

## Between Local Wisdom and the Flow of Modernization: Legal Protection for the Mapalus Culture of the Tolour Tribe Amidst Social Change

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### ABSTRACT

This study examines the interaction between social change driven by modernization and the weaknesses of the legal framework for preserving the Mapalus culture of the Tolour tribe in Minahasa. Using a juridical-sociological approach with a qualitative method, this research analyzes how the Mapalus tradition is transforming while simultaneously identifying gaps in its protection. The social analysis reveals that modernization, particularly through mechanical technology, has altered Mapalus practices. This change is driven by the community's rational choices for efficiency, yet it triggers serious challenges, such as declining participation among the younger generation. From the legal analysis, a significant protection vacuum was found. Although a national legal framework exists through Law No. 5 of 2017 concerning the Advancement of Culture, the lack of implementation at the local level—specifically the absence of an established Principal Framework of Regional Culture in Minahasa Regency—leaves this tradition vulnerable. This research concludes that the preservation of Mapalus demands a proactive solution in the form of preventive legal protection through the integration of this tradition into the regional cultural framework.

**Keywords:** Mapalus, Tolour Tribe, Social Change, Legal Protection

### INTRODUCTION

The currents of globalization and modernization present both challenges and opportunities for nations worldwide to reaffirm their identities. For Indonesia, this identity is partly reflected in its diverse treasury of local wisdom. Local wisdom serves as essential social capital, and its most universal manifestation is the principle of gotong royong (mutual cooperation). As a concept, gotong royong transcends the literal meaning of unpaid work; it is a value system embodying reciprocity, empathy, and collective responsibility that strengthens the social order and defines the nation's character.

Among the various practices of mutual cooperation in the archipelago, the Mapalus tradition of the Tolour tribe in Minahasa stands out for its philosophical depth and organized structure. Mapalus is the embodiment of the life philosophy "Si Tou Timou Tumou Tou," (Fitria Yusrifa, 2020) which means "man lives to give life to others." This philosophy is translated into an organized system of communal work, where each individual is bound in a cycle of social rights and obligations, ensuring that no one faces life's burdens alone, in times of both joy and sorrow.

Although Mapalus has long endured historically, its existence is now threatened by the impacts of modernization. Fundamental social changes are eroding its core values. A practical, economic mindset is beginning to displace social bonds, where a wage-based system is often considered more advantageous than the commitment-

driven mutual cooperation. Furthermore, the strengthening of individualistic perspectives is shifting the perception of Mapalus from a communal honor and duty to a mere burden.

Ironically, amidst this threat of erosion, a legal paradox exists. Normatively, the 1945 Constitution of the Republic of Indonesia, through Article 18B paragraph (2), explicitly grants recognition and respect to customary law communities and their traditional rights. This recognition is reinforced by various subordinate laws and regulations. However, this constitutional guarantee often fails to translate into effective protection mechanisms at the implementation level. Consequently, a significant gap emerges between formal legal recognition (law in books) and the harsh reality faced by the community (law in action), placing local wisdom like Mapalus in a vulnerable position: recognized *de jure*, but neglected *de facto*.

Based on this identified gap, this research is both important and relevant. Its objective is to critically examine the interplay between social change and the weaknesses of the legal framework in the context of preserving the Mapalus culture of the Tolour tribe. More than just an academic study, its urgency lies in the effort to offer concrete solutions. This research is expected to contribute to the discourse on how law can proactively serve as a tool of social engineering to revitalize local wisdom amidst the challenges of globalization.

## **METHOD**

This study employs a juridical-sociological (socio-legal) approach. The socio-legal approach situates the law in relation to people and society as its subjects. (Chairul Huda, 2021) This perspective analyzes not only legal norms (law in books) but also how these laws function—or fail to function—within social reality (law in action). The research is qualitative in nature, designed as a case study focusing on the Tolour community in Masarang Village, Minahasa Regency.

Data was sourced from both primary and secondary channels. Primary data was collected through observation and in-depth interviews with key informants, including community leaders, village government officials (Hukum Tua), elders still active in Mapalus, and representatives of the younger generation. Secondary data was gathered through a literature review of books, scholarly journals, and previous research on Mapalus culture, the Tolour tribe, and social change in Minahasa. Furthermore, a document analysis was conducted on relevant legislation, including Law No. 5 of 2017 concerning the Advancement of Culture and any Regional Regulations (Perda) of Minahasa Regency related to Mapalus culture.

