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Review of Islamic Law on Customary Law Values in Community in North Lore Utara And Lore Peore, Poso-Indonesia

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Abstrak: Long before state law, customary law was in effect, and no ordinary or customary law itself taught deviant behavior. Customs correct the wrong and provide solutions to social problems. The custom in the Pekurehua area is called the Pekurehua Tawailia custom, which is divided into the four largest divisions, namely the Posamboko custom/marriage, the mpogalo galo custom, or social order, the mpowia custom or farming methods, and the ngkapate custom or death. The objective of this research is to analyze the Islamic Law on Customary Law Values in Community in North Lore Utara And Lore Peore, Poso-Indonesia. the method used by this research is Empirical juridical. The collecting data method is by the interview. The result of this research is the implementation of customary law values in North Lore and Lore Peore Districts, Poso District, is deeply ingrained in the region's historical, cultural, and religious contexts and The implementation of customary law values in the Napu Valley or Pekurehua region of Poso Regency is a complex interplay between historical traditions, cultural practices, and Islamic teachings

Keyword : Islamic Law; Customary Law; Poso Indonesia.

PENDAHULUAN

Indonesia is known as a pluralistic or heterogeneous nation.¹ Indonesia has diverse ethnic, cultural, religious, and traditional traditions reflected in Indonesian people's daily lives, such as traditional ceremonies, traditional houses, traditional clothes, songs/songs and dances, musical instruments, and local specialties/foods². For this reason, the government

¹ Abi Aufa, A. (2017). Memaknai Kematian Dalam Upacara Kematian di Jawa. *An-Nas*, 7(1), 1–11.

² Agustin, A. B. (2019). Javanese Muslim Local Culture And Tradition In Islamic Perspective. *Sunan Kalijaga International Journal on Islamic Educational Research*, 3(1), 15–24.

must implement policies that lead to efforts to preserve national culture³. Of course, great gratitude to Allah SWT. We were born in a country where the spirit of cooperation and togetherness is familiar. Each has its uniqueness and advantages that can be used as social capital as a tool and media to create peace and conflict resolution. Settlement of legal conflicts in society through typical sociological patterns⁴ In these customs, we will find three forms of culture explained by the first cultural expert, Koentjaraningrat, as ideas, values, or norms. Second, the form of culture as an activity or pattern of human action in society. Third, the structure of culture as objects made by humans. Meanwhile, according to Kluckhohn in Oktafia and Mawardi, there are five orientations: first, everything related to the essence of life; second, about the nature of work and human work; third, about the nature of humanity in space and time; fourth, about human relations with the natural surroundings; and fifth, regarding the nature of human relations with other humans.

Every custom, language, ethnicity, and religion has a value system and knowledge system that has developed hundreds or even thousands of years ago. Our country is regulated and managed from generation to generation by thousands of customary laws, guided by hundreds of belief systems and religions. Indonesia is a nation built from hundreds or even thousands of sovereigns, independent and dignified nations, which in its history have been existed⁵. Therefore, all the stakeholders must preserve the traditions or customs to keep people's culture alive across generations⁶. Customs are procedures, actions, or habits usually carried out by a person or group of people related to religion, beliefs, and others that are still valid from the past until now and are still accepted by the majority of the local community⁷. Remain timeless and have a strong integration with community behavior patterns. Members of the community who violate will receive severe sanctions for their actions⁸. The people in Lore Utara and Lore Piore Districts, Poso Regency, still use customary law as a social rule that regulates society⁹. Moreover, it has become a tradition from

³ Ainun, S. R. N., & Nur, A. (2021). The Papar Tradition In The Custom On Death In Teupah Tengah Subdistrict, Simeulue Regency. *Indonesian Journal of Islamic History and Culture*, 2(1), 126–145.

⁴ Kasim, F. M., & Nurdin, A. (2020). Study of Sociological Law on Conflict Resolution Through Adat in Aceh Community According to Islamic Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 4(2), 375–397

⁵ Al Idrus, S. A. J. (2020). Pene Lando Tradition. *SANGKÉP: Jurnal Kajian Sosial Keagamaan*, 3(1), 111–128.

⁶ Dasion, A. R., & Nugroho, H. (2020). "Badu" Tradition as Local Conservation and Food Sharing System for the Poor. *KOMUNITAS: International Journal of Indonesian Society and Culture*, 12(1), 118–126.

