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## ***Boplang* as 'Urf in Islamic Law: Exploring the Transformation of Ritual Practices into Building Regulations**

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### **Abstract:**

The existence of customary law in the process of building a house's foundation, particularly the *boplang* tradition in Cirebon, is still very strong. Yet, modern society greatly desires simplicity and practicality, relying solely on positive law. Therefore, this article explores how Islamic law support and challenge *boplang* as a form of 'urf in Cirebon, assess the societal and legal status within the local community and National law. Using an anthropological approach to law and framed within Islamic legal theory, especially the concept of 'urf (custom), this study applies a qualitative method based on in-depth interviews with community leaders, cultural practitioners, and village officials. The study aims to identify and articulate the normative values

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embedded in *boplang* as a dynamic and living legal tradition. Findings indicate a persistent reliance on myth and oral tradition within the local community, which, although constitutionally protected, remains undocumented—thereby weakening its application of positive law from neighboring jurisdictions perceived as more authoritative. The study concludes that rationalizing *boplang* through systematic documentation and interpretation grounded in Islamic legal norms can strengthen its legitimacy law is often regarded as more flexible, adaptive, and context-sensitive compared to the rigid nature of formal positive law.

**Keywords:**

*Boplang*; Local wisdom; Building permit; Anthropology of law.

**Introduction**

This research explores the value of Cirebon's *boplang* local wisdom from a legislative perspective, particularly in relation to the Building Permit (IMB) for residential houses. *Boplang*, identified by Sandia, involves rituals, myths, and their nocturnal execution. Likely, as explained by Arkali, it is found that the community often perceives *boplang* merely as a traditional obligation, neglecting its underlying values. Rosyadi notes that “some communities perceive local wisdom as an obligation without questioning its obligatory nature”,<sup>1</sup> indicating how unexamined traditions tend to be abandoned.

Modern legal discourse faces difficulties when ‘ritual’ and ‘obligation’ are seen as fixed concepts, narrowing inquiry and the meaning behind myths. Eliade argues that modernity often overlooks the meaning behind myths.<sup>2</sup> Scholars like Renato Izidoro da Silva and Fabio Zoboli propose integrating *logos* into ‘myths’ to align them with local paradigms, thus framing rituals and obligations as potential legal sources.<sup>3</sup> Without such rationalization, *boplang* risks fading.

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<sup>1</sup> Rosyadi, “Dalam Kajian Kearifan Lokal (Studi Kasus pada Masyarakat Adat Kampung Dukuh),” *Patanjala* 7, no. 3 (2015): 415–30, <https://doi.org/http://dx.doi.org/10.30959/patanjala.v7i3.109>.

<sup>2</sup> Mircea Eliade, *Myth and Reality*, ed. Willard R Trask (New York and Evanston: Harper and Row, Publisher, 1963), 15.

<sup>3</sup> Renato Izidoro Da Silva and Fabio Zoboli, “Da Governabilidade do Mytos ao Esclarecimento do Logos: Narciso, Odisseu e os Padrões de Beleza Corporal,” *Movimento (ESEFID/UFRGS)* 19, no. 4 (2013): 141–62, <https://doi.org/10.22456/1982-8918.38356>; Anil Shetty, Shraddha Shetty, and Oliver Dsouza, “Medical Symbols in

Technically, *boplang* refers to the installation of the foundation—an essential stage in building construction.<sup>4</sup> In Cirebon, this ritual form is sacred, while its technical aspect is profane. This dualism mirrors medieval legal distinction: sacred laws governed by religion, profane by politics—complicating efforts to reconcile traditional wisdom with the modern legal system.<sup>5</sup>

Scholarly suspicion toward rituals and myths—often dismissed as illusion or idolatry—has hampered efforts to assign them *logos*.<sup>6</sup> Yet Abdul Karim affirms the significance of ritual in Javanese-Islamic death traditions.<sup>7</sup> Yance Z. Rumahuru views ritual as a form of social identity rooted in the sacred-profane dichotomy.<sup>8</sup> Izak Y.M. Lattu highlights how oral rituals preserve memory and promote social cohesion.<sup>9</sup> These studies affirm the relevance of rituals to cultural continuity. While not directly addressing ritual as obsolete superstition, it instead puts in as a part of a broader pattern of living tradition embedded with legal meaning.

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Practice: Myths vs Reality,” *Journal of Clinical and Diagnostic Research* 8, no. 8 (2014): 12–15, <https://doi.org/10.7860/JCDR/2014/10029.4730>; Lorena Esmoris Galán, “Del Mito Al Logos Moderno: Giovanni Pico Della Mirandola o El Hombre En Busca de Imagen,” *Logos. Anales Del Seminario de Metafísica* 50 (2017): 105–27, <https://doi.org/10.5209/ASEM.56830>.

<sup>4</sup> Aditya Riski Taufani and Arief Setiawan Budi Nugroho, “Proposed Bamboo School Buildings for Elementary Schools in Indonesia,” *Procedia Engineering* 95 (2014): 5–14, <https://doi.org/10.1016/j.proeng.2014.12.159>; Yahya Baihaqi, “Perbandingan Penggunaan Bouwplank Berbahan Kayu dan Besi Ditinjau dari Segi Biaya” (Universitas Jember, 2013); Johan Putra Bagaskara, “Bouwplank (Pengertian, Fungsi, Volume, Analisa Harga Satuan, RAB, Alat dan Bahan, Serta Teknik Pemasangan),” *Toaz Info*, August 5, 2022, <https://pdfcoffee.com/download/johan-p-b-a1-makalah-bouwplank-pdf-free.html>.

