



## Adaptation of Islamic Law to the fluctuationsof Marga in Power Politics

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### **Abstract**

The research on the adaptation of Islamic law to the clan political dynamics in the Sultanate of Palembang highlights the role of Islamic law in preserving traditional customs and its relevance to local life. Using an interpretative approach and the concept of al-‘aadamuhakkamah, this study explores how Islamic law interacts with traditional norms in the political life of the Sultanate of Palembang. The findings indicate that the adaptation of Islamic law to clan dynamics in the Sultanate of Palembang is a complex phenomenon influenced by local traditions, politics, and selective interpretations of Islamic values. This research emphasizes the need for a comprehensive approach to understand the adaptation of Islamic law to the social realities in the Sultanate of Palembang. An enhanced understanding of Islamic teachings, along with participatory mechanisms in decision-making regarding power and kinship, is crucial. The role of religious leaders is vital in providing guidance that aligns with Islamic principles to maintain harmony and welfare in the Sultanate of Palembang.

**Keywords:** *Adaptation; Islamic Law; Marga; Power Politics*

### **Introduction**

During the period of the Palembang Darussalam Sultanate, like most Muslims in the archipelago at that time, the local community followed the teachings of Ahlu al-Sunnah walJamâ'ah. They emphasized the understanding of Islamic jurisprudence, particularly the Shafi'i school, and the concept of monotheism according to Ash'ari theology (Muzani S., 1995). This group is often considered adherents of a tradition that emphasizes formalism and symbolism, with a primary focus on formal worship practices as the main measure of one's religiosity, piety, and faith. This contrasts with a more substantial and functional understanding of Islam, which views Islam within a broader framework and is not limited to formal worship aspects. The deeply rooted beliefs and culture in Palembang have been an integral part of the local community's faith since ancient times. Consequently, changes in these beliefs require a considerable amount of time. Nevertheless, this situation has made Palembang an important site for interaction with various civilizations and traditions in the archipelago (Rahim H., 1998).

One of the focal points of Islamic teachings emphasized by the Palembang Sultanate was the doctrine of law. According to Amin, citing van Royen, the influence of Islamic law in this region was significant, particularly in matters of family law such as marriage and inheritance. Over time, this led to a

reduction in the influence of customary law. Lukito highlights a phenomenon of mutual accommodation between Islamic law and customary law, especially in the realm of family law. However, Amin does not detail the influence of Islamic law in other legal aspects, such as civil law, perhaps because the influence of Islamic law in this area was not as dominant (Amin M., 1986).

Throughout its history, according to Aly (Aly S., 1993), the Palembang Sultanate sought to align Islamic teachings and laws with its political structure and ideology. Significant evidence of this effort includes the restructuring of the religious bureaucracy operating at the central sultanate level and the local levels, such as marga and villages. At the central level, the religious bureaucracy was represented by the pangerannatagama, who held an important role as the second-highest official (Kartodirdjo, 1975). At the local level, the religious bureaucracy was represented by the penghulu, who worked alongside the pasirah or depati as the heads of marga. Additionally, there were religious courts led by the pangerannatagama, along with other courts led by Kiai Tumenggung Karta. The religious courts were responsible for adjudicating cases related to religious matters according to the provisions found in Islamic jurisprudence. Furthermore, the implementation of "Aturan Kaum"—a set of regulations governing religious affairs—was the responsibility of the pangerannatagama and the penghulu under him. The Aturan Kaum were incorporated into the LawSimbur Cahaya, which served as the legal guideline in the hinterlands (Abdullah M. A., 1993).

Van Den Berg, a Dutch legal expert, concluded that through LawSimbur Cahaya, there was a manifestation of a combination between Islamic law and pre-existing customary law functioning within the sultanate society. The effort to adapt various elements of Islamic legal teachings into customary law indicates that the Islamic law in effect at that time was a result of compromise. Islamic teachings only provided a fundamental basis for customs, while traditions aligned with Islamic values were given an important role in law-making (Amin M., 1986).

In Islamic jurisprudence literature, the approach relevant to legal adaptation is the theory of 'urf or al-‘aadah developed by usul scholars such as Hanafi, Maliki, Shafi'i, and Hanbali. They argued that 'urf or local customs significantly influence the application of law. Although there are differences of opinion among them regarding the validity of 'urf, they consider 'urf as one of the methods of istinbath (derivation of legal rulings) (Khallaf, 1978; Zarqa, 1959). Muslim jurists concluded that customary principles could be effectively used to develop law. The founder of the Hanafi school, Abu Hanifah, included custom as one of the bases of the principle of istihsan (juridical preference), which was subsequently continued by his followers.

