

# THE PHILOSOPHY OF TRADITIONAL PRINCIPLES BARENTI KO SYARA', SYARA' BARENTI KO KITABULLAH AS THE BASIS FOR THE FORMATION OF LEGAL PRODUCTS IN SUMBAWA REGENCY - INDONESIA

SUPRIYADI <sup>1\*</sup>, GATOT DWI HENDRO WIBOWO <sup>2</sup>, M. GALANG ASMARA <sup>3</sup>, and MUHAIMIN <sup>4</sup>

<sup>1, 2, 3, 4</sup> Doctoral Study Program in Law, Faculty of Law Mataram University.

\*Corresponding Author Email: supriyadishi84@gmail.com

## Abstract

The 1945 Constitution of the Unitary State of the Republic of Indonesia recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the unitary state of the Republic of Indonesia, which is regulated in law for all regions in Indonesia including in Sumbawa regency which is one of the regions that has a philosophy of life based on customary law principles. The philosophy of customary principles in Sumbawa Regency is Adat Barenti ko Syara', Syara' Barenti ko Kitabullah which means that the life of the people of Sumbawa is always with customs that hold on to Kitabullah which is then used as the basis for the formation of legal products in Sumbawa regency. Kitabullah means the records spoken by Allah SWT, namely the Quran revealed to the Prophet Muhammad SAW. Barenti is a sign of a person's hand being attached / attached to a certain object by holding, as simbol want something and keep something from slipping. These Customary Principles are used as a formulation of regional regulations carried out by normizing customary principles in Sumbawa Regency, by identifying and verifying Customary Principles in the formation of regional legal products, laid out as part of the process towards recognition and protection of the indigenous people of Sumbawa. Regional regulations to be made, adapted to the general objectives and principles of law formation stipulated by regulations perlawin Indonesia.

**Keywords:** Philosophy, Principles, Custom, Barenti, Syara, Kitabullah, Law, Sumbawa

## INTRODUCTION

In the Constitution of the Republic of Indonesia in 1945, the existence of customary law communities has been regulated, namely in Article 18 B paragraph (2) of the Indonesian Constitution of 1945 as a result of the second amendment which states that the state recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the unitary state of the Republic of Indonesia, stipulated in the law. Therefore, Indonesia as a country in the form of a unitary state. provide recognition and appreciation to customary law communities (adatrechtgemeenschappen) in all regions in Indonesia including in Sumbawa regency which is one of the regions that has the basic concept or joint pillar of customary law.<sup>1</sup> At the implementation level, various problems arise related to the weak recognition of customary law communities as legal subjects who have special and special rights, so that there are rampant

violations of the rights of indigenous peoples by the state, including in the recognition and strengthening of customary values encoded syara', syara' encoded kitabullah in Indonesia.<sup>2</sup>

The dynamics of the traditional life of the people of Sumbawa today is a form of actualization of the values of the traditional philosophy of barenti ko syara' syara' barenti ko kitabullah. Only in the community, there are still some practices that are still disputed about customary administration laws that are still in force in the community today. Think of it like a life cycle ritual activity as it develops in the community (birth ceremony, traditional marriage procession, maulidan, tahlilan, taziah, selamatan, etc.). These various rituals are ancestral legacies in which the spirit, hope, and of course the values of wisdom are stored as a binder for the togetherness of our ancestors at that time. The intermingling of customs with the teachings of Islam by our predecessors in principle had the same purpose, namely as a form of servitude to the khalik and love for the Messenger of Allah.

The ritual is a mission to save the traditional values of the Sumbawa people who are almost extinct. Saving the values of these almost extinct traditions as part of an effort to strengthen the identity of the people of Sumbawa. This has been certified into the civilization of the ancient Sumbawa people until now as a reflection and foothold for today's generation to step more definitely for the future which is obliged to maintain the values of Islam from its purity in accordance with the Quran and Hadith, in order to be saved from things that smell of khurafat, bid'ah, superstition, and shirk. Pre-Islamic practices that were mixed into it, and social attitudes that deviated from Islamic teachings, are still present today. Allah (swt) says: *"And let there be among you a class of people who call upon goodness, command the ma'ruf and prevent the unfortunate; they are the lucky ones". (QS. Ali-Imran: 104)*

In the mission to save the culture of the archipelago, the meeting between adat and Islam is expected to run dynamically without contradicting the principles contained in it. Therefore, there needs to be some kind of complete discussion about the customs of Sumbawa and the content of the values contained in it, so that it can then be reviewed in the perspective of Islam. This is not absolutely a tool to erase the traditions of the ancient Sumbawa people in the memory of the Sumbawa people, but can be an important instrument in determining attitudes and policies about the true philosophy of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah.

When viewed from the side of the historical journey of the Muslim community of the archipelago, there are many traces of the spread of Islam left by the ancestors as the predecessors of today's society, be it in the form of ancient manuscripts, historical buildings, customs, art, and various other cultural products. Islam entered Indonesia in several theories put forward by various Indonesian and foreign scientists who had long settled in Indonesia. Christian Snouck Hurgronje, for example, is a prominent Dutch orientalist who once served as Advisor on Arab Affairs and Bumi Putra Indonesia. Hurgronje stated that the process of Islamization of Indonesia began approximately half a century before the city of Baghdad was conquered by the Mongol king Hulagu in 1258 A.D. This theory further asserts that no state power intervened in the process.<sup>3</sup>

In some literature, the author found several regions using a philosophy whose sentence structure is the same as the philosophy of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah. In Gorontalo society, for example, we can find the same philosophy, namely Adat Barsandi Syara', Syara' Barsandi Kitabullah. This is part of the influence of the process of spreading Islam by the Bugis and Ternate tribes mingling in the Gorontalo tribe. In other literature, the history of the Pagaruyung Minangkabau palace is found in which there is a history of the Marapalam Hill Agreement. It was explained that this agreement was an agreement between scholars and traditional leaders in determining the position of religion and custom for the community. The material of this agreement is almost all Minangkabau chroniclers mention related to the relationship between custom and religion in community life.

