

## PHILOSOPHICAL SUFISM AND LEGAL CULTURE IN NUSANTARA: An Epistemological Review

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**Abstract:** A research on the relation between sufism, sharia, and the local culture is essential for some reasons. First, Islamic philosophy and customary law (or the law of the peoples) are perceived as opposing each other. Second, Islamic philosophy, also in Geertz's theory, regards Islam merely as the structure of religious orthodoxy. Third: the structure of Islamic orthodoxy, often portrayed as a highly rigid one, is often (seen as) conflicting with sufism in the world of Islamic scholarship. This paper aims to determine the dynamic relation between the spiritual values of Sufism and traditional values surviving in the so-called Nusantara legal culture. It also elaborates on the extent to which a distinct epistemology typical to sufism may contribute to enriching the cultural space of Nusantara law. As normative legal research, this paper employs the principle of legal culture developed by Lawrence M. Friedman. It concludes that the spiritual values of sufism are not conflicting with the principles of Islamic jurisprudence. It would also argue that the construction of Nusantara legal culture has a unique character resulted from dynamic interaction of traditional values, on the one hand, and sufism on the other.

**Keywords:** Sufism, Epistemology, Legal Culture, Nusantara

**Abstrak:** Penelitian tentang epistemologi dalam budaya hukum nusantara menjadi penting untuk dilakukan disebabkan oleh beberapa hal: Pertama, filsafat Islam dan hukum adat atau hukum rakyat selalu difahami dalam posisi yang saling berseberangan. Kedua: bahwa pemahaman falsafah Islam yang dibangun oleh pemahaman Geertzian ini meletakkan gagasan Islam semata pada struktur ortodoksi beragama. Ketiga: struktur ortodoksi Islam yang tergambar begitu rigid acapkali juga dibenturkan dengan eksistensi tasawuf sebagai sebuah epistemologi keilmuan Islam. Penelitian ini bertujuan untuk mengetahui hubungan antara nilai-

nilai spiritualisme tasawuf Islam dengan nilai-nilai tradisional yang terdapat dalam budaya hukum Nusantara. Tulisan ini juga membahas peran epistemologi tasawuf dalam memperkaya ruang budaya hukum nusantara. Perlu disebutkan di awal bahwa penelitian ini menggunakan model analisis hukum normatif dengan kerangka berpikir tentang *legal culture* yang dikembangkan oleh Lawrence M. Friedman. Kesimpulan penelitian ini menjelaskan bahwa nilai-nilai spiritual dalam budaya negeri bawah angin ini tidak berbenturan dengan gagasan-gagasan fiqih dan budaya hukum Nusantara menunjukkan sebuah karakter khas sebagai bentuk dari proses-proses interaksi dengan tasawuf Islam.

**Keywords:** Sufisme, Epistemologi, Budaya Hukum, Nusantara

## Introduction

Islam was historically brought directly from Arabia to the Nusantara. There were Arab Muslim envoys sent to Java in 675 AD.<sup>1</sup> The first theory says that Islam came from Gujarat, India, to Indonesia and the Malay world. This is based on the similarity of Sultan Malik al-Saleh's tomb, found in the Samudera Pasai Kingdom in Sumatra and Leran Gresik in West Java Indonesia, with ones in Gujarat India.<sup>2</sup> Among the historians, there are diverse views about the coming of Islam to Indonesia. Although there are diverse views about the coming of Islam to Indonesia, they can be categorized into two perspectives i.e., a theory saying that Islam came in 7th century A.D.H/13 and the other one arguing that it came earlier, around the first century A.H.<sup>3</sup> Since then, there was a meeting between Islam and Nusantara culture, later called Islam Nusantara.

Islam Nusantara is a continuation of *pribumisasi Islam* (indigenization of Islam), a concept of Islam proposed by Abdurrahman

Wahid, the former NU leader, and the fourth Indonesian president, and continued by his successor, Hasyim Muzadi. *Pribumisasi Islam* is a form of resistance to transnational Islam, arguing that it is an imported product and barely fits Indonesian culture. These ideas are then developed further by the current chairman of the executive council NU (PBNU), Said Aqil Siradj, as Islam Nusantara. Although the concept is elaborated quite recently, Islam Nusantara has its theoretical roots in Hazairin's, former Minister of Home Affairs, the notion of a national school of thought (*madhhab*), and Professor Hasbi As-Shiddieqy's concept of Indonesian fiqh, both of whom were active decades earlier than the figures just mentioned.<sup>4</sup> Furthermore, Azyumardi Azra in his essay, *Indonesian Islam Berkemajuan* (Sustainable Indonesian Islam), also explains that the term "Islam Nusantara" refers to "Southeast Asian Islam" and the life of Muslim in Indonesia, Malaysia, Brunei, Pattani (Southern Thailand) and Mandanau (Southern Philippines).<sup>5</sup> This is where the

