

Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu

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Abstract

This article analyzes the integration of Islamic law and customary law in shaping the religious identity of the Malay Buyan community in Kapuas Hulu, West Kalimantan, Indonesia. While Islamic law plays a central role in regulating social and religious life, local customary law remains deeply embedded in the community's legal consciousness and socio-cultural framework. Previous studies have often treated these two legal systems as separate or even contradictory. However, this study challenges such a dichotomous perspective by demonstrating that Islamic law and customary law engage in an ongoing process of negotiation, resulting in an adaptive and contextually dynamic legal framework. Using a socio-legal approach, this research collects data through in-depth interviews with ten key informants, participant observation, and document analysis. The findings reveal that Islamic law does not replace customary law but is instead integrated into the local legal system, influencing various aspects of social order, family structures, and the sustainable management of natural resources. This integration is evident in the use of Islamic legal terminology, the substance of legal norms, the mechanisms for customary fines, and the role of Islamic religious leaders in the codification of customary law. These findings challenge the prevailing bipolar view that positions Islamic law and customary law as inherently opposing systems. Instead, this study highlights a dynamic and integrative interaction between the two legal traditions, ensuring both social harmony and legal continuity. Ultimately, the article argues that the coexistence of Islamic and customary law is not a source of conflict but a mutually reinforcing and evolving process that contributes to strengthening both religious and cultural identity in a predominantly Muslim society.

[Artikel ini menganalisis integrasi hukum Islam dan hukum adat dalam pembentukan identitas keagamaan masyarakat Melayu Buyan di Kapuas Hulu, Kalimantan Barat, Indonesia. Meskipun hukum Islam memiliki peran penting dalam mengatur kehidupan sosial dan keagamaan, hukum adat setempat tetap tertanam kuat dalam kesadaran hukum masyarakat. Penelitian sebelumnya sering kali memperlakukan kedua sistem hukum ini sebagai entitas yang terpisah atau bahkan bertentangan. Namun, studi ini menantang dikotomi tersebut dengan menunjukkan bahwa hukum Islam dan hukum adat terlibat dalam proses negosiasi yang berkelanjutan, sehingga membentuk kerangka hukum yang adaptif dan dinamis sesuai dengan konteks sosial budaya masyarakat. Dengan menggunakan pendekatan sosio-legal, penelitian ini mengumpulkan data melalui wawancara mendalam dengan sepuluh informan kunci, observasi



partisipatif, dan analisis dokumen. Temuan penelitian ini menunjukkan bahwa hukum Islam tidak menggantikan hukum adat, tetapi diintegrasikan ke dalam sistem hukum setempat, memengaruhi berbagai aspek tatanan sosial dan budaya, struktur keluarga, serta pengelolaan sumber daya alam secara berkelanjutan. Integrasi ini tampak dalam penggunaan terminologi fikih, substansi norma, mekanisme pembayaran denda adat, serta peran tokoh agama Islam dalam proses kodifikasi hukum adat. Temuan ini menantang pandangan bipolar yang menganggap hukum Islam dan hukum adat sebagai dua entitas yang bertentangan. Sebaliknya, penelitian ini menegaskan bahwa kedua sistem hukum tersebut berinteraksi secara dinamis dan integratif dalam menjaga harmoni sosial dan kontinuitas hukum. Pada akhirnya, artikel ini berargumentasi bahwa koeksistensi hukum Islam dan hukum adat bukanlah sumber konflik, tetapi merupakan proses yang dinamis dan saling memperkuat, yang berkontribusi pada penguatan identitas agama dan budaya dalam masyarakat yang mayoritas beragama Islam.]

Keywords: Customary Law, Islamic Law, Kapuas Hulu, Melayu Buyan Community, Religious Identity.

Introduction

The interaction between Islamic law (*shari'ah*) and customary law (adat law) within Indonesia's multicultural society reflects the dynamics of legal pluralism, which presents both challenges and opportunities.¹ Islamic law, functioning both as a religious norm and a foundation for social conduct, has significantly contributed to Indonesia's legal landscape.² However, its implementation often requires adaptation to pre-existing customary laws, which remain deeply embedded in local traditions and societal values.³ The harmonization of these two legal systems necessitates an eclectic approach, allowing for the flexible integration of religious and customary norms to ensure both justice and social relevance.⁴ While potential conflicts may arise⁵—particularly in inheritance, marriage, and dispute resolution—legal pluralism remains a powerful mechanism for fostering social cohesion. Through constructive dialogue and mutual understanding among various stakeholders, the integration of Islamic

¹ See: RR Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (June 16, 2023): 25–48; Iman Fadhillah et al., "Exploring the Monogamy Principle in the Samin Community's Customary Marriages in Kudus: Harmonisation of Tradition and State Law," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 2 (January 22, 2024): 281–304; Muhamad Hasan Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at the Panyabungan Religious Court," *MILRev: Metro Islamic Law Review* 2, no. 2 (November 12, 2023): 155–74.

² See: Jefik Zulfikar Hafizd, "Sejarah Hukum Islam di Indonesia: Dari Masa Kerajaan Islam sampai Indonesia Modern," *Tamaddun: Jurnal Sejarah dan Kebudayaan Islam* 9, no. 1 (2021): 165–84; Soeparmono Soeparmono, Abdul Rahman R, and Kurniati Kurniati, "Perkembangan Hukum Islam Sejak Masa Kerajaan Islam di Indonesia hingga Era Reformasi," *Jurnal Al-Abkam: Jurnal Hukum Pidana Islam* 4, no. 2 (September 30, 2022): 84–96.

³ Kukuh Widiatmoko, Naskur Bilalu, and Fani Lamaluta, "Pewarisan Tradisional dalam Masyarakat Muslim: Analisis Hukum Adat Suku Tengger dari Perspektif Islam," *Al-Mujtabid: Journal of Islamic Family Law* 3, no. 2 (December 29, 2023): 92–101.

⁴ Wildani Hefni, "Pemikiran Hukum Nasional A. Qodri Azizy: Eklektisisme Hukum Islam dan Hukum Umum," *Undang: Jurnal Hukum* 5, no. 2 (December 30, 2022): 481–511.

⁵ See: Syahrul Mubarak Subeitan, "Ketentuan Waris dan Problematikanya pada Masyarakat Muslim Indonesia," *Al-Mujtabid: Journal of Islamic Family Law* 1, no. 2 (December 31, 2021): 113–24; Hazar Kusmayanti et al., "Judges' Acceptance of Sharia-Inspired Laws in Indonesia," *Al-Manabij: Jurnal Kajian Hukum Islam* 17, no. 2 (October 27, 2023): 199–214.

law and customary law can evolve dynamically without compromising the fundamental principles of either legal tradition.⁶

The interplay between Islamic law and customary law is particularly evident in the Buyan Malay community of Boyan Tanjung District, Kapuas Hulu Regency, West Kalimantan. In the broader context of West Kalimantan, Dayak customary law has long played a central role in regulating various aspects of community life,⁷ including divorce settlements⁸ and conflict resolution.⁹ However, within the Buyan Malay society, Islamic law and customary law do not merely coexist but actively interact—not only as mechanisms for dispute resolution but also as instruments for religious identity formation.¹⁰ A notable example of this integration is Article 42 of the Buyan Malay Customary Law, which governs *kebul* (*cerai gugat*), a form of divorce initiated by the wife. According to this provision, a woman seeking divorce must pay a customary fine of IDR 200,000 to her husband through the intermediary of an adat leader (*pemuka adat*).¹¹ The involvement of adat leaders in divorce proceedings highlights the fact that customary law extends beyond family law regulation—it also grants traditional authorities the power to mediate legal practices under local socio-cultural norms.¹² Furthermore, the incorporation of Islamic legal terminology within customary law underscores the dynamic legal interactions shaping everyday life in the Buyan Malay community. This phenomenon reflects the socio-legal complexity of indigenous societies, where Islamic and customary laws do not function as separate entities but rather adapt and complement each other.