<sup>5</sup> Jason N.E. Varuhas, “The Principle of Legality,” *Cambridge Law Journal* 79, no. 3 (2020): 578–614, <https://doi.org/10.1017/S0008197320000598>; Norbert Rouland, *Legal Anthropology*, vol. 47 (London: Athlone Press, 1988).

<sup>6</sup> Da Silva and Zoboli, “Da Governabilidade do Mythos ao Esclarecimento do Logos: Narciso, Odisseu e os Padrões de Beleza Corporal.” 142.

<sup>7</sup> Abdul Karim, “Makna Ritual Kematian dalam Tradisi Islam Jawa,” *Sabda: Jurnal Kajian Kebudayaan* 12, no. 2 (2017): 161–71, <https://doi.org/10.14710/sabda.12.2.161-171>.

<sup>8</sup> Yance Z Rumahuru, “Ritual Sebagai Media Konstruksi Identitas: Suatu Perspektif Teoretisi,” *Dialektika: Jurnal Pemikiran Islam dan Ilmu Sosial* 11, no. 01 (2018): 22–30.

<sup>9</sup> Lattu Y.M. Izak, “Orality and Ritual in Collective Memory: A Theoretical Discussion,” *Jurnal Pemikiran Sosiologi* 6, no. 2 (2019): 191–209, <https://doi.org/10.22146/jps.v6i2.51580>.

Thus, neglecting *logos* in rituals is challenged by scholars emphasizing their identity-sustaining role. Naim and Qomar advocate reconciling sacred and profane through channels such as *dakwah*, arts, education, and research.<sup>10</sup> Rosyid and Kushidayati show how *Rebo Wekasan* rituals are strengthened by religious preaching.<sup>11</sup> Similarly, Azis, Dzofir, and Widodo demonstrate how *Pantun Sandi Adat* supports Minang traditions.<sup>12</sup> These actualizations integrate rituals into social life without stalling modernity. Within this framework, *boplang* can be interpreted as a normative-cultural expression that, if properly contextualized, holds potential to be absorbed into modern legal understanding rather than discarded.

Conversely, Laila and Abdullah question the effectiveness of religious preaching in pluralistic societies.<sup>13</sup> The influence of the medieval era, in which religion became dichotomized into sacred and profane, remains evident.<sup>14</sup> Cirebon's pluralism necessitates a different approach. Accordingly, this study prioritizes legal *logos* over *dakwah* and culture, aiming to integrate *boplang* IMB regulation as a form of local wisdom. The research addresses three questions: How does Islamic legal *logos* support and challenge *boplang* as a form of 'urf in Cirebon? What is the societal and legal status of *Boplang* as 'urf within the local community? How can *boplang*-based IMB regulation, grounded in 'urf, align with national law?

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<sup>10</sup> Ngainun Naim and Mujamil Qomar, "The Actualization of Liberal Indonesian Multicultural Thought in Developing," *Qudus International Journal of Islamic Studies (QIJS)* 9, no. 1 (2021): 141-74, <http://dx.doi.org/10.21043/qijis.v9i1.7908>.

<sup>11</sup> Moh. Rosyid and Lina Kushiayati, "Anticipating Disaster: The 'Urf Perspective of Rebo Wekasan Ceremony in Kudus, Central Java," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022): 91-112, <https://doi.org/http://doi.org/10.19105/al-Ihkam.v17i1.5705>.

<sup>12</sup> N. M Rangkoto, *Pantun Adat Minangkabau* (Jakarta: Balai Pustaka, 1982), 15; Erwati Aziz, Mohammad Dzofir, and Aris Widodo, "The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia," *Qudus International Journal of Islamic Studies* 8, no. 1 (2020): 131-60, <https://doi.org/10.21043/QIJS.V8I1.7197>.

<sup>13</sup> Nur Quma Laila and Irwan Abdullah, "Questioning Fiqh Muamalah of Toleration: Religious Spatial Segregation in the Urban Area of Yogyakarta," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022): 28-59, <https://doi.org/http://doi.org/10.19105/al-Ihkam.v17i1.5419> Questioning.

<sup>14</sup> Martin Suryajaya, "Asal-Usul Pemikiran tentang Sekularisme di Abad Pertengahan," *Jurnal Filsafat* 32, no. 1 (2022): 1-31, <https://doi.org/10.22146/jf.73767>.

## Methods

The study employs an anthropological-legal approach, focusing on the *boplang* ritual in Cirebon within the framework of living law.<sup>15</sup> The methodological framework integrates descriptive ethnographic methods with normative legal analysis to understand how traditional practices intersect with statutory building regulations.<sup>16</sup> Data collection was carried out through direct fieldwork from January to June 2022, involving participant observation, semi-structured interviews, and focus group discussions with villagers involved in constructing residential houses. Specific attention was paid to capturing the performative, symbolic, and procedural aspects of the *boplang* ritual across different villages to map variations and shared patterns. A purposive sampling method was used to select key informants, including village elders, builders, and local government officials.