Upon data collection, a qualitative analysis was performed, focusing on interpreting the meaning derived from the data. The thematic analysis technique was utilized to identify emergent themes, which were then organized to understand the values, patterns, and dynamics of the Mapalus culture within the Tolour community.

## **RESULTS AND DISCUSSION**

### **A. Analysis of Social Change: The Impact of Modernization on Mapalus**

Historically, Mapalus was the backbone of the agrarian and subsistence economy of the Tolour people, flourishing long before the market economy significantly influenced their social lives. Initially, the practice centered on agricultural activities, from land clearing to harvesting, with the aim of easing labor through collective effort. This work system was not based on material wages but on the principle of cooperation, where participants received only food and enjoyed a sense of togetherness as their reward. Its scope began within the family and later expanded to include neighbors. In agricultural mapalus, members of the group worked without complaint and joyfully carried out their tasks to completion. The principles of togetherness, mutual respect, and mutual esteem lightened the work, with clear implications for the community members involved.

As stated by Jetty Rempen, the head of the Minewangun farmers' group:

"Farm Mapalus was first formed within the family to lighten the work in the fields. If done together, the work is finished quickly, and we can move to another family's field. Today, mapalus membership is not just limited to family members but extends beyond the family circle."

In practice, the community used very simple tools like hoes and would head to the fields as early as 5:00 AM, traveling on foot or by ox-cart. The foundation of this entire system was a unified goal of achieving collective welfare and prosperity.

According to Denny Surentu (2022), a significant shift has occurred in the cultivation of agricultural land such as lepo (rice paddies) and uma (fields). Whereas these activities previously relied on a large human workforce with manual tools like hoes, making the process slow, mechanization has now taken over. The introduction of advanced technology, namely tractors for plowing, has proven highly effective, drastically reducing both the time required and the need for labor.

Interview results indicate that the Mapalus system is recognized as highly beneficial by the farmer groups of the Tolour community. The integration of modern technology, such as tractors for land preparation, has significantly increased efficiency, making the work lighter and faster. This time-effectiveness has proven capable of completing land cultivation more rapidly.

An analysis of social change in Mapalus culture must begin by identifying its primary trigger: mechanical technology. Research findings unequivocally show that the central factor causing the shift in the Mapalus work culture is the advancement of science and technology, particularly the invention of agricultural machinery. The adoption of technologies like tractors and grass-cutting machines has directly replaced traditional tools such as hoes. This transition from human power to machine power is the catalyst that has triggered a series of other changes in the work patterns of the Tolour sub-ethnic farming community.

This phenomenon is analyzed in depth through the lens of Technological Determinism Theory. This theory posits that technology is not merely a neutral tool but a dominant force that actively shapes social structures, work patterns, and cultural values. Veblen and Lenin argued that technology is an independent entity that influences the formation of new types of societies. This means technology is a determinant of social transformation; society changes as technology changes. (Ferdinandus Jehalut, 2023)

In the context of Mapalus, the introduction of tractors and other farm machinery was not just an option but a force that deterministically altered reality. This new technology directly redefined work methods, which in turn triggered a chain of effects, including shifts in working hours, the emergence of new operational costs, and changes in the intensity of social interaction in mutual cooperation. From this perspective, the change in Mapalus culture was not merely a choice but an almost inevitable consequence of the technological revolution entering the lives of the Tolour people.

The most direct impact of this mechanization is a drastic increase in work efficiency. The use of machinery significantly speeds up land cultivation and saves labor. For example, a task that previously took up to six hours with a hoe can now be completed in just one hour with a grass-cutting machine. This efficiency gain even allows two or three members of a Mapalus group to complete their work turns on their respective lands in a single day. Consequently, there has been a tangible change in practical work patterns, with the starting time shifting from as early as 5:00 AM to a later time, around 7:00 or 8:00 AM.

This change at the technical level has led to broader socio-economic shifts. On one hand, modernization has introduced new operational costs that did not exist before, namely expenses for fuel like gasoline and oil for the machines. On the other hand, because work can be completed faster and with fewer people, the overall intensity of gotong royong (working together) has decreased. The most serious threat to the sustainability of this tradition is the phenomenon of younger generations being less interested in joining Mapalus groups, preferring other types of employment, which could lead to a shortage of agricultural labor in the future.

