THE ROLE OF KAILI CUSTOMARY LAW IN RESOLVING CONFLICTS ARISING FROM HATE SPEECH AGAINST RELIGIOUS FIGURES

A Case Study of Gus Fuad in Central Sulawesi

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Abstract

Kaili customary law in Central Sulawesi remains active and functions as a mechanism for resolving social conflicts, including cases of hate speech directed at religious figures. The urgency of this study stems from the case involving Gus Fuad, who in March 2025 made a statement deemed insulting to the founder of Alkhairaat, Guru Tua Sayyid Idrus bin Salim Al-Jufri; the matter was subsequently resolved through the Libu Potangara Nu Ada customary hearing, whereas academic studies regarding the application of Kaili customary law to hate speech remain very limited. This research aims to analyze the role of Kaili customary law in resolving the conflict arising from hate speech against a religious figure in the Gus Fuad case. Employing a socio-legal (juridical-empirical) method, the study was conducted in Palu City using literature reviews, in-depth interviews, and observations, with data analyzed through a descriptive-qualitative approach. The findings indicate that Kaili customary law plays a role through the imposition of givu sanctions on statements deemed to violate customary propriety (salambivi). The process begins with potangara nu ada to investigate the issue, followed by efforts to contact the relevant parties and a customary deliberation (nibu kodi) to determine the sanction. Salambivi and sambari tambolo sanctions are enacted through the ritual slaughter of an animal symbolizing the purging of negative behavior with the meat subsequently distributed to the community. This resolution reflects values of mutual respect, togetherness, and a balanced relationship between custom, religion, and the government (tonda talusi). Thus, Kaili customary law contributes to maintaining social order and preventing similar conflicts. However, customary resolution does not automatically preclude the possibility of pursuing legal action under positive law in accordance with applicable regulations.

Keywords: *Hate Speech, Kaili Customary Law, Religious Figures, Role of Customary Law*

Introduction

The existence of customary law is an important aspect of social life, particularly in maintaining public order, preserving cultural values, and resolving various forms of social conflict.[1] Despite the changes brought about by the passage of time, customary law remains

[1] R. Soepomo, *Bab-Bab Tentang Hukum Adat* (Jakarta Timur: PT Balai Pustaka, 2013).

relevant because it embodies norms and values that have developed from the customs and worldviews of local communities. Therefore, customary law is an important subject of study, particularly in examining how traditional norms contribute to addressing contemporary legal issues, including conflicts arising from hate speech against religious figures.

Indonesia is a country characterized by ethnic, cultural, and religious diversity. This condition means that the Indonesian legal system is not based solely on regulations established by the state but also encompasses legal norms that emerge, are maintained, and are practiced by communities, commonly referred to as living law. Constitutional recognition of customary law is provided for in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which stipulates that the state recognizes and respects customary law communities and their traditional rights.

From a legal perspective, customary law comprises a set of norms that remain alive, evolve over time, and serve as guidelines for communities in conducting their daily lives.[2] Nevertheless, its implementation does not always receive recognition and institutional space equivalent to that afforded to the formal legal system. Various disputes are more frequently addressed through state legal mechanisms, whereas customary dispute resolution tends to be applied in particular circumstances or within specific communities. This situation illustrates a gap between the normative recognition of customary law and its implementation in actual community life.[3]

The Kaili community in Central Sulawesi is one of the communities that continues to preserve customary legal traditions as an integral part of its social order. Kaili customary law does not merely regulate conduct based on moral values and social norms but also serves as a mechanism for resolving disputes between parties. One element of particular significance in this tradition is sambulu, which consists of areca nuts, betel leaves, lime, gambier, and

[2] Pupu Sriwulan Sumaya, "Hukum Adat Sebagai Sumber Hukum Di Indonesia: Kajian Historis Dan Kontempoler," *Journal of Law Review* 5, no. 1 (2025): 26–37, https://doi.org/https://doi.org/10.55098/jolr.v5i1.178.

