

**TORI'OU TRADITION IN THE TOLAKI TRIBE COMMUNITY
PERSPECTIVE OF ISLAMIC LAW**

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Abstract

This article aims to examine the tradition of tori'ou in the Tolaki tribe. The tori'ou tradition has been carried out for generations and until now it still causes debate because the tradition is considered a tradition that is contrary to Islamic law. Based on this problem, the author is interested in conducting research on the tori'ou tradition by formulating two problem formulations, namely; how is the practice of the tori'ou tradition carried out by the Tolaki tribe and how is the Islamic Law review of the tori'ou tradition. This research is a type of field research by conducting observations and interviews with Tolaki traditional leaders, religious leaders, and Tolaki community leaders. The data obtained was then analyzed using the Miles and Huberman model data analysis method. The results of this study indicate that the tori'ou tradition is a tradition of storing food in the last bed of a deceased person with the aim of remembering the deceased person by continuing to provide food. The tori'ou tradition is carried out from the first day after the person dies and continues until the 40th night or the 100th night. While based on the review of Islamic Law, the tori'ou tradition is a form of 'Urf Fasid (damaged) because the Tolaki people's beliefs about the spirit are contrary to the teachings of Islamic law.

Keywords: *Tori'ou tradition, Tolaki tribe, Islamic Law*

Abstract

Artikel ini bertujuan untuk mengkaji tentang tradisi *tori'ou* pada masyarakat suku Tolaki. Tradisi *tori'ou* telah dilakukan secara turun temurun dan sampai saat ini masih menimbulkan perdebatan sebab tradisi tersebut dianggap sebagai tradisi yang bertentangan dengan hukum Islam. Berdasarkan masalah tersebut penulis tertarik melakukan penelitian tentang tradisi *tori'ou* dengan merumuskan dua rumusan masalah yaitu; bagaimana praktik tradisi *tori'ou* yang dilakukan oleh masyarakat suku Tolaki dan bagaimana tinjauan Hukum Islam terhadap tradisi *tori'ou*. Penelitian ini adalah jenis penelitian lapangan dengan melakukan observasi dan wawancara kepada tokoh adat Tolaki, tokoh agama, dan tokoh masyarakat Tolaki. Data yang diperoleh kemudian dianalisis dengan menggunakan metode analisis data model Miles dan Huberman. Hasil Penelitian ini menunjukkan bahwa tradisi *tori'ou* adalah tradisi menyimpan makanan di tempat pembaringan terakhir dari orang yang meninggal dengan tujuan untuk mengenang orang yang telah meninggal dengan tetap menyediakan makanan. Tradisi *tori'ou* dilakukan sejak hari pertama setelah orang meninggal dan dilakukan terus sampai malam ke-40 atau malam ke-100. Sedangkan berdasarkan tinjauan Hukum Islam, tradisi *tori'ou* merupakan bentuk 'Urf Fasid (rusak) karena keyakinan masyarakat Tolaki

tentang ruh bertentangan dengan ajaran hukum Islam.

Kata kunci: Tradisi tori'ou, Suku Tolaki, Hukum Islam

INTRODUCTION

Death is a very sacred event.¹ Therefore, almost every tribal culture in Indonesia must always have their own traditions or rituals related to death.² One of them is the Tolaki people with the *tori'ou* tradition. According to Basrin Melamba, the *tori'ou* tradition is the tradition of storing food in a place called kappara and stored next to the corpse's bed from the time the body is laid to rest until after it is buried. This continues until the 7th night or the 40th night after the body is buried. The *tori'ou* tradition only stops after the *pepokolapasi'a* (release) ceremony. The purpose of the *tori'ou* tradition is to remember family members who have passed away by continuing to serve their favorite food while living in the world.³

The *tori'ou* tradition has been carried out for generations by the Tolaki people. However, in practice, the *tori'ou* tradition causes pros and cons in the lives of the Tolaki people. Some Tolaki people who still continue to carry out the *tori'ou* tradition consider that this tradition is a culture that must be preserved by continuing to be carried out. According to them, the *tori'ou* tradition is a culture inherited by the ancestors of the Tolaki tribe and has a good purpose, namely to remember family members who have died. In contrast to this opinion, some Tolaki people actually refuse to carry out the *tori'ou* tradition. The reason they refuse to carry out the *tori'ou* tradition is because they think that this tradition is contrary to Islamic law because there is no example of it either in the verses of the Qur'an or in the traditions of the Prophet.⁴

