

# REVITALIZATION OF ADAT LAW AS AN INSTRUMENT OF SOCIAL ENGINEERING IN CENTRAL SUMBA

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## *Abstract*

*This study focuses on the use of adat law as an instrument to influence the community's behaviors in Central Sumba, particularly those concerning the performance of traditional ceremonies. Since the social cost required to perform the ceremonies could be very high and has been regarded as one of the impetus that drives poverty in the society, there was a demand to change the practice which is regarded as a reflection of wasteful lifestyle. The main issue discussed in this study is whether adat law could be used as a tool of social engineering to change the unwanted wasteful lifestyle. This study revealed that since adat norms are still strongly held in the community, adat law could be used as an instrument to change behaviors. Social engineering measures were taken by utilizing adat law to change the prodigal behavior in the form of the declaration of the Three Moral Movements.*

*Keywords: adat law, Central Sumba, social engineering, traditional rites.*

## **Abstrak**

Studi ini difokuskan pada penggunaan hukum adat sebagai instrumen untuk mempengaruhi perilaku masyarakat di Kabupaten Sumba Tengah, khususnya berkenaan dengan penyelenggaraan upacara-upacara tradisional. Oleh karena biaya sosial yang dibutuhkan untuk melakukan upacara-upacara tersebut sangat tinggi dan dianggap sebagai salah satu faktor pencetus yang mendorong terjadinya kemiskinan dalam masyarakat, muncul kebutuhan untuk mengubah praktik yang dianggap mencerminkan gaya hidup boros tersebut. Isu utama yang didiskusikan dalam kajian ini adalah apakah hukum adat dapat digunakan sebagai sebuah instrumen rekayasa sosial untuk mengubah gaya hidup boros yang tidak dikehendaki. Studi ini mengungkapkan bahwa karena norma-norma hukum adat masih dipegang kuat oleh masyarakat, hukum adat dapat digunakan sebagai instrumen untuk mengubah perilaku masyarakat. Langkah rekayasa sosial dengan menggunakan hukum adat untuk mengubah perilaku boros ditempuh dengan deklarasi Tiga Gerakan Moral.

Kata kunci: hukum adat, Sumba Tengah, rekayasa sosial, upacara tradisional.

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## **Introduction**

The people of Central Sumba refers to a group of local communities who live in the central part of Sumba island, especially in Central Sumba Regency, East Nusa Tenggara Province in Indonesia. Although as an administrative region Regency of Central Sumba was only formed in 2007, the people of Central Sumba have been dwelling in the region since quite a long time.

Like any other indigenous people living in various regions of Indonesia, the people of Central Sumba have developed their own culture over a long time. Deeply rooted in the local culture, there are various cultural attributes that

developed among the people of Central Sumba and emanated from a particular societal value system. Therefore, the cultural attributes also contain symbols reflecting particular meanings originating from such values.

One of the most important cultural attributes among the people of Central Sumba is the customary practices related to important events in human life, such as birth, marriage and death. For these events, the people of Central Sumba has developed a somewhat permanent customs. Considering that these customs are also regarded as something inherited from ancestors, to some extent there is a strong feeling

among the people that these *adat* practices should be implemented by all members of the community. As described later, the word '*adat*' refers to a set of traditional customary norms and practices developed among indigenous people of Indonesia. Emphasizing the normative contents of the '*adat*', Hurgronje coined the word "*adatrecht*" or adat law.<sup>1</sup> Similarly, Wignjosoebroto refers to what he termed as the "moral of life of the community" developed among the indigenous community even before the establishment of the Republic of Indonesia.<sup>2</sup> This field of traditional customary law or adat law developed in the Netherlands Indies was studied systematically by a prominent Dutch scholar, Van Vollenhoven.<sup>3</sup>

In the course of time, through the interactions of traditional communities with modernization, there are times when the customary practices acquire new meanings. In such situations, there is a possibility that traditional practices will be preserved but acquire new meanings that sometimes are no longer consistent with the original meanings embedded in these *adat* institutions. One of the situations described above occurs on customary institutions relating to death and funeral rites among the people of Central Sumba. The funeral rites among the people of Central Sumba are characterized by slaughtering livestock. Originally, this practice is a symbolism reflecting the value of togetherness. The people of Central Sumba hold that togetherness is a primary value to uphold including in grief events, and slaughter of livestock to be eaten together in funerals is a manifestation of togetherness and compassion.

