



THE DIALECTICS OF CUSTOMARY LAW AND ISLAMIC LAW: AN EXPERIENCE FROM DOU DONGGO CUSTOMS OF BIMA, INDONESIA

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Abstrak: Artikel ini bertujuan untuk mengkaji secara kritis pergeseran adat dan tradisi Donggo sebagai proses dialektika dengan hukum Islam. Hukum adat Donggo didasarkan pada praktik tradisional dan kearifan lokal nenek moyang mereka, yang diyakini memiliki nilai-nilai luhur dan kebenaran. Sejak abad ke-17, dialektika yang ditandai dengan sistem politik kerajaan Bima berubah dari adat lama menjadi hukum Islam. Hal ini telah mempengaruhi seluruh aspek kehidupan masyarakat Bima, termasuk masyarakat Donggo. Jenis penelitian ini adalah kualitatif, dengan data dari wawancara dan studi dokumen. Kajian ini mengungkapkan bahwa hukum adat Masyarakat Donggo yang dilestarikan dan dipraktikkan hingga saat ini, merupakan hasil dari dialektika antara hukum adat dan hukum Islam. Tradisi yang dipraktikkan antara lain hukuman baja, hukum cambuk, budaya weki Mbolo, ritual Maja Labo dahu dan Raju. Dalam hukum Islam, tradisi semacam itu disebut *'urf* atau *al-'ādah*, yaitu tradisi yang hidup dalam masyarakat yang dijadikan sumber hukum dan diakui oleh para sarjana hukum Islam. Adat atau hukum adat yang dilaksanakan oleh masyarakat adat Donggo secara substansi dianggap mirip dengan ajaran Islam. Jadi, adat Donggo yang sesuai dengan syariat Islam (*'urf ṣaḥīḥ*) tetap dipertahankan, sedangkan yang bertentangan (*'urf fāsiḍ*) ditinggalkan.

Kata kunci: Dialektika; Hukum Adat; Hukum Islam; Masyarakat Adat Donggo

Abstract: This article aims to critically study the shift of Donggo Customs and traditions due to its dialectics with Islamic law. The Donggo customary law is based on the traditional practices and local wisdom of their ancestors that are believed to have noble values and truth. Since the 17th Century, the dialectics signified by the Bima kingdom's political system changes from the old customs into Islamic law. This has influenced all aspects of the Bima people's live, including the Donggo community. This is qualitative research, with data from interviews and document studies. This study reveals that the Donggo Community's customary law, preserved and practiced today, comes from the dialectics between customary law and Islamic law. The practiced traditions include baja sentence, the flogging law, the *mbolo weki* culture, *maja labo dahu* and *raju* ritual. In Islamic law, such traditions are called '*urf or al-ādah*', which are living traditions in a society used as legal sources and recognized by Islamic legal scholars. Customary law implemented by the Donggo indigenous people is considered substantially similar to Islamic teachings. So, Donggo customs, corresponding with the Islamic law (*'urf ṣaḥīḥ*), are maintained, while the contradicting ones (*'urf fāsid*) are abandoned.

Keywords: Dialectic; Customary Law; Islamic Law; Customs Society of Donggo

Introduction

Islam was introduced to the Bima people in the 17th Century in 1609. The religion has been positively accepted by the Bima community that previously believed and practiced the old tradition. This is because the community considers no substantial differences between Islamic law and the old customs. Islam was also accepted by the Bima people, who practised the old cultures, even though some of them contradicted Islamic teachings. With such acceptance, the old practices against Islamic teaching were gradually neglected. Thus, there was no longer a contradiction between the local customs and the Islamic law practiced and believed by the Bima people (Mutawali, 2013).

The influence of Islam on the Bima's customary law was signified by the First Sultan of Bima Sultanate, Sultan Abdul Kahir, who reigned between 1611-1640. The preamble of the Bima's customary law manuscript mentioned that all people, including those from the highest to the lowest ranking officials, should firmly uphold the Islamic teachings. This was indeed mentioned in all similar manuscripts (Salahuddin, 2017).

The correlation between Islamic law and customary law of Bima is in accordance with the local sayings in Bima as listed below:

1. The law and the sharia are the *Nawa Labo Sarumbu* (the inseparable body and soul).
2. *Mori ro madena dou mbojo ake kai hukum Islam edeku* (the life and death of Bima people should obey the Islamic law).
3. *Bune santika Syara' ederu na kapabuku rona kandandina rawi, hukum ma katantu ro maturuna* (sharia is manifested in reality; while the law set and lead the way) (Mutawali, 2013).

