

## FIQH SUNDA: Negotiating Islam among Indigenous Communities in West Java<sup>1</sup>

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### Abstract

*The scholars have different theories concerning Islam coming to Nusantara. They believed that the first community to accept Islam was the residents of the coastal areas of Sumatera, Java, Sulawesi, Kalimantan, Maluku, Nusa Tenggara, and Papua. Afterward, Islam was disseminated to rural areas throughout the Nusantara including fiqh (Islamic jurisprudence), one of the fundamental teachings of Islam. This reception was surely through a long process and resistance from the indigenous residents of the Nusantara who already had local religions and beliefs practiced continuously by hereditary generations. Badui in Banten and Kampung Naga, West Java were indigenous residents of the island. This article seeks to discuss the negotiating process of fiqh among Badui and Kampung Naga's communities from historical and anthropological viewpoints. This article argues that the negotiating of*

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*fiqh by the community of Badui is limited to particular cases such as marriage and inheritance. While the community of Kampung Naga receives the majority of fiqh. The negotiating of fiqh in both communities was influenced strongly by their interaction with outside communities and also state power.*

*[Para ahli mempunyai teori berbeda mengenai masuknya Islam ke Nusantara. Ada yang berargumen bahwa Islam pertama kali melalui pesisir Pulau Sumatera, Jawa, Sulawesi, Kalimantan, Maluku, Nusa Tenggara, dan Papua. Setelah itu Islam disebarluaskan ke pelosok-pelosok Nusantara termasuk fikih yang menjadi salah satu ajaran pokoknya. Penerimaan Islam tersebut tentu melalui proses panjang dan terjadi resistensi dari masyarakat yang lebih dahulu menganut agama dan kepercayaan lokal. Salah satu masyarakat lokal yang mengalami dinamika tersebut adalah Suku Badui di Banten dan Kampung Naga, Jawa Barat. Berangkat dari realitas demikian, artikel ini bertujuan untuk mengkaji proses negosiasi fikih di kalangan Suku Badui dan Kampung Naga dari sudut pandang sejarah dan antropologi. Artikel ini beragumen bahwa proses negosiasi masuknya fikih di kalangan masyarakat Badui hanya terbatas pada perkara-perkara tertentu saja seperti hukum perkawinan dan pewarisan. Sedangkan masyarakat Kampung Naga mayoritas menerima fikih Islam secara kaffah. Penerimaan fikih di kedua komunitas tersebut sangat dipengaruhi oleh interaksi mereka dengan komunitas luar dan juga kekuasaan negara.]*

**Keywords:** *Fiqh Sunda, Negotiation, Indigenous, Badui, Kampung Naga*

## Introduction

There are some arguments about arrived of Islam to the Nusantara: India, Persia, Arab, and China.<sup>2</sup> Azyumardi Azra argues that the arrived of Islam to Nusantara is complex. It is not derived from a single place, the role of a single group, or at the same time. Islamic characteristics of each region influence the characteristics of Islam in Nusantara.<sup>3</sup> The messengers of Islam in Nusantara divided into some categories: traders,

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<sup>2</sup> M. C. Ricklefs, *A History of Modern Indonesia since c. 1200*, Third Edition (London: Palgrave Macmillan, 2001).

<sup>3</sup> Azyumardi Azra, *Jaringan Ulama Timur Tengah dan Kepulauan Nusantara Abad XVII dan XVIII* (Bandung: Mizan, 1994).

*ulama*, and kingdom messengers.<sup>4</sup> The traders who introduced Islam to the Nusantara came from Arab, Persia (Iran), and India. They originally stopped in Nusantara waited for the monsoon time, and then continued their trade to China. However, others deliberately trade in the Nusantara with the first stop in India.<sup>5</sup> Most of them married local women, and then their descendants built the beginning Muslim community.

