

## The Role of Traditional Institutions in Resolving Household Conflicts (Case Study in the Customary Institutions of the North Bureaubuli Village)

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### ABSTRACT

This study discusses the role of traditional institutions in resolving household conflicts with case studies in traditional institutions in the North Birobuli Village, South Palu District, Palu City. This research is limited by two problems, namely, first, what is the role of customary institutions in the process of resolving household conflicts? second, how is the mediation mechanism carried out by the adat institution of the Birobuli Utara Village in resolving household conflicts?

The research uses a qualitative method with a descriptive approach, because this method is the right method for examining the status of a human group, an object, or an event that is happening now using data collection techniques such as observation, in-depth interviews and documentation.

The results of this study indicate that the North Birobuli traditional institution carries out its role in the community well, and always upholds the values that live and develop in the Kaili tribal community. So that traditional institutions always strive so that husbands and wives in conflict do not end in divorce, and do not break the kinship of two people who are in conflict in the contents of the decision. Furthermore, the mechanism used by traditional institutions in resolving household conflicts begins with receiving reports, then proceeding with asking for information to lose (victims) quickly determines the time and place to carry out the potangara nuada (traditional session), then the trial process, two parties are brought together to be heard explanations and statements, after which the results of the trial were decided by upholding the values that live and develop in the Kaili community.

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### 1. Introduction

Marriage is a sunnatullah created by Allah SWT with the aim of creating peace, tranquility and happiness in life and fostering a sense of affection, especially between husband and wife. (Hamid Sarong, 2006) Law of the Republic of Indonesia Number 1 of 1974 concerning marriage defines marriage as: "Marriage is a physical and spiritual bond between husband and wife with the aim of forming a happy and eternal family (household) based on Belief in the One Supreme God. (Law No. 1 of 1994 concerning Marriage).

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In fact, in everyday life in the household, problems are also not spared, both small problems and big problems. For small problems, both parties are required to solve them with a clear mind for the future. But for big problems or it is said that conflicts are happening continuously where both parties feel that they can no longer live together. If Islam does not provide a way to divorce for husband and wife, it will be dangerous for both partners and even bad for the children. Precisely that the last and best way to be taken is divorce. (Zainnudin Ali, 2002)

Divorce is a situation where a husband and wife have experienced a physical and spiritual discrepancy and resulted in the breaking of a marriage bond through a court decision. Regarding the issue of breaking up a marriage, or divorce, it is regulated in Articles 38 to 41 of the Marriage Law. (Agustin Hanafi, 2014)

Islamic law, regarding this problem, provides a way out for each husband and wife to be resolved by a peacemaker (hakam) from among each family. This is regulated in Q.S An-Nisa Translated:

And if you are worried that there will be a dispute between the two, then send a judge from the male family and a judge from the female family. If the two hakam people intend to make improvements, surely Allah will give taufik to the husband and wife. Verily, Allah is All-Knowing, All-Knowing.

What is meant by the Hakam (peacemaker) in household matters should be one from the husband's family and one from the wife's family, and may be from other people. The judge's task is to find out the problems of disputes that occur and their causes, then try to reconcile the two. If the efforts of the hakam (peacemaker) from the husband's or wife's families are not successful, then this can be done by appointing a hakam (peacemaker) from outside, such as a traditional institution. Customary institutions not only function as organizers of government activities but are also responsible for resolving or reconciling household problems that occur in their jurisdiction.

Indonesian society actually has long been practicing household conflict resolution similar to mediation, namely by way of peace, the mediator is a person or group of elders in the environment who are considered capable and capable of resolving the conflict. Customary law enforcers are traditional leaders who are highly respected leaders and have great influence within indigenous peoples to maintain the integrity of social life. The term "Customary Court" or "Customary Institution" is not very commonly used by the community in resolving divorce cases. However, peace and balance is the ultimate estuary of traditional institutions that handle cases of domestic conflict.

In Palu City Regional Regulation No. 9 of 2016 concerning Kaili Traditional Institutions, although it does not explicitly regulate household conflict resolution, substantially, there are a number of articles that link the role and existence of traditional institutions in social conflict resolution, one of which is household conflict. In efforts to make peace and resolve all social conflicts, including household conflicts, the Kaili customary institution adheres to the principle of amicable consensus deliberation. From this description, the author is interested in conducting research on "The Role of Traditional Institutions in Resolving Household Conflicts (Case Study in the Customary Institutions of North Birobuli Village)".

