



## The Dynamic Interplay: A Normative-Philosophical Study of Islam and Local Wisdom in Indonesia

Waheeda<sup>1</sup>, Ali Mutakin<sup>2</sup>, Isroiliyah<sup>3</sup>, Rahmad Lubis<sup>4</sup>, Iqbal Saujan<sup>5</sup>

<sup>1,2,3,4</sup>STAI Nurul Iman Parung, Bogor, Indonesia

<sup>5</sup>Faculty of Islamic Studies and Arabic Language  
South Eastern University of Sri Lanka

email: [umiwaheeda68@yahoo.com](mailto:umiwaheeda68@yahoo.com)<sup>1</sup>, [alimutakin@stai-nuruliman.ac.id](mailto:alimutakin@stai-nuruliman.ac.id)<sup>2</sup>,  
[iisroiliyah4@gmail.com](mailto:iisroiliyah4@gmail.com)<sup>3</sup>, [lubisrahmad26@gmail.com](mailto:lubisrahmad26@gmail.com)<sup>4</sup>, [savjaniqbal@seu.ac.lk](mailto:savjaniqbal@seu.ac.lk)<sup>5</sup>

Received 16-03-2025 | Revised 12-04-2025, 14-05-2025, 25-05-2025 | Accepted 15-06-2025

### Abstract

This study explores the normative-philosophical interaction between Islam and local wisdom in Indonesia through a normative literature approach. By examining *maqāṣid al-sharī'ah*, *maslahah mursalah*, *'urf*, and social *fiqh*, it highlights how Islamic law adapts to Minangkabau, Banjar, and Bugis-Makassar customs. The findings reveal that Islam Nusantara emerges as a dialectical synthesis of sharia texts and local culture, emphasizing moderation, tolerance, and social sustainability. Examples include the Minangkabau's reconciliation of matrilineal inheritance through the distinction of ancestral and acquired property, the Banjar's *jujuran* and *barambangan* traditions, and the Bugis-Makassar concepts of *siri'* and *pangaderreng*. These cases demonstrate the flexibility of Islamic law in upholding *maslahah*. The study implies that Indonesia's experience offers a global model for integrating Islamic law with culture while preserving core sharia principles, and provides strategies to address challenges such as radicalism, globalization, and the erosion of local identity.

**Keywords:** Islam Nusantara, local wisdom, *maqāṣid al-sharī'ah*, social *fiqh*, Indonesian adat

### Abstrak

Penelitian ini mengkaji interaksi normatif-filosofis antara Islam dan kearifan lokal di Indonesia melalui pendekatan studi pustaka normatif. Dengan menelusuri prinsip *maqāṣid al-sharī'ah*, *maslahah mursalah*, *'urf*, serta *fiqh* sosial, penelitian ini menyoroti bagaimana hukum Islam beradaptasi dengan adat Minangkabau, Banjar, dan Bugis-Makassar. Hasil penelitian menunjukkan bahwa Islam Nusantara lahir sebagai sintesis dialektis antara teks syariat dan realitas budaya lokal yang menekankan moderasi, toleransi, dan keberlanjutan sosial. Misalnya, akomodasi warisan matrilineal Minangkabau melalui pemisahan harta pusaka tinggi dan rendah, tradisi *jujuran* dan *barambangan* masyarakat Banjar, serta nilai *siri'* dan sistem *pangaderreng* di Bugis-Makassar, menunjukkan fleksibilitas hukum Islam dalam menjaga kemaslahatan. Implikasinya, pengalaman Indonesia dapat menjadi model global tentang integrasi hukum Islam dengan budaya tanpa kehilangan prinsip dasar syariat, sekaligus menawarkan strategi menghadapi tantangan radikalisme, globalisasi, dan erosi identitas lokal.

**Kata kunci:** Islam Nusantara, kearifan lokal, *maqāṣid al-sharī'ah*, *fiqh* sosial, adat Indonesia

## Introduction

Indonesia, as the world's most populous Muslim-majority nation, presents a distinctive model of Islamic practice shaped by a profound and ongoing interaction with diverse local cultures and traditions. This dynamic interplay has fostered a form of Islam widely recognized for its moderation, tolerance, and inclusiveness, setting it apart from more rigid or conflict-prone expressions observed elsewhere. Historically, the spread of Islam across the Indonesian archipelago was predominantly peaceful, often facilitated by Sufistic approaches that emphasized spiritual depth and cultural integration rather than imposition. This peaceful historical trajectory is a foundational element for understanding the subsequent normative and philosophical accommodation of local wisdom. Unlike regions where Islam expanded primarily through conquest, Indonesia's experience cultivated a symbiotic relationship, predisposing indigenous societies to integrate rather than resist Islamic teachings. This historical predisposition allowed for the development of an organic and reciprocal relationship between Islamic principles and local customs, which in turn fostered a normative framework that is inherently flexible and adaptable. It also shaped a philosophical understanding of Islam as deeply compatible with diverse local expressions, contributing significantly to the emergence of the "*Islam Nusantara*" paradigm. This unique historical context provides a compelling counter-narrative to the misconception that Islam is inherently associated with violence.<sup>1</sup>

Within the Indonesian context, "local wisdom" is predominantly encapsulated by the concept of *adat*. *Adat* refers to the indigenous customary laws, traditions, and social practices that existed prior to and continue to coexist with Islamic law in various Indonesian communities.<sup>2</sup> It embodies a rich tapestry of noble values, norms, and moral principles that serve as a guiding worldview and govern the

---

<sup>1</sup> Mujamil Qomar, "Islam Nusantara: Sebuah Alternatif Model Pemikiran, Pemahaman, Dan Pengamalan," *EL-HARAKAH (TERAKREDITASI)* 17, no. 2 (2016): 198, <https://doi.org/10.18860/el.v17i2.3345>.

<sup>2</sup> Erwati Aziz et al., "The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 8, no. 1 (2020): 131, <https://doi.org/10.21043/qijis.v8i1.7197>.

everyday lives of local communities. Crucially, *adat* is not a static entity; it is described as a historical and dialectical system that continuously reflects and adapts to societal changes over time.<sup>3</sup> This inherent dynamism of *adat* allows it to withstand external cultural influences while simultaneously possessing the capacity to accommodate and integrate new elements into its existing framework.<sup>4</sup>

This adaptive quality of *adat* is a significant factor in its successful integration with Islam. If *adat* were rigid and unyielding, the encounter with Islam would likely have resulted in irreconcilable conflict or forced assimilation. However, its flexible and evolving nature enabled it to selectively absorb and integrate Islamic values, leading to a profound synthesis rather than a clash. This mutual flexibility between *adat* and Islam is a key characteristic of the Indonesian experience, underpinning the concept of "cultural ambiguity" and "coexistence" where disparate elements merge into a unique social expression.<sup>5</sup>

The interaction between Islam and *adat* in Indonesia represents a complex and multifaceted interplay. While often characterized by harmony and synthesis, it occasionally presents areas of tension, yet consistently leads to unique cultural and legal formations rather than outright conflict.<sup>6</sup> Understanding the intricate mechanisms and underlying philosophies that facilitate this enduring coexistence and adaptation across Indonesia's diverse ethnic groups remains a critical area of academic inquiry.

This study contributes significantly to the broader academic discourse on religious pluralism and cultural adaptation within Muslim societies. By examining Indonesia as a compelling case study, it challenges monolithic views of Islam and demonstrates the profound

---

<sup>3</sup> Rusdiah Rusdiah et al., "Elements of Islamic Law in Traditional Banjar Marriage" Jujuran" Viewed from a Historical Perspective," *JOURNAL OF ISLAMIC AND LAW STUDIES* 9, no. 2 (2025): 280–90.

<sup>4</sup> Oksimana Darmawan et al., "Revitalization of Local Wisdom in Preventing Intolerance and Radicalism in Indonesia," Atlantis Press, 2021, 492–97.

<sup>5</sup> Saskia Schaefer, "Islam Nusantara: The Conceptual Vocabulary of Indonesian Diversity," *ISLAM NUSANTARA: Journal for the Study of Islamic History and Culture* 2, no. 2 (2021): 1–16, <https://doi.org/10.47776/islamnusantara.v3i1.163>.

<sup>6</sup> Aziz et al., "The Acculturation of Islam and Customary Law."

capacity for diverse expressions of faith.<sup>7</sup> Furthermore, it highlights the practical application of flexible Islamic legal principles and the intellectual innovations developed by Indonesian scholars to navigate the complexities of modernity while simultaneously preserving deeply rooted cultural identities.

