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Islamic Law and Local Religious Interpretations in the Samin Community of Central Java

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ABSTRACT

The Samin community's local religion was interpreted as Islam by the village government. It led some groups of the Samin community to accept and others to reject this interpretation. The article aimed to explore the implications of Islamic law on the interpretation of local religion in the Samin community in Central Java. The research employed an empirical legal approach and ethnographic perspective. Primary data was obtained using observation, interview, and documentation techniques, which were then analysed using the theories of the rule of law, *al-adah muhakamah*, and thick description. The study demonstrated the impact of Islamic law on the local religion of the Samin community, particularly on groups that accept the interpretation of Islam, which affects how Islamic law is applied to them. Marriages are conducted through the Religious Affairs Office. Meanwhile, divorces are handled by the Religious Court. The acceptance of Islamic law by the Samin group has had an impact on legal certainty.

Keywords: Islamic Law; Interpretation; Local Religious;

ABSTRAK

Pemerintah Desa menafsirkan agama lokal yang dipeluk komunitas Samin sebagai agama Islam. Hal ini menyebabkan adanya kelompok komunitas Samin yang menerima dan ada yang menolak penafsiran tersebut. Tujuan artikel ini adalah untuk mengeksplorasi implikasi hukum Islam terhadap penafsiran agama lokal dalam komunitas Samin di Jawa Tengah. Metode dalam penelitian ini adalah menggunakan penelitian hukum empiris, dengan pendekatan etnografi. Data Primer diperoleh dengan menggunakan teknik observasi, wawancara dan dokumentasi yang kemudian dianalisis menggunakan teori negara hukum, *al-adah muhakamah*, and thick description. Hasil penelitian ini menunjukkan implikasi hukum Islam terhadap agama lokal komunitas Samin, bahwa kelompok yang menerima penafsiran sebagai agama Islam, maka keputusan mereka berimplikasi terhadap penerapan hukum Islam terhadap mereka. Mereka melakukan perkawinan melalui Kantor Urusan Agama dan perceraian melalui Pengadilan Agama. Penerimaan hukum Islam oleh kelompok Samin telah memiliki dampak kepastian hukum.

Kata Kunci: Hukum Islam; Penafsiran; Agama Lokal;

Introduction

The government interprets the local religion embraced by the Samin community as Islam. This interpretation causes problems in the Samin community. Some agree and others disagree. This form of government interpretation is represented of an Islamic mass marriage program and a population data service with an Islamic identity. Those who agree with the government's interpretation must comply with Islamic law. For those who disagree, they do not want Islam on their identity card. Moreover, they do not even want to marry according to Islamic procedures.

The government does not use a cultural approach when interpreting the local religion adhered to by the Samin community. Meanwhile, from a constitutional perspective, only six official religions are recognized by the State. Local religion has only been specifically regulated in Constitutional Court Decision No.97/PUU-XIV/2016. With the publication of this Constitutional Court Decision, the groups who rejected the government's interpretation as their religion was Islam were divided into two more groups. The group who married based on belief in God Almighty and the group who continued to adhere to their local religious, namely the Adamic religion.

Various studies have been conducted on the exploration of Islamic law from local religious interpretations, such as Zainudin et al¹ exploring the Patuntung belief among the Ammatoa Kajang community which is connected to Islamic law. Andi Sukmawati Assaad² examined the intersection of heritage between Islamic law and customary law in the Bugis communities of Luwu. Mansyuroh et.al³ examined how Malay-Chinese culture negotiates differences in the legal culture of inheritance distribution between Chinese customary law, Malay custom, and Islamic law. On the other hand, Tasrifin

¹Zainuddin, Juselim Sammak, and Salle, "Patuntung: The Encounter of Local Culture and Islamic Sharia in the Ammatoa Kajang Community," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 1 (2023): 177–99, <https://doi.org/10.19105/al-lhkam.v18i1.8207>.

²Andi Sukmawati Assaad et al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 458–79, <https://ejournal.iainmadura.ac.id/index.php/alihkam/article/view/6761>.