However, as time goes by, there are various factors that may make customary traditional practices gain new meaning, sometimes shifting away from the original meaning. This is exactly what happened to the funeral ritual practices among the people of Central Sumba. Slaughter of livestock in funeral rites that were originally a symbol of togetherness and compassion have turned into a symbol of economic prestige and wealth. On that basis, the number of livestock that are slaughtered indicates the economic wealth of the host.

From social and economic standpoints, slaughtering large numbers of livestock to demonstrate wealth and prosperity is certainly an adverse practice as it generates enormous costs. Unfortunately, the erroneous artificial symbolism seemed to gain legitimacy from society for some time. In the event of death and the following funeral ceremony, one will be encouraged to slaughter as many animals as possible to show the family's self-esteem, even if the action has to be done with great difficulty.

This inappropriate development concerning the emergence of artificial meaning of traditional practices was seen by the Central Sumba government and community leaders as unproductive and must be changed. The problem is, this practice seems to be strongly attached to the customary practices that are somewhat difficult to change.

From the adat law perspective, there were certain practices, particularly concerning death and funeral rites, that people think were based on adat norms, but in fact have shifted away from the original meanings. Thus, it turned out that adat laws were simply used to disguise the inclination of the people to show off their economic prestige and wealth. On the one hand, the community incorrectly perceived that their adat law requires them to adopt wasteful practices related to traditional ceremonies, on the other hand, there was also a need to encourage members of the community to leave those practices. Encouraging people to abandon practices that they have followed for a long time ago is not an easy task. It is even more difficult considering that the practices were thought to

<sup>1</sup> Franz von Benda-Beckmann and Keebet von Benda-Beckmann, "Myths and stereotypes about adat law: a reassessment of Van Vollenhoven in the light of current struggles over adat law in Indonesia", *Bijdragen tot de Taal-, Land- en Volkenkunde*, Vol. 167 No. 2-3, 2011, p. 170.

<sup>2</sup> Danggur Konradus, "Kearifan Lokal Terbonsai Arus Globalisasi: Kajian terhadap Eksistensi Masyarakat Hukum Adat", *Masalah - Masalah Hukum*, Vol. 47 No. 1, January 2018, p. 81; Zayanti Mandasari, "Politik Hukum Pengaturan Masyarakat Hukum Adat (Studi Putusan Mahkamah Konstitusi)", *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 21 No. 2, April 2014, p. 228.

<sup>3</sup> Mustaghfirin, "Sistem Hukum Barat, Sistem Hukum Adat, dan Sistem Hukum Islam menuju sebagai Sistem Hukum Nasional Sebuah Ide yang Harmoni", *Jurnal Dinamika Hukum*, Vol. 11, Special edition, February 2011, p. 92.

be derived from and required by their *adat* law. The introduction of a formal law, for instance which concerns prohibition of prolonged rituals to avoid wasteful practices from being applied extensively by the community will not likely be a proper measure. The law may be formally issued, nonetheless people will tend to disregard its normative contents as long as they are not compatible with their own values. When it occurs, the issued formal law will be caught in operational difficulties which Vago termed as the “dysfunction of law” situation.<sup>4</sup> Briefly, this means that in a situation where the use of formal law to direct behavior is not a sensible choice, the use of *adat* law to influence behavior is more reasonable. However, it is also possible to insert *adat* law norms in more formal status, particularly in the form of local regulations. Such ‘mixed’ law is for instance described by Ridwan, Dimiyati & Azhari in their study on the positivization of local laws.<sup>5</sup>

Within that in mind, the Central Sumba government and community leaders initiated a movement utilizing *adat* law to change social behavior within the realm of *adat* institutions, particularly with regard to funeral rites. The movement, which is known as the Three Moral Movements is determined as the object of this study. Specifically speaking, the discussion in this paper is directed to examine the question of how *adat* law was implemented in the process of social engineering particularly related to death and funeral rites among the people of Central Sumba.