## **Method**

This study employs a normative-juridical approach with an emphasis on library research. The primary sources include classical fiqh texts, works of *uṣūl al-fiqh* such as *maqāṣid al-sharī‘ah* and *maṣlaḥah mursalah*, as well as Indonesian positive legal documents such as the Compilation of Islamic Law (KHI). In addition, the research also draws on previous studies of customary legal practices in Minangkabau, Banjar, and Bugis-Makassar communities, thus enabling a comparative analysis between normative Islamic law and local practices.

The analytical method used is content analysis, namely interpreting textual data to uncover Islamic legal principles that can be contextualized with local wisdom. This approach is combined with the framework of *maqāṣid al-sharī‘ah* as an analytical tool to assess the extent to which local practices align with or diverge from the objectives of Islamic law. Accordingly, this research is not only descriptive but also evaluative regarding the interaction between sharia texts and the socio-cultural realities of society.

To ensure the validity of the data, this study applies source triangulation by comparing classical fiqh literature, contemporary scholarly thought, and decisions of Indonesian religious courts. Through this process, a comprehensive picture emerges of the dynamics of Islamic law’s adaptation to local customs, while also highlighting the space for contemporary *ijtihād* in addressing the needs of justice and *maṣlaḥah* in a multicultural society.

## **Results and Discussion**

### **Normative and Philosophical Foundations of Islamic Accommodation**

---

<sup>7</sup> Qomar, “ISLAM NUSANTARA.”

This section establishes the theoretical underpinnings, elucidating the Islamic legal and philosophical principles that enable the profound integration of local wisdom within the Indonesian context.

### ***Maqasid al-Shari'ah: The Higher Objectives of Islamic Law***

*Maqasid al-Shari'ah*, or the higher objectives of Islamic law, represent the ultimate purposes and wisdom behind divine legislation. These objectives are fundamentally oriented towards achieving benefits (*maslahah*) and preventing harm (*mudharat*) for humanity in both this temporal world and the hereafter. Prominent scholars, such as Imam al-Shatibi, extensively articulated that the core purpose of God's establishment of law is the realization of human welfare.

The essence of *Maqasid al-Shari'ah* is encapsulated in the protection of five universal necessities, often referred to as *mabadi' al-khomsiyah*: the preservation of religion (*hifzd al-din*), life or soul (*hifzd al-nafs*), intellect (*hifzd al-aql*), lineage (*hifzd al-nasl*), and property (*hifzd al-mal*). Any legal provision or action that aims to safeguard these five fundamental elements is considered to embody *maslahah* (benefit), whereas anything that threatens their loss or detriment is deemed *mafsadah* (harm).<sup>8</sup>

The principle of *maslahah*, meaning public interest or benefit, forms the core substance of *Maqasid al-Shari'ah*. It has been a central tenet of Islamic law since its inception, though its precise role in legal reasoning has been a subject of scholarly debate. While some jurists have deliberated whether God's purpose in establishing law is solely to bring about *maslahah*, it is unequivocally clear that actions embodying goodness for humans are generally commanded, and those containing detrimental values are prohibited.<sup>9</sup>

The emphasis on *Maqasid al-Shari'ah* provides a flexible ethical framework that transcends rigid textual interpretations. By focusing on the spirit and purpose of the law—namely, human welfare and the preservation of these five essentials—rather than adhering

---

<sup>8</sup> Fadhli Suko Wiryanto, "The Urgency and Strategic Role of Maqasid Shari'ah and Maslahah in Responding to The Legal and Economic Challenges of Muslim Business," *Journal Of Middle East and Islamic Studies* 10, no. 1 (2023): 4.

<sup>9</sup> Silsilu Durrotul Bahiyah, "Assessing the Istislahiah Method in Islamic Law: Study of the Utilization of Science in Ushul Fiqh in the Context of Indonesian Fiqh," *Indonesian Journal of Law and Islamic Law (IJLIL)* 6, no. 1 (2024): 1–13.

strictly to the literal text, it creates a normative space for accommodating diverse local practices. This accommodation is legitimate as long as these practices align with or contribute to these higher objectives without directly contradicting a fundamental, explicit Islamic tenet. This approach is crucial for the development of concepts like *fiqh Sosial* and *Islam Nusantara*, as it furnishes a higher-order justification for contextual adaptation and integration of local wisdom. It allows Islamic jurisprudence to be dynamic and responsive to societal needs, enabling *ijtihad* (independent legal reasoning) to consider local realities and validate practices that serve the overarching goals of the sharia, even if they are not explicitly detailed in foundational religious texts.

### ***Maslahah Mursalah* and *Istislahiah*: Unrestricted Public Interest and Juristic Preference**

*Maslahah Mursalah*, or unrestricted public interest, represents a significant consideration within *ijtihad* (independent legal reasoning) that is highly pertinent to the needs of contemporary life.<sup>10</sup> It refers to a public benefit for which no specific textual evidence (from the Qur'an or *Sunnah*) exists to either explicitly affirm or reject it, yet it aligns with the general objectives and spirit of sharia. This type of *maslahah* is often supported through *istiqra'* (induction from a number of texts), indicating its consistency with the broader principles of Islamic law.

The *Istislahiah* method is deeply intertwined with *Maslahah Mursalah*, to the extent that it is often considered synonymous with the concept of *maslahah* itself. This method systematically utilizes scientific advancements and social realities to derive legal rulings that promote the public good. Its origins trace back to early Muslim jurists, such as al-Shatibi and al-Ghazali, who recognized *maslahah* as a fundamental principle of Islamic law applicable when textual sources were silent or ambiguous. In the 20th century, scholars like Muhammad Abduh and Rashid Rida revitalized the *Istislahiah* method, advocating for its application to adapt Islamic law to the evolving needs of society.

In contemporary Indonesia, the *Istislahiah* method serves as an invaluable tool for addressing pressing social issues, particularly in situations where direct textual guidance is absent. Practical applications

---

<sup>10</sup> Bahiyah, "Assessing the *Istislahiah* Method in Islamic Law: Study of the Utilization of Science in Ushul Fiqh in the Context of Indonesian Fiqh."

include the justification of environmental regulations, the promotion of women's rights, and the resolution of complex modern issues such as unregistered marriages (*Nikah siri*) or the use of DNA testing for lineage determination. The advantages of employing *Istislahiah* are manifold: it offers flexibility and adaptability in legal interpretations by considering societal shifts and the broader objectives of sharia; it prioritizes collective well-being, ensuring that legal rulings safeguard societal welfare; it effectively reconciles timeless Islamic principles with specific contemporary contexts, allowing for context-sensitive interpretations that remain faithful to Islamic legal traditions; and it facilitates the incorporation of scientific knowledge into legal decision-making, ensuring responsiveness to new developments in fields such as bioethics or artificial intelligence.<sup>11</sup>

*Maslahah Mursalah* and *Istislahiah* are not merely theoretical constructs but active methodological tools that provide jurists with the practical flexibility to engage with evolving social realities and local contexts. This approach moves beyond a static interpretation of sharia to a dynamic one, where legal rulings can be derived based on the spirit of the law and the needs of the community, even in the absence of explicit textual evidence. This directly enables the integration of local wisdom that serves the public good, providing a robust normative basis for *adat* practices that may not have direct textual support but are demonstrably beneficial. This methodological flexibility implies a recognition that divine wisdom is not limited to explicit commands but extends to principles that guide human flourishing in diverse contexts, thereby legitimizing innovation and adaptation within the Islamic legal framework and ensuring its relevance to local Indonesian realities.

### **‘Urf: The Role of Customary Practices in Islamic Law**

‘Urf, referring to customary practices and social norms, holds a significant position in Islamic law. It is formally recognized as a secondary source from which scholars can derive legal rulings, particularly in instances where the primary sources—the Qur'an and

---

<sup>11</sup> Bahiyah, “Assessing the Istislahiah Method in Islamic Law: Study of the Utilization of Science in Ushul Fiqh in the Context of Indonesian Fiqh.”

*Hadith*—are silent.<sup>12</sup> This recognition underscores Islam's inherent adaptability and its capacity to integrate local societal norms.

For a custom to be considered legally valid as *'Urf*, several stringent conditions must be met. Firstly, it must be widely and consistently practiced and accepted within a specific community. Secondly, it must be consistent with sound reason and logic. Most importantly, *'Urf* must not, under any circumstances, contradict explicit sharia principles or previously agreed-upon contracts.<sup>13</sup> Furthermore, the custom must be prevalent, continuous, and established at the time the action or transaction in question occurs.

