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# Implementation of *Mapasilaga Tedong* Licensing in Tana Toraja District Based on Laws and Regulations

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## Abstract

The problem formulations in this study are: 1) How is the implementation of crowd licence on *Mapasilaga Tedong* activities in Tana Toraja? 2) How is the supervision of crowd permits for *Mapasilaga Tedong* activities in Tana Toraja? This type of research in legal research is research that uses empirical juridical methods with a descriptive research approach. The author's conclusion is: The implementation of the crowd permit for *Mapasilaga Tedong* activities in Tana Toraja is considered not properly implemented. Because there are still many inhibiting factors in terms of processing crowd permits including Socialisation, lack of public understanding of the procedure for applying for a crowd permit, lack of assertiveness in terms of time provisions from the Police in issuing crowd permits, and making crowd permits through practical ways. The supervision of crowd permits for *Mapasilaga Tedong* activities in Tana Toraja carried out by the Tana Toraja police has not been able to completely eradicate gambling practices in *Mapasilaga Tedong* activities. There are several factors that become obstacles to eradicating this violation of the law, namely: A) The police have not fully professionally seen and sorted out between culture and law violations that are considered a culture. B) The lack of role of the local government to assist the police in terms of management and supervision with the absence of local regulations related to crowd permits so that there is no harmonisation between the police and the local government of Tana Toraja in terms of management and supervision of crowd permits.

**Keywords:** Permit Implementation, *Mapasilaga Tedong*

## 1. Introduction

Culture is the benchmark of a nation's civilization. (Xu, 2021, pp. 1–10) Respect for culture is part of the greatness of a nation. In essence, culture is the result of copyright, taste and culture inherited by the ancestors. Therefore, it needs to be preserved and maintained. With a strong culture, the nation's identity will also be strong. In addition, Indonesia's cultural diversity is a great capital to bring this nation forward in line with other great countries.(Buwono et al., 2023, pp. 1726–1735) For this reason, this great capital needs to be maximised through the movement to empower cultural potential as a means of national progress.

Looking at history, Indonesia is a nation built from a collection of diverse backgrounds with the motto "Bhinneka tunggal ika" (Different but still one).(Anto et al., 2023, pp. 237–255) This principle means that diversity makes up the country of Indonesia. The concept of "one nation" has been popularised since the Soekarno administration,(Kueh, 2021, pp. 238–357) and in the Soeharto era was translated through "single principle" politics that emphasised the homogeneity of society.

The government has the duty and responsibility to seek the welfare of its citizens, for that the government must be active instead of just waiting, it can be understood that certain activities that are given permission, must go through predetermined processes. The conception of the rule of law can be interpreted that the state of law is a state that has the aim of organising legal order, namely an order that is generally based on the laws contained in the people.(Hayek, 2022, pp. 256–270) Then, the Republic of Indonesia is also a state that adheres to the democratic system as stated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) which reads "sovereignty is in the hands of the people and is exercised according to the Constitution."(Ghins, 2022, pp. 128–158) In a democratic system, the position and existence of law as an instrument is very important. The law is made based on political dynamics,(Van't Klooster, 2023, pp. 1103–1123,) and the resulting legal products then become guidelines that should be obeyed. The implementation of the Government system, the Unitary State of the Republic of Indonesia implements a national policy concerning the implementation of Autonomous Government by adhering to the principle of decentralisation.