[3] Rahma Shartika et al., "Progres Pengakuan Masyarakat Hukum Adat Dalam Sistem Hukum Di Indonesia," *Journal Sains Student Research* 2, no. 5 (2024): 259–71.

tobacco. This combination is understood as a symbol of customary blood, representing bonds, unity, and collective values within Kaili society.[4]

Within the national legal system, customary law remains significant as a form of law that grows and develops within society.[5] Its existence can be observed in the resolution of various social issues, particularly in communities that continue to regard customary traditions as guidelines for collective life. This condition is also evident among the Kaili community in Central Sulawesi, which continues to uphold customary norms in its daily activities. In this context, Kaili customary law functions not only as a guideline for behavior but also as a means of resolving disputes by emphasizing deliberation, balance, and the restoration of social relationships between conflicting parties.[6]

Along with advances in information technology, social media has become a platform for various forms of hate speech that may trigger conflict within society. To address such conduct, Indonesian national law provides provisions governing hate speech, including Law Number 11 of 2008 concerning Electronic Information and Transactions, as most recently amended by Law Number 1 of 2024, particularly Article 28 paragraphs (2) and (3) and Article 45A paragraph (2), as well as Law Number 1 of 2023 concerning the Criminal Code, particularly Article 242, which addresses conduct involving expressions of hostility, hatred, or insult based on certain factors.[7] Nevertheless, addressing conflicts arising from hate speech does not always end with the application of formal legal mechanisms. Under certain

[4] Randy Atma R Massi et al., "Peran Hukum Tata Negara Adat Kalili 'Tonda Talusi' Dalam Penguatan Moderasi Beragama Di Lembah Palu," *Qaumiyyah: Jurnal Hukum Tata Negara* 5, no. 2 (2024): 133–50, https://doi.org/https://doi.org/10.24239/qaumiyyah.v5i2.165.

[5] Ridwan Tahir, Ardiansah, and Amiruddin Hanafi, "Penerapan Sanksi Adat Pidana Terhadap Pelaku Kejahatan Susila Berdasarkan Pranata Adat Tajio Di Kasimbar Kabupaten Parigi Moutong," *Legal Opinion* 13, no. 2 (2025): 1–11, https://doi.org/https://jurnal.fh.untad.ac.id/index.php/LO/article/view/2779.

[6] Muhammad April, Muammar Alkadafi, and Muh Said, "Hukum Adat Dalam Penyelenggaraan Pemerintahan Desa Adat Di Kabupaten Siak Provinsi Riau Dan Provinsi Bali," *Jurnal Hukum Ius Quia Iustum* 30, no. 2 (2023): 396–419, https://doi.org/10.20885/iustum.vol30.iss2.art8.

[7] Anak Agung et al., "Tinjauan Yuridis Pertanggungjawaban Pidana Terhadap Ujaran Kebencian (Hate Speech) Di Media Sosial," *Jurnal Interpretasi Hukum* 2, no. 3 (2021): 562–66, https://doi.org/https://doi.org/10.22225/juinhum.2.3.4137.562-566.

circumstances, customary dispute resolution may also serve as an alternative means of maintaining public order and restoring social relationships disrupted by an incident.[8]

The case involving Gus Fuad Plered is one incident that illustrates the involvement of Kaili customary law in responding to alleged hate speech against a religious figure. In March 2025, Fuad was reportedly alleged to have referred to the founder of Alkhairaat, Habib Idrus bin Salim Al-Jufri, also known as Guru Tua, using the terms "monkey" and "traitor." He was also reported to have made allegations concerning the receipt of land from the colonial government and to have criticized the Alkhairaat curriculum. The incident was subsequently followed by a complaint submitted by the Central Board of Alkhairaat to the Council of Traditional Guardians of Patanggota Ngata Palu.[9] The complaint proceeded to a customary hearing known as Libu Potanggara Nu Ada. During the proceedings, Fuad was found to have violated customary norms classified as Salambivi and Sala Kana. The customary ruling imposed several forms of sanctions, including the obligation to provide symbolic items consisting of a cow or buffalo, white burial cloth, a customary machete, a customary tray, a bowl, a plate decorated with a moringa leaf motif, and a sum of money. In addition, a symbolic sanction known as Vaya Mbaso, interpreted as "severed neck," was imposed. Within the customary context, this symbol may be understood as representing the severance of social ties or symbolic death rather than solely as a punishment interpreted literally.[10]