The influence of 'urf in the establishment of law can be observed in the examination of jurisprudence texts, particularly in the interpretation of expressions used by legal subjects. Expressions that are clearly understood in a certain place or time might be considered invalid or merely metaphorical (kinayah) in another place or time. Changes in 'urf regarding the use of an expression can affect the law that is applied.

Indonesia is known for its cultural diversity. The national motto "Bhinneka Tunggal Ika" reflects that Indonesia consists of various ethnicities, cultures, religions, languages, and local wisdom. One example of this local wisdom is the concept of "marga" found in the LawSimbur Cahaya. Marga holds significant autonomy, overseeing villages and hamlets, and functions as a territorial and genealogical unit. These margas were initially influenced by three factors: residents with territorial ties, kinship based on lineage, or a combination of both. Marga are then associated with specific territories with their own governance, primarily serving as territorial units with unique socio-political systems. The 1945 Constitution of Indonesia recognizes marga and villages in South Sumatra as regions with special status respected by the Republic of Indonesia.

Marga is a traditional community that self-governs with institutions, legal apparatus, and clear social life guidelines. As a forefront unit of local governance, marga has the authority to manage its

affairs based on customary law, enact regulations through the Marga Council, and enforce sanctions according to customary law. The duties and powers of marga encompass judicial aspects, policing, customary rights, and sources of income. Marga not only governs administration but also the cultural behavior of the local community, encompassing individual and group behaviors in daily and situational life. This relates to the cultural richness recognized and protected by the 1945 Constitution of Indonesia.

The context of marga in the Law Simbur Cahaya shows that marga is an important part of the social and political system based on local customs and culture. Marga plays a significant role in governance, law enforcement, and preserving and respecting local culture in community life.

With this background, the article is titled, "Adaptation of Islamic Law to the fluctuations of Marga in Power Politics."

### ***Research Methodology***

This research employs a historical method involving heuristic, criticism, interpretation, and historiography. The first step involves seeking primary written sources at the National Archives of the Republic of Indonesia, the National Library, and the main library of the State Islamic University (UIN) Raden Fatah. The search focuses on documents related to Palembang from 1948 to 1957, including collections from the Ministry of Information (1945-1955), the Ministry of Home Affairs (1950-1958), and the archives of the Indian Government in the Templar General Secretariat (1942-1949).

Upon finding these sources, critical analysis is conducted to assess the authenticity and credibility of the documents. The next step is interpretation, which involves in-depth analysis to understand the historical context and interpret relevant information. The final step is historiography, which entails constructing a coherent historical narrative about decentralization in Palembang during that period.

Primary sources from the national archives and libraries are crucial because specialized literature on decentralization in Palembang remains limited. Secondary sources, such as books, research reports, journals, and articles, are obtained from the main library of UIN Raden Fatah to support and provide additional context.

### ***Discussion and Results***

According to Ismail (Ismail, 2004) in his book "Marga in Bumi Sriwijaya," citing Van Royen (1927) from the book "De Palembangse Marga," the native inhabitants of South Sumatra originate from three main mountain ranges: Mount Seminung, Mount Dempo, and Bukit Kaba. Jelma Daya originates from Seminung and descends to the Komering River up to Mount Batu. The Pasemah (and Serawai in South Bengkulu) families, descendants of Mount Dempo, spread along the Lematang, Enim, Kikim, Lingsing, Orta Musi, and Ogan rivers. The Rajang people come from around Mount Kaba and trace through the upper streams of the Musi River, Rawas, as well as the Keruh and Penukal rivers downstream of Lematang. The distribution of these three groups contributes to the diversity in South Sumatra. Due to their settlement patterns following river flows, which were historically not interconnected, these three tribes developed separately, forming small groups named after these rivers. Traditional names such as Komering, Ogan, Lematang, Kikim, and Musi continue to exist to this day.

Nevertheless, the characteristics of these three main groups are still clearly visible, especially in terms of language and culture. Along the riverbanks, each tribe dispersed and fragmented into small groups called Ke-Puh-Yangan. They lived in places with clear boundaries called Dusun. These village communities gradually spread to their surroundings and established umbul, talang, or statues. Over time,

these umbul, talang, or figures evolved into new villages. However, they remained attached to their original village as their homeland. This may be the origin of the families we know today.