³Firqah Annajiyah Mansyuroh, Ahmadi Hasan, and Gusti Muzainah, "Legal Culture Hybridity of the South Kalimantan Malay-Chinese in the Division of Inheritance," *Al Banjari* 21, no. 1 (2022): 44–52.

Tahata et al⁴ researched the ancestral beliefs of the Towani Tolotang community, which were interpreted as Hinduism. Also, Abdelaziz Bouchara⁵ found it in an article, entitled “Taboos as a Cultural Cleavage Between Muslim Immigrants and Secular Western Publics: Bridging the Gaps by Viewing Integration as a Two-Way Process.” Besides that, Anar Mustafayeva et al⁶ wrote an article entitled Islamic Higher Education as a Part of Kazakhs’ Cultural Revival.

It is clear from previous research, which examined the interpretation of local religion carried out by the Government, that it was researched by Tasrifin Tahata et al. However, the local religion is interpreted as Hinduism. Therefore, this is very interesting issue because the Samin community partly accepts Islamic law. Religious issues are a bureaucratic area, so the state only recognizes 6 official religions. In fact, local religion in Indonesia still exist and are still embraced by some indigenous peoples. The national marriage law, which is the normative legal reason for Marriage Law, states that marriage is valid according to religion and belief. In practice, local religion has no place in national marriage law. The Samin community in Blora follows the government's wishes for reasons of obedience. It is different with the Samin communities in Pati and Kudus. They are in turmoil because Islam is not their religion. Therefore, this research aimed to explore the implications of Islamic law from local religion interpretations in the Samin Community in Central Java.

Method

The particular research was an empirical legal study. It conducted on the Samin community in Central Java, which is one of the minority communities in the province of Central Java. Among this community, the Samin community adheres to the local religion, a belief that has been practiced for generations. According to customary law, this local religious determines the validity of their marriage. Therefore, an in-depth

⁴Tasrifin Tahara, Andi Batara Al Isra, and Surahmat Tiro, “Cultural Resilience and Syncretism: The Towani Tolotang Community’s Journey in Indonesia’s Religious Landscape,” *Journal of Ethnic and Cultural Studies* 10, no. 4 (2023): 233–46, <https://doi.org/10.29333/ejecs/1863>.

⁵Abdelaziz Bouchara, “Taboos as a Cultural Cleavage between Muslim Immigrants and Secular Western Publics: Bridging the Gaps by Viewing Integration as a Two-Way Process,” *Pluto Journal* 6, no. 2 (2021): 228–45.

⁶Anar Mustafayeva et al., “Islamic Higher Education as a Part of Kazakhs’ Cultural Revival,” *Journal of Ethnic and Cultural Studies* 10, no. 3 (2023): 103–27, <https://doi.org/10.29333/ejecs/1515>.

study of the local religion as a symbol of their culture is needed as respect for human rights to achieve non-discriminatory law.⁷

The research used ethnographic methods to determine the legal behavior of a particular group or community.⁸ This method was used to explore a community in themed of Islam. Theoretical data analysis follows the path of James P. Spradley using ethnographic data interpretation methods. This data was used for analysis of its components in the study of cultural meaning systems.⁹ The social values and rules were used as references in these legal acts. Thus, the theories use for data analysis are the state of law theory, *al-adah muhakamah*,¹⁰ and Clifford Geertz's thick description theory.

Observations were made during the implementation of traditional marriages, Islamic marriages, and marriages in the Civil Registry conducted by the Samin Community in Central Java. In-depth interviews were conducted with Samin leaders and religious leaders, as well as stakeholders in the Samin community. Furthermore, documentation was carried out using a recording device which aims to record data for further research.

⁷Medhy Aginta Hidayat and Mohammad Afifuddin, "Gender Negotiation, Religious Identity, and Social Identity among Female Pilgrims (Ebhu Ajji) in Rural Madura," *Jurnal Studi Agama Dan Masyarakat* 20, no. 1 (2024): 23–32, [Artikel 4 8906 Ngazizah.docx](#).

