



The Integration of the Islamic and Customary Law in Tolaki Society, Southeast Sulawesi: Islamic History and Education Perspectives

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Abstract: This article seeks to elucidate the assimilation of the Islamic and customary law within the Tolaki community in Konawe, Southeast Sulawesi. The Islamization of Tolaki society follows a dialogic-integrative model, similar to other Eastern Indonesian societies like Gowa-Tallo, Bone, Ternate, and Buton. This is a qualitative research and applies the philosophy of history and Islamic education for data analysis. The methods of data collection include interviews, documentations, and observations. According to this study, the majority of Tolaki people prefer Islam as their religion. The integration of the Islamic law and custom in Tolaki society is highly robust, evident through the *kalo sara* procedure serving as a symbol of the amalgamation of Islam and culture. The Tolaki community practices the Islamic law, which is seen in the customary fines imposed on individuals who commit customary infractions. The model of Islamization of the Tolaki community can be described as dialogical-integral. This means that the process of Islamization starts with the Sultanate and then extends to the wider community. From an Islamic educational standpoint, the process of Islamization starts with the Sultanate and progresses to the establishment of various Islamic educational institutions, including Religious Teacher Education. Subsequently, several Islamic boarding schools emerge, transforming societal perceptions towards Islamic educational institutions. Presently, there is a growing trend of the Tolaki people migrating to the mainland as a result of the favorable climate in Islamic institutions. Furthermore, the graduates of these schools are making tangible contributions to society.

Keywords: Integration, the Sharia Law, Tolaki Customs, Islamic History, Islamic Education

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Abstrak: Artikel ini bertujuan mendeskripsikan integrasi hukum Islam dan adat dalam masyarakat Tolaki, Konawe, Sulawesi Tenggara. Islamisasi masyarakat Tolaki berbentuk dialogis-integratif sebagaimana model pada masyarakat Timur Indonesia, seperti Gowa-Tallo, Bone, Ternate dan Buton. Kajian ini menggunakan metode penelitian kualitatif, dianalisis dengan teori sejarah dan pendidikan Islam. Teknik pengumpulan data yang digunakan adalah wawancara, dokumentasi dan observasi. Penelitian ini menyimpulkan bahwa Islam menjadi agama pilihan mayoritas orang Tolaki. Integrasi antara hukum Islam dan adat dalam masyarakat Tolaki cukup kental, hal ini dapat dilihat dari proses kalo sara sebagai simbol penyatuan antara Islam dan budaya. Hukum Islam kemudian dipraktikkan dalam adat masyarakat Tolaki sebagaimana dapat diidentifikasi pada sanksi adat yang diberikan kepada pelaku pelanggaran adat. Kemudian model Islamisasi masyarakat Tolaki adalah dialogis-integral yaitu proses Islam yang dimulai dari Kesultanan yang kemudian diikuti oleh masyarakat. Dalam perspektif pendidikan Islam dimulai dari kesultanan sebagaimana proses Islamisasi, kemudian terus berkembang sampai dengan muncul beberapa Lembaga pendidikan Islam seperti Pendidikan Guru Agama, kemudian munculnya beberapa pesantren yang mengubah paradigma masyarakat terhadap Lembaga Pendidikan Islam. Saat ini, geliat orang Tolaki di wilayah daratan sedang mengalami peningkatan disebabkan semakin membaiknya iklim di persekolahan Islam dan alumni sekolah Islam memperlihatkan sumbangsih nyata di tengah masyarakat.

Keywords: Integrasi, Hukum Islam, Adat Tolaki, Sejarah Islam, Pendidikan Islam

Introduction

The fusion of the Islamic law and local customs in Indonesia serves as a significant framework for the Islamization process. Islam spreads from Aceh to other districts in Sumatra, such as Palembang and Minangkabau, before reaching Java, including Demak, Banten, and Mataram.¹ Java was subsequently followed by the spread of this phenomenon to Banjar, Gowa-Tallo, Luwu, and Bone, as well as Bima, Ternate-Tidore, and Buton. The integration model plays

¹ Lukman S. Thahir, "Islam of the Archipelago: Cosmopolitanism of Islamic Civilization in Indonesia," *Jurnal Ilmiah Islam Futura* 12, No. 1 (2021). Mohamad Abdun Nasir, "Revisiting the Javanese Muslim Slametan: Islam, Local Tradition, Honor and Symbolic Communication," *Al-Jamiah: Journal of Islamic Studies* 52, No. 2 (2019). Nur Alfy Syahriana and Zaenul Mahmudi, "The Principle of Segendong Sepikul in the Inheritance Distribution System of the Muslim Community from the Perspective of Multidisciplinary Studies," *De Jure: Jurnal Hukum dan Syariah* 14, No. 2 (2022).

a significant part in the process of Islamization in the archipelago, implemented by intellectuals across different periods.²

The Bugis-Makassar Kingdom's association with Buton and Konawe expedited the Islamization process in the Southeast Sulawesi Region. According to a study on the Islamization of the Tolaki people, it is documented that Islam was present in the Konawe kingdom during the reign of King Tebawo.³ During the reign of King Lakidende II, it played a crucial role in the process of converting the Tolaki people to Islam.⁴ This remark demonstrates the significant influence of the palace in shaping the religious preferences of the populace. It can also be interpreted as a form of governmental and structural control over the religious practices of the Tolaki people. This control is evident in the ten significant decrees issued by King Lakidende II, following the establishment of Islam as the official religion of the Konawe kingdom. The proclamation issued by King Lakidende resulted in the widespread adoption of the Tolaki people's religious beliefs.

In the Mekongga Kingdom, similar to the Konawe Kingdom, the Tolaki tribe had encountered Islam during the rule of Bokeo Teporambe through Opu Daeng Masaro, an envoy from Datu Luwu in South Sulawesi, in 1627 AD. However, Islam had not been established as the official religion in the kingdom due to King Bokeo Teporambe's reluctance to adopt the faith.⁵ The rapid development of Islam occurred in 1680 AD during the rule of Bokeo Lelemala. King Bokeo Lelemala had a significant role in promoting the growth of Islam in the kingdom by officially adopting it as the state religion. He facilitated this by inviting teachers (*da'i*) and vigorously promoting the observance of Friday prayers. As a result, King Bokeo Lelemala was honored with the title La Duma.