Especially in Sumbawa, if it is associated with the beginning of the entry of Islam into Sumbawa and became the official religion of the kingdom, it means that the process of inspiration is not far apart from the Marapalam hill event. The Marapalam hill event with the official year Sumbawa became a sultanate system was in the same century, namely in the 17th century. Islam entered Sumbawa through Sulawesi. From the Giri pesanteren, Islam spread first to Maluku and then to Sulawesi. This spread occurred between 1604 – 1610. In H. Zollinger's account that Gowa conquered Sumbawa in 1623. Stated in the peace treaty between the kingdom of Gowa and the kingdom of Sumbawa, it was stated that customs and rapang would not be damaged, and insisted not to forget to say two sentences of shahada and stick to Islam.

Thus, the philosophy of Adat Bersendi Syara', Syara' Bersendi Kitabullah, both applicable among the Bugis community of Makassar, Gorontalo, Minangkabau, and Sumbawa certainly requires in-depth research and discussion to find valid data about the process of spreading and using the philosophy in the midst of society, who influences whom, who spreads what, and who spreads the philosophy Adat Barenti ko Syara', Syara' Barenti ko Kitabullah until its existence is recognized by Muslims spread in several regions in Indonesia. Therefore, the author considers it important to discuss in this article about the Philosophy and Nature of the Customary Principles of Barenti ko Syara', Syara' Barenti ko Kitabullah as the Basis for the Formation of Legal Products in Sumbawa Regency-Indonesia.

## RESEARCH METHODS

The method used in this study is normative-empirical law, namely research conducted on legal principles, legal methods and concrete legal regulations, and legal facts as their implementation in the field related to the Philosophy of Customary Principles Barenti ko Syara', Syara' Barenti ko Kitabullah as the Basis for the Formation of Legal Products in Sumbawa Regency -English. The approaches used are: (a) Comparative Approach; (b) Statute Approach; (c) Conceptual Approach; and (d) Historical Approach. The theoretical and conceptual frameworks used include: (1) The theory of the legal state; Theory of social change; Receptie Theory; Tiered norm theory; and the theory of harmonization of law, and conceptual customary law communities as well as the concept of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah.

## DISCUSSION

### a) **Philosophy of Customary Principles Barenti ko Syara' , Syara' Barenti ko Kitabullah**

In the course of the history of the Muslim community of the archipelago, we can find many traces of the spread of Islam left by predecessors, be it in the form of ancient manuscripts, historical buildings, customs, art, and various other cultural products. Islam entered Indonesia in several theories put forward by various Indonesian and foreign scientists who had long settled in Indonesia. Christian Snouck Hurgronje, for example, is a prominent Dutch orientalist who once served as Advisor on Arab Affairs and Bumi Putra Indonesia. Hurgronje stated that the process of Islamization of Indonesia began approximately half a century before the city of Baghdad was conquered by the Mongol king Hulagu in 1258 A.D. This theory further asserts that no state power intervened in the process.<sup>4</sup>

The Islamization of coastal communities on the islands of Sumatra, Java, Kalimantan, Sulawesi, and other small islands, was solely the work of Muslim merchants and settlers from countries in Muka India. They are traditional traders who since before the arrival of Islam have established trade relations from India to the islands of the archipelago (S. Gumawan, 1973). Broadly speaking, theories about the process of the entry of Islam into Indonesia (Farid 2013) can be found in several literatures for example, Gujarat Theory (India). This theory states that the entry of Islam into Indonesia was brought by the people of Gujarat, the second theory Bengali (Bangladesh). This theory was put forward by S.Q. Fatimi.

This theory says that Islam came to the archipelago from Bengal. This theory is based on prominent figures in Pasai are people of Bengali descent. Next came the Persian theory. Proponents of this Persian theory were P.A. Husein Jayadiningrat and M. Dahlan Mansur. According to Persian theory, Islam entered Indonesia brought by the Persians. The basis of this Persian theory is the association of Persians in Aceh since the 15th century.

Another theory is the Coromandel Coast (India) theory. This theory was put forward by Thomas W. Arnold and Morrison. According to this theory, Islam came to Indonesia through Coromandel and Malabar (India), and lastly the Arabic theory. This theory states that Islam in Indonesia, came from its direct source, namely the Arabs. This theory is supported by Rosita Baiti, Buya Hamka, Keyzer, M.Yunus Jamil, and Crawford. The basis of this theory is the statement that by the 7th century, Arab Muslims had existed on the West coast of Sumatra. In addition, there are similarities between the Mazhab adopted by Arabs and Indonesia. Also used the title al-Malik on the kings of Samudra Pasai, after the names of the Sultans of Egypt.

There are similarities that we can find in various records of the spread of Islam Nusantara, namely about the contact between ancestral traditions and Islam. Before Islam entered and established its roots in most parts of the archipelago, the indigenous people in the regions were very strong with animism and dynamism. Belief in spirits and other supernatural things has been integrated in every space of the supporting community.

Islam came in, came to offer a view of life, manners, behavior, hopes, ideals, ways of governing the state and solutions to other problems of life. The entry does not necessarily suppress

teachings that are considered contrary to the values stated in the Quran. The sheikhs from the middle east came to Indonesia not only to broadcast Islam itself but then they merged into one with the community, gave teaching, helped with all matters related to trade, agriculture, medicine, so that their presence was not considered something strange in the dynamics of people's lives.

In some notes, the author found several regions using philosophies whose sentence structure is the same as the philosophy of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah. In Gorontalo society, for example, we can find the same philosophy with the customary term barsandi syara', syara' barsandi kitabullah. This is part of the influence of the process of spreading Islam by the Bugis and Ternate tribes mingling in the Gorontalo tribe. A more complete record related to this is about the history of the Pagaruyung Minangkabau palace in which there is a history of the Marapalam Hill Agreement. It was explained that this agreement was an agreement between scholars and traditional leaders in determining the position of religion and custom for the community. The material of this agreement is almost all Minangkabau chroniclers mention related to the relationship between custom and religion in community life.

