

THE ROLE OF TOGURA NUADA AS A MEDIATOR IN KAILI TRIBE'S HOUSEHOLD CONFLICT RESOLUTION

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Abstract

In a marriage relationship, household conflicts can be resolved in various ways, one of which is mediation by Togura Nuada, as carried out by the Kaili Tribe in Wani Lumbumpetigo Village. Alternative dispute resolution is divided into litigation (through the courts) and non-litigation (outside the courts). Mediation by Togura Nuada is a non-litigation resolution based on local wisdom, based on the concept of living law as recognized in Article 18B Paragraph (2) of the 1945 NRI Constitution. This study aims to identify the role of Togura Nuada as a mediator in household conflicts in the Kaili community, as well as supporting and inhibiting factors. This research is empirical juridical with an empirical approach. The study results show that Togura Nuada plays an active role as a mediator. Supporting factors include community culture, social legitimacy, and support systems. Inhibiting factors include limited resources and attitudes of the conflicting parties. To overcome these obstacles, adequate infrastructure, communication skills, emotional intelligence, and a deeper understanding of culture are needed.

Keywords: Domestic Conflict; Mediator; Role of Togura Nuada; Conflict Resolution; Kaili Tribe.

INTRODUCTION

Married life is not just established. Still, it must go through various stages that are pretty long, namely starting from a pair of people of different sexes who at the beginning of their meeting or introduction have a sense of mutual attraction to each other and then continue to a severe stage which is evidenced by the implementation of a proposal or proposal, then finally reaching the stage of commitment by daring to continue to a very sacred and happy stage, namely marriage. However, over time, a marriage relationship will not be free from unpleasant things like household conflicts. This is because household conflict is a social reality generally known and felt by many married couples. (Falahudin, 2021)

The reality that has been described above can be proven by the high divorce rate in Indonesia as uploaded by the Directorate of Decisions of the Supreme Court of the Republic of Indonesia regarding the 2024 Divorce Register Decision which states the number of 389,737 cases that have been registered, 412,398 cases that have been decided and 432,861 that have been inputted and can be accessed by the public through the Decision Directory from January 1 to December 3, 2024. Based on these data, which still show the high divorce rate in Indonesia, special attention is needed from elements of society to overcome it because this can harm the sustainability of the marriage relationship. (Khairuddin, 2024) For this reason, to overcome all household conflicts, both husband and wife must resolve them with a clear mind



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so that their relationship can run according to the proper purpose of marriage. However, suppose both parties, either husband or wife, find it difficult to resolve it themselves. In that case, to reduce household conflicts that cannot be resolved directly by the husband and wife, the role of a third party is needed as a neutralizer of the conflict that occurs.

Resolving domestic conflicts can be done in various ways, one of which is through the mediation process. Mediation is a negotiation process assisted by a neutral third party who does not take sides with one party and can be a wise mediator for both parties. (Fahri, 2021) The mediation process can be done in 2 ways: in and outside the court. Mediation is carried out in court (Litigation), and its implementation is mediated by a mediator judge or someone with a mediator certificate as stipulated in the provisions of Supreme Court Regulation 1 of 2016 concerning mediation procedures in court. Meanwhile, mediation carried out outside the court (Non-Litigation), also known as court-connected mediation, is regulated in the provisions of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. A traditional leader generally mediates the mediation mechanism outside the court and can also be another community leader, such as a religious leader, an academic, etc. (Tjandra, 2021)

One of the regions in Indonesia that still chooses Traditional Figures as mediators in resolving domestic conflicts faced by its people is the Kaili Tribe. As tribes in general have their customs, so too the Kaili Tribe in Central Sulawesi Province certainly also has its customs or habits, which in the Kaili language are

called *Ada Ri Tana Kaili*. In the context of the Kaili Tribe, *Ada* or Custom is present as a tool used to regulate the order of community life based on values that have been agreed upon and passed down from generation to generation which include various things ranging from speech (*Posumba*), Behavior (*Ampena*) to actions or deeds (*Kainggua*) carried out by a person have also been regulated. (Timudin & et. al., 2012) The Kaili Tribe group that continues to strive to resolve household problems or conflicts according to custom can be found in Wani Lumbumpetigo Village with the majority of its people often coming to the Traditional Figure who in the local language is called *Togura Nuada* to ask for advice, considerations, and solutions to problems or conflicts that are felt, especially in household conflicts that often occur in the Wani Lumbumpetigo Village community such as disputes or quarrels that arise due to misunderstandings, differences of opinion, economic problems, problems in the division of tasks and roles, infidelity, domestic violence (KDRT), to the issues that occur due to interference from parents or other family members in the household affairs of the husband and wife.