However, the process of Islamization among the Tolaki people extended beyond the palace. The incorporation of Islamic concepts into different coastal areas has place through engagements with immigrant scholars, namely those of Arab descent. Toli-Toli, Soropia, Lalonggasumeeto, and the surrounding regions experienced the impact of Islamic culture due to the teachings of a renowned cleric named Syaikh Attamimi.⁶

² Nur Avita, et.al., "Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency," *El-Mashlahah* 12, No. 2 (2022). Abdul Wahid, "Doa Kasaro and its Cultural Codes in Muslim Society of Bima, Eastern Indonesia," *Ulumuna: Journal of Islamic Studies* 23, No. 2 (2019).

³ Basrin Melamba, *Tolaki: Sejarah, Identitas Dan Kebudayaan*, Yogyakarta: Lukita, 2013.

⁴ Syahrul Syahrul, "Tanggung Jawab Sosial Pesantren (Studi Pada Pondok Pesantren Al-Munawwarah Pondidaha, Konawe)," *Shautut Tarbiyah* 23, no. 2 (2017): 120–134.

⁵Supriyanto, et.al., *Sejarah Kebudayaan Islam Sulawesi Tenggara*, Kendari: Kerjasama Kanwil Kemenag dengan Universitas Muhammadiyah, 2009.

⁶Basrin Melamba, et.al., "Zending and Culture of Tolaki Tribe in Southeast Sulawesi, 1916-1942," *Jurnal Sejarah Citra Lekha* 4, no. 1 (2019), p. 53-60.

The Tolaki people had embraced Islam as their official religion during the reign of the Tolaki rulers of the Konawe and Mekongga Kingdoms. This has significantly impacted the rapid spread of Islamic teachings among the Tolaki people. The Tolaki monarchs of the Konawe and Mekongga Kingdoms were fervently dedicated to propagating Islamic doctrines among the populace. They accomplished this by integrating Islamic principles into the cultural practices of the Tolaki community. Islamic values had a direct impact on different aspects of Tolaki culture, including the cultural value system (such as unity, cooperation, assistance, and peace) and the system of norms (which covered the social roles of individuals in society, attitudes and behavior in social interactions, and manners and behavior in the lives of individuals, families, communities, and the State). The legal system encompasses the enforcement of legal sanctions against persons who violate the principles and teachings of Islam. The set of particular norms that regulate birth, marriage, and funeral ceremonies is referred to as a code of conduct.⁷

While Islam serves as the official religion of the Tolaki people, they continue to uphold their traditional customs and ceremonies, but with modifications to align with Islamic beliefs. The cultural traditions and rituals of the Tolaki people are integral to their belief system, which has its roots in the Tolaki culture. The Tolaki people adhere to traditions and cultural ceremonies as a method of establishing a connection with the deities.

The emergence of Islam in the Konawe mainland was intricately connected to the traditions and behaviors of the Tolaki people, resulting in specific adjustments, particularly in the domains of marriage ceremonies and the management of immoral occurrences. The Peohala customary law event, which deals with violations of the customary law, is a phenomenon that overlaps with both the Islamic law and the positive law. For example, in Tolaki's customary law, defamation is classified as peohala, a type of slander in Islam, and can be subject to legal prosecution as a criminal violation under the positive law. The Tolaki people's perspective on this matter is divided into two distinct positions, with some regarding the customary law as superior to the Islamic law, while others maintain the opposite stance. However, the Tolaki people persist in diligently adhering to the rituals and traditional rules of their ancestors, under the leadership of revered customary elders who hold esteemed positions. Tolaki customary authority has shifted from strict adherence to tradition to embracing religion ideas, namely Islam, which is the predominant faith among the Tolaki population.

⁷Supriyanto, et.al., *Sejarah Kebudayaan*, p. 195. Sabdah and Sastramayani, "Menjaga Tradisi Islam Orang Tolaki melalui Pengenalan Al Qur'an pada Masyarakat di Kelurahan Bungguosu, Konawe," *Shautut Tarbiyah* 28, (2018).

This article examines the process of integrating the Islamic and the customary law within the Tolaki community in Konawe, Southeast Sulawesi. Scholars, both in Indonesia and international, have not extensively examined the discussion around Islam in the Tolaki community. Furthermore, there is a lack of research on the integration of the Islamic and the customary law. Up until now, research conducted in Sulawesi has predominantly focused on the topics of Islam and Islamic jurisprudence within the Bugis and Makassar communities.

Therefore, this study aims to address the inquiry of the assimilation of the Islamic jurisprudence and traditions within the Tolaki community. This study employs a qualitative research methodology, which is examined through the lens of historical theory and Islamic education. The theory of history is employed to examine the assimilation of the Islamic law and traditions from the time Islam was first embraced by the Tolaki people up until the present day. Subsequently, Islamic education scrutinizes the evolution of Islamic educational establishments in Konawe. The employed data collection procedures include interviews, documentation, and observation.

The Socio-Religious Life of the Tolaki People

The Tolaki people formerly referred to themselves as Tolahianga, a term that signifies "individuals originating from the celestial realm". Tarimana proposes that the term "sky" could potentially denote "the domain of the sky" as comprehended in Chinese society. From his point of view, there is a connection between the Chinese phrase "*hiu*," meaning "sky," and the Tolaki term "*heo*," which translates to "go to the sky." The Tolaki culture has a deep connection to the heavenly realm, viewing it as a powerful force that influences the development of human civilization.

The connection to the sky has ramifications for two aspects. Firstly, from a sociological perspective, individuals perceive themselves as a distinct community due to their lineage as descendants of Sangia I Lahuene, the celestial ruler commonly referred to as the God of the Sky. This leads to the acquisition of exclusive privileges to govern and guide a society within a monarchy. This is evident in the myth of Wekoila and Larumbalangi. Secondly, it may be stated that the Tolaki people has robust religious underpinnings. The celestial realm is the abode of the deities, who are revered not just as progenitors but also venerated in diverse manifestations of natural phenomena.