Of particular interest in this incident is the capacity of Kaili customary law to respond to issues arising alongside technological developments, including alleged hate speech expressed in public spaces and through social media. The sanctions imposed demonstrate that customary dispute resolution is not solely oriented toward the fulfillment of material obligations but also incorporates symbolic values associated with honor, norms, and social

[8] Ach Rubaie and Fikron Abdul Hamid Kuncoro, "Penegakan Hukum Terhadap Pelaku Ujaran Kebencian Di Media Sosial," *Begawan Abioso* 14, no. 1 (2023): 43–56.

[9] Rangga Musabar, "Gus Fuad Plered Disanksi Adat Di Palu Usai Diduga Hina Pendiri Alkhairaat," detiksulsel, 2025, https://www.detik.com/sulsel/berita/d-8021112/gus-fuad-plered-disanksi-adat-di-palu-usai-diduga-hina-pendiri-alkhairaat.

[10] Rifay, "Fuad Plered Tunaikan Sanksi Adat, Minta Semua Kesalahan Dimaafkan," Media Alkhairaat, 2025, https://media.alkhairaat.id/fuad-plered-tunaikan-sanksi-adat-minta-semua-kesalahan-dimaafkan/.

order within the community.[11] The use of customary mechanisms in this case also indicates that customary law continues to be regarded as relevant in addressing issues involving values upheld by the local community. Nevertheless, studies specifically examining the application of Kaili customary law in resolving hate speech cases remain relatively limited. Previous research on Kaili customary law has tended to address other issues, such as the implementation of inheritance distribution and aspects of kinship relations.

Previous studies on Kaili customary law have examined various aspects related to the social life and legal system of the local community. Randy Atma R. Massi and Besse Tenriabeng Mursyid, in their article entitled "The Role of Kaili Customary Constitutional Law 'Tonda Talusi' in Strengthening Religious Moderation in the Palu Valley," examine the values of Tonda Talusi as a principle that connects state law, customary law, and religious law to promote harmonious community life. Meanwhile, Fidayati and Maisa, through their article entitled "An Analysis of the Implementation of Inheritance Distribution among the Kaili Indigenous Community in Sigi Biromaru District, Sigi Regency, Central Sulawesi Province," examine the implementation of Kaili customary inheritance law, particularly the influence of the kinship system on the distribution of inherited property.

Both studies provide an overview of the position of customary law in Kaili society but do not specifically examine its application in resolving hate speech cases involving religious figures. Therefore, the present study differs in its research object and focus by analyzing the application of Kaili customary norms and sanctions in the case involving Gus Fuad Plered, while also examining the relevance of customary adjudication mechanisms in relation to the national legal system. Accordingly, this study is expected to address the existing research gap concerning the role of Kaili customary law in responding to conflicts arising from statements made in public spaces and on social media, particularly those involving respect for religious figures.

[11] Susi Susilawati, Andrian Francisca Della, and Nurhayati Mardin, "Analisis Terhadap Status Hukum Anak Akibat Lokika Sanggraha Menurut Hukum Adat Bali," *Tadulako Master Law Journal* 9, no. 3 (2025): 33–47.

Based on the foregoing discussion, this study is expected to broaden the scope of research on law living within society (living law), particularly regarding the continued role of customary law in addressing contemporary legal issues. Furthermore, this study aims to analyze the application of Kaili customary law in the case of alleged hate speech against a religious figure and to examine the relationship between customary dispute resolution mechanisms and formal legal provisions. Thus, this research is expected to contribute to the development of customary law studies and to a better understanding of the relationship between local norms and the national legal system, particularly within the context of the Kaili community in Central Sulawesi.

Method

This study employs a juridical-empirical method to examine the application of Kaili customary law in resolving the case of alleged hate speech by Gus Fuad against Guru Tua, the founder of Alkhairaat.[12] The juridical approach is used to examine Kaili customary legal norms, the customary ruling issued through Libu Potanggara Nu Ada, and the relevant provisions of positive law concerning hate speech. Meanwhile, the empirical approach aims to understand how customary norms are implemented in practice, including the responses of the community and customary institutions to the case. The research was conducted in Palu City, Central Sulawesi, particularly within the jurisdiction of the Council of Traditional Guardians of Patanggota Ngata Palu, which handled the case.