The legal maxim, "*Al-'Adatu Muhakkamatun*" (Customs are arbiters), encapsulates the essence of *'Urf*'s role in Islamic jurisprudence. This maxim signifies that established customs can serve as a legitimate legal reference, provided they do not contravene the fundamental principles of the Qur'an and *Hadith*.<sup>14</sup> Historically, the Prophet Muhammad himself acknowledged certain pre-Islamic customs, demonstrating an early recognition of *'Urf* as a valid legal consideration.<sup>15</sup> Examples of *'Urf* application are diverse, ranging from business contracts and family law to specific cultural practices within marriage, such as the *ujuran* tradition in Banjar society. The *ujuran*, a gift from the groom's family to the bride's family, is preserved because it aligns with Islamic principles of respect and deliberation, even though it is not explicitly mandated by sharia.

The formal recognition of *'Urf* as a source of Islamic law is a direct and explicit normative mechanism for accommodating local wisdom. It institutionalizes the principle of contextualization, allowing Islamic law to integrate pre-existing or evolving local norms, provided they do not violate fundamental Islamic tenets. This is a key differentiator for Indonesian Islam, demonstrating a philosophical

---

<sup>12</sup> "The Application of Urf in Islamic Finance," accessed September 1, 2025, <https://www.scribd.com/document/351637601/The-Application-of-Urf-in-Islamic-Finance>.

<sup>13</sup> "Introduction to Usul Fiqh:Uruf as a Source of Law," SlideShare, accessed September 1, 2025, <https://www.slideshare.net/slideshow/introduction-to-usul-fiqh-uruf-as-a-source-of-law/62586190>.

<sup>14</sup> Rusdiyah et al., "Elements of Islamic Law in Traditional Banjar Marriage" *Jujuran* "Viewed from a Historical Perspective."

<sup>15</sup> "The Application of Urf in Islamic Finance."

openness to human societal development. The acceptance of *‘Urf* implies a profound philosophical stance: that divine law is not intended to obliterate all existing human practices, but rather to guide, refine, and elevate them. It acknowledges the inherent wisdom embedded in communal practices that foster social order and well-being, recognizing that human societies often develop beneficial norms over time. This represents a pragmatic and adaptable view of divine law, making it foundational to the "*Islam Nusantara*" concept and the peaceful acculturation observed across various Indonesian communities, thereby deeply rooting Islam within the local cultural fabric.

### ***Fiqh* and *Usul al-Fiqh*: Frameworks for Legal Interpretation**

The relationship between Shari'ah and *Fiqh* is fundamental to understanding Islamic legal thought and its interaction with local wisdom. Shari'ah is regarded as the immutable and infallible divine Islamic law, directly revealed in the Qur'an and the *Sunnah* (the teachings and practices of Prophet Muhammad). In contrast, *Fiqh* represents Islamic jurisprudence, which is the human understanding, research, and practical application of Shari'ah. Unlike the divine Shari'ah, *Fiqh* is considered fallible and subject to change, as it is the product of human interpretation (*ijtihad*) by qualified jurists (*ulama*). *Fiqh* encompasses a wide array of topics, including rituals (*ibadah*), transactions (*mu'amalat*), family law, criminal law, and ethics, providing practical guidance for Muslims in their daily lives across diverse cultural contexts.<sup>16</sup>

*Usul al-Fiqh*, or the principles of Islamic jurisprudence, is the foundational discipline that outlines the methodology and principles used to derive Islamic law from its primary sources. These primary sources include the Qur'an, *Hadith*, *Ijma'* (consensus of the community or its scholars), and *Qiyas* (analogical reasoning). *Usul al-Fiqh* provides a systematic and coherent framework for interpreting Shari'ah, ensuring that legal interpretations are grounded in a rigorous methodology.<sup>17</sup>

---

<sup>16</sup> Wikipedia, "Fiqh," August 28, 2025, <https://en.wikipedia.org/w/index.php?title=Fiqh&oldid=1308346797>.

<sup>17</sup> Sarah Lee, "Unlocking Usul Al-Fiqh: Islamic Jurisprudence," accessed September 3, 2025, <https://www.numberanalytics.com/blog/usul-al-fiqh-islamic-jurisprudence-guide>.

The dynamic nature of *Fiqh* in relation to the immutable Shari'ah is crucial for its adaptability. While Shari'ah provides the overarching divine principles, *Fiqh* allows for their application and elaboration in specific contexts and times.<sup>18</sup> This distinction is vital because it creates a space for *ijtihad*—the independent reasoning employed by jurists to address new problems or interpret existing texts in light of changing circumstances.<sup>19</sup>

*Ijtihad* is not about changing divine law but about understanding and applying it appropriately to evolving societal needs. This process is particularly relevant in diverse societies like Indonesia, where local customs and contemporary issues demand nuanced legal solutions.

The evolution of *Usul al-Fiqh* has seen contributions from numerous scholars across different schools of thought, leading to a rich and diverse tradition of Islamic jurisprudence.<sup>20</sup> This diversity allows for a tapestry of legal thought within Islam and accommodates varying cultural practices.<sup>21</sup> For instance, while the Shafi'i school is dominant in Indonesia<sup>22</sup>, Indonesian scholars have also shown openness to methodologies from other *madhhabs* (schools of thought), such as *istihsan* from Hanafi or *Maslahah Mursalah* from Maliki, to address contemporary issues. This openness is a testament to the dynamic nature of *Fiqh* in Indonesia, which seeks to ensure that legal outcomes are not only normatively sound but also contextually relevant and widely accepted by the community.<sup>23</sup>

The philosophical implication of this framework is that Islamic law, through *Fiqh* and *Usul al-Fiqh*, is not a static, rigid code but a living system capable of addressing the complexities of human life across different eras and cultures. It acknowledges that while divine commands are eternal, their application requires human understanding

---

<sup>18</sup> *Wikipedia*, “Fiqh.”

<sup>19</sup> “Fiqh (Intro to Humanities),” accessed September 1, 2025, <https://library.fiveable.me/key-terms/introduction-humanities/fiqh>.

<sup>20</sup> Lee, “Unlocking Usul Al-Fiqh.”

<sup>21</sup> “Fiqh (Intro to Humanities).”

<sup>22</sup> *Wikipedia*, “Islam in Indonesia,” August 5, 2025, [https://en.wikipedia.org/w/index.php?title=Islam\\_in\\_Indonesia&oldid=1304323327](https://en.wikipedia.org/w/index.php?title=Islam_in_Indonesia&oldid=1304323327).

<sup>23</sup> Umdatul Baroroh, “Understanding Methodology Of Fiqh Sosial,” *Santri: Journal of Pesantren and Fiqh Sosial* 1, no. 1 (2020): 27–42, <https://doi.org/10.35878/santri.v1i1.202>.

and interpretation, which can evolve to serve the greater good (*masalahah*) of the community. This intellectual flexibility is a cornerstone of how Islam has successfully integrated with local wisdom in Indonesia.

### **The Concept of *Islam Nusantara*: A Philosophical Synthesis Definition and Core Characteristics**

*Islam Nusantara*, a concept prominently advocated by the Nahdlatul Ulama (NU), is a model of Islamic thought, comprehension, and implementation that is profoundly shaped by the diverse cultures and traditions prevalent in Southeast Asia, particularly Indonesia. This distinctive expression of Islam reflects an identity with a methodological nuance, setting it apart from other Islamic models found in the Middle East, India, or Turkey.<sup>24</sup> The approach inherent in *Islam Nusantara* is characterized by its harmony, moderation (*wasatiyyah*), inclusiveness, tolerance, peaceful orientation, and multicultural foundation. The rich diversity in Islamic thought observed within Indonesia is largely attributed to the pervasive influence of local cultures, especially Javanese culture, a process referred to as cultural acculturation.<sup>25</sup>

### **Historical Development and Response to Declining Image of Islam**

The typology of *Islam Nusantara* has been manifest in the Indonesian archipelago for a considerable period, representing a practical application of Islamic teachings that consistently consider local traditions and culture. While the underlying practices are centuries old, the term "*Islam Nusantara*" in its current variant is relatively new, gaining significant scholarly and public attention when it became the main theme of the 33rd Nahdlatul Ulama (NU) Conference in Jombang, East Java, in August 2015. This strategic choice of theme was a direct response to a perceived decline in the international image of Islam, which had become increasingly associated with violent acts committed in its name. The NU, representing mainstream Indonesian Muslims, aimed to publicize *Islam Nusantara* as a counter-narrative, emphasizing Islam's true teachings of peace, harmony, tolerance, and transparency,

---

<sup>24</sup> Qomar, "ISLAM NUSANTARA."