Numerous studies have examined the relationship between Islamic law and customary law, recognizing them as distinct yet mutually influential legal systems. Scholars such as Ismail et al., Muhammad Luthfi, Yaris Adhial Fajrin, and Hasnan Bachtiar have emphasized the role of local custom (Arabic: *urf*) in Islamic legal reform, arguing that customary norms can be accommodated within Islamic law as long as they do not contradict fundamental *shari'ah* principles and provide social benefits.¹³ However, legal tensions persist, particularly in matters of inheritance distribution. Ilyas et al. highlight how, despite historical conflicts

⁶ Imam Mustofa, Ahmad Syarifudin, and Dri Santoso, “Pemikiran Hukum Islam Abdurrahman Wahid: Harmonisasi Islam dan Budaya,” *Undang: Jurnal Hukum* 4, no. 2 (November 21, 2021): 507–35.

⁷ Ahmad Syaufi and Mursidah, “Social Prohibitions as a Form of Communal Value to Maintain the Interests of Collective Life of Dayak Tribe in Central Kalimantan,” *International Journal of Scientific & Technology Research* 8 (2019): 44–47.

⁸ Itok Dwi Kurniawan, Ismawati Septiningsih, and Jose Gama Santos, “Ramifications of Divorce by Dayak Customary Law: Exploring Legal Consequences in Indonesian Legal System,” *Journal of Law and Legal Reform* 5, no. 1 (January 31, 2024): 53–74.

⁹ Arkanudin and Rupita, “Keberlangsungan Adat Suku Dayak Ribun di Sanggau Kalimantan Barat: Suatu Tinjauan Etnografi,” *Ideas: Jurnal Pendidikan, Sosial, dan Budaya* 7, no. 3 (August 19, 2021): 27–34.

¹⁰ Tabrani, Personal Communication with the Camat of Boyan Tanjung, August 18, 2020.

¹¹ Suryadi et al., *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung (Wilayah Kepunggawaan Batang Boyan)* (Boyan Tanjung: Pemerintah Kecamatan Boyan Tanjung, 2011), 16.

¹² Agus Mulyawan et al., “Ticak Kacang dalam Tradisi Adat Dayak: Tinjauan Kesesuaian Undang-Undang Perkawinan No 1 Tahun 1974 dan Hukum Islam,” *The Juris* 7, no. 1 (June 30, 2023): 257–66.

¹³ See: Ismail Ismail et al., “The Contribution of ‘Urf to the Reform of Islamic Inheritance Law in Indonesia,” *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 22, no. 2 (December 28, 2022): 165–78; Muhammad Luthfi, Yaris Adhial Fajrin, and Hasnan Bachtiar, “The Existence of ‘Urf in the Resolution of Marriage Disputes in Islamic Law: A Living Law Perspective,” *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 1 (April 30, 2024): 146–58.

stemming from the *receptie* theory, the legal practices in Aceh demonstrate a harmonization between Islamic and customary law.¹⁴ Meanwhile, RR Dewi Anggraeni explores the clashes between customary law, Islamic law, and state law, noting a gradual shift toward formal legal structures.¹⁵ Similarly, Maria Kaban, Runtung Sitepu, and Kamaruddin et al. observe that indigenous communities often prioritize customary dispute resolution mechanisms before resorting to formal legal channels, as seen among the Karo and Tolaki ethnic groups.¹⁶ Ibnu Elmi AS Pelu underscores the role of adat leaders in mediating legal conflicts,¹⁷ whereas Masrawan et al. identify normative overlaps in zakat management in Kapuas, reflecting tensions between religious and customary legal frameworks.¹⁸

Although existing studies have extensively explored the interaction between Islamic and customary laws, prior research has predominantly framed them as separate entities, often focusing on their potential for conflict or parallel coexistence. Unlike these conventional approaches, this study argues that the relationship between Islamic law and customary law is neither inherently oppositional nor merely parallel; rather, it constitutes a dynamic and integrative process that preserves social harmony. This integration occurs not only implicitly in daily legal practices but also explicitly through the formal codification of customary law in legal handbooks and customary legal guidelines within the Buyan Malay community. Consequently, this research fills a critical gap by examining how Islamic and customary legal norms are continuously negotiated and adapted within the specific socio-cultural context of the Buyan Malay people.

This study employs a socio-legal approach with a field research methodology conducted in Boyan Tanjung District over three distinct periods: August 2020, December 2020-January 2021, and November 2021. The data collection techniques employed in this study include in-depth interviews with ten key informants, comprising one community leader, two customary leaders, one district head (*camat*), one *punggawa adat* (the adat leader at the district level),¹⁹ two customary figures, two residents, and one Islamic religious leader. Additionally, participant observation was conducted across several villages in Kapuas Hulu to directly examine how these legal systems function in daily life. The study also utilized documentary analysis, including content analysis of the codified Buyan Malay customary law, legal handbooks, scholarly publications, and other academic sources relevant to the research. Data analysis employs legal pluralism theory, which posits that multiple legal systems can

¹⁴ Ilyas Ilyas et al., “The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (May 28, 2023): 897–919.

¹⁵ Anggraeni, “Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia,” 25–48.

¹⁶ See: Maria Kaban and Runtung Sitepu, “The Efforts of Inheritance Dispute Resolution for Customary Land on Indigenous Peoples in Karo, North Sumatra, Indonesia,” *International Journal of Private Law* 8, no. 3/4 (2017): 281–98; Kamaruddin Kamaruddin et al., “Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (June 10, 2023): 1077–96.

¹⁷ Ibnu Elmi AS Pelu, “The Conferment of Customary Dayak Title in Central Kalimantan: Authority and Legal Implications,” *Journal of Legal, Ethical and Regulatory Issues* 23, no. 5 (August 29, 2020): 1–9.

¹⁸ Masrawan et al., “Legal Conflict in Zakat Management in the Prismatic Communities of Kapuas Regency, Central of Kalimantan,” *Al-’Adalah* 19, no. 1 (2022): 179–94.

¹⁹ In the customary governance structure, the *punggawa* serves as the adat leader at the district level, holding a higher authority than the village or hamlet adat leader.

coexist and interact within pluralistic societies. Additionally, eclectic legal theory is used to assess how Islamic and customary legal principles are integrated in dispute resolution, inheritance distribution, and other socio-legal affairs.

The Malay Buyan Indigenous Community in Kapuas Hulu: To Be Malay Is to Be Muslim?