Further, Islam was spread by the preachers. Some of them are descendants of the local indigenous who were studied in the Middle East country. The other comes from Arab who had come to this Nusantara to preach Islam. In addition, they do not only preach Islam but also to be business man as a source of income.<sup>6</sup>

M.C. Ricklefs argue that Islamisation was a contested and complicated matter in this early period. The 16<sup>th</sup> century manuscripts suggest both that Islam was accommodating itself to the Javanese cultural environment and that it was not. On the one hand is evidence of a hybrid culture in which being Javanese and being Muslim at the same time was seen as unproblematic, a culture in which older local terms for God, prayer, heaven and soul prevailed over their Arabic equivalents. On the other is evidence that people were expected to choose between being Muslim and being Javanese. Two processes seem to have gone on at the same time: foreign Muslims settled locally and became Javanese, while local Javanese embraced Islam and became Muslims. Legends about this period tell of *Wali Sanga* (Nine Saints) who were the first to bring Islam to Java.<sup>7</sup>

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<sup>4</sup> Thomas Walker Arnold, *The Preaching of Islam: A History of the Propagation of the Muslim Faith*, Second Edition (London: Constable & Company, 1913).

<sup>5</sup> Malise Ruthven and Azim Nanji, *Historical Atlas of Islam* (Cambridge: Harvard University Press, 2004).

<sup>6</sup> Jacob Cornelis Van Leur, *Indonesian Trade and Society: Essays in Asian Social and Economic History* (Bandung: W. van Hoeve, Ltd., The Hague, 1955).

<sup>7</sup> M. C. Ricklefs, *Islamisation and Its Opponents in Java: A Political, Social, Cultural and Religious History, c. 1930 to the Present* (Singapore: NUS Singapore, 2012), p. 3–4.

The next argument is kingdom messenger who went on spread mission of Islam in Nusantara. They are Chinese empire messengers who lead by Cheng Ho and came many times and left a trail of Islam in the Nusantara, especially on the north coast of the Java, such as Cirebon, Semarang, and Surabaya.<sup>8</sup>

In addition, this goodwill visit is not only proposed to introduction of Islam to the local authorities but has also been instrumental in the spread of Islam, especially in coastal areas. Evidenced by the presence of some followers of Cheng Ho who settled in the Nusantara are married to locals and spread Islam to the surrounding population.

The characteristic of Muslim propagators influences the model of Islamic communities in Nusantara. In the early stages of the spread of Islam by traders from India, Persia, and Arab, they have a mystical dimension of Islam (Sufism). This factor causes local indigenous to easily accepted Islam because it is accommodative to tradition and culture. This stage lasted until the collapse of the Majapahit kingdom in the 15<sup>th</sup> century AD and several centuries thereafter.<sup>9</sup>

Entering the 19th Century, the reformation rises in the Nusantara.<sup>10</sup> The one influencing them is the dynamics of thought and Islamic movements in the Middle East, particularly happening in the Kingdom of Saudi Arabia and Egypt.<sup>11</sup> The wave of reforms was spearheaded by Muhammad bin Abdul Wahab, Muhammad Abduh, and Rasyid Ridha in the 18th century AD up to the Nusantara with the appearance of the Padri movement in West Sumatera in the early 19th century AD.<sup>12</sup>

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<sup>8</sup> Yuanzhi Kong, *Muslim Tionghoa Cheng Ho: Misteri Perjalanan Mubibab di Nusantara* (Jakarta: Yayasan Obor Indonesia, 2000).

<sup>9</sup> Azyumardi Azra, *Perspektif Islam di Asia Tenggara* (Jakarta: Yayasan Obor Indonesia, 1989).

<sup>10</sup> Fazlur Rahman, *Gelombang Perubahan dalam Islam : Studi tentang Fundamentalisme Islam* (Jakarta: Raja Grafindo Persada, 2000).

<sup>11</sup> Abdullah, Taufik, "Adat and Islam: An Examination of Conflict in Minangkabau, *Indonesia*, No. 2, 1966, pp. 1-24.