<sup>25</sup> Qomar, "ISLAM NUSANTARA."

thereby challenging the false assumption that Islam inherently promotes violence.<sup>26</sup>

### **Philosophical Synthesis: Dialectic, Adaptive-Selective Approach, and Cultural Ambiguity**

The philosophical synthesis between Islam and local culture in Indonesia, embodied by *Islam Nusantara*, is evident in several key aspects. It is fundamentally defined as the comprehension and implementation of Islam resulting from a dialectical process between sharia texts and local culture and reality, thereby incorporating nuances of local wisdom. This leads to a distinctive "Indonesian style" of Islam, which seamlessly combines theological Islamic values with indigenous traditional values, cultures, and customs.<sup>27</sup>

As a *dawah* (preaching) methodology, *Islam Nusantara* understands and implements universal Islamic teachings according to *Ahlussunnah waljama'ah* principles, undergoing a process of contact with valid local traditions (*'Urf shahih*) in the Nusantara. This involves either the integration of good traditions or the amputation, assimilation, or minimization of bad traditions (*'Urf fasid*) to ensure they do not contradict sharia dictums. This adaptive-selective approach applies strict filters to local cultures, allowing for the maintenance and development of local culture in accordance with Islamic teachings, and influencing local culture with Islamic values when necessary. Traditions that respect human values are maintained, while those that defiling human dignity are rejected.

The peaceful dialogue between Islam and local cultures, including indigenous religions (animism-dynamism) and imported religions (Hindu-Buddhism), was significantly facilitated by a Sufistic approach in spreading Islam. This approach proved highly effective in fostering relations and interactions, leading to conversions and the emergence of the distinctive Islam of the Nusantara. The geographical distance of the Nusantara from the traditional centers of Islam's spread further influenced its unique Islamization process, contributing to the idea that Indonesian Islam possesses a special character, as customs

---

<sup>26</sup> Qomar, "ISLAM NUSANTARA."

<sup>27</sup> Qomar, "ISLAM NUSANTARA."

from Mecca cannot be directly applied due to differing local conditions and capacities.<sup>28</sup>

A significant philosophical aspect of *Islam Nusantara* is its embrace of "cultural ambiguity." This characteristic allows for different elements to exist side by side without conflict, forming a unique social expression. It enables the coexistence of disparate truth claims in the interest of peaceful coexistence. This means that the encounters between Islamic principles and local rites, *syarak* (Islamic law) and custom, and the sacred and the profane, do not lead to resistance or exclusion but rather foster a state of harmonious integration. This concept is crucial for understanding how *Islam Nusantara* promotes diversity and peaceful coexistence. It explicitly calls for the acknowledgment and acceptance of diverse Islamic practices and beliefs, inherently promoting diversity. It draws on a thousand-year-old history of plurality in Islamicate societies, providing a historical foundation and legitimacy for continued diversity. Furthermore, it functions as a normative call to actively support and take pride in the diversity of practice and belief, encouraging its continuation and strengthening. The blending of Islamic teachings with local cultural traditions fosters a unique and inclusive form of Islam that respects and incorporates diverse cultural practices, exemplified by the principle that customs not contravening *syarak* are maintained. This emphasis on cultural ambiguity, compromise solutions, and the coexistence of divergent meanings allows for different elements to exist without conflict, directly contributing to peaceful coexistence.<sup>29</sup>

Finally, the concept's acceptance and accommodation of national cultures, as long as they do not contradict Islamic rules, underscores its commitment to compromise with culture and appreciation for the land where people live, without eliminating tradition that harmonizes with Islamic sharia. Despite being the largest Muslim nation, Indonesia has experienced minimal Arabization compared to other Muslim countries, reflected in preferences for local attire, local terms for religious figures, and places of prayer.<sup>30</sup> This non-Arabization is a strong indicator of *Islam Nusantara's* success in achieving a deep, culturally integrated form of Islam.

---

<sup>28</sup> Qomar, "ISLAM NUSANTARA."

<sup>29</sup> Schaefer, "Islam Nusantara."

<sup>30</sup> Qomar, "ISLAM NUSANTARA."

### **Case Studies: Empirical Manifestations of Interaction**

The theoretical frameworks of Islamic accommodation find tangible expression in the diverse cultural practices across the Indonesian archipelago. Examining specific ethnic groups—Minangkabau, Banjar, and Bugis-Makassar—reveals how Islamic norms and local wisdom have interacted, adapted, and synthesized, creating unique socio-legal landscapes.

#### **The Minangkabau: A Matrilineal Society's Islamic Synthesis**

The Minangkabau society of West Sumatra offers one of the most compelling examples of the interaction between Islam and local wisdom, particularly concerning its unique matrilineal kinship and inheritance system.<sup>31</sup> This society's experience is encapsulated in the profound philosophical shift from "*Adat basandi alua jo patuik, alua jo patuik basandi bana, bana badiri sandirinyo*" (custom is determined by rules and propriety, based on truth) to the widely adopted "*Adat basandi Syara', Syara' basandi Kitabullah*" (*Adat* is based on *Syara'* (Islam), *Syara'* (Islam) based on the Qur'an). This transformation signifies a fundamental reorientation where Minangkabau customary law (*adat*) is explicitly founded upon Islamic law (*Syara'*), which in turn is rooted in the Qur'an. This means that any customary rule contradicting Islamic principles is either modified or phased out.<sup>32</sup>

The acculturation process in Minangkabau manifests in three distinct forms:<sup>33</sup>

1. Adjustment of conflicting customs: Customs that are not in accordance with Islamic teachings are adjusted. The philosophical shift mentioned above is the most prominent example, ensuring that traditional norms align with Islamic principles.
2. Preservation of aligned customs: Customs and cultural practices that are already consistent with Islamic teachings are preserved. The principle of deliberation (*musyawarah*) and consensus

---

<sup>31</sup> Nelna Saprina and Yulia Rahmi, "Evolution of the Minangkabau Inheritance System and Its Relevance to Gender Justice in Islamic Law," *USRATY: Journal of Islamic Family Law* 2, no. 1 (2024): 80–90, <https://doi.org/10.30983/usraty.v2i1.8377>.

<sup>32</sup> Aziz et al., "The Acculturation of Islam and Customary Law."

<sup>33</sup> Aziz et al., "The Acculturation of Islam and Customary Law."

(*mufakat*), for instance, was deeply embedded in Minangkabau culture and also emphasized in Islam, thus remaining intact.

3. Promulgation of new culture: The synthesis has led to the emergence of new cultural practices not present before Islam. The *Khatam Al-Qur'an* ceremony for children, celebrating the completion of Qur'an reading, is a notable example of this cultural innovation.

The integration of Islam and local wisdom in Minangkabau has created a unique social structure where both systems adapt and complement each other. Islam is considered the highest level of *adat nan sabana adat* (conventional customs), which is based on revelation. The strong influence of Islam is also reflected in Minang proverbs and rhymes, which are infused with Islamic teachings and values. The concept of *Alam Takambang Jadi Guru* (Nature is the Teacher), a Minangkabau customary philosophy encouraging learning from natural phenomena, further aligns with Islamic teachings that instruct humans to observe the universe for knowledge.<sup>34</sup>

The Minangkabau matrilineal inheritance system, known as *harta pusaka* (ancestral property), traditionally passed exclusively to female descendants, presented a significant point of divergence with Islamic inheritance law, which dictates specific shares for both male and female heirs, with men generally receiving a larger portion due to their financial responsibilities. This difference sparked extensive debate and led to crucial reconciliation efforts by scholars.

Before Islam, *harta pusaka* was collective clan property, managed by *mamak* (mother's brother) for the benefit of his nieces and nephews, with men having no claim over it for their own children. This system, while culturally significant, created disparities by marginalizing men and their direct descendants in terms of property ownership.<sup>35</sup>

With the strengthening of Islamic influence, particularly through the priestly movement in the 18th century, scholars sought to align local practices with sharia. Key reformist thinkers emerged:<sup>36</sup>

---

<sup>34</sup> Aziz et al., "The Acculturation of Islam and Customary Law."

<sup>35</sup> Saprina and Rahmi, "Evolution of the Minangkabau Inheritance System and Its Relevance to Gender Justice in Islamic Law."

<sup>36</sup> Saprina and Rahmi, "Evolution of the Minangkabau Inheritance System and Its Relevance to Gender Justice in Islamic Law."