Kapuas Hulu, a regency in West Kalimantan, Indonesia, is a region characterized by rich ethnic and religious diversity. The predominantly Malay population comprises several subgroups, including Melayu Embau, Buyan, Kapuas, Selimbau, Embaloh, and Putussibau Malays.²⁰ Alongside the Malays, the region is home to various Dayak subgroups, such as Iban, Kantuk, Mmayan, Taman, Embaloh, and Kayan, as well as Chinese, Javanese, and other ethnic communities, who have migrated to the area through government transmigration programs or economic opportunities.²¹ Religiously, Islam is the dominant faith, adhered to by 59.81% of Kapuas Hulu's population as of 2023, followed by Catholicism (30.28%), Protestantism (8.45%), and a smaller percentage practicing Confucianism, Hinduism, and Buddhism (1%).²² This demographic composition reflects the complex social and cultural dynamics of Kapuas Hulu, where diverse traditions and belief systems coexist in everyday life.

Among the various Malay subgroups in Kapuas Hulu, the Buyan Malay community stands out, alongside the Kapuas and Embau Malays. The term "Buyan" is associated with several historical and geographical aspects.²³ First is geographical connection. The name Buyan originates from Sungai Buyan (Buyan River), a tributary of Sungai Bunut (Bunut River), which is itself a major branch of the Kapuas River in its upper course, bordering Central Kalimantan. According to local oral traditions, Sungai Buyan was previously known as Sungai Belimin, linked to the Belimbing Dayak community. Second is ethnic affiliation. Some historical narratives associate Buyan with the Bojan people, who settled along the Buyan River. Third is political legacy. Historically, Buyan was part of the Bunut Kingdom, which played a significant role in shaping the social structure and customary laws of the local community.²⁴ Regardless of these historical and geographical origins, the Buyan Malays are primarily identified as an indigenous community residing along the Buyan River, a key tributary of Sungai Bunut, extending southward from the Kapuas River.²⁵

²⁰ Yusriadi Yusriadi, Shin Chong, and Dilah Tuah, "Jantuh Bebas Masyarakata Melayu di Pedalaman Kapuas Hulu, Kalimantan Barat," *Issues in Language Studies* 12, no. 2 (December 20, 2023): 116–37.

²¹ Yusriadi Yusriadi, "Urang Diri" and the Narrative of Brotherhood Among the Malays in the Hinterland of Ulu Kapuas," *ICRHD: Journal of International Conference on Religion, Humanity and Development* 1, no. 1 (April 23, 2020): 73–82.

²² Databoks, "30,3% Penduduk di Kabupaten Kapuas Hulu Beragama Katolik," Desember 2024, [https://databoks.katadata.co.id/demografi/statistik/47f459d67cf5893/30-3-penduduk-di-kabupaten-kapuas-hulu-beragama-katolik#:~:text=Katolik%2083.252%20\(30%2C28%25\),Budha%20284%20\(0%2C1%25\)](https://databoks.katadata.co.id/demografi/statistik/47f459d67cf5893/30-3-penduduk-di-kabupaten-kapuas-hulu-beragama-katolik#:~:text=Katolik%2083.252%20(30%2C28%25),Budha%20284%20(0%2C1%25).).

²³ O. Van. Kessel, "Statistieke Aanteekeningen Omtrent Het Stroomgebied der Rivier Kapoeas, Westerafdeeling van Borneo," *Indisch Archief* 1, no. 2 (1850): 165-204.

²⁴ J. J. K. Enthoven, *Bijdragen Ot de Geographie van Borneo's Westerafdeeling* (Leiden: E.J. Brill, 1903), 102.

²⁵ Yusriadi, Chong, and Tuah, "Jantuh Bebas Masyarakata Melayu di Pedalaman Kapuas Hulu, Kalimantan Barat," 116–37

The social organization of the Buyan Malay community is deeply rooted in communal cooperation (*gotong-royong*) and consensus-based decision-making (*musyawarah mufakat*). They uphold a strong kinship system, where extended families serve as fundamental social units. Customary law continues to govern many aspects of daily life, preserving long-standing traditions and moral values.²⁶ Religiously, the Buyan Malays are predominantly Muslim. However, Islamic teachings within the community coexist with local customary beliefs, which are evident in various rituals and traditional ceremonies, including death rituals, marriage customs, and harvest celebrations.²⁷

The Islamization of Kapuas Hulu, particularly among the Buyan Malays, occurred gradually and was influenced by three key factors.²⁸ First is trade networks. Islamic teachings were introduced through Muslim traders, who brought not only goods but also religious doctrines and cultural practices. Second is the role of Islamic scholars (Arabic: *‘ulamā*). Both local and external ulama’ played a crucial role in spreading and reinforcing Islamic teachings within the community. Third is the influence of Islamic kingdoms. The presence of Islamic sultanates in West Kalimantan facilitated the integration of Islamic values into the local social structure. Despite the adoption of Islam, pre-Islamic beliefs and indigenous customs were not entirely abandoned. Instead, a process of acculturation occurred, wherein Islamic teachings were blended with existing local traditions, resulting in what is now known as Adat Melayu Buyan—a unique system of values, norms, and customary practices that reflects both Islamic principles and indigenous cultural heritage. The Islamization of the Buyan Malay community followed two primary pathways.²⁹ First, trade and migration. Islamic traders and migrants introduced both religious teachings and cultural influences, leading to gradual religious transformation. Second, intermarriage. Marriages between local indigenous people and Muslim settlers further facilitated the adoption of Islam, reinforcing its social and cultural significance within the community. However, the integration of Islamic law did not lead to the total eradication of pre-existing belief systems. Instead, a negotiation between Islamic law and customary law took place, forming a hybrid legal system that maintains Islamic identity while preserving local traditions.³⁰

Adat Melayu Buyan serves as a tangible example of how Islamic law adapts and takes root within culturally distinct communities. This process of acculturation manifests in several domains.³¹ First, Religious rituals and ceremonies: Traditional ceremonies such as weddings, funerals, and harvest celebrations incorporate Islamic elements while still reflecting local indigenous practices. Second, social identity and the “Melayu-Islam nexus”. In the Buyan Malay community, the concept of “entering Islam” is often synonymous with “becoming Malay”, reinforcing the idea that Islam is an integral component of Malay identity. Third,

²⁶ Japardi Z, Personal Communication with the Community Leader of Boyan Tanjung, December 3, 2020.

²⁷ D. Darmadi and A. Rustam, “Penerapan Hukum Adat untuk Menciptakan Harmoni Sosial,” *ICRHD: Journal of International Conference on Religion, Humanity and Development* 1, no. 1 (August 2020): 237–58.

²⁸ Ayang Kartini, Personal Communication with a Religious Teacher in Boyan Tanjung, December 4, 2020.

²⁹ Juniar Purba, *Sejarah dan Perkembangan Kebudayaan Melayu di Kalimantan* (Pontianak: STAIN Pontianak Press, 2014), 50–1.

³⁰ Tabrani, Personal Communication with the Camat of Boyan Tanjung.