## Discussion

The people of Central Sumba live in the administrative region of Central Sumba Regency. Geographically, Central Sumba regency is situated in Nusa Tenggara Timur (NTT) Province. Its total land area stretches over 1,869.18 km<sup>2</sup>. Administratively, Central Sumba Regency

comprises five (5) districts with 66 villages. The five districts in Central Sumba Regency are Umbu Ratu Nggay; Katikutana; Mamboro; West Umbu Ratu Nggay; South Katikutana.

Referring to the statistical report issued by the statistical office of the regency, the population of Central Sumba Regency in 2015 was 68,515,000 people, with the largest portion of population reside in the District of West Umbu Ratu Nggay. Of all the population, 51% were male and 49% female. In terms of density, the most densely populated area was in the District of South Katikutana (142.15 inhabitants per km<sup>2</sup>) and the lowest was in the District of Umbu Ratu Nggay (16.94 people per km<sup>2</sup>). Based on age, the largest population is in the age range between 0-4 years, which reached 10,294 people. The total labor force in Central Sumba Regency is 26,541 where 1,010 are open unemployed. Most of the labor force in Central Sumba (79%) works in agriculture, forestry, hunting and fisheries. For livestock, in addition to poultry, the main livestock were pigs (57% of the livestock population), buffalo and horses (12% each), goats (10%) and cows (9%). In 2015 there were 16,356 households in the District of Central Sumba. Of these, 79% were in the category of underprivileged families. The number of bank loans in 2015 amounted to 167,572 billion rupiahs, of which 89% were in the form of consumption loans.

In Central Sumba Regency there are three district police offices, one is headquartered in Katikutana (with jurisdiction covering Katikutana and Southern Katikutana), one in Umbu Ratu Nggay (with jurisdiction including Umbu Ratu Nggay and West Umbu Ratu Nggay), and the other one in Mamboro. According to police data, crime rates in 2014 and 2015 in general tend to rise from 151 in 2014 to 171 in 2015. As per crime trends in each district police office, the crime rate in Mamboro decreased from 23 cases in 2014 to 13 cases in 2015.

Based on data from the Ministry of Religious Affairs, about 74% of Central Sumba residents embrace Christianity, 16% Catholics, 6% Islam and 4% follow other religions. Although

<sup>4</sup> Steven Vago, 2012, *Law and Society*, Boston (MA): Prentice Hall, p. 20

<sup>5</sup> Ridwan, Et.AL., “Perkembangan dan Eksistensi Hukum Adat: Dari Sintesis, Transplantasi, Integrasi Hingga Konservasi”, *Jurisprudence*, Vol. 6 No. 2, September 2016, p. 111-112.

most people have embraced the formal religions, there are still people who have local beliefs known as "marapu", a local belief which in fact is not only found in Central Sumba, but also in other Sumba areas. The term "marapu" according to Onvlee comes from two words, "ma", meaning "the" and "rapu", meaning "respected".<sup>6</sup> Meanwhile, A.A. Yewangoe is of the opinion that "marapu" comes from the word "ma" and "rapu", meaning "hidden", which in whole means "the hidden one". According to Yewangoe, there is also the possibility that the word "marapu" comes from "mera" (similar) and "appu" (ancestors), which means "similar to the ancestors."<sup>7</sup> As a system of belief, Marapu played an important role in shaping the traditional culture and way of life of the Sumbanese in general.<sup>8</sup> From the anthropological point of view, Soeriadiredja clearly pointed out that Marapu is basically the cultural identity of Sumba.<sup>9</sup>

### The Shifting Value of Funeral Rites and the Socio-economic Consequences

Like any other indigenous people, the natives of Central Sumba are known for their strong adherence to traditional values. Almost every aspect of their life is still influenced by traditional practices that could be traced back to very long time ago. One of the practices regarded as essential by Central Sumba people is the funeral rites and ceremony-related practices. This traditional event is perceived as quite important so that various traditional procedures and standards are still profoundly obeyed by the community.