In addition to the Kaili Tribe, similarly resolving domestic conflicts is also still in demand by people in various other ethnic groups, especially people who live in rural areas that are still very thick with local culture, including the culture of traditional conflict resolution. For this reason, research on the role of conventional figures has attracted much attention from researchers who have studied it from various perspectives and

aspects. First, research conducted by Christine OI Sanggenafa and Irwan Hidayana entitled "The Role of the Sentani Tribe Customary Council in Resolving Domestic Violence Conflicts" focuses on the role of the Sentani Customary Council in resolving domestic violence against women. (Sanggenafa & Hidayana, 2020) Second, research conducted by Irma Suryani, Yulnetri, Amrina, and Ifelda Nengsih entitled "Tracing the Current Role and Function of Bundo Kanduang as Part of a Customary Institution and Its Relation to Resolving Domestic Violence Cases," which focuses on the role and function of the Bundo Kanduang Institution in Minangkabau society and its relationship to resolving domestic violence cases. (Suryani et al., 2022) Third, research conducted by Fadlil Akbar and Darmawan entitled "Mediation of Domestic Disputes Through the Customary Mechanism of the Kampong Baro Settlement, Pidie District," focuses on explaining the customary mechanism and the role of mediation in domestic disputes through resolution with customary mechanisms in the Kampong Baro Settlement. Based on the explanation above, it can be understood that although in general the meaning of the three studies above with this study has a similar object, namely related to the role. (Akbar & Darmawan, 2021) of Traditional Figures and their mechanisms in resolving household conflicts, explicitly, the three have quite significant differences, especially in the research location and the research subjects, which focus on the regions and tribes of each researcher.

Departing from the background of the phenomenon and the description related to previous research presented above, in this study the researcher is interested in raising the title "Analysis of the Role of *Togura Nuada* as a Mediator in the Resolution of Household Conflicts of the Kaili Tribe" with the aim of the study to analyze in depth related to 2 (two) problem formulations that will be the primary focus of discussion in the study. First, what is the role of *Togura Nuada* as a Mediator in the Resolution of Household Conflicts of the Kaili Tribe, and what are the Supporting and Inhibiting Factors of *Togura Nuada* in Carrying Out the Role as a Mediator in the Resolution of Household Conflicts of the Kaili Tribe?

RESEARCH METHODS

This study chose the type of research in the form of Empirical Jurisprudence research (*Sociological Jurisprudence*) using an empirical approach, commonly called a sociological approach to non-doctrinal laws. This research is located in Wani Lumbumpetigo Village, Tanatovea District, Donggala Regency, Central Sulawesi. The data sources used include primary data and secondary data. The primary data is obtained from observations and interviews with 9 (Nine) Informants, consisting of *Togura Nuada*, the Village Government, and the community. Secondary data is obtained from various literature, such as legislation, books, journal articles, or other research results sourced from various internet media relevant to the study conducted by the researcher. In this study, the data analysis technique includes three stages: data reduction, presentation, and verification.

RESULTS AND DISCUSSION

1. The Role of *Togura Nuada* as a Mediator in Resolving Domestic Conflicts in the Kaili Tribe

Roles generally refer to an action carried out by a person in a social sphere. Specifically according to Poerwadarminta, a role can be understood as a behavior carried out by an individual or group in a specific condition or event, where the behavior carried out by that person is an act or action that is by the expectations carried out by individuals who have a particular position or position in the social order. Meanwhile, according to Soerjono Soekanto, a role is a dynamic aspect in a situation or status where someone carries out their rights and obligations according to their position or status in carrying out a role. (Windasai et al., 2021) In addition to these definitions, other literature also explains that the meaning of the word role consists of several conceptions or dimensions of thought, including a role interpreted as a policy, a role construed as a strategy, a role interpreted as a communication tool, a role interpreted as an alternative conflict resolution, and a role interpreted as a therapy. (Dorongsihae et al., 2022) The division of types of roles is divided into 3, namely active, participatory, and passive. (Syarifuddin et al., 2022) The explanation of each role is as follows:

a. Active Role, which is someone who has a position or standing in his/her group and becomes part of the group's activities, such as a group administrator, an official in a group with a more formal scope, and other important positions with very active

and direct involvement in leading his/her group in carrying out a task.

