

THE IMPOSITION OF *GOGOLI* PENALTY AS AN EFFORT TO ERADICATE CORRUPTION BASED ON LOCAL WISDOM (A STUDY OF THE REIGN OF BUTON SULTANATE)

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ABSTRACT

Nowadays, Indonesia is undergoing a corruption problem unresolved. a variety of efforts to combat corruption a criminal offence has been committed, but not yet scrapped in law enforcement. as can be eradicated up to its roots, it is to be one of the barriers that were experienced by our law enforcement officers, the overthrow of criminal sanctions as deterrent effects do not cause against the corruptor, then should the overthrow criminal sanctions heavier again. As well as administering Gogoli penalty or death sentence applied in the Sultanate of Buton at the time of his reign, but in execution i.e. a rope twirled and drawn in a manner opposite direction until a dead, Surely the concept of the overthrow of the current criminal sanctions imposed during the reign of the Buton Sultanate. pose a deterrent effect and a structural officials have feelings of fear to commit irregularities such as corruption, then the author represents the hope that the punishment could be applied nationally Gogoli considering the criminal act corruption happens almost throughout the regions and regional officials who are often exposed to cases of criminal acts of corruption.

A. INTRODUCTION

Corruption has been worsening the condition of the state and displaying a bad image in the eyes of other countries. Some efforts to prevent and eradicate corruption have been made, but the crime still continues to happen. It seems that corruption has become a culture, as it occurs repeatedly. The culture adopted by corruptors is certainly not a culture derived from the customs prevailing in a community group, but a paradigm shift occurring to the individuals. The author believes that the customs that

have been valid for a long time never teach the members of community to commit corruption.

The sanctions applied to corruptor are clearly regulated in Law Number 31 Year 1999 Jo Law Number 20 Year 2001 regarding the Eradication of Corruption. Although law enforcement against corruption has been regulated, it has not caused a deterrent effect on the corruptors. And today, the condition is even getting worse and worse as the corruption viruses have spread in all levels of bureaucracy. Of course, no one wants it to continue to happen. It requires an extraordinary formulation that can solve the problem of corruption. Such a condition actually describes the national law imposed in Law Number 31 Year 1999 Jo Law Number 20 Year 2001 on the Eradication of Corruption, where the law still cannot guarantee the country clean and free from corruption

There should be the role of local wisdom in eradicating corruption, given that before the implementation of national law, each region must have had customary law applied in a community group. Customary law that has long been formed in the community was the outcome of an agreement to be applied by every member of the community, as happened in the Sultanate of Buton during the reign of the Buton Sultanate who imposed a *gogoli* penalty or death sentence against the person doing irregularities. The imposition of such criminal sanctions was caused, among others, by corruption act. Unfortunately, the sanctions have not been enforced since 1960, and the Buton Sultanate government decided to enforce the national law. And finally, the reign of the Buton Sultanate also ended.

So, through this paper, the author would like to bring back the system of imposition of customary criminal sanctions applied during the reign of Sultanate of Buton as an effort to find the concept of imposition of criminal sanctions against the increasingly rampant corruption.

Formulation of the Problem

Based on the background described above, this paper will discuss “The Imposition of *Gogoli* Penalty as an Effort to Eradicate Corruption Based on Local Wisdom (A Study of the Reign of Buton Sultanate). In this study, the author uses literature review method based on the perspective of the period the Sultanate of Buton.

B. LITERATURE REVIEW AND DISCUSSION

The Sultanate of Buton has a long history. It was established in the 14th century by one of the immigrants from the Malay Peninsula¹. Interestingly, long before Indonesia became independent country in 1945, the existence of Buton as a country had been written by Empu Prapanca (a writer from Mojopahit) in the Book of *Negarakertagama* in 1364 which stated that during that time Buton had established a relationship with the Majapahit Kingdom.² In running the power, the Sultanate of Buton had the balance distribution of authority between the two social layers in the social structure. The two layers are *kaomu* and *walaka*. *Kaomu* held the executive power and *walaka* held the legislative power. Meanwhile, *papara* layer was the community existing in their respective regions. In running the government, of course, there occurred dynamics and problems, such as arbitrary power and the power which was solely for the interests of individual or certain group. One of the irregularities perpetrated by the sultanate’s officials was the practice of corruption

Corruption is one of the biggest problems in Indonesia. There is still no formulation that can cope with such a crime. Although there have been many laws and regulations governing the criminal act of

¹ Zahari, A.M, 1978, *Sejarah dan Adat Fiy Butuuni*, Jakarta, Departemen Pendidikan dan Kebudayaan.