In the month of Shafar in 1650 A.D. Sheikh Burhanuddin with his four friends (Tuangku Bayang dari Bayang, Tuangku Kubung Tigo Baleh Solok, Tuangku Buyung Mudo dari Bayang Pasisir and Tuangku Padang Ganting Batu Sangkar) also called the Five Triad, accompanied by Rajo Rantau Nan eleven. In the Marapalam Hill Agreement then gave birth to the Marapalam Hill Charter. The concrete manifestation of the agreement is expressed in the philosophy of adat which is more popular as traditional sayings: Adat Basandi Syara', Syara' Basandi Kitabullah, (adat must be based on religion, religion (Islam) based on Kitabullah (Qur'an). Shara 'mengato adaik mamakai, (Islam gives a customary fatwa that implements it)

The notes presented by historians and academics on campuses today about the philosophy of Adat Bersendi Syara', Syara' Bersendi Kitabullah, both among the Bugis community of Makassar, Gorontalo, Minangkabau, and Sumbawa certainly require separate research to find valid data about the process of spreading and using the philosophy in the midst of society, who influences whom, and who spreads Adat Barenti ko Syara', Syara' Barenti ko Kitabullah until its existence is recognized by Muslims in Indonesia.

Especially in Sumbawa, if it is associated with the beginning of the entry of Islam into Sumbawa and became the official religion of the kingdom, it means that the process of inspiration is not far apart from the Marapalam hill event. The Marapalam hill event with the official year Sumbawa became a sultanate system was in the same century, namely in the 17th century. Islam entered Sumbawa through Sulawesi. From the Giri pesanteren, Islam spread first to Maluku and then to Sulawesi. This spread occurred between 1604 – 1610. In H. Zollinger's account that Gowa conquered Sumbawa in 1623. Stated in the peace treaty between the kingdom of Gowa and the kingdom of Sumbawa, it was stated that customs and rapang would not be damaged, and insisted not to forget to say two sentences of shahada and stick to Islam.

Islam officially became the royal religion in 1963, which means that the kingdom did not immediately declare a fundamental decision. Islam must have been a process before, living and growing within certain groups of people, spreading in each region in Sumbawa. These small groups also became the strength of the hearts of the leaders of the time affirming Islam as the religion of the kingdom. A monumental legacy also for the people of Sumbawa towards the commitment to strengthen the philosophy of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah is the building of the Old Palace in Loka. The spirit of Islamic values that are integrated in the customs of the Sumbawa people is contained in the architectural idea of the largest Stage House, one of which we can see the number of house poles as many as 99 pieces depicting Asmaul Husna. Similarly, the practice of customs that still prevail both from the royal circle and from among ordinary people, there are Islamic values in it, such as the oral tradition of the Sumbawa people known as old pamuji. It contains traditional verses about praises of Allah Almighty and all his creations.

### 1) Barenti Philosophy

Adat Barenti Ko Syara' Syara' Barenti Ko Kitabullah is a series of words that form sentences and have a unity of meaning. In that sentence there are four core words namely Adat, Syara', Kitabullah which are connected by the word barenti. Each word has a meaning: Adat in the Big Indonesian Dictionary (KBBI) has several meanings, namely 1) Rules (actions and so on) that have been commonly followed or done since time immemorial, 2) Ways (behavior and so on) that have become habits, and 3) the form of cultural ideas consisting of cultural values, norms, laws, and rules that are related to each other into a system.

Keywords in the meaning of custom are rules, customs, and cultural ideas. While the meaning of the word sharia in Islam itself is often associated with the word law, and this will often be encountered when studying Ushul Fiqh. Etymologically, the word sharia 'means the roads that are usually traversed by water, meaning the path that humans go through to lead to Allah SWT. Shara can be interpreted as a set of rules based on Allah's provisions on human behavior that are recognized and believed to be valid, and binding for all Muslims.

The word book linguistically means everything that is written or something that is collected that contains a collection of data and information put together, while in terms the word kitabullah means the records spoken by God to the prophets and apostles. In the third pillar of Faith, Muslims are required to believe in the book of Allah. The books revealed by Allah to prophets and Apostles such as; The Torah was revealed to the prophet Moses alaihis salam, the book of zabur was revealed to the prophet David alaihis salam, the Gospel book was revealed to the Prophet Isa Alaihis salam, and finally the closing book as a completion of the previous books, namely the Quran which was revealed to the Prophet Muhammad SAW. In the Sumbawa language dictionary, the word Barenti which has the root word enti means to hold, and gets the prefix bar to become barenti then has the meaning of holding. For example Barenti in the Qur'an, then barenti ko sara' is not only a declaration to hold fast to kitabullah and sunnah, but also means the engagement to carry out worship according to the provisions of the Qur'an and Sunnah.

The use of the word barenti in the philosophy of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah certainly has a reason. Why should the connecting words that connect these vital components use the word barenti. Why for example not use the words barema (together), santurit (following), or ketong (sticking, perching). So far reviews about it The author has not found any official records.

Therefore, according to the author's view, if we try to interpret it in a semiotic point of view, then the word barenti is a sign. Charles Sander Peirce and Ferdinand De Saussure stressed the need for the reconstruction and deconstruction of the sign. Human life is full of signs, including human life that exists in the community of its oral tradition. In communication semiotics there is emphasized the aspect of sign production (sign production), not the sign system (sign system), which selects signs from the raw materials of existing signs and combines them in order to produce a meaningful language expression.<sup>5</sup>

The word enti is the production of a sign which is a meaningful expression of language. The word enti which is the root word of the word barenti, is a sign where a person's hand is attached / attached to a certain object. Holding something certainly begins with the intention first and then after doing holding activities. The activity of holding, a symbol that among other things has the meaning of wanting something, keeping something from being released, uniting something that was previously separated.

In holding activities, of course, there is also the activity of releasing the handle. When the position of the hand is no longer attached to a certain object, the position is released and can be said to be released from the handle. Barenti or holding is the position of the hand holding something. If the word barenti is a link between adat, sharia 'and kitabullah, then the word barenti has a great responsibility in implementing the values of Kitabullah in everyday life.