⁸Fokky Fuad Wasiatmadja, *Etnografi Hukum: Budaya Hukum Masyarakat Cina Jelata*, Edisi pert (Jakarta: Prenadamedia group, 2020); Eka Susylawati et al., "Socio-Cultural Strength: Optimization of Bhuppa', Bhâbhu', Ghuru, and Rato in Establishing Compliance in Madurese Familial Conduct," *Samarah* 8, no. 3 (2024): 1974–93, <https://doi.org/10.22373/sjhk.v8i3.20299>; Fahmi Fatwa Rosyadi Satria Hamdani et al., "Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues," *Al-Ahkam* 32, no. 1 (2022): 109–30, <https://doi.org/10.21580/ahkam.2022.32.1.11000>.

⁹Nelvitia Purba et al., "Revitalization of Socio-Cultural Based Dolanan in the Formation of Children's Character in Javanese Families in Binjai, Indonesia," *El-Usrah* 7, no. 1 (2024): 165–83, <https://doi.org/10.22373/ujhk.v7i1.23054>; Wahyu Abdul Jafar et al., "Philosophical Foundations and Human Rights in the Bajapuik Tradition: Bridging Local Wisdom and Islamic Law in Minangkabau Marriage Practices," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 212–33, <https://doi.org/10.18860/j-fsh.v16i1.27681>; Airin Liemanto et al., "Recognition of the Right to Participation of Tribal Peoples in the Repatriation of Lombok Treasures," *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (2024): 195–220, <https://doi.org/10.22219/ljih.v32i2.33052>.

¹⁰Wardah Nuroniyah and Bani Syarif Maula, "Muslim Women Adhering to Minangkabau's Bajapuik Tradition in Cirebon, West Java: Compromizing a Gendered Culture in Islamic Law," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022): 135–53, <https://doi.org/10.18326/ijtihad.v22i2.135-154>; Iqbal Kamalludin, "Restoration of Pancasila Values Against Criminal Law Reform Strategy in Indonesia Political Perspective of Islamic Law," *Syariah: Jurnal Hukum Dan Pemikiran* 22, no. 1 (2022): 31–47, <https://jurnal.uin-antasari.ac.id/index.php/syariah/article/view/4637>.

Findings and Discussion

The State's Struggle for Legal Certainty for the Samin Community in Central Java

In Indonesia and elsewhere, disputes over these issues are also over political allegiances, religious freedom, and, of course, the survival of plural societies. The debates and conflicts in Indonesia, as a multicultural country, have had a strong influence on one of the most significant human rights debates. The research was conducted on the Samin community in Central Java. The selection of this area is related to the uniqueness of the ideology of the Samin community and its existence in the region. It focused on how community members and the government struggle to negotiate the different meanings of local religion within the national legal system and the Islamic legal implications of local religion.

The Samin community, as an indigenous community, is unique in its customary law issues. They embrace the religion of their ancestors, which they inherited from Ki Samin Surosentiko around 1900.¹¹ During the colonial period, this community was considered insane. This situation is relevant to Michel Foucault's theory of madness. Where the authorities shape discourses. Concepts - such as crazy and not crazy - are shaped and preserved by discourses related to the fields of psychiatry, medical science, and science in general.¹² It interviewed Gun Retno, a Samin figure in the Pati region, about the meaning of local religion on national law. He said:

The New Order was rather forceful in choosing one of the religions authorized by the government and coerced by its rules, the Marriage Law. Now, each *Sedulur Sikep* (member of the Samin community) has their choice. After the *Sikep* marriage procedure, it is finally brought to the KUA. According to *Sedulur Sikep* Blora, this is for the sake of harmony, rather than fighting. Rather than quarreling with one's relatives, the *Sikep* way is done, so the compulsion is obeyed, so that we can get along, then nothing happens. That eventually lasted until the New Order era was gone.¹⁴

From the interview, there was a negotiation between the government and the Samin community to conduct marriages at the KUA. The political reason of the Samin

¹¹Harry J Benda and Lance Castles, "The Samin Movement," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 125, no. 2 (1969): 218–40.

¹²Michel Foucault, *History of Madness*, ed. Jean Khalfa, *Routledge* (London and New York: Routledge Talor & Francis Group, 2006).