Data reduction followed Miles and Huberman's interactive model, involving the stages of data collection, data display, and conclusion drawing or verification.<sup>17</sup> Field notes and transcribed interviews were coded thematically to identify key categories such as ritual procedure, community perception, and normative meaning. The analysis process combined hermeneutic interpretation and customary law reasoning. The hermeneutic method was applied to interpret the meanings embedded in the ritual symbols and oral narratives. Simultaneously, elements of customary legal thought were analyzed to trace how normative beliefs about land, housing, and communal authority influence the community's perception of building legality.

These analyses were then aligned with legal doctrinal interpretation to assess the compatibility of *Boplang* practices with existing regulations on IMB. This dual-layered analysis allows for a contextual understanding of the *boplang* ritual not only as a cultural practice but also as a source of normative authority. In doing so, the study bridges the epistemic gap between living law and state law,

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<sup>15</sup> James L. Peacock and Hannah M. McFadden, "International Encyclopedia of the Social & Behavioral Sciences," *Elsevier* 24 (2001): 1337-45, <https://doi.org/10.1016/B978-0-08-097086-8.12161-0>; Fernanda Pirie, *The Anthropology of Law* (Oxford: OUP Oxford, 2013).

<sup>16</sup> I Dewa Gede Atmadja and I Nyoman Putu Budiarta, *Teori-Teori Hukum* (Malang: Setara Press, 2018), 58.

<sup>17</sup> F Budi Hardiman, *Seni Memahami: Hermeneutika dari Schleiermacher Sampai Derrida*, ed. Widiatoro, 1st ed. (Yogyakarta: Kanisius, 2015), 1-344.

offering a grounded justification for the inclusion of local wisdom in formal legislation.

## **Result and Discussion**

### **Support and Challenges of the Islamic Legal Logos toward Boplang as a Form of 'Urf in Cirebon**

*Boplang* is a traditional *selamatan* ritual associated with house construction in Sundanese communities, with local variations shaped by social and ecological contexts. In Cirebon, particularly Astapada and Sidawangi region, it is performed at night and involves banana planting and prior consultation among landowners. This indicates that *boplang* is not merely a spiritual, but also functions as a mechanism for conflict prevention and an instrument of social legitimacy concerning land ownership. To examine how these normative, spiritual, and socio-legal dimensions operate across settings, interview data were gathered from informants in rural and urban contexts. Table 1 summarizes key findings from the interviews, highlighting variations in ritual practice, social function, and legal-cultural meaning that form the empirical basis for subsequent discussion.

**Table 1.** Summary of Interview Informants and Key Findings on *Boplang* as Living Law

<b>Informant</b>	<b>Location</b>	<b>Key Findings</b>
<b>Cuanton</b>	Astapada, Cirebon	<i>Boplang</i> is performed from afternoon to night, beginning with <i>buka kaki</i> and banana planting, symbolizing protection, continuity, and social legitimacy through family and neighbour involvement.
<b>Sahrudin</b>	Dayeuhluhur, Cilacap	<i>Selamatan</i> timing varies (morning or night) depending on local livelihood patterns, reflecting the adaptability of tradition while preserving communal solidarity and safety values.
<b>Mumun Munawar</b>	Kuningan	The ritual combines night performance, subsequent <i>selamatan</i> , and involvement of

Informant	Location	Key Findings
		landowners and elders, emphasizing spiritual meaning, social legitimacy, and normative order.
<b>Baharudin</b>	Aceh	Although not termed <i>boplang</i> , similar <i>kenduri</i> practices function as prayers for safety, informal social notification, and expressions of mutual cooperation.
<b>Abdul Muaz</b>	Kembangan Utara, Jakarta	Urban transformation has reduced the ritual's presence, though residual forms survive in Betawi traditions, showing continuity through adaptation.

As shown in Table 1, although ritual procedures vary across regions, shared normative patterns persist, particularly in social legitimacy, communal consent, and prayers for safety. These findings suggest that *boplang* and its equivalents represent a broader living normative tradition, reflected in the following regional accounts.

In the regions of Kuningan and Dayeuhluhur, the practice is closely tied to *selametan* as a request for safety and blessings for the family, where local elders and the neighbors (landowners) are invited as a form of recognition toward the informal leadership structure within the village. Meanwhile, in Gayo Lues (Aceh) and Kembangan Utara (Jakarta), practices with similar characteristics have undergone cultural erosion. This demonstrates that core values such as social permission, collective prayer for safety, and communal recognition continue to persist despite changes in symbolic forms and ritual expression.

Understanding how these variations persist or transform requires considering the broader legal and religious frameworks shaping local ritual practices. Support for and challenges to *Boplang* as local wisdom are inseparable from the historical development of legislation and Islamic jurisprudence in Indonesia.<sup>18</sup> *Boplang*, as

<sup>18</sup> Nicholas R. Baima, *The Laws of Plato* (Chicago and London: University of Chicago Press, 2022).

practiced in Cirebon, is a ritual performed before constructing a house or building, aimed at spiritual cleansing and harmonization with the unseen realm.<sup>19</sup> It typically involves offerings - such as rice, incense, flowers, and sometimes animal parts - performed at night under cosmological beliefs to ensure spiritual balance and seek protection from misfortune related to land disturbance (see Figure 1).