## **2. Literature Review**

### **2.1 The Role of Custom Institutions**

In the Big Indonesian Dictionary, the role is a performer, or a set of behavior that is expected to be possessed by people who are in society. (Ministry of National Education, 2011), what is meant by role here is the form of a series of behaviors expected of someone in a certain status that is caused by a certain position.

Traditional institutions are combined from two words, namely the words institution and adat. According to the Big Indonesian Dictionary, the word "institution" is a body (organization) whose purpose is to carry out a business and the word "adat" is a rule that has been commonly followed or carried out since ancient times. Means that customary institutions are bodies (organizations) whose purpose is to do business, everything should be done according to custom. (Ministry of National Education, 2011).

What is meant by customary institutions here is a community organization or agency formed to organize community activities and organize and manage and can even resolve matters related to custom. The traditional institutions

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referred to by this author are limited to the customary institutions of the North Birobuli Village. Referring to the above understanding, it can be stated that the role of traditional institutions here is a series of behaviors expected by an organization/agency formed to carry out community activities and regulate and even solve problems related to adat. According to the Regulation of the Minister of Home Affairs No. 5 of 2007 concerning Guidelines for the Arrangement of Community Institutions, customary institutions are social institutions that are either deliberately formed or that have naturally grown and developed in the history of society or in a certain customary law community with jurisdiction and rights to assets in said customary law, as well as having the right and authority to regulate, manage, and resolve various life problems related to and referring to applicable customs and customary laws. (Regulation of the Minister of Home Affairs No. 5 of 2007 concerning Guidelines for the Arrangement of Social Institutions).

According to Palu City Regional Regulation No. 2 of 2010 concerning Kelurahan Community Institutions, customary institutions are social institutions that either intentionally or naturally have grown and developed in the history of society or in a customary law community, and have the right and authority to regulate, manage and resolve various life problems that relating to and referring to the customs and customary laws that apply. (Palu City Regional Regulation No. 2 of 2010 Concerning Village Community Institutions).

According to Palu City Regional Regulation No. 9 of 2016 concerning Kaili customary institutions, customary institutions are social institutions that protect, guard, maintain and preserve and carry out adat in the sub-district area. ("Palu City Regional Regulation No. 9 of 2016 concerning Kaili customary institutions".)

From the several definitions of customary institutions above, the author can conclude that a customary institution is a social institution created and run by indigenous peoples in a certain area, which aims to assist the government in introducing, preserving, developing and implementing applicable customary law for the sake of preserving customs, ancestral heritage and also to create harmonious, orderly and conducive conditions in social life.

## 2.2 Household Conflict

The family is the source of success in building a human civilization. Management of family problems depends on a shared commitment between family members, namely, husband, wife and children, even grandchildren and the family of the husband and the family of the wife are family elements that are a source of family quality development. Not a few families lose harmony and end in division, up to divorce. Many factors lead to conflict leading to divorce, the impact on children and child custody. In the end, children become victims of family conflicts that cannot be managed properly.

Conflict is the topic of this research because humans and conflict are two inseparable things. Since birth conflict has existed and will continue to take root in human life. Related to the conflict that occurs, humans need correct and upright guidance. As servants of Allah who believe in Him, humans should be sure that the Qur'an which is the straight guide for humans (hudan li al-nas) will provide guidance.

Conflicts within the household can occur due to oppositional behavior or disagreement between family members. The prevalence of conflict in the family is sibling conflict, parent-child conflict and partner conflict respectively. However, other types of conflict can also arise, for example between in-laws and in-laws, with in-laws, with uncles, with aunts or even with fellow in-laws or in-laws. (Husain, 1992).

In everyday life, family life is always colored by various kinds of problems that end in conflict and cause divorce. Fostering a household towards a *sakinah* family is certainly not as easy as imagined. A *sakinah* family does not mean a family without problems, but rather the skills to manage the conflicts within it. (Abdullah Gymnastiar, 2002)  
A *sakinah* family will be realized if the balance of rights and obligations becomes the ethical foundation that regulates the relationship between husband and wife in daily life. (Mufidah, 2008)

## 2.3 Factors Causing Conflict in the Household

Conflicts that occur in the household do not just happen but there must be a cause. Some sources of marital conflict include, A mismatch in one another's needs and expectations, Difficulty accepting real differences (customs, needs,

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opinions, and values), Financial matters (how to earn and spend), Child problems, Feelings of jealousy and excessive possession so that the partner lacks freedom, The division of tasks is unfair, Failure to communicate, Partners are not in line with the initial interests and goals. (Hayatun Nufus, 2022)

### **3. Methodology**

This study used a qualitative research method with a descriptive approach. This research is used to describe in full and in depth about social reality and various phenomena that occur in society with the aim that the research object can be presented in detail and can be known comprehensively, its characteristics, characteristics and models. This research involves the process of collecting data and analyzing information that is relevant to the problem under study and presenting the results of the data collection process. The sources used in this method consist of primary data sources and secondary data, and other sources that contain information related to research.

