



SIYASAH SYAR'ITYAH AND LOCAL FIQH CONSTRUCTION: A STUDY OF ISLAMIC LEGAL PRACTICE IN INDONESIA



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Abstract

This study aims to describe and analyze the process of adapting Islamic law, particularly fiqh, to local customs and cultures in Indonesia, as well as to identify the factors that influence its success or hindrance. The research method used is qualitative, employing a literature review and case study approach in several regions such as Aceh, Minangkabau, and Java. Data were collected through literature studies, document analysis, and interviews with Islamic scholars and traditional leaders. The results show that the adaptation of Islamic law in Indonesia occurs through the mechanism of *ijtihad*, emphasizing the principles of *maslahah* (public interest) and *urf* (custom) as its main foundation. The integration of fiqh and local customs enhances public acceptance of Islamic law, maintains social harmony, and establishes Islamic law as a contextual living law. However, differences of opinion among scholars and the challenges of modernization remain obstacles that must be wisely managed.

Abstrak

Artikel ini bertujuan untuk mendeskripsikan dan menganalisis proses adaptasi hukum Islam, khususnya fiqh, dengan adat dan budaya lokal di Indonesia, serta mengidentifikasi faktor-faktor yang memengaruhi keberhasilan maupun hambatannya. Metode penelitian yang digunakan adalah kualitatif dengan pendekatan studi literatur dan studi kasus di beberapa daerah seperti Aceh, Minangkabau, dan Jawa. Data dikumpulkan melalui kajian pustaka, analisis dokumen, serta wawancara dengan ulama dan tokoh adat. Hasil penelitian menunjukkan bahwa adaptasi hukum Islam di Indonesia berlangsung melalui mekanisme ijtihad, dengan menekankan prinsip maslahah (kemaslahatan) dan urf (kebiasaan) sebagai landasan utama. Integrasi fiqh dan adat lokal memperkuat penerimaan masyarakat terhadap hukum Islam, menjaga harmoni sosial, serta menjadikan hukum Islam sebagai living law yang kontekstual. Namun, perbedaan pendapat ulama dan tantangan modernisasi tetap menjadi hambatan yang harus dikelola secara bijak.

INTRDUCTION

Indonesia is a country rich in cultural diversity, customs, and traditions that thrive within its society. Each region has its own unique cultural characteristics, ranging from language, kinship systems, to daily life practices. This diversity presents both challenges and opportunities in the application of Islamic law, particularly fiqh law, which is derived from the Qur'an, Hadith, Ijma, and Qiyas. Fiqh, as a legal instrument of Islamic law, is universal in nature, but its implementation must be able to engage with local social and



cultural realities in order to be accepted and applied effectively in a pluralistic society. (Fitri Lintang & Ulfatun Najicha, 2022).

According to Zeni, "Islam in Indonesia has never existed in a vacuum, but has always interacted with local traditions and cultures." This statement emphasizes that the application of Islamic law in Indonesia cannot be separated from the socio-cultural context of its society. Therefore, the adaptation of fiqh law to local customs and culture is a necessity so that Islamic teachings can be widely accepted and able to respond to the needs and challenges of an ever-changing era. (Savira et al., 2024).

Fiqh law, as an integral part of Islamic law, has universal characteristics, meaning that its basic principles apply comprehensively to Muslims in various parts of the world. However, in its implementation, fiqh law cannot be separated from the social, cultural, and customary contexts of the communities where it is applied. In Indonesia, which is the country with the largest Muslim population in the world, cultural and traditional diversity is a key characteristic that distinguishes each region. Each ethnic group has traditions, norms, and customs that have been deeply rooted for centuries and form a strong cultural identity. This situation requires that the application of fiqh law be carried out with consideration for local conditions to avoid tensions between religious and social norms prevailing in society. (Riyadi et al., 2024).

If fiqh law is applied rigidly without considering the local context, it has the potential to cause social conflict, resistance, and even rejection from the community. Therefore, adjusting or adapting fiqh law to local customs and culture is a strategic step to bridge the normative teachings of Islam with the dynamic social reality. This process not only increases community acceptance of Islamic teachings, but also enriches the wealth of fiqh scholarship with local values that do not conflict with the principles of sharia. In this way, Islam can still be upheld substantially without neglecting the distinctive characteristics of local culture. (Bashor et al., 2025).

Research on the adaptation of fiqh law to local customs and culture in Indonesia is highly relevant given the immense diversity of Indonesian society.

In reality, there are often cases where fiqh law interacts directly with local customs, such as in matters of inheritance, marriage, and dispute resolution. On the one hand, fiqh has fixed legal provisions derived from revelation, but on the other hand, local customs also have normative power that is recognized and highly respected by the community. The tension between these two normative systems is an important basis for examining how fiqh law can be adapted harmoniously, without eliminating the substance of Islamic teachings or damaging the socio-cultural structure of the community. (Asni, 2017).

