



Reception of Islamic Law On Indigenous Communities: Study of Legal Anthropology in Baduy and Kampung Naga

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Abstract

The first community to accept Islam was the tenant at the coastal areas of Sumatra, Java, Sulawesi, Kalimantan, Maluku, Nusa Tenggara and Papua. After that Islam disseminated to rural areas throughout the country as the consequence of their reception of Islamic law. However, the fact was not all Islamic law accepted and implemented, because they already have customs practiced continuously by hereditary generations long before the arrival of Islam. Some custom in Indonesia, which still survive was practiced by indigenous community such as Baduy and Kampung Naga.

This research examines the reception of Islamic law by those indigenous communities. The focus of this study is the elements of Islamic law, the reception pattern of Islamic law, and the factors that influence the reception. The purpose and usefulness of this study was to answer the research questions and describe the two customary of communities as well as bad correlation with the Islamic legal system. The method used is empirical legal study. The data used in this study were the primary data source derived from observation, deep interviews and library research.

Research shows that the reception of Islamic law by the community of Baduy in the implementation of Islamic law marriage that is reading the creed of the Prophet Muhammad PBUH records by KUA, especially on the community of Outer Baduy. Reception in the field of inheritance was limited to the mention of the terms in Islamic inheritance, while the division still follow their customs that divide the estate equally both boys and girls. While the community of Kampung Naga reception occurs in the majority of law and worship in particular muamalah especially in wedding. Islamic law reception process occurs due to internal factors (custom character and creed) and external (social interaction and the power of the state).

The researcher formulated the theory of Islamic law reception by the indigenous communities is Reception through Selection-modification, reception of Islamic law by indigenous communities with the selection and modification. If Islamic law is in accordance with the accepted custom, when it conflicts then modified to align with traditional values.

Keywords: Reception of Law, Legal Anthropology, Indigenous Community, Adat, Islamic Law, Baduy, Kampung Naga and Theory Reception through Selection-modification.

A. Introduction

There are four theories of Islam entered into the archipelago of Indonesia, namely; Theory of India, Persia, Arab, and Theory of China.² Based on those theories Islam entered this archipelago through not only a pathway-coming, but through several channels, such as India, Persia, Arab, and China. Azyumardi Azra argues that the coming of Islam to this archipelago in complexity, that is not derived from a single place, the role of a single group, and not at the same time. Islamic characteristics of each region influence on the characteristics of Islam in this archipelago.³ Similarly, the messengers give the typical Islamic style in each region in this archipelago.

The messengers of Islam in this archipelago is divided into three types; traders, preachers, and kingdom messengers.⁴ The traders who introduced Islam to the archipelago comes from Arab, Persia (Iran), and India. They originally stopped in this archipelago wait for the monsoon time and then continue their trade to China or vice versa. But others deliberately trade in the archipelago with the first stop in India, after which they headed archipelago.⁵ Most of them married local women, and then their descendants built the beginning Muslim community.

Furthermore, Islam spread by the preachers; some of them are descendants of the people of the archipelago who were studying in the Middle East country. The other comes from Arab who had come to this archipelago to preach Islam. In addition they do not only preach Islam but also do business and do other jobs as a source of income.⁶ The preachers spread Islam to every corner of the archipelago with a variety of approaches, ranging from cultural approach to politics, and power. *Wali Sanga* council is the result of an agreement such propagators in order to spread Islam. The council work successfully spreading Islam by rapidly throughout some archipelagos and the population influx into Islam has increased significantly.

The third group is kingdom messenger who went on goodwill mission to this archipelago. They are Chinese kingdom messengers who lead by Cheng Ho, he came many times and left a trail of Islam in this archipelago, especially on the north coast of the Java island, such as Cirebon, Semarang, and Surabaya.⁷ In addition this goodwill visit is not only proposed to the introduction to Islam to the local authorities, but also been instrumental in the spread of Islam in society, especially in coastal areas. Evidenced by the presence of some followers of Cheng Ho who settled in the archipelago are married to locals and spread Islam to the surrounding population.