**Figure 1.** *Boplang* ritual before laying the first stone of the foundation

As shown in Figure 1, *boplang* reflects metaphysical awareness and a normative social order rooted in cosmology. As a rural custom resembling *'urf*, it invites inquiry into how Islamic legal logoi supports or challenges its continued practice.

Historically, legal logoi, including in Islamic civilization, emerged from the need to mediate social tension and assert justice in plural societies. For instance, the placement of the Black Stone (Hajar Aswad) on the Ka'bah in 606 CE occurred within a tribal society without formal legal codification.<sup>20</sup> When a dispute arose among tribes, a consensus formed by entrusting Prophet Muhammad to resolve it peacefully.<sup>21</sup> Similarly, the Constitution of Madinah institutionalized *'urf*-based agreements among Muslims, Jews, and other tribes, recognizing communal practices as part of the legal order.

<sup>19</sup> Eliade, *Myth and Reality*, 40.

<sup>20</sup> Sarip et al., "Filosofi Peletakan Hajar Aswad dalam Bentuk Permainan Anak di Desa Wilulang Cirebon Jawa Barat," *Empowerment: Jurnal Pengabdian Masyarakat* 5, no. 1 (2022): 76-84, <https://doi.org/10.25134/empowerment.v5i01.5224>.

<sup>21</sup> M. Ruhly Kesuma Dinata et al., "Good Governance and Local Wisdom in Law Enforcement," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 5, no. 2 (2022): 227-42, <https://doi.org/10.24090/volksgeist.v5i2.6740>.

In this context, *boplang* may be viewed as a culturally rooted legal expression, deserving recognition as *'urf* within Islamic jurisprudence. Islamic scholars have long debated the validity of *'urf*. Classical jurists such as Imam Malik and Imam Abu Hanifah gave weight to custom, as long as it fulfilled *maṣlahah* (public interest) and did not contradict *naṣṣ* (text). This openness finds support in the Indonesian Association of Legal Studies Program Organizers (APPSIHI), which envisions a legal scholarship that is locally grounded, internationally respected, and committed to Pancasila and the 1945 Constitution.<sup>22</sup> Under this vision, *boplang* should not be dismissed as superstition or *bid'ah*, but examined through the lens of legal relevance, justice value, and spiritual rationality.<sup>23</sup>

Nonetheless, tension remains, as *'urf* in Islamic legal logos is subject to revelation and reason. This becomes problematic when *boplang* is viewed through a narrow theological lens that labels non-scriptural ritual as *bid'ah ḍalālah* (misguided innovation). Yet such a view neglects *maqāṣid asy-syari'ah*; if *Boplang* promotes social harmony and spiritual well-being without violating clear *naṣṣ*, it may be regarded as valid *'urf*.

Legal scholar Alison Fischer critiques modern legal education for producing technocrats who manipulate legal texts without ethical reasoning or cultural embeddedness.<sup>24</sup> In Indonesia, judges are reduced to textual appliers, lawyers to negotiators, and prosecutors to procedural enforcers, ignoring local meanings of justice.<sup>25</sup> This detachment alienates law from society, especially in rural areas where traditions like *boplang* function as sources of moral order and conflict resolution.

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<sup>22</sup> APPSIHI, *Harmonisasi Kurikulum Program Studi Ilmu Hukum Indonesia: Berbasis KKNI Berdasarkan Undang-Undang Nomor 12 Tahun 2012 (Untuk Strata 1)*, Badan Huku (Semarang: Asosiasi Penyelenggaraa Program Studi Ilmu Hukum Indonesia, 2017), 7.

<sup>23</sup> Ruslan and Rasyidah Zainuddin, "Membedah Konsep Bid'ah," *Al-Mubarak: Jurnal Kajian Al-Quran & Tafsir* 6, no. 1 (2021): 66-92, <https://doi.org/https://doi.org/10.47435/al-mubarak.v6i1.611>.

<sup>24</sup> Alison Fischer, "Colonialism , Context and Critical Thinking : First Steps Toward Decolonizing the Dutch Legal Curriculum," *Utrecht Law Review* 18, no. 1 (2022), <https://doi.org/10.36633/ulr.764>.

<sup>25</sup> Wahyu Iswanto, "Penemuan Hukum oleh Hakim dan Implikasi terhadap Perkembangan Praperadilan," *Majalah Hukum Nasional* 48, no. 1 (2018): 9-25, <https://doi.org/https://doi.org/10.33331/mhn.v48i1.112>.

Roscoe Pound's sociological jurisprudence encourages law to be responsive to social realities.<sup>26</sup> Yet in Indonesia, his idea is misinterpreted as instrumentalist social engineering rather than cultural integration. Besides, his notion of law as a tool of social engineering is more accepted than cultural integration.<sup>27</sup> The current legal system fails to embed traditions like *boplang* because it emphasizes legal institutions over doctrinal renewal.<sup>28</sup> This undermines the *sui generis* potential of Indonesian law—law as culturally distinctive and rooted in living customs.<sup>29</sup> *Boplang* is thus marginalized not due to lack of legal merit, but because it lacks textual recognition in formal systems.