¹⁴Gun Retno, *Interview* (Central Java, 2023).

elders in Blora, namely for the sake of harmony, indicates the interaction between customary law, politics, Islamic law, and state law. However, Retno, as the Samin elder in Pati, did not accept the negotiation. She still maintains the Samin family law based on local religious beliefs.

It was not the case with Budi Santoso's experience when he was about to marry according to local religion. In 1985, Santoso, who came from Kaliyoso hamlet in Kudus, was going to marry a Muslim girl from Krajan hamlet in Kudus. According to the agreement between the two parties, the marriage would occur according to local religion. However, when the arrangements were made at the village office, Santoso was treated badly. He was forced to perform the marriage according to Islam and the argument became heated. As a result, Santoso persisted in having a Samin marriage and was not recognized by the state.¹⁵

The problem is the different interpretations of the local religion. Noor Hadi,¹⁶ the village official of Karangrowo, Kudus gave an explanation based on his observations, that the local religion is similar to Islam and partly similar to Hinduism. Bakri¹⁷ the modin and son of the Samin community in Bapangan hamlet, Blora, admits that the local religion is similar to Islam, but deviant. For example, praying in the morning facing east and in the afternoon before maghrib, facing west.

The consideration of the Samin community in the Blora region to establish harmony between fellow countrymen, is a political consideration of the Samin community. Lasio, a Samin elder in Karangpace hamlet, Blora made an alternative arrangement by accepting the government's offer negotiation, without abandoning his Samin customs. The clerics around the Samin community in Blora were also willing to reconcile with the Samin community because the teachings in the Samin family law had been adapted to the teachings of Islam.¹⁸ This fact is a process of objectification as in Berger's social construction theory.¹⁹

¹⁵Budi Santoso, *Interview* (Central Java, 2023).

¹⁶Noor Hadi, *Interview* (Central Java, 2023).

¹⁷Bakri, *Interview* (Central Java, 2023).

¹⁸Lasio, *Interview* (Central Java, 2023).

¹⁹Peter Berger and Thomas Luckmann, *The Social Construction of Reality* (USA: Penguin Books, 1966), <https://doi.org/10.4324/9781315775357>.

In line with Lasio, Kemi²⁰ as a Samin elder in Goito hamlet, Blora also chose to follow the will of the government, namely to marry at the KUA. She said, “There is no need to show the Samin, so just follow the government.” So Kemi had her marriage registered at the KUA on July 7, 1972, with registration number 135/8/72. Also, Rebi,²¹ a Samin elder in Bapangan hamlet, Blora. She said that it was better to choose to become a *Samin Badut* by following and compromising with the government.

The Samin community of Kudus and Pati, such as Maskat,²² Santoso,²³ Gun Retno,²⁴ Gumani,²⁵ Agus Gunawan²⁶ stated that the local religion is not Islam. This recognition is relevant to the results of Benda and Castles’ research, that the Samin community is local religious and non-Islamic.²⁷ The word Adam, according to them, is not the Prophet Adam. However, it means *damele pengucap* (used to say) and *damele rabi* (used to marry). Within the framework of semantic studies in language systematics, exploring the meaning of local’s religion is in the theory of meaning (connotation, intention). It is related to the intention and the interpretation of the speaker. However, the fact is that the interpretation of the speakers is ignored by the government.

The argument from ideological contextualization has been accepted by the Samin community in Central Java, influencing both political direction and public statements by Samin leaders. This argument is a friendlier way to accommodate one’s position to various political interests than the argument of separation of religion from the state (or Saminism from Pancasila, Indonesia’s state ideology). An example of current political interests concerns national stability. It is relevant to the theory that the state is not separated from religion.

The state’s struggle to bring together customary and state law is seen from Ratno Lukito’s research.²⁸ On the practical side, the postmodern legal conditions that are currently symptomatic in the country will have an impact on more positive state

²⁰Kemi, *Interview* (Central Java, 2023).

²¹Rebi, *Interview* (Central Java, 2023).

²²Maskat, *Interview* (Central Java, 2023).

²³Santoso, *Interview* (Central Java, 2023).

²⁴Retno, *Interview* (Central Java, 2023).