The characteristic of propagators of Islam influences on the style of Islamic society in this archipelago. In the early stages of Islam spread by traders from India, Persia, and Arab. Their Islamic characteristic is characterized by a mystical aspect of Islam (Sufism), especially the traders from India and Persia. The Islamic Characteristics of India and Persia became one of the causes of receipt of Islam easily, especially because of the culture in the archipelago much influenced by Hindu and Buddhist culture. This stage lasted until the collapse of the Majapahit kingdom in the 15th century AD and several centuries thereafter.⁸

Entering the 19th century the reformation patterns grew in this archipelago.⁹ The one that was influencing the dynamics of thought and Islamic movements in the Middle East in particular was happening in Kingdom of Saudi Arabia and Egypt.¹⁰ Wave of reforms spearheaded by Muhammad bin Abdul Wahab, Muhammad Abduh, and Rashid Rida in the 18th century AD up to the archipelago with the appearance of the Padri movement in West Sumatra in the early 19th century AD.¹¹

Based on Islamic pattern in community of this archipelago that is influenced by the carrier, and then there are three shades of Islam i.e. shade of India, Persia, and Arab. The style of Islamic India has Islamic character acculturated to Indian culture, so that the spiritual values and Sufism are very dominating. It is seen from the propagator of Islam Sufism approach in preaching Islam. The second pattern is Persia; religious complexion was brought by Shia traders from Persia. It spread in Indonesia growing the influence in the form of culture that goes into some parts of the archipelago. For example *Tabuik* celebrations in West Sumatra and *Tabot* in Bengkulu, both of them are the influence of the preachers of Islam from Persia with Shia sect. Similarly, the respect for the *Shura* month (*Muharram*) is the local form of Islam in Persia as a tribute to the killing of Husain Ibn Ali in Karbala.¹²

While the Arab religious complexion looks of the pattern of religious communities in Sumatra, Java, and Sulawesi. This pattern appears in the pattern of Padri religious people in West Sumatra that is more exclusive than other communities because many are affected by the reform movement in the Middle East, especially Egypt. This pattern continues to evolve into multiple regions simultaneously with the wave of change that is happening in the Islamic world. In addition, the roles of reformist religious organizations are contributing to the spread of it.

Although there are various shades of Islam, but Islam in general entering and growing in this archipelago is Sunni. This was evident from the beginning of the entry of the existence of diplomatic relations between the kingdom of Sriwijaya and Umayyad caliphate in Damascus was Sunni. Beside the reality that people in Indonesia now is showing it. This means that although the Muslims in the archipelago have various shades of Islam but not

out of the understanding of Sunni, *Ahlu Sunnah Wal Jama'ah*. As agreed by the largest group of Muslims around the world.

Based on religious complexion that entered this archipelago then each region has a various-religious complexion. In coastal areas their Islamic hue is more inclusive than the inland area. The reason is the intensity of their interactions with traders and preachers who stopped and settled around them. Coastal conditions at the center of trade between nations have contributed to the community to be more permissive and cosmopolitan.¹³

The Coastal is the initial area entered by the preachers of Islam based on the argument that the only path that allows the drive to connect between one region to other regions at that time was the sea. The next argument is that the rule of Islam in the form of the first kingdom in the coastal areas, such as the kingdom of Samudera Pasai, Aceh, Demak, Cirebon, Banten, Gowa, Ternate, Buton, and others. So it is a necessity when Islam using the sea route as the entrance to the archipelago.