According to adat law norms, there are several stages to pass in the funeral rites. The burial of the corpse or "Patanung" is the final stage of the death and funeral rites among the people of Central Sumba, especially the Anaka-

lang tribe. Before arriving at the "Patanung", the death ritual or "Li Mati" passes through the following stages according to *adat* practices as described by Umbu Siwa Djurumana, a prominent *adat* figure living in Kabonduk Village.

*First*, "Kaliarang", which is a ceremonial practices performed when a person experiences severe illness and is about to face death. This ceremony is intended to prepare the person to return to the Creator. During the "Kaliarang", usually animal sacrifice, either pig or buffalo, is offered according to the financial ability of the family. *Second*, "Pamuangu", which is a tradition of expressing the last will, when a person is in a state of dying. At this stage, the dying person delivers his/her last will concerning the distribution of inheritance to close relatives, particularly the children and/or grandchildren. *Third*, "Betahu", is an expression used to refer to the situation when someone has passed away. When the death of a person is confirmed, a gong is played immediately with certain beat as follows: When a male dies, it begins with the beating of "Tau Todu" gong as many as 8 (eight) beats in a row, followed by "Todu Halakungu" which its sound is purported to accompany the departure of someone to meet God. The next rhythm beaten is "Todu Tabungu" which delivers a message to the neighbourhood and relatives that someone has passed away. When a female dies, the gong is played following the "Todu Tadingangu", then "Todu Halakungu" and "Todu Tabungu" beat rhythm. *Third*, The next stage is called "Ihu" and "Paborung" or "Pajaukung". A person who has died will be bathed by the family using hot water mixed with lemon leaves. After that, the tradition of "Paborung" (for male) or "Pajaukung" (for female) is performed. At this stage of rites, the deceased person is dressed with sarong. At the time of "Paborung" or "Pajaukung" all family members and immediate relatives need to be present, especially those from the uncle's line. *Fourth*, "Palebarungu" is the tradition of removing the corpse from the inner chamber to "Pinubakul/Halema" (a public room usually reserved for guests) while a gong is played and animals (pigs or horses) slaughtered. *Fifth*, The next stage is "Tauya ta Hadera",

<sup>6</sup> Dharmaputra Tadulangga Palekahelu, 2010, *Marapu: Kekuatan di Balik Kekeringan*, Disertasi, Program Doktor Studi Pembangunan, Salatiga: UKSW, p. 23.

<sup>7</sup> *Ibid.* p. 24.

<sup>8</sup> Dony Kleden, "Belis dan Harga Seorang Perempuan Sumba (Perkawinan Adat Suku Wewewa, Sumba Barat Daya, NTT)", *Studi Budaya Nusantara*, Vol.1 No. 1, April 2017, p. 61.

<sup>9</sup> Purwadi Soeriadiredja, "Marapu: Konstruksi Identitas Budaya Orang Sumba, NTT", *Antropologi Indonesia*, Vol. 34 No. 1, 2013, p. 60, 68.

which is a practice to put the corpse on a chair made of bamboo. Prior to being placed on a chair, the legs/hands of the corpse should be folded so that he can sit resembling the position of a fetus. Sixth, "*Peka Mati*", it is a tradition of telling the whole family that a person has died. Prior to "*Peka Mati*", the family in the village held the discussion on the first night, to decide which family members that will be notified and invited to the the funeral ceremony or "*Patanung*". Seventh, "*Totu Mamati*", ie the tradition of keeping the corpse before the burial. During "*Totu Mamati*" the family slate keep coming to mourn. Eighth, "*Patanung*", which is the last stage, is the ceremony held to bury the corpse. Before the funeral, on the last night a family deliberation called "*Walla Bakul*" will be held to estimate or determine the type and number of animals to be sacrificed during "*Patanung*".

Based on the stage of the death and funeral ritual as described previously, it appears that each of these stages brings economic socio-economic implications, because at some stages the provision of commodities such as pigs, horses, cows, buffalo, and other objects such as cloth (*regi*), sarong (*rabi*), machetes (*katopu*), and *mamuli* (a set of traditional jewellery) is required. These items can have substantial financial value, which must be borne by both the grieving families and other families who are invited to attend the funeral rituals.