²⁵Gumani, *Interview* (Central Java, 2023).

²⁶Agus Gunawan, *Interview* (Central Java, 2023).

²⁷Benda HJ and L Castles, *The Samin Movement* (Bij dragen tot de taal: Land en Volkenkunde, 1969).

²⁸Ratno Lukito, *Hukum Sakral Dan Hukum Sekuler: Studi Tentang Konflik Dan Resolusi Dalam Sistem Hukum Indonesia* (Jakarta: Pustaka Alvabet, 2008).

behavior to give all non-state legal traditions an equal role in the law-making process, and not only to laws that have close ties to state law.

Politics, law, and religion are complex. Contemporary debates on religious and cultural freedom are ongoing and consider social practices. It means that these issues occur, not political theory or public reason but socially contextualized political theory and public containment facing rules on a large scale.

The government's negotiations with the Samin community were not entirely successful. The Samin community in the Pati region, led by Gun Retno, did not want to perform marriages at the KUA. In Kaliyoso hamlet, Kudus, after the Wargono's death as a Samin elder in the area, there are two camps; the Niti Rahayu camp, which still maintains the local religious, and the Maskat camp, which has accepted the government's policy from the follow-up to the 2017 Constitutional Court decision. Evidently, the marriages of his son and sister have been recorded at the Kudus Regency Civil Registry. His son, Agus Siswanto, registered his marriage to Siti Aminah at Civil Registry number 3319-KW-11102021-003, dated October 11, 2021. Meanwhile, his younger brother, Gumani, registered his marriage with Inda on October 4, 2021, with number 3319-KW-11102021-0003. The negotiation resulted in local's religious interpretation as a faith.

The fresh air of the Samin community to register their marriages according to their beliefs was due to the struggle of Budi Santoso, a Samin elder from Krajan hamlet, Kudus. He has been struggling since 1990 and succeeded in 2017. His struggle was proven by the issuance of a certificate of registration as an organization of God's belief from the Office of National Unity and Politics number 220/177/39.00/2018.²⁹

Negotiations between the state and the community determine the choice of religion according to official religion. Mass marriage is a form of negotiation initiated by the government so that communities whose beliefs have not been recognized by the state can carry out family law according to legislation. Meanwhile, the Samin community in Jepara was negotiated by the government and preferred Buddhism.³⁰

The state prefers to interpret local religion legally and politically. The state does not consider the ideological and transcendental side of the local religious embraced by

²⁹Santoso, *Interview* (Central Java, 2023).

³⁰Datar, *Interview* (Central Java, 2023).

the Samin community. The theory of meaning that reveals the text of the word Adam from the semiotic side, is not considered by the Government. This fact follows Merdi Hajiji's opinion that Indonesian law tends to be positivistic.

Based on Nancy Fraser's critical theory, it begins with what we describe as a statement of claim that politics now appears more settled and predictable than law. We identify the reason as the application of the Marriage Law beyond its status of government being more legally positivist and limited recognition.

The research shows that the notion of non-discriminatory law derived from customary law is dynamic and adaptable to change. The article also shows that local religion in community doctrine has always been defined concerning essential human needs, including the values of promoting brotherhood, tolerance, social cooperation, and justice. In essence, non-discriminatory legal notions of religious freedom demonstrate an overarching deontological orientation towards moral choice.

Also, it is about indigenous public space, the contradictions in the life of the Samin community, the relationship between the state and local religion, equal rights in religion, and negotiating differences in a plural normative world. Then, politics can influence a personal religion. As Maqbul Ilahi Malik argues,³¹ these leaders are tempted to ignore human rights under the pretext of bringing stability to a nation.

In reality, the anthropological approach and linguistic knowledge of customary law are not considered by the state. Political factors dominate the law in Indonesia. Thus, negotiations with these unique communities continue to be conducted by the state for the political and legal stability. For the Samin community itself, this negotiation determines the choice of religion according to official religion. As Bowen insights,³² differences in beliefs and practices as social groupings hinder the understanding of cultural pluralism. While common cultural debates within a society can divide members of that social group, individuals can also find themselves torn between two or more alternative positions.