Starting from coastal areas then Islam grows in every inch of this archipelago. It entered the inland area of Sumatra, Java, Kalimantan, Sulawesi, Maluku, and Nusa Tenggara. The development of Islam in the rural areas of the archipelago is characterized by the establishment of the kingdom of Mataram in Central Java with its own territory to the East Java and West Java. The spread of Islam into the inland area is done in a more systematic and focused, for example in Java, *Wali Sanga*, it is a propaganda agency of nine kind trustees as a propagator of Islam in Central Java, West Java, and East Java. The approach propaganda carried out by the council of *Wali Sanga* based on the cultural propaganda in which local culture is not removed at once but tinged with Islamic values.¹⁴

The development of Islam in this archipelago greeted variously by the diverse communities. Based on acceptance, there are three types of archipelago community in accepting Islam; First type, *The Symbolic Substantive Reception* that is the type of people who accepted Islam as his religion and leave the customs which they have carried out. Secondly, *The Selective-Modified Reception* that accepted Islam with custom-tailored to the traditions. If there is a conflict, the Islamic law will be modified to accord with local values. Third, *Symbolic Reception* that receives Islamic values only limited to symbols and terms. They use Islamic terms but still adhere to previous beliefs that have not accepted Islam as his religion.¹⁵

The first type looks at the communities who live on the coast, they accept Islam and become a Muslim and used Islamic symbols and implement in everyday life formally. The second and third types are generally people who are in the inland area; they accepted Islam with customized and modified based on the character of their customs. Until now the color characteristics of the three types of Islam in Indonesian society.

The cause of the emergence of various types of this Reception is due before Islam arrived, people had belief or confidence in this archipelago

(religion) that inherited from his ancestors. So when Islam came, he did not fit into society devoid of religion. Islam dealing with people who have got the moral guidance of various religions and beliefs that existed before that is the local trust archipelago, Hinduism and Buddhist. They accepted Islam by maintaining the customs and beliefs until there was a reciprocal relationship between the two.¹⁶

Reciprocal relationship between Islam and local customs reflected religious patterns carried by society archipelago, especially those in the inland area. They accept Islamic law on the condition does not interfere with the stability of the previous customs. Islamic Law according to the customs will be accepted, while the contrary will be rejected or modified in its implementation.¹⁷ This Reception process led to assimilation, acculturation and harmonization between Islam and local customs. The results of the Reception process in its various forms is not necessarily seen as negative, otherwise it is a process that must be passed by Islam to be received well by the people of the archipelago. In addition, an attempt to make Islam the universal will find its territory in the process of Indonesianization of Islam.

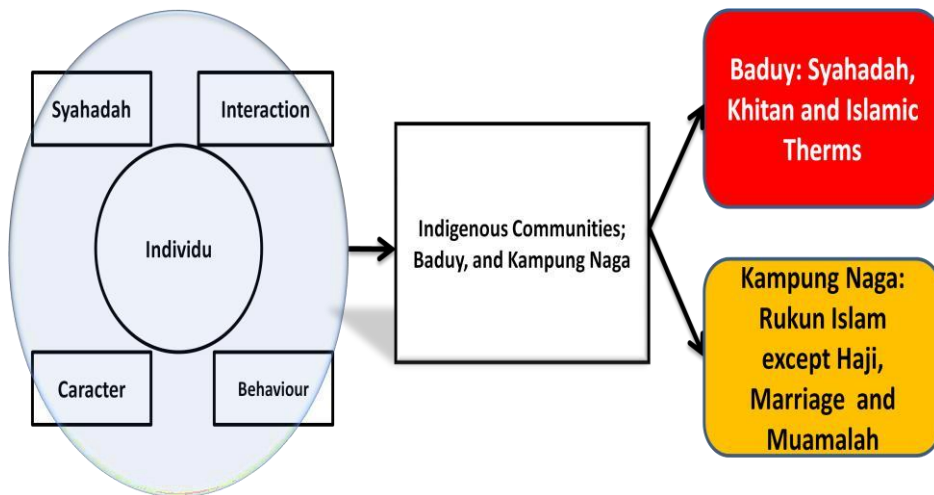
Islamic law¹⁸ as an integral part of Islamic law has been absorbed also by the community of the archipelago since they interact with Muslims and accept Islam. When Islamic law entered, it is absorbed by the community with diverse. The rate of Reception of Islamic law in society archipelago varies according to the level of understanding. There was also the influence of social factors, economics, politics, and culture that exist in the community.