Based on these local sayings, it can be understood that there has been a positive correlation between the Bima's customary law and Islamic law. Another saying mentions that the Islamic law and the customary law are *bune nawa labo sarumbu*, which means that Islamic law and customary law are like body and soul. One cannot be separated from another (Hasnun, 2020).

One of the customary laws in Bima that is still practiced today and is believed to have no contradiction with Islamic teaching is the *baja* sentence (being paraded around the village) for criminals, such as

thieves, adulterers, and rapists. The *baja* sentence is still applied today, and Indonesian law does not degrade it. Among those who implement the *baja* sentence is the Donggo community in the Bima regency. For the Donggo community, the *baja* customary law serves to preserve the relationship among society and between the people and mother nature.

Based on the above description, several critical questions in this research are: how was the dialectic process between Islamic law and the Donggo customs and culture in Bima? And how is the impact of this dialectic process on the customary law of the Donggo community?

Several studies have discussed the customs and culture of Donggo people and their correlation with Islamic law. Some of those studies are listed below:

In his research on Dou Donggo justice, Peter Just (2001) explained customary law applied among the Donggo community. His study offered an innovative approach to understanding how the Donggo customary law resolves various disputes by focusing on justice and morality. Just tried to understand the legal system in the context of the community's moral ontology. Next, Honest Dody Molasy discussed the correlation between Islamic law and customary law in Donggo. His study revealed that the Donggo community simultaneously applied customary and Islamic law. Both laws were effectively implemented by a customary council established by the community called Customary and Sharia Council of Donggo (LASDO or *Lembaga Adat dan Syari'at Donggo*). He argued that Donggo could be an example of sharia implementation in the local context. The acceptance of Islamic law by the Donggo people was feasible due to the substantial similarity between the Islamic and customary law. However, Molasy did not comprehensively discuss the customary law applied in the Donggo community, including the *baja* sentence. According to the chairman of LASDO, this sentence was substantially based on Islamic law (Molasy, 2012).

Further, the *Raju* ritual was comprehensively studied by Abdul Wahid, entitled *Ritual as Politics: Raju Cultural Practice in Plural Society of Mbawa, West Nusa Tenggara* (Wahid, 2015). Wahid described the *Raju* ritual as a form of local wisdom of *Dou* Mbawa (Mbawa Donggo People) to maintain harmony among society. Some Muslims in Bima considered *Raju* as a form of syncretism. Thus, *Dou* Mbawa was

considered a threat against the purity of the Semitics religions (Islam and Christianity). The *Raju* ritual has become a battlefield of power relation. First, the study found that the *Raju* ritual was based on the plurality challenge and shaped by the habit of living together (*Mori Sama*), a communal view united by similar background and beliefs. Second, the transformation of the *raju* ritual reflects a hegemony of knowledge and moral authority. This resulted in the acceptance, contra-hegemony, and quasi-hegemony variant. Third, *Raju* rituals such as the discourse and the prayer created entity strengthening, internal consolidation, and communal life doctrine for social harmony.

None of those studies, however, describe the dialectic between Donggo Bima customary law and Islamic law. They were mainly focused on the conflicts and morality of the Donggo community and the role of the elders in resolving the disputes. Those studies also discussed the correlation and implementation of Islamic law and customary law in resolving cases among the Donggo community. The last, the study was focused on one of the customary rituals, called the *raju* ritual, to preserve harmony and tolerance among people with different religions in Mbawa Donggo,

The study of dialectics between Islam and customary law in Indonesian society, especially among indigenous people in the eastern part of Indonesia, is still very limited. Furthermore, this study is significant to enrich the study of Islamic law involving the striving process between Islamic teachings and customs, especially in the indigenous Donggo community in Bima, West Nusa Tenggara.

This is a qualitative study relying on the data from historical documents and interviews with several key persons. They include Alan Malingi, the historian and cultural expert of Bima, and Arifin J. Anat, the chairman of Customary and Sharia Council of Donggo (LASDO).

