# THE IMPLEMENTATION OF ISLAMIC LAW IN INDONESIA WHAT SHOULD WE LEARN FROM SUKU DONGGO

## **Honest Dody Molasy**

'Mori ro madena Dou mbojo ake kai hokum Islam edeku' (The Body and the Soul of Bimanese is Islamic law)

This Bimanese old adage is a manifestation of Bimanese big motivation to implement Islamic law in their daily activities. According to Hamzah (2004) Islamic Law and *Adat* law has been implemented in the Sultanate of Bima since its establishment in 1640. Since then Bima appear to be a powerful Islamic sultanate in Southeast Asia and produce many scholars and Islamic thinkers. However, since Bima dominated by the Netherlands in 1908 continued by Japan in 1942, and joined the Republic of Indonesia in 1945, the implementation of *Syariah* Law and *Adat* law in Bima has suffered a setback. Political reform and regional autonomy that began in 2000 revitalize the spirit of the Bimanese to revive *Syariah* law and the *Adat* law and formalize through the formal legal rules. Indigenous groups and Moslem organizations have publicly and vocally demanded the right to implement part of Islamic law and *adat* law in Bima.

Though at the time of the sultanate, Islamic law and *adat* law have been implemented throughout the sultanate, but currently only a few communities in Bima are still use them. One of them is a tribe in the slope of Soromandi Mountain on the west side of the Bima bay. *Syariah* law is run by an indigenous organization formed by the indigenous tribe in Donggo. This traditional institution called LASDO (Institute of *Adat* and *Syariah* Donggo) led by 3 traditional leaders and executed by the executive council proposed by the people and selected by traditional leaders.

The implementation of *Syariah* law in Donggo - Bima is interesting topic to be discussed, not only because its implementation is accepted by the society, including the Christian and Animism, but also the *Syariah* law that is implemented in Donggo has reduced the crime rate and has been believed successfully maintain a political stability in the region. On the other hand, many Islamic organization who has forced the government to implement part of *Syariah* law formally in areas such as *Syariah* motivated perda (Local / district regulation or law) has faced many difficulties. By researching the implementation of *Syariah* law in Donggo, this paper will answer the question, why the implementation of Islamic *Syariah* or Islamic Law in Indonesia has



faced many obstacles and failures? Are there any solutions can be done to implement Islamic Law in Indonesia?

Researching the implementation *adat* law and Islamic Law in *Suku* Donggo, this paper argues that the implementation of Islamic Law in Indonesia must be done by the culture. Top-down approach forced by the government regulation and formal/legal system will trigger rejection from the community. The regulation produced by the government is not easily implemented as its regulation contradicts with the culture and people habit. The implementation of Islamic law has to be understood as a dynamic action not a static tool. It should follow the local pattern and blended with the culture and local custom.

One of the difficulties in conducting research on *adat* law, Islamic law, and politics in Donggo Bima is the limited literature. There are not many researches have been done in Donggo both conducted by western as well as local researcher. Several books and research that stored in the local library, most of them are researching Bima language and economic development; while research on *adat* law, Islamic law and local politics in Bima are very limited. *Adat* law, is not new term, *adat* means 'custom' or 'tradition' and carries connotations of sedate order and consensus. *Adat* law was first introduced by Snouck Hurgrounje an expert of East Asian Literature in 1894. In his book De Atjehers (The Aceh) Hurgrounje writes about *adat* law in Aceh, he called the traditional or *adat recht*. Later The traditional *recht* developed by one of his students, Prof. Cornelis van Vollenhoven who later becomes a Profersor of *adat* law and the Dutch East Indies government in his *Adat Recht van Netherlands Indies* (The *Adat*-law of the Netherlands-Indies), where the Dutch colonial government include *adat* law in its legislation in 1929 in the *Indische Staatsregeling* (Colonial Constitution).