The investigation must go beyond simply describing the facts of change and delve deeper to answer the fundamental question of the motivation behind individual farmers' decisions to adopt technology and modify Mapalus practices. A relevant explanatory framework is found in Rational Choice Theory. Pioneered by sociologist Adam Smith in his book *An Inquiry into the Nature and Causes of the Wealth of Nations*, this theory describes humans as rational actors with self-interests. (Astri M Fadzli et al, 2023) The idea was further developed by Cornish and Clarke (1987), who stated that humans act consciously, influenced by values and choices. A rational choice is considered one that is appropriate and can achieve outcomes consistent with personal objectives. The essence of rational choice is that individuals will act in their own best interest given their circumstances. (Dian Syafira, 2020) This theory postulates that individual behavior reflects consciously and logically made choices aimed at maximizing utility, whether in the form of material gain or increased efficiency.

In the context of the Tolour farming community, the decision to adopt tractors and abandon hoes is a classic rational act. The research findings show that this choice was driven by the goal of achieving maximum work efficiency. The use of machinery proved highly effective in saving labor and speeding up work. With shorter working hours, farmers can cultivate more land or allocate time to other productive activities. Moreover, this choice also reflects a shift in mindset from traditionalism to pragmatism. There is an awareness that if they do not adapt to new ways of working, they will be left behind. Thus, Rational Choice Theory confirms that farmers are not passive recipients of change forced by modernization. Instead, they are active agents who consciously calculate, weigh costs and benefits, and make decisions they deem most advantageous to achieve their goals. From this viewpoint, the change in Mapalus culture is the cumulative result of millions of rational decisions made by individuals.

The analysis cannot stop at the individual level. The next question is: what structural forces provide these new choices to the farmers? If farmers are making rational choices, they are selecting from a set of available options. This is where Technological Determinism Theory provides a powerful explanation as the driving force behind these choices. This theory argues that technology is the primary agent of change that fundamentally shapes society. According to thinkers like Marshall McLuhan, the technology itself is "the message," altering patterns of human

interaction. This means the presence of new technology is more important than the content it carries. In the case of Mapalus, the presence of mechanical technology acts as the primary deterministic force. Tractors, motorcycles, and access to information through modern communication are not just neutral tools; they are "messages" of efficiency, speed, and individualism entering the social system of the Tolour community. This technology actively "forces" the social system to adapt. It deterministically creates conditions where traditional communal work patterns become less relevant and efficient compared to mechanized ones. Changes in working hours, the emergence of new operational costs, and even shifts in social dependency are direct consequences determined by the characteristics of the newly adopted technology.

Essentially, a comprehensive understanding of the transformation of Mapalus culture is achieved when these two theories are viewed synergistically, not in opposition. The role of Technological Determinism Theory is to explain how technological progress introduces a new set of possibilities into the social order of the Tolour tribe. Technology effectively creates a different framework of opportunities. Subsequently, Rational Choice Theory explains why farmers, after calculation, consciously choose these new paths, which are deemed faster, easier, and more profitable for achieving their goals. Therefore, the change in Mapalus is the result of a dynamic interaction between the structural force of technology providing new possibilities and the agency of individuals who rationally exploit those possibilities.

Based on this analysis, the social change in Mapalus culture is fundamentally driven by modernization, particularly through the advancement of mechanical technology. This transformation is more than a mere shift in tools; it is a complex process understood through two complementary forces. On one hand, technological determinism explains how the presence of new technology structurally creates a new reality and new choices for the community. On the other hand, rational choice theory highlights the role of farmers as active agents who consciously choose technology for efficiency and to avoid being left behind. The impact of this interaction is twofold and paradoxical: while modernization introduces serious challenges like declining youth participation and the erosion of mutual cooperation intensity, it simultaneously strengthens the bonds of togetherness and solidarity among the remaining active members. Thus, Mapalus is not disappearing but is transforming, adapting to the demands of the times while striving to maintain its core social values.

