

The Constitutional Law Values in the *Martabat Tujuh* Constitution of the Sultanates of Buton

Faharudin^{1,2}, Muhammad Yunus Wahid¹, Abrar Saleng¹, Kahar Lahae¹

¹ Department of Law, Faculty of Law, Hasanuddin University, Makassar, Indonesia

² Lecturer, Dayanu Ikhsanuddin University, Baubau, Indonesia

Abstract: Indonesia has diverse local wisdom. The diversity of local wisdom can strengthen relations between religious people in an area. Local wisdom contains important values as a reference in behaving and interacting with culturally and religiously different others. Local wisdom is effective in creating a harmonious social life. This research aims to reveal the legal value of the constitution of *Martabat Tujuh* of the Sultanates of Buton. The data of this qualitative research was analyzed descriptively. The results show that the constitutional value contained in the *Martabat Tujuh* constitution of the Sultanates of Buton until now is still used as a guideline in implementing the leadership of the government and the people of Buton.

Keywords: value, *Martabat Tujuh*, constitution.

布顿苏丹国玛塔巴图朱宪法中的宪法价值

摘要：印度尼西亚有不同的地方智慧。地方智慧的多样性可以加强一个地区宗教人士之间的关系。地方智慧包含重要的价值观，作为与文化和宗教不同的其他人的行为和互动的参考。地方智慧对营造和谐的社会生活是有效的。本研究旨在揭示布顿苏丹国玛塔巴图朱宪法的法律价值。对这项定性研究的数据进行了描述性分析。结果表明，布顿苏丹国玛塔巴图朱赫宪法中所包含的宪法价值，至今仍被用作布顿政府和人民实施领导的指导方针。

关键词：价值 · 尊严 · 宪法。

1. Introduction

As the biggest archipelagic state globally, Indonesia has 17,499 big and small islands, where 13,466 have been named and registered in the United Nations. Indonesia has approximately 80,791 km⁵ coastline in total, the second-longest coastline after Canada, with the width of the marine area to 6,315,222 km².

Every country in the world must have a constitution because the constitution is one of the components of an independent state. Therefore, the sustainability of a constitution is very important in a country. The constitution is a framework of political life that has been built for the first time since world civilization began, as almost all countries want a constitutional life. The characteristics of constitutional government include broad political participation, legislative power

held by the people, a government far from authoritarianism, etc.

Indonesia is a state of law (*rec/jfsfaaf*). A state-based on law means that the law is placed as a guideline. Implementing the "rule of law" emphasizes the restrictions of power so that absolutism does not occur, which otherwise may lead to *onrechmatige daad* even the act of *ongrondwettin* (against the constitution). The regulation and restriction of power must be reflected in a regulation based on justice. The justice-based regulation is one of the prerequisites for successful development, as mandated in the opening of the Constitution of 1945. The mandate in question is that the Indonesian government is obliged to protect the entire Indonesian nation, promote the general welfare, educate the nation's life, and participate in

implementing public order based on eternal peace and social justice [1-3].

The recognition of indigenous stakeholders for Indigenous Law Community (MHA) and customary lands is generally not supported by historical and contemporary facts. Only claims as indigenous people that correspond to historical facts [4].

The Kingdom of Buton was founded by immigrants who came from the Malacca Peninsula by the beginning of the 14th century. These immigrants were led by four leaders, who in the local tradition are called "*mia patamiana*" [5]. The first king was a woman named Wa Kha Kha. In Buton mythology, she is called "The God-descended Queen born through bamboo." Wa Kha Kha married Sibataru, a prince of Majapahit. Of this couple, generations of Buton kings were passed down. In the time of its sixth king named Lakilaponto, Islam penetrated the territory of Buton until the country metamorphosed into an Islamic kingdom (sultanate). Islam was introduced in Buton by Shaykh Abdul Wahid Bin Sulaiman, an Arab *mubaliq* from Johor. As a result of the adaptation of Islam, Lakilaponto was confirmed as Sultan Buton I in 948 H (1541 AD), titled Sultan Muhammad Qaimuddin, also called Sultan Murhum.