The society in this archipelago which absorbs Islamic law includes Sundanese and Banten ethnic. All two of these tribes inhabit the western part of Java Island. They absorb the diverse Islamic law, than the use of terms in Islam to implement them consistently. Generally they reconcile Islamic law with local custom, to bring Islamic law with custom colors of Sundanese and Banten.

Some communities of ethnic Sundanese and Banten who live in the western part of Java island is customary community of Baduy and Kampung Naga. The two communities have vary characteristic customs inherited from his ancestors. Referring to the theory made by Nur Shams on *Islam Pesisir*, Baduy communities have a lower Reception rate than Kampung Naga community, as well as Kampung Naga community has Islamic law Reception rate is lower than traditional community in coastal area.¹⁹ Based on previous exposure to the study of the Reception of Islamic law by the Indonesian people, especially the indigenous communities of Baduy and Kampung Naga are very interesting to do. This study aims to answer the research questions posed, namely the Reception of Islamic law by two indigenous communities in West Java and Banten Province.

B. Reception of Islamic law by Indigenous Communities; Baduy and Kampung Naga

The Reception of Islamic law by the two communities begins with the uptake and acceptance of the Islamic faith. Reception and acceptance of Islamic faith occurred in Kampung Naga community, while the Baduy community then it does not happen. Customs system Baduy community is defensive to be one of the causes of the absence of Reception by their Islamic faith. However their uptake by Islamic law happened.²⁰ Reception of the Islamic faith in the form of pillars of faith by the two various communities according to the level of trust that existed at the beginning before Islam. Baduy community does not absorb the Islamic faith because they have had a strong belief of *Sunda Wiwitan*. Kampung Naga community also has a local trust but has undergone a change with the adoption of Islam as their religion.



Baduy community absorbs some elements of Islamic law; the reading of *syahadat*, circumcision, and some other elements of Islamic law. In addition to the field they also know *muamalah*, ban their money, as well as strongly encourage activity among Baduy philanthropy. They knew *jekat* term that given the treasure to others in need such as orphans, widows and people cannot afford. Islamic terms in the field of *muamalah* absorbed by them such as *wasiat* and *riba*.

Kampung Naga community absorbs Islamic law while maintaining the implementation of customs and traditions. The Reception of Islamic law that they do not eliminate customs that have been carried out. In some traditions the second law by side in its implementation. While in other parts of the Reception does not occur so that they remain consistent with their customary. Reception that occurs in Kampung Naga community is in the field of religious law while the Reception field *muamalah* not occur evenly.

The process of Reception of Islamic law by Baduy and Kampung Naga occur through several processes. In Baduy community this process occurs because of their interaction to Moslems. Referring to their origin which is a group that "lost" the war with Moslems whether intentional or not, they are influenced by Islam and its legal system. In the past they called Moslems by the term "*Baduy Karang*" as a form of homage to the Baduys who had converted to Islam. Until now, they still think that Islam is the younger brother of Baduy Muslims because Prophet Muhammad which is the "young brother" of the prophet Adam was a Prophet of Baduy people.

The process of Reception is also influenced by the hegemonic power of Sultan Hasanuddin. Agreement between the kingdoms of Banten and Baduy community consequences on their obligation to comply with the agreement that the contents of which contain an obligation for every person read *syahadat* for Baduys who are getting married. The existence of Cicakal Girang village which is a region inhabited by Muslims is not indisputable evidence about the power of the state to force Baduys to accept Islamic laws. The hegemony appears on the obligation to circumcision, reading *syahadat* when getting married, give *seba* to the ruler of Banten and obligations for *ngasuh ratu nyayak menak*.²¹

The hegemony state continues until the UU No. 1 Tahun 1974 tentang Perkawinan, in which one of the articles mentioned that the marriage will be valid when performed in front of the marriage registrar employees. Guided by this law, the marriage of Baduy community must be registered even without getting a marriage certificate. The marriage officers who exist only in the village Cicakal Girang now increased by officers from the KUA District Leuwidamar placed in villages of Kaduketug, and several other regions. The officers in charge of recording the entire wedding of Baduys by first teaching reading *syahadat* for groom of Baduys.