The History and the Customary Law of Donggo Bima Community

Historically, the Bima people or Dou Mbojo was divided into two groups of society, the indigenous people of Bima and the immigrants. *Dou* (community) Donggo is a native tribe of Bima. They have resided in Bima longer than other tribes around the coastal area (Pesonawisatabima, 2018). Bima, locally known as *Dana Mbojo* (Bima land), is an area in the

eastern part of Sumbawa island. Dou Donggo is divided into two areas of Dou Donggo Ele (the Eastern Donggo People) and Dou Donggo Ipa (the Donggo from across the island/immigrants) (Haris, 2017). Dou Donggo considered themselves the Swangga people's descendants, residing in a high and isolated mountain. Dou Donggo lives in small groups, and each group is led Naka-Niki. At that time, they developed nomadic and hunting lifestyles. They called that period as flying era (*ngemo*), as at that time, the deads were not buried but instead considered fly or disappear by themselves (Metromini, 2016). The term Donggo or Dou Donggo means mountain people (Budayanusantara, 2018). It is how the Bima people or the immigrants and researchers interpret the word Donggo. However, the authors define Donggo as “giving” or “handing over”. This philosophically means that the Donggo people generally eager to help others (J. Anat, 2019).

Related to the origins of the Donggo people, they are suspected of coming from two areas of Nusantara, Baduy in Banten and Flores. Donggo, especially those in Mbawa village, have similar customs, practices and traditional costume with the Baduy community in West Java. Furthermore, it was suspected that the Donggo people were the Flores people who were assigned to spread Christianity in Bima and have resided in the Donggo area (J. Anat, 2019). However, this information needs further clarification and investigation to find out the origin of the Donggo people.

Historians and researchers have found that Dou Donggo has a different language and customs from the other Bima people. The language used is the Bima Donggo language, consisting of polite and harsh language (Budayanusantara, 2018), and is written in Latin characters (Ardhana, 2005). The Bima language has similar roots to Sawu Language and Manggarai language used in Bima, Dompu, Sanggar. The Donggo people also have their arts, culture and traditional ceremonies, such as Kasaro, Sapisari, Do'a Rasa, Kalero dance and Raju rituals (Budayanusantara, 2018).

As times goes by, changes happened where they no longer live in the harsh mountainous area. Instead, they moved down to the lower land and gradually opened communication with other groups, such as immigrants. This resulted in the limited incident of inter-group conflicts. In addition, they also started to live permanently, cultivate,

and develop groups of a clan (*rafu*). These groups have grown into social and cultural groups. The leader of this larger group is called *Ncuhi* (clan leader). *Ncuhi* started to have a more significant and more critical role since the 14th Century. This power was manifested in the form of *Uma Leme* as a unification symbol of the Donggo community (Metromini, 2018).

In his journey's report in 1847, Zollinger described the pre-Islamic culture and condition of the Bima people, especially during the *Ncuhi*. As cited by Tawalinuddin, Zollinger called Donggo people as *do* (*dou*) Donggo or the mountain people. Further, Zollinger reported that the residence of the *Dou* Donggo was located about 1500-2500 feet above sea level. The Donggo people built their houses on column pillars, about 8-12 feet from the ground. The roof was made from reeds or bamboo shingles. The Donggo residence reminds us of the Tengger tribe villages in East Java. In addition to worshipping things with mystical power, the Donggo people also worship a supernatural being called Henca and their ancestors' spirit (*parafu-pamboro*). They do not have gods, as in Hinduism. Interestingly, the Donggo people were buried in standing position in holes, wearing full clothes with accessories such as rings, bracelets, necklaces, bokor, and headcover. The tombs were covered with flat stones (Haris, 2017).

Like those of Donggo people, the pre-Islamic Bima people also consisted of various groups led by tribe leaders called *Ncuhi*. The *Ncuhis* have their own territories and are named according to the mountains or valleys where they were ruled. It was *Ncuhi* Dara in central Bima; *Ncuhi* Dorowani in the eastern Bima; *Ncuhi* Banggapupa in the northern Bima; *Ncuhi* Parewa in the southern Bima; and *Ncuhi* Bolo in the western Bima. These *Ncuhis* live alongside each other peacefully. They convened to discuss matters related to their common interests (Haris, 2017). Later, there was an agreement among the five *Ncuhis* to appoint an immigrant from Java called Sang Bima as the king of Bima and was given the title of Sangaji. These *Ncuhis* were authorized to select and appoint the Kings in Bima. According to Henri Chambert Loir, the name of Bima was used since the 14th century or earlier to point out the eastern part of the Sumbawa island and its capital city. Bima is a foreign name. The Bima people used *Mbojo* to refer to themselves, and it was unknown why the foreigners gave the name Bima for the area. Perhaps, the name

is related to the cult of the Bima figure developed in East Java at the end of the Majapahit kingdom era (Loir, 2004).