⁷ Griyanti, H. E., Sunardi, S., & Wardo, W. (2018). Digging The Traces of Islam in Baritan Tradition. *International Journal of Multicultural and Multireligious Understanding*, 5(3), 52–59

⁸ Hanim, L., & Noorman, M. S. (2018). The Role Of Indigenous Peoples and Customary Law In The Development Of National Law The Paradigm Of Pancasila. *The 4th International and Call for Paper*, 1(1)

⁹ Hasibuan, N. (2017). The roles of Islamic education towards Islamic art and culture. *The*

generation to generation. It has even become a necessity that is still difficult to get rid of. These habits are still often carried out even though there are changes in the implementation of customs¹⁰. However, values and meanings are still maintained as social law rules that regulate norms—community life¹¹. According to Dasion and Nugroho, although traditions or customs are still well implemented, globalization poses considerable challenges to traditions or customs. can be adjusted in the shari'ah system are called 'urf. The formation of 'urf originated from the mutual understanding of many people despite their different social stratifications¹².

In theory, customary law can be considered as part of the shari'ah. Adat can be valid or justified as behavior for a Muslim (al-Adah Muhkamah guidelines) as long as it does not conflict with Islamic principles¹³. Based on the research background above, the problems in this study can be formulated as follows: 1). How is the implementation of customary law values in the people of North Lore and Lore Peore Districts, Poso District?. 2). How does Islamic law review the implementation of customary law values in the people of North Lore and Lore Peore Districts, Poso District¹⁴?

METODE PENELITIAN

This research was conducted using qualitative research methods. A descriptive approach, namely research procedures that produce descriptive data in written or spoken words from people and observable behavior. The research location is in the District of North Lore and Lore Piore, Poso Regency¹⁵. The data collection technique used in this study is Observation carried out to determine the community's routine activities. Two parties conducted the interview: the interviewer who asked the question and the interviewee who answered the question. Documentation is done by reviewing essential documents that support the completeness of the data. The data collected mainly use words, sentences, or pictures that mean more than just the number or frequency. According to Sutopo in Alidrus, after

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¹⁰ Kasim, F. M., & Nurdin, A. (2020). Study of Sociological Law on Conflict Resolution Through Adat in Aceh Community According to Islamic Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 4(2), 375–397

¹¹ Mulyadin, M., & Jaedun, A. (2018). Infusing Local Tradition Values into School Culture: How Indonesian Islamic School Set Up Character Education? *Walisongo: Jurnal Penelitian Sosial Keagamaan*, 26(2), 495–517

¹² Mokoginta, M. M., & Indrianti, M. A. (2020). Eksistensi Kearifan Lokal Bercocok Tanam Dalam Mempertahankan Ketahanan Pangan Lokal (Studi Masyarakat Desa Bilalang 1). *SEMASTER" Seminar Nasional Riset Teknologi Terapan"*, 1(1)

¹³ Muslich, H. A. W. (2004). *Pengantar dan Asas Hukum Pidana Islam: Fikih Jinayah*. Sinar Grafika.

¹⁴ Oktafia, R., & Mawardi, I. (2017). Islamic Values In The Tradition Of Samin Community In East Java. *Qudus International Journal of Islamic Studies*, 5(1), 97–114.

¹⁵ Moleong, L. J. (2021). *Metodologi penelitian kualitatif*. PT Remaja Rosdakarya.

conducting the interview, data analysis began by making a transcript of the interview results to replay the interview recording. Listening carefully, then writing down the words that were heard according to what had been recorded. Meanwhile, in analyzing research data, namely by reducing data, presenting data, and verifying data

PEMBAHASAN

Discussion

Implementation of customary law values in the people of North Lore and Lore Peore Districts, Poso Distric

The implementation of customary law values in the people of North Lore and Lore Peore Districts, Poso District, is deeply rooted in the historical and cultural fabric of the region. The Napu Valley or Pekurehua, Poso Regency, has a rich history dating back to the time of kingdoms and has evolved into a complex socio-legal landscape. This region, once comprising a single community known as Gembu, underwent significant administrative changes, leading to the formation of several sub-districts, including North Lore, East Lore, Lore Peore, and Lore Tengah.