After Hurgrounje and Vollenhoven, there are many legal experts conducted research of *adat* law in Indonesia. Some of them are Jaap Timmer (2005) in Papua, Michael Picard (2005) in Bali, Lena Avonius (2004) in Lombok, Dik Roth (2002) in south Sulawesi, Greg Acciaioli (2001.2002) and Tania Li (2001.2002) who examined the indigenous peoples (indigenous community) movement in relations with the international movement. A research about indigenous peoples and indigenous law in Bima; however, are very limited. Two well-known researchers on Bima history are Henri Chambert-Loir from the Ecole Française d'Extreme-Orient who conducted research in Bima since 1971, and Dr Hj. Siti Mariyam daughter of the last Sultan Bima, Sultan Muhammad Salahuddin. However Loir more focused on the studies of ancient texts of Bima kingdom, while Hj Siti Maryam also examines the history of the Sultanate of Bima.

Research about *Syariah* law is also widely conducted in Indonesia, especially after the resignation of Suharto and after the implementation of *otoda* (Otonomi Daerah



or decentralization) in Indonesia. Bowen JR (2003) studied the implementation of *Syariah* law in Aceh, Timothy Lindsay (2008) describes the law and society in Indonesia, Hooker MB (2008) and Fox JJ (2004) research on Islamic law and politics in Indonesia, but research about the implementation of *Syariah* law in Bima and its relationship to local politics is very limited. The only book that outlines the implementation of *Syariah* law in Bima has been published by the National Commission for Women in its 2010 research report on the discrimination against women in public spaces in seven provinces in Indonesia. Even the implementation of *Syariah* law report in the Bima just reported in a few paragraphs.

The historical data about the implementation of *Syariah* law and *adat* law is also very limited. There are not many historians who concerned their studies in Bima. Hilir Ismail, a local historian writes books and has open up some of the mystery of the ancient Bima. There are at least 5 books written by Hilir Ismail, one of them is *Peran Sultanate Bima dalam perjalanan Sejarah Nusantara*, (The role of the Sultanate of Bima in the national history, 2004). This book has been cited by almost all researchers who study the history of Bima. Unfortunately Hilir Ismail could not be interviewed, since he passed away just a few weeks before the field research was conducted. However, the researcher has found 7 bundle his handwriting and important notes from one of Ismail relatives. This includes manuscripts on the history of Islam in Bima, unfinished writing and will be planned to be published.

The handwriting and other important notes from Hilir Ismail become an important resource and are widely used in this study. Other historical resources used in this research are interviews with historical figures, such as Dr. Hj. Puteri Siti Maryam, the daughter of Sultan Salahuddin, Haji Masykur Abdul Ghani, who has served as Imam of the Sultanate mosque, and Haji Abdul Majid Bakry one of Donggo community public figures.

#### Dou Donggo

*Dou* Donggo or people in Donggo or Donggo tribe is a community that occupies the area in Soromandi slopes on the west side of the bay of Bima. The *Dou* Donggo civilizatiion has been developed very slow during Sultanate era. Until the 1940's *Dou* Donggo was a primitive tribe and the majority of the population adheres to animism. The limited source of research about Donggo community has caused this tribal way of life is not widely known. The only study about *Dou* Donggo has been published by Peter Just, an associate professor of anthropology at William College. In his book *Dou Donggo Justice: Conflict and Morality in an Indonesian Society* (2000), Just writes the *adat* law and customs of the people in Donggo. Unfortunately he do not explained how the Islamic law and *adat* law affects people's living habits in Donggo.

There is not exact date when Islam has spread to Donggo. There is not research and historical records describing the early spread of Islam in this tribal community. The only reference can be used in this research is a narrative and oral story of Donggo tribal leaders. People in Donggo had learned about Islam between 1940 to 1945. Haji Abas Oya, one indigenous leader in Donggo predicted Islam was learned by people in Donggo since 1942, just before the occupation of Japan in Bima (Haji Abas Oya, interview, 02/03/2011). Another indigenous leader, Abdul Majid Bakry said the spread of Islam in Donggo was in the early 1940 (Abdul Majid Bakry, interview, 03/05/2011).

Haji Abas Oya, Abdul Majid Bakry and Muhammad Ali Ta'amin are three traditional leaders who have a very strong influence to the community. The three along with two other figures, Haji Muhammad Jamaluddin and Abu Wia Yasin led Donggo society movement against injustice in development and the military rule in 1972 (Rangga, 2001).