Additionally, feasts which involve the slaughter of a substantial amount of animals were always held to welcome the visiting mourners on daily basis. It could take several days before the deceased was finally buried and, due to the close relationship among families, the number of the visiting mourners could be numerous. This means that the family of the deceased have to provide meals as many as the mourners from day to day until the deceased was at last put in the cemetery.

Originally, the practice of providing meals for the visiting mourners were established as a symbol of respect for the guests who pay the last tribute to the deceased. It reflects the solidarity among the whole community. Similarly,

the practice of bringing commodities to the grieving family also established as a symbol of condolences and comforts. In both practices the underlying principle is that the provision of meals for the mourners and the provision of commodities to be presented to the grieving family must not be excessive. This is quite reasonable since the practice of providing meals and commodities were basically symbols of togetherness.

In the course of time, however, the symbolic function of these practices tend to fade away. Instead of being a symbol of respect, the provision of meals for mourners and commodities is regarded as a symbol that defines the social status of families. In other words, what is behind this practices is no longer the demand of adat norms, but the demand of social life. In such case, a grieving family will be regarded as socially high-ranked if they could provide meals to as many guests as possible and hold the ceremony for many days. Likewise, the visiting mourners would likely be regarded as socially important if they could provide as many as goods to be given to the grieving family.

The shift of meanings behind the practices in the funeral rites subsequently changed the community's perception. In order to achieve a desired social prestige, a grieving family would likely take all measures possible to show that they could provide meals in a substantial amount. Similarly, for the same reason, the visiting mourners would also bring many goods and commodities. To meet this "social requirement" disguised in *adat* institution, it becomes a rather common thing for the families to look for financial loans from other families or third parties such as the bank.

One of the indicators to assess the impact of adat rituals is the amount of bank loan. According to the statistics, the percentage of bank loan for consumption purposes was 91% in 2013, 88% in 2014 and 89% in 2015 of the total bank loan in Central Sumba. Consumer loan reaches a significant amount and correlates with the purchase of goods or animals for the purposes of adat ceremonies. The amount of consumer loan

provides an illustration that the people of Central Sumba is attached to consumptive lifestyle (including spending to fulfill adat requirements). In many cases, the household funds are mostly absorbed by adat rituals, and thus expenditure for education, health, and other basic needs is less prioritized. It is strongly assumed that this kind of lifestyle is influenced by the preference for artificial prestige over the real needs.

### Revitalization of Adat Law as an Instrument of Social Engineering through the Three Moral Movements

The main problem discussed in this paper is how *adat* law has been used to change social behavior in death and funeral rites among the people of Central Sumba. Based on the problem defined, there are two concepts to discuss namely *adat* law and the function of law as a means of social engineering.

*Adat* law is a concept that developed in Indonesia since prior to the independence period, when Indonesia is still a Dutch colony and better known as the Dutch East Indies or Netherland's India. The existence of various groups of local communities and immigrants in the Dutch East Indies has led to the diversity of laws, as each group, especially the indigenous people, owns and implements its own laws. The law developed in the various indigenous groups is largely an unwritten customary law. Those laws are later known as *adat* law. The recognition of *adat* law as the source of law among Indigenous groups in Netherland's India took place in 1848 when H.L. Wichers, then the Chief of the *Hogerechtshof* (the Netherland's India Supreme Court), accepted "religion law or ethical rules and customs that have been practiced through generations" as law applicable to indigenous groups. The inclusion of customary laws into the colonial formal law signified the coming of indigenous groups' customary law, also known as *adatrecht* (*adat* law) into the legal order of the colony.<sup>10</sup>

<sup>10</sup> Peter Mahmud Marzuki, 2011, *An Introduction of Indonesian Law*, Malang: Setara Press, p. 9.

It was van Vollenhoven who tried hard to classify various *adat* law in Indonesia into simpler categories based on similarities among *adat* laws. However at the bottom of his idea about *adat* law is the notion that *adat* law is basically traditional customs with "legal consequences" which is none other than "enforceable sanctions." Thus, by this definition of *adat* law, van Vollenhoven retains the existence of sanctions as the most essential attribute of law.

