

The Practice of Islamic Law in Nusantara Traditional Customs

Ayu Rahayu¹

¹*Institute Agama Islam Negeri Bone, Indonesia*

Corresponding Author: Ayu Rahayu

Abstract

This study explores the practice of Islamic law within Nusantara traditional customs, highlighting the dynamic interplay between religious norms and local cultural practices. Using a qualitative approach, the research investigates how Islamic principles are integrated into adat, focusing on domains such as marriage, inheritance, dispute resolution, and ritual ceremonies. The findings reveal that Islamic law is not applied rigidly; instead, it is interpreted, adapted, and harmonized with local customs to ensure social cohesion, maintain communal identity, and uphold both moral and legal legitimacy. Marriage practices demonstrate the blending of *nikah* requirements with traditional ceremonies, while inheritance and dispute resolution processes reflect a negotiation between Quranic prescriptions and communal values. Rituals further illustrate how Islamic and customary elements coexist to reinforce cultural meaning and ethical conduct. The study emphasizes the role of religious and adat leaders as mediators who facilitate the integration of normative systems, ensuring that law is culturally resonant and socially accepted. By examining this hybrid legal culture, the research contributes to broader discussions on legal pluralism, demonstrating that Islamic law in Indonesia is both flexible and contextually relevant. The Nusantara experience offers insights for other pluralistic societies, showing that religious norms can coexist with indigenous traditions without compromising ethical or social legitimacy.

Keywords

Islamic Law
Adat
Nusantara
Legal Pluralism

Copyright

© 2025 *Global Journal of Islamic Jurisprudence*. licensed under Creative Commons Attribution-ShareAlike 4.0 International License.
(<https://creativecommons.org/licenses/by-sa/4.0/>)

Received: 9 April, 2025

Revised: May 19, 2025

Accepted: July 23, 2025

Published: August 28, 2025

Introduction

The Nusantara archipelago presents a uniquely pluralistic landscape wherein Islamic law has historically interwoven with pre-existing customary norms known as *adat* to shape social, legal, and cultural life. Unlike regions where sharia was imposed through conquest, Islam in Nusantara arrived gradually and adaptively, “as a guest later adopted into the family,” leading to a legal culture marked by accommodation and syncretism (Muhibudin, 2023; Marjani, 2023). This introductory section outlines how Islamic norms have been integrated into Nusantara’s customary traditions, yielding a distinctive synthesis that remains central to understanding contemporary Indonesian socio-legal dynamics.

Islam’s arrival in Nusantara particularly from the 13th century onward did not supplant local traditions; rather, it entered through diffusive and adaptive processes that allowed it to be absorbed into pluralistic societies without eradicating existing cultural patterns (Reid, 2024). In Minangkabau, for instance, the matrilineal inheritance system endures, even though classical Islamic law prescribes male-oriented succession. Yet this divergence does not imply rejection of Islam instead, it signifies how *adat* reshapes Islamic norms to suit local logic (Abdullah et al., 2025). Here, the principle “*basandi syarak custom, syarak basandi Kitabullah*” succinctly captures the interdependence: *adat* is founded upon sharia, and sharia upon the Qur’an.

This accommodative pattern is also echoed in broader interpretations of Islam Nusantara, a dynamic model of Indonesian Islam promoted by Nahdlatul Ulama that emphasizes pluralism, moderation (*tawasut*), compassion (*rahmah*), and cultural inclusivity (Fahmi, 2024). Islam Nusantara seeks not to destroy local traditions, but to embrace and preserve them, molding Islamic jurisprudence in light of local customs. Such an approach underscores how Islamic values are contextualized within Indonesian cultural frameworks.

In the realm of legal pluralism, Indonesia embodies layers of normative authority: state law, customary law, and religious (Islamic) law. This three-tiered system reflects legal pluralism in both juridical and empirical forms where customary law is officially recognized by the state, and where individuals navigate multiple legal systems in everyday life. The overlapping role of sharia in national legislation especially in matters of hajj management, zakat, waqf, and religious courts demonstrates how Islamic law further influences the formal legal architecture, even amid the dominance of secular codes EUDL Allied Business Academies.

