570, <https://doi.org/10.47268/sasi.v29i3.1393>.

than harmonious coexistence. While institutional incorporation increases durability, it simultaneously exposes customary authority to procedural standardization and potential co-optation by state legal logic.

RESULTS AND DISCUSSION

A. Transformation of the Tolaki Customary Dispute Resolution Mechanism

The Tolaki Customary Dispute Settlement Mechanism (CDRM) has undergone a significant transformation in the modern era, moving from a completely private and oral system to an administratively and procedurally institutionalized system.⁹ This transformation reflects an active adaptation effort to the penetration of the national legal system and socio-economic structural changes.

The institutional transformation of the Tolaki CDRM is primarily driven by state legal expansion, increasing land commodification, and administrative demands for written documentation. The introduction of local regulations formalizing customary mechanisms has encouraged procedural standardization and documentation practices that were previously unwritten.

From a legal pluralism perspective, this transformation reflects negotiated incorporation rather than displacement. Rather than being supplanted by state law, customary institutions adapt through selective procedural alignment while retaining substantive normative foundations. This supports the view that plural legal orders operate through dynamic interaction rather than hierarchical replacement.

1. Institutional Transformation: Formalization and State Recognition

The institutional transformation of CDRM Tolaki was marked by a significant shift from an informal structure to a framework recognized and regulated by state regulations, especially at the regional level.¹⁰ Historically, the settlement of Tolaki customary disputes was carried out through informal forums led by traditional leaders such as *Pu'utobu* and *Mokole*. These leaders function as mediators, judges, and decision-makers whose decisions are based on a deep knowledge of customs (unwritten laws) and are respected by the community.¹¹

In the modern era, there is a phenomenon of institutional formalization in response to recognition and facilitation efforts from the state. Many Tolaki Customary Institutions (LAT/*Lembaga Adat Tolaki*) in various districts are now trying or have even succeeded in being structured under the Regional Regulations or Village Regulations level.¹² This formalization has a dual purpose: first, to obtain positive legal recognition so that customary judgments have stronger coercive power; second, to access the allocation of village or district funds for the operation and empowerment of institutions.

This integration changed the organization of the CDRM, which now has a formal management structure (Chairman, Secretary, Treasurer) and administratively recorded

⁹ Rahmawati, "Islam Dan Adat: Tradisi Kalosara Dalam Penyelesaian Hukum Keluarga Pada Masyarakat Tolaki Di Konawe Selatan."

¹⁰ Y You, *Transformasi Budaya Masyarakat Tradisional Dan Konteks Wilayah Masyarakat Hubula Suku Dani: Model Laki-Laki Baru Masyarakat Hubula Suku Dani* (Jakarta: Nusamedia, 2021).

¹¹ A Setiawan, A Alim, and RS Suraya, "Pola Pewarisan Kepemimpinan Puutobu Pada Masyarakat Tolaki Di Desa Tiraosu Kecamatan Kolono Kabupaten Konawe Selatan," *LISANI: Jurnal Kelisanan, Sastra, Dan Budaya* 4, no. 2 (2021): 115-120.

¹² M Danil and R Raemon, "Peran Lembaga Adat Tolaki (LAT) Sulawesi Tenggara Dalam Pelestarian Nilai-Nilai Budaya Suku Tolaki," *KABANTI: Jurnal Kerabat Antropologi* 7, no. 2 (2023): 275-289.

work procedures. Instead of standing completely outside the state system, LAT now often coordinates closely with the village/sub-district government.¹³ This creates a hybrid model in which the LAT becomes a partner of local governments in resolving conflicts, especially those that are considered "mild" or that have the potential to disturb public order. This integration process is driven by the dominant legal and social factors, such as recognized in Article 18B of the 1945 Constitution and Village Law which recognizes and respects the rights of indigenous peoples.¹⁴

The erosion of authority does not manifest as outright institutional collapse, but as gradual shifts in dispute preference and enforcement capacity. Several customary leaders reported a decline in voluntary case referrals, particularly among younger disputants who perceive formal courts as offering greater legal certainty and documentary enforceability.

This shift is especially visible in land disputes involving formal land certificates, where parties increasingly bypass customary mediation and seek adjudication through state courts. In such cases, customary sanctions—traditionally enforced through communal moral authority—face limitations when confronted with formally registered property rights and administrative documentation.