- b. Participatory Role is a role given or entrusted by a group member to one or more parts of the group that can provide contributions or something that has utility values for the group itself and is helpful for the sustainability of the group in the future. A person referred to in this role has a role that tends to be active, but only as part of the group, so that his role is not as significant as the role played by someone who falls into the active role category.
- c. Passive Role, which is something in the form of a contribution from passive group members. Furthermore, a passive role is an act of a group member who refrains from doing something to provide an opportunity for other functions in the group. A person referred to in this role only plays a supporting role, whose role is more minimal than someone who plays a participatory role.

Based on the explanation above, in the context of *Togura Nuada*, the role is understood as an act or action carried out by *Togura Nuada* itself as a figure with a critical position amid society, whose role can include all dimensions of role meaning. *Togura Nuada* comes from the Kaili language, which in this case is the language of the Kaili Rai Group. *Togura Nuada* consists of two words: "*Togura*," which means Parents and "*Ada*," which means custom. So, from these two words, it can be concluded that *Togura Nuada* means Customary Parents or people who are respected in society and deeply understand customs. *Togura Nuada*, in this study, can be understood as

customary figures, customary institutions, or people who are respected in society, so they are always trusted to be mediators who can facilitate conflicting parties in finding solutions. Traditionally, in resolving household conflicts, *Togura Nuada* plays a vital and active role in maintaining household harmony and can minimize the occurrence of divorce in the Wani Lumbumpetigo Village community. This is to implement the mediation process for household conflicts, which has urgency as the spearhead in resolving disputes, so that they do not end in divorce. (Surasa et al., 2022)

The active role of *Togura Nuada* can be proven by conducting observations and through verbal exploration with parties who are considered to be able to provide accurate information regarding the role of *Togura Nuada*, both from *the Togura Nuada* itself or the Village Government and its community who know about the things done by *Togura Nuada* regarding efforts to resolve household conflicts in the community. Based on the results of observations and the results of verbal exploration through structured interviews with these informants, it is proven that *Togura Nuada* plays a very active role as a mediator in resolving household conflicts in the Kaili Tribe. This is reinforced by the confessions of informants who stated that the residence of *Togura Nuada* is often visited by people who have household conflicts to ask for advice, considerations, and solutions related to the conflict that occurred. The attitude of *Togura Nuada* when visited by the conflicting parties was also very satisfying because the response was quite reasonable, fast, and

appropriate in responding to complaints from the parties.

Based on the active role of *Togura Nuada*, the reality of the lives of the Kaili Tribe is still very dependent on *Togura Nuada*, which is very important for the community. So this makes using *Togura Nuada* the leading choice for the community in resolving various household conflicts. The main reason why the community is more dominant in choosing and trusting the resolution of their disputes through *Togura Nuada* than the courts or other alternative conflict resolution institutions is because in essence the concept of conflict resolution through *Togura Nuada* is more by the culture of the Kaili community in Wani Lumbumpetigo Village which has been passed down from generation to generation from ancestors to become one of the local wisdoms that are always preserved by the community. (Hadi, 2017) So that starting from this community culture, household conflict resolution through *Togura Nuada* has become the central concept of legal practice that lives in the community, or is commonly known as *the living law*.

The meaning of the role of *Togura Nuada* which is juxtaposed with the concept of *the living law*, is in line with the understanding that basically in the life of society there will always be laws that live and develop as a guideline for humans in behaving in everyday life which then becomes a habit and becomes part of customary law. This is as in the expression of the legal adage first put forward by Marcus Tullius Cicero that "Ubi societas ibi ius", which means "where there is society, there is law. In addition, this understanding is also in line

with the idea put forward by Soerjono Soekanto that customary law is a law that is based on customs, which, from those customs, then have legal consequences, and is an act that is carried out repeatedly in the same form, leading to "*rechtsvordigeorderingdersamenlebing*". (Anisa Fitri Wibowo et al., 2023) Furthermore, the existence of customary law has been recognized and guaranteed in the national legal system as stated in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that "The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated by law."