## **B. Analysis of Legal Protection: Effectiveness and Limitation**

Mapalus is a tradition deeply rooted in the rural communities of Minahasa. Initially born and developed in the context of agriculture, its application has over time expanded to encompass various other socio-cultural fields. The mountainous topography of Minahasa has made agriculture the main livelihood for the majority of its population. To manage farmland in such a landscape, the community has historically relied on the Mapalus system of cooperation. Mapalus first developed in agriculture to facilitate work through togetherness among family members and the surrounding community. (Sondakh, L.W, 1995)

Minahasa Regency is an autonomous region with a governmental structure that functions to regulate various aspects and sectors for the continuity of life in the Minahasa land. (Alfrets Rivo Singkoh, Rieneke. L. E. Sela, 2013) It is a large and expansive territory inhabited by nine sub-ethnic groups of the indigenous Minahasa people. The Tolour tribe is one of these indigenous sub-ethnicities.

Currently, the practice of Mapalus is at risk of disappearing due to the minimal participation of the younger generation, who prefer employment outside the agricultural sector, threatening the future availability of a workforce. In Minahasa Regency, there is currently no regional regulation that recognizes and protects the Mapalus tradition.

The Mapalus tradition is closely related to Indonesian Law No. 5 of 2017 concerning the Advancement of Culture. As Mapalus is a tradition of the Tolour indigenous people, it aligns with Article 5 letter (c) of this law. The elucidation of Article 5 letter (c) defines "customs and traditions" as practices based on specific values, conducted continuously by a community group, and passed down to the next generation, including, among others, environmental governance and dispute resolution methods.

Article 8 of Law No. 5 of 2017 states that the Advancement of Culture is guided by:

- a. The Principal Framework of Regional Culture for the regency/city;
- b. The Principal Framework of Regional Culture for the province;
- c. The National Cultural Strategy; and
- d. The Master Plan for the Advancement of Culture.

Article 11 paragraph (1) of the same law stipulates that the preparation of the Principal Framework of Regional Culture for a regency/city is to be carried out by the Regional Government with public involvement through experts who have competence and credibility in the Objects of Cultural Advancement in that regency/city. This framework is to be established by a Regent's/Mayor's Decree. At present, a Principal Framework of Regional Culture for Minahasa Regency has not been established.

Legal protection aims to integrate and coordinate various interests within society, as protecting a specific interest can only be achieved by limiting other competing interests. (Aldy Yohanes Manueke et al, 2023)

Philipus M. Hadjon emphasizes legal protection as a principle that must ensure individual rights are recognized and protected. (Kornelis Antonius Ada Bediona, 2024) He distinguishes between two types of state-provided legal protection:

a. Preventive Legal Protection: Protection provided by the government to prevent violations before they occur. This is embodied in legislation aimed at preventing infringements and providing guidelines or limitations in carrying out obligations.

b. Repressive Legal Protection: This is a final form of protection consisting of sanctions such as fines, imprisonment, and additional penalties, which are imposed after a dispute has arisen or a violation has been committed.

Setiono argues that legal protection is an action or effort to protect the public from arbitrary actions by authorities that are not in accordance with legal rules, in order to create order and peace, thereby enabling humans to enjoy their dignity as human beings. (Aldy Yohanes Manueke et al, 2024)

Currently, although Law No. 5 of 2017 concerning the Advancement of Culture regulates the promotion of culture, in reality, the Mapalus tradition of the Tolour indigenous community has not received protection due to the absence of governing government regulations. The author proposes a solution based on the theory of preventive legal protection: to include the Mapalus tradition, which constitutes the customs of the Tolour people as per Article 5 letter (c) of Law No. 5 of 2017, into the Principal Framework of Regional Culture for Minahasa Regency. The community and the Minahasa regency government must act proactively to preserve the Mapalus tradition. This preventive legal protection would serve as a foundation to ensure that the Mapalus tradition, as a custom of the Tolour indigenous community, can be preserved and enjoyed by future generations, which is a right of customary law communities, namely the preservation of their culture. With this protection, it becomes an integral part of preventing the future disappearance of the Mapalus tradition over time.

## CONCLUSION

Conclusion contains a description that should answer the problem(s) raised and answer the objectives of research. Provide a clear and concise conclusion. Do not repeat the Abstract or simply describe the results of the research. Give a clear explanation regarding the possible application and/or suggestions related to the research findings.

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