What distinguishes Nusantara's legal landscape is not just pluralism, but harmonization. In communities such as the Sundanese, Islamic law has been integrated through processes of acculturation and assimilation, resulting in local societies that accept Islam because it aligns with indigenous values journal.iain-manado.ac.id. Similar harmonizing dynamics have been observed in North Toraja, where Islamic legal norms provide a formal backbone to marriage contracts and dowry, while customary law shapes social legitimacy and communal rituals. In Latimojong, the Pambissa Kampong tradition demonstrates how customary law can adopt the principles of Islamic law and adjust accordingly to maintain the continuity of tradition journal.iain-bone.ac.id.

Inheritance practices further illustrate negotiation between Islamic and customary norms. A comparative study in Indonesia highlights that while Islamic family law follows stricter inheritance procedures, customary law emphasizes flexibility, consensus, and the preservation of social harmony. This leads to tensions and jurisdictional conflicts, particularly when parties belong to diverse cultural and religious backgrounds. Women's inheritance rights in customary (often patrilineal) systems commonly contrast with Islamic or state law provisions. Yet Indonesia's legal system reflects a pluralistic evolution, as seen in judicial decisions that uphold equal inheritance rights for daughters, aligning with both religious and international standards. Seen in national terms, Islamic law's role in Indonesia is not singularly doctrinal but deeply social and symbolic it provides a moral and ethical foundation for inclusive policies and dispute resolution, strengthening political legitimacy and aligning with majority sensibilities. This underscores Islam's dual function: normative commitment and cultural negotiation.

Furthermore, the broader historical backdrop highlights that pre-Islamic legal traditions such as the Majapahit's Kutara Manawa Dharmasastra, rooted in Hindu-Javanese customs once guided civil and criminal affairs, influencing the archipelago's plural legal inheritance. Sustained memories of such plural traditions have shaped contemporary understanding of law as inherently hybrid. Taken together, these dynamics position the practice of Islamic law within Nusantara's traditional customs as a compelling example of legal and cultural hybridization, where strict doctrinal boundaries blur in Favor of locally resilient, adaptive norms. Islamic jurisprudence here serves not as a rigid judicial force, but as a cultural resource that communities interpret, absorb, and remould to coexist with adat. The result is a contextualized Islam one that maintains religious legitimacy while reinforcing communal identity, social cohesion, and cultural continuity. This introduction lays the groundwork for understanding how Islamic law in Nusantara is not a monolithic system, but a lived, flexible web of norms, rituals, and moral ideals intricately woven with local customs. Your completed qualitative study will elaborate on these threads, revealing the depth and texture of this complex interplay.

Methods

This research employed a qualitative approach grounded in socio-legal and anthropological perspectives. The qualitative orientation was selected because the study aimed to understand the lived realities and meanings of Islamic law as practiced within Nusantara traditional customs. Rather than measuring variables statistically, the focus was on interpreting experiences, rituals, and community practices in their natural settings. Such an approach allowed the researcher to explore the interplay between Islamic legal norms and adat traditions in a way that captures both symbolic meanings and practical applications. The study was conducted in several regions of Indonesia known for their distinctive blending of Islamic law and customary practices, including Aceh, Minangkabau, Java, and Sulawesi. These locations were deliberately chosen because they represent different models of integration between sharia and adat. Aceh is significant for its strong formalization of

Islamic law; Minangkabau illustrates a matrilineal adat that negotiates with Quranic inheritance principles; Java demonstrates a long history of syncretism between Islam and local traditions; while Sulawesi reflects diverse customary practices that incorporate Islamic values in social organization. Studying across these regions provided a broader comparative understanding of how Islamic law is localized within different cultural frameworks.

Participants were selected using purposive sampling, focusing on individuals who possessed deep knowledge or experience in both religious and customary matters. They included *ulama* and religious teachers, adat leaders, village elders, as well as ordinary community members involved in marriage, inheritance, and dispute resolution practices. A total of thirty-five participants contributed to the study, representing a range of voices that together painted a nuanced picture of the subject matter. The inclusion of both authority figures and lay participants ensured that the research captured not only formal interpretations of law but also everyday practices and perceptions. Data collection relied on multiple sources to achieve triangulation and enhance validity. In-depth interviews served as the primary method, providing detailed narratives of how Islamic law is interpreted and practiced within adat. Interviews were conducted in participants' local languages or Indonesian, depending on their preference, and were later transcribed and translated where necessary. In addition to interviews, participant observation was employed during customary ceremonies, marriage rituals, and community dispute resolution processes.