Like many other groups around the world, the Tolaki people have seen regular changes and development, particularly in the area of their religious beliefs and practices. The Tolaki people, who have a fundamental comprehension of religion, do not face obstacles in accepting the introduction of more advanced religious ideologies, such as Islam. The adoption of Islam is not a drastic change, but rather takes place through an instructional procedure aimed at the offspring of the aristocracy, specifically those affiliated with the ruling

dynasty. This is seen in the story of Lakidende II's endeavor to seize the throne of the Konawe kingdom.⁸

Islam has historically been a popular religion among the Tolaki people, with a large number of followers. It has even become the de facto official religion of the Tolaki people. The Tolaki people have been practicing Islam since the 17th century AD, predating the arrival of Christianity in their area. Upon King Mokole Lakidende, also known as Sangia Ngginoburu, embracing Islam, it gained socio-political legitimacy as the kingdom's official religion. A novel concept posits that Islam was introduced to the coastal region of North Konawe during the 15th century, through the efforts of Muslim merchants originating from Ternate and Bugis. In 1885, when the Dutch East Indies government exerted its influence on the Tolaki territory, there were no reported cases of Tolaki people practicing any religion other than Islam. Moreover, Protestant Christianity made its way into the Kendari and Kolaka regions around 1915/1916.⁹

Nevertheless, Islam did not instantaneously supplant the pre-existing belief system or indigenous culture. The religious practices of the Tolaki people have been influenced by polytheism and dynamic worship from ancient times and continue to be present in their religious life now. Similar to other ethnic groups in the archipelago, the Tolaki people perceive Islam as a monotheistic religion system that coexists and integrates with their traditional belief system, which has been practiced for many centuries. Put simply, the average Tolaki person does not exclusively adhere to Islam as the sole belief system that shapes their individual behavior or the social structure of the society. However, similar to Javanese society, Islam is commonly observed in Tolaki society. The Tolaki people demonstrate syncretism through many activities, including as the traditional rice planting ceremony known as mosehe wonua and the agricultural cycle rites called lulo ngganda in Benua Village, Benua District, South Konawe Regency.

The Integration of the Islamic and Customary Law in Tolaki Society

The Tolaki people, who follow the dominant faith, which is Islam, practice a combination of the Islamic law and their own traditional customs. For instance, in cases of legal issues, conflicts, and disputes among communities, the peace and reconciliation process aims to achieve a peaceful resolution. In the Tolaki tradition, the term used is "kalo sara," which has evolved into the customary law or living law. The kalosara custom is enacted through a mediation procedure that is conducted in internal cases involving customary

⁸ Syahrul, "Tanggung Jawab Sosial Pesantren (Studi Pada Pondok Pesantren Al-Munawwarah Pondidaha, Konawe)."

⁹ Interview with Basri Melamba, Historian at Halu Oleo Univeristy, June 2023.

groups. Effective dispute resolution methods that are capable of establishing and validating social order throughout the society. The kalosara custom embodies the philosophical principle of *ate pute penao moroha*, which emphasizes purity and justice. This value serves as a cohesive force in resolving disputes, ensuring that parties involved can attain a sense of justice in accordance with the customs. The social function of customary law in the society is to achieve social harmony and prevent disagreements and conflicts. Within the framework of the Islamic law, the primary objective is to establish a state of concordance and societal organizations.¹⁰

Kalo Sara, as a cultural centerpiece, influences multiple aspects of Tolaki life, including the family, government, and society as a whole. The Tolaki people's early story holds that Kalo is a revered artifact initially sent to earth by Wekoila, who acted as a divine messenger, with the purpose of restoring order amidst the prevailing turmoil. Kalo serves as evidence that Wekoila is the genuine emissary of the divine beings in the celestial realm, destined to assume a leadership role among mankind, fostering stability, organization, tranquility, and harmony.¹¹

Wekoila, in accordance with the leadership mission to the Tolaki people, commanded the production of an exact duplicate of Kalo, crafted to match the original. In addition, a number of individuals with robust physiques and proficient oratory abilities were chosen as the king's representatives in diverse social matters. Kalo was brought as a surrogate for the king's presence. They demonstrated leadership by establishing a shared agreement among themselves over the necessity of creating an appropriate receptacle for the Kalo artifact, specifically a pristine white fabric foundation (*balatu*).

The utilization of *Kalosara* will be prominently evident in customary processions. *Kalosara* serves as a means of communication within the Tolaki community, particularly in the resolution of problems and matters related to marriage. *Kalosara* serves as a very efficient means of communication to establish connections between different groups, families, and individuals. Furthermore, *kalo* is employed in shamanic processions, involving agricultural shamans and sickness shamans, where it serves as a guiding principle for individuals throughout their lives. The Tolaki people view *kalo* as a

¹⁰ Kamaruddin Kamaruddin, et.al., "Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 2 (2023).

¹¹Muslimin Su'ud, "Hukum Adat Tolaki (Osara), Cet. I," *Lembaga Pusat Pengkajian Dan Pengembangan Sejarah Dan Kebudayaan Tolaki (LP3SKT)*, 2006.

comprehensive guide to life, encompassing various aspects such as the restoration of societal order and stability.¹²

Kalo serves four distinct purposes: 1) It exists as both a concept in culture and a tangible aspect of the Tolaki people's lives; 2) It acts as a central point that brings together various elements of Tolaki culture; 3) It serves as a guiding principle for establishing social and moral structure within the Tolaki community; 4) It functions as a unifying force that resolves conceptual and social conflicts within Tolaki culture and society.¹³

The most ideal expression of a culture is its custom, commonly referred to as the usual code of conduct, as it functions as a governing mechanism for behavior.¹⁴ Within this framework, *Kalo* represents concepts that are highly important to Tolaki society, such as *medulu mepokoaso* (harmony and cohesion), *ate pute Penao moroha* (integrity and fairness), and *morini mbu mbundi monapa mbu'undawaro* (plenty and prosperity). The Tolaki people express this idea by utilizing *kalo* in ceremonies related to their involvement in the social, economic, political, and religious spheres.