The interaction between Baduy community and Moslems who live around them became the process of the Reception of subsequent Islamic law. Although traditionally they are defensive, but they open the social and adopted some elements of Islamic law. The Motivation of Reception occurs because of intentional and unintentional. The intentional factor closely related to the deliberate effort to harmonize their beliefs with Islamic beliefs. While unintentional factor occursto next generation who only follows the rules of custom without asking the reasons.

The process of Reception of Islamic law cannot be separated from the propaganda carried out by Islamic organizations around the Beduions. Recorded some Baduy community members had converted to Islam; some of them have now become a preacher who spread Islam in the Baduy community in a way that is polite. Muhammad Kasja is one of the grandchildren *Pu'un* that had converted to Islam and became *Dai*. He and several other propagators teams perform a variety of routine visits to the Baduy area. This

visit is usually just a talk about the informal religious. If among them there are interested and want to convert to Islam.

The problem factor for the Reception of Islam and Islamic law in their legal statutes in Baduy is hard for anyone who is out of the *Sunda Wiwitan* religion. The law to convert to Islam or other religions entry is removed from Baduy customary land. Based on this law Bedouion community members who do not dare to Islam for fear of not getting home and livelihood when it was converted to Islam. Even if there are Beduion community members who converted to Islam usually have the ability to fulfill their needs in the outside community.

Marriage between Baduy tribes with Muslims was not prohibited by them. It's just for those who marry Muslims then have to get out of the Baduy area. If the actual wedding process considered being a means for Reception of Islam and Islamic law in the Baduy community, but the number of such marriages is very little. So it cannot be said as one of the Reception process of Islamic law there.

The conclusion is that the process of reception of Islamic law in the Baduy community begins with the power of the state at that time to this community. Interaction with Muslims into the next process, as well as propaganda carried out by Islamic propagators smooth the process of reception of Islamic law on them. Although they have not formally accepted Islam as their religion, but the recognition of the Jaro Sami, Jaro Dainah, Ayah Murshid, Jaro Alim and several other figures who claim that their religion is *Slam Sunda Wiwitan*. It is an indisputable fact of Islam's influence on this community.

The process of reception of Islamic law by the community of Kampung Naga is running slow, it is proved by practice of Islamic law by those who are still confined to the issue of worship *mahdhah* alone. Even then, still faces obstacles in its implementation, in which most of them if only want to run. For example, *shalat* is not implemented with full confidence that it is mandatory, so that sometimes they do and often deny it. One of the main causes of the slow process of Reception is tight in carrying out their ancestral customs. They prefer the customs rather than religious duty, for example when implementing *Hajat Sasih* on Friday they left Friday prayers obligation is simply because its implementation has not been completed yet.

Islamic law reception process occurs through the process of their reception against Islam. *Shahadah* which they say brings consequences for implementing Islamic law. However, because they already have their own custom rules that they inherited from their ancestors so when Islam came with its legal system are not all accepted and implemented. Only the laws of worship they receive, while the laws of inheritance and *muamalah* generally are not used. They assume that their customary law is fairer than the Islamic law, for example, the distinction of heir between male and female.²²

Some customs in Kampung Naga are a harmony between Islam and local culture, for example, the process of marriage according to the custom in the past considered valid when performed in front of *sesepeuh lembur*, but due to the influence of Islamic marriages performed in front of a marriage officer from KUA and implemented in the mosque. Similarly, in the tradition of *sawer* is colored with Islamic values is the result of dialogue between Islam and local customs.

Indeed the process to harmonize the laws of Islam with local custom has been running for hundreds of years until the current generation considers that it is an inseparable part. They believe that this rule is a package that cannot be separated anymore between Islamic law and local customs. Based on this belief came the term *Tatali Kumawula Agama Sareng Darigama* is the harmony between religion and *darigama* as a series of custom in Kampung Naga. The essence of this term is that the Kampung Naga community has an obligation to obey the commands of religion and custom.