The research data consist of primary and secondary data. Primary data were obtained through interviews with members of the Council of Traditional Guardians, Alkhairaat figures, customary witnesses, members of the Kaili community, and other parties involved in resolving the case concerning Gus Fuad. Primary data may also be supported by documentation or recordings of the customary hearing and observations of the customary symbols used in imposing sanctions. Secondary data were obtained from books, scholarly journals, literature on Kaili customary law, studies on hate speech and conflict resolution,

[12] Hardianto, *Panduan Lengkap Metode Penelitian Hukum Empiris Dan Normatif* (Sumatera Barat: Cv. Nusantara Press Indonesia, 2025).

credible media reports, and official documents issued by Alkhairaat and customary institutions. Data were collected through library research, in-depth interviews, and observation to obtain information concerning customary norms, hearing procedures, the considerations underlying the imposition of sanctions, and the significance of customary symbols in Kaili society.

The collected data were analyzed using descriptive qualitative analysis to systematically describe the application of Kaili customary law in the case of hate speech against a religious figure. The analysis consisted of three stages: data reduction, involving the selection and categorization of relevant information; data presentation, in the form of descriptive accounts organized according to the research themes; and conclusion drawing, through the interpretation of research findings. The results of the analysis were subsequently examined in relation to customary law theory, conflict resolution, and relevant positive legal provisions to assess the application of Kaili customary norms and sanctions in the case involving Gus Fuad.

Discussion

The Application of Kaili Customary Sanctions against Gus Fuad for Hate Speech against a Religious Figure in Central Sulawesi

Based on the research findings, Kaili customary sanctions, known as givu, may be imposed on individuals whose conduct is considered contrary to accepted standards of propriety or causes offense to others. Such conduct does not necessarily involve physical acts but may also take the form of inappropriate verbal expressions. Within Kaili society, the act of misspeaking or using inappropriate words is known as salambivi. In the case involving Gus Fuad, his statements concerning Guru Tua, or Sayyid Idrus bin Salim Al-Jufri, were regarded as inappropriate and offensive to the feelings of the Abnaul Khairaat, particularly the extended Alkhairaat family. On this basis, the customary community considered the incident an act that could be classified as salambivi.

This assessment is closely related to the important position held by Guru Tua in society, particularly in Central Sulawesi. According to the interviewee, he was recognized as

a figure who played a significant role in spreading Islamic teachings and providing religious education to the community. His services and contributions established Guru Tua as a respected figure. Consequently, statements perceived as demeaning him provoked reactions from the extended Alkhairaat family and members of the community who held him in high regard.[13] In the author's view, the imposition of customary sanctions on Gus Fuad was associated with the community's assessment that his statements had exceeded the standards of politeness upheld in social life.[14] The issue was not understood merely as a verbal error but also as a matter involving respect for a religious figure who exerted considerable influence on community life. On this basis, the case involving Gus Fuad was brought before the Kaili customary dispute resolution mechanism and associated with the violation known as salambivi.

The determination of customary sanctions against Gus Fuad was based on conduct regarded as insulting and classified as salambivi. Before determining the form of sanction, the customary community first sought to understand the incident at the center of the dispute. This stage is associated with the value of potangara nu ada, which emphasizes the principle of first investigating the problem and its underlying circumstances. Accordingly, givu is not imposed immediately without prior examination; rather, it is preceded by efforts to understand the facts and circumstances of the case. The next stage involves communication with Gus Fuad. According to the interview findings, efforts were made to convey messages through several parties, beginning with people close to him and extending to family members, government representatives, and the pesantren. Social media platforms, including Facebook, Instagram, and WhatsApp, were also used to facilitate communication. Attempts to contact the individual concerned continued for approximately one to two months. If direct communication could not be established, messages could be conveyed through his wife, children, relatives, or the pesantren.