According to the author, the conjunction barenti has several meanings, namely:

- 1) The nature of the verb enti or hold may one day the handle will be released and if released it will bring consequences. Customs that are separated from shara', then sara' are separated from usbullah, then as a result the essence of the purpose of human life will lose its direction.
- 2) Show appreciation for a process. The customs that prevail in society, both old and new, when faced with conditions may or may not be, appropriate or inappropriate, and good or bad, then it is appropriate to adhere to the applicable law, and the applicable law must be derived from the Quran.
- 3) The connecting word barenti as a form of implementation of the command of Allah SWT as stated in Sura Ali Imran 103 *"And hold fast to the rope (religion) of Allah, and do not divorce, and remember Allah's favor to you when you were once enemies, then Allah united your hearts, and became you because of the favor of Allah, brothers and sisters; and you were on the brink of hell, and God saved you from him. Thus God explained his verses to you, that ye might be instructed"*

## 1) Kitabullah Philosophy

**Kitabullah** comes from Arabic: كتاب الله, meaning kitāb Allāh) i.e. the records spoken by Allah to the prophets and messengers. Faith in Kitabullah is one of the pillars of faith in Islam. There are 104 Kitabullah that have been revealed, but Muslims are only obliged to believe in 4 major books, namely the Torah, Zabur, Injil, and the Qur'an. <sup>6</sup>

The writings of the word of Allah (Book of Allah) in ancient times were made into 2 types, which can be in the form of shuhuf and mushaf. The word shuhuf is found in surah al-A'laa:

(ie) The books of Abraham and Moses.	 صُحُفِ إِبْرَاهِيمَ وَمُوسَىٰ
—QS al-A'laa, verse 19	

Both sentences come from the same root sentence, "sahafa" (writing). Shuhuf (صحيفة; singular: sahifa) means a piece of sentence written in materials such as paper, leather, papyrus and other media, while mushaf (مصحف; plural: masahif) means collections of shuhuf, bundled together, like 2 covers in one content. <sup>7</sup>

In the history of the writing of the text of the Qur'an, the shuhuf consists of several pages that were eventually collected in the time of Abu Bakr. In the shuhuf the arrangement of each verse in the surah is correct, but the pages are not neatly arranged, not bundled into one content. The sentence mushaf at this time means the pages collected in the Qur'an that had been collected during the time of Uthman bin Affan. At that time, each verse in the surah was neatly arranged. Today Muslims also call every duplicate of the Qur'an, which has the regularity of each verse and surah called mushaf.

The Qur'an is a collection of words given by Allah as a unified book as a guide to life for all Muslims. According to Islamic law, this book is declared as a book that has no doubt in it, is always protected from error, and is a guide to form human piety.

"In the month of Ramadan in which the Qur'an was revealed as a guide for man." (Al-Baqarah 2:185)

The appearance of the Qur'an is considered unique, as it is in the form of rhythmic prose, epic poems, and symphonies in a beautiful cohesive text. The content of the Qur'an is also considered unique, in the form of a combination of universal philosophy, historical records, warnings and entertainment, the basics of law, and prayers.

For Muslims, it is not required to study the contents of the Torah, Zabur, and the Gospel that exist today, because according to Islamic teachings, it is considered to have contained various interpretations that are not true and because the contents of all the books that are still needed, have been included in the book of the Qur'an.

But there is also no need to attack or blame the contents of the Torah, Zabur, or Injil, because there are verses of Allah in them. <sup>8</sup>



In the word of Allah verse Al Imraan 3 verse 4:

"Before (the Qur'an), it became a guide for man, and He sent down Al Furqaan. Surely those who disbelieve in the verses of Allah will be severely tormented; and Allah Almighty again has retribution (torment)." <sup>9</sup> (Al-'Imran 3:4)

Then An Nissa 4 verses 136 and 163:

"O believers, keep faith in Allah and His apostles and in the book which Allah sent down to His apostle and the book which Allah sent down before. Whoever disbelieves in Allah, his angels, his books, his apostles, and the day after, he has gone astray to the greatest extent." (An-Nisa' 4:27)

"Behold, We have given revelation to you as We gave revelation to Noah and the later prophets, and We have given revelation (also) to Abraham, Isma'il, Isaac, Ya'qub and his posterity, Isa, Ayyub, Jonah, Aaron and Solomon, and We gave Zabur to David." (An-Nisa' 4:163)

Thus, based on the description above, that the philosophy of customary principles in Sumbawa Regency is to adhere to Kitabullah which is then the basis for the formation of legal products in Sumbawa Regency. The word book linguistically means everything that is written or something that is collected that contains a collection of data and information put together, while in terms the word kitabullah means the records spoken by God to the prophets and apostles. In the third pillar of Faith, Muslims are required to believe in the book of Allah. The books revealed by Allah to prophets and Apostles as we all know: The Torah was revealed to the prophet Moses alaihis salam, the book of zabur was revealed to the prophet David alaihis salam, the Gospel book was revealed to the Prophet Isa Alaihis salam, and finally the closing book as a completion of the previous books, namely the Quran which was revealed to the Prophet Muhammad SAW. In the Sumbawa language dictionary, the word Barenti which has the root word enti means to hold, and gets the prefix bar to become barenti then has the meaning of holding.

The word barenti in the philosophy of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah certainly has a reason. The connecting word that connects these vital components must use the word barenti, not using the word barema (together), santurit (following), or ketong (sticking, perching). According to the view of the author of this article, that the word barenti is a sign, which is a sign that is a language expression meaning a sign where a person's hand is attached / attached to a certain object. Holding something certainly begins with the intention first and then after doing holding activities. The activity of holding, a symbol that among other things has the meaning of wanting something, keeping something from being released, uniting something that was previously separated.