Nowadays the authors found that the latest in Kampung Naga are the more intense Reception of Islamic law. This is evidenced by the implementation of *mahdhah* worship by this community experiencing growth when compared to previous periods. The younger generation is also now starting to learn and study outside the village that has interacted with the community at large. The process of Islamization of indigenous emerging as Kampung Naga is now becoming part of the favorite tourist destinations in Tasikmalaya. The form is to reinterpret the customs are held there by connecting with Islamic values. For example, the ban on leg stretched westward understood as a courtesy should not be degrading the Kaaba in the west. Prohibition wear footwear when *Hajat Sasih* based on the manners in Islam to remove footwear when pilgrimage grave. Ban the entry of electricity to the village interpreted by their desire to enjoy the dark of night that will remind the Lord. In conclusion, although the process is running slow Reception of Islamic law in Kampung Naga, but it kept walking along with its intense interactions with other Muslims who visit their village. Role of Religious Affairs Office (KUA), more specifically the Ministry of Religious Affairs as the agent of change to be back after so long encouraged vacuum. Certainly requires a special method in fostering religious to them.

Reception factor of Islamic law by Indigenous Baduy and Kampung Naga varies according to each character. Baduy community; as a community that has not accepted Islam as their religion, the Baduy community does not implement Islamic law as a whole. However, their interaction with the Muslim community have made them accept Islamic law. The history records how early they started the interaction of the spread of Islam by Sultan Hasanuddin from Banten and Sunan Gunung Djati from Cirebon. The earliest evidence of such interaction is the presence of a *penghulu* who resides in Cicakal Girang village.

Baduy legal system which is permissive, allowing the elements in it has evolved. These developments can be addition or subtraction. Although they have a ban to embroider in their traditions but in practice still occurs despite the addition of slowly and imperceptibly. As an example of the use of drugs were not allowed at all, but when Pu'un of Baduy village Cibeo ill and had to be treated then later he injected. Injecting which initially was *buyut* then acceptable even with the strict requirements. Radically change occurred at the beginning of the formation of this community, some literatures and folklores around *Leuwidamar* mention that existing restrictions on them are actually the execution of an agreement between them to the Sultanate of Banten. For example, to maintain a ban to have four-legged animals, using household appliances, using body hygiene kits, clothes, and else are the contents of the agreement which must be obeyed.

The internal factors that cause Reception of Islamic law by the Baduy community is their belief system such are *Selam Sunda Wiwitan* which recognizes "Adam" as their prophet. They also believe that Prophet Muhammad is a prophet of God, just that he was sent to other than the Baduy, Islam as a religion they believe not to the Baduy. Based on this belief, their "religion" justifies the implementation of Islamic law which according to them is also part of a religion such as circumcision, declaring syahadah, etc.

The external factors that cause Reception of Islamic law by the Baduy community is their intensive interaction with the Muslim community. In addition the pressure from the ruling factors also causes their Reception by the Islamic law. As an example of their obligation to declare shahadah is due to their agreement with the Sultan Hasanuddin. The contents of the agreement are still a mystery as strictly maintained at a place that should not be a single person came to him. But in the current agreement is an obligation to declare syahadah for every bride man of Baduy community in the presence of a *penghulu* who is from a Moslem. First declaring shahadah is done in the Cicakal Girang village which is the home of Muslims in *tanah ulayat* of Baduy.

The declaring of this *shahadah* is stronger after Indonesian independence with the issuance of UU No. 1 Tahun 1974 tentan Perkawinan. One of the contents of this law is a must for every wedding ceremony conducted in front of the official of marriage registrar. So to this day every member of the Baduy community who wants to get married then have to declare *shahadah* in front of *penghulu* and listed his name along with his bride. The hegemony of state in the field of Islamic law looks of building a mosque in Cicakal Girang. All people are not brave and it is not allowed to build a mosque in the village with a huge size although they are entirely Muslim. But with the help of a military policeman from Bandung finally stood a *Jami`* mosque in their village which is part of the communal land of Baduy. Indeed the presence of Islamic village in communal land settlement of Baduy also shows how the pressure that time ruler against their existence,

so that the hegemony of the state into one of the external factors for Reception of Islamic law. Now when we look Islamic symbols are used also by the Baduy community, such as the writer witnessed the activities of residents in Baduy Kompol where Jaro Dainah before starting the conversation first say *Salam*. Tayyibah sentences such as *hamdalah* and *insha Allah*; they are also used in everyday life. Not only in the Outer Baduy but also in inner Baduy who are already familiar with these sayings.