2. The Transformation in the Role of Traditional Leaders

Institutional formalization inherently changes the role of its main actors, the indigenous figures (*Pu'utobu, Mokole*). Their role extends from custodians of pure traditions to accredited mediation agents.¹⁵ The formal legal system often requires evidence of qualifications that can be objectively verified. In this context, some indigenous leaders are now undergoing mediation training and have even obtained certification as official mediators recognized by the Supreme Court or related institutions.

Mediator certification provides formal legitimacy that traditional dispute resolution methods may lack in the eyes of modern judicial institutions. This helps bridge the gap between the customary law system and the state.¹⁶ This role transformation shows the existence of efforts to professionalize customs. The effectiveness of customary judgments is judged not only from social compliance, but also from procedural compliance that is close to modern mediation standards.

This transformation creates a dualism of legitimacy: traditional legitimacy (of indigenous peoples) and administrative legitimacy (of the state).¹⁷ While traditional legitimacy remains crucial, administrative recognition assists indigenous leaders in interacting with formal agencies, such as the National Land Agency or the police, particularly in land disputes involving outside parties.

3. Procedural Transformation and Case Type

The transformation of CDRM Tolaki does not only occur at the institutional level, but also in the way dispute resolution is carried out (procedural) and the type of dispute

¹³ A P O Amane, *Tata Cara Penyelenggaraan Pemerintahan Desa* (Jakarta: Penerbit Hukum, 2023).

¹⁴ A L Q Po'Oe and M T Tunggati, "Integrasi Hukum Adat Dalam Pembentukan Kebijakan Publik Di Indonesia: Perspektif Keberlanjutan Sosial Dan Budaya (Studi Kasus Gorontalo)," *Jurnal Administrasi, Manajemen Sumber Daya Manusia Dan Ilmu Sosial (JAEIS)* 2, no. 3 (2023): 153–160.

¹⁵ S H Hasudungan Sinaga, *Membedah Mediasi Sebagai Alternatif Penyelesaian Sengketa* (Jakarta: Mega Press Nusantara, 2024).

¹⁶ A Tahali et al., "Efektivitas Sanksi Hukum Adat Di Desa Binangga Kecamatan Marawola Kabupaten Sigi," *Comparativa: Jurnal Ilmiah Perbandingan Mazhab Dan Hukum* 6, no. 1 (2025): 1–26.

¹⁷ M Rezani, F Salim, and F Fijaini, "Pergeseran Legitimasi Balian Dalam Local Indigenous Governance Di Desa Hinas Kanan," *Jurnal Administrasi Publik Dan Pembangunan* 2, no. 1 (2021): 21–35.

handled.¹⁸ Customary dispute resolution procedures are traditionally oral, flexible, and not formally recorded.¹⁹ Modern transformations introduced stricter structuring, mimicking elements of modern mediation.

CDRM Tolaki now tends to adopt a more structured settlement stage, for example by separating the fact-gathering stage, the mediation/deliberation stage, and the sanction/verdict stage. These procedures are designed to ensure the transparency and procedural fairness that are often highlighted by formal courts. The dominant formal legal system gradually encouraged the Tolaki CDRMs to begin documenting their mediation process and decisions, either in the form of minutes (BA) or Customary Decrees.²⁰

This recording is important for accountability purposes, as evidence of dispute resolution if it is brought back to formal court, and to avoid *ne bis in idem* (the same case is tried twice).²¹ The recording and documentation carried out in the settlement of Tolaki customary disputes is a form of adaptation to administrative demands and formal legal proof.

Economic (investment and land market) and social (modernization) factors have given rise to more complex types of disputes²², which demand an adaptive customary interpretation of the Tolaki CDRM. In the past, land disputes generally revolved around boundaries between families or inheritances.²³ Today, disputes often involve large corporations (mining, plantations) and communal land claims.²⁴ The Tolaki CDRM must reinterpret customary norms regarding land ownership (*Mokole*) in the context of national land law and investment regimes.

B. Resilience of the Tolaki CDRM in the Face of National Legal Dominance

The resilience of CDRM Tolaki is very high, supported by deep philosophical values (*Kalo Sara*) and effective adaptation strategies, both internally and externally.²⁵ This resilience is seen in the CDRM's ability to maintain its effectiveness and legitimacy as an alternative dispute resolution avenue amid the dominance of the national legal system.

1. Philosophical Resilience: Kalo Sara's Core Strength

The resilience of the Tolaki CDRM is not solely structural or procedural but is firmly rooted in the philosophical foundation of customary law known as *Kalo Sara*.²⁶ This philosophy acts as a moral anchor that maintains the effectiveness of CDRM during an onslaught of positive laws. *Kalo Sara* is not just a set of rules, but a sacred symbol and the main reference that represents the unity of the cosmos and society.²⁷

¹⁸ Maulana et al., "Sistem Perkawinan Dan Penyelesaian Sengketa Keluarga Dalam Hukum Adat Tolaki Di Sulawesi Tenggara."