- a. Shaikh Ahmad Khotib al-Minangkabawi (19th century): He strongly opposed the customary inheritance system, deeming it *haram* (forbidden) and contrary to sharia. He argued that it deprived legitimate heirs (children, wives) of their rightful property and that a man's earnings should benefit his children, not just his nephews.
- b. Shaikh Abdul Karim Amrullah (early 20th century): A student of al-Minangkabawi, he offered a nuanced solution. He distinguished between *jahiliyyah* custom (pre-Islamic or anti-Islamic traditions) and Islamic custom. He considered the inheritance of *harta pusaka* from *mamak* to nephews as a *jahiliyyah* custom. However, he did not oppose the traditional treatment of *harta pusaka* whose origin was unclear, likening it to *waqf* (endowment) property or *musabalah* property, which can be used for benefit but not individually owned or inherited according to Islamic rules. He argued that Islamic inheritance law does not apply to this jointly owned *harta pusaka* because its origin is no longer known.

Shaikh Abdul Karim's thinking was pivotal, proposing a separation of inheritance into two categories:<sup>37</sup>

1. High Inheritance (*harta pusaka*): This ancestral property, passed through the maternal line, continues under custom. It is considered jointly owned by the clan and likened to *waqf*, meaning it can be utilized but not individually owned or transferred.
2. Low Inheritance (Search Property): This refers to property acquired through one's own efforts during their lifetime. This property is inherited according to sharia rules.

This separation, formalized in a 1953 meeting in Bukittinggi, allowed Minangkabau Muslims to ensure personal earnings were distributed according to Islamic law, while ancestral property remained under customary law. This re-established a father's responsibility for his children and wife, moving towards the bilateral principle of Islamic law for acquired wealth. The evolution of the Minangkabau inheritance system, particularly the distinction between ancestral and acquired property, directly addresses gender justice. The traditional system, by denying men inheritance rights over *harta pusaka* and considering their personal earnings as collective clan wealth, effectively marginalized

---

<sup>37</sup> Saprina and Rahmi, "Evolution of the Minangkabau Inheritance System and Its Relevance to Gender Justice in Islamic Law."

their children and wives. The reform, by applying sharia to acquired property, aligns with Islamic principles of gender justice, ensuring equitable distribution that accounts for responsibilities. The difference in inheritance shares (men receiving twice that of women) is justified by men's greater financial responsibilities in Islam, ensuring a balance between rights and obligations, where women's inheritance is solely for their own use.<sup>38</sup> This dynamic demonstrates a successful harmonization of cultural traditions with religious principles to achieve a fairer system.

### **The Banjar: Customary Marriage and Dispute Resolution**

The Banjar community in South Kalimantan provides further examples of the deep interaction between Islam and local wisdom, particularly in their traditional marriage ceremonies and dispute resolution mechanisms. The Banjar marriage ceremony involves several elaborate stages, from initial inquiry to the wedding day itself. These stages include *Basasuluh* (initial exploration), *Batakunan* (detailed inquiry), *Badatang* (formal proposal), *Bapapayuan* (dowry bargaining), *Maatar Patalian* (delivery of binder items), *Maatar Honesty/Maskawin* (delivery of dowry), *Marry/Nikah* (marriage contract), *Bapingit* (confinement of bride), *Bathing/Badudus* (ritual bathing), and *Batamat Quran* (Quran recitation ceremony).<sup>39</sup>

A notable tradition is *jujuran*, a cultural practice where the groom's family provides monetary or material gifts to the bride's family during marriage rituals. While rooted in pre-Islamic customs, *jujuran* persists because it aligns with Islamic principles when practiced as a cultural tradition. The purposes of *jujuran* are multifaceted: it is considered a pillar of marriage in Banjar society, a gift to help cover wedding costs and provide for the bride's future, and a symbol of prestige and honor for the woman. The amount of *jujuran* is determined through deliberation between the families, which is consistent with Islamic values. Importantly, *jujuran* is distinct from *mahr* (dowry) in Islamic law; *jujuran* is a cultural gift, while *mahr* is a religious obligation given directly to the bride. Its permissibility is based on the

---

<sup>38</sup> Saprina and Rahmi, "Evolution of the Minangkabau Inheritance System and Its Relevance to Gender Justice in Islamic Law."

<sup>39</sup> Zein Firdaus et al., "Banjar Cultural Marriage Taboos and Analysis of the Prohibition of Marriage in Kitabun Nikah by Sheikh Muhammad Arsyad Al-Banjari," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 183–92.

principle of *mubah* (permissible) for gifts and the *fiqh* rule *Al-'Adatu Muhakkamatun* (customs are arbiters), meaning customs not contradicting the Qur'an and *Hadith* are valid. The community perceives that abandoning *jujuran* would cause discomfort, and its practice brings benefits like strengthening family bonds.<sup>40</sup>

In marital dispute resolution, the Banjar community utilizes the concept of *barambangan*. This traditional mechanism addresses conflicts between spouses, particularly when a marriage is on the verge of divorce, signifying a state of disharmony or "separated beds" (*pisah ranjang*). *Barambangan* offers a peaceful means of separation or reconciliation through the involvement of *tetuha* (religious leaders). These *tetuha* play a central mediating role, determining the legal certainty of the husband-wife relationship. Their authority stems from their extensive knowledge of customs, customary laws, and social values, enabling them to provide guidance for improving relationships.<sup>41</sup>

The *barambangan* tradition is formally connected to the 18th-century Sultan Adam Law, specifically Article 18. This written customary law, enacted by Sultan Adam Al-Watsiq Billah, applies Islamic law in Banjar land. Article 18 prohibits violence and coercion during *barambangan*, serving as a preventive legal protection. It mandates reconciliation attempts, involving a judge (representing Islamic law) and relatives (representing customary law). If reconciliation fails, the judge can delegate resolution to the Sultan. From the perspective of *maqasid ash-shariah*, *barambangan* aligns with the objective of preventing harm, particularly violence against women, thereby upholding the theory of legal protection and social engineering.<sup>42</sup> The absence of "*wali muhakkam*" in the provided material for Banjar marriage indicates that while *adat* plays a significant role, the formal aspects of marriage guardianship adhere to

---

<sup>40</sup> Rusdiyah et al., "Elements of Islamic Law in Traditional Banjar Marriage" *Jujuran* Viewed from a Historical Perspective."

<sup>41</sup> Munisah Munisah et al., "Barambangan: Dynamics and Challenges in Resolving Husband and Wife Disputes in the Banjar Community," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023): 50–60.

<sup>42</sup> Munisah et al., "Barambangan: Dynamics and Challenges in Resolving Husband and Wife Disputes in the Banjar Community."

established Islamic legal categories of *wali nasab* (blood guardian) or *wali hakim* (judge guardian) as recognized in Indonesian Islamic law.<sup>43</sup>

### **The Bugis-Makassar: *Siri'* and *Pangaderreng***

The Bugis-Makassar society of South Sulawesi demonstrates another intricate interaction, particularly through the concepts of *Siri'* and *pangaderreng*. *Siri'* is a multifaceted cultural value encompassing shame, honor, and dignity, considered so fundamental that "without *Siri'*, humans have no meaning in living in the world".<sup>44</sup> This core value guides individuals' thoughts, feelings, and will, acting as an institution within the cultural system that upholds morality, law, and self-worth. *Siri'* is deeply ingrained in Bugis households, transmitted through imitation and habituation, with parents emphasizing its importance for maintaining family reputation and ethical conduct.<sup>45</sup>

*Siri'* is categorized into two main types: *Siri' Ripaka* (*Siri'* external humiliation) and *Siri' Masiri'* (internal shame from inappropriate actions). Epistemologically, *Siri'* can mean self-esteem, dignity, or honor, encompassing violations of decency (e.g., elopement, adultery), motivation for success (driving individuals to work harder to avoid shame), and shyness (which can have both positive and negative impacts on behavior).<sup>46</sup>

The integration of *Siri'* with Islamic values is profound. From an Islamic perspective, *Siri'* is akin to *Hayâ'* (shame), a fundamental trait that builds high individual ethics. Islam commands its followers to instill shame, as its absence leads to low morals and uncontrolled desires. This aligns *Siri'* with divine values (obedience to Allah), human values (mutual respect, honesty), and natural values (responsibility as God's steward). Actions consistent with Islam are considered *masiri'* (shameful if not carried out), and actions inconsistent with Islam are also *masiri'* (shameful if done). This

---

<sup>43</sup> Firdaus et al., "Banjar Cultural Marriage Taboos and Analysis of the Prohibition of Marriage in Kitabun Nikah by Sheikh Muhammad Arsyad Al-Banjari."

<sup>44</sup> Deni Iriyadi, "Siri'in the Perspective of Islamic Values And Current Issue," *Kawalu: Journal of Local Culture* 9, no. 02 (2022): 175–89.