#### **b) Customary Principles of Barenti ko Syara' , Syara' Barenti ko Kitabullah as the Basis for the Formation of Legal Products in Sumbawa Regency**

Principles or values are levels, qualities, important characteristics for humanity, value means having a price, having value; quality, valuable.<sup>10</sup>While the understanding of local wisdom

(local wisdom) is the superiority of certain / local community values that function to organize the social life of its citizens.<sup>11</sup> Therefore, one of the main sources of the value system that a person or society lives and adheres to that can shape mental attitudes and thinking patterns has uses for various purposes, laying down or regulating guidelines about what is forbidden and vice versa that can be done. In order for mankind not to do wrong to itself, the Qur'an affirms that it is obligatory for every individual to treat himself especially regarding his honor, intellect, body and soul and property properly. The purpose of these principles and moral teachings is to glorify themselves as special human beings and servants of God and to ensure the salvation and happiness of the world and hereafter for each individual.<sup>12</sup>

The consistency of Allah's statements about the existence of moral principles and values is seen in the axiological in the Qur'an which is very fundamental, especially in the description of man, the concept of the value system and the superiority of the meaning of moral goodness. The description of man in the Qur'an covers a very wide range of aspects, the teachings of Islam are a religion that greatly respects and glorifies the human race. Here Ahmad Shafii Maarif quotes a verse from the Qur'an: "And indeed we have glorified the sons of Adam and we raised them on land and in the sea, and we risked them with good food, and we prioritized them over most of our other creatures. "In essence, the glory<sup>13</sup> given to humans, by Ash-Shiddieqy summed it up into 3 (three), first: personal glory (karamah fardiyah) in the Islamic sense of maintaining the ma'nawi personality and material personality (maddy), second: the glory of society (karamah ijtimaiyah), in which the status of human equality is fully guaranteed, third: political glory (karamah siyasiyah).<sup>14</sup>

By the grace of glory given to man, he has been made a halifa on earth,<sup>15</sup> obligated to mankind to worship Allah.<sup>16</sup> Therefore, as man's duty and responsibility to the God who created him, he must maintain and build the earth for man's prosperity on earth. The maintenance of a harmonious life on earth is required of everyone striving for truth and virtue both with soul and property (al-Maaidah (5):35). To achieve the intended goals in the struggle for truth and virtue that is just in the management of natural resources (land resources), the cultivator of moral principles and values or "local wisdom" becomes the main and foremost.<sup>17</sup>

The above understanding in legal literature is called "**legal culture**". Therefore, culture is a normative structure called "design for living"<sup>18</sup> or Williams states that the superiority of values is a "blue print of behavior"<sup>19</sup> of the behavior of citizens. This statement is in line with what was stated by **Harsja W. Bachtiar**, a writer who does not come from the camp of legal science, said that if there is to be a development of law and the development of knowledge about law, it is necessary to examine the actions that in reality are manifested by citizens in their relationship with each other.<sup>20</sup> Therefore, it is important that the perspective approach of local (social) wisdom principles and values is applied in the study of law, where, among others, the relationship between law and culture must be examined. Satjipto Rahardjo repeatedly stated in various newspaper articles and other writings, for example, in his inaugural speech it was argued that "the best way to understand hukum is to try to capture it unanimously into social, cultural, political, economic networks especially in its human dimension".<sup>21</sup> Legal experts, especially those who conduct in-depth studies on Indonesian legal perspectives, say that every

cultured society must have laws, because they are the most important part of the superiority of the value system of the relevant society.

So the law is as an integral part of the value system as a whole, studied as a social process that takes place in the life of society. The value system is therefore substantive behavior, and it appears in all sectors of life, including law; because the value system in its overall sense (aspirations, ideals, world of values) remains an independent variable that determines the final appearance of the law.

As F. van Benda-Beckmann points out: *"All these conceptions and I am using the word conception as a collective term for those specific types of ideas generally called norms, rules, principles, standards, concepts, etc. contain propositions about how things are (cognitive conceptions) or about how they may or ought to be (normative conceptions)."*<sup>22</sup>

In principle, law is seen as part of a value system that provides guidance for citizens about what is and is not allowed (cognitive) and in what (normative) then the two concepts (cognitive and normative) are not always the same meaning. Therefore, it is necessary to realize that the normative system or "law" is one aspect of culture, so to understand the position of law in the structure of society, first of all that must be understood first the culture and social life of the community as a whole. This statement is in line with Hoebel's statement: *"We must have a look at **society and culture** at large in order to find the place of law within the total structure. We have some idea of how society works before we can have a full conception of what law is and how it works."*<sup>23</sup>

If the statements of Bahtiar, Benda-Beckmann and Adam Hoebel are related to the legal behavior of land dispute resolution at the research site, it can be seen that there is a tendency for the disputing parties to make a choice of their dispute resolution model that they all want. They have entrusted religious leaders and community leaders/indigenous leaders in resolving inheritance land disputes that have not been divided into inheritance. According to the results of interviews with religious and community leaders who were used as resource persons / respondents, most dispute resolutions use a value system or principles derived from Islamic civil law and the value of local wisdom sourced from customary law.

From the description above, it is clearly seen in the legal life of the people of Sumbawa Regency adhering to more than one value system, despite the fact that there is a dominance of value systems derived from Islamic civil law. However, the value system derived from customary law also still exists and defends. This situation, according to Benda-Beckmann, has shown that there is an interaction of two or more value systems in legal life in tandem and in line to achieve their desired goals.<sup>24</sup>

Based on the results of an interview with one of the intellectuals in the field of law, Sumbawa Regency stated that he recognized the positive influence of customary law principles, where almost no land disputes were submitted to the Court by the disputing parties. The settlement of their disputes is not brought to formal institutions such as the Court, because the community prefers the guarantee of eternal legal certainty (the world and the hereafter) over the rights that have been established by Allah, in Islamic civil law (See: QS an-Nisaa' (4): 7)<sup>25</sup>

Based on the above measure shows that the highest measure of out-of-court dispute resolution is dominated by moral evaluations and principles that lie in the provisions of God's law. Man has indeed realized that he has been made a caliph on earth (Sura al-Baqarah (2): 30), so with all its consequences every human being must uphold the "principle" in every step and action. Therefore from the point of view of principle in human life has a dual status, on the one hand he is the caliph of Allah, on the other hand he is His servant (al-abid) (Sura Azzariyaat (51):56). In this case, humans are required to act justly, wisely and wisely in order to build prosperity on earth. Of course all of that will be successful and achieved, when we uphold the principles derived from the Qur'an and pay attention to the values of local wisdom that grows and develops in the midst of society as an elaboration of khair ummah (ideal society).