Furthermore, this principle is not only applied in ceremonies but also in everyday life. The principle of unity and connectivity is demonstrated through the practice of *mete'alo-alo*, which entails reciprocal aid and support within immediate or extended kinship networks. This aid can manifest as cooperative endeavors in building a dwelling, as well as offering contributions of sustenance and refreshments at communal events, including funeral rites.

At the level of norms, cultural values serve to connect specific responsibilities of Tolaki individuals in society. They act as guidance for the behavior of Tolaki people in fulfilling their respective duties. At the legal system level, the customary law of the Tolaki people serves to govern different aspects of their existence. *Kalo*, as a customary law, serves various functions such as facilitating communication between families and groups, acting as a claim for forest land to be converted into fields, safeguarding gardens and their plants, securing the central pole of houses and other protective structures, facilitating marriage arrangements, serving as a means to pledge loyalty to a king, and playing a role in ceremonies aimed at warding off evil and seeking blessings. The utilization of *kalo* in various aspects of Tolaki people's lives, as indicated before, is governed by the customary legal regulations that are obligatory to follow. Breaking the law will result in penalties. The sanctions might manifest as psychological sanctions and physical sanctions.

¹²Abdurrauf Tarimana, "Kebudayaan Tolaki, Cet. II," *Balai Pustaka*, 1993. Amiruddin, et.al., "Kalosara di Kalangan Masyarakat Tolaki di Sulawesi Tenggara," *Mudra: Jurnal Seni Budaya* 32, No. 1 (2017).

¹³Abdurrauf Tarimana, "Kebudayaan Tolaki, Cet. II," *Balai Pustaka*, 1993.

¹⁴Koentjaraningrat, *Pengantar Ilmu Antropologi*, Jakarta: Aksara Baru, 1985.

The evidence supporting *kalo* as the focal point and unifier of Tolaki cultural elements is not only derived from its association with various elements of each Tolaki cultural aspect, but also evident in its role during ceremonies as a central symbol that harmonizes the existing symbol systems within the ceremonial context. The symbol systems are evident in the ceremonial tools, the timing and location of the ritual, the adornment of the ceremonial room, the participating groups, the ceremonial attire, the incantations and invocations spoken by a shaman, and the ceremonial utensils.

Ceremonial instruments, including sacrificial animals, plants, and physical items such as stones, soil, water, and fire, possess symbolic importance. For instance, the buffalo is a symbol of affluence, while plants generally represent growth and fertility. Stone represents strength and endurance, soil represents patience, water symbolizes purity, and fire symbolizes enthusiasm for future life. The timing of the ritual symbolizes the progression towards a fulfilling existence in the world. Hence, it is an opportune moment for the ceremony. The selected time is predawn, symbolizing longevity and great fortune.

The ceremony described above incorporates the symbolic significance of various elements. The symbolic meaning of *kalo* is intertwined with the ideas of unity and togetherness. Similarly, the symbolic meaning of the rattan circle reflects these concepts, along with sincerity and purity. Additionally, the symbolic meaning of the white cloth represents sincerity and purity. Lastly, the woven container, in which the rattan circle is placed, symbolizes prosperity and well-being. The role of *kalo* in Tolaki culture is multifaceted. It serves as an integrator of various cultural elements, both within each element of Tolaki culture and in relation to several sub-elements. Additionally, *kalo* plays a central role in ceremonies. It appears that *kalo* fulfills and satisfies numerous fundamental needs in the human instincts of the Tolaki people.

The fundamental requirements of the Tolaki community, for instance, involve expressing their emotions and ideas to others with courtesy. They devised *kalo* as a symbolic language. Tarimana states that the idea of *kalo* in Tolaki culture encompasses a wide range of meanings. The term "sara" encompasses various practices, particularly the customs known as "sara owoseno tolaki" or "sara mbu'uno tolaki". These customs serve as the foundation for all customs observed by the Tolaki people in every area of their existence. The classification of basic customs includes: (1) *sara wonua*, which refers to customs related to government; (2) *sara mbedulu*, which pertains to customs in family relationships and unity; (3) *sara mbe'ombu*, which encompasses customs in religious activities and beliefs; (4) *sara mandarahlia*, which involves customs related to expertise and skills in work; and (5) *sara monda'u*, *mombopaho*, *mombakani*, *melambu*, *dumahu*, *meoti-oti*, which

encompass customs in farming, gardening, raising livestock, hunting, and fishing.¹⁵

Kalo, within the Tolaki group, is considered an essential aspect of their culture and serves as a guiding principle for life. The Tolaki language refers to the term *adat* as *sara*, and the representation of Tolaki rituals is known as *kalosara*. The Tolaki legal system asserts that "inae konasara ie pinesara, inae lia sara ie pinekasara," which signifies that the one who possesses knowledge of and shows reverence for the customs will be held in high regard, while those who disregard the customs will face consequences.¹⁶

This worldview strongly asserts that individuals who defy established norms, refuse to acknowledge or honor *kalosara*, should face punishment ranging from enslavement to permanent expulsion from the community. While this punishment is no longer enforceable, it is undeniable that negative attitudes towards individuals who do not show respect for *kalo* still persist.

The rituals and culture of the Tolaki tribe are deeply ingrained within the community, particularly among the Tolaki indigenous people and other Muslim populations residing in the Tolaki indigenous community region. This is evident in the matrimonial practices of the Tolaki tribe. The Tolaki indigenous community is strongly impacted by the presence of close kinship ties and a strong desire to preserve these bonds. This sentiment is deeply ingrained in their culture and has evolved into a longstanding custom and habitual practice. The Tolaki indigenous community acknowledges two distinct types of marriage:

- a) Conventional marriage, specifically referring to marriage that follows the customary expectations and established rules of application in Tolaki culture, such as:
 - 1) *Bite tinongo atau mowawo niwule* refers to a formal proposal that is officially executed by both parties involved.
 - 2) *Mosoro orongo* refers to the practice of a woman marrying her deceased husband's younger or older brother.
 - 3) *Mosula inea* refers to a form of marriage where two brothers (siblings) marry two sisters (siblings).
 - 4) *Tumutuda* refers to a marriage practice where both sides of the family arrange marriages for their children in a specific order based on their age.
- b). An abnormal marriage refers to a type of marriage that is undertaken due to a significant influencing factor, leaving no alternative but to proceed with the marriage. Examples of such factors include: 1) *Momboko mendia* refers to a marriage between a man and a woman that takes place because the lady is

¹⁵ Tarimana, "Kebudayaan Tolaki, Cet. II."