³¹ Lars Kaskija, “Devolved, Diverse, Distinct? Hunter-Gatherer Research in Borneo,” in *Borneo Studies in History, Society and Culture*, ed. Victor T. King, Zawawi Ibrahim, and Noor Hasharina Hassan, vol. 4, Asia in Transition (Singapore: Springer Singapore, 2017), 125–58.

ethnic and religious perception. The Buyan Malays are sometimes perceived as “Islamic Dayaks”, as their cultural attributes differ from mainstream Malay groups in West Kalimantan, such as Pontianak Malays and Sambas Malays.³² Moreover, the relationship between Islam and indigenous Dayak traditions in Buyan Malay society demonstrates a unique dynamic. Islamization not only reshaped religious practices but also influenced the interpretation and application of Islamic law within the community. This phenomenon aligns with the concept of vernacular Islam, wherein Islamic teachings are adapted and localized to suit the socio-cultural context of indigenous populations in the interior regions of West Kalimantan.³³

Codification of Customary Law among the Malay Buyan Community in Boyan Tanjung District

The customary law of the Malay Buyan community has long served as a fundamental framework for social governance, dispute resolution, and moral conduct in Boyan Tanjung District. According to Achmadi, the *Punggawa Adat* of Boyan Tanjung, this legal tradition has been transmitted orally across generations, preserved within the collective memory of the community and adat leaders.³⁴ However, in its practical application, variations in interpretation and enforcement have emerged, particularly regarding sanctions for violations of customary law.³⁵ These discrepancies prompted a collective awareness among adat leaders, community figures, and residents, leading to the compilation and formalization of customary laws into a written legal codex. This initiative aimed to establish a standardized yet adaptive customary legal framework that aligns with social transformations and the challenges of modernity.³⁶

The codification of Malay Buyan customary law was initiated through collaborative discussions between the *Camat* and the *Punggawa Adat* of Boyan Tanjung.³⁷ This process involved a series of consultative meetings with key stakeholders, including district and village heads; adat leaders in the sub-district, village, and hamlet; Islamic religious scholars, and local government officials. Each participant was encouraged to draft and document existing customary norms still observed within the community.³⁸ The collected information was then compiled into a preliminary draft, which was formally discussed on January 10, 2020, at the Boyan Tanjung District Office. The discussion resulted in a collective agreement to institutionalize customary law as a uniform legal standard across all villages within Boyan Tanjung District.³⁹ The district head was designated as the primary authority responsible for overseeing the publication of the codified legal text. Additionally, law enforcement agencies, including the Local Police (Polsek, Polisi Sektor) and Village Military Advisors (Babinsa,

³² Purba, *Sejarah dan Perkembangan Kebudayaan Melayu di Kalimantan*, 55–86.

³³ Faizal Amin and M. Ikhsan Tanggok, “Dayaknese and Islam: A Confluence from Borneo’s Hinterland, Indonesia,” *Studia Islamika* 29, no. 2 (August 19, 2022): 271–303.

³⁴ Achmadi, Personal Communication with the *Punggawa Adat* of Boyan Tanjung, August 18, 2020.

³⁵ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 3.

³⁶ Syahmadan, Personal Communication with the Customary Leader of Sri Wangi Village, August 15, 2020.

³⁷ Achmadi, Personal Communication with the *Punggawa Adat* of Boyan Tanjung.

³⁸ Tabrani, Personal Communication with the *Camat* of Boyan Tanjung.

³⁹ Darmadi and Rustam, “Penerapan Hukum Adat untuk Menciptakan Harmoni Sosial,” 237–58.

Bintara Pembina Desa), were involved in ensuring the effective implementation and public acceptance of customary law at the grassroots level.

In early 2010, the Majelis Adat Budaya Melayu (MABM) of Boyan Tanjung successfully compiled and published the *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung (Wilayah Kepunggawaan Batang Boyan)*.⁴⁰ This 33-page legal document serves as a comprehensive guide to customary law, covering various aspects of social, cultural, and familial governance within the Malay Buyan community. The foreword (*sekapur sirih*) was written by H. Tabrani, S.A.P. (*Camat* of Boyan Tanjung) and Achmadi (*Punggawa Adat* of the Malay Buyan Community). The formulation of this legal codex was a collective effort, involving district officials, adat leaders, village and hamlet chiefs, the head of the Religious Affairs Office (KUA), and Islamic marriage registrars (P3N, Pembantu Pegawai Pencatat Nikah or *penghulu*). By incorporating multiple stakeholders, including adat leaders, religious scholars, and local government officials, the codification process successfully produced a legal framework that is both culturally relevant and responsive to contemporary challenges. This adaptive approach ensures the preservation of Malay cultural identity while accommodating the legal and social needs of the modern era.⁴¹

The codified customary law of the Malay Buyan community is structured into five chapters, comprising 86 legal articles.⁴² Chapter I: General Provisions (29 Articles). This chapter outlines nine key regulations, covering social etiquette (*kesopanan*), dispute resolution, defamation (*fitnah*), lodging in another's home, tethering animals, property rights (lost items), adoption, river and land traffic regulations, regulations on logging (*penyinsu*)—the use of chainsaw or *senso*, and entertainment laws (karaoke and public performances). Chapter II: Marriage and Family Law (24 Articles). This section governs six aspects of family law, including engagement (*pertunangan*), marriage (*kawin*), divorce (*cerai*), adultery (*zina*), and disputes involving marital infidelity (*memperangkat istri orang*). Chapter III: Crimes Against Social and Cultural Order (19 Articles). This chapter addresses criminal offenses affecting social and cultural harmony, including alcohol and drug prohibition, gambling, pornography, prostitution, assault, theft, vandalism, sexual violence, and environmental damage. Chapter IV: Land and Natural Resource Management (11 Articles). This chapter regulates land tenure systems and environmental governance, including forest and mining management, and traditional agricultural practices. Chapter V: Closing Provisions (3 Articles). This final chapter includes provisions for future amendments, allowing for the addition of new articles, the revision of existing clauses, and adaptation to emerging social and legal challenges. This structured legal framework demonstrates that Malay Buyan customary law extends beyond family and social affairs—it also encompasses environmental conservation and economic governance, ensuring sustainable natural resource management within the community.

The codification of Malay Buyan customary law underscores the importance of legal uniformity in maintaining social stability through dispute resolution mechanisms grounded in adat norms and Islamic values. Several key aspects of the customary legal system include moral and social norms; family and marital law; criminal and social control mechanisms; and

⁴⁰ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 5–33.

⁴¹ Syahmadan, Personal Communication with the Customary Leader of Sri Wangi Village.

⁴² Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 5–33.

environmental and economic sustainability. Furthermore, the Malay Buyan legal system reflects the synergy between Islamic law and customary law. Core Islamic principles—such as *aqīdah* (creed), *sharī'ah*, and *akhlāq* (ethics)—serve as foundational elements in shaping the customary legal framework. As a result, customary law functions not only as a tool for social control but also as a mechanism for fostering Islamic identity and moral character within the Malay Buyan Muslim community.⁴³ By adopting a consensus-based legal approach and emphasizing social justice, Malay Buyan customary law has remained an effective instrument for preserving social harmony and peace. Despite the pressures of modernization, the codified legal system remains highly relevant, as it is widely recognized and adhered to by the community. This ensures the continued preservation of local traditions while integrating Islamic legal principles into everyday life.⁴⁴

The Malay Buyan Customary Court System: Dispute Resolution and Its Integration with State Law

The customary court system of the Malay Buyan community in Boyan Tanjung District operates through a hierarchical yet efficient structure consisting of three main levels.⁴⁵ First, the hamlet adat leader (*ketua adat dusun*), handles disputes at the neighborhood or local community level. Second, the village adat leader (*ketua adat desa*), resolves disputes at the village level, involving cases that affect a broader segment of the community. Third, the district adat leader (*punggawa adat kecamatan*), serves as the highest customary legal authority at the district level, overseeing cases that cannot be resolved at lower levels. Each level operates within its respective jurisdiction, employing consensus-based dispute resolution mechanisms. The system is rooted in restorative justice, prioritizing social reconciliation over punitive measures.⁴⁶ Sanctions typically take the form of fines or alternative reparations, determined based on the severity of the violation. Customary decisions are often documented in written agreements to ensure compliance and prevent recurring conflicts.⁴⁷

The customary courts in Boyan Tanjung District function through two primary mechanisms.⁴⁸ First, complaint-based cases. These cases arise when an individual or group formally reports a dispute to the customary authorities. Upon receiving a complaint, the village adat leader convenes a customary trial known as *hampar meja*. This trial involves key stakeholders, including the complainant, the accused, witnesses, and the Lit Adat (customary adjudication council). The Lit Adat serves as a judicial body, composed of nine members (with a minimum of seven), including the *camat*, the *punggawa adat*, village and hamlet adat leaders, Islamic religious leaders (the head of the KUA and *penghulu*), and adat elders. Before

⁴³ Sirman Dahwal and Zico Junius Fernando, “The Intersection of Customary Law and Islam: A Case Study of the *Kelpeak Ukum Adat Ngen Ca’o Kutei Jang* in the Rejang Tribe, Bengkulu Province, Indonesia,” *Cogent Social Sciences* 10, no. 1 (December 31, 2024): 2341684.