The legal basis for the implementation of autonomous government is the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) Article 18, which reads as follows:(Fikri & Wibisono, 2023, pp. 131–152) "The Unitary State of the Republic of Indonesia (NKRI) is divided into Regency Regions and the Regency Regions are divided into Regency / City Regions, each of which has a Regional Government regulated by Law." Autonomy is the essence of decentralisation, because decentralisation is the transfer of authority/governance by the government to autonomous regions within the framework of the Unitary State. The ideals of the Indonesian state realised by the founding fathers is a unitary state that protects the whole of Indonesia,(Fauzi, 2023, pp. 71–84) which in principle prioritises togetherness to achieve national goals while taking into account the distinctive differences between regions in Indonesia. Togetherness is constructed in the form of diversity in the administration of local government with the concept of regional autonomy. The concept of regional autonomy is actually a mandate given by the 1945 Constitution of the Republic of Indonesia,(Laksito, 2024, pp. 1–6) which is explicitly stated in Article 18 paragraph (2) that "the provincial, district and city governments regulate and manage their own government affairs according to the principles of autonomy and assistance tasks." The implementation of local government is directed to accelerate the realisation of community welfare through improved services, empowerment, and community participation, as well as increasing regional competitiveness by taking into account the principles of democracy, equity, justice, and the distinctiveness of a region within the system of the Unitary State of the Republic of Indonesia.(Permatasari et al., 2023, pp. 431–439) According to Harson, local government has an existence as: *Local Self Government* or local government in the local government system in Indonesia is all regions with various autonomous affairs for *local self government*,(Djaha & Gani, 2024, pp. 625–635) of course, must be within the framework of the state government system.

In managing its own household, the local government has the right of initiative, and has the authority to organise its own household affairs at its own discretion. In addition to being given certain affairs by the central government, it can also be given assistance tasks in the field of government (*medebewind tasks*). (Muhammad, 2023) According to Surya Ningrat, government is a group of individuals who have certain authority to exercise power. Government is the act or business or governing. According to Budiarjo, government is all organised activities that are based on sovereignty and independence, based on the basis of the State, the people or population and the territory of a State and have the aim of realising the State based on the basic concepts of the State.(Aulia & Isra, 2024, pp. 146–163) The government is an organ that is authorised to process public services and the obligation to obtain civil services for everyone who has government relations, so that every member of the community concerned receives it when needed in accordance with the demands of the governed.(Beigbeder, 2023) According to Muhadam Labolo, governance is actually an effort to manage life together properly and correctly in order to achieve agreed or desired goals together. Government can be viewed from a number of important aspects such as activities (dynamics), functional structures, as well as duties and authorities.(Chaniago et al., 2024, pp. 1722–1737) The Unitary State System of the Republic of Indonesia requires the birth of a decentralisation scheme with the principle of regional autonomy, where the President no longer fully takes care of all state affairs as a whole because Article 18 of the 1945 Constitution states that the Republic of Indonesia is divided into Provinces, Regencies and Cities, then in each Province, Regency and City there is a regional government (village), then in the regional government it is given the right

and authority to regulate and manage government affairs according to the principle of autonomy and the widest possible assistance task. The word "*village*" comes from the Sanskrit word "*desi*" which means land of origin, land of birth.

The state with its laws and regulations has very clearly prohibited all types of activities that contain elements of gambling in it, because gambling is a criminal offence. In Article 1 of Law Number 7 of 1974 concerning the Control of Gambling, states that all gambling offences are crimes. However, even though the legislation has provided a clear formulation of the crime of gambling, in reality there are still many people in Tana Toraja who commit gambling in *Mapasilaga Tedong* activities, due to the absence of concrete steps or efforts in supervision and procedures applied by permit applicants and licensors, the police should take the necessary actions to deal with licensing violations and/or security and public order disturbances in the form of dissolution. In some *Mapasilaga Tedong* traditional activities, the police were asked by the organisers solely to maintain the situation so that the situation remained conducive and the audience was orderly without taking any action. The police as law enforcement officers have not fully professionally seen and sorted out between culture and law violations that are considered as culture. In reality, the existence of laws and regulations have not been able to be implemented optimally to control and direct certain activities so that there are no violations of the law in it, especially regarding crowd permits. For the creation of maximum application of the law, it is necessary to have assertiveness from the police of the Republic of Indonesia as law enforcement officials who have the authority to grant permits, to apply the laws and regulations maximally so that the presence of law can provide certainty, usefulness, and justice.

Based on the above background, the legal issues to be studied are: How is the implementation and supervision of crowd licences for *Mapasilaga Tedong* activities in Tana Toraja.