Although the socio-legal method has gained traction, its reliance on interdisciplinary perspectives can sometimes dilute doctrinal clarity. While valuable for contextual analysis, it must not substitute the need for indigenous legal logic that respects *'urf* as a component of Islamic and Indonesian law.<sup>30</sup> Reconnecting with local wisdom like *boplang* demands embedding logos—legal reason and value—into tradition, so it is not merely preserved as folklore but integrated as legal substance.<sup>31</sup>

Detaching *boplang* from legal discourse has two consequences: it perpetuates epistemic injustice by dismissing rural traditions as irrational, and it weakens legal education by neglecting normative interpretations of culture. This calls for fulfilling the 2017 APPSIHI vision through reassessing traditions like *boplang*. While official

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<sup>26</sup> Nazaruddin Lathif, "Teori Hukum Sebagai Sarana Alat untuk Memperbaharui atau Merekayasa Masyarakat," *Pakuan Law Review* 3, no. 1 (2017): 73–94, <https://doi.org/10.33751/palar.v3i1.402>.

<sup>27</sup> H Yacob Djasmani, "Hukum Sebagai Alat Rekayasa Sosial dalam Praktek Berhukum di Indonesia," *Masalah-Masalah Hukum* 40, no. 3 (2011): 365–74, <https://doi.org/10.14710/mmh.40.3.2011.365-374>.

<sup>28</sup> Jason Kaufman, "Corporate Law and the Sovereignty of States," *American Sociological Review* 73, no. 3 (2008): 402–25, <https://doi.org/10.1177/00031224080730030>.

<sup>29</sup> Titik Triwulan Tutik, "Ilmu Hukum: Hakekat Keilmuannya Ditinjau dari Sudut Filsafat Ilmu dan Teori Ilmu Hukum," *Jurnal Hukum & Pembangunan* 44, no. 2 (2014): 223–46, <https://doi.org/10.21143/jhp.vol44.no2.22>.

<sup>30</sup> APPSIHI, *Harmonisasi Kurikulum Program Studi Ilmu Hukum Indonesia: Berbasis KKNi Berdasarkan Undang-Undang Nomor 12 Tahun 2012 (Untuk Strata 1)*.

<sup>31</sup> Sarip Sarip, "Produk Hukum Pengkebirian Pemerintahan Desa," *Jurnal Hukum & Pembangunan* 49, no. 1 (2019): 60, <https://doi.org/10.21143/jhp.vol49.no1.1910>.

foundation-laying ceremonies receive legal recognition and public legitimacy, *boplang* rituals are often trivialized despite serving similar social functions.<sup>32</sup>

Nicholas R. Baima affirms that legal logos emerges from social evolution, collective goodwill, and reconciliation.<sup>33</sup> Likewise, Renato Izidoro Da Silva and Fabio Zoboli emphasize integrating logos into ritual to reconcile normative obligations with epistemic development. These perspectives support the view that *boplang*, as a socially rooted practice with spiritual significance, deserves recognition within both Islamic legal reasoning and national development.<sup>34</sup>

In contrast to social-religious disciplines that have succeeded internationally by embedding local wisdom in the discussion of religious moderation, legal academia lags behind.<sup>35</sup> Muhammad Siddiq Armia's study on customary dispute resolution in Aceh shows how integrating *'urf* with Islamic principles fosters a justice framework that are is locally meaningful.<sup>36</sup> His emphasis on moderation – promoting justice, tolerance, and balance – demonstrates how Islamic legal logos can harmonize with local *'urf* like *Boplang*, rather than oppose it.<sup>37</sup>

Islamic legal logos supports *boplang* when understood through *maqāsid*, *'urf*, and moderation, but challenges it when reduced to rigid

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<sup>32</sup> Christandi Dimas, "April 2021 Peletakan Batu Pertama Ibu Kota Negara Baru di Kaltim," *Kompas TV*, March 18, 2021, <https://www.kompas.tv/regional/156599/april-2021-peletakan-batu-pertama-ibu-kota-negara-baru-di-kaltim>; Nicholas Ryan Aditya, "Menteri PPN Harap Peletakan Batu Pertama Pembangunan Kota Baru Dapat Dilaksanakan saat Ramadhan Ini," *KOMPAS.Com*, April 12, 2021, <https://nasional.kompas.com/read/2021/04/12/13051811/menteri-ppn-harap-peletakan-batu-pertama-pembangunan-ibu-kota-baru-dapat?page=all>.

<sup>33</sup> Baima, *The Laws of Plato*.

<sup>34</sup> Da Silva and Zoboli, "Da Governabilidade do Mytos ao Esclarecimento do Logos: Narciso, Odisseu e os Padrões de Beleza Corporal."

<sup>35</sup> Ika Cahyanti, S Sukatman, and Furoidatul Husniah, "Mitos dalam Ritual Ruwatan Masyarakat Madura di Kecamatan Gending Kabupaten Probolinggo," *Jurnal Edukasi* 4, no. 1 (2017): 13, <https://doi.org/10.19184/jukasi.v4i1.5084>.

<sup>36</sup> Muhammad Siddiq Armia, "Public Caning: Should It Be Maintained or Eliminated? (A Reflection of Implementation Sharia Law in Indonesia)," *Qudus International Journal of Islamic Studies* 7, no. 2 (2019): 301–28, <https://doi.org/10.21043/qjijis.v7i2.4974>.