The occurrence of legal interaction between Islamic law and other laws, the value of local kerifan (which is often called Customary Law) in Indonesian society which is multi-cultural is difficult to separate. Even a Dutch jurist in the 19th century, **named van den Berg** put forward the theory of "**receptio in complexu**". According to this theory, the customs and laws of a class (law) of a society are the '**reception**' entirely of the religion adopted by that group of people. More clearly: the (customary) law of a group of people is the result of unanimous acceptance of the religious law it adheres to.<sup>26</sup>

The theory of "receptio in complexu"<sup>27</sup> apparently still exists today, from the acquisition of field data shows that between TOMA (community leaders) and TOGA (religious leaders) the big family of Sumbawa Regency always unites their views and perceptions when they want to give a decision to resolve land disputes submitted to them. This was revealed from the results of field interviews with respondents or resource persons, as stated by L. Ahmad Fatoni, that those who hold dispute resolution authority outside the court are religious leaders and traditional leaders, by deliberation or mediation settlement.<sup>28</sup> This was also confirmed by another respondent named Abdul Kadir, he said that the settlement by deliberation is the highest decision of Islamic civil law for the Ponpes community, this must be made a legal culture for the Islamic community not only in the Pondok environment, but for the Islamic community wherever it is.<sup>29</sup>

The combination of principle norms (derived from religious norms) and norms derived from local wisdom values in the "reception" of religious norms as stated by van den Berg above, has shown a legal interaction (von Benda-Beckmann) each of which is different. In state law theory, the two interacting laws are both non-state law but their respective positions are strong legal.

Based on the results of a researcher interview with Mr. Syukri Rahmat (a Chairman of the Indonesian Ulema Council of Sumbawa Regency, as well as Secretary of the Tana Samawa Customary Institution 2017-2022) regarding the Nature of Customary Principles Barenti ko Syara', Syara' Barenti ko Kitabullah as the Basis for the Formation of Legal Products in Sumbawa Regency. with the concept of the question is: (1) What is the Sharia law and what is the meaning of the principle Adat Barenti ko Syara', Syara' Barenti ko Kitabullah for the people of Sumbawa; (2) Whether customary law derives from Islamic law; and (3) Whether Islamic law derives from sharia law'.

Syukri Rahmat, expressed the <sup>30</sup>guesses of the above, among others:

- 1) The meaning of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah for the Samawa community, indeed the benchmark is when we talk about custom, the entire custom of the Sumbawa people is guided by shara'. Therefore the custom of barenti ko sharia in all customary practices in the life of the samawa people is strictly guided by the shari'a, and the shari'a refers to the Qur'an and the sunnah of Rasulullah SAW. Adat which is guided by shari'a, and shari'a refers to the Qur'an and sunnah Rasulullah SAW becomes the meaning in Adat Barenti ko Syara', Syara' Barenti ko Kitabullah.
- 2) In Sumbawa district, there is nothing that is not in accordance with Islam, not in accordance with shari'a, different from tradition, for example, the ancak tradition is an animist tradition, dynamism when you have spoken of customs, there is no Sumbawa custom that collides with Islam, that is if the Barenti ko Syara', Syara' Barenti ko Kitabullah custom is different if the tradition, well there is a suritanah custom that makes our children aware that this comes from the land. Besides that, the first and foremost thing is how we really ground together the Adat Barenti ko Syara', Syara' Barenti ko Kitabullah so that it is not just a log, because it is actually not complicated, it depends on how we practice in everyday life, so one of the things I described we have practiced our customs in the introduction. Now that means don't just be our log, let's take care of it, we practice it in all, and the second to the government this dissertation can be a reference in the preparation of legal products in Sumbawa, not just be the contents of the cabinet later, if necessary this is booked.

Based on the description of the results of the author's research above, the essence can be drawn is that Adat Barenti ko Syara', Syara' Barenti ko Kitabullah is a series of words that form sentences and have a unity of meaning. In that sentence there are four core words namely Adat, Syara, Kitabullah which are connected by the word barenti. Each word has a meaning: Adat in the Big Indonesian Dictionary (BID) has several meanings, namely 1) Rules (deeds and so on) that have been commonly followed or done since time immemorial, 2) Ways (behavior and so on) that have become habits, and 3) the form of cultural ideas consisting of cultural values, norms, laws, and rules that are related to one another into a system.

Din Syamsuddin elaborated on the meaning of adat barenti ko syara' and syara' barenti ko kitabullah. According to the former Chairman of PP Muhammadiyah for the two periods, parenti or principle contains a substantive meaning, namely moving thought and practice which later became a vital elan of the life of Sumbawa people or tau Samawa, officially declared as grondslag of Sumbawa Sultanate by Sultan Harun Alrasyid I in 1674.

Sultan Harun Alrasyid in various Dutch literature, said Din, is called Dewa Mas Bantan Datu Loka. He was the first King of Sumbawa to be called by the name of Sultan. The king of Sumbawa was previously simply called Koning Van Sumbawa, or King without embedding Sultan. "The addition of Datu Loka in the name is because he abdicated in the middle of the road and handed over power to his son named Dewa Mas Madina. Datu Loka to distinguish it

from Datu Baru," said the grandson of the Grand Imam/Religious Advisor of the Sultan of Sumbawa era Sultan Muhammad Kaharuddin IV who had passed away.