Based on the explanation above, it can be understood that cultural culture is a strong reason for the people of Wani Lumbumpetigo Village to resolve their household conflicts through a mediation process with *Togura Nuada*. However, cultural culture is not the only reason for people to choose *Togura Nuada*, because on the other hand, the conflict resolution process through *Togura Nuada* also has various advantages, including:

a. The resolution process is simpler

The process of resolving domestic conflicts through *Togura Nuada* takes less time. Indeed, it does not require many requirements as through the court or other alternative conflict resolution institutions where before going through the conflict resolution process, the complaining party must complete various requirements such as a Photocopy of KTP, Photocopy of Marriage Certificate or a duplicate each of which is postmarked and given a 10,000

stamp, a lawsuit letter, paying a down payment on court costs and other administrative requirements that can take up to days to process. Meanwhile, conflict resolution through *Togura Nuada* does not require these requirements, so in the process, it can focus more on efforts to resolve the conflict and minimize prolonged strife.

b. The settlement process is more affordable

Resolving domestic conflicts through *Togura Nuada* uses more affordable costs because the conflicting parties no longer need to consider many expenses, including court costs and transportation costs from home to court. So, even though the state has provided relief for people who are classified as materially disadvantaged, they can still file cases for free (Prodeo) as stipulated in Supreme Court Regulation No. 10 of 2010 concerning Guidelines for the Provision of Legal Aid by completing various requirements such as a Certificate of Inability to Pay (KTM) issued by the Village/Lurah/Banjar/Gampong/Nagari or a Certificate of Social Allowance such as the Poor Family Card (KKM), Community Health Insurance Card (Jamkesmas), Family Hope Program Card (PKH) and Direct Cash Assistance Card (BLT). (Hartos & Asasriwarni, 2020) However, in addition to the case costs, the cost of fulfilling administrative files and transportation costs from home to court are also considerations for the people of Wani Lumbumpetigo Village before deciding to go to court. This is because the distance from Wani Lumbumpetigo Village is quite far from the location of the court, which has the relative authority to examine and try the case.

- c. The resolution process provides more solution-oriented solutions

Resolving domestic conflicts through *Togura Nuada* can solve the problem because it can reach the root of the problem. In the process, it is also more in line with the understanding of the character of the parties who personally know each other, with *Togura Nuada* or at least *Togura Nuada* already knows in general about one of the parties in dispute, because they are in the same village. So, from the understanding of the character, *Togura Nuada* can more easily guide the parties to reach a peaceful agreement, and the results are also more easily accepted voluntarily by the parties.

- d. The settlement process is carried out with effective results.

Resolving household conflicts through *Togura Nuada* always succeeds according to the desired expectations, namely, peace. In this process, the parties can also realize their respective mistakes and decide always to try to maintain their household relationships and repair the relationship between the parties that had been tense due to the conflict that occurred.

The household conflict resolution procedure generally has the same stages as the stages of the formal mediation procedure in court, consisting of 3 (three) stages: the Pre-Mediation Stage, the Mediation Stage, and the Agreement Stage. (Ginting et al., 2023) However, although the stages at first glance look the same, these two forms of mediation have striking differences in the technical implementation because mediation through *Togura Nuada* is much simpler and has administrative requirements that are not as complex as those in court. The

stages in question can be described as follows:

- a. Pre-Mediation Stage

The Pre-Mediation Stage is the initial stage that must be carried out before the mediation process continues. At this stage, the mediation process in question begins with a complaint from one party to *Togura Nuada*, then continues with deliberation by the *Togura Nuada*, or in Kaili language called *Libu Togura Nuada*, which means a Meeting of Traditional Leaders to determine the day of the negotiation or mediation. After that, *Togura Nuada* invites the conflicting parties to attend at a predetermined time, usually 1 or 2 days after the complaint process. Then, *Togura Nuada* can also ask other parties who are deemed necessary to help the process of resolving household conflicts, such as the government, religious leaders, and other communities who can come from families, neighbors, and so on, to provide testimony related to the case based on their knowledge of the conflict that is happening.