The main concept used in this study is adaptation, which is the process of adjusting Islamic jurisprudence to local customs and culture while maintaining the basic principles of Sharia law. This adaptation is not intended to relativize Islamic teachings, but rather to find common ground that allows for the continuity of Islamic law in a diverse society. To that end, the problem-solving steps are carried out through the identification of intersections between fiqh law and local customs, the study of fiqh principles that provide flexibility, such as the concepts of *maslahah* (public interest) and *urf* (custom), as well as looking at the important role played by scholars and traditional leaders in bridging this process. This research will also examine several concrete examples from regions in Indonesia that have successfully implemented the adaptation of fiqh law, such as Aceh, Minangkabau, and Java, as models of best practices that can be used as references in the formulation of contextual Islamic law. (Fauziah et al., n.d.).

To address these issues, this study uses a qualitative approach with literature review and case study methods. Data was collected through a literature review of classical and contemporary fiqh literature, books on local customs, and the results of previous relevant studies. In addition, analysis was also conducted on a number of real cases in several regions of Indonesia where the process of adapting fiqh law has been actively taking place. Primary data was obtained through interviews with scholars, traditional leaders, and local communities in order to gain a deeper and more comprehensive perspective.(Charismana et al., 2022).

The research question in this study focuses on how the process of adapting fiqh law to local customs and culture is carried out in Indonesia, what factors influence the success or failure of this process, and what are the implications of adapting fiqh law on the social and religious life of the community. Based on this formulation, the study aims to describe the adaptation process taking place in various regions, analyze the factors that support or hinder adaptation, and explain the social and religious impacts of this process on the wider Muslim community in Indonesia.

With in-depth understanding and analysis, this research is expected to make a meaningful contribution to the development of Islamic law that is contextual, moderate, and responsive to local socio-cultural dynamics. The results of this study are also expected to serve as a reference for scholars, academics, and policymakers in formulating strategies for the application of Islamic law that are in harmony with the diverse Indonesian society, as well as a bridge between Sharia values and the local culture that lives and thrives within society.

METHODS

This research methodology uses a library research approach with a qualitative framework that allows researchers to explore Islamic legal thinking through written sources in a critical and contextual manner. In the data collection process, this study examines various classical fiqh literature from the main schools of thought in Islam, such as Hanafi, Maliki, Shafi'i, and Hanbali, as well as contemporary literature written by Indonesian and Muslim scholars who have contributed to the discourse on modern fiqh. In addition, the author also analyzes a number of fatwas issued by the Indonesian Ulema Council (MUI) over the past two decades, especially those related to current issues such as sharia economics, family law, and issues of nationality and humanity. This study is enriched by an examination of various Islamic legal practices that have developed in Indonesia, both through formal institutions such as religious courts and in the social and religious practices of communities in various regions. This research does not merely collect and summarize the opinions of scholars and religious institutions, but also conducts a critical analysis of the dynamics of change, adaptation, and reinterpretation of fiqh teachings in the pluralistic and dynamic Indonesian context.(Daipon et al., 2024)

In the analysis stage, a descriptive – analytical approach was used to identify the main concepts that shape the construction of Indonesian Fiqh as a unique and contextual entity. This analysis departs from the understanding that fiqh is not monolithic, but rather the result of *ijtihad* that is open to changes in the times and social conditions of society. Therefore, this study also compares the development

of fiqh in Indonesia with the practices and dynamics of fiqh in other Muslim countries, such as Malaysia, Egypt, Morocco, and Turkey, which have different cultural, political, and legal backgrounds. This comparison aims to illustrate the extent to which Indonesian fiqh is able to articulate Islamic values within the local socio-cultural framework without losing the normative substance of sharia. This study emphasizes the importance of inclusive, responsive, and welfare-oriented fiqh in responding to contemporary challenges, such as women's rights, religious pluralism, and environmental issues (Wajidi & Daipon, 2021).

RESULT AND DISCUSSION

Maslahah as the Basis for Adaptation and Urf as a Reference for Indonesian Law

The adaptation of fiqh law to local customs and culture is an important and dynamic process in the religious life of Muslims, especially in countries with high cultural diversity such as Indonesia. This process not only demonstrates the flexibility of Islamic law, but also reflects the spirit of Islam as *rahmatan lil alamin*, which is able to respond to. Wise local diversity without losing the essence of Sharia law. In this context, fiqh law is understood not as a rigid and static legal system, but as a system that is open to the development of society and ever-changing social realities. (Maulidin & Nawawi, 2024).

This adaptation takes place through the mechanism of *ijtihad*, which is the intellectual effort of scholars to explore and develop Islamic law in accordance with the context of the times and place. In Indonesia, this process of *ijtihad* is closely related to the ability of Muslim scholars and intellectuals to understand and internalize local values and frame them within the framework of Islamic law. Scholars such as KH. Hasyim Asy'ari, KH. Ahmad Dahlan, and many other local figures have been pioneers in developing a model of harmonious adaptation between fiqh and *adat*. (Imana & Sucipto, 2024).

In the discipline of *usul fiqh*, the concept of *maslahah* or public interest is one of the main foundations that serves as a basis for the adaptation of Islamic law to the social and cultural realities of society. *Maslahah* is understood as everything that brings benefits and goodness to humans, as well as protecting them from harm, both in worldly and spiritual aspects. This concept is very important in the context of Indonesian society, which is pluralistic and has a diversity of customs and traditions. (Asiah, 2020).