¹⁶ Nur Alim, et.al., "Edukasi Kepemimpinan Berbasis Tradisi Lokal pada Masyarakat Tolaki di Kabupaten Konawe," *Shautut Tarbiyah* 26, No. 1 (2020).

pregnant before getting married; 2) *Mombolasuako* is a type of marriage that happens due to three specific reasons. *First, Molasu* a male and female individual, opt to unite as a result of not receiving approval from their respective families. *Second, Pinolasuako*, a male and female individual, make a joint decision due to the lack of approval from the woman's parents. *Third, Mepolasuako* a woman proposes to a man to elope by filing a complaint with a religious figure or a customary leader; 3) *Bite nggukule* is a marriage that occurs when a man and a woman publicly confess their love in front of their parents, religious figures, and the customary leaders; 4) *Umo api* is a marriage that takes place between a man and a woman, even though the woman is still married to another man; 5) *Kawisoro*, refers to a marriage between a man and a woman that is followed by a divorce refers to a marriage between a man and a woman that is followed by a divorce.¹⁷

Marriage in the Tolaki tribe is governed in a manner that applies to all members, regardless of whether the marriage is considered normal or abnormal. This basic regulation governs the process of being married. The presence of two distinct forms of marriage within the Tolaki tribe is anticipated to address several societal issues, particularly regarding the implementation of marriage legislation in Tolaki tribal traditions.

Traditional Penalties in Tolaki Culture

In the Tolaki language, the term "*peohala*" refers to a syllable that carries a precise meaning related to the type of sanction. Specifically, "*peohala*" signifies a sanction, fine, or punishment in the etymological sense. Within Tolaki tribal customs, this term is used to describe the sanctions imposed on individuals who commit violations and crimes according to the law.

Customary witnesses are not exclusive to Tolaki tribal customs; other tribes also employ punishments. However, the distinguishing factor lies in the specific sort of sanction imposed on those who commit infractions and crimes. Tolaki tribal customs involve the implementation of *peohala*, which encompasses several varieties and is applied in diverse scenarios. The magnitude of the *peohala*/sanction is established in accordance with Tolaki tribe customs and is contingent upon the severity of the transgression or offense committed by the wrongdoer, as judged by traditional authorities known as *tolea* and/or *pabitara*. Their sole purpose is to act as law enforcers and regulators in order to establish a fair and equitable society.

Peohala/customary sanctions refer to legal and social consequences that are enforced by the legal community of the Tolaki tribe as a means of holding

¹⁷ Interview with Ahmadi, Academic at IAIN Kendari, June 2023. Erens Elvianus Koodoh, et.al., "Hukum Adat Orang Tolaki," *Teras, Kerjasama dengan Kantor Penelitian dan Pengembangan Pemerintah Daerah Kabupaten Konawe*, 2011.

individuals accountable. The Tolaki community will inflict this *peohala* discipline on both the Tolaki tribe and individuals who are not members of the Tolaki tribe if they violate the rules. It is indisputable that the *peohala*/fine sanction is a legal intimidation tactic that is currently being enforced by the legal community of the Tolaki tribe throughout different regions.

Crimes that fall under customary violations in the Tolaki community can be classified as:

- 1) Offenses resulting in the destruction of societal infrastructure. The offense pertains to the conduct of an individual, who may be subject to a distinct legal framework but operates within the jurisdiction of Tolaki customary law. This conduct leads to harm inflicted upon the physical or social framework of the Tolaki tribe's customary community. These actions typically have a negative impact on one's social standing, such as when someone enters into a marriage with a person of a different religious belief (*mealoo ndaa medulu agama*), or when someone elopes with another person's spouse or vice versa (*umoapi*), among other examples.
- 2) Offenses committed against the sanctity of life, the integrity of property, and the welfare of society as a whole. This sort of crime refers to purposeful acts that can cause harm to a person's well-being, property, or reputation. Examples include murder (*mombepate toono*) and arson (*mohohai laika/hapo-hapono toono*), among others.
- 3) Offenses against individuals. Each of the aforementioned violations has a detrimental impact on the society as a whole. On the other hand, personal crimes refer to offenses committed by an individual that affect those around them due to their personality or character traits, such as arrogance (*mataombo*) or impoliteness (*teoha-oha*).¹⁸

The aforementioned violations and crimes are social phenomena that can manifest at any time, place, and in any circumstances within the realm of community life for a considerable period. Hence, it is unsurprising that the customary law, particularly Tolaki customary law, has established a framework to address such occurrences, encompassing both violations and crimes.¹⁹

1) Types of punitive measures in Tolaki customary law

The Tolaki tribe's customs employ a three-tiered system of punishments, each with equal legal weight, to forcefully and appropriately punish individuals who commit breaches or crimes.

¹⁸ Interview with Rahmanuddin Tomalili, academic at Lakidende University, June 2023.

¹⁹ Tri Agustina, *Pelaksanaan Sanksi Adat Peohala Terhadap Pelanggaran Hukum Adat Kesusilaan Tolaki Di Kota Kendari* (Tesis: Universitas Indonesiam 2012), p. 82

- a. The forms of light category penalties include covering embarrassment (*mombopo ora'i*); and asking for forgiveness (*mongoni o'ambo*)
- b. There are several types of medium category sanctions. One form is material fines, which are used to compensate the injured party for their losses (*pinehala*); Another form is non-material denda, which involves forcing a man to marry a girl he impregnates or whose honor is tarnished (*peohala*); there is the practice of holding a celebration and sacrificing slaughtered animals, known as (*mosehe wonua*).
- c. Severe category sanctions include the death penalty (*pinepate*): expulsion from the community (*tinamba lako*): social ostracization (*taa pinasipole*): forced labor (*pinoko mbeindio*).
- d. Types of exceptional punitive measures (*kebijaksanaan*): Provisionally discharged (*inambongi laa sarano*): Unconditionally discharged (*inambongi*): Exonerated by royal decree (*meokindoroa*).