[13] Interview with Mehdiantara Datupalinge, S.H., Fifth Descendant (Trah Kelima) of Kagaua Palu, July 17, 2026.

[14] Soerjono Soekanto, *Hukum Adat Indonesia* (Depok: Rajawali Pers, 2021).

Following these communication efforts, the determination of sanctions was discussed through a process known as nibu kodi. This process involved meetings among several customary institutions, including the customary assembly, customary guardians, and customary council. The deliberations involved a chairperson, secretary, treasurer, pila-pila adat, and the dewan syuro, who participated in determining the sanctions. The resolution process also involved government representatives and other relevant parties, including the Provincial Government of Central Sulawesi, the Palu City Government, the High Prosecutor's Office, the Indonesian National Armed Forces (TNI), the Indonesian National Police (Polri), and members of the customary community.[15] In the author's view, the mechanism for determining sanctions against Gus Fuad demonstrates a series of interconnected stages, beginning with an examination of the dispute, followed by efforts to communicate with the individual concerned, and culminating in deliberations through customary consultation. This sequence indicates that the determination of givu was preceded by efforts to understand the dispute and involved several customary representatives before the sanctions were established. Thus, the resolution process was not solely oriented toward imposing sanctions but also involved deliberation concerning the conduct in question.

The customary deliberations resulted in sanctions associated with the case involving Gus Fuad, namely salambivi and sambari tambolo. The term salambivi refers to an error in speaking or expressing words, whereas sambari tambolo literally means “beheading.” However, this term is not interpreted as an act of physically beheading a human being. According to the interviewee, it symbolizes the removal or severance of undesirable traits and behaviors. Its implementation involves the slaughter of a cow, with the sanctioned individual being summoned to witness the ceremony. The slaughter of cattle as part of the customary sanctions was carried out in several areas, namely Sigi, Palu, and Donggala. The resulting meat was subsequently used for the benefit of the community. Its management by the customary institution was not intended to generate personal benefits for the institution but rather to serve groups or collective interests that benefit the wider community. If Gus

[15] Interview with Mehdiantara Datupalinge, S.H., Fifth Descendant (Trah Kelima) of Kagaua Palu, 17 July 2026.

Fuad was unable to fulfill certain outstanding obligations associated with the sanctions, the customary council could assist in facilitating their fulfillment through coordination with other regions.

In the implementation of givu, adjustments to certain components of the sanctions may also be possible if the sanctioned individual faces difficulties in fulfilling them. Certain components may be reduced in accordance with the circumstances, without necessarily eliminating the customary sanctions as a whole. The interviewee also explained that material obligations remain part of the sanctions that must be fulfilled. If difficulties arise in meeting these obligations, their resolution may be pursued through coordination and mutual discussion.[16] In the author's view, the sanctions imposed in the case involving Gus Fuad demonstrate that givu is not limited to the fulfillment of material obligations or the imposition of punishment but also carries symbolic and social significance. This is evident in the implementation of sambari tambolo, which uses the slaughter of a cow as a symbol of eliminating behavior considered improper. Furthermore, the possibility of adjusting certain components of the sanctions indicates that the implementation of customary law may take into account the circumstances and capacity of the sanctioned individual, although the customary obligations remain part of the resolution process.

The entire process of implementing these sanctions is inseparable from the cultural values that are embedded in and continue to develop within the community.[17] One such value is potangara nu ada, which involves seeking an explanation of the problem before determining the appropriate course of action. Another is saling megaga, which relates to the mutual exchange of information or messages. In contemporary society, such communication is no longer conducted exclusively in person but may also take place through communication technologies, including telephone calls and social media platforms such as WhatsApp.

[16] Interview with Mehdiantara Datupalinge, S.H., Fifth Descendant (Trah Kelima) of Kagaua Palu, 17 July 2026.

[17] Hilman Hadikusuma, *Pengantar Ilmu Hukum Adat Indonesia* (Bandung: CV Mandar Maju, 2014).