<sup>1</sup> Hamka, *Sejarah Umat Islam, Pra Kenabian Hingga Islam di Nusantara* (Jakarta: Penerbit Gema Insani Press, 2016), p. 507

<sup>2</sup> Anzar Abdulah and Ismail Suardi Wekke, "Origin of Islam in Indonesia," *International Journal of Pure and Mathemac* 119, no. 8 (2018): 1151.

<sup>3</sup> Agussalim, "Javanese Religion, Islam or syncretism: Comparing Woodward's Islam in Java and Beatty's Varieties of Javanese Religion," *IJIMS (International Journal of Islam and Muslim Societies)* 3, no. 2 (2013): 231.

<sup>4</sup> Nadirsyah Hosen, "Islam Nusantara: a local Islam with global ambitions?," Article Indonesia at Melbourne, February 26, 2016, accessed on April 2nd, 2020, <https://indonesiaatmelbourne.unimelb.edu.au/islam-nusantara-a-local-islam-with-global-ambitions/>.

<sup>5</sup> Ma'had Aly Jakarta, "Islam Nusantara: Kontribusi Peradaban Global," posted on July 17, 2017, accessed on April 30th, 2020,

origin of the mention of "the land below the wind).

Nusantara culture consists of customary law, local law, and people's law. All people recognize the relationship between these three and Islamic law. Yet the relationship between Islam and customary law is often misunderstood as opposing each other. Customary law that preserves cultural values originating from Hindu-Buddhist teachings is often seen as contradicting with the Islamic sharia concept. Moreover, the latter supposedly rejects everything that contradicts its principles. Afifuddin Muhajir, a Muslim leader from Situbondo, East Java, says that "What is called Islam Nusantara cannot go beyond sharia, and not all Islamic teachings can be 'Indonesianized.'"<sup>6</sup> The founder of NU, KH, Hasyim Asy'ari argued that actualizing Islamic principles equals to improving human development. If a man is good, what else would be fixed thereof?<sup>7</sup>

The heated dispute between supporters and opponents of Islam Nusantara is heavily rooted in the classical debate about Islam and culture in Indonesia. Has Javanese culture been Islamized so that practices contrary to sharia are modified to better reflect Islamic teachings? Or has Javanese culture infiltrated Islamic rituals, so that the expression and practice of Islam in Java is different from the "pure" Islam practiced in Saudi Arabia? Opponents of this notion contend that Islam Nusantara seeks to legitimize cultural practices that are at odds with Islam's teachings, while its supporters say that Islam Nusantara is inclusive in that it tolerates local culture. As its opponents

argue, Islam Nusantara enters the realm of belief (*aqidah*), which provides us no space to compromise. Meanwhile, supporters believe that Islam Nusantara deals more with the area of fiqh (Islamic jurisprudence), which is characterized as more flexible. In other words, the two groups are deadlocked: opponents see Islam Nusantara as wrong and diminishing the purity of Islam; supporters say that they simply misunderstood the concept. In order to better understand this seemingly unsolved debate, we may take into consideration Geertz's notion of Javanese society and its *abangan*, *priyayi*, and *santri* (student at traditional Muslim institutions) and their respective unique values.<sup>8</sup> Thus, thorough research on the relationship between customary law and Islamic values is crucial, at least for these reasons:

First, Islamic philosophy and customary law are always understood as opposing each other. According to Geertz's theory, the *santris* reject the concepts built on traditional values. They base their rejection on Quran-Hadith statements and Islamic law. Second, Islamic philosophy, also in Geertz's theory, regards Islam merely as the structure of religious orthodoxy. Islam, with its values and norms, becomes rigid and exclusive to any real cultural meaning. Third, the structure of Islamic orthodoxy, often portrayed as a highly rigid one, is often (seen as) conflicting with sufism in the world of Islamic scholarship. Sufism is entirely absent in Geertz's analysis. It is thus vital to consider sufism to better understand the relation between Islam and cultural values.