<sup>37</sup> Muhammad Nasir and Muhammad Khairul Rijal, "Keeping the Middle Path: Mainstreaming Religious Moderation through Islamic Higher Education Institutions in Indonesia," *Indonesian Journal of Islam and Muslim Societies* 11, no. 2 (2021): 213–41, <https://doi.org/10.18326/ijims.v11i2.213-241>.

formalism. Addressing this tension requires a dynamic *fiqh* approach balancing textual integrity and contextual understanding, enabling *Boplang* to align with justice and public interest. Reclaiming *Boplang* as valid *'urf* thus depends on viewing Islamic legal logos as living reasoning grounded in ethical flexibility, social harmony, and cultural legitimacy.<sup>38</sup>

### **The Societal and Legal Position of Boplang as 'Urf**

Field interviews indicate that *boplang* continues to function as a living norm within community legal consciousness. Cuanton (Astapada) emphasized its role in preventing land disputes and securing communal consent before construction. Sandia (Sidawangi) highlighted both its spiritual significance and social obligation, stating:

“We still perform Boplang, not because the government requires it, but because it’s our ancestors’ tradition to protect the house”.<sup>39</sup>

Similarly, another elder from Sidawangi emphasized,

“Without Boplang, disturbances often happen – illness, conflicts with neighbors. That’s why we still uphold it”.<sup>40</sup>

Similarly, Sahrudin (Dayeuhluhur) and Muaz (Kembangan Utara) viewed the ritual as a customary obligation related to safety, neighborly recognition, and social order. These testimonies affirm that, even without formal recognition, *boplang* continues to function as a preventive and legitimizing ritual embedded in communal legal consciousness.

The *boplang* ritual - despite lacking a singular, unified form - is a customary house-building practice embedded in various Javanese

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<sup>38</sup> Muhammad Irfan Helmy, Achmad Darajat Jumadil Kubro, and Muhamad Ali, “The Understanding of Islamic Moderation (*Wasatiyyah Al-Islam*) and the Hadiths on Inter-Religious Relations in the Javanese Pesantrens,” *Indonesian Journal of Islam and Muslim Societies* 11, no. 2 (2021): 377-401, <https://doi.org/10.18326/ijims.v11i2.377-401>.

<sup>39</sup> Sandia, An Elder from Sidawangi, *Interview*, April 10, 2020.

<sup>40</sup> Cuanton, An Elder from Astapada, *Interview*, May 19, 2020.

and Sundanese communities.<sup>41</sup> Despite its widespread presence, scholarly exploration of *boplang* remains limited. Informal documentation, often under related names such as *Ujub Kenduri* or *Slametan Gawe Omah*, suggests variation in form but continuity in sanctifying processes through communal prayer and symbolic foundation-laying.<sup>42</sup> In essence, *boplang* or its equivalents serve a cultural function as local *'urf* (customary practice acknowledged in Islamic legal tradition), forming a living norm rooted in communal life.<sup>43</sup>

In Central and East Java, as well as Cirebon, the ritual involves mantra recitation, food offerings, and the invitation of neighbors, especially adjacent landowners.<sup>44</sup> It blends religious expression with Javanese-Islamic (*Kejawen*) values and adapts to local livelihoods.<sup>45</sup> In coastal Cirebon, the ritual occurs in the morning to accommodate fishing schedules; inland, it is held in the afternoon, aligning with farming routines.<sup>46</sup>

One notable practice is *buka tableg* (Cirebonese) or *buka te'ki* (Sundanese), a symbolic foundation-laying act preceding construction, followed by *boplang* in the evening.<sup>47</sup> It emphasizes neighborliness to adjacent landowners in all cardinal directions (north, east, south, west) and inclusion of elders who guide the ritual based on cosmological knowledge. Its emphasis on neighborly recognition and elder-guided cosmological order reinforces its *'urf* status through social acceptance,

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<sup>41</sup> Abdul Muaz, An Elder from North Kembangan, *Interview*, August 25, 2020.

<sup>42</sup> Kevin Adyatama Chanel, *Ujub Kenduri Jowo!! Slametan Ngawe Omah* (Indonesia: Youtube, 2021), <https://www.youtube.com/watch?v=HQ6F-LJ0lyo>.

<sup>43</sup> Rosyid and Kushiayati, "Anticipating Disaster: The *'Urf* Perspective of Rebo Wekasan Ceremony in Kudus, Central Java."

<sup>44</sup> Wito Kodok Ijo, *Ujub Kenduri Brokohan(Rasulan) Bayi Lahir dengan Bahasa Jawa* (Indonesia: Youtube, 2022), <https://www.youtube.com/watch?v=J2KXuUt5Fu4>.

<sup>45</sup> Rofi'i, "Pesan Dakwah dalam Tradisi Ujut-Ujut Kenduri di Desa Ketjo Kecamatan Tulakan Kabupaten Pacitan (Analisis Semiotika Charles Sanders Peirce)," *Institute Agama Islam Negeri Ponorogo* (IAIN Ponorogo, 2020), <https://etheses.iainponorogo.ac.id/12022/>.

<sup>46</sup> Christantio Utama, "Ini Pantangan Membangun Rumah Adat Jawa dalam Proses Ritualnya, Kenali Waktu Yang Tepat!," *Artikel Rumah 123*, 2024, <https://artikel.rumah123.com/pantangan-membangun-rumah-menurut-adat-jawa>.