Al-Syatibi, a central figure in the study of *maqashid al-syari'ah*, emphasized that "all provisions of the Sharia are basically derived to realize human welfare and reject all forms of damage". Furthermore, he stated, "The main purpose of the Sharia is to preserve five basic things, namely religion, soul, reason, offspring, and property. Any law that is not in line with this objective is not included in sharia." Thus, the principle of *maslahah* becomes an important basis for assessing whether a local custom or tradition can be accommodated in the Islamic legal system (Yenti et al., 2020).

According to Ahmad Hasan, in his book *Principles of Ushul Fiqh*, it is explained that "maslahah that does not conflict with the text of the Sharia and

brings real benefits to society can be used as a basis for establishing contextual fiqh law." 6 This provides ample room for Muslim scholars and intellectuals to exercise *ijtihad* in responding to the social and cultural dynamics developing in society. (Khair & Busyro, 2018).

As a concrete example, in agrarian societies such as those in rural Java or Sumatra, there are many social practices such as mutual assistance, kinship systems, and traditional deliberation that not only support social life but are also in line with Islamic values such as mutual assistance, brotherhood, and justice. The practice of mutual cooperation, for example, is essentially an implementation of the Islamic teaching of *ta'awun* (mutual assistance), which is highly recommended in the Qur'an and Hadith. In this regard, Syamsul Rijal states, "The tradition of mutual cooperation that has developed in Minangkabau society not only strengthens social solidarity but also reinforces Islamic values in everyday life." (Firdaus et al., 2023).

When local customs such as mutual cooperation, deliberation, and kinship systems are integrated into a contextual fiqh legal framework, a legal system is created that is not only accepted and obeyed by the community, but also has strong spiritual and cultural roots. This is in line with Istianto's opinion, who states that "Islam in Indonesia does not exist in a vacuum, but always interacts and adapts to local traditions and cultures. (Imran & Ismail, 2019). Furthermore, Wahid's research explains that more than 70% of people in Indonesian regions still practice local customs in their daily lives, including in religious matters. "Customary practices that bring benefits and do not conflict with Islamic law actually strengthen the community's acceptance of Islamic law itself.

In the study of *usul fiqh*, *urf* or social customs that are deeply rooted and do not conflict with sharia law are recognized as one of the most important secondary sources of Islamic law. *Urf* serves as an instrument that allows Islamic law to remain relevant and contextual to the dynamics of an ever – evolving society. In many classical *usul fiqh* literature, such as the works of Imam al – Qarafi, al – Suyuthi, and al – Syatibi, *urf* is viewed as one of the main tools for understanding the needs and local realities of Muslims in various parts of the world. Imam al – Qarafi explicitly states, "Changes in law due to changes in time, place, and societal customs are natural and must be accommodated by *fiqh*. Any fatwa based on the customs of a particular place, if those customs change, then the fatwa must also change." (Samiran et al., 2022).

This statement confirms that the existence of *urf* or local customs can be the basis for determining Islamic law as long as it does not conflict with the text of the Sharia. Al – Syatibi also reinforces this opinion by saying that, "Islamic law came to regulate the interests of humanity, and in many cases, these interests are realized through customs that prevail in society.11 Al – Suyuthi in al – Asybah wa al – Nazhair also emphasizes, "Customs that do not conflict with the Sharia can be used as law. The principle of *fiqh* states, 'al – adah muhakkamah' (custom can be made into law).

Urf in Social and Legal Practice in Indonesia

The application of *urf* as a legal reference is very evident in the lives of Indonesian Muslims. One example can be seen in the inheritance system of the Bugis people. Textually, Islamic inheritance law stipulates that sons receive twice as much as daughters (QS. an-Nisa: 11). However, in practice, in order to maintain family survival and social justice, daughters in Bugis can receive inheritance in the form of land. This is done so that women who live in their hometowns still have rights and responsibilities towards the family land, while sons who migrate receive other shares.

As explained by Syamsul Rijal, "In Bugis society, the granting of land inheritance to daughters is not intended to violate Islamic law, but rather to preserve the continuity of the family and customary land. Local scholars conduct *ijtihad* based on *maslahah* and *urf*, so that the law continues to uphold social justice without violating the basic principles of Islamic law. This approach shows that *urf* plays a vital role in maintaining harmony between Islamic law and local needs. Wahid also emphasized that, "Urf, which has become a tradition and does not conflict with Sharia law, actually strengthens the community's acceptance of Islamic law, because the law feels more down-to-earth and relevant to everyday life.

The *fiqh* rule that states "*al-adah muhakkamah*" has become the main reference in determining laws based on *urf*. Ahmad Hasan, in *Principles of Ushul Fiqh*, writes, "Customs that apply in society can be used as a basis for law as long as they do not conflict with the text of the Sharia. This is what distinguishes *fiqh* as a living and dynamic law. This is in line with the opinion of the righteous who state that, "Islam in Indonesia developed through a long process of dialogue with local traditions. *Urf* became an important bridge so that Islamic law could be accepted and applied effectively in a very diverse society.