<sup>45</sup> Dhea Adela and Any Elvia Jakfar, "Integration of SiriValues in Akhlaq Education through Parenting Patterns: Ethno Pedagogy Study of the Bugis Tribe," *Jurnal BELAINDIKA (Pembelajaran Dan Inovasi Pendidikan)* 7, no. 1 (2025): 13–26.

<sup>46</sup> Iriyadi, "Siri'in the Perspective of Islamic Values And Current Issue."

psychological influence encourages individuals to cultivate shame for failing religious obligations or behaving improperly, fostering obedience and devoutness.<sup>47</sup> The most ideal form of *Siri* is directed towards Allah, motivating individuals to distance themselves from wrongdoing, knowing Allah is aware of their actions. However, contemporary society faces a challenge as technological advancements and foreign cultural influences lead to a shift in the meaning of *Siri*, normalizing behaviors once considered shameful. This necessitates efforts to restore its dignity and teach it from an early age.<sup>48</sup>

The interaction between Islam and local culture in Bugis-Makassar society is further reflected in the *pangaderreng* system (or *pangadakkang* in Makassar). This value system serves as a comprehensive set of norms guiding the community, comprising five interconnected elements: *adek* (customary norms), *talk* (legal norms), *rapang* (exemplary norms), *warik* (social stratification norms), and *sarak* (Islamic law). The element of *sarak* was incorporated after Islam's widespread adoption, making *pangaderreng* a clear reflection of the integration of Islamic and local values.

Through *pangaderreng*, particularly *sarak*, Islam is applied in people's lives in a flexible and accommodating manner, allowing for the maintenance of other customary elements. This system embodies religious moderation, upholding human values, tolerance, and accepting national identity while accommodating local culture. For instance, it allows for the coexistence of local royal titles with Islamic ones and traditional symbols with the Qur'an.

The *ulama* (religious scholars, known as Gurutta and Anregurutta) play a vital role in sustaining the *pangaderreng* system and fostering religious moderation. They are considered key figures connecting Islam and local culture, maintaining a delicate balance between *adat* and *sarak*. Their presence in life cycle events reinforces Islamic culture, and they serve as "main connecting links" between Islamic teachings and local traditions. Through *pesantren* (Islamic boarding schools), *ulama* educate students on both Islamic values and local culture, fostering harmony with diversity. This direct involvement and educational role make *ulama* crucial "social capital" in preserving

---

<sup>47</sup> Adela and Jakfar, "Integration of Siri Values in Akhlaq Education through Parenting Patterns: Ethno Pedagogy Study of the Bugis Tribe."

<sup>48</sup> Iriyadi, "Siri in the Perspective of Islamic Values And Current Issue."

Islamic culture against challenges, including those from radical Islamic groups.<sup>49</sup>

### **Contemporary Challenges and Future Directions**

The dynamic interaction between Islam and local wisdom in Indonesia, while largely successful in fostering a moderate and inclusive religious landscape, faces several contemporary challenges that necessitate ongoing adaptation and intellectual engagement.

### **Rigid Textualism and the Rise of Radicalism**

One significant challenge stems from the emergence of rigid textualist interpretations of Islam, which often reject local traditions and advocate for a literal application of religious texts, regardless of historical, cultural, or temporal contexts. This perspective views Islamic teachings as immutable and unalterable, considering the Qur'an and *Hadith* as fixed and universal in their application.<sup>50</sup> This contrasts sharply with the adaptable and contextual nature of Indonesian Islam, which has historically embraced interpretation and accommodation.

The spread of radical ideologies, often fueled by such textualist views, particularly among younger generations, poses a threat to the established harmony between Islam and *adat*. Research indicates a high potential for Islamic students in Indonesia to be exposed to radical activists, with religious interpretations influencing the spread of radicalism more than social tolerance factors. Social media plays a significant role, serving as a primary reference for the younger generation's understanding of Islam, which can influence their views on concepts like *jihad* and the application of Islamic law. Exclusive internal and external campus organizations also contribute to the development of intolerant attitudes. This growth in radicalization has

---

<sup>49</sup> Syamsurijal Syamsurijal et al., "The Encounter of Customs and Religion in Cultivating Religious Moderation in Bugis:," paper presented at 9th Asbam International Conference (Archeology, History, & Culture In The Nature of Malay) (ASBAM 2021), Makassar, Indonesia, 2022, <https://doi.org/10.2991/assehr.k.220408.099>.

<sup>50</sup> Nadirsyah Hosen, "Challenging Traditional Islamic Authority: The Impact of Social Media in Indonesia," *Proceedings of International Conference on Da'wa and Communication* 1, no. 1 (2019): 84–100, <https://doi.org/10.15642/icondac.v1i1.280>.

the potential to undermine the progress made in fostering nationalism and religious moderation.<sup>51</sup>

Despite these challenges, many Indonesian Muslim activists and scholars advocate for a more realistic and flexible view of sharia implementation. They emphasize the substance of Islamic values over formal labels, arguing that sharia can be implemented without necessarily being formally named as such, and that its application should focus on promoting good content, regardless of its origin.<sup>52</sup> This approach aligns with the long-standing tradition of contextual interpretation in Indonesian Islam.

### **Globalization and the Erosion of Cultural Identity**

Globalization presents a dual challenge and opportunity for the interaction between Islam and local wisdom in Indonesia. On one hand, it brings significant changes to local cultural identities through the pervasive influence of media, technology, and migration. Global cultures often dominate local ones, creating pressures on societies that previously had stable cultural identities and raising concerns about the homogenization of cultures and the erosion of unique cultural characteristics. This can lead to a loss of traditional values and a shift in societal priorities away from core Islamic and local cultural principles towards materialism and consumerism.<sup>53</sup>

On the other hand, globalization also facilitates the dissemination of Islamic thought and practice, and it can prompt local cultures to adapt and integrate global elements without necessarily losing their essence. Studies show that cultural adaptation creates dynamic identities, where people selectively choose relevant global elements, enriching their cultural expression. This process requires societies to re-evaluate their cultural views and the meaning of their collective identity. The challenge lies in utilizing global elements in a

---

<sup>51</sup> Ilman Nafi'a et al., "Mitigating Radicalism amongst Islamic College Students in Indonesia through Religious Nationalism," *HTS Teologiese Studies/Theological Studies* 78, no. 4 (2022).

<sup>52</sup> Firdaus Syam et al., "Narrative and the Politics of Identity: Patterns of the Spread and Acceptance of Radicalism and Terrorism in Indonesia," *Religions* 11, no. 6 (2020): 290.

<sup>53</sup> Assist Prof Dr Nese Yildiz Rafea and Ahmeedah Saleh Mustafa Sabri Abdullah Mohammed, *The Dangers Of Globalization on The Cultural Identity of The Islamic World*, n.d.

way that allows cultural identities to evolve inclusively and sustainably, ensuring the preservation of the Islamic world's distinctive cultural heritage.<sup>54</sup>

### **Codification of Islamic Law (KHI) and Its Accommodation of *Adat***

The codification of Islamic law in Indonesia, particularly through the Compilation of Islamic Law (KHI) enacted in 1991, represents a significant effort to synthesize Islamic norms with the Indonesian legal context, including elements of *adat*. The KHI serves as a primary legal reference for judges in Islamic courts across Indonesia, addressing key areas of family law such as marriage, inheritance, and *waqf* (land endowment). Although the KHI is a non-binding manual, it functions as the Indonesian version of Islamic law, integrating diverse norms.<sup>55</sup>

The KHI's success lies in its ability to provide legal certainty and coherence in areas where classical *fiqh* texts, often varied in opinion and written in Arabic, presented challenges for judges and lawyers.<sup>56</sup> It represents a compromise between various groups, accommodating Islamic law principles within the national legal system without causing conflict.<sup>57</sup>

Examples of KHI's incorporation of *adat* and its flexible application include:

- a. Marriage: The KHI reinforces the legal requirement for marriage to be proven by a Marriage Certificate, aligning with modern

---

<sup>54</sup> Arteurt Yoseph Merung et al., "Transformation Cultural Identity In The Global Era: A Study Of Globalization And Locality," *Socius Journal* 1, no. 5 (2024): 1–8, <https://doi.org/10.62872/jnxmz319>.

<sup>55</sup> Arskal Salim, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism* (Edinburgh University Press, 2015).

<sup>56</sup> Ahmad Imam Mawardi and A. Kemal Riza, "Why Did Kompilasi Hukum Islam Succeed While Its Counter Legal Draft Failed? A Political Context And Legal Arguments Of The Codification Of Islamic Law For Religious Courts In Indonesia," *JOURNAL OF INDONESIAN ISLAM* 13, no. 2 (2019): 421, <https://doi.org/10.15642/JIIS.2019.13.2.421-453>.