The notion of *adat* law also has been closely connected with the notion that the law in a society is actually born out of the cultural and ideal domain particular to that society. Thus, the law is at the same time a reflection of the various values that are upheld by the society. As an example, based on the "*ubi societas, ibi ius*" adage, the idea that law emanates from the cultural and ideal realms of a particular community is put forward by von Savigny through the concept of "*volksgeist*." According to Savigny, law is deeply embedded in culture, understood as the spirit of the people (*volksgeist*).<sup>11</sup> Thus, the norms contained in *adat* law may also regarded as emanating from the spirit of the community which need to be preserved.<sup>12</sup>

In this context, the content of the Three Moral Movements can be qualified as part of the *adat* law of Central Sumba. The agreement contained in the movements clearly shows the existence of norms, namely the standard of what can be done and that should not be done by the community. The norms are also formulated with the central role of the prominent *adat* figures and their implementation is also supervised by *adat* institutions. In addition, an important element that also determines the content of the Three Moral Movements as *adat* law is the existence of *adat* sanctions that can be applied to offenders of *adat* norms that have been mutually agreed upon.

<sup>11</sup> M.Saleh, "Eksistensi Hukum Adat dalam Polemik Hukum Positif Suatu Kajian dalam Perspektif Tatanegara", *Jurnal IUS*, Vol 1, No.3 December 2013, p. 538.

<sup>12</sup> Muhammad Azil Maskur, "Internalisasi Nilai-nilai Masyarakat Adat dalam Pembaharuan Hukum Pidana Nasional", *Masalah-Masalah Hukum*, Vol. 47 No. 1, January 2018, p. 23.

*Adat* law norms are generally part of social norms that strongly define the behavior of community members. The presumption that *adat* law norms derived from the ancestors usually will encourage the community to retain *adat* law and practices. As long as the *adat* norms do not violate religious norms, they are preserved by the society.<sup>13</sup> In the case of Central Sumba, however, the situation is somewhat different. Instead of being conserved, *Adat* law is re-established with a genuine understanding to correct behavior that externally appears to be an *adat* institution but internally is given new meaning that is no longer in line with the values ideal cultural value.

This situation is somewhat unique because what goes on in Central Sumba shows that *adat* law can also function as a tool to change people's behavior. Generally, the function of law as an instrument of social engineering is more often discussed in the context of modern law. However, this study shows that traditional *adat* law can play an important role in changing the behavior of community members to achieve common goals. As mentioned previously, the vehicle by which *adat* law was revitalized and used as an instrument to change the community's behavior was the formation of an *adat* consensus called the Three Moral Movements.

The concrete idea for any necessary measure to change the behavior associated with the death and funeral rites began to emerge in 2010 during a seminar on the Three Moral Movements held on Februari 3 - 5, 2010 in Waibakul, Central Sumba and consultation among the prominent figures in Central Sumba's *adat* community.<sup>14</sup> The forum identified three problems with *adat* dimension faced by the people of Central Sumba, that is the problem concerning the shift of farming pattern which now only relies on rain-fed farming, the issue concerning the shifting cultural meanings of traditional rites which now tend to lead to the hedonistic lifestyle, and issues of public order and security.

The shift in the meaning of the traditional rites is regarded as a significant issue because there is a phenomenon in society which shows that traditional rituals tend to be the veil of a prodigal lifestyle that is not in line with the original meaning of those rituals. For example, the giving of dowry or *belis* in the form of livestock actually has a symbolic meaning that marriage is the beginning of a relationship between two humans formed through the institution of marriage. Therefore, *belis* is only a symbol for the establishment of a new human relationship. With such understanding, originally the *adat* norms of the people of Central Sumba did not require a large quantities of the livestock submitted, but ranges in the amount of between 11-17 animals that could be buffaloes, horses or pigs. However, in the course of time, there are irregularities in the number of '*belis*' from dozens to hundreds of animals. At this point the meaning of *belis* has shifted from cultural symbol to becoming indicator of social status. The shift of the function of *belis* from cultural to socio-economic function in turn requires people to perceive that '*belis*' determines their social status. The attachment to traditional *adat* practices and the shifting of the meaning of *belis* subsequently makes people feel "obliged" to demand and give '*belis*' in large numbers.