Sang Bima, who was appointed as king by the *Ncubis*, then started to build a kingdom. The Bima people believe that Sang Bima was the ancestor of the Bima kingdom. The legitimation of the Bima kings was similar to the origin of the Java rulers (Ardhana, 2005). The appointment of Sang Bima as a king of Bima has introduced Bima into a new kingdom system. The name *Mbojo* later replaced with the name Bima, from the name of the place, the name of the region, to the name of the ethnic (Haris, 2017). *Bo'* (historical record of Bima) described Bima as a well-managed kingdom and had good foreign affairs. This was due to the long-established kingdom, a well-developed political system, and welfare thanks to trading. Geographically, Bima lies on the maritime channel of the Indonesian archipelago. Thus, it became an important transit port for the trade route from Melaka to Maluku. The port of Bima had been transited since the 10th century and became an important trading centre. Bima had good trading relationship with Ambon, Banjar, Makassar, Banten, Palembang, as well as China (Loir & Salahuddin, 2012).

At the beginning of the 17th century, in 1618, the Islamization process started in Bima. This was signified by the military expedition sent from Makassar to defeat the rebels and restore Sultan Abdul Kahir as the crown prince (Loir & Robson, 1993). This era was a significant momentum for the political, religious, and socio-cultural development in *Mbojo* (Bima) community. The kingdom system ended around this time and replaced by the sultanate system, an Islamic-based government and cultural system (customs) (Ismail, 2001). According to Just (2001), this shift of government system happened on the 7th of February 1621, signified by an announcement to change the kingdom system into the sultanate system by the first king, Sultan Abdul Kahir (1611 – 1640) (Just, 2001). Starting from this time, Islam became the religion of the state, replacing the position of the indigenous religion (*ma kakamba ma kakimbi*), which was mixed with Hinduism and Buddhism. The changes in the people's religion also brought about changes in the cultural system and customs. Islamic customs replaced non-Islamic old cultures. Changes in the customs as the manifestation of abstract cultures strongly influenced the concrete culture, the social system and physical culture (materials). Since that time, the social system and physical culture were

developed based on Islamic norms. In other words, the *Mbojo* culture was in line with Islam, especially its substance (Ismail, 2001).

Islam was easily welcomed by the people of Bima, who previously believed in the old tradition due to the similarities between the two. It means that the old cultures have definite meanings that are similar to those of Islamic teaching. Thus, the newly introduced Islam was accepted by the Bima people's old cultures and traditions, regardless of some contradictions. When Islam has become the way of life for the Bima people, the contradictory customs were gradually abandoned; thus, there was no more extended contradiction between customs and Islam as the new belief of the Bima people (Mutawali, 2013). Since its introduction, the presence of Islam is shown in the opening of the Bima customary law manuscript. It was written that all people, including the highest-ranking officers to the lowest ones, should obey and practice Islam. This order was written in all customary law texts of Bima (Salahuddin, 2017).

Although most Bima people had started to accept Islam in the 17th century, Islam had just started to be introduced in the Donggo area in the 20th century. The entry of Islamic teaching in Donggo had made them more open to the outer world. The Donggo people responsively and timely accept new things and ideas. Its mountainous and harsh geographical condition has made the Donggo community resettle down in lower areas near the Donggo area. They met and interacted with other immigrant groups from Flores, Ambon, and other places. This interaction with immigrants had given the Donggo people knowledge of creating a settlement and building houses (Purna, 2016).

Peter Just, an American researcher and anthropologist, revealed that the Donggo people had accepted Islam as the majority religion, 300 years after the Bima Sultanate accepted Islam as the official state religion or around the year of 1950 to 1960. Following Indonesian independence, most Donggo people have believed in Islam, and just a small portion was Christian (Just, 1990). In 1969, the Donggo people were required to obey the Indonesian government policy that each citizen should believe in one of five government-acknowledged religions registered in their identity card (Just, 2001). This situation enabled the Donggo people to keep practicing and preserving their traditions, including the *baja* sentence.