Din Samsudin then compared between Adat basendi Syara', Syara' basendi Kitabullah in Minang. The comparison, not only because he is a Sumbawa person so that he says that barenti or sticking with basendi or based, is indeed strong meaning barenti'. Because the proposition is so, "man tamassaka bisunnati". Din Samsudin explained, the word used is masaka yamsaku or holding. So to usbullah and sunnah we must be "tamassuk", which means to hold or barenti'. This shows the depth of religious knowledge of the Sumbawa people 348 years ago, to the point of choosing barenti' diction rather than just leaning.

Barenti in the Qur'an is also called manasik or worship itself. So barenti ko sara' is not only a declaration to hold fast to kitabullah and sunnah, but also means the engagement of performing worship according to the provisions of the Qur'an and Sunnah. Adat barenti ko syara' syara' barenti ko kitabullah followed by "takit ko Nene', kangila boat lenge krik salamat tau ke tana samawa". If anyone asks, continued Din, what is the traditional rapang of Tana Samawa, then the answer is clearly takit ko Nene kangila boat lenge. Takit ko Nene means devotion to Allah, there are many propositions in the Qur'an, "ittaqullah haqqo tuqotih", Takit ko Nene kewa sareally takit, devotion to Allah with true taqwa.

The consequence of takit ko Nene' is kangila boat lenge, "Al haya' minal iman" shame it is part of faith. It appears that even the choice of the word kangila was born out of a very deep exploration of the text and postulates. Kangila, Al haya', sai to' dua ila' are the virtues of the Sumbawa people. The virtue is actually the khuluqiyah of Tau and Tana Samawa. Khuluqiyah or barasal behavior from the word khuluqun who's plural becomes akhlaq. Akhlaq is adab edab tau (Makhluq) in relation to Kholiq (Nene'). It was these virtues that were sifted to give birth to Parenti Kalanis Tau to Tana Samawa. Thus the kalanist parenti of Tau Samawa was born as a derivation of something high, noble, born of the expression adab edab in the relation of Tau and Nene'. This Kalanis parenti is the ethos or elan vital that incarnates into the spirit of life of Sumbawa people such as kangila lara, sabeta ila', pragas (progressive), kiak (spirit), jujil (never give up), tuwa kawa (high endurance) and so on.

Therefore, related to the Formation of Legal Products in Sumbawa Regency, the principle of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah is used as a formulation of regional regulations carried out by normizing customary principles in Sumbawa Regency, namely by identifying and verifying the principles Adat Barenti ko Syara', Syara' Barenti ko Kitabullah in the formation of regional legal products in Sumbawa Regency, was laid as part of the process towards the recognition and protection of the indigenous people of Sumbawa. Regional regulations to be made, adapted to the general objectives and principles of law formation that have been stipulated by law, so that the existence of customary law communities in Sumbawa Regency can be accommodated by the state through the formulation of legislation that adheres to the principles of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah, by conducting research on academic manuscripts of regional-level laws and regulations that accommodate the principles Adat Barenti ko Syara', Syara' Barenti ko Kitabullah.

## CONCLUSION

Based on the results of the discussion above, it can be concluded that the philosophy of customary principles in Sumbawa Regency is to hold on to Kitabullah which is then the basis for the formation of legal products in Sumbawa Regency. The word book linguistically means everything that written or something that is collected that contains a collection of data and information put together, while in terms the word kitabullah has the meaning of records spoken by Allah SWT, namely the Quran revealed to the Prophet Muhammad SAW. The word barenti in the philosophy of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah is a sign where one's hands are attaching to a certain object. Holding something certainly begins with the intention first and then after doing holding activities. The activity of holding, a symbol that among other things has the meaning of wanting something, keeping something from being released, uniting something that was previously separated. The Customary Principles of Barenti ko Syara', Syara' Barenti ko Kitabullah are used as the formulation of local regulations carried out by normalizing customary principles in Sumbawa Regency, namely by identifying and verifying the principles of Adat Barenti ko Syara', Syara' Barenti ko Kitabullah in the formation of regional legal products in Sumbawa Regency, it is laid as part of the process towards the recognition and protection of the indigenous people of Sumbawa. Regional regulations that will be made, adapted to the general objectives and principles of law formation that have been stipulated by law, so that the existence of customary law communities in Sumbawa Regency can be accommodated by the state through the formulation of positive laws and regulations (applicable) in Indonesia.

## Bibliography

1. Jimly Ashiddiqie, Consolidation of the Text of the 1945 Constitution, Yarsif Watampoe Publisher, Jakarta, 2003 pp.32-33
2. Abdurrahman, The Role of Customary Law in the Application of National and State Life in National Law Magazine No. 1 of 2007 p.191 BPHN Ministry of Law and Human Rights of the Republic of Indonesia
3. Roy Marhandra in <https://rehal.id/adat-barenti-ko-syara-syara-barenti-ko-kitabullah/diunduh> date, January 9, 2021
4. Ibid
5. Sibarani Robert, (2012). Local Wisdom, Nature, Role, and Method of Oral Tradition: Oral Tradition Association.
6. <https://id.wikipedia.org/wiki/Kitabullah>, downloaded on November 06, 2022.
7. "Ulum Al-Qur'an Shuhuf and Mushaf". Archived from the original on 2009-05-30. Retrieved 2009-09-01.
8. "The books that are in the people of the book". Archived from the original on 2010-03-12. Retrieved 2009-08-18.
9. Al Furqaan are the earliest books that distinguish between right and wrong.
10. Em Zul Fajri & Queen Aprilia Dusk, Fajri, Em Zul & Dusk, Queen Aprilia. (2002). The Complete Dictionary Indonesian. Difa Publisger Yogyakarta : Student Library. p.590.
11. Taking into account the history of pre-Islamic Arabic law, it actually comes from local wisdom or comes from customs. As in the field of muamalah, among their customs are the permissibility of mubakan (barter)

transactions, buying and selling, agricultural cooperation (muzara'ah), and not allowing usury. In addition, among them there are also speculative buying and selling, such as bai'al-munabadzah. (Jaih Mubarak, 2000, "History and Development of Islamic Law", Publisher PT Remaja Rosdakarya, Bandung. pp.21-22).