<sup>12</sup> Sartono Kartodirdjo, *Pengantar Sejarah Indonesia Baru: Sejarah Pergerakan Nasional dari Kolonialisme Sampai Nasionalisme* (Jakarta: Gramedia Pustaka Utama, 1993).

Furthermore, the Padri movement has a more exclusive character than other communities because they were affected by the reform movement in the Middle East, especially Egypt. This pattern continues to evolve into multiple regions simultaneously with the wave of change happening in the Islamic world.

Based on religious complexion that entered this Nusantara then each region has a various-religious complexion. In coastal areas their Islamic hue is more inclusive than the inland area. The reason is the intensity of their interactions among traders and preachers who stopped and settled around them. Coastal conditions at the center of trade between nations have contributed to the community to be more permissive and cosmopolitan.<sup>13</sup> People living on the coast accept Islam kaffah. Whereas people who are in the inland area accepted Islam with modifications based on the local character. Until now it is the characteristics of Islam in Indonesian.

The cause of the emergence of various types of this reception is due before Islam arrived, people had belief or confidence in this Nusantara (religion) that was inherited from their ancestors. So when Islam came, they did not fit into a society devoid of religion. Islam deals with people who have got moral guidance of various religions and beliefs that existed before that is the local trust Nusantara, Hinduism and Buddhist. They accepted Islam by maintaining the customs and beliefs until there was a reciprocal relationship between the two.<sup>14</sup> The reciprocal relationship between Islam and local wisdom reflected the religious patterns of Nusantara, especially those in the inland area. They accept *fiqh* (Islamic jurisprudence) on the condition does not interfere with the stability of the previous traditions.<sup>15</sup> This reception process

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<sup>13</sup> Nur Syam, *Islam Pesisir* (Yogyakarta: LKiS, 2005).

<sup>14</sup> Robert Redfield, *Peasant Society and Culture: An Anthropological Approach to Civilization* (Chicago: University of Chicago, 1956).

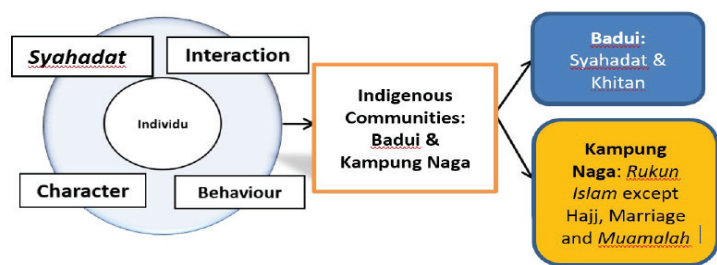
<sup>15</sup> Daniel Saul Lev, *Islamic Courts in Indonesia: A Study in the Political Bases of Legal Institutions* (California: University of California Press, 1972).

led to assimilation, acculturation and harmonization between Islam and local wisdom. In this context, Sundanese ethnicity is an example of how indigenous communities experience negotiations with Islam. The Badui and Kampung Naga as part of the Sundanese ethnicity have succeeded in combining *fiqh* with local traditions and culture. They have a unique Islamic model that is perhaps not found anywhere else.

Thus, this article seeks to discuss the negotiation process among Islam and local traditions in the context of the Badui and Kampung Naga communities in West Java. Furthermore, this article uses a historical and anthropological approach deal with examine how the local genius process occurred, and gave rise to a unique Islamic.

**Negotiating of *Fiqh* by Indigenous Communities**

The acceptance of *fiqh* by both the Badui and Kampung Naga began with how they responded to the come of Islam in their communities. In the beginning, the Kampung Naga was permissive towards Islam. Meanwhile, the Badui is more defensive because it still insists on common law. The level of acceptance of the Islamic faith between two indigenous communities is also different. At first, the Badui did not accepted the Islamic faith because they already had a strong belief in Sunda Wiwitan. Meanwhile, Kampung Naga also has indigenous religion but is more accommodating to the presence of Islam.<sup>16</sup>



**Picture 1. Reception of *Fiqh* by Indigenous Communities**

<sup>16</sup> Interview with Hasan Alaidrus, on August 22, 2023.