Another form of local wisdom is posipakilu.[18] According to the interviewee, this value concerns informing or notifying an individual when their words or actions are considered inconsistent with accepted standards of propriety. Such communication may involve several parties working together so that the matter becomes known to the customary institution, customary council, and wider community. In the context of resolving the case involving Gus Fuad, this value may be understood as part of a mechanism for delivering admonitions or warnings to ensure that the issue receives appropriate attention and can be addressed within the customary framework.

In addition to these values, the implementation of givu is also associated with the use of objects that carry significance in customary traditions, such as the guma, or customary machete, and the dulang, or customary tray. The Kaili community also recognizes the concept of tonda talusi, which encompasses three principal elements: customary law, religion, and government. These three elements form part of the social order of Kaili society and are interconnected in maintaining social harmony.[19] In the author's view, these customary values are reflected in the stages of resolving the case involving Gus Fuad, from gathering information about the dispute and conveying messages to the individual concerned to discussing its resolution collectively. This demonstrates that the application of givu does not exist independently as an act of imposing sanctions but is connected to the cultural values underlying Kaili society. The use of modern communication technologies also illustrates how customary messages can be conveyed in ways that adapt to social developments without abandoning the principles on which they are based.[20]

In relation to positive law, the parties who raised objections to Gus Fuad's statements initially preferred resolution through Kaili customary mechanisms rather than making

[18] Rospita Rufina Situngkir Lubna, Ade Saptomo and Metty Murni Wati Ibrahim, "Kaili Tribe Criminal Dispute Resolution Process from the Perspective of Customary Law in Central Sulawesi," *Syntax Literate: Jurnal Ilmiah Indonesia* 9, no. 2 (2024).

[19] Interview with Mehdiantara Datupalinge, S.H., Fifth Descendant (Trah Kelima) of Kagaua Palu, 17 July 2026.

[20] Marini Citra Dewi, Kristianto Rante Lobo, and Manga Patila, "Peran Lembaga Adat Dalam Penyelesaian Sengkata Tanah Warisan Di Kecamatan Tondon Kabupaten Toraja Utara," *Legal Opinion* 13, no. 3 (2025): 81–91, https://doi.org/https://jurnal.fh.untad.ac.id/index.php/LO/article/view/2925.

criminal proceedings their primary course of action. Nevertheless, the interviewee also mentioned efforts to file a report with the Central Sulawesi Regional Police. The interviewee considered customary law and positive law capable of playing complementary roles in addressing the issue, including efforts to prevent similar conduct from recurring. Resolution through customary law does not automatically preclude the use of formal legal mechanisms. According to the interviewee, if the parties raising the complaint accept the outcome of the customary resolution and consider the matter settled, the process may conclude through that mechanism. Conversely, if the customary resolution does not provide sufficient satisfaction, the parties concerned may still pursue formal legal remedies in accordance with the applicable laws and regulations.[21]

In the author's view, the case involving Gus Fuad demonstrates that customary law was selected as one of the initial dispute resolution mechanisms pursued by the parties concerned. Nevertheless, the relationship between customary law and positive law must be understood carefully. Acceptance of a customary resolution does not automatically eliminate the authority of law enforcement agencies or rule out the possible application of positive law. This depends on the nature of the conduct, the applicable statutory provisions, and the legal standing and rights of the parties involved. Therefore, both mechanisms must be examined according to their respective scopes and legal foundations rather than solely on the basis of the satisfaction of the disputing parties.

Finally, the imposition of customary sanctions against Gus Fuad attracted considerable public attention and response. Support for the implementation of these sanctions was reportedly widespread, organized, and sustained. The application of givu was considered capable of deterring individuals from engaging in similar conduct. Furthermore, the existence of customary sanctions was expected to encourage members of the community to exercise greater caution when expressing opinions or engaging in conduct that could offend or harm others. Beyond this function, the implementation of customary sanctions also has a social

[21] Interview with Mehdiantara Datupalinge, S.H., Fifth Descendant (Trah Kelima) of Kagaua Palu, 17 July 2026.

dimension. The beef obtained from the slaughter ceremony was distributed and consumed collectively by community members and personnel at places of worship, particularly mosques. Such activities may serve as a means of strengthening mutual cooperation and fostering closer social relationships among community members. According to the interviewee, the application of customary mechanisms was also expected to direct dispute resolution through an orderly procedure, thereby reducing the risk of conflicts escalating into mob violence or more widespread disturbances of public order.