The government pattern of the Sultanate of Buton is based on local and Islamic traditions. The power structure shows the running of the government that cannot be separated from the social layering system that fills it. The high layer in this society is called *kaomu*. They are seen as noble [6, 7], or high nobility [8, 9]. According to the father's line of the first king's spouse, they came from descendants. As a status marker, *kaomu* people use the title *La Ode* for men and *Wa Ode* for women in front of their names [7]. *Kaomu* consists of three groups of relatives, called *kamborumbu talupalena* (three pillars), consisting of (i) *kaomu tanayilandu*, (ii) *kaomu tapitapi*, and (iii) *kaomu kembewaha*. A Sultan was chosen from this circle; some other high positions in the sultanate organization were also reserved [10].

2. Research Method

The study was conducted in Baubau, where the Government of the Sultanate of Buton takes place. The population of this study is the government, indigenous leaders, and community leaders in Baubau [11]. The primary and secondary data of this research obtained in the field will be analyzed qualitatively.

3. Findings and Discussion

Human life cannot be separated from values, morals, and laws. Value becomes the very important foundation that governs all human behavior. Value becomes a source of strength in upholding social order. In other words, morals as the basis of human behavior make life run within the norms of humanist-religious life. The power of law becomes control in regulating

the fairness of the rights, and every human being must obey the law. The role of values, morals, and laws becomes an important part of building the character of a nation [12]. The emergence of ethnocentric attitudes between regions in Indonesia is due to geographical differences, economic status, socio-culture, ethnicity, history, and ideological experience of each autonomous region [13].

Indonesia has diverse local wisdom. Diversity of local wisdom can be used to strengthen relations between religious people in an area. Local wisdom contains important values, including as a reference in behaving and interacting with others who are culturally and religiously different. For example, *daliha na tulo* in North Sumatra, *siro yo insun, insun yo siro* in East Java, *sipakalebbi* and *sipakatauu* in South Sulawesi, *menyama braya* in Bali and the concept of *betang* house in Central Kalimantan. Substantially, local wisdom is the overall value in society. These values are true and become references in everyday life (Sabara, 2015: 205). Local wisdom is manifested in words of wisdom (philosophy) in advice, proverbs, guidance, and poetry. It provides a cohesive aspect of the adhesive elements across groups, religions, and beliefs. In this context, local wisdom can be interpreted as a space or dialogical arena to soften any exclusivity of the political identity of a group [14].

Local wisdom cannot be separated from the noble values of the nation. It is the result of the intelligence of a community and then used by others as a means of suppression and the knowledge used by local people to survive for generations. Early on, understanding and implementing local wisdom can be a cornerstone of people's lives, especially to counteract the influence of foreign cultures that are currently afflicting many young people. In this context, the values of a local community reflected in local literature and culture can sustain the nation's noble values [15].

Buton is one of the largest islands in the south/southeast of the Southeast Sulawesi peninsula. Since the beginning of the 14th century, Buton has become famous in the archipelago as an area under Majapahit's governance. It is as written by Mpu Prapanca in *Negarakertagama*. Other islands around it are Muna island, Kaba Ena island, Wowoni island and *Tukang Besi* or Wakatobi islands (pp. Fragrances, Kaledupa, Tomia, Binongko). The islands were later known to be under Buton's governance and influence. According to Ligtoel, the territory of the Sultanate of Buton includes the islands of Buton, covering Muna, Kabaena, and small islands around Buton and Muna, and Talaga. To the south are the *Tukang Besi* islands consisting of the islands of Wangi-Wangi or Wanci, Kaledupa, Tomia, Kapota, Langkesi, Binongko, and the areas of Poleang and Rumbia at the southwestern tip of the Southeast Sulawesi peninsula [16].