Field research conducted by Iskandar in South Sulawesi found that more than 60% of Bugis families still practice inheritance division that accommodates girls' rights to family land. This practice is not only socially accepted, but also legitimized by local clerics. One informant, a Bugis traditional leader, stated: "We distribute land to daughters so that the family remains intact and the land does not fall into the hands of outsiders. This has been our custom for a long time, and the clerics here also approve of it as long as it does not violate Islamic law (Maulidi, 2021)

By making *urf* a legal reference, *fiqh* in Indonesia has become more adaptive and responsive to the needs of society. This also strengthens the position of Islamic law as a living law in society. As Bruinessen emphasized, "The strength of Islam of the Archipelago lies in its ability to accommodate local traditions through the instrument of *urf*, so that Islam is not only a ritual religion, but also a contextual guide to life." (Rabib, 2021)

Fiqh is the result of human *ijtihad* in understanding and applying fixed religious texts (*nash*), such as the Qur'an and Hadith, to everyday life. There as well as the development of the times. This is different from the *nash*, which is absolute and unchanging, while *fiqh*, as a product of human thought, has room to

develop in line with changes in society. *fiqh* is dynamic, adaptive, and open to social and cultural changes as well as developments over time. This is in contrast to *nash*, which is absolute and unchanging, while *fiqh*, as a product of human thought, has room to evolve along with changes in society.

Fiqh is the result of human *ijtihad* in understanding and applying religious texts that are fixed (*nash*), such as the Qur'an and Hadith, to the reality of everyday life. Therefore, *fiqh* is dynamic, adaptive, and open to social and cultural changes, as well as developments over time. This is in contrast to *nash*, which is absolute and unchanging, while *fiqh*, as a product of human thought, has room to evolve along with changes in society.

One of the main principles that emphasizes the flexibility of *fiqh* is the rule of *la yunkar taghayyur al-ahkam bi taghayyur al-azminah wa al-amkinah* (it cannot be denied that laws change due to changes in time and place). Imam al-Qarafi emphasized, "Know that fatwas and Sharia laws can change due to changes in time, place, circumstances, intentions, and customs. This is a very broad rule with great benefits, so much so that no one can count them except Allah." (Fitriah, 2021)

This principle provides ample room for scholars to develop, adapt, and harmonize Islamic law with the dynamics of society. Thus, *fiqh* is not only a legal legacy from the past, but also a living and relevant tool for responding to the challenges of the times. The flexibility of *fiqh* is also reflected in the principle of *al-'adah muhakkamah* (custom can be used as law). This principle affirms that customs prevailing in society can form the basis for establishing laws, as long as they do not contradict the texts of the Sharia. Amrullah, in *al-Asybah wa al-Nazhair*, wrote, "Customs prevailing in society can be used as a basis for law, and this principle has become a guideline for *mujtahids* in establishing contextual *fiqh* laws."

According to Ahmad Hasan, "The flexibility of *fiqh* does not mean ignoring the principles of sharia, but rather adjusting its implementation so that it continues to bring benefits and justice in every age and place." Thus, *fiqh* law does not merely apply rules from the context of 7th-century Arabia, but is able to respond to the realities of highly diverse local communities. Adaptation is an important tool for reviving the spirit of justice, benefit, and goodness in contemporary Islamic society.

The flexibility of *fiqh* can be seen in various social practices in Indonesia. For example, in the implementation of marriage contracts in several regions, local customs such as the *siraman* procession in Java or *mappacci* in Bugis are accommodated in Islamic weddings. This practice does not conflict with sharia law; in fact, it enriches the spiritual and social meaning of marriage.

Another example is in determining the start of Ramadan and Eid al-Fitr. In some Islamic boarding schools and Sufi orders in Indonesia, the *ru'yat* (moon sighting) method is combined with *hisab* (astronomical calculations) to determine the time of worship. Oman Fathurrahman notes, "Teachers of the Shattariyah order usually adhere to the principle of *ru'yat al-hilal* to determine the start of

Ramadan, so that the determination of the holiday often differs from other orders that use hisab." This shows that fiqh is able to adapt to developments in science and the needs of society without losing the essence of sharia.

The flexibility of fiqh also serves as an instrument for realizing social justice. In terms of inheritance, for example, the Bugis and Minangkabau communities adjust the distribution of inheritance so as not to cause family conflicts and to maintain the survival of extended families. Syamsul Rijal writes, "Adjustments to inheritance law based on custom and local needs are a form of *ijtihad* that prioritizes public interest and social justice, without violating the basic principles of sharia."

This flexibility not only strengthens the acceptance of Islamic law in society, but also makes fiqh a living law that is truly alive and grounded in the midst of social dynamics. In the modern era, the flexibility of fiqh is increasingly important in responding to new issues such as technology, the digital economy, health, and the environment. Contemporary scholars engage in *ijtihad* to formulate new fatwas that align with the times. Azyumardi Azra emphasizes, "Islam in Indonesia has evolved through a lengthy process of dialogue with local traditions and the challenges of modernity. The flexibility of fiqh is key to ensuring that Islamic law remains relevant and capable of addressing the needs of society." (Riskiyono, 2015)

Practice Adaptation of Fiqh to Local Customs in Various Regions: Sharia Law within the Framework of Local Customs

As the only province in Indonesia that formally implements Islamic law through Qanun – Qanun, Aceh has become a living laboratory for the application of Islamic law in a dynamic modern society. However, the implementation of Sharia law in Aceh is not carried out rigidly or textually. Instead, there are real and continuous efforts to harmonize Sharia rules with local customs that are deeply rooted in Acehnese society. This process demonstrates the importance of a contextual approach in the application of Islamic law, so that there is no conflict between religious norms and social norms that already exist and thrive within society.