The Badui recognizes some elements of *fiqh* such as the *syahadat*,<sup>17</sup> circumcision, and others. Besides, they also recognize *muamalah*, forbid money and *riba* (usury), and strongly encourage philanthropic activities among themselves. They know the term *zakat* which gives wealth to other people in need such as orphans, widows, and the poor.<sup>18</sup> Kampung Naga accepted *fiqh* while defending the implementation of common law. In some traditions, both of them are by side in its implementation. In another aspect, the reception of Islam does not occur so that they remain consistent with their common law. The Kampung Naga community just accepted a fundamental aspect of Islam and not *muamalah*.

The accepting process of *fiqh* by both the Badui and Kampung Naga communities by means of several interaction processes. Among the Badui, this process is by their interaction with Muslims. More precisely, in the past, the Badui were involved in a war with Muslims and they lost. Therefore, it is not surprising that elements of Islamic values are dominant among the Badui community. They call Badui who have converted to Islam “Badui Karang.” This name is refers to the assumption that immigrant Muslims as the “younger brothers” of them.<sup>19</sup>

The process of reception of Islam is also influenced by the hegemonic power of Sultan Hasanuddin. Agreement among the kingdoms of Banten and Badui community consequences to comply with the agreement that the contents an obligation to *syahadat* for Baduis who are getting married. The existence of Cicakal Girang village which is a region inhabited by Muslims is indisputable evidence about the power of the state to force Baduis to accept *fiqh*. The hegemony appears in the obligation to circumcision, and *syahadat* when getting married.<sup>20</sup>

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<sup>17</sup> *Syahadat* is an Islamic oath and creed, and one of the Five Pillars (*Rukun*) of Islam.

<sup>18</sup> *Ibid.*

<sup>19</sup> Interview with Jaro Dainah on August 23, 2023.

<sup>20</sup> *Ibid.*

The state hegemony continued until UU No. 1 Tahun 1974 tentang *Perkawinan*, in which one of the articles mentioned that the marriage would be valid when performed in front of the marriage registrar employees. Based on this regulation, the marriage of Badui must be registered even without getting a marriage certificate. The marriage officers in the past who exist only in the village Cicakal Girang, are now increased by officers from the Religious Affairs Office (KUA) District Leuwidamar placed in villages of Kaduketug, and other regions. The officers wrote the entire wedding of Baduis by first teaching reading *syahadat* to the groom of Baduis.

The interaction between Badui and Muslim who live around them became the process of the reception of subsequent *fiqh*. Although traditionally they are defensive, but they open the social and adopted some elements of *syariat*. The motivation of reception occurs because of intentional and unintentional. The intentional factor closely related to the deliberate effort to harmonize their Islamic beliefs. While unintentional factor occurs to next generation who only follows the rules of custom without asking the reasons. While unintentional factor occurs to next generation who only follows the rules of custom without asking the reasons.

The process of accepting *fiqh* among Badui cannot be separated from propaganda carried out by some Islamic organizations. According to *Punduh*<sup>21</sup> Maun, some of the Badui communities have converted to Islam. They even became *dai* (preacher) a “smiling of Islam.” Muhammad Kasja is one of the grandchildren of a traditional leader (*puun/tetua adat*) who became a convert to Islam and a *dai*. He and some other *dai* made regular visits to Badui communities to preach Islam.<sup>22</sup>

The main problem for the Badui tribe in accepting *fiqh* or leaving the Sunda Wiwitan religion is being asked to leave the Badui customary

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<sup>21</sup> *Punduh* is a traditional elder who is responsible for implementing and keeping tradition in Kampung Naga.