Islam came to Donggo through the Muslims from Peurlak, Aceh. This was proven by the Waro Kese grave, which the Donggo people believed as the grave of the first Donggo person adhering to Islam (J. Anat, 2019)

As it was previously mentioned, Bima consisted of several tribes. Dou Donggo were an indigenous tribe that resided in the Bima area divided into two regions, dou Donggo Ele and dou Donggo Ipa. Apart from the *Dou* Donggo as the indigenous people of Bima, there have been immigrant tribes residing in Bima. Hence, cultural assimilation and acculturation made the Bima indigenous people follow new updates brought by these immigrants. The immigrants in Bima can be classified into several groups below:

1. The *Dou Mbojo* (Bima people). Initially, these people were immigrants from Makassar and Bugis who resided in the coastal area of Bima. They were assimilated with the Bima indigenous people. This immigrant group had started to come to Bima around the 14th century as merchants and *muballigh*/Islamic preachers. They mostly worked as farmers, merchants, fishers, sailormen, and some worked as government officials.
2. The Arabs and the Malays. The Malays mostly came from Minangkabau and other regions in Sumatra. They came as *muballigh* and merchants, and their number was not significant. They resided on the coast of Bima Bay, in Melayu and Benteng villages. Today, they have penetrated the remote areas and have assimilated with other groups within the community. The Arabs also came to Bima as traders and *muballigh*.
3. Other immigrants. They came to Bima with different backgrounds. Some worked as government employees, merchants, and business people. They intensely practiced and upheld the customs of their original tribes such as Java, Madura, Flores, Ambon, Timor, Banjar, Bugis, Bali, and Lombok. Nevertheless, many of them also mixed and married with the *Dou Mbojo* and other tribes. In addition, some Chinese became immigrants resided in Bima. They were mostly merchants and business people. Regardless of their insignificant numbers, they played a critical role in the Bima economy (Ahmad, 1992: Mutawali, 2013).

Theory of Correlation Between Islamic Law and Customary Laws in Indonesia

Historically, there are four theories proposed on the correlation between Islamic law and customary laws in Indonesia, those are:

First, the Receptive theory proposed by Snouck Hurgronje. This theory claims that the living law within the Indonesian society is not Islamic law, rather original customary law (Lukito, 1998). This theory argues that Islamic law is not automatically applicable to Muslims. Islamic law only applied to Muslims when it is received by and has been made into customary law. Thus, what applies to them is not Islamic law but rather customary law. Hurgronje argued that Islamic law is not a law. It can only be a law when it has been accepted as customary law. Therefore, customary law is the deciding factor whether an Islamic law is applicable (Pettalongi, 2012).

The Dutch government imposed this theory through *adatrecht-politiek* (customary law politics). They presented a regulation that put Islamic law under the customary legal system. The underlying assumption of the Dutch was that the customary law was a living legal system and applied within the society. In contrast, Islamic law, according to them, was only an unapplied theory (Lukito, 1998).

Second, Receptio in Complexu theory. According to this theory, the law of each religion is applicable to its believers (Pettalongi, 2012). The customary law of a group of society results from the acceptance (complete reception) of religious law adhered by that society. The law applicable for Muslims is Islamic law. The law applicable for the Hindus is Hindu law (Muhammad, 2013). This theory was proposed by L.W.C. van Den Berg, a legal scholar from the Netherlands appointed as the Eastern languages advisor and Islamic law advisor to the Dutch government (Wignjodipoero, 2010).

Van den Berg theory was vehemently opposed by his fellow countrymen scholars, such as Snouck Hurgronje and van Vollenhoven (Muhammad, 2013; Wignjodipoero, 2010). Snouck Hurgronje refuted that not every part of the religious law was accepted into the customary law (Muhammad, 2013).

Third, Receptio Exit theory. This theory was pioneered by Hazairin (1905-1975) and his disciple. During the Conference of the Ministry

of Law in Salatiga in 1950, Hazairin delivered his view on religious law and customary law. Since then, Hazairin's refusal toward receptive theory has gotten more robust, and he considered the receptive theory an "evil theory". According to this theory, customary law can be a living law within the Muslim society if that customary law does not contradict Islamic law (Pettalongi, 2012).

Fourth, *Receptio a Contrario* theory, proposed by Sayuti Thalib, a disciple of Hazairin, refuted the Receptive theory by introducing a theory called *Receptio a Contrario*. It means that customary law can be applied when the Islamic law accepts it and that Islamic law can only be applicable when it is based on The Qur'an. This theory was particularly proposed with the U.U.D. 1945 (especially Article 29) and the issuance of U.U. No. 1 of 1974 on Marriage (Azizy, 2002) as its foundation.

Customary law is a long-practised law in Indonesia. Customary law is the oldest law as it appeared alongside the customs and based on the agreement within a group of society. The theories mentioned above indicated that the customary law is based on local wisdom, which later became an integral part of Islamic law. Islamic law in Indonesia is applicable for legal matters concerning Muslims. Thus, it can be inferred that the legal system applied in Indonesia is based on customary law (local wisdom) and Islamic law (Pettalongi, 2012).