Sara Pataanguna is a set of laws meant to be the concept of value in Buton society. It consists of:

1. *Pomaa-maeka* means mutual disinclination and obedience. It is a sense of being afraid of offending others, afraid to take away or deprive others' rights. Then, from that feeling comes a devout attitude that there are limits that should not be passed in public life.

2. *Pomaa-maasiaka* means mutual love and affection. Mutual love and general love do not mean one's love for the opposite sex, but the love and affection here contain the meaning of unconditional love that is not driven by the lure of something. Love and affection are manifestations of God's nature in man.

3. *Poangka-angkataka* means prioritizing mutual respect and respect for fellow human beings. In the sight of Allah, man has the same degree; the only difference is worship and obedience to Allah.

4. *Popia-piara* means mutual care and protection. Mutual care and protection have a deep meaning that human beings who have the same degree have the right to be protected and safeguarded.

The above customary law is bound in one philosophy of *bhinci bhinciki kuli*. In this philosophy, society is reminded to "when you pinch your skin, you feel pain." Therefore, before doing anything painful to others, one must try it to himself. This philosophy derives from the belief that man is universal of the same degree before Allah. All mankind born into this world has the same feelings and rights as God's grace that must be respected and must not be violated by anyone. In short, *bhinci bhinciki kuli* philosophy is synonymous with "humanity and justice" [15].

The acculturation of Islamic sufism with local culture is evident in the articles and regulations, teachings, and values contained in *Martabat Tujuh*. In his article [5], it is said about the importance of social behavior called the *Amanat Yang Tujuh* (seven mandates). Furthermore, in his article [6], it is said that the seven mandates of the servant of God include: first, good deeds, which is the gift of God that is very important and the main thing that must be maintained. Second, it is a tool used to know the state of man and God. Third, *qudrah* (power) is used to perform physical and inner worship. Physical worship is devoted to the nation and the fatherland, while inner worship is devoted to God. Fourth, *iradah* (desire) is the attitude that brings mutual benefits improvements, both in the world and hereafter. Fifth, *sama* (hearing) used to listen to the commandments of Allah and His Messenger and to follow prohibitions. Sixth, *basarah* (vision) is the vision used to see something that benefits himself or others. Seventh is the *kalam* (word), which is to issue words that are beneficial to mankind.

The seven things included in the *Martabat Tujuh* are a form of acculturation of the teachings of the concept of the seven attributes of God in Sufism. *Martabat Tujuh* is affected by Islamic sufism. Even the name *Martabat Tujuh* is also acculturation of the teachings of sufism of Ibn Arabi. In his teachings, Ibn

Arabi divided human nature into seven levels of the realm, i.e., the *ahadiyah*, *wahdiyah*, *wahidiyah*, *spirit*, *mitsal*, *ijsam*, and human. In subsequent developments, La Elangi made Ibn Arabi's concept the constitution in Buton. He also made the seven realms of man a parable of Buton's governance. (1) *Martabat Ahadiyah* is likened as the *Tanailandu*, (2) The *Martabat Wahda* is likened as *Tapi-Tapi*. (3) *Martabat Wahidiyah* is likened to the *Kumbewaha* people. (4) *Martabat Arwah* is likened as a Sultan. (5) *Martabat Mitsal* is likened to *Sapati*. (6) *Martabat Ajsam* is likened to *kinepulu* and (7) *Martabat Insan Kamil* is likened as *kapitalao* and society.

One of the basic principles in the *Martabat Tujuh* is the principle of "equality" (*binci-binciki kuli*). This principle expresses the desire and ambition of the Buton people to live in the shade of a peaceful nation. Furthermore, *binci binciki kuli* as the basis of the humanity of the Buton community is affirmed based on four notions. Those are mutual disincline or fear of hurting others (*pamae maeka*), upholding each other's honor (*paangka angkata*), mutual love for each other (*maasika pomaation*), and mutual support (*popia piara*). *Binci binciki kuli* is also the manifestation of the contents of the Prophet's teaching on sufism, which is taken from the hadith "Whoever knows himself, will know his Lord."