The efforts to spread Islamic values in Donggo have been started since the establishment of Sultanate Bima. Hilir Ismail, a local historian describes in his book The role of the Sultanate of Bima in the national history (2004) the spread of Islam in Donggo has been started since 1640, but has found difficulties and failed. The main problem causes the failure is the weak top-down strategy using power and authority. According to Puteri Siti Maryam, the daughter of Sultan Muhammad Salahudin, since the first Sultan of Bima, Sultan Abdul Kahir, the government seeks to spread Islam by using power. One of them was sending *Jeneli* (head of sub-district) and Islamic scholars to Donggo who have mission to convert people in Donggo to Islam. The mission failed as it got rejection from the people. (Puteri Siti Maryam, interview, 02/08/2011).

Abdul Majid Bakry, a Donggo indigenous leader who lives in Dompu argues that the use of power to spread the Islamic values will trigger resistance from the community. *Dou* Donggo believed that their ancestors soul will help their lives by worshiping the spirits of their ancestors. They believe that the ancestor's spirit will stay in the statues, large rocks and sacred trees. Those practices are not accepted and contradict with Islam, and for that reason the *Jeneli* supported by the Sultan has banned the practices by destroying the statues, stones and sacred trees. This action created anger and rejection to Islam. Even the laws and rules of the sultanate that were very closed to Islamic teaching could not be implemented in Donggo (Abdul Majid Bakry, interview, 03/05/2011).

The people in Donggo accept Islamic values for the first time since Sultan Muhammad Salahudin took over the power. According to Puteri Siti Maryam the new approach in spreading Islam was by mixing the culture and Islamic values. This strategy was the key success of Sultan Muhammad Salahudin for spreading Islam in Donggo. He never use military power as previous Sultans: On the other hand, Sultan Muhammad Salahudin appointed as one of the indigenous community leader and served people in Donggo inorder to performing religious rites (Puteri Siti Maryam, interview, 02/08/2011).

The appointment of Muhammad Salahuddin as traditional leaders in Donggo led protests among leaders in the Palace. Muhammad Salahudin was served as *Jeneli* Donggo at that time and was appointed as *Jenateke* or a prince. According to Abubakar Haji Ismail, a noble and Vice Chairman of Bima Indigenous Council, there are two things that cause protests of the appointment of Muhammad Salahudin as Donggo indigenous leader. First as a *Jenateke* Muhammad Salahudin must believe to Islamic teaching. The oppintment as Donggo indigenious leader; however, had believed as an indication that Muhammad Salahudin believe to other religions. Second, Muhammad Salahudin considered inconsistent to continue the goal of the Sultanate of Bima to implement and spread Islam (Abubakar Haji Ismail, interview, 17/02/2011).

There were three strategies undertaken by Sultan Muhammad Salahudin in spreading Islam in Donggo. First, providing support to the indigenous communities in Donggo. This strategy was done by joining as Indigenous leader *Dou* Donggo. By using this strategy, the people in Donggo feel that they are respected by the government. More than that, it means a recognition from the ruler (the Sultanate of Bima ), as indigenous community in Donggo for more than hundred of years had been claimed incompatible with the Islamic teachings and the Sultanate legal system.

Haji Abas Oya support Muhammad Salahudin policy to be appointed as indigenous leader *Dou* Donggo. According to Haji Abas Oya, his recognition to the indigenous and cultural community in Donggo is very important, because since the arrival of Islam in Bima in 1640, the ruling government claimed *Dou* Donggo as a community that do not accept the Sultanate legal system that put Islamic law as a fundamental goal. Moreover, *Dou* Donggo also have religious and beliefs that considered a 'primitive' and contradict with the religion of the sultanate.

By joining the indigenious leader of Donggo according to Haji Abas Oya, Sultan Muhammad Salahudin gradually affects the *adat* law and incorporates to the Islamic teaching. *Dou* Donggo community accept the change because it was appropriate to the culture and the teachings of their ancestors. There was no more resistance to the Islamic teachings and Islamic legal system as the Islamic teaching that teaches and practices in Donggo was tailored to the cultures of indigenous communities (Haji Abas Oya, interview, 02/03/2011).

Another strategy used by Muhammad Salahudin was to institutionalize the *Dou* Donggo *adat* systems by establish the *Tua Matengi Sara*, an informal body comprising traditional leaders. *Tua Matengi Sara* mean senior people who hold the indigenous law, serves as the agency who gives advices for the implementation of indigenous law. The

advices produced by *Tua Matengi Sara* then run and implemented by a *gelarang* or chief / village leader.