⁴⁴ See: Anggraeni, “Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia,” 25–48; Ilyas et al., “The Accommodation of Customary Law to Islamic Law,” 897–919.

⁴⁵ Anwar, Personal Communication with the Adat Figure of Suaya, Boyan Tanjung, January 14, 2021.

⁴⁶ Nur Rochaeti et al., “A Restorative Justice System in Indonesia: A Close View from the Indigenous Peoples’ Practices,” *Srinwijaya Law Review* 7, no. 1 (January 27, 2023): 87–104.

⁴⁷ Bambang Irawan, “Institutional Pluralism Sistem Peradilan Indonesia dan Kekuatan Negara di Era Globalisasi,” *Jurnal Borneo Administrator* 15, no. 3 (December 13, 2019): 237–56.

⁴⁸ Suryadi et al., *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 32–3.

the trial begins, both parties must pay a customary fee called *uang sapu meja*, similar to a case registration fee in the formal court system.⁴⁹ Article 2, Paragraph (1) of the Malay Buyan customary law states: “If a dispute is to be adjudicated, both parties must pay an *uang sapu meja* of IDR 50,000.00.”⁵⁰ Interestingly, in certain cases, customary trials can be conducted in absentia, meaning the accused does not need to be physically present if sufficient evidence and witness testimonies are available to render a decision.⁵¹

Second, cases without formal complaints. Customary law can also be enforced without a formal report when a violation has significant social implications, such as environmental damage or cases resulting in loss of life.⁵² This process follows a three-step adjudication procedure. First, preliminary investigation. The adat leader conducts an inquiry, gathering testimony from witnesses and involved parties. Second, internal deliberation. The Lit Adat convenes to review the evidence and determine the applicable legal provisions. Third, verdict and sanctions. Following deliberation, a ruling is issued, and sanctions are enforced according to customary law.⁵³ If the accused accepts the ruling, the penalty is immediately imposed. However, if the accused challenges the decision, they may appeal to the district-level adat leader. If the case remains unresolved, it may be escalated to the formal legal system, involving the police and state courts.⁵⁴

In the historical records of Malay customary courts in Boyan Tanjung, there was a notable case that could not be resolved through conventional adjudication mechanisms. Approximately 50 years ago, a customary dispute was ultimately settled through *sumpah keputus*, a ritual of ordeal by boiling water (*berocuk ai’ panas*). In this ritual, the disputing parties immersed their hands in a vessel of boiling water. The outcome of the *sumpah keputus* was determined by who could withstand the heat the longest. The losing party—who typically suffered burns or scalds—was presumed to be in the wrong. This method of adjudication was conducted because both parties firmly believed in their innocence, and the case could not be resolved either by the customary court or through law enforcement intervention.⁵⁵ Although this practice is now rarely employed, the *sumpah keputus* ritual highlights that, in extreme situations, faith in customary law remains a deeply embedded mechanism for conflict resolution within the community.

The principles of deliberation (*musyawarah*), consensus (*mufakat*), and social justice (*keadilan sosial*) serve as the fundamental pillars of the customary judicial system in Boyan Tanjung District, making it a crucial instrument for maintaining social harmony within the community. The judicial process begins with case reporting to the nearest customary leader, followed by fact-finding procedures, which involve gathering testimonies from witnesses, complainants, and the accused.⁵⁶ Dispute resolution is carried out through customary

⁴⁹ M. Basri, Personal Communication with the Resident of Boyan Tanjung, December 3, 2020.

⁵⁰ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 5.

⁵¹ Hakimin, Personal Communication with a Resident of Nanga Sangan Village, August 20, 2020.

⁵² Abdul Latif Hamdan, Personal Communication with the Customary Leader of Bunut Hulu, Bunut Hilir, November 2, 2021.

⁵³ Achmadi, Personal Communication with the *Punggawa Adat* of Boyan Tanjung.

⁵⁴ This provision is stipulated in Articles 6 and 86. See: Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 6, and 31–2.

⁵⁵ Achmadi, Personal Communication with the *Punggawa Adat* of Boyan Tanjung.

⁵⁶ Kadirun, Personal Communication with the Adat Figure of Buak Mau, Pengkadan, August 27, 2020.

deliberation sessions, which include customary leaders, community elders, and the disputing parties, aiming to reach a restorative settlement.⁵⁷ Additionally, the three core principles of deliberation, consensus, and social justice are also evident in cases where disputing parties reach a peaceful settlement. Article 3 of the customary legal code states: “If a case has been officially summoned for a customary hearing, but both parties reach a mutual settlement before the trial, the case does not need to proceed through the formal customary court. However, both parties are still required to pay a customary fine of IDR 25,000.00 to the Customary Council.”⁵⁸ This provision demonstrates that the customary court system in Boyan Tanjung District is not merely a mechanism for dispute resolution, but also a means of upholding respect for customary norms, which are firmly grounded in deliberation, consensus, and social justice.⁵⁹

Certain customary offenses in Boyan Tanjung are not only subject to customary sanctions but also fall under state law enforcement, involving police intervention and formal judicial proceedings. These offenses include alcohol consumption, drug use, gambling, pornography, prostitution, theft, and sexual violence. For instance, Articles 64–68 of the Malay Buyan customary law outline customary sanctions for theft. If a person steals another’s property, they must pay a customary fine of IDR 200,000.00 and return the stolen goods or provide compensation. If the stolen item is valued at more than IDR 1,000,000.00, the offender is handed over to law enforcement authorities. Additionally, those who purchase stolen goods (*penadab*) are subject to a fine of IDR 400,000.00 and are required to return the stolen property to its rightful owner. This dual legal enforcement mechanism demonstrates that the customary court system does not operate in isolation but instead works in tandem with the state judiciary.⁶⁰

The Malay Buyan customary court system differs significantly from Indonesia’s formal judiciary, which operates through a multi-tiered legal structure. First, law enforcement (police), investigates and gathers evidence. Second, public prosecution (prosecutor), representing the state in criminal cases. Third, state civil courts and high courts, adjudicate cases based on statutory law. Fourth, correctional institutions, implementing judicial sentences.⁶¹ While the formal legal system relies on procedural rigidity and evidentiary-based adjudication,⁶² the customary system emphasizes mediation, social consensus,⁶³ and restorative justice.⁶⁴ This comparative analysis reveals that both systems have distinct

⁵⁷ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 32–3.