In the study of *fiqh*, the term local wisdom is known as *'urf*. *'Urf* means something usually done in the form of words and deeds and is well received by a community. Islamic jurists place *'urf* in an important position in Islamic law (Nasution: 150). They also realize that *'urf* or *adat* has a significant role in developing Islamic law, especially in legal interpretation processes (Ratno Lukito: 2). However, scholars differ in determining *'urf* as an independent legal proposition. Syafi'iyah scholars do not allow *'urf* as a legal basis if it contradicts the Qur'an and Hadith. Hanafiyyah and Malikiyyah scholars use *'urf* as an independent legal proposition in matters with no *qath'i* (definitive) text. Hanabilah scholars accept *'urf* as long as it does not conflict with the Qur'an and Hadith. Shi'a scholars accept *'urf* and view it as a legal proposition that is not independent but must be related to the *Sunnah* (Rusli: 34). In essence, customs or *'urf*, which do not conflict with Islamic law, can be accepted and applied to specific communities in the field of *mu'āmalah* or social relationship, including economic activities (Ali: 123). This is in

accordance with the rule saying that *Al-Ādah al-Muḥakkamah*, meaning that custom is an authoritative source of law (Al-Syuyuthi: 123).

The Struggles Between Customary Law and Islamic Law in Bima

When discussing the correlation or the struggles between customary law and Islamic law, the critical issue is the socio-religious condition when the Bima people first accepted and believed in Islam. How was the response of the customs society when Islam was accepted into Bima? These questions need to be critically analyzed based on historical records and facts of the Bima kingdom and society to reveal the socio-spiritual condition of the Bima people. Thus, convincingly, we could find the struggles between customary law, as the native law, and Islamic law, as the newcomer. The latest would have a consequence of changing many aspects of the community's life.

Before the acceptance of Islam, the Bima people believed in the old tradition. They had cultural religion (*ma kakamba ma kakimbi*), influenced by Hinduism and Buddhism (Mutawali, 2013; Haris, 2017), and the applicable law was the unwritten customary law (Salahuddin, 2017). Each movement and action of the community was influenced by living customs and became a living law.

At that time, the Bima people called their religion *Parafu* led by *Ncubi*. Apart from being a leader in communal life, *Ncubi* played roles as a religious leader and a shaman. Thus, the era was known as the *Ncubi Ro Naka era*. In relation to the influence of Hinduism in the belief of the Bima people, historians have used Hinduism characteristic in Bima cultures as evidence. The first example is the *wadu pa'a* (chisel stone) site, located in the West of the mouth of the Bima bay and looks like a well-preserved Hindu temple. The second example is the *Wadu Tunti* (slate) site located in Padende village. This slate was written in the Kawi language. The third is a phallus located in the yard of Sila Bima mosque. This phallus was used as a tombstone of an Islamic grave found during the mosque renovation and expansion in 1976. The fourth is a carved stone with Hindu motives in front of an elementary school in Sila Bima (Haris, 2017).

Before Islam came to Bima, the sociopolitical condition of the Bima kingdom at that time was under critical turbulence. La Salisi, who

got assistance from the Dutch government, attempted to take over the Kingdom of Bima by staging a coup against the legitimate government. He also attempted to murder some of the important figures within the royal family. One of the royal family members that got away from the murder was the crown prince named La Ka'i. He managed to escape to Makassar with the assistance of a young man from Wera and seek protection there (Haris, 2017). In 1609, before he set sail to Makassar, La Ka'i and his entourage converted to Islam with the assistance of the merchants from Gowa in Kalodu Bima village. Finally, assisted with the armada from Makassar, La Salisi's coup was overturned, and the Kingdom was returned to its rightful heir, La Ka'i whose Islamic name was Abdul Kahir. In 1633, Abdul Kahir was sworn as the first Sultan of Bima. Meanwhile, the kingdom system was changed into a sultanate in 1640. As a consequence, Islamic law was made the official source of law. As the highest leader in Bima, Sultan ordered all his people to believe in Islam as the official religion and preserve all the previous customs relevant to Islamic law. For the people of Bima, the Sultan's order must be obeyed. Thus, when the Sultan ordered his people to believe in Islam, it was ensured that all his people would follow this order.

Apart from the sociopolitical reason, one factor that made Islam well-accepted in Bima was the Islamization process. It was slightly different from Islamization in other parts of Indonesia. In Bima, the first people to believe in Islam were the Sultan and his most influential officials. Thus, it was easier for Islam to be accepted by all people in Bima.