<sup>47</sup> Kevin Adyatam Chanel, *Ujub Kenduri Bahasa Jawa* (Indonesia: Youtube, 2021), [https://www.youtube.com/playlist?list=PLWukTEII\\_hMwnEuOhmL92FII8bE9IAoS D](https://www.youtube.com/playlist?list=PLWukTEII_hMwnEuOhmL92FII8bE9IAoS D).

repetition across generations, and normative power in mediating communal relations.<sup>48</sup>

In Islamic jurisprudence, *'urf* refers to customary practice accepted by the community and not contrary to *Shari'ah*. Legally, it occupies a recognized position among secondary sources of Islamic law, alongside *al-istihsān* and *al-maṣlaḥah al-mursalah*. Within this framework, *Boplang* may be categorized as *'urf ṣaḥīḥ* (legitimate custom), as reflected in informants' views and in its alignment with *maṣlaḥah*, social harmony, and preventive justice. As noted by Wahbah al-Zuhaili, *'urf* may fill legal gaps in positive legislation, while an-Nabhani likewise recognizes custom within legal reasoning.

Legally, however, *boplang* has received limited recognition within formal legal frameworks. Although Article 18B (2) of the Indonesian Constitution guarantees recognition of customary law communities, in practice, formal written law has marginalized such traditions.<sup>49</sup> Regional regulations on spatial planning and building permits rarely accommodate rituals like *boplang*, reflecting broader systemic neglect.<sup>50</sup> Yet, although not codified in national statutory law, *Boplang* retains substantive normative power as a manifestation of living law that may inform community-oriented legal design.

In the framework of Islamic law, *boplang* can be categorized as *'urf ṣaḥīḥ* (legitimate custom), as it does not contradict Sharia principles and is accepted as a binding social norm. This is reflected in informants' views: Cuanton (Astapada) emphasized its role in preventing land disputes and securing communal consent; Sandia (Sidawangi) highlighted its spiritual and social significance; while Sahrudin (Dayeuhluhur) and Muaz (Kembangan Utara) viewed it as a customary obligation related to safety, neighborly recognition, and social order. These perspectives suggest that *Boplang* aligns with Islamic values of

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<sup>48</sup> Muhammad Mutawali, "The Dialectics of Customary Law and Islamic Law: An Experience from Dou Donggo Customs of Bima, Indonesia," *Ahkam: Jurnal Ilmu Syariah* 21, no. 1 (2021): 45–64, <https://doi.org/10.15408/ajis.v21i1.19825>.

<sup>49</sup> Ahyar Gayo et al., "Pengulu Uten's Forest Management in Central Aceh: A Perspective of Fiqh Al-Bi'ah," *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 17–36, <https://doi.org/10.15408/ajis.v24i1.34518>.

<sup>50</sup> Sapto Wahyono, "Persepektif Hukum atas Peran Satuan Polisi Pamong Paraja Dalam Penegakan Peraturan Daerah dan Peraturan Kepala Daerah," *Jurnal Yustitia* 20, no. 2 (2019): 172–84, <https://doi.org/http://dx.doi.org/10.0324/yustitia.v20i2.691>.

*maṣlahah* (public interest), social harmony, and preventive justice, reinforcing its status as valid *‘urf*.

As noted by Wahbah al-Zuhaili, *‘urf* is a valid legal source insofar as it does not conflict with *naṣṣ syar’i* (scriptural injunctions), serving as a tool to uphold public interest (*maṣlahah*) and fill legal gaps in positive legislation.<sup>51</sup> Similarly, Taqiyuddin an-Nabhani asserts that *‘urf* forms part of the legal reasoning framework (*istinbāt al-aḥkām*) when it aligns with Islamic objectives.<sup>52</sup> The recognition of *Boplang* within *adat* law is affirmed by local leaders and residents, who state that “without *boplang*, disputes often arise over unseen disturbances or unclear land boundaries”, underscoring its role in both social harmony and perceived legal certainty. Although not codified in national statutory law, *Boplang* holds substantive normative power as a manifestation of living law that ought to be accommodated in community-oriented legal design and local development frameworks.

The decline of *boplang*’s normative role thus reflects tension between living law and formal state law. Historically, *boplang* served as a communal prerequisite to construction, involving deliberation among families, adjacent landowners, village elders (*punduh*), and local authorities to secure consent and prevent disputes. Although urbanization and formal legalism have reduced *boplang* largely to a symbolic heritage, its persistence across Indonesia suggests continued relevance as a socio-legal mechanism rooted in local wisdom.

### **Integrating the Boplang Ritual into the Legal Framework of Building Permits**

From field interviews conducted in Astapada, Sidawangi, Kembangan Utara, Dayuehluhur, and Kuningan, village officials and community elders emphasize that the *boplang* ritual serves as a customary institution that regulates construction through consensus (*musyāwarah*) among neighbors, families, and local authorities. This ritual ensures spatial clarity and social harmony, preventing disputes before a building is erected (interview with Cuanton, Sandia, Muaz, and Sahrudin). In this sense, *boplang* embodies *‘urf* as a form of living

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<sup>51</sup> Wahbah Al-Zuhaili, *Uṣūl Al-Fiḥ Al-Islāmī* (Damaskus: Dār al-Fikr, 2025).