The imposition of punishment within the legal system follows a prescribed set of punitive sanctions and requires a customary trial process overseen by an authoritative official in the relevant jurisdiction. Subsequently, the usual figure delivers the verdict orally. When attempting an illegal behavior, the local authority person must also consider whether the offender genuinely expresses remorse for their actions. Furthermore, it is imperative to assess whether the offender falls into the category of those commonly referred to as criminals (*Toono Mosa'a*). This entails taking into account both mitigating and aggravating elements when prosecuting an unlawful act. If the customary behaviors of the Tolaki tribe are not interpreted properly in accordance with Islamic principles, it can have a significant impact and may even lead to conflicts.²⁰

During the early stages of the spread of Islam, the preachers did not prioritize teaching Islamic principles that were not compatible with the local customs. As a result, the deeply rooted traditions of the people hindered their ability to adopt new habits and practices associated with Islam. The Konawe Kingdom formally adopted Islam as its official religion during the reign of Mokole Lakidende, who ascended to the throne as King of Konawe in 1641 AD. Prior to his coronation, he had studied Islam in Wawonii Island and furthered his theological understanding at Tinanggea.²¹ The crowning of Lakidende as king had a significant impact on the evolution of Islam in the Konawe Kingdom and played a crucial role in facilitating the dissemination of the religion among the population of Konawe. The edict issued by King Lakidende includes the following instructions:

²⁰ Tri Agustina, *Pelaksanaan Sanksi Adat Peohala*, p. 92

²¹ Interview with Basri Melamba, Historian at Halu Oleo University, June 2023. Supriyanto, *Sejarah Kebudayaan Islam...*, p. 191-192.

- 1) Cease consumption of pork
- 2) Perform burial rituals in accordance with Islamic practices
- 3) Establish a surau/mosque (masigi) in each village
- 4) Learn Qur'anic recitation (*Mangadi*)
- 5) Conduct circumcision (*mesunah*) for males who have reached puberty
- 6) Recite two sentences of the shahada for the children of the Hatam manggilo (Islamic faith)
- 7) Completion of the Qur'anic reading (*Hatamu*)
- 8) The declaration of marriage contract.²²

Following the arrival of the religious concepts of Islam or Protestantism, the Tolaki people were acquainted with a deity known as *o ombu*, who was both worshipped and revered. Nevertheless, the notion of god is not discarded; rather, god is transformed into a conduit for attaining God. The Tolaki people believe that the god known as *sangia* serves as the intermediary between humanity and the divine, acting as the conduit for God's decrees (*Ombu Ala Ta'ala*). The persistence of the Tolaki people's customs and cultural rites, despite their adoption of Islam, can be attributed to their belief in deity. The evolution of the perception of god in Islam has resulted in corresponding changes in cultural traditions and rituals.

The transformation that occurs pertains solely to the objective of the ritual, transitioning from *sangia* to Allah SWT (*Ombu Ala Ta'ala*) ceremony includes various processions, one of which involves drinking Tolaki liquor (*pongasi*) at the conclusion. However, this particular procession is no longer practiced because to its perceived inconsistency with Islamic beliefs. Nevertheless, the ritual as a whole has not been abandoned. Traditions and cultural rituals imbued with spiritual and mystical significance do not appear to diminish in the face of Islam, but instead fortify the endurance of these traditions and cultural rituals. The Tolaki people embrace Islamic teachings that emphasize mystical Sufism, prioritizing the ultimate objective of connecting with Allah SWT rather than rigid adherence to religious practices. Once the Islamic components are met, the ritual and cultural tradition are transformed into an Islamic ritual. The Tolaki people have integrated the Islamic notion into their way of life, resulting in their traditions and cultural ceremonies being closely intertwined with their religious practices.

Thus, it is worth highlighting that the Tolaki people have long practiced the combination of the Islamic law and Kalosara practices as a cultural tradition to resolve conflicts and disputes. The *Kalo Sara* customary process has the potential to handle criminal problems, including adultery and land conflicts, while also fostering unity and camaraderie via diverse cultural customs. The Kalosara custom enables the achievement of peace and conflict resolution by

²²Supriyanto, *Sejarah Kebudayaan Islam...*, p. 192.

adopting a comprehensive approach that focuses on mending social relations and developing family bonds.²³

In contemporary society, the convergence of religion and local community traditions frequently presents a social issue. This is particularly evident in the religiosity of the community, which strongly adheres to ancestral customs. Consequently, there is an ongoing conflict between religious knowledge and customs within certain circles of the Tolaki tribe. This conflict arises primarily from a lack of understanding of Islamic teachings, which can be attributed to the limited knowledge and historical background of the Tolaki tribe in acquiring accurate and comprehensive knowledge about Islam.

The Process of Islamization in Tolaki: A Historical Analysis and Its Impact on Islamic Education

When examining the historical introduction of Islam to the archipelago, three distinct patterns emerge. First, the integrative nature of a community entails the incorporation of various aspects of life and culture with the overall perspective on life, worldview, knowledge system, and Islamic principles. For instance, the ethnic Malay populations reside in Aceh, Sumatra, Kalimantan, Palembang, Riau, Banjar, and the majority of the islands in Java and Madura (specifically in coastal regions). This trend is possible because the general populace had already adopted Islam and cultivated an Islamic culture before the king or ruler converted to Islam. Second, Furthermore, Islam was compelled to engage in dialogues with pre-existing local traditions that were deeply ingrained in society. One instance is found in inland Java, which was directly under the sway of the palace. The region witnessed the amalgamation of Islamic mysticism with the ancient mystical traditions that were passed down from the Hindu past. Hindu art and literature were preserved by imbuing them with an Islamic essence. This pattern was implemented due to the power structure's retention of the old system, and society's incomplete Islamization. Third, In Eastern Indonesia, specifically in Sulawesi, a combination of dialogical and integrative patterns can be observed. The reason for this is because the early adopters of Islam were primarily monarchs and aristocrats, subsequently followed by individuals from various cultural backgrounds.²⁴

²³ Islamul Haq, et.al., "Unlocking the Potential of "Kalosara": An Extensive Analysis of Adultery Instances Dispute Resolution in the Tolaki Tribe through the Lens of al-Ishlah Conceptt," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 24, No. 1 (2024). Amisbah Ramly, et.al., "Tradisi Kalosara dalam Perspektif Nilai Pendidikan Karakter pada Pernikahan Suku Tolaki Kabupaten Kolaka," *Jurnal Pendidikan Tambusai* 7, No. 2 (2023).