Customary law, as highlighted by Takmir Talla, the Head of KUA Kecamatan Lore Utara/Lore Peore Kab. Poso in a June 2021 interview, has been in effect long before the establishment of state law. It serves as a foundational framework guiding societal behavior and addressing various social issues. This customary law not only identifies deviant behavior but also provides solutions to rectify wrongdoings, reinforcing its role as a guiding force in the community.

The Pekurehua Tawailia custom, segmented into four major divisions, encompasses various aspects of life: marriage customs (Posamboko), social order (mpogalo galo), crop cultivation (Mpowia), and death customs (ngkapate). Importantly, it was stressed that none of these customs contradicts the formal laws established in Indonesia. This reflects a harmonious integration of customary and state laws.

Moreover, the historical caste system in marriage within the Pekurehua land, categorized into four tiers, highlights the region's rich cultural heritage. Although the caste system is no longer enforced, the existence of descendants from these castes underscores the enduring influence of this societal structure on the local community.

In the context of marriage, dowry plays a symbolic role that signifies a person's ancestral caste background. Regardless of the dowry's actual content, it is considered a determinant of a person's social group during marriage, showcasing the lasting impact of the caste system on marriage practices.

Islamic teachings also play a significant role in the region. The obligation of giving a dowry to a married woman, as mentioned in Al-Quran Surah An-Nisa, reflects the

importance of generosity and harmony in marital relationships. This perspective emphasizes the positive outcomes and unity resulting from such practices.

The Pogalo-Galo customs or societal norms highlight the importance of association and interaction among individuals in the community. Socialization and communication are essential components of community life, and adherence to established rules is crucial. The example provided in the interview, where a customary greeting involving touching a woman's shoulder led to a fine if she was married, illustrates the significance of adhering to social norms and maintaining order in the community.

Furthermore, strict social norms govern the behavior of married individuals in Pekurehua, emphasizing the need to avoid offensive language or behavior, even in jest. Violations are met with fines, symbolizing the community's commitment to maintaining decorum and civility.

In Islamic teachings, the Hadith narrated by Ibn Abbas emphasizes the importance of avoiding private interactions between non-mahram men and women and the necessity for women to travel with their mahram for modesty and propriety. This hadith reflects the Prophet's understanding of unique circumstances and his willingness to accommodate the needs of his followers while upholding the values of modesty.

Mpowia customs or farming traditions in Pekurehua are deeply intertwined with the community's cultural values. Historical land usage and ownership dynamics reveal that active cultivation rights were recognized and protected even in the absence of formal land ownership certificates. Unauthorized claims on such lands were met with legal sanctions, emphasizing the importance of obtaining permission from those with prior cultivation rights.

The region's agricultural significance is further highlighted by the requirement for companies to obtain permits from the Pekurehua customary land holder before engaging in agricultural activities, regardless of government permits. This underscores the community's commitment to preserving its agricultural heritage and maintaining control over its land.

Lastly, Ngkapate customs or death customs reflect the community's collective approach to dealing with death. There are no personal funeral rituals; instead, these ceremonies involve the entire community. Disruptive behavior during such events is strictly forbidden, with sanctions in place to maintain respect for the deceased and their family.

In conclusion, the implementation of customary law values in North Lore and Lore Peore Districts, Poso District, is deeply ingrained in the region's historical, cultural, and religious contexts. These customs and traditions have evolved over time, adapting to changing circumstances while maintaining their core principles. The coexistence of customary law, Islamic teachings, and state law illustrates the complex and dynamic nature of the region's legal and cultural landscape, reflecting the resilience of local traditions in the face of modernization.

Islamic law review the implementation of customary law values in the people of North Lore and Lore Peore Districts, Poso District

The implementation of customary law values in the Napu Valley or Pekurehua region of Poso Regency, particularly in the North Lore and Lore Peore Districts, has a long history deeply rooted in the traditional practices of the local community. These customary laws have coexisted with Islamic teachings, creating a unique cultural and legal landscape that reflects both historical traditions and religious principles.

According to historical records, the Napu Valley has a rich history dating back to the time of the kingdom, emphasizing its longevity as a cultural and geographical entity. The region has witnessed significant changes, including the division of North Lore into sub-districts, with Lore Peore District being part of the Pekurehua Indigenous area. Customary law, often referred to as local wisdom, has played a pivotal role in guiding the behavior and interactions of the community members within this ecological community.