In addition, there was almost no contradiction between Islamic law and customary law that had been long practiced within the Bima society. In other words, there have been no significant substantial differences between customary law and Islamic law. Hence, the people used Islam as a reference for their customary laws. Those contradictory to Islamic law were neglected. This shows that there was never a conflict between the two, even though Islam had not ruled out the customary law (Mutawali, 2013).

In addition to Islamic law, the people in Bima also practice and obey the Bima Customary Law or Hukum Adat Tanah Bima/HATB. These two legal systems can co-exist. In general, HATB contains the substance of Islamic teaching. HATB stipulated all aspects of life and regulated the justice system. This prevailed from the 17th century to the

20th century or the end of the sultanate era. When V.O.C., the Dutch, came to Indonesia, the existence of the Bima sultanate and its customary law were not diluted. This was proven by the political contract between the Dutch and the Bima Sultanate called Lang Politiek Contract. This political contract implied the Dutch acknowledgement of the Sultanate system with its customary law and its separate customary justice system (Salahuddin, 2016).

Dialectic Between Islamic Law and Customary Law of the Donggo Community in Bima

Problems within the Bima society were settled using the religious and cultural approach, as most Bima people are Muslims, and they were considered very pious Muslims during the Sultanate era. For the Donggo people, religion and customs (local wisdom) are the basic philosophy. They are strongly practiced to create and maintain harmony and peace. Some customs and local wisdom that are still in practice today among the Donggo people and the Bima people in general are:

First, Maja Labo Dahu or shame and fear. After Islam became the official religion, the sultan and the scholars formulated a new idea that came from the values of Islamic teachings. They took the essence of faith and piety values to enrich the local customs. This idea is manifested in a well-known principle, *Maja Labo Dahu*. It orders all people, regardless of their status, to pledge to the oneness of God (*kalima tauheed*) and practice the values of faith and piety in everyday life. The Donggo and Bima people, in general, are ashamed when they commit a mistake. Thus, they tend to behave according to their local norms and cultures (Ahmad, 2013). From the religious perspective, *Maja Labo Dahu* is the characteristic of a faithful and pious people, as a pious person should have the *Dahu* (fear) of Allah and His Messenger. The measure of *Taho* (goodness) and *Iha* (evilness) in that expression is based on the values of faith and piety. Through *Maja Labo Dahu*, humankind tries to uphold *amar ma'ruf nahi munkar* (commanding goods and forbid evils). Thus, they will be able to serve as *khalifatullah*, or the caliph of Allah, on this earth and His servants. With this, the dream for *Sana Mori di Dunia Akhera* (happiness in this world and the hereafter) and implementing cultural norms such as in *Mbojo* customs would be a reality (Ismail, 1997).

Second, *Ngge'e Nuru* (living together with the bride's parents). It was usually performed by the groom, who would be betrothed once they came of age. *Ngge'e Nuru* aimed to make a would-be groom adapt to the parent's behaviour and characteristics. During the *Ngge'e Nuru*, which usually lasted up to 15 years, a man should adjust to the bride's family to be. During this time, the groom assisted the bride's parents in doing some works, such as fetching the water, collecting the firewood, and working in the field and the plantation. This was intended to test the man's ability, perseverance, patience, and manners before the marriage. When *Ngge'nuru* successfully performed, that man would be ideal for the bride-to-be. If he failed, then the aggrieved groom's family can file a complaint to the elders or *sara ro buku*, who can facilitate as a mediator in settling this issue. The customs' sanction that could be incurred upon the bride's family depended on the customs' injunction. Usually, fines or *dihuda* are incurred based on the demand of material and non-material loss (La Nora, 2008).

Along with the growing understanding of Islamic law among the Donggo people, and since the establishment of Donggo Customary Council in 1979, customs that were contradictory with Islamic teaching were removed and no longer practiced. The Council proclaimed Islamic law its fundamental principle. The traditions such as *Ngge'e Nuru* was no longer practiced as it was considered conflicting with Islamic law that respects women's dignity. Even though no communication shall be commenced between the would-be bride and groom during *Ngge'e Nuru* to preserve the woman's dignity, the tradition was still abolished. This was to prevent actions against cultural norms and Islamic teaching (J. Anat, 2019).