The debate about the *tori'ou* tradition has always colored the lives of the Tolaki people to this day. As far as the author's search goes, the author has not found any research that raises the issue of the *tori'ou* tradition. So that it becomes one of the main causes of the debate about the *tori'ou* tradition continues to occur in the life of the Tolaki people. Based on this, the author considers that research on the *tori'ou* tradition is important to do with the aim of filling

¹ Alfi Qonita Badi'ati, "Hakikat Kematian Dalam Al-Qur'an," *SHAHIH: Journal of Islamicate Multidisciplinary* 5, no. 1 (2020), h 46.

² Abdul Karim, "Makna Ritual Kematian Dalam Tradisi Islam Jawa," *Sabda : Jurnal Kajian Kebudayaan* 12, no. 2 (2017), h 161.

³ Interview with Basrin Melamba, Tolaki Traditional Leader, by Friska Sukma Melati, Kendari City, Southeast Sulawesi, August 5, 2020.

⁴ Observation related to the views of the Tolaki tribe community on the *tori'ou* tradition, by Friska Sukma Melati, Amosilu Village, Besulutu District, Konawe Regency, August 3, 2020.

the empty space because there is no research on this tradition and being taken into consideration in the debate that occurs in the midst of the life of the Tolaki people. Based on these objectives, the author then formulates two problem formulations, namely how the *tori'ou* tradition is carried out by the Tolaki tribe and how Islamic law reviews the *tori'ou* tradition.

Although research on the *tori'ou* tradition has never been done. As comparative and supporting material, the author presents several studies on traditions related to death carried out by people in Indonesia. These studies include: the Javanese *selamatan* tradition in Jaweng Village, Boyolali Regency,⁵ the *rambu solok* tradition of the Toraja tribe in Toraja Regency,⁶ the *makkuluhuwallah* tradition of the Bugis tribe in South Sulawesi,⁷ the *wero mata* tradition of the Wae Codi Village community in West Nusa Tenggara,⁸ and the *mamanggia bako* tradition in the death rites of the Nagari III community in Tanah Datar Regency, West Sumatra Province.⁹ In general, these traditions aim to remind living people how sacred death is. In addition, these traditions also aim to commemorate or remember family members who have died.

Research on the *tori'ou* tradition is interesting, because so far no research has been conducted on the *tori'ou* tradition. By applying the perspective of Islamic law, this research aims to reveal the legal aspects of the *tori'ou* tradition. It involves an in-depth analysis of Islamic values and Ushul rules. This research seeks to answer the question of what is the legal status of the *tori'ou* tradition practiced by the Tolaki tribe. Thus, this research not only contributes to the debate of the Tolaki people about the *tori'ou* tradition, but also provides a new view regarding the legal status of the *tori'ou* tradition in the context of Islamic law.

METHODS

⁵ Dina Agustia Artika Sari, "Selamatan Kematian Di Desa Jaweng Kabupaten Boyolali," *HALUAN SASTRA BUDAYA* 1, no. 2 (2017), h 147–161.

⁶ Mei Nurul Hidayah, "Tradisi Pemakaman Rambu Solo Di Tana Toraja Dalam Novel Puya Ke Puya Karya Faisal Oddang (Kajian Interpretatif Simbolik Clifford Geertz)," *BAPALA* 1, no. 1 (2018), h 1–10.

⁷ Misbah Hudri and Muhammad Radya Yudantiasa, "Tradisi 'Makkuluhuwallah' dalam Ritual Kematian Suku Bugis (Studi Living Qur'an Tentang Pembacaan Surat Al- Ikhlas)," *MAGHZA: Jurnal Ilmu Al-Qur'an dan Tafsir* 3, no. 2 (2018), h 228–241.