### A. Fluctuations in Marga Governance

In the early development of this society, they adhered to the principle of bloodline descent (ancestor communities). In societies that uphold this principle, power typically rested in the hands of the "Jurai-Tua," considered as the "leader" (*primus inter pares*). There were not many differences among them because they shared blood relations and originated from the same group. The manager's responsibility was limited to maintaining and enforcing agreed-upon rules known to its members. This is why their leaders were called 'pengandang,' which means guardian or protector of the boundaries of the state and the principles that govern it. Violations of customs could be punished by expelling the offender from the company, as in other organizations at that time.

This legal definition is also reflected in the use of terms such as "sampah," "exile," or "pariah," which are still used today to describe someone serving a prison sentence. At the legal unit level based on the principle of lineage, the governance system of the three Uluan tribes in South Sumatra had different names. In the Batanghari Komering region, these descendant groups had a domain of authority called "Morga," ruled by "elders" who played the role of "Queen Morga" titled Kai-Pati. If the eldest child, then represented by the eldest child. This eldest child is called "barop" in the kinship system of this region. The eldest child, named "pambarop," who plays the role of "Princess Morga" or "Kai-Pati," holds the title of "Balancing Princess." If the eldest child is not yet an adult, the title of "pambarop" is given to the queen's brother or a brother with the title "Mangku Morga."

In this region, married adults are called "Parawatin". This term is used to develop independent "umbul", and the head of the village is called "Kai Ria Parawatin".

According to De Brauw (1855), as mentioned by Van Royen (1927), in the Pasemah Mountains, the descendants of the community have a place called "Sumbay". Each Sumbay is ruled by an elder called "PaseLurah". The tribe is led by an elder Musyawarah-jurai, led by one of the elders among them. Each Sumbay is further divided into several "provinces" but does not have its own government. This shows that true democracy has emerged since the age of the 'Pase-Lurah' could be discussed among the jurai.

The community living along the Batanghari (riverbank) is divided into Ke-Puh-Yangan groups despite originating from the same family. Interactions among the Ke-Puh-Yangan groups have been successful because they continue to exist within the community. However, the legal community based on lineage has become a legal community. Many Ke-Puh-Yangan groups are willing to live together in one place, they have a set of common rules, and they have the authority to enforce these rules on any resident. They also have the authority to govern their households within specific territorial boundaries. According to Ismail, in a legal community governed by inheritance principles (*rechenschap*), power generally rests with the "Jurai-Tua" who holds the position of "leader" (*Primus Inter Pares*). There are no differences among them because they share blood relations and come from the same group. The manager's duty is to maintain and enforce agreed-upon rules and to know the neighbors. However, after the mixing that occurred among the Jurai living in certain regions (lineage regions), the principles of accepted community governance also changed.

The leadership succession system initially relied on "Jurai-Tua", which became a regional system, and then on "Territorial Alliances" (territorial communities). In this way, leaders were chosen from existing juries. These leaders of the clan are called "pengandang". Their task is to guard or protect the boundaries of the state and to maintain the boundaries of what is permissible and what is not. As in the customs of ancient countries, violations of customs would be punished by expelling the offender from the related community. This formal legislation is also reflected in the use of the term "exile," which continues to be used in modern times to refer to someone who has been sentenced to prison.

From a political standpoint, another theory suggests that marga is a community governance system established in the 18th century by the Palembang Sultanate in South Sumatra (Rachman, 1968). This approach was adopted by the colonial governments of the Netherlands, Japan, and Indonesia prior to the enactment of Law Number 5 of 1979. Technically, the formation of families and the Palembang Sultanate was achieved by merging kesumbayan/petulai/kebuai (three in ten). They lived closely together in a family led by a leader named Sandah. As an independent government, this organization had fairly good equipment. In carrying out its duties, Pasirah was led by the Marga council and usually assisted by Pengbarap, the village head or village where Pasirah resided. Pengbarap could act as Pasirah's representative, with the authority to replace Pasirah if absent. Additionally, Pasirah was assisted by the Head of Religious Affairs, while the Kemit Marga was responsible for family security. Pasirah functioned as both the head of government and a customary leader. As the head of government, Pasirah served as a political leader at the community or Sumbai level. As a customary leader, Pasirah was a social leader in the community. Thus, Pasirah played a dual role not only as a leader executing governmental tasks but also as an enforcer of customary law. In customary justice, Pasirah referred to the Simbur Cahaya law. This is a collection of customary laws developed orally in South Sumatra. The Simbur Cahaya was created by the wife of Princess Sido Ing Kenayan (1636–1642 CE), ruler of the Palembang Kingdom. The book consists of five chapters discussing legal and customary institutions in South Sumatra, particularly those related to gender equality.