<sup>52</sup> Taqiyuddin An-Nabhani, *Muqaddimah Ad-Dustūr* (Beirut: Dar al-Ummah, 2001).

law embedded within community values, consistent with the principles of Pancasila and national legal norms.

In striving for harmony between the *boplang* ritual and positive law related to building permits in Indonesia, a comparative table is provided to shed light on the (1) involved parties, (2) *boplang* ritual process, (3) witnesses, (4) functions, and (5) strengths and weaknesses. This methodical approach seeks to strike a balance, ensuring that the community's living legal traditions are acknowledged and integrated, thus fostering a more comprehensive understanding of law within the societal context. Researchers list the advantages and disadvantages in Table 2.

**Table 2.** Comparison of *Boplang* Ritual Legislation and National Building Permit Law

Aspect	<i>Boplang</i> Ritual	Positive Law (Permen PUPR No.05/2016)
<b>Involved Parties</b>	Host, extended family, adjacent, landowners, local officials, and village, elders/ <i>punduh</i> .	Host and local government; village-level permits often unregulated.
<b>Process</b>	Deliberation involving family and community before ritual ensure spatial clarity.	Focus on document-based application; no community consultation required.
<b>Witnesses</b>	Family, neighbours, and officials witness to prevent disputes.	Depends on administrative records; no communal witnesses.
<b>Role of Elders:</b>	Act as <i>punduh</i> – read wind direction to guide structure layout and mediate change.	Comparable to Environmental Management and Monitoring Efforts (UKL-UPL) or Environmental Impact Assessment (EIA or Amdal) evaluation for environmental suitability.
<b>Strengths</b>	Promotes social harmony, quick dispute resolution, and Indonesia identity.	Enhances legal certainty, Locally-generated revenue.

Aspect	<i>Boplang</i> Ritual	Positive Law (Permen PUPR No.05/2016)
<b>Weaknesses</b>	No Written proof if witnesses die; no PAD contribution.	May weaken neighbor relations; dispute resolution can be show.

Based on Table 2, it can be seen that both in local wisdom and in positive Indonesian law, the goal is the same - to obtain permission to construct a residence. The difference lies in the law that evolves in society, having a legal nature that tends to be informal, whereas positive law is more formal in nature. The formal nature of positive law is associated with administrative revenue through permit fees, whereas *boplang* does not involve formal fees or fiscal contribution, operating instead through reciprocal social obligations and communal cooperation. In its development, this contrast demonstrates the prominence of legislative mechanisms in the realm of positive law, emerging as the preferred choice over traditional legislation. This is particularly evident as society leans towards the formal nature of law in the modern era, driven by the belief that it provides greater legal certainty compared to traditional practices.

The term "the state guarantees and acknowledges the existence of customary law," as stated in the 1945 Constitution Article 18B Paragraph 2, has created a dilemma between the state and the community. On one hand, the state acknowledges and protects the existence of customary law, while on the other hand, there seems to be confusion about what kind of law is recognized and protected. For the community, there is a dual challenge: on one side, they must adhere to positive law, and on the other, there is a desire to uphold traditions, rituals, local wisdom, and living law. The two dilemmas between the state and the community may stem from a lack of a thoughtful approach to traditions, rituals, local wisdom, and living law, including the perception that traditional societies are outdated.<sup>53</sup>

The dilemma faced between the state and the community presents an opportunity for mutual complementation between positive legal norms and the living norms within society. This collaboration can

<sup>53</sup> Tristam Pascal Moeliono, "Is the Law (Possibly) Dead or Can IT Be Killed? Or Has the State Failed/Has IT Been Absent?," *Jurna Ius Kajian Hukum dan Keadilan* 1, no. 3 (2013): 409-14, <https://doi.org/10.12345/ius.v1i3.246>.

be realized by recognizing that norms are shaped by the values prevalent in the community, which, in turn, align with the principles of Pancasila and the 1945 Constitution. An essential aspect to consider is the relevance of the existing legislation within the *boplang* ritual concerning Building Permits and its correlation with the positive legal framework for Building Permits. Addressing this dilemma requires a heightened awareness among policymakers and legal researchers about the existence of law in its simplest forms within the community. Efforts should be directed towards exploring the interplay between living law and positive law, avoiding justification of the existing community laws, and revitalizing neglected legal traditions.

### **Conclusion**

The study finds that the *boplang*-based IMB system, rooted in *'urf*, reflects a living legal tradition grounded in local wisdom and social consensus. While it fosters neighborly harmony and effective dispute resolution, it lacks formal documentation and recognition, limiting its integration into national law. However, the 1945 Constitution Article 18B (2) Constitution offers a basis to align *boplang* with state regulation. Although *boplang* and formal licensing differ in method – communal deliberation versus bureaucratic – both seek legal clarity in construction. Recognizing *boplang* as a valid *'urf* Indonesia's legal pluralism and provides a culturally embedded regulatory. This article contributes to the discourse on legal pluralism and Islamic jurisprudence by positioning *boplang* within frameworks. Its limitation lies in the localized Cirebon scope and the limited number of informants. Future studies should further examine the role of *'urf* in licensing practice and explore policy models for integrating local traditions into formal legal structures.

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