² Zuhdi, Susanto, 1997, *Kerajaan-Kerajaan Tradisional di Sulawesi Tenggara; Kesultanan Buton*, Depdikbud, Jakarta.

corruption, unfortunately they have not given a certainty that corruption can be prevented or eradicated to the root. This is the obstacle. Therefore, corruption is included in the category of extraordinary and unconventional crime. The sanction imposed on corruptors has not been able to provide deterrent effect and *ultimum remedium* or the last medication that can guarantee the corruption will never occur. Preventive and repressive measures should be done more seriously.

It takes serious attention in finding the formulation of the prevention and eradication of criminal acts of corruption. Viewing from the perspective of customary criminal law, the author would like take the application of *gogoli* penalty as a criminal sanction imposed on the court system of Buton Sultanate to fight against corruption occurring within the government of Buton Sultanate. Before stepping further, the author would first define the term of *gogoli*. The term *gogoli* is derived from the word “*gogo*” means tight. So the term “*gogoli*” means rope, tied with a rope strongly until it loses its endurance altogether.³ “*Kagogoli*” means trapping the neck. “*Gogoli*” is included in the category of capital punishment, or punishment by twisting a specially crafted rope to the neck of person from two opposing directions and then withdraw it.

The imposition of such sanctions was based on the violation of the provisions applicable in the court system of Buton Sultanate, such as religion values, moral values and custom values. Corruption is an act that belongs to the violation of the three values. The system of penal sanctions prevailing in the Buton Sultanate was a compilation of Islamic law and local customary law. Before becoming the Sultanate of Buton, the region had been a kingdom that did not enforce Islamic law in its court system. But since the arrival of Sheikh Abdul Wahid bin Syarif Sulaiman al-Fathani,

who came from Johor before coming to Buton, he spread the teachings of Islam until he finally met the kingdom of Buton which was led by King Halu Oleo. Briefly, the King embraced Islam and got the title of Sultan Murhum and became the first Sultan. From that time Islamic law was applied and changed from the kingdom to Sultanate. It is, therefore, not surprising that many of the sanctions applied in the Sultanate of Buton is a hallmark of Islamic law that almost the same applied in Arab. Regarding the imposition of criminal sanctions, there are various penalties:

- a. *Karimbi* (fine)
- b. *Pekamate* (death sentence)
- c. *Tatalima* (hand cut)
- d. *Kabebe Dara* (whipping or stoning)
- e. *Buso* (exile)
- f. *Dodobiwi* (hurt his /her lips)
- g. *Kabatua/Kasimbatua* (slavery)
- h. *Gogoli* (winding rope on the neck)

However, the author focuses on *gogoli* penalty in the imposition of criminal sanctions in the Buton Sultanate. The implementation of *gogoli* penalty⁴ is as follows:

1. The Implementation of *Gogoli* Penalty on the Criminal Act of Corruption in the Buton Sultanate

In the imposition of sanctions on *gogoli* penalty, it is necessary to explain the roles of the officials of the Sultanate Government :

1. Pangka (Central Government Officials)

1. Sultanate / Oputa
 - a. having sensitivity and concern toward the people.
 - b. becoming a guide and leader inside and outside the kingdom

³ Zahari, A.M, 1978, *Sejarah dan Adat Fiy Butuuni*, Jakarta, Departemen Pendidikan dan Kebudayaan.

⁴ Dikutip dalam Sri Andriani Askar, “*Gogoli, Tinjauan Hukum Pidana Dalam Sistem Kekuasaan Kesultanan Buton*”, 2010, Skripsi, p. 30-46.