⁵⁸ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 5.

⁵⁹ Syaafi and Mursidah, “Social Prohibitions as a Form of Communal Value to Maintain the Interests of Collective Life of Dayak Tribe in Central Kalimantan,” 44–47.

⁶⁰ This provision is stipulated in Articles 6 and 86. See: Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 6, and 24–5.

⁶¹ Musakkir Musakkir, Andi Armansyah Akbar, and Sri Aero Aurora, “Reintegrasi Ekonomi sebagai Konsep Pembaharuan Hukum Pemasarakatan Indonesia,” *Jurnal Ilmiah Kebijakan Hukum* 17, no. 2 (July 31, 2023): 135–52.

⁶² Dwi Nurahman, Maroni, and A. Irzal Fardiansyah, “Design of Pre-Trial Institution with the Concept of Preliminary Examining Judge in the Reform of Indonesian Criminal Procedure Law,” *Pakistan Journal of Life and Social Sciences (PJLSS)* 22, no. 2 (2024): 3932–38.

⁶³ Syaafi and Mursidah, “Social Prohibitions as a Form of Communal Value to Maintain the Interests of Collective Life of Dayak Tribe in Central Kalimantan,” 44–47.

⁶⁴ See: Sri Wiyanti Eddyono, “Restorative Justice for Victim’s Rights on Sexual Violence,” *Journal of Southeast Asian Human Rights* 5, no. 2 (December 31, 2021): 176–201; Sulistyowati Irianto, “Competition and

advantages.⁶⁵ An integrative approach, wherein customary and state law coexist, provides an effective legal framework that respects both local traditions and national governance.

The Integration of Islamic Law into the Malay Buyan Customary Legal System

The customary law of the Malay Buyan community in Boyan Tanjung District exhibits a strong connection to Islamic law, both in principle and legal substance. One of the core legal philosophies underpinning this relationship is the doctrine: “*Adat bersendi shar‘, shar‘ bersendi Quran*” (Customary law is based on Islamic law, and Islamic law is based on the Quran). This principle serves as a fundamental legal doctrine within the Malay customary legal system, frequently invoked by adat leaders when making legal decisions.⁶⁶ While this phrase is most commonly associated with Minangkabau customary law,⁶⁷ a similar concept applies to the Malay adat system, albeit with slight variations in terminology.⁶⁸ According to the *Punggawa Adat* of Boyan Tanjung, this principle is routinely emphasized in customary court proceedings to reinforce the idea that customary law is grounded in religion and must be observed by the community.⁶⁹ By explicitly linking customary law to the Quran, adat leaders not only legitimize customary law as a valid legal system but also use this narrative as a strategy to secure religious acceptance. Consequently, this philosophy provides concrete evidence that Islamic law is inherently integrated into the customary legal framework of Muslim Malay society.

The influence of Islamic law is evident in both the use of *fiqh* terminology and the substantive legal provisions within Malay Buyan customary law. Key Islamic legal terms, such as *ṭalāq* (divorce), *khul‘*, *‘iddah* (waiting period), *ruju‘* (reconciliation), and *shar‘* (Islamic law), are explicitly incorporated into articles regulating marriage and divorce. For example, Article 42 of Malay Buyan customary law addresses *khul‘*, stipulating that: “*If a wife initiates a khul‘ divorce, she must pay a customary fine of IDR 200,000. If the husband refuses a khul‘ that is valid under shar‘, he is required to pay a customary fine of IDR 500,000.*”⁷⁰ This provision directly corresponds to the Islamic legal concept of *khul‘*, wherein a wife seeking divorce must compensate the husband (Arabic: *‘iwāḍ*) as part of the dissolution process.⁷¹ Additionally, Islamic legal terminology and substantive *fiqh* principles are embedded in other customary legal provisions, particularly those governing family law.⁷² This interweaving of Islamic and customary legal norms demonstrates that Malay customary law is not separate from Islamic law but rather deeply influenced by it, both in terminology and legal substance.

Interaction between State Law and Customary Law in the Court Room: A Study of Inheritance Cases in Indonesia,” *The Journal of Legal Pluralism and Unofficial Law* 36, no. 49 (January 2004): 91–112.

⁶⁵ Teuku Muttaqin Mansur et al., “Challenges in Documenting and Formalizing Customary Court System in Aceh, Indonesia,” *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 1 (January 29, 2024): 98–113.

⁶⁶ Tabrani, Personal Communication with the Camat of Boyan Tanjung.

⁶⁷ Erwati Aziz, Mohammad Dzofir, and Aris Widodo, “The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia,” *QIJIS (Qudus International Journal of Islamic Studies)* 8, no. 1 (June 30, 2020): 131–60.

⁶⁸ S.M.A. Rachman and F. Rahman, “The Dynamic of Malay Islamic Law: The Rise and Practices of Adat Bersendi Syarak, Syarak Bersendi Kitabullah in Jambi,” *Journal of Indonesian Islam* 11, no. 2 (2017): 389–404.

⁶⁹ Achmadi, Personal Communication with the *Punggawa Adat* of Boyan Tanjung.

⁷⁰ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 16.

⁷¹ Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatub*, vol. 7 (Damaskus: Dār Al-Fikr, 1985), 485–87.

⁷² Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 12–20.

Islamic influence is also reflected in customary marriage fines (*denda adat pernikahan*), which incorporate Islamic religious symbols. These fines involve the presentation of symbolic items. First, *sarung* (sarong) and *kopiah* (Islamic cap), are given to the father-in-law and grandfather, symbolizing piety and Islamic devotion.⁷³ Second, *selendang* (headscarf) or *kerudung* (veil), given to the mother-in-law, represents the Islamic value of modesty (*hijab*).⁷⁴ Third, *tutup uban* (head covering for the elderly), is given to elderly relatives, signifying respect for elders in accordance with Islamic teachings. These customs, outlined in Articles 35 and 36 of Malay Buyan customary law, illustrate that adat is not merely a social system but also a medium for reinforcing Islamic moral and ethical values.⁷⁵ The incorporation of Islamic symbols into customary marriage traditions emphasizes the cultural and religious significance of marriage, respect, and social harmony within the community.

Beyond legal substance, Islamic legal traditions are also embedded in customary court procedures. In Malay Buyan customary trials, the Quran is used to administer oaths to witnesses, affirming the truthfulness of testimony. This practice mirrors procedures in Indonesia's national judicial system, where swearing upon a sacred text is used to ensure honesty in testimony.⁷⁶ This Islamic judicial influence is particularly evident when compared to traditional customary oath-taking rituals. Historically, some customary trials (such as the *sumpah keputus* ritual) required disputing parties to dip their hands into boiling water, with the one who withdrew first being deemed guilty. In contrast, Malay Buyan customary law has shifted toward an Islamic legal paradigm, replacing physical trials by ordeal with religiously grounded oaths upon the Quran.⁷⁷ This evolution from animistic legal rituals to Islamic-based adjudication highlights the progressive integration of Islamic law into customary judicial practices.