Customary institutions such as Mukim and Gampong play a central role in maintaining harmony between Sharia law and customs. Mukim is a customary institution consisting of several villages (*gampong*) and led by an *imum mukim*, while Gampong is the smallest government structure that also functions as a customary community. These two institutions not only perform administrative functions, but also act as mediators in resolving social and religious disputes at the grassroots level. In practice, the resolution of various community issues, such as divorce cases, inheritance distribution, and land conflicts, is often carried out through deliberation using a customary approach that emphasizes consensus and local wisdom.

One concrete example is in the handling of divorce and inheritance cases. When disputes arise, traditional and religious leaders sit together in a deliberative forum to find solutions that satisfy the community's sense of justice. In this forum,

the voice of the community, traditional values, and Sharia provisions are considered proportionally. Acehnese traditional leaders even emphasize, "We consider tradition and Sharia as two sides of the same coin that cannot be separated." This statement reflects the philosophy of the Acehnese community, which views tradition and Sharia as a unified whole that reinforces each other, not mutually exclusive.

This collaborative approach is also in line with the principles of *maslahah* and *urf* in *ushul fiqh*, whereby the interests of society and local customs that do not conflict with sharia law can be used as a basis for determining the law. Thus, Islamic law in Aceh is not only a formal norm that is legally binding, but also a living law that is accepted, respected, and implemented by the community consciously and voluntarily.

Siti's research confirms that "the implementation of Sharia law in Aceh has been successful due to the harmonious dialogue between custom and religion, as well as the active role of customary institutions in maintaining the balance between the two." This shows that the successful implementation of Islamic law in Aceh is inseparable from the ability of the community and its leaders to manage the diversity of existing norms, as well as making customs a strategic partner in grounding the values of Islamic law.(Bahri, 2013).

Aceh's experience proves that the adaptive application of Islamic law to local customs not only strengthens the legitimacy of Sharia in the eyes of the community, but also creates a more just, harmonious, and equitable social order. The Aceh model can be an inspiration for other regions in developing Islamic law that is contextual, inclusive, and responsive to the dynamics of modern society. (Imana & Sucipto, 2024).

The Minangkabau people are known for their matrilineal social system, which is passed down from generation to generation. Meanwhile, Islamic law is patrilineal in matters of inheritance. However, rather than causing conflict, the Minang people have successfully harmonized the two through the philosophical concept of "adat basandi syara", *syara' basandi Kitabullah* (custom is based on law, law is based on the Book of Allah).

In practice, assets are classified into high – value and low – value heirlooms. High – value heirlooms are passed down to women as guardians of the family line, while low – value heirlooms (assets acquired through personal effort) are passed down in accordance with Islamic law. This process is carried out through deliberation between *ninik mamak* (traditional leaders) and *alim ulama* (religious leaders), which often results in moderate and contextual solutions.

In Lombok, the predominantly Muslim Sasak tribe has a tradition of *merariq* (elopement). From a classical *fiqh* perspective, this practice raises issues, especially if it does not have the approval of the guardian. However, the Sasak community has tried to harmonize this custom with Islamic law by establishing additional rules, such as the requirement for the consent of both parties and the performance of an official marriage contract after the *merariq* process.(Hamdani & Fauzia, 2022). The *merariq* tradition, which was initially considered contradictory,

has now been reformed so that it does not violate sharia principles. This is a concrete example of how customs can be accommodated and adapted within the framework of Islamic law, without having to erase local cultural values.

In Java, the practices of *tahlilan*, *slametan*, and *yasinan* have become an integral part of the Islamic culture of the community. These traditions developed as part of the process of Islamization, which did not negate local culture, but rather accommodated elements of local wisdom into everyday religious expression. Although these practices are not found in Arab traditions, the scholars of the archipelago view them as a form of social worship that is rich in the values of friendship, togetherness, and spirituality. As long as their implementation does not contain elements of *shirk* or contradict the basic teachings of Islam, these traditions are considered valid and even encouraged because they strengthen social bonds and deepen the meaning of religion in society.

Martin van Bruinessen, an anthropologist and expert on Islamic studies in Indonesia, cites the practice of *slametan* as a concrete example of "cultural Islam." In his book, he writes, "Slametan is the main ritual in Javanese Islam and is the clearest example of the adaptation of Islam to local culture. It has become a symbol of harmony between Islamic teachings and local traditions." Bruinessen also emphasizes that practices such as *slametan*, *tahlilan*, and *yasinan* demonstrate the ability of Indonesian Muslims to peacefully and creatively assimilate religious teachings into local culture. "Islam is present as a force that softens culture, not one that forces radical change," he writes. (Widiana, 2016).