In its development, this family government system flourished during the reign of the Palembang Sultanate, especially under Sultan Mahmud Badaruddin II (1776-1821). This was done to protect the Palembang Sultanate from Dutch and British influences and also served as a defense stronghold against external attacks on Palembang (Rachman, 1968). Until today, these villages continue to function as social organizations that play a crucial role in preserving local customs and traditions in South Sumatra.

According to this organization, they are considered families if they can adhere to the Simbur Cahaya law. The task of the juru sita was to collect offerings or tributes from the rulers to the Sultan. The administrative system in South Sumatra grew rapidly during the reign of Sultan Mahmud Badaruddin II.

## **B. Marginalization and Elimination of Marga Power**

### **1. Marginalization of Marga Power**

Marginalization of marga power is a process that weakens the position and traditional role of family or marga within the social structure. The term "marginal" originates from English, referring to the edge or periphery. Contextually, this marginalization leads to a decline in the status or role of family or marga within the social or political structure. This phenomenon often results in communities or groups feeling marginalized, struggling to articulate their identity, and limited in social participation and activities.

In the realm of family, measures like Law Number 5 of 1979 can contribute to family disintegration. Government efforts to streamline village governance structures often involve reducing the roles of traditional family elites, who may then be relegated to symbolic roles without real power. These policy changes diminish the traditional role of families in the traditional governance system, leaving former tribal leaders with only ceremonial roles.

### **2. Elimination of Marga Power**

Steps to eliminate marga power often involve systematic efforts by the government to overhaul traditional social and political structures. For example, Governor's Decree No. 142/KPTS/1983 effectively abolished tribal governance. This was followed by the establishment of villages as new institutions, replacing the jurisdiction of marga territories. These changes have several consequences,

including the dissolution of marga that previously governed the village union. (Meita Istianda, et al., 2023)

The government also took measures to reform institutional structures and decision-making processes at the village level. Village heads were appointed as single leaders by the government, replacing the traditional roles of marga or tribal chiefs. This has altered the power dynamics at the local level, with village heads now serving as representatives of the state rather than direct representatives of the community.

## **2.1. Social and Political Impacts**

These changes have significant social impacts. Indigenous communities, which previously relied on internal clan or tribal power structures and decisions, must now adapt to new systems led by central or local governments. These changes also affect identity and intergroup relations, as the new power structures can alter social and political dynamics at the local level.

In the context of South Sumatra, the adaptation of Islamic law and customary values becomes crucial in addressing political and social changes. The history of marriage in the Sultanate of Palembang illustrates transformations influenced by Islam, politics, and clan structures. Understanding the adaptation of Islamic law and customs in the context of clan politics and dynamics is essential for comprehending social and political changes in South Sumatra. (Abdurrahmansyah, 2020)

## **2.2. The Importance of Considering Local Values**

The removal of clan power and the changes in social and political structures must be carefully considered, especially in the context of sustaining local culture and identity. Indigenous values and traditions play a crucial role in shaping community identity and solidarity, and neglecting these values can lead to social tension and conflict.

The processes of marginalizing and removing clan power are part of governmental efforts to reshape existing social and political structures. While they may bring positive changes such as modernization and democratization, they also carry negative impacts such as the loss of cultural identity and social instability.

Therefore, it is important for the government and society to carefully consider the social, cultural, and political implications of each step taken in this process of change. Paying attention to local values, listening to the voices of the community, and involving them in decision-making processes are key to achieving sustainable and inclusive transformation.

In the context of South Sumatra, integrating Islamic law, customary values, and modern political structures can form a strong foundation for building a more stable and sustainable society. This requires dialogue among various stakeholders including the government, indigenous community leaders, and religious leaders to achieve consensus on the desired direction of change.

With a holistic and inclusive approach, South Sumatra can address the challenges it faces and achieve sustainable progress. This is not just about creating change but also about building a better future for the next generations, where local values are respected and integrated into broader social and political structures.

In this regard, the role of civil society, academics, and non-governmental organizations is also crucial. They can advocate for those who may be marginalized in the process of change and play a significant role in monitoring policy implementation to ensure the interests of the broader community are prioritized.

As part of efforts to sustain local culture and identity, it is also crucial for the younger generation to engage in learning and understanding indigenous values and to advocate for their preservation. This way, they can become meaningful agents of change in building a sustainable and inclusive future for South Sumatra.

In facing the dynamics of social and political change, we must understand that there is no instant or single solution. However, with an awareness of its complexity and a commitment to collaboration, we can create a fairer, more inclusive, and sustainable society for all residents of South Sumatra.