<sup>22</sup> Interview with *Punduh Maun*, on June 22, 2023.

land area. Therefore, many Badui are afraid of these customary rules, making it difficult for them to accept Islam as *kaffah*. Even if there are Badui who convert to Islam, they are usually those who can meet their family's living needs outside their traditional area.<sup>23</sup>

Thus, the process of accepting *fiqh* in Badui begins with the hegemony of state power over society. The interaction and propaganda of the propagator of Islam then became a fundamental factor in supporting this process. Even though they have not officially accepted Islam as a religion, the confession from *Jaro Sami*, *Jaro Dainah*, *Ayah Murshid*, *Jaro Alim*, and several other figures that their religion is Slam Sunda Wiwitan<sup>24</sup> is concrete evidence of the influence of Islam on this community.

The process of accepting *fiqh* by the Kampung Naga community is slow. It can be seen from the fact that his practice of *fiqh* is still limited to *mahdah* worship. For example, *salat* for them is not considered an obligation that must be carried out regularly five times a day. This is due to the strict implementation of Kampung Naga's ancestral traditions. On Friday, when Muslims must perform *salat Jumat*, they prefer to carry out the *Hajat Sasih* ritual.<sup>25</sup>

However, it must be acknowledged that some of the traditions in Kampung Naga are the result of an acculturation between Islam and local wisdom. The acculturation is, for example, reflected in the marriage process. In the past, marriage among the Kampung Naga community was considered valid if it was carried out in front of traditional elders.

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<sup>23</sup> *Ibid.*

<sup>24</sup> Slam Sunda Wiwitan is a special indigenous religion just for the Badui community. The mention of "Slam" is very similar to the word "Islam." There are many similarities between both of them, especially regarding monotheism and their beliefs about the Prophets Adam and Muhammad. Kiki Muhamad Hakiki, "Keislaman Suku Baduy Banten: Antara Islam dan Slam Sunda Wiwitan," *Refleksi*, Vol. 14, No. 1, 2015, pp. 25-54.

<sup>25</sup> *Hajat Sasih* is a traditional ritual and pilgrimage to the graves of *karubun lembur* (ancestors), Rahman, "Tak Ada Domba di Kampung Naga: Studi Etnografi Perayaan Idul Adha dan Hajat Sasih di Kampung Naga Tasikmalaya Jawa Barat," *Refleksi*, Vol. 14, No. 1, 2015, pp. 75-94.

However, after Islam was introduced, marriage was only considered legal if it was performed in front of traditional elders, *naib* and held in a mosque. Likewise, *sawer*<sup>26</sup> tradition is an assimilation between Islam and local wisdom.<sup>27</sup>

Indeed the harmonizing of *fiqh* and local wisdom has been ensued for hundreds of years. The current generation considers that it is an inseparable part. In this context, it is not strange that they adhere to what is called *Tatali Kumawula ti Agama Sareng Darigama*. The meaning of this term is the Kampung Naga community must obey religious orders and traditions.<sup>28</sup>

### **Current Badui and Kampung Naga**

From the results of observations, this article discovered that the Kampung Naga community is increasingly intense in implementing *fiqh*. They become increasingly piety, especially in the context of *mahdah* worship. A result of the assimilation process, the Kampung Naga indigenous community is part of the tourist destination in Tasikmalaya. This rural has attracted the attention of many people because it successfully combines traditional values and Islamic values. For example, they forbid stretching your legs to the west because it is in the same direction as the *Ka'bah*.

The community of Kampung Naga also still maintains their local wisdom by rejecting electricity to their village. The reason they rejected it is to enjoy the darkness while getting closer to God. So, even though the process of accepting *fiqh* in Kampung Naga is progressing slowly, there is still progress that can be observed.

In general, it can be concluded that the response of the Badui and Kampung Naga communities in accepting *fiqh* is different. The Badui

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<sup>26</sup> *Sawer* means advice from parents to the newlywed in the form of poetry (*syair*) and songs (*tembang*).

<sup>27</sup> Interview with *Punduh Maun* on March 22, 2023.