## 2. Results and Discussion

### 2.1. Implementation of a Crowd Permit for *Mapasilaga Tedong* Activities in Tana Toraja

In terms of the implementation of crowd permits at the Tana Toraja Resort Police (Polres), the work unit in charge of licensing matters is the intelligence and security unit or often abbreviated as Satintelkam. Satintelkam is tasked with organising and fostering the Intelligence function in the field of security, services related to public crowd permits and the issuance of SKCK, receiving notifications of community activities or political activities, as well as making recommendations on applications for firearm holder permits and the use of explosives. In terms of applying for a crowd permit related to *rambu solo* customary activities in Tana Toraja, there are several requirements and mechanisms that must be passed in the application, for the requirements and submission, as follows:<sup>12</sup>

1. In terms of applying for a crowd permit that brings in a mass of 300 - 500 people (Small), there are 3 (three) conditions, namely:
  - Certificate from the local urban village;
  - Photocopy of Identity Card (KTP) that has a desire as much as 1 (one) sheet;
  - Photocopy of Family Card (KK) who have a desire as much as 1 (one) sheet.
2. In the case of a permit for a crowd of more than 500 people (Large), there are 3 (three) conditions, namely:
  - Application Letter for a Crowd Permit;
  - Activity proposal;
  - Identity of the organiser / person in charge Permit of the place where the activity takes place.
  - The crowd permit application letter referred to above is a written application signed by the head of the organisation and attaching several supporting files to the application. The application letter for a crowd permit must contain:
    - Destination

- Form / Nature of Activity
- Place & Time
- Person in Charge
- Number of Participants

In addition to several supporting files for the application. The application letter for a crowd permit must contain several attachments if the event brings more than 500 people or is held by an organisation or association, the attachments are as follows:

1. Schedule / Schedule of Events
2. Committee List
3. Activity Proposal
4. Location Activity Permit Letter
5. Route Travelled
6. Precinct Recommendation
7. Ad / Art Organisation
8. Copy of the person in charge.

The process and mechanism for submitting a crowd permit application letter at the Tana Toraja police station, namely: (Rahmawati & Dermawan, 2023, pp. 182–227)

1. Applications must be submitted at least 7 days prior to the event;
2. The applicant came in person;
3. Checking Requirements by Service Officer
4. After that the file will be processed for approximately one week (seven days) working period if the file is complete then it will be given a receipt but if the file is incomplete then it will be given an explanation to be completed.

The processing time is seven (7) working days to conduct several coordination and research processes, namely:

1. Activity Feasibility Coordination;
2. Internal coordination to develop a security plan;
3. External Coordination with Related Agencies and Person in Charge of activities.
4. If there are vulnerabilities in the activity, the activity will be suspended / a rejection letter will be made.

After all the files have been examined, the relevant parties, namely the Tana Toraja Police, have an obligation 4 (four) days before the implementation of the activity, the Tana Toraja Police must be obliged to provide an answer to the application for permission / notification from the organiser. If the application for a crowd permit is permitted, three (3) stages will be carried out before the issuance of the Keramaian Permit, namely:

1. Filing/Recording in the register book;
2. Submission of the Crowd Permit and a copy to the relevant agency (applicant).
3. Further coordination if security is needed.

For areas that are far from the Tana Toraja Police, the processing of crowd permits only reaches the police station, later the local police will forward it to the Tana Toraja police via email for the issuance of a crowd permit.

## 2.2. Supervision of Crowd Permits for Mapasilaga Tedong Activities in Tana Toraja

One of the regions in Indonesia that still maintains the traditions of their ancestors to this day is the Toraja region. The people of Toraja still perform traditional rituals from their ancestors, for example, *rambu solo* or death feast. The *Rambu Solo* funeral ceremony is basically one of the priceless cultural heritages of the indigenous Toraja people. (Sallata & Siumarlata, 2023, pp. 65–84) This is because the *Rambu Solo ceremony* cannot be separated from the values of the Toraja people's original belief called *Aluk To Dolo* which is

categorised as animism. In this *Aluk To Dolo* belief, one of the things that is very important for the Toraja people is the *Rambu Solo ceremony*. (Pongdatu & Huwae, 2024, pp. 1–13.)