### C. Islamic Law in the Politics of Marga Power

Marga plays a central role in the social and political structure of Palembang society. Families are not only the most important units in the community but also wield strong local power. Palembang society consists of various customary bodies with specific boundaries. Historically, the community has had customary rights to own and control land and possess property according to local laws.

The tribal government consists of a chief (Pasirah) and a council of community representatives (DPR-Marga). Pasirah is elected directly by family members based on the choice of the family head, with the family head serving a 10-year term. A Pasirah elected three times consecutively is given the title Depati. In managing the family council, the family leader is assisted by their deputy, the family head (family secretariat), various village leaders, and tribal chiefs. (Dr. Dedi Irwanto, M.A. et al., 2022)

According to Islamic law, the mentioned temporary governance system is permissible as long as it is based on principles of justice, qualifications, and consultation. The principle of equality must be respected in the selection of leaders, and qualifications as well as consultation with stakeholders should be considered in decision-making. Islamic law also emphasizes the importance of delegation of authority and good governance practices. If organizational leaders serve three consecutive terms before assuming the position of Depati, this should be carefully considered to avoid injustice or excessive control over leadership.

In general, Islam encourages the establishment of governance that is fair, transparent, and based on adequate qualifications. Therefore, if these principles are adhered to, then a fixed-term management system can be acceptable within Islam.

Leadership patterns in Islam can be adapted to local cultures through several methods, including:

1. Participation: Islam encourages active participation in decision-making within communities. This principle can be applied to local cultures by integrating the broader community in policy-making and leadership selection processes. Islam emphasizes the importance of "shura" (consultation) among believers, as mentioned in Surah Ali Imran [3:159]: *"And consult them in the matter. And when you have decided, then rely upon Allah. Indeed, Allah loves those who rely [upon Him] and are reliant."*

This verse underscores the significance of consultation in decision-making processes. Consultation represents active participation of the community in decisions that affect collective life. It shows that Islam encourages active participation of the community in various aspects of life, including policy formation and selection of leaders.

2. Justice: The principle of justice in Islam can be applied in local cultures by ensuring that every individual, group, or community has equal access to policies and resources. Islamic principles of justice demand that every individual, group, or community has equal access to policies and resources. This is commanded in Islamic teachings to ensure that there is no discrimination or

unfair treatment towards anyone. The principle of justice also ensures that decision-making processes and distribution of power are carried out fairly and equitably.

Allah SWT says in Surah An-Nisa' [4:135]: *"O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is Acquainted with what you do."*

According to a Hadith of the Prophet Muhammad (SAW) narrated by Abu Hurairah, *"Whoever is burdened with the responsibility of some affairs of the Muslims, he should work for them honestly, and if he becomes indifferent to them (i.e., does not work sincerely) then he will not be rewarded, and if he becomes neglectful in their affairs, then he will not be rewarded, and if he becomes neglectful in their affairs, then he will be included among the wrongdoers."* (Narrated in Sahih Bukhari and Sahih Muslim)

These principles highlight Islam's emphasis on active community participation in decision-making processes and the importance of justice in governance and leadership, which can be adapted and integrated into various local cultural contexts.

This hadith states that a person entrusted with the affairs of the Muslim community will receive full reward from Allah if they carry out their responsibilities sincerely and wholeheartedly for the benefit of the community. However, if someone undertakes such responsibilities without enthusiasm and sincerity, they will still receive partial reward.

These verses and hadiths underscore the importance of knowledge, intelligence, and piety as primary criteria in appointing leaders. This implies that appointed leaders must possess adequate religious knowledge and the ability to make fair decisions based on Allah's laws.

Therefore, Islam views the recruitment and appointment of government officials according to principles of justice, competence, and piety as blessed steps that greatly benefit society. Hence, Muslims are taught to select and support leaders who meet these criteria and ensure that governmental decisions are based on Islamic values that promote goodness and societal welfare.

In practice, Islam encourages the process of selecting and appointing government officials to be transparent and fair, without nepotism or discrimination. Every individual who meets the qualifications and criteria set forth should be given an equal opportunity to hold such positions.

Islam emphasizes the importance of consultation (musyawarah) in the decision-making process. Leaders are expected to listen to viewpoints and inputs from various stakeholders, including experts and community leaders, before making decisions that will affect society.

Regarding Islamic law on the recruitment and appointment of senior public officials, there are no specific rules governing this process. However, Islamic principles of justice, honesty, and competence underpin every policy in governance.

Therefore, Islam stresses the significance of selecting qualified and righteous leaders and conducting governance based on principles that are fair and consistent with Islamic law. This is viewed as a crucial element in building a just and prosperous society in accordance with the values inherent in Islamic teachings.