In an interview with Takmir Talla, the Head of KUA Kecamatan Lore Utara/Lore Peore Kab. Poso, it was highlighted that customary law predates state law and serves as a framework for societal behavior and conflict resolution. This customary law not only identifies deviant behavior but also provides solutions to rectify wrongdoings and address various social problems.

The Pekurehua area, within this cultural context, follows a set of customs known as the Pekurehua Tawailia customs. These customs encompass several aspects of community life, including marriage customs (Posamboko), social order (mpogalo galo), guidelines for crop cultivation (Mpowia), and customs related to death (ngkapate). Importantly, it was emphasized that none of these customs contradicts the formal laws of Indonesia.

The interview also shed light on the historical caste system in marriage within the Pekurehua land, with four tiers: Lords/nobles, Kabilah/second persons of nobility, Anantambi/free people, and Alii rota/abimpoke/slaves. While the caste system is no longer enforced, it has left a lasting impact on the community, with dowry still symbolically representing one's ancestral caste background during marriage.

Islamic teachings play a significant role in the region as well. In Islam, giving a dowry to a married woman is an obligatory command outlined in the Quran (Surah An-Nisa: chapter 4). The interview results suggest that dowry is viewed as a generous gesture and a symbol of unity, signifying positive outcomes for the marriage.

Regarding social conduct, the Pogalo-Galo customs regulate interactions and associations within the community. The traditional pekurehua association enforces behavioral norms, such as appropriate greetings. For instance, if a person inappropriately greets a married woman, they may face a penalty in the form of buffalo or pig restitution, highlighting the importance of social decorum.

Furthermore, married individuals are expected to adhere to strict social norms, refraining from excessive joking and avoiding utterances that may offend others. Violating these norms, referred to as "Sala 'hume," can result in fines, with the interview emphasizing the significance of these customs in maintaining order and harmony.

In Islam, there are also guidelines for proper interactions between men and women. The Hadith narrated by Ibn Abbas underscores the importance of avoiding situations where unrelated men and women are alone together and the necessity for women to travel with their mahram, close male relatives, for modesty and protection.

In terms of farming traditions, the Pekurehua area has a history of community farming deeply rooted in local cultural values. Land ownership was historically determined by cultivation rights, and individuals who had cultivated the land retained ownership claims. Unauthorized land claims without prior cultivation rights were subject to sanctions. Today, the Pekurehua community has land ownership certificates, marking a shift in land ownership dynamics.

Islamic teachings regarding land ownership align with this concept, acknowledging various methods of land acquisition, including fencing (Tahjir), grants from the caliph (Iqta'), and reviving dead land (Ihya' Almawat). In cases where land has no owner, the one who manages and cultivates it becomes the owner.

Regarding death customs (Ngkapate), death ceremonies are considered communal events. The Ngkapate customs in Pekurehua emphasize maintaining order and avoiding disturbances when someone passes away, regardless of their age. Chaotic or disruptive behavior during such times is met with customary sanctions. These customs highlight the importance of respecting the deceased and providing support to their grieving family, aligning with the Islamic principle of honoring the dignity of every individual, even after death.

The teachings of Islam, as exemplified by the Hadith involving the Prophet Muhammad, emphasize the equal treatment of all deceased individuals, regardless of their religious or ethnic background, reinforcing the sanctity of human life.

In summary, the implementation of customary law values in the Napu Valley or Pekurehua region of Poso Regency is a complex interplay between historical traditions, cultural practices, and Islamic teachings. These values have evolved over time, adapting to changing circumstances while maintaining their core principles of order, respect, and communal harmony.

KESIMPULAN

Based on the discussion above, we can make the conclusion below:

1. In conclusion, the implementation of customary law values in North Lore and Lore Peore Districts, Poso District, is deeply ingrained in the region's historical, cultural,

and religious contexts. These customs and traditions have evolved over time, adapting to changing circumstances while maintaining their core principles. The coexistence of customary law, Islamic teachings, and state law illustrates the complex and dynamic nature of the region's legal and cultural landscape, reflecting the resilience of local traditions in the face of modernization.

2. The implementation of customary law values in the Napu Valley or Pekurehua region of Poso Regency is a complex interplay between historical traditions, cultural practices, and Islamic teachings. These values have evolved over time, adapting to changing circumstances while maintaining their core principles of order, respect, and communal harmony

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