<sup>28</sup> *Ibid.*

community is more exclusive, so initially, it was difficult to accept *fiqh* in *kaffah*. However, their interactions with the Muslims made them accept *fiqh* gradually. In historical literature, this interaction was initiated by Sultan Hasanuddin from Banten and Sunan Gunung Djati from Cirebon.<sup>29</sup> The initial evidence that this interaction occurred was the presence of a *penghulu* who lived in Cicakal Girang village.

In observation of this article, the Badui traditional legal system is finally eclectic and allows for “hybrid identities.” Even though they have a ban on traditional embroidery, in practice there are still additions, although slowly and unnoticeably. Radical changes ensue at the beginning of the formation of this community. Some literature and folklore in the Leuwidamar area state that the restrictions placed on them are the implementation of an agreement with the Sultanate of Banten. For example, maintaining the prohibition on keeping four-legged animals, the use of household utensils, and the use of personal hygiene equipment are agreements that must be adhered to.

In the context of internal factors, the Badui community accepts *fiqh* or *syariat* because of their belief such as the Slam Sunda Wiwitan also belief that “Adam” as their prophet. They also believe that the Prophet Muhammad was a prophet of Allah, only that he was sent to other than the Badui. Based on this belief, their “religion” justifies the application of *fiqh*, which according to them is also part of religion, such as circumcision, and creed.<sup>30</sup>

Interaction within the Islamic community and outsiders is an external factor that causes Badui to be more inclusive. Apart from that, pressure from the government is also another factor that cannot be denied. They were “forced” to sign an agreement with Sultan Hasanuddin regarding the recitation of the *syahadat*. Unfortunately, the letter of agreement between both sides has been closely guarded until now so it cannot be accessed by the public.

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<sup>29</sup> M.C. Ricklefs, *Islamisation and Its Opponents*; Uka Tjandrasasmita, *Arkeologi Islam Nusantara* (Jakarta: Kepustakaan Populer Gramedia, 2009).

<sup>30</sup> Kiki Muhamad Hakiki, “Keislaman Suku Badui Banten...”

However, according to the current agreement, prospective Badui brides and grooms are required to recite the *syahadat* in front of the *penghulu*. In the archives that were traced in this research, the declaration of *syahadat* was carried out for the first time in Cicakal Girang Village, which is where Muslims live on Badui traditional land.

Furthermore, state hegemony in the *fiqh* is also an external factor that cannot be ignored. The government once intervened in the construction of a mosque in Cicakal Girang Village. Previously, all communities were not allowed to build mosques in their villages even though all residents were Muslim. It is because the area is part of the Badui traditional territory. However, with the help of a military from Bandung, the Jami mosque in the village was finally built. Interestingly, the “Badui Dalam” and “Badui Luar” are no strangers to *tayyibah* such as *alhamdulillah* and *insya Allah*. They use it in their daily activities.

Thus, the acceptance of *fiqh* by the two traditional groups includes both internal and external factors. Internal factors ensue as a result of each individual's decision to accept *fiqh*, and relate to all members of society. Meanwhile, external factors are the influence of other groups as an effect of interactions with nature, social and state law which become agents of change for the two communities.

## **Conclusion**

Specifically, there are two models of negotiations among the Badui and Kampung Naga indigenous communities. First negotiation was regarding the symbolic acceptance of *syariat* Islam. In this context, both communities accept Islamic symbols as part of their daily activities. Second negotiation is the substantive acceptance of *syariat* Islam. It includes the practices of *mahdah* worship in Islam. Even though they did not accept all of them, in the course of their development they finally accepted some of the *Rukun Islam*, although with selection and modification.

Acceptance of *syariat* Islam ensued through selection and modification. They would absorb it by selecting *syariat* Islam that is in harmony with their local wisdom. If *syariat* Islam is appropriate then it will be accepted and otherwise, it will be changed and adapted to the implementation of local wisdom if not appropriate. This is what ultimately gives rise to “hybrid identities” because the two indigenous communities have an eclectic. In essence, they succeeded in combining local wisdom with Islamic values, which complement each other rather than dominate each other.

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