12. Surah al-Baqarah (2) : 201
13. Ahmad Syafii Maarif, 1984, "Islam and Constitutional Problems", LP3S Publishers, Jakarta, p. 169
14. Ibid.
15. Sura Al-Baqarah (2):30.
16. Surah Azzariyaat (51): 56
17. Surah Al-Maaidah (5): 8, 42 ; Sura Ash-Shuura (42):15
18. Ralph Linton, 1936,"A Study of Man", Appleton-Century, New York, p, 397.
19. Robin M Williams, 1976,"American Society, A Sociological Interpretation", Second Edition, Revised, Alfred A Knoph, New York, p, 399.
20. Harsja W. Bachtiar, in TO Ihromi, 1989"Some Notes on the Development of Legal Anthropology as an Academic Discipline in Indonesia", Indonesian Anthropology Magazine, Faculty of Social and Political Sciences, University of Indonesia, No. 47 Th XIII, Publisher of the Department of Anthropology FISIP UI, p, 15.
21. Ibid, pp, 13-14.
22. F. Von Benda Beckmann, 1986"Anthropology and Comparative Law", in Keebet Benda Beckmann and F. Strijbosch (eds), Anthropology of Law in the Netherlands, p, 96.
23. E. Adamson Hoebel, 1954"The Law of Primitive Man, A Study in Comparative Legal Dynamics", Atheneum, New York, p, 5.
24. von Benda Beckmann, in Yanis Maladi, 2007, "National Land Registration and the Legal Life of Communities (Perspectives of Social Theories)", Mahkota Kata Publishers, Yogyakarta, p.61.
25. It has been decreed for men to have a share of the estate of fathers and close relatives; and for women there is a right to a share (also) of the estate of their fathers and relatives, either a little or a lot according to the appointed share (Sura.An-Nisaa' (4):7).
26. Bushar Muhammad, 2003, "Principles of Customary Law An Introduction", Publisher, PT Pradhya Paramita, twelfth printing, Jakarta, pp, 3-4.
27. This theory was initiated by Salomon Keyzer who was later corroborated by Christian van den Berg (1845-1927). The point of this theory is that the law follows the religion of a person. If the person converts to Islam, it is Islamic law that applies to him. In other words, this theory states that for indigenous people what applies to them is their religious law. It is important to note, however, that Islamic law remains in matters of family, marriage and inheritance law. (Amiur Nuruddin and Azhari Akmal Tarigan, 2004, "Islamic Civil Law in Indonesia", A Critical Study of the Development of Islamic Law from Jurisprudence, Law No. 1/1974 to KHI, Prenada Media Publishers, Jakarta, pp, 9-10.
28. Source: interview, with L. Ahmad Fatoni dated March 27, 2010. He is an employee of the rectorate of academic affairs and teaching staff at the Qamarul Huda Islamic Institute (IAIQH), he completed his master's education at the Ibrohimy Islamic Institute Situbondo Sukarejo East Java.
29. Source: interview, with Abdul Kadir, 17 March 2010. He was assistant rector I of Qamarul Huda Islamic Institute (IAIQH), he completed his master's education at Ibrohimy Islamic Institute Situbondo Sukarejo East Java.



30. Interview with the chairman of MUI Sumbawa Regency, Date : 17-11-2022, Time : 16 : 30, Place House of the chairman of MUI Sumbawa Regency, Interviewee : Syukri Rahmat S.Ag (chairman of MUI Sumbawa Regency)
31. Abdurrahman, The Role of Customary Law in the Application of National and State Life in National Law Magazine No. 1 of 2007 p.191 BPHN Ministry of Law and Human Rights of the Republic of Indonesia
32. Ahmad Syafii Maarif, 1984, "Islam and Constitutional Problems", LP3S Publishers, Jakarta.
33. Amiur Nuruddin and Azhari Akmal Tarigan, 2004, "Islamic Civil Law in Indonesia", A Critical Study of the Development of Islamic Law from Jurisprudence, Law No. 1/1974 to KHI, Prenada Media Publisher, Jakarta.
34. Bushar Muhammad, 2003, "Principles of Customary Law an Introduction", Publisher, PT Pradhya Paramita, twelfth printing, Jakarta.
35. E. Adamson Hoebel, 1954 "The Law of Primitive Man, a Study in Comparative Legal Dynamics", Atheneum, New York.
36. F. Von Benda Beckmann, 1986 "Anthropology and Comparative Law", in Keebet Benda Beckmann and F. Strijbosch (ed), Anthropology of Law in the Netherlands.
37. Fajri, Em Zul & Dusk, Queen Aprilia. (2002). the Complete Dictionary Indonesian. Difa Publisger Yogyakarta: Student Library.
38. <https://id.wikipedia.org/wiki/Kitabullah>, downloaded on November 06, 2022.
39. Jaih Mubarak, 2000, "History and Development of Islamic Law", Publisher PT Remaja Rosdakarya, Bandung.
40. Jimly Ashiddiqie, Consolidation of the Text of the 1945 Constitution, Yarsif Watampoe Publisher, Jakarta, 2003.
41. Ralph Linton, 1936, "A Study of Man", Appleton-Century, New York.
42. Robin M Williams, 1976, "American Society, A Sociological Interpretation", Second Edition, Revised, Alfred A Knoph, New York.
43. Roy Marhandra in <https://rehal.id/adat-barenti-ko-syara-syara-barenti-ko-kitabullah/diunduh> date, January 9, 2021
44. Sibarani Robert, (2012). Local Wisdom, Nature, Role, and Method of Oral Tradition: Oral Tradition Association.
45. TO Ihromi, 1989 "Some Notes on the Development of Legal Anthropology as an Academic Discipline in Indonesia", Indonesian Anthropology Magazine, Faculty of Social and Political Sciences, University of Indonesia, No. 47 Th XIII, Publisher of the Department of Anthropology FISIP UI.
46. Yanis Maladi, 2007, "National Land Registration and Legal Life of Society (Perspective of Social Theories)", Mahkota Kata Publisher, Yogyakarta.