The integration of Islamic law into the Malay customary law is further reinforced by the active role of Islamic religious leaders in customary law codification. Islamic religious leaders, including the head of the KUA and *penghulu*, were directly involved in compiling the codified version of Malay Buyan customary law.⁷⁸ This is explicitly acknowledged in the *sekapur sirih* of the *Punggawa Adat* of Boyan Tanjung, which states: “*The Kepunggawaan Adat of the Malay Buyan community in Boyan Tanjung has successfully formulated a customary legal framework based on the knowledge of adat leaders from various villages and hamlets, supplemented by written references—including state law and Islamic law—and the experiences of adat leaders, community figures, and Islamic religious leaders in maintaining social order.*”⁷⁹ This statement confirms that Malay Buyan customary law is not merely an organic evolution of tradition but a deliberate synthesis of Islamic legal principles into adat regulations.

⁷³ Catherine Allerton, “The Secret Life of Sarongs: Manggarai Textiles as Super-Skins,” *Journal of Material Culture* 12, no. 1 (March 2007): 22–46.

⁷⁴ Muhammad Wildan and Witriani Witriani, “Popular Piety in Indonesia: ‘Aestheticization’ and Reproduction of Islam,” *Ilabiyat Studies* 12, no. 2 (December 31, 2021): 213–36.

⁷⁵ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 14.

⁷⁶ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 32.

⁷⁷ Syahmadan, Personal Communication with the Customary Leader of Sri Wangi Village.

⁷⁸ Kartini, Personal Communication with a Religious Teacher in Boyan Tanjung.

⁷⁹ Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 3.

The findings of this study reveal that Malay Buyan customary law explicitly incorporates Islamic law, as evidenced by the frequent reference to *fiqh* in legal provisions.⁸⁰ While some academics argue that the Islamization of adat is a gradual social process,⁸¹ this research suggests that the codification of Malay customary law is a deliberate and systematic effort. Through Islamic legal terminology, *fiqh*-based legal substance, Quranic oath-taking practices, and the involvement of ‘*ulama*’ in legal codification, Malay Buyan customary law has evolved into a hybrid legal system that harmonizes both adat norms and *fiqh* rules.⁸² These findings reinforce the broader understanding that the assimilation of Islamic law into customary legal traditions is a widespread pattern in Muslim societies while preserving Malay cultural identity.

Islamic Law as a Foundation for Religious Identity in the Malay Buyan Community

Beyond serving as an integral component of customary law, Islamic law plays a critical role in shaping the religious identity of the Malay Buyan community in Boyan Tanjung. At the national level, Indonesian law recognizes and protects both customary law and Islamic law, allowing their application in specific indigenous and religious communities.⁸³ In practice, however, customary law functions not only as a mechanism for dispute resolution but also as an instrument for reinforcing Islamic identity.⁸⁴ For instance, the customary fines imposed for violations—such as the offering of *sarung*, *kopiah*, *selendang*, *kerudung*, and *tutup uban*—are not merely punitive measures but also serve as spiritual reminders, urging the offender to return to the righteous path in accordance with Islamic teachings.⁸⁵ The symbolic items used in these fines signify submission to God within the Islamic worldview, as understood by the Malay Buyan community.⁸⁶

The application of customary law, which is deeply influenced by Islamic principles, has fostered a collective religious consciousness among the Malay Buyan community.⁸⁷ One example is the prohibition of activities that disrupt the sanctity of mosques, such as karaoke and logging (*menyinsu*) with noise. This regulation underscores that mosques serve not only

⁸⁰ See: Anis Masykhur, “Titik Singgung Hukum Islam dengan Hukum Adat pada Naskah Perundang-Undangan Kerajaan Islam di Nusantara,” *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 2 (December 3, 2020): 295–306; Mursyid Djawas et al., “The Integration between Syara’ and Ade’ in Marriage Tradition Bugis Bone, South Sulawesi,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (October 15, 2023): 342–63.

⁸¹ Pairin Pairin et al., “The Integration of the Islamic and Customary Law in Tolaki Society, Southeast Sulawesi: Islamic History and Education Perspectives,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (August 31, 2024): 1669–90.

⁸² Ilyas et al., “The Accommodation of Customary Law to Islamic Law,” 897–919.

⁸³ M. Muhdar, M. Tavip, and R. Al Hidayah, “State Failure in Recognition and Protection of Indigenous Peoples over Natural Resource Access in East Kalimantan,” *Asia Pacific Law Review* 27, no. 1 (2019): 127–43.

⁸⁴ Muslim Zainuddin et al., “Protection of Women and Children in the Perspective of Legal Pluralism: A Study in Aceh and West Nusa Tenggara,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (November 16, 2024): 1948–73.

⁸⁵ This provision is stipulated in Articles 30 and 35. See: Suryadi et.al, *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 6, and 12–4.

⁸⁶ Amber Haque and Hooman Keshavarzi, “Integrating Indigenous Healing Methods in Therapy: Muslim Beliefs and Practices,” *International Journal of Culture and Mental Health* 7, no. 3 (July 3, 2014): 297–314.

⁸⁷ Masykhur, “Titik Singgung Hukum Islam dengan Hukum Adat pada Naskah Perundang-Undangan Kerajaan Islam di Nusantara,” 295–306.

as places of worship but also as spiritual and communal centers.⁸⁸ This phenomenon is not unique to the Malay Buyan community but is also observed in other Muslim societies across Indonesia. For instance, in Buton, the concept of *fiqh kankilo* represents a synthesis of *fiqh* on purification (Arabic: *ṭabārah*) with local cleansing rituals.⁸⁹ In Aceh, Islamic law accommodates customary inheritance practices, demonstrating that Islamic legal principles exhibit flexibility in adapting to local cultural contexts.⁹⁰ These examples illustrate that Islamic law and customary law do not function as separate legal entities; rather, they coexist, adapt, and accommodate each other, creating a contextually relevant and applicable legal system for society.

Findings from this study further reveal that Malay Buyan customary law explicitly adopts *fiqh* terminology and substantive jurisprudence, reinforcing its role in shaping religious identity. Several legal provisions related to divorce—such as *ṭalāq*, *kebul*, and *’iddah*—demonstrate a strong *fiqh* influence,⁹¹ not only in personal status law but also in strengthening community bonds through shared Islamic values.⁹² This legal hybridity mirrors similar patterns in other Muslim societies. In Aceh and Lombok, Islamic law heavily influences divorce proceedings, often prioritizing religious adjudication over state law, which can significantly impact the rights of women and children post-divorce.⁹³ In Muslim diasporic communities in the United Kingdom, state or customary legal mechanisms may be insufficient for handling Islamic divorces, leading many Muslim women to seek resolution through Islamic councils (sharia councils) or religious authorities.⁹⁴ These cases highlight the adaptive flexibility of Islamic law, allowing diverse Muslim communities to tailor legal practices according to their unique social and cultural contexts.

In Boyan Tanjung, Islamic law has not only persisted as part of customary law but has also evolved into a tool for constructing religious identity within the Malay Buyan community. The dialectical interaction between Islamic law and customary law has produced a hybrid legal system that is both locally relevant and deeply embedded in Islamic heritage.⁹⁵ This integration underscores how Islamic law functions as a dynamic and adaptable

⁸⁸ This provision is stipulated in Article 27. See: Suryadi et al., *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 6, and 11–2.

⁸⁹ Muhammad Alifuddin et al., “Fiqh Kankilo and the Purification System of the Butonese People: A Socio-Legal Historical Perspective of Islamic Law and Legal Pluralism,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (July 31, 2024): 1165–87.

⁹⁰ Ilyas et al., “The Accommodation of Customary Law to Islamic Law,” 897–919.