This paper aims to see the interaction and/or internalization of Islamic norms into those of customary law. Many scholars have studied Islam Nusantara, including

<http://www.mahadalyjakarta.com/islam-nusantara-kontribusi-peradaban-gelobal/>.

<sup>6</sup> Sumanto Al Qurtuby, "Arabs and "Indo-Arabs" in Indonesia: Historical Dynamics, Social Relations and Contemporary Changes," *International Journal of Asia Pacific Studies* 13, no. 2 (2017): 61.

<sup>7</sup> Hamzah Tualeka, "The History of Islam and Its Dissemination in Ambon-Lease, Maluku," *Journal of Indonesian Islam* 5, no. 2 (2011): 301.

<sup>8</sup> Clifford Geertz, *The Religion of Java* (London: Collier MacMillan Limited, 1960), p. 5.

Azyumardi Azra (1992)<sup>9</sup> with his *The Origins of Islamic Reformism in Southeast Asia: Networks of Malay-Indonesian and Middle Eastern 'Ulama' in the Seventeenth and Eighteenth Centuries*, De Jonge and Nico Kaptein (2002)<sup>10</sup> with research in which de Jonge argues that pan-Islam was promoted by new immigrants who then proposed banning for hadrami immigration and Kaptein presents a fascinating examination of the Arab shrine of the hadrami saint, Habib Husayn ibn Abi Bakr ibn 'Abd al-'Aydrus. Tjandrasasmita (2009)<sup>11</sup> also contributes to the field with his study on the archaeology of Indonesia during the period after the coming of Islam. Hermansyah (2014)<sup>12</sup> explains that Islam could be accepted by most of the society of Indonesia. Islam expressed and practiced in this area has a distinctive face. Islam can live hand in hand with local culture, especially those considered not incompatible with Islam. Bellah (2000) discusses essays on religion in the modern world, among many others.<sup>13</sup>

Some studies only investigate how Islam entered the Nusantara and further met and interacted with its culture. Djayadiningrat (1986)<sup>14</sup> states that Indonesian Islam originated from Persia because many Indonesian vocabularies originate and are

modified from Persian tradition and many tarekat/sufi orders and their characters are typical to Muslim tradition in Persia. Suwirta (2000)<sup>15</sup> bases his theory of the coming and development of Islam in Indonesia on complete historical facts. Ira Lapidus (1991)<sup>16</sup> surveys the growing influence of the Islamist movements in Indonesia. He pays attention to their transnational or global dimensions, including the issues of Islamic revival, Islamist politics, and terrorism. Stanislaus (2002)<sup>17</sup> believes that education plays an instrumental role in bringing Islam to Indonesia. He states that the most spectacular Islamic expansion occurred in the sixteenth and seventeenth centuries, coinciding with the strong influence of Portuguese, Christian, and Dutch. The latter two scholars I just mentioned are interested in the socio-political aspect of the process. Bearing them all in mind, we can see that Islamic law enjoys only a little attention, and sufism is almost absent in that small discussion of the law. Thus, this paper questions, *first*, how is the relationship between religious values of sufism with traditional values contained in Nusantara's legal culture? *Second*, what is the role of sufistic epistemology in enriching the cultural space of Nusantara's law?

<sup>9</sup> Azyumardi Azra, *Renaissance Islam di Asia Tenggara, Sejarah Wacana & Kekuasaan* (Bandung: Remaja Rosdakarya, 1999).

<sup>10</sup> Huub De Jonge and Nico Kaptein, *Transcending Borders: Arabs, Politics, Trade, and Islam in Southeast Asia* (Leiden: KITLV, 2002).

<sup>11</sup> Uka Tjandrasasmita, *Arkeologi Islam Nusantara* (Jakarta: Kepustakaan Populer Gramedia, 2009).

<sup>12</sup> Hermansyah, "Islam and Local Culture in Indonesia," *AL ALBAB - Borneo Journal of Religious Studies (BJRS)* 3, no. 1 (2014): 54-6.

<sup>13</sup> Robert N. Bellah, "Beyond Belief: Menemukan Kembali Agama, Esei-Esei tentang Agama di Dunia Modern." Translated by Rudy Harisyah Alam (Jakarta: Paramadina, 2000).

<sup>14</sup> Hoesein Djayadiningrat, "Islam di Indonesia", in Kenneth W. Morgan (eds.), *Islam Jalan Lurus*, Third Edition (Jakarta: PT Dunia Pustaka Jaya, 1986).