- b. Mediation Stage

The Mediation stage is the core stage of the domestic conflict resolution process because at this stage, the parties are brought together to have a dialogue about the facts of the case. At this stage, the mediation process begins, called *Libu Niposipakalompe*, a meeting that aims to improve relations between the parties. At this stage, *Togura Nuada* will present the parties invited to attend at the time and place determined to jointly seek a solution related to the conflict. After all parties have attended, the mediation process is opened with a few words from *Togura Nuada* as an opening word containing greetings, an initial explanation regarding

the purpose of the parties being present, and advice that is expected to melt the hearts of the parties to resolve the conflict with rational thinking. After these few words, *Togura Nuada* then opens himself to listen to an explanation regarding the facts of the case starting from the cause of the conflict to the impact of the conflict on both parties, then allows the parties to express what they want from the mediation process, and facilitates the parties to reach an agreement peacefully with principles that are by the norms in Kaili customary law. In detail, the stages of implementing mediation can be carried out based on the following 3 three methods:

- 1) During the conflict resolution process, *Togura Nuada* took a personal approach with the parties to deeply understand the factors that were the leading causes of the conflict.
- 2) When making a personal approach to the parties, *Togura Nuada* reinforces advice on the importance of maintaining harmonious relationships in the household and provides reflections on the happy times in the household journey of the parties, and so on to melt the parties' hearts.
- 3) When the parties have finished being advised, *Togura Nuada* can guide the parties to find a fair and mutually beneficial solution based on the agreement of both parties by deliberation and consensus.

c. Agreement Stage

The Agreement Stage is the final stage of the household conflict resolution process. At this stage, the agreement can be declared successful or unsuccessful. If declared successful, the parties will be given a letter of agreement containing a

statement not to repeat similar conflicts to be signed by the parties. And if mediation is unsuccessful, the parties will be allowed to reconsider within 1-2 months to decide whether they still want to maintain or end their household relationship. So, after being given this opportunity, the parties decided to continue their marriage. *Togura Nuada* will provide a letter of agreement similar to the provisions applicable to successful mediation. However, suppose both parties still want to separate within the specified time. In that case, *Togura Nuada, through the results of Libu Togura Nuada, together with the Government and Religious Figures*, directs the parties to take the court route as the last solution in resolving the conflict that occurred between the parties.

Then, when the parties have agreed on the mediation process results, it can become a contractual agreement whose decision must be complied with. (Nugroho, 2019) If the parties do not implement the agreed-upon results, sanctions can be imposed according to the applicable customary court policy. (Putri, 2019) So to ensure that the agreement in the agreement letter can be truly implemented by the parties, *Togura Nuada* based on applicable customary law then determines sanctions or fines which are usually referred to as *Posompo* and *Givu*. *Posompo* in Kaili customary courts is a provision related to forms of violations, both serious violations and minor violations. *Givu* is a provision related to the number of fines paid, both small and large. (Suparta, 2022) The implementation of *Posompo* and *Givu* aims to provide a deterrent effect for parties who violate customary provisions

and prevent violations of customary provisions that have previously been decided and agreed upon. *The Posompo* or *Givu* was chosen based on considerations from the results of the agreement between *Libu Togura Nuada* and the Village Government and Religious Leaders whose form of sanctions will still refer to the provisions of Kaili customary law which in general is carried out by paying a fine in the form of 1 goat accompanied by other customary clauses which can be in the form of 1 pes of white cloth, one traditional machete, one tray, one white ceramic bowl, 15 traditional plates and dowry money. In terms of implementing mediation, *Togura Nuada* adheres to 3 three main principles, namely:

- a. Family Principle, which is a principle based on togetherness by prioritizing deliberation and consensus to ensure that all parties have the same rights to listen and be heard regarding their statements, and focuses on efforts to strengthen family ties and avoid decisions that only benefit one party and harm the other party.
- b. Policy Principle, which is a principle based on the rules set by *Togura Nuada* based on the customs that apply to the Kaili Tribe community as passed down from generation to generation from ancestors, and presents various consequences that can be in the form of sanctions to prevent violations of the results of the agreement.
- c. Institutional Principle, which is a principle based on the structure of *Togura Nuada members* that supports the existence and role of *Togura Nuada* itself because in its institution,

Togura Nuada does not only consist of one individual but consists of 4 individuals, namely a chairman and three of them as members of *Togura Nuada* itself, all of whom have essential tasks and roles in the implementation of the mediation process for resolving household conflicts.