⁸ Yohanes Lesing, "Solidaritas Sosial Masyarakat Dalm Tradisi 'Wero Mata' (Upacara Kematian) Di Desa Wae Codi Kecamatan Cibai Kabupaten Manggarai Provinsi Nusa Tenggara Timur," *HISTORIS: Jurnal Kajian, Penelitian & Pengembangan Pendidikan Sejarah* 4, no. 2 (2019), h 30–36.

⁹ Annisa Ulfitri, Suharti, and Mutia Kahanna, "Makna Tradisi Mamanggia Bako Pada Ritual Kematian Di Nagari III Koto Kecamatan Rambatan Kabupaten Tanah Datar Provinsi Sumatera Barat," *Ethnography: Journal of Cultural Anthropology* 1, no. 1 (2021), h 1–8.

This research is a type of field research.¹⁰ The data in this study were collected using observation and interview methods. Observation is done by directly observing the object of research, namely the implementation of the *tori'ou* tradition. While interviews were conducted by interviewing Tolaki traditional leaders, Islamic leaders, and Tolaki community leaders.¹¹ Informants who became the object of interviews in this study were selected using purposive sampling technique.¹² The informants chosen in this study include; Tolaki traditional leaders, Islamic religious leaders, and Tolaki community leaders who still carry out the *tori'ou* tradition in Amosilu Village. Observation and interview data that has been collected, then analyzed using the Miles and Huberman model data analysis method. Data analysis of the Miles and Huberman model is a data analysis carried out by displaying data (data presentation), data reduction (data sorting), and data verification (conclusion drawing).¹³

RESULTS AND DISCUSSION

A. Overview of Tolaki community life

The Tolaki tribe is an indigenous ethnic group and is the largest ethnic group inhabiting the mainland of Southeast Sulawesi. The beginning of the existence of the Tolaki tribe and inhabiting the Southeast Sulawesi area cannot be known for certain. However, in a dissertation written by Abdurrauf Tarimana, it was explained that the Tolaki tribe was originally people from China who traveled far from north to south and then settled in the Southeast Sulawesi area. This opinion is based on one of the folklores that developed and believed by the Tolaki people that the Tolaki people came from the sky or from the North. However, the truth of this opinion cannot be ascertained because it is only based on folklore that develops in the life of the Tolaki people.¹⁴

The Tolaki people originally settled in a large valley at the headwaters of the Konawe'eha and Lasolo rivers called the Andolaki area. From this Andolaki area, the Tolaki people then spread south to the Konawe area, west to the Mowewe area, north to the Routa area and east to the Latoma and Asera areas. In its development, the Tolaki people then established a kingdom and divided into two large kingdoms, namely the Konawe kingdom

¹⁰ Mardalis, *Metodologi Penelitian: Suatu Pendekatan Masalah* (Jakarta: Bumi Aksara, 2008), h 28.

¹¹ Samsu, *Metode Penelitian: Teori Dan Aplikasi Penelitian Kualitatif, Kuantitatif, Mixed Methods, Serta Research & Development* (Jambi: Pusaka Jambi, 2017), h 96.

¹² The purposive sampling method is a method of determining informants based on several conditions and criteria previously determined by the researcher.. Lihat dalam Raihan, *Metodologi Penelitian* (Jakarta: Universitas Islam Jakarta, 2017), h 100.

¹³ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D* (Bandung: ALFABETA, 2013).

¹⁴ Abdurrauf Tarimana, *Kebudayaan Tolaki* (Jakarta: Balai Pustaka, 1989), h 51.

and the Mekongga kingdom. Konawe kingdom was located in Konawe area while Mekongga kingdom was located in Kolaka area. Furthermore, the Tolaki people who live in the former Konawe kingdom area call themselves Tolaki Konawe people. While the Tolaki people who live in the area of the former Mekongga kingdom call themselves Tolaki Mekongga people.¹⁵

Before the introduction of religion in the lives of the Tolaki people, the Tolaki people adhered to the beliefs of Animism and Dynamism. The Tolaki people believe in the existence of a god who governs this life which they call *sangia*. The Tolaki believe that *Sangia* is a god who creates and organizes the universe and its contents. In addition, Tolaki people also believe that in addition to the existence of gods who govern life, there are also spirits or genies which they call by various terms such as *onitu mate*, *owali*, *kandole*, *pondiana*, and *opoo*.¹⁶ Islam only entered the Konawe kingdom at the end of the 16th century or 16 years after the entry of Islam into the Buton kingdom. Evidence of the entry of Islam into the Konawe kingdom is the kings of the Konawe kingdom who died and were buried in an Islamic manner, namely *Sangia Ngginoburu* and *Sangia Nibandera*.¹⁷ Currently, the majority of Tolaki people are Muslims, while some are Protestant Christians.¹⁸