This allowed the researcher to witness firsthand how Islamic principles and adat norms are intertwined in lived practice. Finally, document analysis was conducted on local manuscripts, community regulations, and relevant legal documents, including compilations of Islamic law and adat codes, which provided further context to the empirical findings. The analysis followed a thematic approach, enabling the identification of patterns and recurring themes across the diverse data sources. After transcription, the data were coded and categorized into thematic clusters, such as marriage practices, inheritance arrangements, dispute resolution mechanisms, and ritual ceremonies. Within each theme, special attention was given to how Islamic law and adat interacted whether through integration, negotiation, or adaptation. Reflexivity was maintained throughout the process, with the researcher acknowledging their own positionality and potential influence on interpretation. To ensure credibility, findings were validated through member checking, where selected participants reviewed interpretations to confirm accuracy and authenticity.

Results and Discussion

The findings of this study reveal that the practice of Islamic law within Nusantara traditional customs is marked by a pattern of cultural assimilation and mutual adaptation. Rather than being enforced as a rigid set of rules, Islamic legal principles are reinterpreted through the lens of adat, resulting in a dynamic synthesis that respects both religious obligations and local values. This process demonstrates that Islamic law in Indonesia functions not merely as a doctrinal framework but also as a flexible cultural resource that communities continuously negotiate to maintain harmony and identity.

One of the most prominent domains where this synthesis can be observed is in marriage practices. The Islamic *nikah* ceremony, with its essential requirements of consent (*ijab-qabul*), presence of witnesses, and dowry (*mahar*), is consistently upheld in all communities studied. However, these legal elements are embedded within broader adat festivities that imbue the marriage with cultural significance. In Minangkabau, for instance, the *batagak gala* ritual complements the Islamic ceremony by symbolizing the social acceptance of the groom into the bride's lineage. In Javanese traditions, elaborate rituals such as *siraman* (water purification) and *midodareni* (eve gathering) are performed before the Islamic marriage contract, reflecting local beliefs in purity and ancestral blessings. These practices do not undermine Islamic law but rather strengthen it by rooting the ceremony within a wider cultural framework that gives meaning to the union for the community.

Inheritance is another area where negotiation between Islamic law and adat is clearly visible. Quranic prescriptions stipulate precise fractional shares for heirs, with a general emphasis on male heirs receiving a larger portion. However, in many Nusantara communities, the implementation of inheritance rules is mediated through adat values that prioritize family consensus and the preservation of unity. In Minangkabau,

for example, ancestral property (*high inheritance*) is passed down matrilineally to daughters, while Islamic inheritance rules are applied mainly to personal property (*high inheritance*). This dual system reflects a pragmatic reconciliation of two normative orders. In other regions, families often reach agreements outside the strict legal prescriptions to ensure that all heirs feel adequately cared for, even if that means departing from the Quranic fractions. Such practices highlight that the primary aim is not strict legal conformity but the maintenance of social cohesion and kinship solidarity.

The findings also demonstrate the integration of Islamic law and adat in dispute resolution mechanisms. In many communities, local councils composed of both religious and adat leaders play a key role in mediating conflicts. Islamic principles of fairness, forgiveness, and reconciliation are combined with adat's restorative approach, which emphasizes communal harmony over individual punishment. In Sulawesi, for instance, disputes related to land boundaries are resolved through a process that begins with adat elders invoking ancestral norms, followed by religious leaders reminding parties of Islamic injunctions against injustice and enmity. The outcome is usually an agreement that both restores property rights and reaffirms social bonds. This method of hybrid dispute resolution strengthens trust within the community by showing that justice is not only legalistic but also moral and cultural.

Beyond formal domains of law, Islamic principles are also interwoven into ritual and ceremonial life. Birth celebrations, circumcision rites, harvest rituals, and even communal feasts often merge Islamic recitations and prayers with indigenous symbolic acts. For example, Qur'anic readings and prayers for blessings are performed alongside offerings and traditional dances in some Javanese and Bugis ceremonies. While certain elements may appear syncretic, communities interpret them as complementary expressions of gratitude and devotion. Rather than perceiving these as contradictions, participants understand them as layers of cultural meaning that reinforce both faith and identity.