The same thing also happens with death and funerals rites. The people of Central Sumba generally hold the view that the occurrence of death should be accompanied by feast and livestock slaughter. Beside functioning as a symbol of togetherness, livestock slaughter also culturally reflects the view that humans and cattle are two inseparable things. However, when applied, feast in death rites and funerals tend to be excessive, resulting in considerable cost.

To overcome the problems related to traditional practices as identified in the musyawarah/ deliberation of *adat* consultation, the local government of Central Sumba along with the *adat* leaders launched a set of moral movements known as the Three Moral Movements. This term was chosen because this movement was specifically intended to respond to three

<sup>13</sup> *Ibid.*, p.26.

<sup>14</sup> Umbu Rauta, Et.AL., "Tiga Gerakan Moral Sebagai Hukum Adat Masyarakat Sumba Tengah", *Jurnal Ilmu Hukum Refleksi Hukum*, Vol. 1 No. 2, April 2017, p. 219.

existing problems: a shift in farming patterns focused on rain-fed agriculture resulting in abandoned dry land, a shift in the meaning of *adat* rites towards the exhortation of hedonism as well as the issue of regional security and order. Based on these three problems, the Three Moral Movements consists of three movements each of which is intended to respond to each of the three problems. The Three Moral Movements consist of the Back to Farm Movement (to empower the abandoned dry lands), the Frugal Lifestyle Movement (to respond to the problem of hedonistic lifestyles disguised in customary rites and the Safe Village Movement (to respond to issues of security disturbance and public order generally).

Based on the three components of the moral movements, the part that has relevance to the issue under discussion is the second component, the Frugal Lifestyle Movement. As previously mentioned, more specifically, the focus of this paper is the Frugal Lifestyle Movement directed against death and funerals rites.

The launching of the Three Moral Movements was implemented in stages starting with formulation of particular norms in each of the five districts and subsequently in Sumba Tengah Regency. The launching of Three Moral Movements at the district level was conducted at different times during June and October 2010. At the district level, the formulation of the Three Moral Movements involved the officials of the districts and villages as well as *adat* institutions. The formulation of the content of the Three Moral Movements in the districts of Katikutana, South Katikutana and Umbu Ratu Nggay was also accompanied by the inauguration of *adat* institutions mandated to oversee the implementation of the agreements contained in the Three Moral Movements.

Following the statement of pledge to comply with the norms contained in the Three Moral Movements in each district, the Three Moral Movement was then launched at the regency level through the Declaration of Pledge and Resolution of Community of Central Sumba Regency, held in Waibakul on October 28, 2010 accompanied by traditional ceremony and the es-

tablishment and inauguration of the *adat* institution to oversee the implementation of the moral movement at the regency level.

As far as the rites of death and funerals concerned, the main agreed points under the Frugal Lifestyle Movement category are as follows: The longest burial time allowed is three days and three nights; and The maximum number of animals slaughtered at the time of burial is three.

The limitation of the time for burial was meant to shorten the time for rituals so that meals are not provided excessively during any longer time neither more often. Meanwhile, the limitation of the number of animals slaughtered has a fairly clear purpose, which is to avoid excessive cutting of livestock. Both of the above limitations are intended to change the behavior of people in the rites of death and burial so as not to be excessive, wasteful and potentially impoverish the community.

The Three Moral Movements also have a coercive normative force since its enforcement is also accompanied by *adat* sanctions. Those who commit the breach of mutual agreement as outlined in the form of restrictions will be subject to *adat* sanctions which are also mutually agreed upon. From this point of view, it is well-founded to assert that the revitalized *adat* law has played a role as a tool of social engineering.