<sup>57</sup> Firda Arina Zulfa et al., "Mapping Contemporary Islamic Legal Thought in Indonesia: A Dialog Between Fiqh and the Culture of the Archipelago," *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)* 7, no. 1 (2025): 177–202.

administrative needs while rooting it in Islamic law.<sup>58</sup> While the KHI outlines specific types of *wali* (guardians), it does not explicitly mention *wali muhakkam* (appointed guardian by the couple), though this practice exists in some communities, leading to ongoing debates and legal challenges regarding its validity. This demonstrates a tension between codified law and living customary practices, where judges may still employ *ijtihad* to address such realities.<sup>59</sup>

- b. **Inheritance:** The KHI provides detailed regulations for Islamic inheritance. However, it also demonstrates flexibility. For instance, while Article 171(c) specifies that an heir must be Muslim, the KHI does not strictly regulate mandatory bequests for heirs of different religions. In such cases, judges have the authority to perform *rechtsvinding* or *ijtihad* to resolve legal vacuums, often based on considerations of humanity and justice, as seen in court decisions providing mandatory bequests for non-Muslim heirs. This reflects an adaptive approach to ensure fairness in diverse family contexts. The KHI also limits wills to one-third of inherited assets, aligning with Prophetic tradition.<sup>60</sup>
- c. **Waqf:** The KHI covers *waqf* as a topic of family law.<sup>61</sup> This codification helps standardize the management and application of Islamic endowments within the national legal framework.

The KHI's framework allows for *ijtihad* by judges when there is no explicit legal basis in legislation, ensuring that Islamic law remains responsive to societal dynamics.<sup>62</sup> This continuous adaptation reflects the complex and diverse dynamics of Islamic legal thought in

---

<sup>58</sup> Naskur Bilalu et al., "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 514, <https://doi.org/10.22373/sjhc.v6i2.12441>.

<sup>59</sup> Hasan Munthe et al., "Keabsahan Wali Muhakkam Sebagai Wali Nikah Di Indonesia Analisis Terhadap Putusan No. 197/Pdt. P/2020/Pa. Ppg Mahkamah Agung Menurut Perspektif Syad Al Zariyah," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 10, no. 02 (2022).

<sup>60</sup> Laurensia Sherlyn Tania Ika Prabowo et al., "Mandatory Testament for Heirs of Different Religions," *LEGAL BRIEF* 13, no. 1 (2024): 13–22.

<sup>61</sup> Salim, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*.

<sup>62</sup> Bilalu et al., "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia."

Indonesia, shaped by the interaction between Islamic tradition, local culture, and responses to social and political change.<sup>63</sup>

### **Revitalization of Local Wisdom and *Fiqh Sosial***

In response to the decline in the spirit of local wisdom, often caused by the negative impacts of modernization and rigid religious interpretations, efforts to revitalize local wisdom are crucial for preventing intolerance and radicalism in Indonesia. Local wisdom, embodying noble values and norms, serves as a view of life and has the capacity to withstand, accommodate, and integrate external cultures.<sup>64</sup>

The concept of *Fiqh Sosial* (Social Jurisprudence) emerges as a significant methodology in this revitalization effort. *Fiqh Sosial* is defined as the knowledge of shari'ah rulings aimed at the welfare or benefit (*mashlahah*) of the people, emphasizing a contextual interpretation of *fiqh* texts and a shift from a purely textual to a methodological approach. It seeks to overcome the historical imbalance of *fiqh* focusing more on worship (*ubudiyah*) than on the prosperity of the earth (*imarah al-ardh*), thereby aiming for the realization of broader public benefit (*mashlahah ammah*).

Key principles of *Fiqh Sosial* include:<sup>65</sup>

- a. Contextual interpretation: Recognizing that legal products are limited by space and time, laws must be contextualized to different situations.
- b. Methodological renewal: Shifting to a *manhaji* (methodological) approach for legal reproduction, emphasizing the development of *masalik al-illah* (ways to find the effective cause of a ruling) to align *fiqh* with common benefits.
- c. Openness to diverse *ijtihad* methods: Embracing methodologies from other *madhhabs* (schools of thought), such as *istihsan* or *Maslahah Mursalah*, to address the diverse problems of people across ages.
- d. Integration of modern sciences and local wisdom: Accepting discoveries from various scientific fields and prioritizing local

---

<sup>63</sup> Zulfa et al., "Mapping Contemporary Islamic Legal Thought in Indonesia: A Dialog Between Fiqh and the Culture of the Archipelago."

<sup>64</sup> Darmawan et al., "Revitalization of Local Wisdom in Preventing Intolerance and Radicalism in Indonesia."

<sup>65</sup> Baroroh, "Understanding Methodology Of Fiqh Sosial."

wisdom (*'Urf*) to ensure legal outcomes are well-received and relevant to the community, aligning with principles like "*al-adah muhakkamah*" (customs can be reference law).

*Fiqh Sosial* aims to be a model of Indonesian *fiqh* that is suitable for the personality and character of the Indonesian people. By integrating local wisdom as a consideration, it ensures that legal solutions are not only normative but also humanist and widely accepted. This approach allows *fiqh* to actively shape the directions and movements of Indonesian society, making it highly relevant to the needs of the Nusantara community and fostering religious moderation.<sup>66</sup>

## Conclusion

The interaction between Islam and local wisdom in Indonesia represents a profound and enduring normative-philosophical synthesis, offering a compelling model of religious and cultural coexistence. This study has demonstrated that the unique historical trajectory of Islam's peaceful spread in the archipelago, coupled with the inherent adaptability of *adat* (local wisdom), laid the groundwork for a dynamic relationship.

At a normative level, Islamic jurisprudence provides flexible frameworks that facilitate this accommodation. *Maqasid al-Shari'ah*, by focusing on the higher objectives of preserving human welfare and essential necessities, offers an ethical lens through which local customs can be evaluated and integrated if they align with these universal goals. The methodological tools of *Maslahah Mursalah* and *Istislahiah* further empower jurists to derive rulings based on public interest and contemporary realities, even in the absence of explicit textual guidance. Crucially, the formal recognition of *'Urf* (customary practices) as a valid source of Islamic law, encapsulated in the maxim "*Al-'Adatu Muhakkamatun*," institutionalizes the principle of contextualization, allowing for the legitimate incorporation of local norms that do not contradict fundamental sharia principles. These principles, interpreted and applied through the dynamic process of *Fiqh* and *Usul al-Fiqh*, ensure that Islamic law remains relevant and responsive to the evolving needs of Indonesian society.

---

<sup>66</sup> Baroroh, "Understanding Methodology Of *Fiqh Sosial*."

Philosophically, this interaction is embodied in the concept of *Islam Nusantara*, which champions a moderate, tolerant, and inclusive Islam deeply rooted in local cultures through a dialectical and adaptive-selective approach. The emphasis on "cultural ambiguity" allows for the harmonious coexistence of diverse elements, fostering a unique and non-Arabized expression of Islam.

Empirical manifestations across the Minangkabau, Banjar, and Bugis-Makassar communities vividly illustrate this synthesis. The Minangkabau's philosophical shift to "*Adat basandi Syara', Syara' basandi Kitabullah*" and the reconciliation of their matrilineal inheritance system through the distinction between ancestral and acquired property exemplify how *ijtihad* and *maqasid* can resolve apparent conflicts while upholding gender justice. The Banjar's *jujuran* marriage tradition and the *barambangan* dispute resolution mechanism, rooted in Sultan Adam Law and guided by *tetuha*, demonstrate the practical application of '*Urf* and *maslahah* in maintaining social harmony. Similarly, the Bugis-Makassar concepts of *Siri'* (honor and shame) and the *pangaderreng* system, with the pivotal role of *ulama* as cultural and religious mediators, showcase the profound integration of Islamic values into indigenous moral frameworks.

Despite these successes, contemporary challenges persist. The rise of rigid textualism and radical ideologies, often amplified by globalization and social media, threatens the nuanced balance achieved. Globalization also presents the dual risk of cultural erosion and the opportunity for dynamic cultural adaptation. The codification of Islamic law through the KHI represents a national effort to standardize and integrate Islamic principles into the state legal system, providing a framework that, while not without its own tensions, allows for judicial *ijtihad* to accommodate local realities and ensure justice. The ongoing revitalization of local wisdom, supported by the methodology of *Fiqh Sosial*, offers a pathway to counter intolerance and foster religious moderation by ensuring that Islamic legal thought remains contextual, humanist, and deeply connected to the welfare of the Indonesian people.