## Theoretical Framework

We use at least two theories in this paper; the theory of legal culture developed by Lawrence M. Friedman and the concept of semi-autonomous social fields by Sally Falk Moore. Friedman's theory helps me analyze the value interaction between Islamic philosophy and cultural norms and law.

<sup>15</sup> Andi Suwirta, *Sejarah Islam: Tasawuf dan Proses Islamisasi di Indonesia* (Bandung: Jurusan Pendidikan Sejarah FPIPS UPI, 2000).

<sup>16</sup> Ira M. Lapidus, *A History of Islamic Societies* (Cambridge: Cambridge University Press, 1991).

<sup>17</sup> Reksosusilo C.M. Stanislaus, "Islam in Indonesia," *Journal Vincentiana* 39, no. 3 (2002): 11- 20.

Moore's theory points out that every social interaction between (Muslim) communities bring in itself a sort of norm interaction, for every social group has and operates their norms. They do not operate separately or autonomously, but instead influence one another. These norms run inter-dependently in their arena.<sup>18</sup> Friedman also adds that applying a set of laws depends on what he calls the movement of cultural law. This movement is defined as an understanding, perception, and reception of certain social groups of the law.<sup>19</sup>

In the interaction between Islamic and local cultural norms, one can see that religious law, to some extent, influences the application of people's or customary law. It partly defines the way those laws would be implemented in a particular community. This paper is a socio-legal research in character, in that it tries to examine the varying relationships between legal norms and non-legal norms.<sup>20</sup> Hence, the paper will look at the relationship between legal and socio-cultural norms in the customary law developed by sufi in the Land Below the Wind. This paper is normative legal research with a prescriptive analysis technique. The data sources are the writings relating to customary and Islamic law. The process of interaction between norms, be it customary or Islamic norms, as long as it forms a concept of certain legal cultures, will be studied and analyzed in depth.

This paper thus begins with the description of research objectives and research problems. It goes on with the display of materials from references relating to Sufism, Islamic

law, customary law, which are collected through literature study and internet searching. In the analysis step, I use an investigative strategy to translate and discuss the findings based on legal ideas, legal norms, Islamic law, and theories and principles related to the subject matter.

### Interaction of Sufism in Nusantara's Legal Culture

Sufism refers to self-control and any attempts to focus one's 'heart' to Allah.<sup>21</sup> On the other side, there is sharia or Islamic law. They both, plus al-Qur'an and Hadith, form the fundamental basis for normative Islam. Sharia defines the 'right way' of regulating all aspects of human life, ranging from ritual, political, social, family, to commercial life. In other words, it deals with materiality. On the other hand, sufism deals with the other part, emphasizing the mentality and discussing more on morality and how to purify the soul and balance physical and spiritual dimensions of life. It only has one ultimate goal i.e., long-lasting happiness. It aims to transform one's soul and to free him/her from worldly desires.<sup>22</sup>

Legal culture is a term used to describe any social behavior concerning the law. Academically, legal culture examines the role and the rule of law in society. The term may also refer to one's perception and reception of any laws coming over or with him/her. Nusantara's legal culture is defined as a concept of understanding of local laws that live and thrive in communities in the Land Below the Wind. Customary law is a sort of realization of the people's perception of the law prevailing in their community. While customary law focuses more on a

<sup>18</sup> Sally Falk Moore, *Law as Process, an Anthropological Approach* (Boston: Routledge & Kegan Paul, 1983), pp. 57-8.

<sup>19</sup> Lawrence M. Friedman, "American Law, Introduction," Subtitles by Wisnu Basuki, (Jakarta: PT. Tata Nusa, 2001), p. 8.

<sup>20</sup> Reza Banakar and Max Travers, *Theory and Method in Sociolegal Research* (London: Hart Publishing, 2005).

<sup>21</sup> Syaikh Abdul Kadir Isa, *Hakekat Tasawuf* (Jakarta: Penerbit Qisthi Press, 2011), p. 5.

<sup>22</sup> R. Woodward Mark, *Islam Jawa, Kesalehan Normatif versus Kebatinan* (Yogyakarta: IRCiSoD, 1999), p. 5.

specific indigenous people, legal culture has a broader meaning, also covering the perception of the law at various levels of society, both indigenous and non-indigenous. So, this paper will see the role of sufism in the whole process of its interaction with local legal culture in the Land Below the Wind, be it customary or local law.

A sufi strives to improve morality by turning away from worldly life. A sufi focuses more on inner deeds, for the Quran says, "*Come not nigh to shameful deeds, whether open or secret.*" (al-An'ām: 151).