In the author's view, the application of Kaili customary sanctions against Gus Fuad has implications not only for the individual subjected to the sanctions but also for the wider social life of the community. From a preventive perspective, the existence of givu is expected to increase public awareness of the importance of maintaining appropriate speech and conduct. From a social perspective, the use of the proceeds from the cattle slaughter and community participation in its implementation may strengthen solidarity and foster closer relationships among residents. Accordingly, givu in this case can be understood as a customary mechanism that combines the imposition of sanctions, the communication of standards of propriety, and efforts to maintain social order. Nevertheless, assessing whether the sanctions successfully produce a deterrent effect requires further evidence concerning changes in community behavior following their implementation.

Conclusion

This study demonstrates that Kaili customary law serves as a dispute resolution mechanism intended to address conflicts arising from statements concerning religious figures in a manner that upholds customary values and social dignity. Gus Fuad's statements concerning Guru Tua, or Sayyid Idrus bin Salim Al-Jufri, were considered inappropriate and offensive to the Abnaul Khairaat, particularly the extended Alkhairaat family, and were therefore classified as salambivi, meaning an error in expressing words. Through the imposition of givu, the customary community treated the statements not merely as a verbal mistake but also as a violation of the respect owed to a religious figure who had contributed significantly to the spread of Islam and religious education in Central Sulawesi. The

resolution process was conducted through a series of stages and customary deliberations, beginning with an examination of the dispute in accordance with the value of potangara nu ada, followed by efforts to convey messages to Gus Fuad through family members, government representatives, the pesantren, and social media, and culminating in deliberations through nibu kodi, involving customary institutions, government representatives, and relevant authorities. The sanctions of salambivi and sambari tambolo carry symbolic significance, with the slaughter of a cow representing the removal of undesirable traits and behaviors. The process also allows adjustments for parties experiencing difficulties in fulfilling certain obligations without eliminating their customary responsibilities. The entire process is grounded in Kaili local wisdom, including potangara nu ada, saling megaga, posipakilu, and tonda talusi, which can adapt to changing circumstances.

Regarding positive law, Kaili customary law was pursued as an initial means of dispute resolution without excluding the possibility of resorting to formal legal mechanisms if the customary outcome proved unsatisfactory. The two mechanisms may therefore complement one another and should be examined according to their respective scopes and legal foundations. In terms of its impact, the implementation of givu reportedly received broad community support and was expected to create a deterrent effect, encourage greater caution in expressing opinions, prevent disputes from escalating into acts of vigilantism, and strengthen mutual cooperation and social ties through the communal use of the beef obtained from the slaughter ceremony. Thus, Kaili customary law functions as a means of conflict resolution that combines the imposition of sanctions, the communication of standards of propriety, and efforts to maintain social order. However, further evidence of changes in community behavior following the implementation of the sanctions is still needed to establish their effectiveness in producing a deterrent effect.

Reference

Ade Saptomo Lubna, Metty Murni Wati Ibrahim & Rospita Rufina Situngkir. “Kaili Tribe

Criminal Dispute Resolution Process from the Perspective of Customary Law in Central Sulawesi." *Syntax Literate: Jurnal Ilmiah Indonesia* 9, no. 2 (2024).

Anak Agung Sagung Laksmi, Ni Made, Sukaryati Karma, Fakultas Hukum, Universitas Warmadewa, Pertanggungjawaban Pidana, and Ujaran Kebencian. "Tinjauan Yuridis Pertanggungjawaban Pidana Terhadap Ujaran Kebencian (Hate Speech) Di Media Sosial." *Jurnal Interpretasi Hukum* 2, no. 3 (2021): 562–66. https://doi.org/https://doi.org/10.22225/juinhum.2.3.4137.562-566.

Andrian Francisca Della, Nurhayati Mardin, and Susi Susilawati. "Analisis Terhadap Status Hukum Anak Akibat Lokika Sanggraha Menurut Hukum Adat Bali." *Tadulako Master Law Journal* 9, no. 3 (2025): 33–47.