Syahadat as the Reception factor of Islamic law does not apply to the Baduy community because of *syahadat* which they declare is not based on their uptake of Islam. Until now they have not accepted Islam as their religion. *Syahadah* factors prevail at Kampung Naga community and . They accept it as a consequence of his *syahadah*. Social interaction factors on Baduy communities become the dominant factor of their Reception by the Islamic law. An exclusive property of their culture which makes interaction with other communities is very limited, especially when they decided to accept an element of culture outside of their culture. The Baduy community that known as nomadic tribes, but their culture system defenses from the influence of other cultures. Including they keep the influence of Islamic law, the Reception that occurs in this community over state power due to factors in the past where they have an agreement with the sultanate of Banten to declare the *syahadat* when married and fulfill its conditions.

The community of Kampung Naga; as indigenous communities since the beginning is Islam religion, the Islamic law by their Reception is reasonableness. Their legal system that has been influenced by Islamic law to make any joint that is on them is always based on Islamic values. Nevertheless, customary law system they still appear in some sections, even the two into a single circuit can no longer be separated. Acculturation law that occurred in Kampung Naga be unique so that the Islamic law in force has its own characteristics which is different from other communities. Referring to some of the existing literatures that the customary law is prevailing in Kampung Naga is an ancient Sundanese law. This is evident from the pattern of government consisting of *Kuncen*, *Punduh* and *Lebe*. This pattern as mentioned in the manuscript of *Naskah Siksa Kandang Karesian* that the power is divided into three *Resi*, *Rama*, and *Ratu*. Based on these facts, the factors that affect the Reception of Islamic law by the community of Kampung Naga is the existence of internal factors and external factors.

The internal factors that cause Reception of Islamic law by the community of Kampung Naga are a consequence of Islam by their Reception. Their customs are based on Sundanese beliefs with monotheism that understand the basis of their Reception against Islam. In addition, they also see the tradition of Islam is not a religion that threatens the existence of their belief that such Reception easier. Although running slow but recent developments show their uptake of Islamic law should be appreciated.

The external factors by their Reception of Islamic law are the nature of Islam which has high tolerance to the existing customs on them. Islam that came to them was Islam that adoptive and gives space to the customs which they have carried out. They are still allowed to celebrate *ngaruwat lembur*, visit the tomb of the ancestors, make offerings in the agricultural tradition, burn some incense in ritual is the nature of Islam that they receive that paved their uptake of Islam and its legal system. More than that is a factor that figures to bring Islam itself is the key in this Reception process. Islamic preachers who have a high understanding of Islam has been set Islam in a way that can be accepted by the community that has customs that have survived for generations. The propaganda that built by the preachers make room for indigenous communities to continue their customs. In fact, they have incorporated Islamic values into the tradition without damaging considered a traditional community customs.

The hegemony of state provide insignificant factor in the process of Reception of Islamic law in Kampung Naga community. Instead it Kampung Naga community which has much influence local and national government policies. When seeing their customs, then we find things that affect it is the duty of obedience to the formal leaders. This obedience does not conflict with the traditional values which they profess, in practice they still provide some sorts of "gift" to the *Kuwu* and *amil* in every celebration of *Hajat Sasih*. Similarly, during the celebration of Indonesian Independence Day in every August 17 they always make *Jampana* containing crops submitted to the head of the village to the Tasikmalaya regency. The factors of social interaction and the power of the state in Kampung Naga community are their interaction with other communities very limited. In addition, they are maintaining the cultural system of the influence of other cultures. The power of state in this community looks weak even looks at ritual *pahajat* administration and delivery of the *jampana* in the Independence Day events. In addition they also have a rule "*tatali kumawula ti agama sareng darigama*" which means the obligation to adhere to the religious orders and the government.