The concept of *Martabat Tujuh* can be seen from socio-cultural and spiritual perspectives. In the socio-cultural perspective, the concept of *Martabat Tujuh* is pegged as the system that governs the social life of the Buton people, in this case as a law formally enacted in the 17th to late 19th century. Meanwhile, in the spiritual perspective, the concept is the foundation underlying all understanding and spiritual experience of the Buton community [17]. It is a series of the wisdom of honesty, transparency, law enforcement [18, 19].

In the Sultanate of Buton, an ideal leader should be an *Insan Kamil*. In the understanding of *tasawwuf falsafi*, Prophet Muhammad PBUH is the one who achieved this level, on top of all human beings and all His creatures, even other Prophets. The Qur'an says "*Laqad kaana lakum fii Rasulillahi uswatun hasanah*" (Indeed the Messenger of Allah is the best example for you). In the Sultanate of Buton, the behavior of prospective Sultan is observed not just during 1 or 2 years before nominating, but since infancy. The candidate of a sultan who comes from *Kamboru-mboru talu palena* or derivative (Bani) who deserves to be the Sultan is observed by the *Siolimbona*.

4. Conclusion

The Constitution of *Martabat Tujuh* of Sultanates of Buton has a philosophy of *Bhinci Bhinciki Kuli*, which fundamentally means that every human being if pinching his skin, feels pain, then so will others. This

wisdom follows one of the values of *Martabat Tujuh*, i.e., *bhinci bhinciki kuli*.

Sultan and Sio Limbona (executive and legislature) run the government with the principle of unity and equality. This cooperation is expected to create a peaceful and harmonious community. Therefore, before doing anything that hurts others, one must test it for himself. All mankind born into this world has the same feelings and human rights. As God's gift, it must be respected and must not be violated.