Before Sultan Muhammad Salahudin joined the indigenous leader of *Dou* Donggo, this institution has not been established. Advice given by an indigenous leader personally, in many cases the advices given between one indigenous leader contradict with other indigenious leader. *Tua Matengi Sara* formation reduces conflicts that arise in the decision making proces.

Even though *Tua Matengi Sara* was an informal institution, but in the practices this institution was very respected by the community. This institution then had run by 3 senior leaders who run as both judicative and legislative functions of government; while the executive was run by a *gelarang* or chief. Most of problems in the community were resolved by the *Tua Matengi Sara*. While *gelarang* run the collective decisions taken by senior leaders who are members of the *Tua Matengi Sara*.

There are no official records in Sultanate Bima about *Tua Matengi Sara*. In *Sangaji Bo Kai*, the official record of the government of the Sultanate of Bima only explained about the role of senior indigenous leaders in a number of regions in Bima which has significant power and influence. It is not mention the existence of informal institutions *Tua Matengi Sara* mainly on indigenous communities living in Donggo.

Hilir Ismail (2004) senior historian who writes many books on indigenous communities in Bima also does not mention this institution. Hilir simply refer that it was a traditional institutions that perform the function as adviser and help *gelarang* as an official institution of the sultanate. Documents about the *Tua Matengi Sara* in this research widely obtained from oral story from some traditional leaders both in the Sultanate of Bima and *Dou* Donggo.

Abu Bakar Haji Ismail, vice chairman of *Majelis Adat Bima* and also a nobleman said the lack of information about the *Tua Matengi Sara* has caused by several things. First, *Dou* Donggo until the 1950's are not fully controlled by the government of the Sultanate of Bima. Donggo have their own custom rules that are different from the Sultanate of Bima legal system. Second, *Dou* Donggo also have customs and beliefs / faith that different to the Sultanate of Bima . Third, geographically *Dou* Donggo lives in the slopes area and separated by a bay to the central government (Abubakar Haji Ismail, interview, 17/02/2011).

*Tua Matengi Sara* finally turned into Institute of Traditional and *Syariah* Donggo (LASDO) that runs the *adat* law and Islamic law together. The function and role of LASDO including the implementation of *adat* and Islamic law in Donggo will be discussed in the next section in this paper.



Sultan Salahudin then appointed *ulama*/ Islamic teacher as one of the member of *Tua matengi sara* called *lebe*' and *cepe lebe*'. They affect every decision that is produced by the *Tua Matengi Sara* to be incorporated with the Islamic *Syariah*.

Haji Fachrudin Hakim said the presence of *lebe' and cepe lebe'* in the traditional system of *Dou* Donggo was the rise of Islam in Donggo. Hakim is a *Jeneli* (sub district leaders) in Rasana'e. Many traditional institution during sultanate period such as *Jeneli* is still maintained until now and carry out activities related to the customs and laws of Islam. Hakim's father was an *ulama* called Muma Heko. He was appointed by Sultan Muhammad Salahudin to study *Dou* Donggo *Adat* system. According to Haji Fachrudin Hakim, Sultan Muhammad Salahudin prohibit *lebe'* and *cepe lebe'* to banned the *adat* and rituals *Dou* Donggo, although their activities is contrary to the Islamic teaching. This strategy then created sympathy and pushed Islam to be accepted by *Dou* Donggo. "Islam teaches the essence, not the formality" (Haji Fachrudin Hakim , interview, 4 October 2012).

According to Tayeb (1995), the Islamic teaching are well known by the people in Donggo before 1930, but Islam as a religion was formally recognized by *Dou* Donggo between 1942 to 1945. This proves that the essence of Islamic teaching was taught and disseminated to the people in Donggo decades before being formalized into an official religion. According to Haji Abdul Majid Bakry the strategy of spreading Islam in Donggo was the essence rather than the formalities of religious rituals. "We do not need to call a cup of coffee with a 'coffee with sugar', but everybody know that the sugar makes coffee taste better" (Abdul Majid Bakry, interview, 03/05/2011). This model was more acceptable by *Dou* Donggo and very effective compared with the previous sultanate bureaucracy approach, formalization and power.