Third, *Mbolo Weki* or deliberation. Issues that can affect the harmony of society are solved through deliberation (Ahmad, 2013). The values within *Mbolo Weki* were implemented through several concepts such as 1) *Mbolo ra dampa or mafaka ro dampa*, which means upholding kinship principles and deliberation; 2) *Karawi kabuju* or cooperation, which means that deliberation results should be programmed and implemented together by all members of the community; 3) *Nggahi Rawi pahu* or proclaimed matters, meaning that all planned matters should be put into practice; 4) *Su'u sawa'u sia sawale*, which means no matter how complex the task is, it should be carried out with patience

and perseverance, no backing out from responsibilities; 5) *Tohompa ra nahu surapu dou labo dana*, which means all the result of development achieved through the struggles of all the people should be enjoyed fairly by all, depending on the extent of the efforts/responsibilities put in by the person (Ismail, 1997).

Fourth, the *baja* sentence (being paraded around the village) is a customary law still being practiced today as a punishment given by the customary council for criminals, such as adulterers, thieves, and robbers. Criminals should be paraded (*baja*) around the village and shown to all people. In the case of cattle thieves, they are paraded around the village and obliged to eat all of the stolen cattle's raw meat. During the parade, they express regrets by saying something, such as "oh my friends, do not be like me!" After that, they still should pay the fine according to the customary council's decision (La Nora, 2008).

Alan Malingi revealed that the *baja* is a customary sentence and included in the unwritten Bima customary law convention. Today's implementation of *baja* tradition is an alternative to legal settlement as long as the community demands this sentence/law to be implemented. He further stated that the *baja* sentence is injunctioned to create a deterrent effect for criminals like thieves and adulterers. During the sultanate era, there were three legal institutions: *Syara Tua*, *Syara Syara* and *Syara Hukum*. *Syara Tua* dealt with customary law, including the *baja* sentence. In its implementation, the *baja* sentence led by *Bumi Luma Rasana'E* and *Bumi Luma Bolo*. During this sultanate era, the *baja* sentence was implemented thoroughly all over the Bima Sultanate (Malingi, 2020).

The *baja* sentence applied for criminals similar to Islamic law in its substance. This was affirmed by the chairman of the LASDO council that the *baja* sentence is the way the native community implements Islamic law. Implementing the *baja* sentence means they implement Islamic law. They disregard the difference in the form of the sentence, in which Islamic law determine hand amputation as the sentence for a thief. The council argued that the *baja* sentence is part of Islamic law combined with the customary law of the Donggo people. This was also evident from the name LASDO itself, Customary and Sharia Council of Donggo. The chairman insisted that applied sentences for the criminals are the Donggo customary law, whereas Islamic law

served as the overseer and guarantor of the implementation of the customary law (J. Anat, 2019).

Fifth, *Teka ra Né'e* or contribution. *Teka ra Né'e* is usually performed during life cycle rituals, marriage celebration, *Hajj* (pilgrimage), harvest or school graduation. All community members come regardless of their religions. They give (*me-donggo*) some donations in the form of money or groceries (Ahmad, 2013; La Nora, 2008).

Sixth, the *Raju ritual*. *Raju* is a pest extermination and planting session ritual. This ritual is held every year before the planting session. The lunar calendar is used to determine the time (*wura*). There are three types of *raju* ritual. First, *Raju Na'e* is performed for seven days. Second, *Raju To'i* is implemented for five days. Finally, *Raju To'i Poda* is implemented for three days. The *Raju* rituals are performed to get rid of the pest and diseases for the crops. Thus, the harvest is expected to be bountiful. It is a form of local wisdom to teach the local culture of Donggo. Within the *raju* ritual, the community members will understand their local cultures and characters. The ritual does not take any religion as its reference. This ritual has cultural values that are in line with the religious values believed by the people of Donggo, such as the belief in the Divine power and the existence of matters outside the control of humankind. The ritual also develops a relationship between people and preserves the balance between humankind and nature (Purna, 2016). The Donggo people's preserved customs served as local wisdom to create interreligious tolerance and preserve the harmony between humankind and mother nature.

Conclusions

The dialectic process between customary law and Islamic law has happened since the 17th century, signified by the shift of the kingdom system into the sultanate. Both laws have influenced almost all Bima people's lives, including the Donggo community. The acceptance of Islamic law was proven by the fact that most of the Donggo people still practiced their customary law today, such as the *baja* sentence, the flogging law, the *Mbolo weki*, *Maja Labo dahu* and *Raju* ritual. One reason for the acceptance of Islamic law by the local people is its substantial similarities with their custom. This dialectic has made the Donggo community practice the customary law of Donggo along with

Islamic law. Islam has become the Donggo community's religion and legal guidelines, as they still firmly uphold their customary law.

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