The existence of *tahlilan*, *slametan*, and *yasinan* in Javanese society proves that Islam in the archipelago has been able to transform into a religion that is culturally friendly, without losing the essence of monotheism and sharia law. These traditions not only serve as a means of strengthening ties between neighbors and families, but also as an effective medium for preaching and enriching the spirituality of the community. Prominent Javanese scholars such as KH. Hasyim Asy'ari and KH. Bisri Mustofa also emphasized that as long as they do not contradict the basic principles of *tawhid*, these traditions can be accepted and even bring benefits to the community. (Mas'ari & Syamsuatir, 2017).

Thus, the practices of *tahlilan*, *slametan*, and *yasinan* in Java are clear examples of how *fiqh* law and expressions of Islam can adapt creatively to local culture, so that Islam is not only present as a legal system system but also as a grounded social and cultural force widely accepted within society. The *mappacci* tradition, a purification ritual for prospective brides and grooms, is an integral part of Bugis wedding culture. This ritual is performed by reciting prayers and rubbing the bride and groom's hands with *pacar* leaves as a symbol of purification. Although not found in classical *fiqh* literature, this practice does not contradict sharia law and even enriches the spiritual values of marriage (Bugis, 2025).

Although there are many similarities, not all customary values can be accommodated in *fiqh* law. Some customs, such as matrilineal inheritance or customary criminal systems, sometimes conflict with the principles of sharia. In

these cases, scholars and traditional leaders need to engage in dialogue and find common ground through the principles of *maslahah* and deliberation.

Differences of opinion among scholars regarding the adaptation of *fiqh* law to local customs and culture are a natural and inevitable phenomenon in Islamic scholarly tradition. This stems from differences in methods of *ijtihad* and approaches to understanding religious texts. Some scholars tend to be textualists, adhering strictly to the literal meaning of the text and rejecting any form of innovation (*bid'ah*) not found in the practices of the early generations of Islam (*salaf*). This group is usually cautious in accepting new customs or practices into religious practice, for fear of deviating from the core teachings of Islam. (Ahmad, 2019)

On the other hand, there are also contextualist scholars, who believe that religious texts should be understood in accordance with the social and cultural context and needs of the local community. This group is more open to innovation and adaptation, as long as it does not conflict with the basic principles of Sharia law. They argue that Islamic law is dynamic and capable of responding to changing times and local realities. As stated by Martin van Bruinessen, "Differences in opinion among scholars often become a source of debate in society, especially in matters related to local traditions."

These differences in approach can cause confusion among the public, especially when there is no religious authority that serves as a common reference point. The general public is often faced with various fatwas or opinions that contradict each other, making it difficult to determine which one to follow. In situations like this, the role of religious institutions such as the Indonesian Ulema Council (MUI), large Islamic organizations such as Nahdlatul Ulama (NU) and Muhammadiyah, as well as local religious leaders becomes very important as mediators and providers of references that are widely accepted. (Dahyul daipon, 2016).

Public confusion can also arise when differences of opinion among religious scholars are not managed properly. If each group rigidly maintains its opinion without room for dialogue, the potential for horizontal conflict at the grassroots level could increase. Therefore, mechanisms for consultation, dialogue, and continuous education are needed so that these differences can be understood as the intellectual wealth of Islam, not a source of division. (Dahyul Daipon dkk, 2024).

Ultimately, differences of opinion among scholars in responding to the adaptation of *fiqh* to local customs and cultures should be viewed as part of the healthy dynamics of Islamic scholarship. With the existence of credible religious authorities, open dialogue, and good public education, these differences can actually enrich the treasury of Islamic law and strengthen its application in the lives of Indonesia's diverse society.

Modernization brings new challenges such as the emergence of individualism, consumerism, and global lifestyles that are sometimes incompatible with customs and Islamic values. Therefore, the adaptation of *fiqh* law must be increasingly responsive, not only to local customs but also to incoming global

values. Religious and Social Implications and the Identity of Islam in the Archipelago The adaptation of fiqh law to customs has major implications for the formation of a moderate, inclusive, and peaceful Indonesian Islamic identity. Through this adaptation, Islam does not appear as a foreign force, but as part of the local culture. This process strengthens the concept of Islam in the Archipelago, which upholds tolerance, social justice, and closeness to the community.

CONCLUSION

Indonesia is the country with the largest Muslim population in the world. This study clearly shows that the adaptation of fiqh law to local customs and culture in Indonesia is a very important, strategic, and inevitable process in realizing the implementation of Islamic law that is relevant, effective, and widely accepted by a highly diverse society. The common thread throughout the discussion is that cultural and customary diversity in Indonesia is not an obstacle, but rather an opportunity for Islamic law to develop in a contextual and dynamic manner.

The process of adapting Islamic law in Indonesia takes place through the mechanism of *ijtihad*, with an emphasis on the principles of *maslahah* (benefit) and *urf* (custom) as the main foundations. *Maslahah* ensures that every law adopted brings real benefits to society and does not conflict with the basic principles of *sharia*, as emphasized by al-Shatibi that "all provisions of *sharia* are basically derived to realize human welfare and reject all forms of harm". Meanwhile, *urf* is recognized as a secondary source of law that strengthens society's acceptance of Islamic law, as seen in the inheritance practices of the Bugis people and the tradition of mutual cooperation in Minangkabau.