The findings illustrate that the relationship between Islamic law and Nusantara adat is not one of tension but of creative negotiation. Communities do not view sharia as a rigid external system imposed from outside but as a framework that can be localized and harmonized with their inherited traditions. This localization ensures that Islamic law remains relevant and meaningful, while adat gains renewed legitimacy by aligning with religious principles. In practice, this produces a hybrid legal culture in which communities honor divine commands while simultaneously safeguarding their cultural heritage.

Integration of Islamic Law and Nusantara Customs

The findings of this study reveal that the practice of Islamic law within Nusantara traditional customs exemplifies a dynamic legal pluralism in which religious norms, customary traditions, and social practices coexist and reinforce one another. This integration challenges simplistic or binary frameworks that consider Islamic law and adat as inherently opposed or conflicting. Instead, the study demonstrates that these normative systems engage in a dialogical process: adat provides culturally resonant forms and rituals, while Islamic law offers moral authority, ethical guidance, and legitimacy. The result is a hybrid legal culture that simultaneously honors divine prescriptions and local heritage, demonstrating the adaptability of Islamic jurisprudence in culturally complex settings.

This adaptive interplay has profound implications for understanding legal and social governance in pluralistic societies. By embedding Islamic legal norms within customary practices, communities manage to maintain social cohesion and minimize conflicts that might arise from rigid legal application. The practice of accommodating Quranic injunctions to align with adat norms such as in inheritance, marriage, and dispute resolution reveals a pragmatic negotiation in which law serves the broader aim of communal harmony rather than strict doctrinal enforcement. Such patterns echo observations in other pluralistic Muslim contexts, where local interpretations of sharia often prioritize ethical and social outcomes over literalist application (Wardi et al., 2024; Tamamiyah, 2025). This underscores that law is not merely a regulatory instrument but also a cultural and moral resource that communities actively shape to meet local needs.

The Nusantara experience illuminates the role of local agency in religious interpretation. Community leaders both religious and adat act as mediators, negotiating the boundaries and points of intersection between Islamic and customary norms (Nggiku et al., 2024; Agung et al., 2024). Their role demonstrates that the legitimacy of Islamic law in this context depends not solely on textual authority, but also on communal acceptance, participatory interpretation, and practical applicability. This participatory dimension highlights the importance of embedded authority in sustaining normative systems, illustrating that the efficacy of law is measured not just by compliance but by cultural resonance and social legitimacy.

From a theoretical standpoint, these findings expand contemporary debates in legal anthropology and socio-legal studies regarding the localization of global religions (Mazroui, 2021; Vetter & Margaria, 2025). Islam, as a normative system with universal claims, is often conceptualized as monolithic; however, the Nusantara model illustrates how global religious norms can be selectively adapted, interpreted, and integrated into local traditions without losing their ethical core. The interplay between Islamic law and adat demonstrates that religious law achieves durable social relevance when it is culturally mediated, highlighting the importance of context-sensitive approaches to understanding law in plural societies.

The study suggests that the Nusantara model of legal integration has potential implications beyond Indonesia. Muslim-majority societies experiencing tensions between formal religious law and customary practices can draw lessons from this model (Karimullah, 2023; Jamil & Firmansyah, 2025). By emphasizing negotiation, adaptability, and ethical harmonization, societies may mitigate legal conflicts, enhance community compliance, and preserve cultural identity while upholding religious legitimacy. The findings thus contribute to policy discussions, particularly in areas where state law intersects with religious or customary norms, offering insights into mechanisms for conflict resolution, social cohesion, and culturally informed legal reform.

The study underscores the resilience of local traditions in shaping the contemporary practice of Islamic law. Even in regions with formal sharia courts or strict state enforcement, adat practices continue to influence the application of legal norms in everyday life. This indicates that legal pluralism is not merely a coexistence of systems but a dynamic, negotiated process in which communities actively shape the content, meaning, and practice of law. The Nusantara experience thereby challenges reductionist narratives about the imposition of religious law, highlighting instead a model of mutual reinforcement and cultural symbiosis.