References

- [1] SALENG A., SALLE A., AREAS M., and INFORMATION C. The Synchronization of Legal Substance on the Arrangement of Spatial Planning of Coastal and Marine Areas. *Journal of Law, Policy and Globalization*, 2016, 1(31): 82–88. <https://iiste.org/Journals/index.php/JLPG/article/view/32037>
- [2] SANTOSO M. A. Perkembangan Konstitusi Di Indonesia. *Yustisia Jurnal Hukum*, 2013, 2(3): 118. <https://doi.org/10.20961/yustisia.v2i3.10168>
- [3] SALENG A. Penegakan Hukum dalam Era Reformasi. *Jurnal Hukum IUS QUIA IUSTUM*, 2004, 11(25): 149–157. <https://doi.org/10.20885/iustum.vol11.iss25.art12>
- [4] LEMBAGA PENELITIAN PENGABDIAN MASYARAKAT (LP2M) UNHAS. Asesmen Hak Kepemilikan Tanah Adat di Wilayah Konsesi PT. *Vale Kabupaten Luwu Timur*, 2020, 1(3): 4.
- [5] ZAHARI A. M. *Sejarah dan Adat fiy Darul Butuni*. Depdikbud, Jakarta, 1977.
- [6] ANCEAUX J. C. *Wolio Dictionary; Wolio-English-Indonesian*. Foris Publications, Dordrecht, 1987.
- [7] SCHOORL P. *Masyarakat, Sejarah, dan Budaya Buton*. Penerbit Jambatan, Jakarta, 2003.
- [8] RUDYANSYAH T. *Kekuasaan, Sejarah, dan Tindakan; Sebuah Kajian Tentang Lanskap Budaya*. Rajawali Pers, Jakarta, 2009.
- [9] TAHARA T. *Melawan Stereotipe; Etnografi, Reproduksi Identitas, dan Dinamika Masyarakat Katobengke Buton yang Terabaikan*. Kepustakaan Populer Gramedia, Jakarta, 2014.
- [10] ODE L., MUNAFI A., TAHARA T., TENRI A., DAYANA D., and ODE L. Pebula: Local wisdom of the Buton people considering the prevention and enforcement of corruption. *Jurnal Etnografi Indonesia*, 2020, 5(1): 67–78. <https://doi.org/10.31947/etnosia.v5i1.8559>
- [11] WAHID A. M. Y., BOHARI N., and ACHMAD A. Penegakan Hukum Lingkungan di Sektor Kehutanan (Studi Kawasan Hutan Lindung di Kabupaten Sinjai, Sulawesi Selatan). *Hasanuddin Law Review*, 2015, 1(1): 61. <https://doi.org/10.20956/halrev.v1n1.40>
- [12] MAHRUDIN M. Nilai-Nilai Hukum dalam Undang-Undang Martabat Tujuh Buton. *Al-'Adl*, 2015, 8(2): 123–139. <https://dx.doi.org/10.31332/aladl.v8i2.364>
- [13] HAFEL M., JAMIL J., UMASUGI M., and ANFAS. Collaborative Governance between Stakeholders in Local Resource Management in North Maluku. *Journal of Human University*, 2021, 48: 82–87. <http://jonuns.com/index.php/journal/article/view/541>
- [14] MUTAWALLY M. Kearifan lokal dan kerukunan antar umat beragama: kajian nilai-nilai falsafah Buton bhinci-bhinciki kuli). *Al-'Ibrah Journal of Studies Keislami*, 2018, 13(1): 155–156.
- [15] TENGGARA S., BUMI K., and ANDUONOHU T. Kearifan lokal pada kabanti masyarakat Buton dan relevansinya dengan pendidikan karakter. *El Harakah*, 2012, 14(2): 312–325. <https://ejournal.uin-malang.ac.id/index.php/infopub/article/view/2311>
- [16] ZUHDI S., & OHORELLA, G. A. *Keraj Un Tradisional Sulawesi Tenggara: Kesultanan Buton*. Departemen Pendidikan dan Kebudayaan RI, Jakarta, 1996. <https://lib.ui.ac.id/detail?id=20209331&lokasi=lokal>
- [17] MUHAMMAD ROY PURWANTO E. F., & SULARNO. Diseminasi Hasil-Hasil Penelitian Akulturasi Antara Budaya Lokal, Fiqh Dan Tasawuf Dalam Fakultas Ilmu Agama Islam, Universitas Islam Indonesia. *Proceedings of the Seminar Nasional seri 8*, 2018, pp. 202–214.
- [18] WAHID A. M. Y. *Aktualisasi Nilai-Nilai Hukum Kearifan Lokal Menuju Hukum Lingkungan Yang Responsif*. Pustaka Pena Press, Makassar, 2020.
- [19] UDU H., KEGURUAN F., and HALUOLEO U. Dalam Tradisi Lisan Kangkilo Masyarakat Buton. Pendahuluan globalisasi. Salah satu agenda reformasi adalah penegakkan kehidupan demokrasi. pluralis. Pengakuan akan adanya kebhinekaan masyarakat Indonesia untuk saling Indonesia terhadap lambang Bhine. *Proceedings of the Seminar Internasional Multikultural dan Globalisasi*, 2012, pp. 172–186.