Third Strategy conducted by Sultan Muhammad Salahudin was to establish educational centres in Donggo. According to Haji Abas Soya, some huts were built near residential areas, and some teachers have been dropped from Bima. Some Islamic terms are not used in the education process. Schools that built in Donggo were not called *madrassah* as used to refer other schools built in other areas (Haji Abas Oya, interview, 02/03/2011).

Abubakar Ismail, the Chairman of the Islamic Foundation (YASIM - Yayasan Islam) believes it was a strategy created by Sultan Muhammad Salahudin so Islamic values can be transferred to the student easily. YASIM was created by Sultan Muhammad Salahudin as an institution that responsible for the development of education and schools in the Sultanate of Bima. The foundation previously named Syara' Hukum, an official agency that regulates education, the Islamic religion and public welfare. According to Ismail, in other areas where the Moslem is majority, the schools built by the Sultan were called madrassah, but in Donggo sultan did not give a



specific name. This is to avoid rejection from *Dou* Donggo (Abubakar Ismail, interview, 7 April 2011).

Teachers who sent to Donggo were trained with Islamic religious prior departure. Some of them, according to Puteri Siti Maryam were graduated from *pesantren* (Islamic boarding school) in Java Island (Puteri Siti Maryam, interview, 02/08/2011). According to Abubakar Haji Ismail, Muhammad Salahudin advised teachers to avoid conflict with the people traditions in Donggo. "It is important, so that the Islamic values can be accepted by people in Donggo. This strategy is working very well" (Abu Bakar Haji Ismail, interview, 17/02/2011).

#### The Institute of Adat and Syariah Donggo (LASDO)

The important question to be answered when researching on the implementation of *Syariah* law and *adat* law in Donggo is how *adat* law can be mixed with *Syariah* law? How it is implemented? According to Ngani (2012) there are many *adat* law in Indonesian contradict with many other laws, Including formal law and Islamic law. But in Donggo, Islamic law and *adat* law can be run simultaneously.

The Institute of *Adat* and *Syariah* Donggo (LASDO) is an informal organization formed by people in Donggo to change the traditional system *Tua Matengi Sara* that was disappeared after the reign of Sultan Muhammad Salahudin. This institution was established in 1951, since the collapse of the Sultanate of Bima and replaced by the Republic of Indonesia. The collapse of the sultanate led to the loss of the imperial system of governance models and some custom rules, Including *Tua Matengi Sara* in Donggo.

LASDO consists of two institutions, namely Majelis *Adat* (*Adat* Assembly) and *Dewan Pengurus* (executive chamber). *Majelis Adat* consists of some senior indigenous leaders who are representative of each village / community; while the *Dewan Pengurus* amounted to 12 people running Indigenous Council decisions and paperwork. LASDO run an *adat* law which is a combination between traditional law, *Syariah* law and an unwritten law.

The law system implemented in *Dou* Donggo was successfully suppress crime and create harmony among the communities. Data from Polsek (police office) Donggo for example, from 2008 to 2011 there were only 2 crime cases occurred in Donggo sub-district. While in sub-district Soromandi, in 2011 there was not crime took over by the police in Soromandi. Soromandi is a new sub-district inaugurated in 2010.

Donggo unwritten *adat* law not only regulates Moslem but also Christian and Animism. This *adat* law is also implemented in Mbawa Village, Donggo which is 31.9 percent of the people are Christian and animism.



There are many examples how Islamic law has been mixed and implemented together with *adat* law in Donggo. This paper: however, will focus on three things: clothes and labeling; theft cases and disobedience. Those rules are widely used by *Dou* Donggo community nowadays.

#### **Clothes and Baby Naming System**

According to Haji Abas Oya before Islam was spread, donggo *adat* clothes were extensively wore in the community. Women in Donggo usually wear clothes that cover her whole body and 75% of her arms. This shirt called *kababu* based on sarong woven manually by the community. The women's down clothing is the sarong that has a distinctive style and motifs. They ware one peace of sarong to cover her body up to her knees. Meanwhile, the neck, head and legs are left open (Haji Abas Oya, interview, 02/03/2011).