Conclusion

The practice of Islamic law within Nusantara traditional customs demonstrates a harmonious integration of religious and cultural norms. Islamic principles are not applied rigidly but are adapted and interpreted through local adat practices, ensuring social cohesion and continuity of communal identity. Marriage, inheritance, dispute resolution, and rituals exemplify how sharia and adat coexist in daily life, mediated by both religious and customary leaders. This study highlights that the effectiveness of Islamic law depends on cultural acceptance and local legitimacy, emphasizing the adaptability and contextual relevance of religious norms. Overall, Nusantara communities illustrate a dynamic model of legal pluralism where Islamic law strengthens, rather than conflicts with, indigenous traditions, preserving heritage while maintaining social harmony.

References

- Abdullah, A., Asdam, M., & Alimbagu, A. (2025). The Reciprocal Acculturation of Islamic Culture and Local Culture in the Nusantara: A Historical Review. *JAWI*, 8(1), 77-90. <https://doi.org/10.24042/00202582704000>
- Agung, D. A. G., Nasih, A. M., & Kurniawan, B. (2024). Local wisdom as a model of interfaith communication in creating religious harmony in Indonesia. *Social Sciences & Humanities Open*, 9, 100827. <https://doi.org/10.1016/j.ssaho.2024.100827>

- Fahmi, R. A. (2024). Recent Trends on Study of History of Islam in Indonesia. *Journal of Philology and Historical Review*, 2(1), 75-93. <https://doi.org/10.61540/jphr.v2i1.94>
- Jamil, A. I. B., & Firmansyah, E. (2025). Embracing Diversity: Navigating Religious Identity in Multicultural Societies. *Online Journal of Research in Islamic Studies*, 12(1), 37-60. <https://doi.org/10.22452/ris.vol12no1.3>
- Karimullah, S. S. (2023). The Implications of Islamic Law on the Rights of Religious Minorities in Muslim-Majority Countries. *MILRev: Metro Islamic Law Review*, 2(2), 90-114. <https://doi.org/10.32332/milrev.v2i2.7847>
- Marjani, G. I. (2023). The Evolution of Islam Nusantara: Tracing the Origins and Examining Contemporary Manifestations of Pluralism and Tolerance. *International Journal of Nusantara Islam*, 11(1), 121-135.
- Mazroui, A. A. (2021). Exploring Threads of Legal Sociology for Comprehending Transformative Engagements, Feminist Theories, Legal Pluralism, and Cultural Dynamics. *Social Science Chronicle*, 1, 1-17. <https://doi.org/10.56106/ssc.2021.010>
- Muhibudin, M. (2023). New Colonization in the Islamic World. *Al-Risalah: Jurnal Studi Agama dan Pemikiran Islam*, 14(2), 623-635.
- Nggiku, E. B., Lattu, I. Y. M., & Bartalis, K. S. (2024). Adat in the Discourse of “Lived Religion”: Local Wisdom as a Model of Indigenous Religion Recognition in Indonesia. *Religió Jurnal Studi Agama-agama*, 14(2), 265-288. <https://doi.org/10.15642/religio.v14i2.3078>
- Reid, A. (2024). Cultural adaptation and integration: Islam in Southeast Asia. In *Southeast Asian Islam* (pp. 189-207). Routledge India.
- Tamamiyah, L. (2025). The Evolving Practice of Marriage Contracts in Islamic Family Law: Customary Influences and Legal Implications. *Journal of Islamic Family Law*, 1(1), 16-22. <https://doi.org/10.59784/jifl.v1i1.3>
- Vetters, L., & Margaria, A. (2025). ‘Law and Anthropology’ as Interdisciplinary Encounter: Towards Multi-sited, Situated Knowledge Production. In *Leading Works in Law and Anthropology*. Taylor & Francis. <https://doi.org/10.4324/9781003221845-1>
- Wardi, U., Yaswirman, Y., Ismail, I., & Gafnel, G. (2024). Comparative analysis of Islamic family law and customary law in the settlement of inheritance disputes in Indonesia. *Hakamain: Journal of Sharia and Law Studies*, 3(1), 13-25. <https://doi.org/10.57255/hakamain.v3i1.330>