In addition, the implementation of mediation through *Togura Nuada* is also in line with the five basic philosophies of mediation put forward by David Spencer and Michael Brogan, which are based on the thoughts of Ruth Carlton. First is the Voluntary Principle, which means that *Togura Nuada* has been directly chosen by the conflicting parties to facilitate the process of resolving the parties' household conflicts. Second is the Principle of Neutrality, which means that *Togura Nuada* is always in the middle and does not side with one party. Third, the Principle of Confidentiality which means that *Togura Nuada* always tries to maintain the privacy of the parties so that everything that happens in the conflict resolution process is only known by the parties present in the mediation process, except for major conflicts that require supporting parties to participate in the implementation of mediation or the deliberation process related to decision making. Fourth is the principle of empowerment, which means the ability possessed by *Togura Nuada* to identify conflicts that occur. Fifth, the Principle of Unique and Meaningful Solutions, as *Togura Nuada's ability* to present solutions that are directly agreed upon by both parties, by referring to the previous empowerment principles. (Suwanda, 2021)

2. Supporting and Inhibiting Factors of *Togura Nuada* in Carrying Out the Role of Mediator in the Resolution of the Kaili Tribe Conflict

The implementation of the role as a mediator in resolving household conflicts, *Togura Nuada*, is inseparable from various factors that could support mediation's success or even vice versa; these factors become obstacles to the success of mediation. Supporting factors are everything that can support the success of a process, in this case, resolving conflict through mediation mediated by *Togura Nuada*. The supporting factors in question consist of several factors, namely:

a. Cultural factors of society

The cultural factors of the community in question are supported by the community's culture, such as the values contained in the principle of deliberation in various conflict resolutions, which also live and develop in the Kaili Tribe community. This cultural component then becomes a system that binds the community together to produce a form of legal practice in the community's culture as a whole. (Darmika, 2016) With the strong influence of this culture, mediation of household conflicts through *Togura Nuada* is now a tradition that is still relevant to be implemented in the midst of the development of the times. This is because tradition can be a tool to socialize specific values and behaviors. (Nuraedah, 2015)

b. Social Legitimacy Factor

The social legitimacy factor referred to refers to the existence of *Togura Nuada* which is entrusted by the community to handle conflicts by local customs and its

existence is also recognized by national law as regulated in the provisions of Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which expressly states that "The State recognizes and respects customary law community units and their traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law."

c. Factor of the existence of the Support System

The factor of the existence of the support system in question is in the form of support from various parties, especially the Village Government, which in practice provides the most excellent possible support to *Togura Nuada* in the form of delegation of authority in terms of resolving conflicts that occur in the community through a decree by referring to the applicable provisions as in Article 1 paragraph (1) of Law Number 6 of 2014 concerning Villages, which states that "A legal community unit that has territorial boundaries that has the authority to regulate and manage government affairs, the interests of the local community based on community initiatives, original rights and/or traditional rights that are recognized and respected in the government system of the Republic of Indonesia."

Based on the explanation above, it can be understood that the use of *Togura Nuada* as a mediator in resolving conflicts that occur in the community environment is in line with the function of the Traditional Figure itself as one part of the community organization that is a direct extension of the Village Government.

This provision is because, in managing governance, the Village is given the most significant authority to regulate and manage the existing government system in the Village, including functioning as the Traditional Figure and as a mediator in handling various customary problems in the Village. However, in utilizing the function of *Togura Nuada*, the implementation of the role of *Togura Nuada* is certainly not free from challenges that can hinder the process of resolving household conflicts in Wani Lumbum Petigo Village.

Inhibiting factors can be an obstacle that hinders the success of mediation carried out by *Togura Nuada*. The inhibiting factors in question are factors that occur due to the following:

a. Lack of resources factor

The factor of minimal resources referred to is in the form of limitations regarding time, facilities, and finances. When people come to submit complaints, mediation is sometimes carried out more than 2 days after the complaint, because *Togura Nuada*, at that time, has other activities. So this makes the conflict resolution process through *Togura Nuada* unable to be processed immediately, as with complaints in general. Meanwhile, obstacles related to these facilities are related to adequate facilities and infrastructure, such as a special place to carry out mediation, which is currently not yet fulfilled, and financial factors related to incentives that should be given for the appreciation of the critical role of *Togura Nuada* in society, which is also still very minimal. However, even so, this factor of minimal resources is not the main factor because so far it can still be overcome wisely by *Togura Nuada* itself.

b. Factors originating from the parties

Factors originating from the parties often occur because they are caused by the parties who continually maintain their respective egos and seem to force the resulting agreement to be based on the parties' wishes without considering the other party's wishes. The settlement process often creates an imbalance in using their rights to listen and be heard because the mediation forum has been dominated by only one party. (Salsabila, 2024) Therefore, a more personal approach must be attempted to reduce each party's selfishness in reaching a family agreement.