Ardiansah, Amiruddin Hanafi & Ridwan Tahir. "Penerapan Sanksi Adat Pidana Terhadap Pelaku Kejahatan Susila Berdasarkan Pranata Adat Tajio Di Kasimbar Kabupaten Parigi Moutong." *Legal Opinion* 13, no. 2 (2025): 1–11. https://doi.org/https://jurnal.fh.untad.ac.id/index.php/LO/article/view/2779.

Fikron Abdul Hamid Kuncoro and Ach Rubaie. "Penegakan Hukum Terhadap Pelaku Ujaran Kebencian Di Media Sosial." *Begawan Abioso* 14, no. 1 (2023): 43–56.

Hardianto. *Panduan Lengkap Metode Penelitian Hukum Empiris Dan Normatif*. Sumatera Barat: Cv. Nusantara Press Indonesia, 2025.

Hilman Hadikusuma. *Pengantar Ilmu Hukum Adat Indonesia*. Bandung: CV Mandar Maju, 2014.

Kristianto Rante Lobo, Manga Patila, and Marini Citra Dewi. "Peran Lembaga Adat Dalam Penyelesaian Sengkata Tanah Warisan Di Kecamatan Tondon Kabupaten Toraja Utara." *Legal Opinion* 13, no. 3 (2025): 81–91. https://doi.org/https://jurnal.fh.untad.ac.id/index.php/LO/article/view/2925.

Muhammad April, Muammar Alkadafi, and Muh Said. "Hukum Adat Dalam Penyelenggaraan Pemerintahan Desa Adat Di Kabupaten Siak Provinsi Riau Dan Provinsi Bali." *Jurnal Hukum Ius Quia Iustum* 30, no. 2 (2023): 396–419. https://doi.org/10.20885/iustum.vol30.iss2.art8.

Media Alkhairaat "Fuad Plered Tunaikan Sanksi Adat, Minta Semua Kesalahan Dimaafkan." Rifay, 2025. https://media.alkhairaat.id/fuad-plered-tunaikan-sanksi-adat-minta-semua-kesalahan-dimaafkan/.

Rahma Shartika and Nova Febrina Barus. "Progres Pengakuan Masyarakat Hukum Adat Dalam Sistem Hukum Di Indonesia." *Journal Sains Student Research* 2, no. 5 (2024): 259–71.

Rangga Musabar. "Gus Fuad Plered Disanksi Adat Di Palu Usai Diduga Hina Pendiri Alkhairaat." detiksulsel, 2025. https://www.detik.com/sulsel/berita/d-8021112/gus-fuad-plered-disanksi-adat-di-palu-usai-diduga-hina-pendiri-alkhairaat.

Randy Atma R Massi & Besse Tenriabeng Mursyid, Fakultas Syariah, Universitas Islam, and Negeri Datokarama. "Peran Hukum Tata Negara Adat Kalili 'Tonda Talusi' Dalam Penguatan Moderasi Beragama Di Lembah Palu." *Qaumiyyah: Jurnal Hukum Tata*

Negara 5, no. 2 (2024): 133–50. https://doi.org/https://doi.org/10.24239/qaumiyyah.v5i2.165.

Redaksi Harian Mercusuar. "Sebut Guru Tua 'Monyet', Fuad Plered Disidang Adat Kaili, Berikut Denda Adatnya." Mercusuar Korannya Rakyat Sulteng, 2025. https://mercusuar.web.id/kota-palu/sebut-guru-tua-monyet-fuad-plered-disidang-adat-kaili-berikut-denda-adatnya/.

Soekanto, Soerjono. *Hukum Adat Indonesia*. Depok: Rajawali Pers, 2021.

Soepomo, R. *Bab-Bab Tentang Hukum Adat*. Jakarta Timur: PT Balai Pustaka, 2013.

Sumaya, Pupu Sriwulan. "Hukum Adat Sebagai Sumber Hukum Di Indonesia: Kajian Historis Dan Kontempoler." *Journal of Law Review* 5, no. 1 (2025): 26–37. https://doi.org/https://doi.org/10.55098/jolr.v5i1.178.