¹⁹ S Aprita and O Purwasi, "The Role of Local Wisdom in Dispute Resolution: Integration of Traditional Values with Modern Legal Processes," *Indonesian Journal of Arbitration* 1, no. 2 (2025): 102–108.

²⁰ S H Lilik Mulyadi, *Mediasi Penal Dalam Sistem Peradilan Pidana Indonesia* (Jakarta: Penerbit Alumni, 2022).

²¹ A A Saputra, D Arifin, and B Basoddin, "Analisa Hukum Terhadap Penyelesaian Perkara Penganiayaan Melalui Hukum Adat Tolaki (Suatu Studi Di Kecamatan Tinangea Kabupaten Konawe Selatan)," *Sultra Law Review* 04, no. 01 (2020): 969–986.

²² A Bimantara, "Politik Hukum Pertanahan Dalam Upaya Penyelesaian Sengketa Pertanahan Di Indonesia," *Jurnal Cahaya Hukum Nusantara* 1, no. 1 (2025): 1–10.

²³ E P Permatasari et al., "Pentingnya Penyelesaian Konflik Tanah Melalui Pembagian Warisan Yang Adil," *Concept: Journal of Social Humanities and Education* 2, no. 2 (2023): 124–134.

²⁴ I Syafi'i, "Konflik Agraria Di Indonesia: Catatan Reflektif Konflik Perkebunan Sawit Di Kotawaringin Timur," *Jurnal Masyarakat Dan Budaya* 18, no. 3 (2016): 415–432.

²⁵ Rahmawati, "Islam Dan Adat: Tradisi Kalosara Dalam Penyelesaian Hukum Keluarga Pada Masyarakat Tolaki Di Konawe Selatan."

²⁶ Peribadi et al., *Konstruksi Perencanaan Participatory Berbasis Budaya Kalosara Sebuah Perspektif Sosiologi Pembangunan* (Sleman: Deepublish, 2019).

²⁷ Muh Subair, "Internalizing Kalosara's Value In A Traditional Dance 'Lulo' In The City of Kendari, Southeast Sulawesi," *Analisa: Journal of Social Science and Religion* 02, no. 02 (2017): 198–213.

This symbol contains central values such as deliberation (*medulu mepoko'aso*) and peace (*ate pute penao moroha*). These values force the parties to the dispute to prioritize a restorative and familial spirit, which is often overlooked in the competitive formal litigation process. Collective trust in these values effectively maintains the legitimacy of the CDRM, as customary settlements are considered more just and dignified.

The practice of customary deliberation (*medulu mepoko'aso*) ensures that each party is listened to completely, and the solution reached is a shared property.²⁸ This results in a higher level of compliance with customary decisions compared to top-down court decisions. The fundamental difference between the Tolaki CDRM and the national legal system is its orientation. The Tolaki legal system emphasizes the restoration of social relations (restorative justice) rather than retributive justice. The effectiveness of restorative justice in this setting illustrates how dispute resolution models must be evaluated relative to social structure. In kinship-intensive societies, legitimacy derives from relational repair rather than coercive enforcement, making restorative mechanisms institutionally sustainable.

2. Factors Supporting Internal Resilience

The most significant internal factor is the belief of the Tolaki people themselves in the customary mechanism.²⁹ Despite the positive increase in legal literacy, the collective awareness of the importance of local wisdom remains high. This results in strong adherence to customary judgments, especially in rural areas, as violations of customary judgments can have implications for more severe social sanctions than formal legal sanctions.

The threat of customary sanctions (*Molungga O'sara*) that are non-legal in nature (e.g., social exclusion or myths of spiritual impact/bad luck) is often more repressive and effective in ensuring compliance of the disputing party than the threat of imprisonment. This strength is a key factor that sustains the effectiveness of CDRMs. The success of the inheritance of knowledge and mediation skills to the younger generation of indigenous leaders ensures the continuity of the CDRM institution.

3. External Resilience: Strategic Co-Existence

Externally, CDRM Tolaki shows resilience by adapting and negotiating with the state system.³⁰ Customary law often functions as a screening or pre-litigation stage.³¹ Parties are often encouraged by village officials or even police officers to try the customary route first before filing a lawsuit in court.³² This early integration gave CDRM a de facto recognized functional role in the local dispute resolution hierarchy.