To mitigate some of the previously mentioned issues, it is crucial to perceive the separation of powers as a mechanism for precise regulation of governmental authority.

³¹Maqbul Ilahi Malik, "The Concept of Human Rights in Islamic Jurisprudence," *The Johns Hopkins University Press* 3, no. 3 (2016): 56–67, <https://doi.org/10.1515/9783110561579-003>.

³²Bowen, *Islam, Law, and Equality in Indonesia an Anthropology of Public Reasoning*, 266.

Recognizing that the traditional division of state authority into three branches is more of a practical choice than an essential premise of state theory, we can establish a more comprehensive and nuanced view of the separation of powers.³³

A constitutional state encompasses both formal and material aspects. The formal aspect includes the separation of powers, government checks and balances, and the principle of legality, which form the country's institutional power structure. Human rights and a system of fundamental values, such as social justice and equality, bind a state in the material or substantive aspect.³⁴ It is then against this backdrop of a constitutional state that the sources of law and law reform in Indonesia should be evaluated.

Finally, the state's struggle for legal certainty for the Samin community has taken a long time. The state has carried out negotiations, compromises, and reconciliations. Meanwhile, some Samin groups continue to oppose the state's efforts. This group prefers customary marriage and divorce without recognition from the state.

The Implications of Islamic Law from Local Religion Interpretation in The Samin Community in Central Java

The development of local law came to a halt when the state took over the setting in which the Samin community was located. National law became the normative rule, and the Samin community was not allowed to tread the path laid out for them by their religious teachings. On top of this, the Marriage Law was passed, changing the framework of the relationship between law, religion, and politics. The concept of state functions changed, and the affairs of citizens in all their aspects became extremely complex. Under these circumstances, states continued to experiment with their political systems and develop them according to their needs. Unique communities remained deprived of religious, political, and legal freedoms.

Bowen skillfully shows that this search for meaning among alternative legal values and practices for Indonesians is at the core of the tension between local practices

³³Graf-peter Calliess et al., "Gewaltenteilung Im Demokratischen Rechtsstaat," *Philosophie Der Republik*, no. May 2024 (2018): 1–23.

³⁴Christo Botha and Bernard Bekink, "Law Reform in South Africa: 21 Years since the Establishment of a Supreme Constitutional Dispensation," *Theory and Practice of Legislation* 6, no. 2 (2018): 263–89, <https://doi.org/10.1080/20508840.2018.1475904>.

and universal beliefs.³⁵ Lukito³⁶ shows the practical dimension of the debate in the context of multicultural Indonesia. Lukito supports Alan Hunt's idea, that in practice of legal modernization programs are not always successful because state law has many limitations, while non-state normative orders always face challenges to state dominance in legal life.

The state's struggle to reconcile the unique religious reasoning of minority communities has implications for the law. Gumani, a member of the Samin community, stated that his beliefs have not been recognized by the government. However, he felt a bright spot after the Constitutional Court's decision in 2017. His beliefs are recognized as faith in god Almighty.³⁷

Based on Gumani's statement, and the legal implications of Adam's religious interpretation as a faith after the 2017 Constitutional Court decision, the Samin community is recognized for its civil rights. It is proven that Gumani can register his marriage according to his beliefs in 2021. The legal implications of the interpretation of Adam's religion determine the law by which they conduct marriage, divorce, and inheritance distribution.

In the last decade, the case of inheritance division in the Samin community in Kaliyoso hamlet was explained by Noor Hadi, a village official, that the settlement of inheritance disputes of the Samin community wanted to involve the state in the inheritance case.³⁸ One example of a case of BM suing ED about the division of inheritance filed at the Kudus District Court was rejected because they did not have identity cards in the form of KTP and KK cards. It shows the customary law chosen by the Samin community determines where they divide the inheritance.

The implementation of the Marriage Law has implications for the local law of the Samin community. Where the local law is sourced from Adam's religion as the ancestral religion. The Saminism, an ideology developed by Surosentiko, is still held by its adherents for generations. Meanwhile, the government does not recognize the local religion, so the government regulates the Samin community to register their marriages

³⁵Bowen, *Islam, Law, and Equality in Indonesia an Anthropology of Public Reasoning*.