This verse emphasizes that humans should avoid shameful deeds openly or in secret. 'in secret' in this verse refers to any deeds one commits with their heart or soul. Allah wants to purify their heart through sufi approach. Yet this often gets rejected or at least objected by ulama of sharia who accuse sufi of being ignorant of the worldly stuff and even social conditions of society. These two camps never agreed on even one thing. The more black-and-white ulama of sharia would always struggle against the Sufis, who are more open to various cultures. Of the most essential tools in Islamizing the most prominent Muslim population is the adoption of art, customs, and cultural traditions. Thanks to sufism, Islam spreads rapidly in Indonesia, mainly because it embraces local customs and traditions. Rather than reject them, it only modifies some aspects so that they do not conflict with Islam's fundamentals.<sup>23</sup>

Culture is so dynamic. It changes along with the reason. On the other hand, al-Qur'an provides us with normative ways of living Islam. At some point, the human mind interacts actively with the absolute will of God. God's norms move human's relative space. When a human being moved with

his/her mind, he always touches this absolute space. In other words, reason always has a godly value derived from the Qur'an. Culture goes on forming the local laws of the people resulted from the human mind. It thus also has divine aspects. Diversity of reason results in a diversity of legal culture. Therefore, the essence of cultural diversity is God's will:

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other)). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (will all things). (Qs. al-Ḥujurāt: 13)

Humans are not created in a single form, including physical structures, thoughts, concepts, perspectives, and cultural products. Here we can see that, as God's creation, reason processes a will and a system to defend itself. People defend themselves by creating a space for shared ideas. They make groups with people who shared goals, resulting in a variety of ethnicities. This is where God's will has given birth to different ethnicities and languages.

Reason always strives to understand human life. The above verse shows a cosmic space of mankind regardless of gender. Humans accept themselves as His creatures created in different national and cultural polarization. God's will for humans in the form of national and tribal dynamics shows the existence of human culture. Culture surrounds humans as a form of active movement of the human mind to try to translate, understand, and also interpret the wills of God in him.<sup>24</sup>

<sup>23</sup> Khusnul Khotimah, "Interkoneksi dalam Ajaran Sosial Tasawuf Sunni dan Falsafi," *KOMUNIKA: Jurnal Dakwah Dan Komunikasi* 9, no. 1 (2017): 39.

<sup>24</sup> Fokky Fuad Wasitaatmaja, "Hukum Islam dan Toleransi Tasawuf atas Budaya," *Jurnal Ilmiah Mimbar Demokrasi* 17, no. 1 (2017): 10.

There is a meeting point between religion and culture. Through the Qur'an, God creates kinds of beauty in human culture. Reason is, in fact, the shadow of God's will. Humans who produce culture with all the dynamic movements of law in a larger cosmic space are God's will.

The verse also explains that the diversity created in ethnic groups is not to create chaos, but slightly interactive constructive relationships. Furthermore, one can say that Islam is a universal religion that transcends the boundaries of times and encompasses physical boundaries. At this point, culture serves as a means to explain the purpose of God's will to mankind. A human tries to understand each of God's will through the scriptures and cultural processes. The obligation to cover *'awrat* in the Qur'an is translated through a cultural process. Indonesian Muslims put *sarung*, *kopiah*, *koko*, and various forms of *jilbab* (headscarves), which is their interpretation. In other parts of the world, the form may be different, but the ultimate goal is still covering the *'awrat*.

The cultural and religious values interact with cultural ideas flexibly. Sufism and fiqh interact positively. Sufism explains the Divine narratives conveyed in fiqh – sharia. Sufism is considered capable of touching human spiritual spaces that are not touched by fiqh – sharia.<sup>25</sup> Ibn Qayyim Al-Jauziyyah was a prominent scholar. He is a great thinker in the area of sufism. In his book *Madārij al-Sālikīn* we can find deep embedded Sufistic nuances. He emphasizes the importance of purifying the heart from the ego with the ultimate goal of getting closer to Allah, the Lord of the Worlds.<sup>26</sup>

## Sufism Epistemology in Enriching Nusantara's Legal Culture

Sufis scholars use a cultural approach to adjust itself to the local culture of the Land below the Wind. They do so without ignoring Islamic core values.<sup>27</sup> Geertz's notion of this cultural tradition gets sharp criticism. Regarding santri as an orthodox group is not right. *Santri* also interacts with cultural values. In the Lombard approach, *Santri* can be categorized into two groups: the reformist group and the agrarian group. A group of santri with reformist ideas generally came from traders, while the agrarian peasant group constitutes the conservative group.<sup>28</sup> One also may not regard *santri* as a puritan group who reject cultural ideas.