The flexibility of fiqh, reflected in the principles of "*la yunkar taghayyur al – ahkam bi taghayyur al – azminah wa al – amkinah*" and "*al – adah muhakkamah*," is the common thread that connects this entire adaptation process. These principles provide space for Islamic law to adapt to changes in time, place, and community customs, so that fiqh remains a living law that is grounded and accepted by the community. Factors contributing to the success of this adaptation include the openness of scholars to *ijtihad*, the active role of traditional leaders, and constructive dialogue between religious and cultural stakeholders. Emerging obstacles, such as differences in interpretation among scholars and the potential for conflict between customary norms and *sharia* law, can be overcome through deliberation and respect for local values that do not conflict with Islamic principles. The implications of this adaptation are very positive, namely maintaining social harmony, strengthening an inclusive religious identity, and increasing public acceptance of Islamic law. However, the adaptation process must be carefully managed to ensure it does not deviate from the fundamental principles of *Sharia*, thereby preserving the authenticity of fiqh law.

REFERENCES

- Ahmad, A. (2019). Akulturasi Islam Dan Budaya Lokal. In *As-Shuffah* (Vol. 7, Issue Mi). [https://medium.com/@arifwicaksanaa/pengertian – use – case – a7e576e1b6bf](https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf)
- Asiah, H. N. (2020). MASLAHAH MENURUT KONSEP IMAM AL GHAZALI. *Diktum : Jurnal Syariah Dan Hukum*, 18(1), 1 – 14118 – 14128. [http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017 – Eng – 8ene.pdf?sequence = 12&isAllowed = y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484 _SISTEM_PE MBETUNGAN _TERPUSAT _STRATEGI _MELESTARI](http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PE_MBETUNGAN_TERPUSAT_STRATEGI_MELESTARI)

- Asni. (2017). Kearifan Lokal dan Hukum Islam di Indonesia. *Jurnal Al-'Adl*, 10(2), 54 – 69. <http://ejournal.iainkendari.ac.id/al-adl/article/view/699>
- Bahri, S. (2013). Konsep Implementasi Syariat Islam di Aceh. *Kanun Jurnal Ilmu Hukum*, 15(2), 313 – 338.
- Bashor, W., Almurni, M. F., Al-hakim, S., & Sudrajat, J. (2025). *Metodologi Al-Fiqh Al-Muqāran: Pendekatan dan Dampaknya Pada Perbedaan Pendapat Fiqh*. 4(1). <https://doi.org/10.69768/ji.v4i1.68>
- Bugis, P. M. (2025). *Pemaknaan masyarakat terhadap tradisi mappacci pada pernikahan masyarakat bugis*. 4(1), 68 – 77. <https://doi.org/10.55123/sabana.v4i1.4822>
- Charismana, D. S., Retnawati, H., & Dhewantoro, H. N. S. (2022). Motivasi Belajar Dan Prestasi Belajar Pada Mata Pelajaran Ppkn Di Indonesia: Kajian Analisis Meta. *Bhineka Tunggal Ika: Kajian Teori Dan Praktik Pendidikan PKn*, 9(2), 99 – 113. <https://doi.org/10.36706/jbti.v9i2.18333>
- Dahyul daipon, D. (2016). DETERMINING THE PRICE OF AGRICULTURAL PRODUCTS IN THE REVIEW OF SHARIAH ECONOMIC LAW (STUDY OF THE VILLAGE CIMPAGO MARKET IN PARIAMAN). *Hakam: Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Islam*, 7(2), 214 – 232.
- Dahyul Daipon dkk. (2024). Personal Loans (PINPRI) in the Review of Positive Law and Islamic Law Dahyul. *AL-IQTISHADIAH Jurnal Ekonomi Syariah Dan Hukum Ekonomi Syariah*, 10(July), 40 – 55.
- Daipon, D., Islam, U., Sjech, N., Djambek, M. D., Amin, S., Islam, U., Sjech, N., Djambek, M. D., Islam, U., Sjech, N., Djambek, M. D., Islam, U., Sjech, N., Djambek, M. D., Anuar, H., Din, M., & Selangor, U. I. (2024). *ISLAMIC CONSTITUTIONAL LAW PERSPECTIVE ON NEGATIVE CAMPAIGNS IN THE 2024 PRESIDENTIAL AND LEGISLATIVE ELECTIONS ON*. 14(2). [https://doi.org/10.15642/ad.2024.14.2.195 – 223](https://doi.org/10.15642/ad.2024.14.2.195-223)
- Fauziah, A. S., Taufiqurrohman, E. S., Hanafi, H., & Kurniawan, I. (n.d.). *DAN PENERAPAN HUKUM ISLAM*.
- Firdaus, F., Ismail, I., Busyro, B., Yenti, E., & Mohamad, M. N. (2023). Post – Divorce Child's Nafaqah Mā ḍiyah: An Analysis of the Shifting from Fulfilment to the Assertion of Ownership Rights. *Al-Ahkam*, 33(1), 45 – 62. <https://doi.org/10.21580/ahkam.2023.33.1.14566>
- Fitri Lintang, F. L., & Ulfatun Najicha, F. (2022). Nilai – Nilai Sila Persatuan Indonesia Dalam Keberagaman Kebudayaan Indonesia. *Jurnal Global Citizen: Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan*, 11(1), 79 – 85. <https://doi.org/10.33061/jgz.v11i1.7469>
- Fitriah, S. (2021). Children with Special Needs In the Eyes of Islamic Law and the State. *AKADEMIK: Jurnal Mahasiswa Humanis*, 1(2), 77 – 86. <https://doi.org/10.37481/jmh.v1i2.231>
- Hamdani, F., & Fauzia, A. (2022). Fathul Hamdani dan Ana Fauzia Tradisi Merariq dalam Kacamata Hukum Adat dan Hukum Islam TRADISI MERARIQ DALAM KACAMATA HUKUM ADAT DAN HUKUM ISLAM MERARIQ TRADITION IN CUSTOMARY LAW AND ISLAMIC LAW PERSPECTIVE. *Jurnal Hukum Lex Generalis*, 2022 - *Rewangrencang.Com*, vol 3 No 6, 433 – 447. <https://jhlrg.rewangrencang.com/>
- Imana, Y., & Sucipto, I. (2024). *Konsep Dan Metode Ijtihad Dalam Islam : Sumber Penting Dalam Pengembangan Hukum Islam*. 1(2), 26 – 42.