Then, to achieve success in resolving household conflicts, obstacles as stated above will be difficult to avoid, especially obstacles caused by factors originating from the parties, because everyone who comes to *Togura Nuada* has different thoughts and characters, so that the process and results of the mediation can also be different from each other. So this is the main challenge that can hinder the conflict resolution process. For that, further analysis of the right strategy to overcome these obstacles is necessary. The strategies that can be done are as follows:

a. Conducting a personal dialogue with each party, which can be carried out separately to hear each party's views freely without pressure from the other party.

b. Involving parties who have essential roles in society, such as religious figures or other community figures who can provide neutral views through moral messages that can help reduce the selfishness of the parties.

- c. Provide a break for the parties to neutralize their feelings of anger, selfishness, and other things that can hinder the conflict resolution process.
- d. Facilitate the parties' resolution of their household conflict when they request mediation again.

Thus, the success of the implementation of the role of *Togura Nuada* as a mediator in resolving domestic conflicts does not only depend on the strength of cultural values inherited from generation to generation, social legitimacy inherent in the beliefs of indigenous peoples, and the existence of a support system from the village government, but is also very much determined by the fulfillment of basic technical and personal aspects. In this case, the availability of adequate facilities and infrastructure is a need that cannot be ignored to support the smooth running of the mediation process, such as the availability of a special mediation room and appropriate incentive support as a form of appreciation for the vital role of *Togura Nuada* in the community. In addition, the success of mediation is also very much determined by the personal capacity of *Togura Nuada*, especially in terms of building effective communication, demonstrating emotional intelligence in dealing with the dynamics of the conflicting parties, and having a deep cultural understanding as a basis for an approach that is by the character of the community. The combination of adequate facility support and qualified personal abilities is the central pillar that needs to be strengthened continuously so that the role of *Togura Nuada* not only functions as a traditional symbol but also becomes a conflict resolution agent that is solution-

oriented, adaptive, and relevant to current developments.

CONCLUSION

Togura Nuada plays a vital role in maintaining the stability of community life. This is proven by its active role in resolving various domestic conflicts in Wani Lumbumpetigo Village. The active role of *Togura Nuada* is proven through structured interviews with informants who emphasized that the community is more dominant in choosing to resolve their domestic conflicts through *Togura Nuada* than through the courts or other alternative conflict resolution institutions because the process is much more affordable in terms of time and cost management. In addition, resolving conflicts through *Togura Nuada* is also easier for the community to go through because it is based on the understanding of the community, which is still very much bound to cultural practices passed down from generation to generation by their ancestors. So based on this active role, the existence of *Togura Nuada* is now increasingly standing on a strong foundation and for that this role has a very great urgency to continue to be preserved as a local wisdom to maintain the sustainability of the existence of Kaili customary law as *the living law* that exists in the Wani Lumbumpetigo Village community. Therefore, to support the existence of Kaili customary law, the main thing that must be preserved is the utilization of the role of *Togura Nuada* because *Togura Nuada* is the main representation of the customary law of the Kaili Tribe itself.

In utilizing its role, cooperation is needed from all levels of society to maximize the function of *Togura Nuada's*

role as the main alternative forum in resolving various domestic conflicts before seeking conflict resolution in court and increasing efforts to implement supporting factors for implementing its role, both cultural factors based on the principle of deliberation and social legitimacy factors based on the trust of indigenous peoples which are strengthened by the legal recognition of the state towards the role and traditional rights of indigenous peoples and the factor of the existence of a support system in the form of support from the local government. In addition to supporting the implementation of *Togura Nuada's role*, a firm determination is also needed to overcome the obstacles that occur, both due to factors of minimal resources and factors originating from the parties. About the factor of minimal resources, support is needed in the form of special attention from the government regarding the provision of more adequate facilities and infrastructure for *Togura Nuada* so that *Togura Nuada* can be more optimal in carrying out its role as a mediator for resolving domestic conflicts in the Kaili Tribe. Regarding factors originating from the parties, *Togura Nuada requires the ability* to build effective communication, emotional intelligence, and a deep understanding of cultural values to present an effective solution for the parties.

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