³⁶Lukito, *Hukum Sakral Dan Hukum Sekuler: Studi Tentang Konflik Dan Resolusi Dalam Sistem Hukum Indonesia*.

³⁷Gumani, *Interview* (Central Java, 2023).

³⁸Hadi, *Interview* (Central Java, 2023).

at the Office of Religious Affairs (KUA). This negotiation has implications for the submission of the Samin community to Islamic law and bring the religion of a community under the control of the State.

On the other hand, controversy will be seen in the interpretation of Adam's religion. The main subjects of debate are the meaning, history, and impact of a particular form or type of law, as well as the substance of particular concepts and norms and their relationship with particular institutions. Therefore, the broader implications of the controversy over Samin customary law can be considered to be of primary interest to Non-Governmental Organizations and faith activists.

The features of the Adam religion debate may be undermined by law, politics, and social order. Using case studies of the Adam religion debate in the regions of Blora, Pati, Kudus, and Jepara try to show that Samin customary law evolved during the reformation period. Within this general context, it elaborates a series of more specific propositions, concerning the origins, preconditions, role, and importance of certain aspects of this customary law. In making these interrelated arguments, it clarifies both the general issues involved in the Adam's religion debate and its importance for faith activists.

Moreover, it considers the intentions and prejudices of the Samin community; the main ideological and institutional attacks on Samin social practices, namely the attack on the practice of borrowing wife and the abolition of the *nyuwito* tradition, the respective effects on the operation of national law, and the responses of the Samin community, including the formulation of customary law.

It is often assumed that the law is expressed, interpreted, or applied as Samin customary law by the government, and reflects more or less directly certain concepts and norms that are long-standing, local, and outside of state law. However, in the view of legal anthropology, Samin customary law originated with Ki Samin Surosentiko and derives from the ideology of Saminism and certain socio-cultural circumstances of the past. Therefore, customary law, in whole or in part, is what is called “invented tradition.” Far from embodying the inherited wisdom of the ancestors, for example, it is timeless, nor does it have to be old, and it does not necessarily express social consensus. Contrary to the received wisdom that many faith activists continue to embrace, customary law was (and is) not part of the “core of values and institutions in Indonesia

that persisted throughout the colonial period.” The local law argument is precisely the opposite of what is often taken as conventional truth. His argument is not new, as he and others have made it in various articles over the past few decades. This article, however, synthesizes and extends that earlier work. In addition to clarifying the general argument about Samin customary law, it adds some original elements.

Discussions about ancestral religions should be of particular interest to social historians, anthropologists, and faith activists concerned with legal changes from colonial rule to the present. According to Islamic jurisprudence, religion is a matter of privacy between the creature and His creator. Politically and in positive law, however, religion is not seen as transcendental.

Two features of this context are, in his view, particularly significant. The first involves legal changes, particularly ideological, and political developments. The second is what he calls “legalization,” the development of specific legal means to deal with conflict. Chanock argues that the formation of customary law accompanied, and was part of, these related processes. In describing these interrelationships, he not only builds on previous work but also paints a compelling, complex, and convincing analytical picture. As a product of competition and conflict, customary law is one of the means people express and legitimize certain interests. Such interests cannot be reduced to purely ideological interests. They are often brief expressions of different worldviews, of which ideological relations are only a part. Customary law thus represents claims put forward by some people to others. These claims are not necessarily made by or on behalf of individuals or groups that ultimately achieve ideological or political dominance.

Our argument has two necessary implications. First, the colonial period represented a relatively sharp break in social relations, broadly understood, including legal and religious relations. Second, the so-called customary law developed and applied by state-sponsored societies was relatively new, not a direct translation or expression of pre-existing or co-existing rural norms.

Moreover, people in different types of institutions reinterpret or reproduce decisions, interpretations, or norms produced in very different settings. The Samin community is an agent in this process, not simply a dominant subject. We show local law is shaped by community groups and the state. From the point of view of political,

interest, or state theory, the discussion in this article is still too close to sociological material. Nonetheless, it provides a very useful source for further generalizations. These topics are worthy of further work.