²⁴ Azyumardi Azra, *Jaringan Ulama: Timur Tengah dan Kepulauan Nusantara*, Jakarta: Kencana, 2013. Ridhwan Ridhwan and A Nuzul A Nuzul, "The Petta Kalie's Contribution in The Development of Islamic Law during The Kingdom of Bone," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, No. 1 (2021).

The Islamization process in the Eastern Nusantara region, such as Gowa-Tallo, Bone, Luwu, Ternate, including Buton and Konawe, is characterized by a blend of dialogic and integrative approaches. Specifically, Islam was introduced into the palace and noble circles and thereafter embraced by the general population. In order to facilitate and expedite the process of Islamization,²⁵ it is evident that the Islamic law and customs have been effectively and seamlessly integrated in Gowa-Tallo, Bone, Buton, and Tolaki in Konawe.

The interaction between the Tolaki people and Islam was rather smooth as the fundamental principles of *Kalo Sara* encompass religious features that align with Islamic teachings.²⁶ hence minimizing any substantial hurdles. Within the realm of social practice, the religion and customs of the Tolaki people often intertwine, harmonize, and mutually reinforce each other. This will be observed during wedding ceremonies, in various forms.²⁷ The interaction between Islam and tradition has consistently grown, encompassing various aspects such as marriage and the ancestral rituals of the Tolaki people, such as Mosehe. These rituals have been modified to align with Islamic principles.²⁸

In everyday life, the incorporation of the Islamic law with local customs is particularly evident in various traditions, such as Barasandi or barsanji or *aqiqah* (a ceremony to celebrate the birth of a child), traditional marriage ceremonies (*mepakawi*), funerals, prayers to ward off evil (*metula bala*), prayers of gratitude or special celebrations (*Mbasa-basa*), circumcision (*Pewaka'a*), Islamic conversion ceremonies (*Manggilo*), *khatam* Qur'an ceremonies (*Mekhatamu Quraani*), and so forth.²⁹

Within the framework of special worship (Liturgy), the Tolaki people, particularly those residing in rural regions, primarily rely on ancestral practices or teachings passed down from individuals who have studied under esteemed instructors (*Mepaguru*) in different locations. Consequently, very few of their knowledge and scientific understanding of Islam are derived directly from authentic Islamic sources, such as the Qur'an and Hadith of the Prophet, or from other fundamental reference texts of the Muslim community. These include

²⁵Abdul Hadi MW, Terjadi Kekosongan Kultural di Tubuh Umat Islam, Suara Muhammadiyah, 2006. Abidin Nurdin, "Integrasi Agama dan Budaya: Kajian Tentang Tradisi Maulod dalam Masyarakat Aceh," *El-Harakah: Jurnal Budaya Islam* 18, No. 1 (2016).

²⁶Ramlah Hakim, "Kalosara Rattan Circumference: Encounter of Islam and Tradition in Konawe Islamic History)," *Al-Qalam* 17, no. 1 (2011), p. 39–49.

²⁷Ilfan Askul Pehala, et.al., "Verbal and Non-Verbal Expressions in the Tradition of Mombolasuako of Tolaki," *IJOLTL: Indonesian Journal of Language Teaching and Linguistics* 2, no. 2 (2017), p. 103–116,

²⁸Munir Munir, et.al., "Makna Simbolik Kalosara Dalam Kehidupan Suku Tolaki Di Kabupaten Konawe," *JPeB: Jurnal Penelitian Budaya* 4, no. 1 (2019), p. 12–24.

²⁹Basrin Melamba, "Interaksi Islam Degan Budaya Barasandi Dan Aktifitas Sosial Keagamaan Orang Tolaki Di Sulawesi Tenggara." *El-Harakah: Jurnal Budaya Islam* 14, no. 2 (2013).

Kutubush Shitta (a collection of seven books of authentic hadith), *Al Umm* (the works of Imam Syafy'i), *Ash-Shahihain* (the book of hadith by Bukhari and Muslim), *Bulughul Maram*, *Riyaadush Shalihiin*, *Ihya Ulumuddin*, and other similar works. Within the cultural context of this particular ethnic group, there exist well-known traditional narratives that revolve around individuals who achieved personal devotion by acquiring Islamic knowledge, often referred to as *ladunni* knowledge, through practices such as meditation or the process of "Learning in a mosquito net" (*Mepaguru I Une Kulambu*), or by studying in Java, Bugis, or Mecca. Furthermore, the Tolaki society expresses Islamic principles through various cultural events and special devotion. This is exemplified by the symbolic celebration of annual Islamic holidays, including the Prophet's Birthday (*Maulu Nabi*), Nuzulul Qur'an, and Isra Mi'raj. During Eid al-Fitr or Eid al-Adha, it is customary to observe the ritual of *masiara*, which involves engaging in *sillaturrahmi* or visiting one another among family members and close relatives. Housewives typically engage in various activities with an Islamic influence.

Regarding the Islamization process from the perspective of Tolaki Islamic education, it was carried out by people who had studied with elderly teachers (*Mepaguru*) in other areas, and therefore very few took directly from original Islamic sources. The classical education practice of the Tolaki people is known as "Learning in a mosquito net" (*Mepaguru I Une Kulambu*), a form of closed learning because the teaching material is considered confidential. There are also those who go through the process of studying in Java, in Bugis land or in Mecca during the Hajj season.³⁰

The presence of Islam has historically played a crucial role in fostering social cohesion and facilitating close relationships between the Tolaki ethnic group and other ethnic groups, such as the Bugis-Makassar ethnic group. It has served as a unifying factor and a means of social integration within the broader Tolaki cultural realm. Islamic ideals, which transcend geo-cultural barriers, are considered highly relevant in resolving conflicts of social interests among citizens.