Based on the exposure it can be concluded under the factors that affect the Reception of Islamic law by the two communities include internal and external factors. The internal factors occur due to the decision of each individual to accept Islamic law, as well as deal with all members of the community. While the external factors are the influence of the other party as the interaction effects, the natural environment, social environment, and the laws of the country that became an agent of change for the two communities.

C. Conclusion

This study found three types of Reception of Islamic law by indigenous communities in Indonesia, namely: **The Reception Symbolic**

Type is Reception of Islamic law on the limits of the symbols of Islam with the implementation of different substances with which to understand Islam. This type makes the terms of Islamic law as part of their customs, in observance of the Islamic terms replaces the terms of the past that exist in their customs. This type of Reception is in Baduy communities, in which are found the terms of Islamic law but different substantially with Islamic law itself. For example *syahadat* term used is essentially not a *syahadat* in Islam. The term fasting they do is actually different from the fasting undertaken by Muslims. Similarly *Jekat* near term *zakat* in Islamic law was merely giving the property to someone else without pillars and conditions that have been determined by Islamic law. In addition, the term of *mahar*, *iddah*, *hibah*, *wasiat* and other is merely a symbol is not understood terms in Islam.

Selective-Modified Reception Type is Reception of Islamic law by selecting them according to each individual's interests and communities. If the Islamic law in accordance with their customs it will be accepted, if it does not fit then it will be rejected. The examples of this type is a phenomenon in Kampung Naga, they receive some Islamic law but rejected in part. On the issue of marriage they took it well, but in the matter of inheritance and other *muamalah* Kampung Naga community rejected and still use custom-traditions. In addition, the laws of Islam that they take will also be aligned (modified) with local values that appear acculturation Islamic law and local customs. This type of Reception is in Kampung Naga community in which they accept Islamic law but in practice be modified and adapted to local values. As an example of the implementation of the wedding in addition must comply with the requirements in harmony and marriage in Islam it must be approved by the local customs so that the implementation is done alternately. Similarly, in the implementation of circumcision, pilgrimage grave, and other life cycle rituals. This type is actually the type more commonly found in Indonesia.

Reception Symbolic-Substantive Type that Islamic law is the total Reception both in terms of its symbols and content. The community that closes to this type was resides in coastal area in which they accept and implement Islamic law not only the content but also the term (substance) that implemented. In addition they do not only receive a marriage laws but also implement Islamic law of inheritance and other *muamalah*. Only on *jinayah* that they can not implement because they are not permitted by government regulations.

Based on the three types of Reception of Islamic law by indigenous communities in the three study sites and generally in Indonesia, the writer formulates the theory of **Reception Through Selection-Modification** is the Reception of Islamic law through the selection and modification. This theory is based on the reality that Islamic law Reception occurs with the selection and modification, indigenous communities will absorb through the selection

of Islamic law that is aligned with their customs. If Islamic law is appropriate it will be accepted, if the contrary will be modified and adapted to the implementation of their custom.

Endnotes:

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² M.C. Ricklefs, *A History of Modern Indonesia Since C. 1300*, (California: Stanford University Press, 1993), p. 3

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- ralism and diversity today; for all that is needed is proof that such a plural and complex past did exist once, and that such a past sets a precedent for the pluralism and diversity we see at present.

The worth of de Bry's work lies in the fact that it provides us with one of the earliest accounts of what such a plural past could have looked like, and underscores the important point that pluralism and diversity are and were not „new“ or „alien“ ideas that have been imported into Indonesian society from outside. Banten's plural society was the result of agency and choice among the people of Banten, and this shows that pluralism is as normal to Bantenese and Javanese society as *gamelan* and *batik*: Pluralism was not an alien concept in Banten: it was *local*.