Generally men were shirtless and only use a peace of sarong to cover his billy button to the calves. For formal occasions such as *adat* events, weddings and celebrations of the death, the men were used to ware a headgear strapped to his body (Hilir, 2004). All clothes based on cotton that spined and weaved by their own. The style and color they use signify their social status. Golden yellow colour is generally used by traditional leaders and the nobility (Haji Abas Oya, interview, 02/03/2011).

After Islam spread to Donggo it influence the dressing way people in Donggo. For women, the *Kababu* has made little bit longer and cover the wrist. While down clothing, women wearing trousers called *deko* and covered with a sarong to the extent of the calf. They also wear a veil or to'du to cover their heads except the face. The traditional veil or hijab called *rimpu*.

There are two types of *rimpu* that are used by women in Donggo. *Rimpu Mpida* is worn by women to cover the entire head and face except the eyes. Rimpu Mpida used by unmarried women. This model of rimpu woven by herselfes. Another rimpu is rimpu colo worn by married women using sarong to cover her head except her face (Hilir, 2004).

The difference of rimpu worn by unmarried and married women explains the women's status. A young man will find their partner with respect to style and color of rimpu mpida worn by a women. The style and colors is signify her social status, and smooth or rough woven symbolizes the girl's behavior (Haji Abas Oya, interview, 02/03/2011).

While men's clothing did not change significantly except their upper clothes their clothes were distinctive woven Donggo shirt and a headgear that turns into a black skull cap typical Malay Moslems. Malay community at that time has significant

influence to the Sultanate of Bima because of trade, education and the spread of Islam. As a respect to the people from Malay, Sultan Muhammad Salahudin award a land to Malay people named *Kampung Melayu*.

Even though traditional clothes Donggo communities affected by Islam: however *Dou* Donggo did not recognize clothes they wore as an Islamic identity. Donggo society believes that the clothing they wore were traditions and customs clothes and an identity of Donggo community. Christian and animism also wear *rimpu* in certain events, such as marriage ceremonies, and death celebration. Even we can not distinguish what kind of religion they believe by the clothes they wear.

Alan Malingi, a cultural expert in Bima explains the spread of Islam in Donggo conducted by cultural strategy. It led Islamic values embedded in the traditions and customs. Islamic teaching community has been implemented without aware that they are carrying out other religious traditions.

"The ulama gave good example and behaviour. That behaviour was followed by the people. Finally, people do not realize that they are running other religious traditions. Because the tradition is good, they take it"(Alan Malingi, interview, March 4, 2011.)

In the case of the way hoe people in Donggo giving name to their baby, there was a shifting from traditional *Dou* Donggo to Islamic name. Islamic names widely used from the beginning 1940s. The people habits who ask indigenous leader to give a name to their baby accelerate the shifting. When indigenous leaders occupied by Islamic scholars then these scholars give Islamic name to the people.

Alan Malingi explained that the Malay culture at that time was regarded as an advanced culture. Similarly, the Malay language widely studied and used as a formal language of the imperial correspondence. An important Sultanate notes were written with the Arabic alphabet using Malay language. Because the Malay culture is considered more advanced, people in Donggo absorb Malay-Arabic names for their children (Alan Malingi, interview, March 4, 2011).

Nowadays it is very difficult to find people who traditionally use Donggo names. Most of them uses Malay Moslems name for their baby. This changing is not only to Moslems but also to Christian and Animism. In Mbawa Village sub-istrict Donggo that is more than 30% of the population are Christian, there are many Christians who gives Islamic name to their baby such as Ismail, Sa'diyah, Abdullah and Amin.

Ismail, one participant in the Focus Group Discussion give his girl baby name Sa'diyah which is an Arabic name. He is a Christian, his wife is also Christian, while her parents are animism. Ismail said that the name Sa'diyah he obtained from one of the traditional leaders. Name according to Ismail is a neutral and not associated with any



particular religion. As long as the name has a good meaning the name could be used by anyone with any religious background. (Ismail, Focus Group Discussion, March 7, 2011).

Unlike Ismail, indigenous leader Abdul Majid Bakry found a baby naming system is a part of the spread of Islam in Donggo. By giving the Islamic name to a baby, according to Bakry, parents and the children at least will ask about the meaning of the name and the history behind the name. "When we named a baby Ali, then people will ask what it means and who is Ali? " (Abdul Majid Bakry, interview, 03/05/2011).