In sum, Indonesia's experience stands as a compelling testament to the capacity of Islam to interact, adapt, and enrich diverse local wisdom traditions. This continuous interplay, guided by flexible normative and philosophical principles and championed by influential scholars and institutions, offers invaluable lessons for navigating the

complexities of religious identity and cultural diversity in a globalized world.

## References

- Adela, Dhea, and Any Elvia Jakfar. "Integration of SiriValues in Akhlaq Education through Parenting Patterns: Ethno Pedagogy Study of the Bugis Tribe." *Jurnal BELAINDIKA (Pembelajaran Dan Inovasi Pendidikan)* 7, no. 1 (2025): 13–26.
- Aziz, Erwati, Mohammad Dzofir, and Aris Widodo. "The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia." *QIJIS (Qudus International Journal of Islamic Studies)* 8, no. 1 (2020): 131. <https://doi.org/10.21043/qijis.v8i1.7197>.
- Bahiyah, Silsilu Durrotil. "Assessing the Istislahiah Method in Islamic Law: Study of the Utilization of Science in Ushul Fiqh in the Context of Indonesian Fiqh." *Indonesian Journal of Law and Islamic Law (IJLIL)* 6, no. 1 (2024): 1–13.
- Baroroh, Umdatul. "Understanding Methodology Of Fiqh Sosial." *Santri: Journal of Pesantren and Fiqh Sosial* 1, no. 1 (2020): 27–42. <https://doi.org/10.35878/santri.v1i1.202>.
- Bilalu, Naskur, Ridwan Jamal, Nurlaila Harun, and Syahrul Mubarak Subeitan. "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 514. <https://doi.org/10.22373/sjkh.v6i2.12441>.
- Darmawan, Oksimana, Firdaus Firdaus, Okky Cahyo Nugroho, et al. "Revitalization of Local Wisdom in Preventing Intolerance and Radicalism in Indonesia." Atlantis Press, 2021, 492–97.
- "Fiqh (Intro to Humanities)." Accessed September 1, 2025. <https://library.fiveable.me/key-terms/introduction-humanities/fiqh>.
- Firdaus, Zein, Muhammad Marbawi, and Muhammad Wildan Afif. "Banjar Cultural Marriage Taboos and Analysis of the Prohibition of Marriage in Kitabun Nikah by Sheikh Muhammad Arsyad Al-Banjari." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 183–92.

- Hosen, Nadirsyah. "Challenging Traditional Islamic Authority: The Impact of Social Media in Indonesia." *Proceedings of International Conference on Da'wa and Communication* 1, no. 1 (2019): 84–100. <https://doi.org/10.15642/icondac.v1i1.280>.
- Iriyadi, Deni. "Siri' in the Perspective of Islamic Values And Current Issue." *Kawalu: Journal of Local Culture* 9, no. 02 (2022): 175–89.
- Lee, Sarah. "Unlocking Usul Al-Fiqh: Islamic Jurisprudence." Accessed September 3, 2025. <https://www.numberanalytics.com/blog/usul-al-fiqh-islamic-jurisprudence-guide>.
- Mawardi, Ahmad Imam, and A. Kemal Riza. "Why Did Kompilasi Hukum Islam Succeed While Its Counter Legal Draft Failed? A Political Context And Legal Arguments Of The Codification Of Islamic Law For Religious Courts In Indonesia." *JOURNAL OF INDONESIAN ISLAM* 13, no. 2 (2019): 421. <https://doi.org/10.15642/JIIS.2019.13.2.421-453>.
- Merung, Arteurt Yoseph, Zulfiah Larisu, Euis Nurul Bahriyah, and Muhammad Zia Ulhaq. "Transformation Cultural Identity In The Global Era: A Study Of Globalization And Locality." *Socius Journal* 1, no. 5 (2024): 1–8. <https://doi.org/10.62872/jnxmz319>.
- Munisah, Munisah, Ahmadi Hasan, Gusti Muzainah, and Yusuf Setyadi. "Barambangan: Dynamics and Challenges in Resolving Husband and Wife Disputes in the Banjar Community." *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023): 50–60.
- Munthe, Hasan, Nurul Huda Prasetya, and Arifuddin Muda Harahap. "Keabsahan Wali Muhakkam Sebagai Wali Nikah Di Indonesia Analisis Terhadap Putusan No. 197/Pdt. P/2020/Pa. Ppg Mahkamah Agung Menurut Perspektif Syad Al Zariyah." *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 10, no. 02 (2022).
- Nafi'a, Iman, Septi Gumindari, Mohammad Andi Hakim, Safii Safii, and Rokhmadi Rokhmadi. "Mitigating Radicalism amongst Islamic College Students in Indonesia through Religious Nationalism." *HTS Teologiese Studies/Theological Studies* 78, no. 4 (2022).

- Prabowo, Laurensia Sherlyn Tania Ika, Nyoman Arya Kusuma Wardana, Amelya Rizky Indriarukmana, Dian Prastiyowati, and Sofia Ramdhani Oliviantari. "Mandatory Testament for Heirs of Different Religions." *LEGAL BRIEF* 13, no. 1 (2024): 13–22.
- Qomar, Mujamil. "Islam Nusantara: Sebuah Alternatif Model Pemikiran, Pemahaman, Dan Pengamalan." *EL-HARAKAH (TERAKREDITASI)* 17, no. 2 (2016): 198. <https://doi.org/10.18860/el.v17i2.3345>.
- Rafea, Assist Prof Dr Nese Yildiz, and Ahmeedah Saleh Mustafa Sabri Abdullah Mohammed. *The Dangers Of Globalization on The Cultural Identity of The Islamic World*. n.d.
- Rusdiyah, Rusdiyah, Muhammad Afwan Jazila, Karunia Imam Firdausi, Muhammad Azmi, and Muhammad Fahmi Ilmi. "Elements of Islamic Law in Traditional Banjar Marriage" Jujuran" Viewed from a Historical Perspective." *JOURNAL OF ISLAMIC AND LAW STUDIES* 9, no. 2 (2025): 280–90.
- Salim, Arskal. *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*. Edinburgh University Press, 2015.
- Saprina, Nelna, and Yulia Rahmi. "Evolution of the Minangkabau Inheritance System and Its Relevance to Gender Justice in Islamic Law." *USRATY: Journal of Islamic Family Law* 2, no. 1 (2024): 80–90. <https://doi.org/10.30983/usraty.v2i1.8377>.
- Schaefer, Saskia. "Islam Nusantara: The Conceptual Vocabulary of Indonesian Diversity." *ISLAM NUSANTARA: Journal for the Study of Islamic History and Culture* 2, no. 2 (2021): 1–16. <https://doi.org/10.47776/islamnusantara.v3i1.163>.
- SlideShare. "Introduction to Usul Fiqh :Uruf as a Source of Law." Accessed September 1, 2025. <https://www.slideshare.net/slideshow/introduction-to-usul-fiqh-uruf-as-a-source-of-law/62586190>.
- Syam, Firdaus, Fachruddin Majeri Mangunjaya, Ajeng Rizqi Rahmanillah, and Robi Nurhadi. "Narrative and the Politics of Identity: Patterns of the Spread and Acceptance of Radicalism and Terrorism in Indonesia." *Religions* 11, no. 6 (2020): 290.
- Syamsurijal, Syamsurijal, Andi Miftahul Maulidil Mursyid, Husnul Fahimah Ilyas, and Abdul Kadir Ahmad. "The Encounter of Customs and Religion in Cultivating Religious Moderation in Bugis:" Paper presented at 9th Asbam International Conference (Archeology, History, & Culture In The Nature of Malay)

- (ASBAM 2021), Makassar, Indonesia. 2022.  
<https://doi.org/10.2991/assehr.k.220408.099>.
- “The Application of Urf in Islamic Finance.” Accessed September 1, 2025. <https://www.scribd.com/document/351637601/The-Application-of-Urf-in-Islamic-Finance>.
- Wiryanto, Fadhli Suko. “The Urgency and Strategic Role of Maqasid Shari’ah and Maslahah in Responding to The Legal and Economic Challenges of Muslim Business.” *Journal Of Middle East and Islamic Studies* 10, no. 1 (2023): 4.
- Zulfa, Firda Arina, Mukhsin Achmad, and Davud Soylu. “Mapping Contemporary Islamic Legal Thought in Indonesia: A Dialog Between Fiqh and the Culture of the Archipelago.” *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)* 7, no. 1 (2025): 177–202.