- c. becoming the father of the people of Buton Sultanate
- d. holding up justice in the sense of improving according to or not according to custom origin aimed at the goodness of all.

2. Sapati

- a. Acting as *Aroana Sara*, that is, from legal wrongdoing or being fair to anyone no matter who they are, or even the Sultan
- b. *Dalango* means retaining or protecting the Sultan and the People
- c. *Salambi* means to strengthen all conclusions
- d. *Bararapu* means to affirm the talk that has become a decree
- e. *Menilik lidah neraca* means always to be fair
- f. *Menulik atas dua lautan* means the inner self then the people
- g. All consensuses must be held firmly and should not be changed by holding to the proposition, not to change the promise.

3. Kenepulu

Kenepulu serves as a *sapati* assistant, in addition to his main task of taking care of inheritance and stolen property. In principle, there are five litigation obligations: unmarried, property demanded by his children, property demanded by his grandchildren, property demanded by his great grandchildren, and stolen property.

4. Kapitaraja

There are two *Kapitaraja*. They are *Kapitaraja Matanaeyo* and *Kapitaraja Sukanaeyo*.

Kapitaraja is the head of royal army called "*Kampanyia Patanguna*". *Kapitaraja* only recognizes receiving orders once in a task to secure a mess.

5. Bonto Ogena

- a. There are two *Bonto Ogena*. They are *Bonto Ogena Matanaeyo* and *Ogena Sukanaeyo*
- b. *Bonto Ogena* due to custom is as a concubine of *sapati*
- c. *Bonto Ogena* is also as one of the swords of the Papara people.
- d. *Bonto Ogena* is the inner sultan of the Papara people.
- f. *Bonto Ogena* is to master the Papara people.
- g. *Bonto Ogena* dinamai juga "*Tolowiwi dari sapati*" maksudnya pelanggaran yang dibuat oleh *sapati*, *Bonto Ogenalah* yang menentanginya menurut adat dan bila perlu ditiadaki.
- g. *Bonto Ogena* is also called "*Tolowiwi dari sapati*" meaning the offense made by *sapati*. *Bonto Ogenalah* who opposed him according to custom and if necessary it is omitted.
- h. *Bonto Ogena* shall be liable for the following eight articles which are under his control and responsibility as follows:
 - 1. *Weti* or tax is the offering of the people in the form of the land.
 - 2. *Bante* also comes from the land of the people.
 - 3. *Kabutu* is the results of land offered by the people.
 - 4. *Pomua* is also the result of the land offered by the

people.

5. *Kahoti Mamata* is also the result of land offered by the people.
6. *Polanggana Kampua* is market and currency of the kingdom made of woven cotton.
7. *Kalonggana Paparay* is aid of the people at a simple party held by the sultan in the form of the plantation and when large parties are accompanied by money.
8. *O-AbaTee Posangaartinya* is to ask permission.

6. **Siliombona**

Siliombona has the following tasks:

- a. Having a relationship with the ten sultans who come from the same family.
- b. Knowing the nobility of the three different *komboru-mboru*.
- c. Knowing all the problems of the great people of the Sultanate (rank)
- d. Knowing *Pulanga Kaumu Walaka* and the Noble.
- e. Recognize both small and big errors.
- f. Knowing *Matalapu*.
- g. Knowing the provisions of the Shari'a.
- h. Be entitled to reprimand and advise the people who violate the custom.
- i. Siolimbona is a cleric in terms of Buton and becomes a leader in Customs.
- j. Siolimbona must know the basics of the release

and appointment of the sultanate's employees.