Simuh argues that *selamatan* (a gathering held to pray for the death) is a part of Javanese culture that interacts with Islamic elements preserved by *pesantren*. In some other areas like West Sumatra (and other parts with a deep Malay culture), preservation of pre-Islamic culture is also common. The old tradition is intertwined with Islamic teachings. As the saying says, *adat basandi syarak, syarak basandi Kitabullah*, we can see the mixture of the values of local traditions and Islamic teachings.<sup>29</sup> This positive relation between culture and religion, particularly scripture, is also recognized by even early Indonesian Muslims. We can cite this proverb, originating from Minangkabau, as an example; *adat basandi syara', syara' basandi Kitabullah*. Tradition is based on sharia, and sharia is based on the Qur'an. This strong relationship between Islam and

<sup>25</sup> Muhammad Amin Al-Kurdi, *Tanwirul Qulub, Menerangi Qalbu, Manusia Bumi, Manusia Langit* (Bandung: Penerbit Pustaka Hidayah, 2013), p. 179.

<sup>26</sup> Ibnu Qoyyim Al-Jauziyyah, *Madārij al-Sālikīn* (Pendakian Menuju Allah, Penjabaran Konkrit *Iyyāka na 'budu wa iyyāka nasta 'in* (Jakarta: Penerbit Pustaka Al-Kautsar, 2009), pp. 64-5.

<sup>27</sup> M. Zainal Abidin, "Islam Dan Tradisi Lokal Dalam Perspektif Multikulturalisme," *Millah* 8, no. 2 (2009): 299.

<sup>28</sup> Denys Lombard, *Nusa Jawa: Silang Budaya, Jarangan Asia* (Jakarta: Penerbit Gramedia, 2008), pp. 85-7

<sup>29</sup> Simuh, *Islam dan Pergumulan Budaya Jawa* (Jakarta: Penerbit Teraju, 2003), p. 86.

Minangkabau culture puts Islam as the 'joints' that strengthen Minangkabau law and culture. This is a harmonious, constructive relationship between tradition and Islam. *Adat yang kawi, syara' yang lazim*, meaning: tradition will not survive well, unless sharia supports it, and it applies the other way around.<sup>30</sup>

The cultural values characterized by magical religious characters inspire many Islamic symbols later to be placed in the local cultural structure. These Islamic symbols gain a "sacred" place in various cultural symbols. The Qur'an as God's message no longer belongs to Muslims, but rather a sacred symbol of culture. In this context, various traditions and customary laws experience a sort of internalization of Islamic values. This process mainly enriches local cultures. Religious people hold humanist values and adjust their culture into religion. Islam, with all its values, opens the door for co-existence with social and ethnic space.<sup>31</sup>

The process of Islamizing culture can be seen very clearly in the story of Sunan Kalijaga in spreading Islam in Java. He combined Islamic and Javanese spiritualism in his poem *Rumeksa ing Wengi*. He created a song that puts Islamic values in its lyrics and Javanese music composition. The song is considered a form of prayer to God, adopted from a Quranic verse of al-Baqara: 255. The content is about the protection from a variety of Jinn interference and many kinds of disasters.<sup>32</sup> In this situation, Islam applies a

methodology that prioritizes the values of goodness and usefulness.<sup>33</sup>

The concept of peaceful infiltration with Sufism epistemology was a successful strategy for the Nusantara at that time had high respect for cultural wisdom. At this dialogical meeting between Islam and Nusantara culture, Islam did not use sharia in any stage of the *da'wa* process. Sufism was more acceptable, for it is more flexible in having dialogues with the culture. However, since sufism also has its roots in the Qur'an and Hadith, it also brings with itself a sense of sharia. The satisfaction it brings is its translation of Quranic values into human language.<sup>34</sup> It is thanks to sufism that Islam got accepted by most people in Nusantara.

