PRINCIPLES OF KALOSARA ADAT LAW OF INDIGENOUS PEOPLE IN TOLAKI TRIBES AS A BASIS FOR AN ALTERNATIVE DISPUTE SETTLEMENT

ABSTRACT

The research, furthermore, aims to find disputes resolution model of indigenous people in Tolaki tribes. Several approach has been applied in this research namely conceptual, statute, case and historical approaches.
The results concluded that adat law principle of Kalosara, unity of indigenous people of Tolaki tribes. Lays on the proverb "inae Kosara iye pinesara, inae lia sara iye pinekasarai" within this word contain several legal principles, equality before the law and punishment principle. Moreover there are principles of adat law Kalosara through court decisions such as principle of no double imposition of criminal punishment, the principle of building a joint participation between perpetrators, victim and groups of community, Principles to push perpetrators responsible to the victims regarding injury or loss and building responsibility for not repeating criminal action that has been conducted.

Meanwhile the principle of adat law Kalosara which lays on the decision of Tolaki adat institute on the dispute settlement mechanism are good faith, humanity and respect to human dignity, principles as well as unity, harmony and legal certainty, principles to warrants implementation the decision of Tolaki adat institution.

Dispute settlement mechanisms through Tolaki adat institution are negotiation, mediation and adat court. Meanwhile dispute settlement model through adat institution is the model of Hybrid Justice system as harmonization model from legal values in Indonesia, which consists of mandatory mediation against criminal adat case and privat case. Other models in the disputes settlement through adat institution of Tolaki are the implementation of good faith all parties, while giving the adat sanction both on criminal adat case and privat case.

Keywords: Principle of Kalosara adat law, Alternative dispute resolution, Justice.

DAFTAR ISI

HALAMAN JUDUL............................................................................................................. ii
HALAMAN PROMOTOR DAN KO PROMOTOR................................................. iii
LEMBAR PENGESAHAN........................................................................................ iv
UCAPAN TERIMA KASIH....................................................................................... v