In its development, there was cultural acculturation between the teachings of Islam and the traditions of the ancestors of the Tolaki people.¹⁹ The meeting between culture and Islam occurs in many local communities in Indonesia. The meeting between Islam and culture produces two kinds of fusion, namely inculturation and acculturation. Inculturation tends to cause local people to abandon old values and replace them with new values. While acculturation produces new values due to the uniformity between the two cultures.²⁰ The occurrence of acculturation between Islamic teachings and Tolaki tribal culture produces new values such as the traditions of the ancestors of the Tolaki tribe which are not contrary to

¹⁵ *Ibid.*, h 54-55.

¹⁶ *Ibid.*, h 227.

¹⁷ Siti Rahmawati, *Islam Dan Adat: Tradisi Kalosara Dalam Penyelesaian Hukum Keluarga Pada Masyarakat Tolaki Di Konawe Selatan*, (Jakarta: Yayasan Assadah Pondok Cabe, 2017), h 62.

¹⁸ Sabdah and Sastramayani, "Menjaga Tradisi Islam Orang Tolaki Melalui Pengenalan Al-Qur'an Pada Masyarakat Di Kelurahan Bungguosu, Konawe" *Shautut Tarbiyah* 38, no. 24 (2018), h 1-18.

¹⁹ Ipandang Ipandang and Ai Yeni Yuliyanti, "Tolaki Tribe's Marriage: The Struggle of Islamic Law and Customary Law," *Madania: Jurnal Kajian Keislaman* 24, no. 2 (2020), h. 191.

²⁰ Rahmawati, *Islam Dan Adat: Tradisi Kalosara Dalam Penyelesaian Hukum Keluarga Pada Masyarakat Tolaki Di Konawe Selatan*, h 95.

Islamic teachings are still carried out by replacing the mantras that were originally used in carrying out a tradition, replaced by reading holy verses in the Qur'an..²¹

B. The *tori'ou* tradition of the Tolaki people

In general, the Tolaki tribe has several traditions that are always carried out with the aim of remembering families who have died first. Traditions carried out by the Tolaki people to commemorate the event of death are carried out several times based on a certain time count. These include; *wingi o tolu* (third night), *wingi o pitu* (seventh night), *wingi patombulo* (fortieth night), *wingi aso etu* (hundredth night), and *wingi aso sowu* (thousandth night). On each of these nights, the Tolaki people gather at the house of the deceased to read and feed the families who come and prepare food for the spirits of the recently deceased called *tori'ou* or *mondori'ou*.²²

The *tori'ou* tradition is a tradition that has been carried out by the Tolaki people for generations starting from the ancestors of the Tolaki people. According to Basrin Melamba, the *tori'ou* tradition is serving food on a place called *kappara* with the aim that the food can be eaten by the spirits of the newly deceased.²³ Tolaki people believe that the spirit of the deceased can be present and eat the food that has been prepared by the family. The *tori'ou* tradition is carried out from the time the body is laid to rest until after it is buried and continues until the 40th night or the 100th night after the body is buried. *Tori'ou* will only stop after a ceremony or release party (*pepokolapasi'a*) which is usually held on the 40th or 100th night after the body is buried. The Tolaki people believe that the spirits of the deceased will only go to the sky after a ceremony or feast (*pepokolapasi'a*) is held.²⁴

The *tori'ou* tradition is carried out by storing food on a container called *kappara* and kept next to the last bed of the deceased. The food is served in the form of rice, vegetables, fish, meat, tea or coffee, or other foods that are the favorite food of the deceased. The food will be prepared every meal time, which is three times a day (morning, afternoon and evening). The food served may vary each time. However, there is no demand for what food

²¹ Kamaruddin et al., "Justice, Mediation, and Kalosara Cutom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (2023), h. 1092.