For this reason, the principle of fikih (Islamic jurisprudence) is "al-'aadah muhakkamah" or "established custom". This principle states that established customs and traditions are binding in Islam. In the context of appointing civil servants, this principle asserts that if a norm or custom governing the appointment process of civil servants is well-established in society, then it is considered valid and legally binding as long as it does not contradict Islamic principles. (Ansori, 2020)



The application of the principle of al-'aadah muhakkamah in the context of appointing public officials indicates that when specific practices and procedures in the selection and appointment of public officials are established within a society, these practices can be used as the basis or guidelines for policymaking in recruitment and appointment. However, this principle must align with Islamic values that emphasize justice, transparency, and the public interest.

Additionally, the principle of "Al-Istishab" (continuity of the state) also applies in this context. This principle states that a state or law that has been in effect will continue to apply unless there is clear evidence that the law has been changed or annulled. In the case of appointing civil servants, this principle asserts that if a system or procedure for appointing civil servants has been consistently and effectively implemented, the continuity of that system can be recognized as a principle still valid today, unless there is clear evidence that the system has been altered or abolished. (Dr. Nispul Khoiri, 2015)

Therefore, the application of Fiqh principles in the context of appointing senior public officials can provide a clear and effective framework for policymakers to establish fair recruitment procedures that align with Islamic values. These principles help ensure that the process of appointing public officials is conducted in accordance with the fundamental principles of Islamic teachings, namely justice, transparency, and the public interest.

In the realm of political power, major marga often occupy significant positions within the governmental structure and serve as primary advisors to the rulers of the sultanate. They also play a crucial role in determining political policies, maintaining social stability, and safeguarding the sovereignty of the sultanate. This position grants them significant influence in political and social decision-making. However, despite the strong influence of major marga, the sultanate of Palembang's society also comprises smaller marga with different roles in political power. Although not as influential as major marga, these smaller marga still play a vital role in maintaining social and political stability at the local level.

Furthermore, interactions between marga play a crucial role in political power dynamics. Alliances between marga are often formed to strengthen their political positions, while competition between marga can lead to internal conflicts that may undermine the sultanate. Overall, the position of marga in the political power of the Sultanate of Palembang reflects the complexity of the social and political structure of the society.

The verse emphasizes the importance of justice in relationships with others. Justice is a fundamental principle in Islam and serves as the basis for establishing rightful religious authorities in carrying out their duties.

The hadith related to the verse is narrated by Imam Ahmad, Abu Dawud, and Tirmidhi from Abu Hurairah: Prophet Muhammad (SAW) said:

قُلِّ الْحَقَّ وَلَوْ كَانَ مُرًّا

The meaning is: "*Speak the truth even if it is bitter.*"

This hadith emphasizes the importance of honesty and integrity in all actions and decisions, including leadership. A leader, whether at the central or local level, must uphold the principle of integrity in fulfilling their role as representatives of God on earth.

The verses of the Qur'an and the hadiths mentioned above emphasize the principles of justice, honesty, and truth as foundations for building and participating in religious authorities in society. The sources of this article are based on the interpretations of scholars of the Qur'an and Hadith, as well as literature on the history of the development of religious authority centers in Indonesia, religious

anthropology, and Islamic studies.

Secondly, religious judiciary institutions are part of the traditional community legal structure, integrated with other judicial institutions led by Pangeran Natagama and Kiai Tumenggung Karta. The religious courts have the primary responsibility to settle religious affairs and many other matters governed by religious values and traditions. Pangeran Natagama, the head of the Religious Justice Center, plays a crucial role in resolving disputes and maintaining the integrity of justice and religious values. They have the authority to adjudicate and impose punishments in accordance with Islamic teachings and traditional principles used in society.

On the other hand, judiciary institutions at other levels, led by Kiai Tumenggung Karta, have similar responsibilities in resolving issues related to religion and customary values. As the head of the judiciary, Kiai Tumenggung Karta is responsible for ensuring that justice is efficiently upheld in accordance with the law.

Religious courts and other judicial bodies ensure compliance with the law based on the values and practices of the community's religion. They contribute to maintaining harmony and equality in society and advocate for justice for all those facing legal issues.

Religious institutions and other legal bodies are integral parts of Indonesian customary society. They play a crucial role in ensuring justice, safety, and security in the community and ensuring that religious values and traditions are respected in all judicial processes. These institutions not only resolve legal disputes but also strengthen and preserve social, cultural, religious, and spiritual values within the community. They uphold the continuity of inherited values from generation to generation and ensure that the law is always implemented in accordance with the attitudes and beliefs of the community.