The concept of law as a tool of social engineering itself cannot be separated from the figure of Roscoe Pound. Based on the assumption that the law cannot be separated from the social environment in which it is created and enforced, Pound develops the idea that law can be an instrument for social change. According to Pound, one of the most important functions of the law in the social environment in which it operates is to become an instrument for shaping society through the regulation of the conduct of its members. Vago perceives social engineering as "purposive, planned, and directed social change initiated, guided and supported by the law."<sup>15</sup>

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<sup>15</sup> Steven Vago, *op.cit.*, p. 20.



Based on this basic concept, it can be concluded that the declaration of the Three Moral Movements containing *adat* law in Central Sumba is part of the effort to change society. As far as the ritual of death and burial is concerned, the movements seek to establish a rational society in which traditional rites concerning death and funeral are performed not excessively and in more sensible ways. This policy goal is to be achieved through the revitalization of *adat* law, in which the leaders of indigenous peoples in Central Sumba affirms that the excessive and consumptive behavior in death and funeral rites is in fact incompatible with the genuine wisdom and values. Through the reaffirmation of *adat* law, people in Central Sumba were asked to return to the original *adat* norms, which refute the association between traditional rites and socioeconomic status.

The declaration of the Three Moral Movements in this case is an ingenious measure of social engineering. The community, as the target of behavioral change have not been frontally confronted with unfamiliar instruments of change, but with the instruments of *adat* law itself that they are familiar with. The adherence of the community to *adat* norms is positively exploited by *adat* leaders to affirm that there are behaviors that must be changed because they are not in line with true *adat* values. At this point, the *adat* authorities and figures played a very crucial role. Through them, the society is more easily convinced to make behavioral changes because the changes are requested by those who are culturally legitimate. Similarly, the launching of Three Moral Movements conducted at districts and regency level through traditional ceremonies has contributed to the legitimacy of the Three Moral Movements among the people.

From social perspective, when the customary norms in the Three Moral Movements are applied to all members of the society, those who are socially and economically more capable will ultimately be conditioned to carry out the rites of death and funeral in a simple manner according to the agreed limitations. Likewise,

those who are socially and economically less capable will not feel the need to hold death rites and funerals beyond their ability just to pursue prestige. Therefore, from this phenomenon it can be inferred that revitalized *adat* law can be a very effective instrument of social engineering, especially among traditional societies that still have strong attachment to customary norms and institutions. This finding seems to confirm van Vollenhoven's notion that *adat* law is developing and moving forward and that *adat* decisions create *adat* law.<sup>16</sup> At the same time, the finding of this study also challenges the common yet improper idea that *adat* law is no longer compatible with modernized societies.<sup>17</sup> On the contrary, this study shows that revitalized *adat* law may well be used in social engineering efforts. After all, *adat* law is a product of local wisdom from the past time and could still be used as the guiding principles for the community where it exists.<sup>18</sup>

## Conclusions

Based on the above discussion, the main conclusions can be drawn as follows. First of all, the rites of death and funeral are essentially still applied by the people of Central Sumba because they are seen as the practice inherited from their ancestors. However, in the course of time, there is a shift of meaning with regard to feast and slaughtering animals in the rites of death and funeral, from symbols of togetherness and sympathy into a symbol of socioeconomic status. The shift of meaning as mentioned above also encourage people to take excessive action in death and funeral rites in the form of more frequent feast and slaughtering animals in large quantities. This situation encouraged community leaders, government officials and *adat* leaders to take the initiative to carry out social engineering efforts by utilizing

<sup>16</sup> Lastuti Abubakar, "Revitalisasi Hukum Adat sebagai Sumber Hukum dalam Membangun Sistem Hukum Indonesia", *Jurnal Dinamika Hukum*, Vol. 13 No. 2, May 2013, p. 322.

<sup>17</sup> Eka Susylawati, "Eksistensi Hukum Adat dalam Sistem Hukum di Indonesia", *Al-Ihkam*, Vol. IV No. 1, June 2009, p. 127.

<sup>18</sup> Danggur Konradus, *op.cit.*, p. 85.

*adat* law to change the excessive behavior, in the form of the declaration of Three Moral Movements. Finally, it is reasonable to conclude that the use of *adat* law to conduct social engineering among the people of Central Sumba is an ingenious step, considering that *adat* law is still strongly recognized among the people of Central Sumba.

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