²² Interview with Asmaun, Tolaki traditional leader of Amosilu Village, by Friska Sukma Melati, Amosilu Village, Besulutu Sub-district, Konawe Regency, October 15, 2020, lihat juga dalam Tarimana, *Kebudayaan Tolaki*, h 173.

²³ Interview with Basrin Melamba, Tolaki Traditional Leader, by Friska Sukma Melati, Kendari City, Southeast Sulawesi, August 5, 2020.

²⁴ Interview with Asmaun, Tolaki traditional leader of Amosilu Village, by Friska Sukma Melati, Amosilu Village, Besulutu Sub-district, Konawe Regency, October 15, 2020.

should be provided but rather adjusts to the ability of the family of the deceased. Each meal is preceded by the recitation of prayers for the safety of the deceased. After the food has been served for several hours, it can then be eaten by family members of the deceased. Tolaki people believe that the food they have served will be eaten by the spirit of the deceased. The sign that the food has been eaten by the spirit of the deceased is when the food is cold and pale in color.²⁵

The main purpose of the *tori'ou* tradition is to show affection from the family left behind to the deceased family members by still serving the favorite food and drinks of the deceased family members.²⁶ The Tolaki people still continue to carry out the *tori'ou* tradition because they consider that this tradition is a cultural heritage from their ancestors that must be preserved because it has good intentions and goals. In addition, the Tolaki people consider that the *tori'ou* tradition does not conflict with Islamic teachings because there has been acculturation between Islamic teachings and Tolaki cultures, one of which is the *tori'ou* tradition. Initially the *tori'ou* tradition began with the recitation of spells to the gods, but after acculturation with Islamic teachings, the current *tori'ou* tradition always begins with the recitation of prayers and verses of the holy Qur'an.²⁷

C. Islamic Law Review of the *tori'ou* tradition

In the treasures of Islamic law, culture or custom is known as *al-'urf*. The word '*Urf*' itself is a word derived from the Arabic '*arafa*' which means something that is known or known. Meanwhile, custom means something that is done repeatedly (*habit*).²⁸ According to the jurists, '*Urf*' is something that has been recognized by the wider community and they have been accustomed to doing it either in the form of speech or action, and continues to be done for generations by the majority of the community.²⁹ '*Urf*' is divided into two, namely; (1) '*Urf Shahih*', which is a habit or custom practiced by the community and the habit or custom has no

²⁵ Interview with Djamil, Amosilu Village Government as well as a Tolaki community leader in Amosilu Village, by Friska Sukma Melati, Amosilu Village, Besulutu Sub-district, Konawe Regency, October 7, 2020.

²⁶ Interview with Mina, Tolaki Community of Amosilu Village, by Friska Sukma Melati, Amosilu Village, Besulutu Sub-district, Konawe Regency, October 7, 2020.

²⁷ Interview with Jusran, Islamic Religious Leader of Amosilu Village, by Friska Sukma Melati, Amosilu Village, Besulutu Sub-district, Konawe Regency, October 15, 2020.

²⁸ Mohammad Zain bin Haji Othman and Mohammad Bakhit Al-Muth'i, "'Urf As A Source Of Islamic Law,'" *Islamic Research Institut, International Islamic University, Islamabad* 20, no. 4 (1981), h. 1, <https://www.jstor.org/stable/20847181>.

²⁹ Jaya Miharja, "'Kaidah-Kaidah Al-'Urf Dalam Bidang Muamalah,'" *El-Hikam: Jurnal Pendidikan dan Kajian Keislaman* 4, no. 1 (2011), h. 105.

conflict with Islamic law; and (2) *'Urf Fasid*, which is a habit or custom practiced by the community but the habit or custom is contrary to the provisions of Islamic law.³⁰

The *tori'ou* tradition is one form of al-*'Urf*. This is based on the fact that the *tori'ou* tradition has been a tradition that has been carried out for generations by the Tolaki people. In addition, the acculturation between Tolaki culture in this case the *tori'ou* tradition and Islamic teachings has changed the form of implementation of the *tori'ou* tradition. In the past, the *tori'ou* tradition was carried out by reading mantra-mantra, but after acculturation with Islamic teachings, the *tori'ou* tradition began with reading prayers and verses of the Qur'an. This reason is the reason why the Tolaki people maintain this tradition because it is considered to be in accordance with Islamic teachings. This is also supported by fiqh rules which explain that custom (*'Urf*) can become law if it does not conflict with Islamic law.