Hamzah Fanzuri and Shams al-Din al-Sumatrani are of great sufi scholars who are highly influential in building religio-intellectual life in the Malay Muslim Kingdom, especially in the ruling of Sultan Iskandar Muda. Hamzah Fanzuri is a Sufi archaeologist who was seeking a particular spiritual degree (maqam) as a khalifah in India. Hamzah Fanzuri was a Malay sufi scholar who got a sort of recognition from an Indian sufi order as the *khalifah* (sufi guru, not in the political sense as understood in *sira* literature). In addition to being a sufi scholar, Fanzuri was also known as a master in Arabic literature, which later allows him to write his works, either in fiqh or other disciplines, as poems. It also made him a pioneer of Arabic literary tradition in the Nusantara. Another well-known Sufi scholar in Indonesia is Shams al-Din al-Sumatrani, a student of Fanzuri. During his lifetime, Shams al-Din taught his teachings by cultivating an intellectual tradition of the

<sup>30</sup> Hamka, *Islam dan Adat Minangkabau* (Jakarta: Penerbit Panjimas, 1984), p. 138.

<sup>31</sup> Tabrani ZA & Masbur, "Islamic Perspectives On The Existence Of Soul And Its Influence In Human Learning (A Philosophical Analysis of the Classical and Modern Learning Theories)," *Jurnal Edukasi: Jurnal Bimbingan Konseling* 1, no. 2 (2016): 99.

<sup>32</sup> Erawadi, "Pemikiran Mistik-Filosofis: Studi Naskah Ni'mat al-Arwah Karya Muhammad 'Asyiq," *Jurnal Tarbiyah* 21, no. 2 (2014): 290.

<sup>33</sup> M. Endy Saputro, "the Role of Religion and Agricultural Technology in Social Transformation," *Komunitas: International Journal of Indonesian Society and Culture* 4, no. 1 (2013): 21.

<sup>34</sup> Al-Taftazani, Abu Al-Wafa', and al-Ghanimi, *Sufi dari Zaman ke Zaman* (Bandung: Penerbit Pustaka, 2003), p. 130.



Islamic world. His works show this most clearly, including his *Mir'āt al-Mu'minīn*, *Jawhar al-Ḥaqā'iq*, and *Nūr al-Daqā'id*.<sup>35</sup>

The fact that the sufi approach was in use does not mean that Indonesian Muslims were passive and make no social change. Many cases show that sufi scholars take part in many movements against social injustice. When the Banten peasant uprising in 1888, the *Qadiriyyah* Sufi order played a role in mobilizing social awareness to fight colonial injustice in Banten. These *Qadiriyyah* members had succeeded in mobilizing people in the demonstration against the Dutch colonial government.<sup>36</sup>

The process of radicalization of this sufi order group came along with the growth of colonialism in Muslim areas. Regarding the sufi order as hampering modernization in the country, the Turkish government issued the ban over the sufi order. Resistance to the sufi order and sufi movements is also waged by modernist Islamic thinkers who regard sufi order as the face of the decline of Muslims.

These all tell us that sufism and sufi order are not passive or even ignorant of the community's social and cultural life. It contributes to the achievement of justice for the community. It becomes a method for building and awakening people from injustice. Sufism makes a cultural and religious contribution to social welfare. Friedman's legal culture theory says that various surrounding dynamic spaces determine the laws. Nusantara culture gets an internalization process from the strength of the sufi values in building a positive social space.

The myths and stories about Muslim saints in the Java come through sufi method or mystical scenarios. Javanese society believes that the Muslim saints (who were also Muslim preacher) have a sort of spiritual power. They also take this further by making up some familial relation between Javanese Kings and the Prophet Muhammad. The legitimacy and power of the kings are thus always associated with the figure of the Prophet Muhammad. This reinforces the relationship between Javanese culture and Islam.

This familial relation to the Prophet, in fact, may award the right to individuals for being a ruler in the Land of Java. People's laws or customary law are conducted in the light of Javanese Kings' wisdom. They are regarded as wise as the Prophet. The Prophet also exists in the discussion about the cosmology of legal culture. The Muslim saints and preachers are considered the spiritual rulers of Java and must have spiritual and genealogical relations with the former rulers of the Land. Obeying Islamic laws (sharia) taught by the saints in this context has more spiritual values.

In this exact point, Geertz has misunderstood *santri* as puritans and orthodox. The students also have a variety of meanings when they implement Islamic sharia. They carry out sharia laws that are based on the Qur'ān and ḥadīth purely from the Prophet Muhammad. In fact, the students are also heterogeneous in various understandings of the implementation of Islamic or sharia laws.

Spiritual values also influence the dogmatic implementation of sharia for *Santri* or Muslims. The practice of Islam does not become purely dogmatic but spiritualized. Sufism, through the sufi order, enriches the implementation of sharia in Java. At its initial stage of the coming of Islam in Nusantara, there was the view that a person is not a righteous Muslim if she/he joins a

<sup>35</sup> Taufani, "Pengaruh Sufisme di Indonesia," *Potret Pemikiran* 20, no. 1 (2016): 88.