It has to do with Islamic law because the state directs Adam's religion, which is actually Islam. Communities that want to incorporate their identity into Islam, they split into two ideologies; Saminism and Islam. Relevant to Hooker's syncretic theory, customary law in Indonesia is a syncretism between religious law and tradition.

Based on the theory of political emancipation,³⁹ the Samin community prefers to be *Samin Badut*, which is the behavior of Samin people who choose to cover up their guarantor and follow the law chosen by the state. The struggle for their customary law is only a handful of people who want to fight politically for recognition. Santoso is one of the Samin figures who is willing to fight for the recognition of his religion and customary law.

Some of this semantic confusion is due to colonial and postcolonial attempts to bring customary law under state control. The government's attempt to establish rules followed a series of attempts by the Indonesian state to regulate customary law, culminating in the 1945 Constitution.

Lev and Lindsey point out that this policy of state-legal pluralism meant that, after independence, some Indonesian citizens became accustomed to having their affairs adjudicated outside the civil law tradition. Indeed, many of them saw this legal division as granting them little autonomy, either as Muslims or as members of ethnic groups. Lev also argues that creating a unified legal system after independence meant either replacing customary and Islamic law with positive law or developing a legal rationale for maintaining separate areas of judgment.

In Indonesian law, customary, Islam, and positive law in decrees and statutes are sources of law, each providing rules that have the force of law.⁴⁰ From a static perspective, the differences are merely of historical importance, as bodies of knowledge over which the state takes command. But as debated, lived, and applied, these types of

³⁹Fuady Abdullah, Nova Anggraini Putri, and Youssof Salhein, "Revisiting 'Iddah: A Critical Analysis of Gender Equality in Indonesian Feminist Islamic Legal Discourse," *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 275–90, <https://doi.org/10.31958/juris.v22i2.10320>.

⁴⁰M. 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>.

law represent three different ways of thinking about law, norms, and the state. By examining the processes by which these categories are invoked, distinguish different and appropriate metarules for each, rules about what law is, and how it is discovered or created.

The main attempt of Indonesia to develop such a normative foundation rests on the argument that Indonesians share notions of justice and equity that are different from the notions in the Samin community but consistent with the common and enduring values found in positive law. Such an argument is found in Gumani's argument. The differences or changes in social practices and institutions are simply the effects of these differences, called local political philosophies. In addition, Indonesian institutions are gradually recognizing ancestral religions and including in the belief in God Almighty. It is getting closer to the Indigenous people's ideal of freedom to practice their religion and beliefs.

These are just some of the general issues that raise in this thorough and interesting case study. This article, like most if not all previous contributions to the law, religion, and politics debate is a case study. Instead of thinking of it as just one, perhaps unrepresentative example, however, we think of it as a particular instance from which one can generalize theory. When viewed in this way, law, religion, and politics are not simply a very well-written and rigorously argued ethnography. It is a major contribution to our understanding of the social facts of Indonesian law and the process of legal change.

Finally, this article hopes to contribute to the gradual merging of individual human rights debates with debates about the national rule of law. It shows that there is a two-way struggle, on the part of the state and the community. The Samin community fights for the recognition of its beliefs. Meanwhile, the state's struggle is to reconcile the conflict of norms and ideologies. These are progressive political projects.

Conclusion

The study on the Samin community in Central Java has unveiled significant insights into the complex interplay between Islamic law and local religion interpretations. The primary finding is that the government's interpretation of the Samin community's local religious as Islam has profound implications for their legal practices, particularly in marriage and divorce. This interpretation has led to a division within the

community, with some members accepting and others rejecting the classification of their beliefs as Islamic. The research highlighted the ongoing struggle of the Samin community to reconcile their traditional practices with the legal and political frameworks imposed by the state. While some Samin groups have chosen to comply with Islamic legal procedures to achieve legal certainty and social harmony, others remain steadfast in their adherence to local customs and beliefs. This tension underscores the broader challenges faced by Indigenous communities in navigating the complexities of state law and maintaining their cultural and religious identities.

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