### **4. Results and Discussion**

North Birobuli Village is one of the villages in the administrative jurisdiction of South Palu District, Palu City, which has its own history. Birobuli comes from two words, namely Biro which means sugarcane tree, and Buli which means wood tree. In the past, Birobuli grew a lot on the banks of rivers and the results of these trees were used by the local community to make charcoal. Most of the people in the North Birobuli Village are the Kaili tribe with the Ledo dialect, or commonly known as the Kaili Ledo ethnicity. Most of the Ledo community (Topo Ledo community) live in the south, west, and some in the eastern region of Palu City. From these settlement areas there are already customary community settlements in soki-soki (boya) in five customary areas and dominated by the Ledo customary area. The majority of the Kaili Ledo ethnicity is spread in Kel. Petobo, North Bureaubuli and South Bureaubuli, North Tatura and South Tatura, Nunu, Tatanga, Tavanjuka, Pengvu, Palupi, North Lolu and South Lolu, Karampe, Besusu Kabonena, Tipu, Boyaoge, Donggala Kodi, Balaroa, Duyu, Ujuna, Kampung Baru, Silae, Kamonji and Siranindi. Based on the existing data in the North Birobuli Village that the author has obtained, the population in the North Birobuli Village is 12,959 people consisting of 6,523 men and 6,436 women with a total of 4,882 household heads. Based on TNP2K data, there were 3,053 KIS/KIP recipients, 598 households receiving rice for the poor (Raskin), while 213 people were participating in the Solid Work Program in Palu City's Zero Poverty Program. (Profile of North Birobuli Village in 2017).

#### **4.1 The Role of Traditional Institutions in Household Conflict Resolution**

The tradition of problem solving in indigenous and tribal peoples tends to use a familial pattern in the process that adheres to the principle of deliberation. Customary stakeholders (traditional leaders who are included or not included in the structure of customary institutions) always direct the flow of customary trials into a consensus whose content is that neither party benefits nor loses in the customary justice.

Based on role theory which states that when individuals occupy certain positions in society, they feel that each position they occupy raises certain expectations from the people around them. The same goes for the Kaili ethnic community who still use customary justice in solving problems that arise in society. The Kaili customary community unit, among others, has known how to solve problems in society or customary violations known as the Potangara Nuada (traditional assembly), which is a mechanism for solving customary violations and social problems organized by totua nuada (traditional parents) who its noble values aim that posumba (speech), ampena (behavior), and kainggua (actions) as values and norms that have been agreed upon from generation to generation can continue to be organized, live and develop as regulators of social life in Palu City.

The existence of the Kaili traditional institution as a forum for community participation in government administration, environmental scale development, community development and a place for solving social problems based on Kaili customary law. The North Birobuli village head said that long before the Dutch came to colonize Indonesia, customary institutions with their customary law had been used in the midst of the Birobuli community, then in 2012 a team was formed by the Balitbangda of Central Sulawesi Province to search for, inventory and recompile existing customary rules on the land. Kaili into a book which is then used as a guide by all customary institutions in 45 sub-districts in Palu City in every potangara nuada. Then by the mayor Hidayat in 2016 customary institutions were legalized with the issuance of Regional Regulation No. 9 of 2016 concerning Kaili Traditional Institutions, followed by the issuance of Palu Mayor Regulation no. 38 of 2017 concerning Guidelines for Implementing Kaili Traditional Institutions. This was the turning point in the legal life of customary law in Palu City. (Asmin Bado, 2021).

The Kaili customary court is a peace trial through deliberations for consensus led by customary stakeholders and assisted by Pasipi Nuada (community leaders, religious leaders). The substance of the Kaili Customary Court contains the following meanings:

- a. Adat Kaili is a rule that has become a habit or a form of cultural ideas consisting of culture, norms, laws and rules that are related to one another to form a single system.
- b. Kaili Customs are habits or traditions that are good and live in a society that are always followed, practiced and obeyed and obeyed. (Mayor Regulation Number 38 of 2017 Concerning Guidelines for Implementing Kaili Traditional Institutions).