<sup>36</sup> Sartono Kartodirdjo, *Pemberontakan Petani Banten 1888* (Depok: Penerbit Komunitas Bambu, 2015), pp. 180-84.

Sufi order.<sup>37</sup> Having explained this, Shihab criticizes Geertz's notion of *santri* as puritans. On the other hand, Hamka argues that Muslim puritan groups came into Nusantara, especially in Java, in roughly the XVII century, when Pakubuwono IV received Muslim envoys from Arabia.<sup>38</sup>

In Javanese cultural structure, *santri* is superior over the Regent position because students are considered to have two advantages, namely, the mastery of Islamic law and mysticism. In this position, *santri* holds a mastery of not only the literal aspect of Islam, but also the multilayer mysticism or sufism.

Nusantara Islam, particularly its legal aspect, thus has a distinctive character resulting from the interaction with the local culture. It is characterized as religiously magical, on the one hand, and communal, on the other. The first character can be seen in the way Muslims implement legal teachings. They do so by associating all the teachings with supernatural power. It applies not only in the level of thought, but also actions, perceptions, and perspectives. The *slametan* tradition (nearly similar to Western thanksgiving tradition), *wayang*, and *gamelan* result from the dynamic interaction of the saints' sufi preaching and local culture. They no longer contradict sharia principles. Preferably, Islamic law is implemented through the sufistic method in the form of the Javanese tradition.

Islamic spiritual values will never be implemented in society if it only stands with sharia (which is more dogmatic). God has given the power to humans. It allows them to do anything they want. It is God Himself who will reward them for their deeds in the

worldly life. Sufism has penetrated this kind of understanding of God's power, and it, in turn, instigates humans to perform the sharia teachings.

Communal character in Nusantara culture shows the principle of living together. The value of living together basically shows a difference between God and humans. Oneness is one of God's attributes, and humans always need other humans. Togetherness is part of the spiritual aspects of human life. They always need one another and build the so-called humanism. Sufism does group people into one spiritual circle, which in turn becomes a distinct epistemology that enriches the diverse legal cultures applying in Nusantara. This is true when we observe traditional local laws in Nusantara, which emphasize the recognition of human spiritual religious values. According to Friedman's theory, there is an understanding that the value of sufism strongly influences legal culture in the context of local laws, folk law, and customary law. In this case, it can be seen that the local laws developed by the Nusantara Muslim community are not the same as in Geertz's thesis, particularly his notion that Islamic groups are orthodox in nature. Islamic values, particularly the sufi epistemology, are of the most essential features of Islam, especially in the formation of cultural norms in Nusantara. Woodward's thesis about the diversity of Muslims, especially in the form of Islamic mysticism, explains the varying cultural understanding of Islam in the Land of Java.

## Conclusion

Religion cannot be separated from the perspective of sufism and culture because religion will, in fact, always be interacting with tradition or culture. Culture is an expression of people's belief in something sacred. If the relation of religion and tradition is placed as

<sup>37</sup> Bijan Bidabad, "Public International Law Principles: an Islamic Sufi Approach," *International Journal of Law and Management* 53, no. 5 (2011): 312.

<sup>38</sup> Hamka, *Dari Perbendaharaan Lama* (Jakarta: Gema Insani Press, 2017), p. 71.

a form of interpretation of history and culture, then all the domains of religion are frankly the products of human creativity and thus relative. That is, the truth of religion is what humans believe as "truth." It is not the absolute truth. This very truth only belongs to God. Having explained all these, I argue that sufism and Islamic principles are not in opposition to the Nusantara culture. It rather complements and strengthens each other. The so-called Islamic legal culture, often determining good and evil, right and wrong, cannot be separated from sufism. Sharia is implemented through sufi method or epistemology in order for it to be more flexible in penetrating Nusantara legal culture.

Nusantara Islam, particularly its legal aspect, has a distinctive character resulting from the interaction with the local culture. It is characterized as religiously magical, on the one hand, and communal, on the other. Sufism is part of Islam and has its epistemology. Wisdom is, therefore, in need of evaluating the very epistemology. Sufism, however, is very helpful in solving social problems such as moral decadence and religious intolerance. For this reason, sufism must be understood with three perspectives; philosophical, socio-historical, and spiritual-mystical.

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