The existence of a Regional Regulation that recognizes the existence and role of customary institutions, although sometimes procedural, provides vital formal legitimacy.³³ This recognition allows customary judgments to be considered as evidence in court or as the basis for the fulfillment of damages in agrarian disputes. It is an adaptive strategy that transforms potential jurisdictional conflicts into mutually beneficial co-existence.

²⁸ S Sulaiman et al., "Pendampingan Perangkat Adat Gampong Dalam Penyelesaian Sengketa Secara Adat Di Gampong Paya Gaboh," *Jurnal Pengabdian Kepada Masyarakat Nusantara* 5, no. 4 (2024): 5121–5129.

²⁹ Muhammad Alifuddin, "Dynamics Of Interfaith Communication In Segregated Communities," *HARMONI* 23, no. 1 (2024): 18–34.

³⁰ Maulana et al., "Sistem Perkawinan Dan Penyelesaian Sengketa Keluarga Dalam Hukum Adat Tolaki Di Sulawesi Tenggara."

³¹ La Syarifuddin, "Sistem Hukum Adat Terhadap Upaya Penyelesaian Perkara Pidana," *Risalah Hukum* 15, no. 02 (2019): 1–10.

³² Alberto Paskah Tarigan, Hisar Siregar, and Roida Nababan, "As a Consequences of the Law of Unilaterally Closing Road Access for Public Road Interests (Case Study of Register Number 92 / Pdt.G / 2021 / PN. Sim)," *JLPH: Journal of Law, Politic and Humanities* 5, no. 3 (2025): 2102–12.

³³ A Abbas et al., "Efektivitas Peraturan Daerah Masyarakat Adat Terhadap Eksistensi Lembaga Adat Wotu Dikabupaten Luwu Timur," *Journal of Innovation Research and Knowledge* 4, no. 9 (2025): 6489–6502.

CONCLUSION

This study demonstrates that the transformation of the Tolaki CDRM occurs through procedural formalization, administrative standardization, and institutional incorporation under local regulations, while maintaining its substantive normative foundation rooted in Kalo Sara. The institutional adaptation observed in the Tolaki CDRM should not be interpreted as a loss of indigenous authority. Rather, it constitutes a strategic recalibration that enables customary justice to remain operative within a plural legal environment. While procedural elements—such as documentation and mediation formats—have been standardized, the substantive normative foundation rooted in Kalo Sara and the restorative principle of Loleka remains intact. Adaptation therefore reflects resilience through transformation, not assimilation into state legal logic. The continuity of philosophical foundations alongside procedural innovation demonstrates that indigenous identity persists even as institutional interfaces evolve. The transformation of the Tolaki CDRM is an adaptive administrative and procedural institutionalization process. The dominant factors influencing this transformation are legal (the need for formal legal recognition and overlapping jurisdictions), social (changes in the role of indigenous leaders and demands for transparency), and economic (the emergence of complex investment land disputes). This transformation indicates that the Tolaki CDRM is actively negotiating its existence in Indonesia's pluralistic legal system. The resilience of the Tolaki CDRM is very high, especially in disputes that require the restoration of social relations (family and agrarian). This resilience is maintained by two pillars: first, the *Kalo Sara* Philosophy which provides a compass restorative morality; and second, a smart Adaptation Strategy, which combines internal compliance with customary sanctions with external recognition from local governments. The Tolaki CDRM has successfully maintained its effectiveness (through high compliance) and legitimacy (through philosophical acceptance and formal recognition) as a unique and relevant alternative dispute resolution pathway. This research makes a significant contribution to the customary law literature and the study of social resilience by providing empirical evidence on the dynamics of Tolaki local wisdom in the context of modernization and globalization. The findings of the study show that the preservation of customary law does not mean maintaining a static system, but rather facilitating a dynamic adaptation process while maintaining core values. The findings contribute to socio-legal scholarship by demonstrating that legal pluralism operates not merely as coexistence but as negotiated dual legitimacy. The Tolaki case illustrates how customary institutions can undergo formalization without normative dissolution, thereby challenging linear assumptions of state legal supremacy. Practically, the study suggests that state recognition of customary dispute mechanisms should avoid excessive procedural standardization that risks symbolic incorporation without substantive autonomy. A balanced model of administrative acknowledgment and normative respect may strengthen access to justice, reduce court burdens, and preserve culturally embedded restorative practices. These results indicate that institutional adaptation does not signify normative erosion but reflects negotiated survival within a context of state legal expansion.

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