The authority or competence possessed by the customary court in Tanah Kaili is of course not the same as the competence possessed by the state court. In accordance with laws and regulations, the competency of the customary justice of the Kaili community is more to the general aspect and does not differentiate between civil and criminal cases.

According to a traditional leader in the North Birobuli Village, Tasrip J. Tanggugade said that, the authority of the kaili customary court used to be broad in scope and could not be limited in its application with the aim of regulating the lives of fellow kaili people and with other tribes.

#### 4.2 The Mechanism of the Customary Institution of the North Birobuli Village in Resolving Cases of Customary Violations.

##### a. Report Acceptance Procedure

If the community, either individually or in groups, comes to report an incident, deed, word or legal issue or other social problem to a customary institution that is deemed to have violated customary rules, the mechanism for submitting and receiving reports is as follows:

- 1) There is a to loss report (directly/represented by the family) or the community who directly (na ngada) comes to report to the management of the adat institution or to the RT where they are domiciled about the problem;
- 2) The administrator of the adat institution or the RT who receives the report then forwards the report to the Chairperson or Secretary of the adat institution;
- 3) Furthermore, at the request of the management of the customary institution, Suro invited To Loss to give a direct explanation of the cases/traditional violations that befell him;
- 4) To loss with suro faces the management of the customary institution to tell what happened and expresses objections to the perpetrator's actions (to sala) against himself and gives authority to the customary institution to resolve the problem up to deciding and imposing sanctions on the perpetrator (to sala);
- 5) After receiving the report and listening to the explanations from both parties, then the administrators of the adat institution set the time and place for the potangara nuada (traditional assembly). The place for potangara nuada (traditional assembly) is usually held at the house of the administrator of the traditional institution or at the house of the lurah;
- 6) Before the nuada potangara is carried out, the administrators of the traditional institution, in this case the chairman, gather to share their respective tasks with other administrators in the nuada potangara that will be carried out;
- 7) The management of the traditional institution sent a suro to convey the potangara nuada invitation to the to sala (perpetrator), in doing so the suro also explained and conveyed the contents of the report and objections from the victim. Suro also said that the case had been handled by the customary institution, and asked the to sala (perpetrator) to be questioned and explain the actions he was accused of;
- 8) Potangara nuada invitations were also given to village heads, representatives of religious leaders, representatives of traditional leaders or what is commonly called pila-pila nuada.

##### b. The Judge Process

In the potangara nuada (traditional assembly) a potangara balengga (chairman) plays an important role in determining whether the to sala (perpetrator) is wrong or not. However, in terms of proof, the aspect of balengga potangara (chairhead) belief is "limited" by the values that live and develop in the Kaili tribal community, because balengga potangara (chairhead) belief alone is not enough without the support of these values. Aspects in the form of natada untoa (smart and wise), nanoto pantoakana (broadness of insight), nabelo sumba nojarita (polite and courteous in speaking), pineapplea talingana (sharp hearing), and nanao riarantai ritandinga (fair in deciding cases) which are the requirements Even though it is not written down, the administrators of traditional institutions must have it so that in making decisions they always rely on the values

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that live and develop in the Kaili tribal community, so that the decision is an embodiment of the community's sense of justice which can heal the balance in it which has been disturbed due to the violation of custom. (Asni M. Ladjaru, 2021)

## 5. Conclusion

Based on the results of research conducted related to the role of the Ke. North Birobuli in resolving household conflicts, it can be concluded as follows:

The North Birobuli Village Customary Institution carries out its role as a mediator as well as a facilitator in efforts to settle cases of customary violations, especially in household conflicts where cases are resolved by kaili customary law. In carrying out their role, traditional institutions always try and encourage couples/families who are in litigation to reconcile or reconcile. As an institution mandated to act as a judge over problems that arise between communities, customary institutions are able to position themselves as guardians of a sense of justice in society that can heal the balance within which was disturbed due to violations of custom.

In carrying out its role, the Customary Institution Kel. North Bureaubuli has a mechanism for resolving cases of customary violations, which are divided into 2 major parts, the first is the process of receiving reports or complaints from the family/victims and the second part is the trial process which is attended by both parties, representatives of traditional leaders, local lurah and representatives of prominent figures religion.

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