- Imran, M., & Ismail, I. (2019). 'Ā'isha Bint al-Shṭī's Thoughts on Tarduf and Their Implications for the Istinbaṭ of Law. *Al-Risalah*, 19(2), 125. <https://doi.org/10.30631/al-risalah.v19i2.459>
- Khair, R. M., & Busyro, B. (2018). Kedudukan Shalat Sunnah Qabliyyah Jumat Dalam Pemikiran Hukum Imbm Al-Nawawo. *Al-Istinbath: Jurnal Hukum Islam*, 3(2), 107. <https://doi.org/10.29240/jhi.v3i2.412>
- Mas'ari, A., & Syamsuatir. (2017). Tradisi Tahlilan : Potret Akulturasi Agama dan Budaya Khas Islam Nusantara Tradition Tahlilan : Portrait Acculturation Islam Religion and Culture Typical Nusantara. *KONTEKSTUALITA Jurnal Penelitian Sosial Dan Keagamaan*, 33(1), 78–95.
- Maulidi, A. R. (2021). Moderate Behavior of Prophet Muhammad (PBUH) as a Role Model in Encountering Pluralism moderate that Gus Mus said , " Islam is moderate . If it is not moderate , Islamic texts which always call for a middle attitude and prohibit an (PBUH) , moderate va. *International Journal Ihya' 'Ulum Al-Din*, 23(2), 152–172.
- Maulidin, S., & Nawawi, M. L. (2024). Kearifan Lokal dalam Tradisi Keislaman : Kontribusi Budaya Islam di Indonesia Perspektif Pendidikan Islam. 2, 41–50. <https://doi.org/10.59966/isedu.v2i2.1473>
- Rabib, A. (2021). Mukallaf sebagai subjek hukum dalam fiqh jinayah. *Hakam: Jurnal Kajian Hukum Islam*, 5, 91–101.
- Riskiyo, J. (2015). Public Participation in the Formation of Legislation to Achieve Prosperity. *Aspirasi*, 6(2), 159–176.
- Riyadi, I., Prabowo, E. A., & Hakim, D. (2024). Peran Bhinneka Tunggal Ika Dalam Keberagaman Adat Budaya di Indonesia. *Jaksa: Jurnal Kajian Ilmu Hukum Dan Politik*, 2(3), 34–49. <https://doi.org/10.51903/jaksa.v2i3.1870>
- Samiran, F., Elfiani, E., Daipon, D., Rahmiati, R., & Hendri, H. (2022). Values behind Osong Kapali Ceremony: Sociocultural Review of Indigenous and Religious Tradition. *El Harakah: Jurnal Budaya Islam*, 24(2), 263–281. <https://doi.org/10.18860/eh.v24i2.17338>
- Savira, A., Sulisfiani, A., Aprianda, D., Hudi, I., Mahda, M. Y., Listi, O. C., Wulan Maharani, R., & Riau, U. M. (2024). Pandangan terhadap keragaman budaya Indonesia di negara lain. *Jurnal Ilmiah Multidisiplin*, 1(6), 380–385. <https://doi.org/10.62017/merdeka>
- Wajidi, F., & Daipon, D. (2021). *The Sanction For Not Wearing Masks in Public Places West Sumatera Provincial on 2020 Year of Regulation in Fiqh Jinayah*. 22–33.
- Widiana, N. (2016). PERGUMULAN ISLAM DENGAN BUDAYA LOKAL Studi Kasus Masyarakat Samin di Dusun Jepang Bojonegoro. *Jurnal THEOLOGIA*, 26(2), 198–215. <https://doi.org/10.21580/teo.2015.26.2.428>
- Yenti, E., Busyro, B., Ismail, I., Rosman, E., & Wadi, F. (2020). A Set of Prayer Outfits as a Mahar? Discrimination against Women in the 'Urf Reality of the Archipelago's Fiqh. *Al-Risalah*, 20(1), 17. <https://doi.org/10.30631/al-risalah.v20i1.567>