Furthermore, the existence of religious legal institutions and other judicial bodies also reflects Indonesia's diversity and pluralism in its legal system. Each region or community may have different legal structures and procedures based on their values, traditions, and beliefs.

However, principles of justice, equality, and harmony remain fundamental in the legal processes, both in terms of religion and tradition. This underscores the importance of maintaining a balance between adherence to religious and customary laws while ensuring that everyone is treated fairly under the law.

During the era of reform and development, the roles of traditional judicial and religious institutions may face challenges and changes. However, the values they uphold, such as justice, equality, and respect for diversity, remain strong foundations in the development of Islamic law in Indonesia.

Therefore, the preservation and reform of religious and traditional legal institutions reflect Indonesian society's efforts to meet the legitimate needs for justice based on religious, cultural, and traditional values. In Islam, obedience to the law is a specific part of community life. Allah SWT says in Surah An-Nisa, verse 58:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۗ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا  
"بَصِيرًا"

"Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing."

This verse emphasizes the importance of justice in all aspects of life, including law enforcement. Governments and authorities are expected to make every effort to ensure that laws are applied fairly and impartially, without bias towards any religious, racial, or familial group.

In the context of religious law institutions in Indonesia, the principles of justice and equality are adhered to in law enforcement based on local values and traditions. Law enforcement officials must respect the values and traditions of the local religion without compromising the principles of justice and equality.

The concept of Islamic law emphasizes the importance of maintaining justice, equality, and the supremacy of law based on religious values. In Islam, everyone has equal rights before the law, and law enforcement must be conducted impartially, without favoring any party. (Hamzani, 2018)

The inclusion of 'Cultural Law,' namely a collection of provisions regulating religious worship that fall within the jurisdiction of Prince Natagama and his officials, including in Simbur Cahaya, is considered a legal regulation in the area. Situated far. Therefore, the Simbur Cahaya Law Book can be understood as an example of Islamic law and practice that exists and applies in the ruler community in Palembang, in which various elements of Islamic legal doctrine are adapted. In the Simbur Cahaya law, there are various elements of Islamic legal doctrine that are adapted to the needs and social conditions of the community. This is an effort to integrate Islamic values with local traditions, creating official laws that respect local wisdom but are based on religious principles.

The integration of Islamic legal elements into the Simbur Cahaya law demonstrates that Islam in Indonesia is not static or rigid but capable of adapting to local values and prevailing socio-cultural norms. This shows the richness and flexibility of Islam as a religion capable of integrating various cultures and traditions of the archipelago. The Simbur Cahaya Law Book is concrete evidence of how Islamic law among the people of Indonesia has developed and enforced through the interaction between Islamic teachings and local traditions. This indicates that Islam in Indonesia is not just a religion, but a unique part of culture and identity that must be respected and understood.

To understand Islamic law among the people of the islands as a whole, it is necessary to examine the interaction process between the two legal bodies. As an official source of community tradition, Simbur Cahaya seeks to alter the basic culture of Palembang society. Protection and control of various aspects of community life, including politics, family law, village law and bureaucracy, state ethics, morality, marriage, and more, can be found in various regions. Therefore, the contents of the Simbur Cahaya document generally reflect a specific form of governance. We understand the law and respect human rights, equality and cooperation in the field of environment.

The evolution of Islamic law applied during that time period resulted from changes in Islamic law and customs. Family law that was initially in place was later transformed into customary law, creating a legal consensus that blends both laws, particularly in the context of family law such as marriage. The process of understanding between Islamic law and local tradition shows that Islamic teachings form the basis of those traditions, with Islam reinforcing traditions that align with Islamic values. This reflects the principle of *al-'aadah Muhakkamah*, one of the sources of Islamic law. From this interaction, it can be concluded that Islamic law in the Nusantara islands is the result of adapting Islamic teachings to local conditions. As an official document of community tradition, Simbur Cahaya seeks to transform the basic culture of Palembang society by safeguarding and regulating various aspects of community life. Its content reflects a specific form of governance, while also respecting human rights, equality, and cooperation in environmental matters. This comprehensive review provides an overview of how Islamic law developed through interaction with local traditions and how this is reflected in official documents such as Simbur Cahaya.

The process of reconciliation between Islamic law and tradition demonstrates that Islamic doctrine serves as the fundamental basis of tradition. Islam does not demand Islamization but rather allows greater freedom for traditions associated with Islamic values to participate in lawmaking. This situation aligns with the fiqh principle of al-‘aadah muhakkamah, which is one of the sources of Islamic law.