العادة المحكمة

“Custom can be the basis for establishing a law.”³¹

However, if examined further, according to the author, the *tori'ou* tradition is actually included in the form of *'Urf Fasid*, which is a custom/custom of the community that has been carried out for generations but has contradictions with the teachings in Islamic law. The author bases this on two reasons as follows:

a. Based on how it is done

The *tori'ou* tradition is carried out by storing food on a *kappara* and stored next to the last bed of the corpse. The food stored is in the form of rice, side dishes, and drinks that were the corpse's favorites during life. When storing the food, it is preceded by reading prayers and verses of the Qur'an for the corpse. The *tori'ou* tradition continues to be carried out three times a day following the meal time of the family left behind. The *tori'ou* tradition will continue until the release party (*pepokolapasi'a*) is held, namely on the 40th night or on the 100th night after the body is buried. The *tori'ou* tradition has been carried out for generations by the Tolaki people.

Traditions related to death such as the *tori'ou* tradition are traditions that are not exemplified by the Prophet and are not found in the teachings of Islamic law. Islam views death as a cycle of life and a boundary between the life of the world and the next life. In Islamic teachings, when a human dies, the living have four obligations, namely,

³⁰ Andriyaldi, “Al-’Urf Theory and Its Relevance to Contemporary Jurisprudence Issues,” *ALHURRIYAH: Jurnal Hukum Islam* 6, no. 2 (2021), h. 125.

³¹ Ramdan Fawzi, “Aplikasi Kaidah Fikih العادة محكمة Dalam Bidang Muamalah,” *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah* 2, no. 1 (2018), h. 147.

bathing the corpse, dressing the corpse, praying for the corpse, and burying the corpse. In addition, when humans have died, all their deeds in the world are cut off. Based on this, it can be understood that Islam does not recognize traditions such as the *tori'ou* tradition because when humans die, what can save them is their deeds while living in the world.

b. Based on purpose and objectives

The *tori'ou* tradition is carried out by the Tolaki people with the aim of showing affection from living family members to family members who have died first by serving the favorite food of the deceased family member. Tolaki people believe that the spirits of the deceased are still in the world and can eat food that has been prepared in the *tori'ou* tradition. In the belief of the Tolaki people, the spirit of the deceased will only leave the world after a release party (*pepokolapasi'a*) is held. Although the intent and purpose of the *tori'ou* tradition is good, the Tolaki tribe's belief that the spirits of deceased humans can eat the food that has been served is certainly not in line with the teachings in Islamic law. Because in the teachings of Islamic law, the spirits of people who have died will be in the realm of barzah and no longer in the world. So if the belief of the Tolaki tribe continues to be maintained, it can lead to shirk behavior because it believes in something that does not actually exist.

Based on the explanation above, the author concludes that based on the review of Islamic law, the *tori'ou* tradition carried out by the Tolaki tribe is a form of 'Urf Fasid. This is based on the author's opinion that the *tori'ou* tradition is a tradition that has no example in Islamic teachings. In addition, the Tolaki people's assumption that the spirits of the deceased come and eat the food served in the *tori'ou* tradition is not in line with the teachings of Islamic law and can lead the perpetrators to shirk behavior.

CONCLUSION

The *tori'ou* tradition is the tradition of storing food on a container (*kappara*) which is then stored next to the final bed of the body before burial. The food is served to the spirits of the deceased. This tradition will continue until the 40th or 100th night after the body is buried. This tradition aims to show affection from the living to the deceased. This tradition is considered a legacy of the ancestors of the Tolaki tribe and is still being carried out because it is considered to have good goals and intentions and there is no conflict with Islamic law. However, based on the review of Islamic law, the *tori'ou* tradition is a form of 'Urf Fasid. The reason is because the belief of the Tolaki people about the *tori'ou* tradition is not in line with

the teachings of Islamic law, especially in terms of belief in the existence of the spirit of the deceased.

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