⁹¹ Shofiatul Jannah and Dwi Hidayatul Firdaus, “Reformulation of the Concept of Iddah in the Compilation of Islamic Law Perspective of Negotiative Hermeneutics,” *De Jure: Jurnal Hukum dan Syar’iah* 15, no. 2 (December 31, 2023): 286–300.

⁹² Mohamad Abdun Nasir, “Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia,” *Islam and Christian–Muslim Relations* 31, no. 2 (April 2, 2020): 131–50.

⁹³ See: Azwir Azwir, Pagar Pagar, and Muhammad Syukri Albani Nasution, “The Legality of Divorce in Aceh: A Study of Divorce Practices Out of Religious Courts,” *Al-Manabij: Jurnal Kajian Hukum Islam* 16, no. 2 (November 25, 2022): 165–80; Nasir, “Religion, Law, and Identity,” 131–50.

⁹⁴ See: Islam Uddin, “Shariah Councils in the UK,” in *The Sharia Inquiry, Religious Practice and Muslim Family Law in Britain*, by Samia Bano, 1st ed. (London: Routledge, 2023), 60–77; Mulki Al-Sharmani and Sanna Mustasaari, “Governing Divorce Practices of Somali Finnish Muslims: Does Religious Literacy Matter?,” in *The Challenges of Religious Literacy*, ed. Tuula Sakaranaho, Timo Aarrevaara, and Johanna Konttori, SpringerBriefs in Religious Studies (Cham: Springer International Publishing, 2020), 55–66.

⁹⁵ Muhammad Alifuddin et al., “Fiqh Kankilo and the Purification System of the Butonese People,” 1165–87.

framework, shaping religious identity in a manner that remains culturally and contextually appropriate.⁹⁶ The ability of Islamic law to adapt is further reinforced by core Islamic legal maxims (Arabic: *qawā'id al-fiqhiyyah*), such as *al-'ādah muḥakkamah* (customary practice can serve as a legal basis) and *taghbayyur al-fatwā bi taghbayyur al-aẓminah* (Islamic legal opinions change according to temporal and contextual shifts).⁹⁷ These principles highlight the inherent flexibility of Islamic law, allowing it to integrate seamlessly with local customs while maintaining its foundational religious principles.⁹⁸

The role of Islamic law in shaping the religious identity of the Malay Buyan community is explicitly acknowledged in the *sekapur sirih* written by the Camat of Boyan Tanjung and the *Punggawa Adat* of Boyan Tanjung.⁹⁹ The Camat of Boyan Tanjung states: “*Now is the time for us to return to our original values, as custom and culture embody the wisdom that guides humanity—especially the Malay people residing in villages and hamlets throughout Boyan Tanjung—toward the path approved by Allah SWT. The customary clauses formulated here originate from and are derived from Islamic law, which is a religion of balance between this world and the hereafter (al-dīn fī ad-dunyā wa al-ākhirah).*”¹⁰⁰ This declaration explicitly affirms that the ultimate goal of life is attaining the pleasure (*riḍā*) of Allah. Additionally, it emphasizes that customary law is formulated with a conscious balance between worldly and spiritual life. The District Head’s statement seeks to reinvigorate religious consciousness by reminding the community that Malay Buyan customary law is fundamentally rooted in Islamic law. The principle of worldly-spiritual balance serves as the guiding paradigm in formulating Malay Buyan customary law, reflecting Islamic teachings that emphasize both worldly responsibility and eternal salvation.

Historically, Islamic law has demonstrated a remarkable ability to integrate with local customs, a process facilitated by principles within *fiqh* that allow legal adaptation in response to societal and temporal changes.¹⁰¹ Among the Minangkabau and Rejang peoples, Islamic law has coexisted with and influenced customary law, enabling communities to preserve their traditions while adhering to Islamic legal principles, thus creating a harmonious legal and social environment.¹⁰² This historical pattern confirms that the interaction between Islamic law and indigenous customs often produces a unique cultural and religious synthesis. In the Malay Buyan community, the Islamization of adat has resulted in a distinctive legal framework that aligns with Islamic principles. This legal syncretism also reflects broader historical trends across Indonesia’s archipelago, where Islamic law has continuously adapted

⁹⁶ Mabrursyah Mabrursyah et al., “The Interaction and Acculturation of Islamic Law and Rejang Customary Law in Rejang Lebong Regency,” *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (November 21, 2024): 679–98.

⁹⁷ Masykhur, “Titik Singgung Hukum Islam dengan Hukum Adat pada Naskah Perundang-Undangan Kerajaan Islam di Nusantara,” 295–306.

⁹⁸ Muflikhatul Khoiroh and Abd Syakur Syakur, “The Flexibility of Islamic Law in the Ganjur Tradition in Lamongan, Indonesia,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 2 (December 25, 2023): 139–59.

⁹⁹ Suryadi et al., *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 2–3.

¹⁰⁰ Suryadi et al., *Buku Pegangan dan Pedoman Peraturan Adat Istiadat Suku Melayu Kecamatan Boyan Tanjung*, 2.

¹⁰¹ Kusmayanti et al., “Judges’ Acceptance of Sharia-Inspired Laws in Indonesia,” 199–214.

¹⁰² See: Dahwal and Fernando, “The Intersection of Customary Law and Islam,” 2341684; Ismail Ismail, Novi Hendri, and Putri Rahmah Nurhakim, “Minangkabau’s Doro Tradition: Coexistence of Customary Law and Islamic Law in Caning Punishment,” *Samarab: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (March 31, 2023): 579–601.

to diverse customary legal traditions.¹⁰³ While conflicts between Islamic and customary legal norms occasionally arise, they are typically resolved through integrative approaches, ensuring that the legal system remains relevant to its local socio-cultural context.¹⁰⁴

Conclusion

Findings from this study reveal that the coexistence of Islamic law (*shari'ah*) and customary law (adat law) in Boyan Tanjung District is not a dichotomous relationship but rather a dynamic and complementary interaction. The data contradicts the assumption that customary law and Islamic law exist as separate or inherently conflicting entities. Instead, this research demonstrates that both legal systems engage in an ongoing dialectical process, wherein Islamic law has influenced and shaped customary law, while customary law continues to serve its essential function in maintaining social order, regulating moral conduct, and overseeing agricultural and fisheries management. The integration of Islamic law into customary law is further reflected in the use of Islamic legal terminology within customary legal practices, reinforcing Islam's role in shaping the social identity of the Malay Buyan community in Kapuas Hulu. This process underscores that customary law is not merely a static set of inherited traditions but a living legal system that evolves alongside Islamic jurisprudence (*fiqh*).

This study contributes to a deeper understanding of the interaction between Islamic law, customary law, and the construction of religious identity by challenging the conventional notion that customary law is an unwritten, pre-Islamic system that inherently contradicts Islam. On the contrary, this research affirms that Islamic principles and local traditions can coexist and mutually reinforce one another, ensuring that Islam does not replace indigenous cultural elements but rather becomes an integrated component of them. By highlighting the legal dynamics of this integration, the study provides a new perspective on the adaptive nature of Islamic law and its socio-cultural incorporation within the Malay Buyan community. Additionally, this research contributes to broader discussions on legal pluralism and identity formation in Southeast Asia, offering valuable insights into how localized interpretations of Islamic law interact with indigenous legal traditions.

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¹⁰³ Masykhur, "Titik Singgung Hukum Islam dengan Hukum Adat pada Naskah Perundang-Undangan Kerajaan Islam di Nusantara," 295–306.

¹⁰⁴ Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia," 25–48.

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