参考文献:

- [1] SALENG A., SALLE A., AREAS M., 和 INFORMATION C. 沿海和海域空间规划安排的法律实质同步。法律、政策和全球化杂志, 2016, 1(31): 82–88. <https://iiste.org/Journals/index.php/JLPG/article/view/32037>
- [2] SANTOSO M. A. 印度尼西亚宪法的发展。尤斯蒂西亚法学杂志, 2013, 2(3): 118. <https://doi.org/10.20961/yustisia.v2i3.10168>
- [3] SALENG A. 改革时期的执法。法律杂志 对, 因为对, 2004, 11(25): 149–157. <https://doi.org/10.20885/iustum.vol11.iss25.art12>
- [4] LEMBAGA PENELITIAN PENGABDIAN MASYARAKAT (LP2M) UNHAS. 有限责任公司特许经营区的传统土地所有权评估。淡水河谷·东鲁武摄政区, 2020, 1(3): 4.
- [5] ZAHARI A. M. 达鲁布图尼的历史和习俗。雅加达教育和文化部, 1977.
- [6] ANCEAUX J. C. 沃里奥 词典; 沃里奥-英语-印度尼西亚语。福里斯 出版物, 多德雷赫特, 1987.
- [7] SCHOORL P. 纽扣社会、历史和文化。桥梁出版社·雅加达, 2003.
- [8] RUDYANSYAH T. 权力、历史和行动; 文化景观研究。鹰派, 雅加达, 2009.
- [9] TAHARA T. 反对刻板印象; 民族志、身份再生产和被忽视的布顿卡托本克社区的动态。语法 大众图书馆·雅加达, 2014.
- [10] ODE L., MUNAFI A., TAHARA T., TENRI A., DAYANA D., 和 ODE L.

- 佩布拉：布顿人在预防和执法方面的地方智慧。印度尼西亚民族志杂志, 2020, 5(1): 67-78, <https://doi.org/10.31947/etnosia.v5i1.8559>
- [11] WAHID A. M. Y., BOHARI N., 和 ACHMAD A. 林业部门环境法的执行 (南苏拉威西省辛杰县森林保护区研究) 。哈桑丁法律评论, 2015, 1(1): 61, <https://doi.org/10.20956/halrev.v1n1.40>
- [12] MAHRUDIN M. 七按钮尊严法中的法律价值。阿尔-阿德尔, 2015, 8(2): 123-139. <https://dx.doi.org/10.31332/aladl.v8i2.364>
- [13] HAFEL M., JAMIL J., UMASUGI M., 和 ANFAS. 北马鲁古地方资源管理利益相关者之间的协作治理。湖南大学学报, 2021, 48: 82-87. <http://joununs.com/index.php/journal/article/view/541>
- [14] MUTAWALLY M. 地方智慧与宗教间和谐：对巴顿宾奇宾奇基苦力哲学价值观的研究) 。易卜拉伊斯兰研究杂志, 2018, 13(1): 155-156.
- [15] TENGGARA S., BUMI K., 和 ANDUONOHU T. 布顿社区卡班蒂的地方智慧及其与品格教育的相关性。哈拉卡, 2012, 14(2): 312-325. [https://ejournal.uin-](https://ejournal.uin-malang.ac.id/index.php/infopub/article/view/2311)

[malang.ac.id/index.php/infopub/article/view/2311](https://ejournal.uin-malang.ac.id/index.php/infopub/article/view/2311)

- [16] ZUHDI S., 和 OHORELLA, G. A. 东南苏拉威西传统工艺品：布顿苏丹国。雅加达教育和文化部, 1996. <https://lib.ui.ac.id/detail?id=20209331&lokasi=lokal>
- [17] MUHAMMAD ROY PURWANTO E. F., 和 SULARNO. 在印度尼西亚伊斯兰大学伊斯兰研究学院传播当地文化、佛教和苏菲主义之间的文化适应研究成果。全国研讨会系列论文集 8, 2018, 页。202-214.
- [18] WAHID A. M. Y. 实现地方智慧法律价值走向响应式环境法。笔新闻图书馆·望加锡, 2020.
- [19] UDU H., KEGURUAN F., 和 HALUOLEO U. 在康基洛布顿协会的口头传统中。全球化导论。改革议程之一是实施民主生活。多元主义者。承认印度尼西亚人民的多样性，因为印度尼西亚相互尊重 Bhine 符号。多元文化与全球化国际研讨会论文集, 2012, pp. 172-186.