The Islamic values of role models are shared between Tolaki Muslims and Muslims from other ethnic groups. These values have been passed down from one generation to another, resulting in a complex of similarities and daily social cohesion. For instance, both Tolaki and Bugis people abstain from consuming pork and avoid keeping dogs. They also share a sense of shame (*Kohanu* for Tolaki people and *Sirri* among Bugis people) and have a mutual fondness for *masiara* (*Sillaturrahmi Idul Fitri* and *Idul Adha*). Additionally, both groups engage in prayer, fasting, and undertaking the hajj pilgrimage. They also enjoy celebrating Islamic holidays and giving alms. Furthermore, both

³⁰ Interview with Lansuko Kasrang, Tolaki educational figures, June 2023.

groups feel a cultural and parental obligation to marry within the Muslim community, along with adhering to other integrative social norms of similarity. The Tolaki have a growing tradition that the prohibition of consuming pork is rooted in a religious folktale. According to this tale, when the Prophet Muhammad PBUH ate, his wife Siti Hadijah accidentally neglected to serve the pork. However, it is important to note that this is still a developing folklore. Those who have knowledge of fiqh, or Islamic jurisprudence, understand that animals with fangs are prohibited to be consumed. This refers to the occurrence of traditional and religious knowledge that has evolved among the Tolaki tribe.³¹

The original process of the Tolaki people adopting Islam through the exertion of authority has led to the widespread adoption of Islam in the Konawe mainland. However, the recognition of Islam as the religion of the Tolaki people does not definitively establish the Tolaki people's connection with Islam. From a sociological perspective, "Mountain Tolaki Islam" appears to be primarily focused on formalities and has not yet fully integrated into family dynamics or educational institutions. During the 1970s, there was a lack of enthusiasm among individuals for enrolling their children in Islamic boarding schools, madrasas, or other educational institutions with an Islamic focus. It is possible to infer that Christian preachers (zending) took use of this vulnerability when spreading the gospel in Konawe. If the Indonesian Islamic Army (*Tentara Islam Indonesia/TII*) did not exist, Christians would not necessarily constitute a minority in the Konawe mainland.³²

Furthermore, in certain significant activities, the conventional approach holds greater significance than the religious approach. For instance, if an individual passes away without having completed the marriage customs (known as Mowindahako customs) during their lifetime, the deceased cannot be laid to rest until the family fulfills the customary procedures as mutually agreed upon during the marriage. There have been 10 instances of such occurrences, highlighting the Tolaki tribe's unwavering adherence to their customs, also referred to as "Mountain Islam."³³

From the standpoint of Islamic Education, the Konawe kingdom played a significant role in the assimilation of Islam, with the active backing of religious scholars. The model of Islamization in Konawe is dialogical-integral, which has had a lasting impact on the diverse aspects of Islam up to the present. Education has a crucial role in fostering societal acceptance of Islam, as mandated by the royal order. However, the process of internalization occurs primarily inside family and educational institutions.³⁴

³¹ Basrin Melamba, "Interaksi Islam Dengan Budaya Barasandi...", p. 268–92.

³² Interview with Yahya Sonaru, community leader of Tolaki, April, 2022

³³ Observation, the Tolaki Community, Konawe, April-May 2022.

³⁴ Interview with Abu Baeda, the community leader of Tolaki, April, 2022.

In addition, the expansion of Islamic educational institutions persisted during the 1980s, as seen by the establishment of madrasahs in Wawotobi and Unaaha, both of which were funded by both the government and private entities. The mentioned Madrasahs are MTsN Wawotobi and MTsN Unaah. MDA (Madrasah Diniyah Awwaliyah) is a private elementary madrasah that offers a 3-year education program for grade 4 elementary school pupils. MDA is defunct due to the founding of Madrasah Ibtidaiyah (MI). Nevertheless, religious schools or madrasahs are still considered to be of lower status compared to public institutions, such as junior high schools or high schools, as perceived by society during that period. Following the rise of various Islamic Boarding Schools, like Darul Ulum Islamic Boarding School in Padangguni, Annur Azzubaidi Islamic Boarding School in Meluhu, and Al-Muhajirin Islamic Boarding School in Ahuawatu Village, this situation underwent a transformation. The existence of Islamic boarding school authorities has significantly enhanced Islamic educational establishments, particularly in regions in close proximity to Islamic boarding schools.³⁵

Conclusion

The process of Islamization in the Tolaki tribe is a historical phenomenon that has occurred over a long period of time, extending from the past to the present. The majority of Tolaki people have chosen Islam as their religion, mostly because it originated from the Palace and was subsequently embraced by the entire town. The integration of the Islamic law and practices in Tolaki society is quite robust, shown in the *kalo sara* process which symbolizes the amalgamation of Islam and culture. The Tolaki people practice the Islamic law, which is seen in the customary sanctions imposed on those who commit customary infractions. The model of Islamization of the Tolaki people is characterized by a dialogical-integral approach, wherein the process of Islamization begins with the Sultanate and is then embraced by the population. From an Islamic education standpoint, the process of Islamization begins with the Sultanate and subsequently evolves, leading to the establishment of various Islamic educational institutions such as Religious Teacher Education. This is followed by the emergence of several Islamic boarding schools, which significantly alter society's perception and approach towards Islamic educational institutions. Presently, there is a growing trend of the Tolaki people migrating to the mainland, driven by the favorable climate in the Islamic institutions and the tangible impact made by graduates of these schools in the society. This research

³⁵ Pairin, et.al., Islam Abangan pada Masyarakat Tolaki: Suatu Tinjauan Sejarah, Budaya dan Pendidikan,” *Shautut Tarbiyah* 28, No. 2 (2022). Sabdah, “Persepsi Orang Tua Terhadap Lembaga Pendidikan Islam (Studi pada Masyarakat Tolaki di Kelurahan Bungguosu),” *Shautut Tarbiyah* 27, No. 2 (2021), p. 211–235.

suggests that in order to maintain historical continuity, it is crucial to seamlessly integrate Islamic law with customs in a calm and harmonious manner, without encountering opposition from society. From an Islamic education standpoint, it is imperative to enhance the community's perception of Islamic education institutions in order to facilitate the process of Islamization within the Tolaki population in Konawe, Southeast Sulawesi.

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