The concept of Islamic law refers to the application of "Aturan Kaum" or the Simbur Cahaya law, which governs religious affairs in traditional societies, particularly in the Sultanate of Palembang, reflecting the integration of Islamic values and local traditions. Islam in Indonesia is known as a religion that is simple and accepts local values without abandoning its principles (Adil, 2016). In Islam, the application of law must be based on principles of justice and fairness. Allah SWT says in the Quran, Surah An-Nisa, verse 135:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ ۚ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا ۗ فَلَا تَتَّبِعُوا الْهَوَىَٰ أَن تَعْدِلُوا ۗ وَإِن تَلَوْا أَوْ نَعَرْتُمْ أَوْ لَعُنْتُمْ فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا" (النساء: 135)

*It means: "O you who have believed, be persistently standing firm for Allah, witnesses in justice."*

This verse emphasizes the importance of upholding truth and justice in all aspects of life, including law and its enforcement. In the context of enforcing the Simbur Cahaya law, it indicates efforts to ensure that the law is applied according to Islamic principles that emphasize justice and equality.

The adaptation of laws resulting from the adaptation of Islamic law and traditions represents the principle of "al-‘aadah Muhakkamah" in Islamic jurisprudence. This principle recognizes the role of local customs in determining laws, as long as they are consistent with Islamic values.

The application of adaptive laws resulting from the integration of Islamic law and local traditions also reflects the principle of al-‘aadah Muhakkamah in Islamic jurisprudence. This principle acknowledges that local traditions can play a role in legislation as long as these traditions adhere to Islamic principles. (Praditha, 2023)

The application of adaptive laws resulting from the integration of Islamic law and local traditions also reflects the principle of al-‘aadah Muhakkamah in Islamic jurisprudence. This principle acknowledges that local traditions can play a role in legislation as long as these traditions adhere to Islamic principles. The concept of Islamic law regarding the implementation of the Simbur Cahaya law is thus interpreted as an action to blend the wisdom of religious principles and local values. This enables the creation of official laws that meet the needs of the community while upholding Islamic values.

The application of adaptive laws resulting from the integration of Islamic law and local traditions, which also reflects the principle of al-‘aadah Muhakkamah in Islamic jurisprudence, acknowledges that local traditions can play a role in legislation as long as they adhere to Islamic principles. The integration of religious legal wisdom and local values is reflected in the concept of Islamic law related to the implementation of the Simbur Cahaya law. This means that the adoption of laws that meet community needs can be done without forgetting Islamic principles. This approach allows for the creation of official laws that are relevant to local needs while still respecting and preserving Islamic values. It demonstrates the adaptability of Islamic law in adjusting to local contexts while maintaining the essence of religious teachings. (Suparji, 2019)

"Al-Adl mukaddam 'ala al-Mashalih" means the principle of justice (al-'adl) takes precedence over interests (al-maslahah). In the context of this phrase, the principle of justice emphasizes the importance of bearing witness to a matter, even if it involves oneself or one's close relatives, even if it causes hardship or loss to that person.

"This principle emphasizes that justice must be the guiding principle in decision-making and actions in all cases, even if it conflicts with personal or group interests. Therefore, it should always be the principle of justice in the context of law enforcement or testimony. It supports treating every individual or group according to the religious values and principles of justice inherent in Islam." (Hamzani, 2018)

## **Conclusion**

The adaptation of Islamic law to fluctuations in the political power of *marga* is a complex and diverse phenomenon. In certain contexts, Islamic law can function as a tool to uphold the dominance of established clan groups. This occurs when Islamic values are selectively interpreted and applied to support the political interests and power structures within *marga*. For example, traditional practices deemed to align with Islamic law may be used to justify specific power dynamics within *marga*, even if these practices are not entirely consistent with principles of justice or equality in Islam.

Optimizing the adaptation of Islamic law to changes in clan structure and political power requires several key steps. First, there needs to be a deeper development of understanding regarding Islamic teachings and the principles of justice embedded within them. This can be achieved through high-quality religious education and increasing public awareness of true Islamic values.

Second, it is crucial to emphasize the fair and objective application of Islamic law, without misuse for the benefit of specific groups. This requires active participation of scholars and community leaders in providing accurate understanding of Islamic law.

Third, participatory mechanisms need to be established, allowing communities to be involved in decision-making processes related to power within *marga*. By directly involving the community, collective awareness of justice and equality in power structures can be fostered.

Fourth, governments and relevant institutions need to exercise strict oversight over the application of Islamic law in the context of political power, to prevent misuse or distortion of religious principles for specific political interests.

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