- k. Siolimbona must know the basics of justice and *kadie*.
- l. Siolimbona is also called waiting from the *kadie* headed.
- m. Siolimbona must know all the talks with all the sultans and other sultanate officials.
- n. Minister of *Peropa* and Minister of *Baluwu* is obliged to know the obligations of the 12 Sultans.
- o. Minister *Peropa* and Minister *Baluwu* is also in *manggedaina laki wolio custom*, because of his close relationship with the Sultan.
- p. Siolimbona must know the origin of the nobility of *walaka*

In the Buton Sultanate government, there was a division of powers, such as the executive, legislative, and even judicative. So, long before joining the Unitary State of the Republic of Indonesia, the Buton Sultanate had applied the division system, so that the Sultan did not run the government authoritatively and there were mutual supervision between agencies and the creation of check and balances. If there was a problem or dispute, the Sultanate of Buton had a judicial system that could be taken by every person who settled within the scope of the Sultanate of Buton. For example, when there is a criminal act, the one who will be a prosecutor is *Sapati* who certainly has the duty to prosecute all charges either to the Sultan or to ordinary people. Whether finding the case information or not, it depends on *Bonto* (Minister) *Ogena Inuncana* and *Bonto*

(Minister) *Kanjawari* or directly seen with his own eyes. The determination was based on four components that would be the basis in the case to be handled by the functionary institutions, such as: having the nature of togetherness, not leading to religious-magical values, the law of Buton Sultanate was covered by the mind of concrete structuring, and the law of the Sultanate had a visual nature.

The procedure of execution of *Gogoli* penalty on Sultanate of Buton is as follows:

- The determination of the place and time of the implementation of *gogoli* was set at a plenary meeting attended by all members of the council of ministers, *pangka*, defendants and other invitees.
- The *Gogoli* penalty imposed on the basis of a decision of a plenary session was attended by all members of the council of ministers, *pangka*, defendants and other invitees. And the plenary session was held at the Hall or called Baruga.
- *Kompanyia Pataanguna* (as the executor of the verdict) would execute in time and place according to what had been mandated in the meeting.
- *Kompanyia Pataanguna* was responsible for the security and order during the execution of *Gogoli* penalty.
- *Dewan Sara* provided the equipment for the execution of the death penalty.
- The equipment used by *Kompanyia Pataanguna* to execute the dead was a rope made especially of a string called *Rabuta*.
- If the convicted wished to deliver a word or two, the message could be delivered during a meeting at Baruga or at the execution time the convicted wanted to convey something then

it had to go through *Kompanyia Pataanguna* and be followed up to his or her destination..

- The convicted was taken to the place of *gogoli* execution with sufficient escort.
- After the execution of the *gogoli* penalty that resulting in the death of the convicted, execution officers or others who had been prepared by *Dewan Sara* would responsible for the burial. But if the family of the convicted wanted to do it, it would also be allowed.

This is the mechanism in the execution of *gogoli* penalty prevailing in the glorious era of the Sultanate of Buton. It is necessary to understand that the law enforcement in the Sultanate of Buton is always fair. In the eyes of the law, everyone is the same, both officials and ordinary people. Those who commit crime will get punishment in accordance with the rules applicable to the Buton Sultanate. "With respect to just law enforcement, do not distinguish the kind of punishment imposed to the convicted, whether they are courageous, noble, your acquaintance or your child."⁵

C. CLOSING

Gogoli penalty, as a criminal sanction during the reign of the Buton Sultanate, was not necessarily imposed to everyone, but to the officials or those who had structural position, given that in carrying out the duties, there were many leaders or structural subordinates who performed acts that deviate from the values of decency living in the community, such as corruption crime.

Therefore, if such a crime happens, it will take a proper penalty, since the person committing the crime is a government official

⁵ Niampe, *Undang-Undang Buton Versi Muhammad Idrus Kaimuddin*, FKIP UNHALU, 2009, p. 87

who should be a role model for the community. And *gogoli* penalty is an effective punishment.

Criminal sanctions imposed on corruptors must have not only a deterrent effect in order that such a deed will not happen again, but also the fear so that a person who wants to commit corruption will be afraid. The enactment of *gogoli* penalty should not only be limited to the environment of the Buton Sultanate, but also nationally, since corruption has become an extraordinary problem faced by Indonesia which until now has not been resolved and its condition is even getting worse. It is time for the government to seek formulation of appropriate criminal sanctions based on local wisdom to combat corruption in Indonesia.

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