The *Rambu Solo* death ceremony or ritual is also related to social issues because in its implementation the social strata of the deceased person are used as a measure of organisation, especially in matters of quantity. So it can be said that, unlike other cultures in Indonesia, the *Rambu Solo* death ceremony in Tana Toraja actually shows and strengthens the self-identity of the perpetrators. In other words, the type of *Rambu Solo* death ceremony is a representation of the level of social strata they hold. Thus, the richer a person is, the more festive the *Rambu Solo* death ceremony and the more money is spent to carry it out.

At the death feast there is a tradition called *Mapasilaga tedong* or buffalo fighting. Buffalo fighting is part of a series of death party ceremonies. (ISMAIL & NOH, 2023, pp. 55–64) Buffalo fighting has a meaning that describes social status based on the descent or position of someone who has died, therefore, not all death parties in Toraja can carry out this tradition, only for people with middle to noble social status who can carry out this tradition. For the Toraja people, buffaloes are considered the highest animal, so they have a special position as well as being one of the symbols of prosperity intraditional ceremonies.

In general, buffalo fights are used as entertainment for bereaved families and spectators. (Nguyen, 2023, pp. 35–50) In the past, buffalo fights were carried out with small bets or in the form of objects and in accordance with applicable customs. As time goes by, buffalo fighting is used as a gambling event, the perpetrators are spectators, buffalo owners and even the organisers of the buffalo fight, namely the family of the deceased and this activity has violated the existing law in Indonesia, namely it has violated criminal law. Article 1 of Law Number 7 of 1974 concerning Gambling Control, (Jaya et al., 2023) states that all gambling offences are crimes.

In terms of conducting its supervision, the Authorised Police Officer may take police actions necessary to deal with licensing violations and/or security and public order disturbances in accordance with the provisions of Article 8 paragraphs (1) and (2) of Government Regulation Number 60 of 2017 concerning Procedures for Licensing and Supervision of Public Crowd Activities, Other Community Activities, and Notification of Political Activities. one of which is about gambling in *Mapasilaga Tedong activities*, the authority, in the form of:

1. Authorised Police Officers take police action in the form of dispersal of public gatherings and other community activities carried out without a permit;
2. Authorised Police Officers can take police action in the form of dispersal of public gatherings and other community activities that have a permit but the implementation is not in accordance with the provisions of laws and regulations.

Every applicant for a kermaian permit whose permit has been issued has an obligation to use the permit as well as possible and not be misused, if in its implementation the permit is used to carry out actions that violate the provisions of the permit or even violate the applicable laws and regulations, it can be subject to sanctions.

### 3. Closing

The implementation of crowd permits for *Mapasilaga Tedong* activities in Tana Toraja is considered not properly implemented. Because there are still many inhibiting factors in terms of processing crowd permits including Socialisation, lack of public understanding of the procedure for applying for a crowd permit, lack of assertiveness in terms of time provisions from the Police in issuing crowd permits, and making crowd permits through practical means.

The supervision of crowd licences for *Mapasilaga Tedong* activities in Tana Toraja conducted by the Tana Toraja police has not been able to fully eradicate gambling practices in *Mapasilag Tedong* activities. There are several factors that become obstacles to eradicating this violation of the law, namely: A) The police have not fully professionally seen and sorted out between culture and law violations that are considered a culture. B) The lack of role of the local government to assist the police in terms of management and supervision with the

absence of local regulations related to crowd permits so that there is no harmonisation between the police and the local government of Tana Toraja in terms of management and supervision of crowd permits.

#### 4. Advice

It is hoped that the Tana Toraja Police will improve the quality of service, especially the service of making crowd permits by periodically socialising crowd permits through mass media and regularly updating the data contained on its website so that citizens can find out the correct licensing procedures and there is firmness in terms of the determination of time from the Police in issuing crowd permits so that people do not exceed the specified time limit and make practical arrangements.

The police as law enforcers should be more professional to be able to see and sort out between culture and law violations that are considered a culture, and it is hoped that the Tana Toraja Police will increase the number of SatIntelkam personnel who are considered lacking in terms of field supervision

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