#### Burglary

Theft and land disputes are the two cases that dominate the number of issues addressed by LASDO. According to the Chairman of LASDO Arifin, LASDO handled 7 cases in 2010, 5 of them related with theft and land disputes. In 2011, six cases handled by LASDO, five of them were theft and land disputes, including the dispute of animal (Arifin, interview, 14 April 2011).

Before Islam spread to Donggo, theft cases and land disputes resolved by Indigenous leaders in their respective communities. There is no uniformity of punishment; it all depends on the decision taken by indigenous leader. But in general, cattle theft case sentenced to double the number of cattle stolen. According to Abubakar Haji Ismail, this form of punishment depends on who steal the cattle and the motivation behind it. The higher social position, the greater the punishment they received. If someone who did burglary is family members of traditional leader, the punishment can be more than double (Abubakar Haji Ismail, interview, 17/02/2011).

If they steal goods then the thief is required to return the goods he stole plus the amount of money depend on the agreement between the owner of the goods and the thieves. If the goods have been sold or lost the thief must replace it with other items or money worth the price of the goods plus the amount of money as a substitute for the owner's loss of goods. Indemnity is paid also vary based on the social status. The higher the social status, the greater money to be paid (Abu Bakar Haji Ismail, interview, 17/02/2011).

Islam has influence the *adat* law especially on burglary. One of them was the establishment of *Mahkamtus Syar'iyah*, a judiciary headed by an *ulama* and also consists of indigenous leaders. Although this institution uses Islamic term, *Mahkamtus Syar'iyah* did not run an Islamic law, rather than mix it with *adat* law. Old traditions are still used by placing indigenous leader as a member of the presiding judges. Witnesses also presented on the court during the trial. Although this institution was disbanded in 1951 due to the collapse of the Sultanate of Bima, the role of *Mahkamtus Syar'iyah* has been superseded by the *Majelis Adat*.

According to Haji Abas Oya, the establishment of the judiciary sistem in Donggo was strongly influenced by the Islamic tradition. One of them is the witnesses

presented on the court which were based on Islamic law such as must be adult males, at least 2 people, and well known as an honest person. If there is no male witnesses then any one man can be replaced by two adult or married woman and well known as honest person (Abu Bakar Haji Ismail, interview, 17/02/2011).

The rules about witnesses are still used until today, although *Mahkamtus Syar'iyah* have been dissolved. *Majelis Adat* who takes over the judicial functions of the unwritten *adat* law is still use it in order to present a witness during the trial. Hilir (1994) mentions this rule is strongly influenced by the sultanate of Bima judicial system which was adopted Islamic justice system. There was a different between judicial sytem in Donggo and the Sultanate of Bima. One of them is the law that is used during the trial, *Dou* Donggo use Donggo *Adat* law and the sultanate of Bima use Islamic law that was mixed with local tradition.

In addition, the punishment system has been changed since Islam spread to Donggo. Flogging was implemented since the establishment of the *Mahkamatus Syar'iyah*. In addition, thieves are also required to return the stolen goods after paraded around the village with promise not to steal again.

#### Disobedience

The disobedience cases were not big issues in Donggo *adat* system before the spread of Islam. *Adat* law did not specifically regulate this issue. Problems only occurred when someone report the case to the indigenous leader in their community. According to the Chairman of LASDO Arifin, usually immorality cases such as adultery and premarital pregnancy resolved amicably (Arifin, interview, 14 April 2011).

Islam brought many change to the *adat* law and put disobedience cases to be an important case and must be resolved seriously. According to Arifin, Islam has influence *Majelis Adat* to put the case in top priority including infidelity and premarital pregnancy. This case will be completed in less than one month (Arifin, interview, 14 April 2011).

The punishment is also changing, in case of infidelity between married men and a woman; the judges will invite their husbands and wives on the court. The *Majelis Adat* will conduct a hearing and the member of *Majelis Adat* collectively will act as a judges. According to Abdul Majid Bakry who is also a Chairman of Majelis *Adat* on the case of infidelity, when the husband and wife in the trial give forgiveness the cheating spouse will be flogged. If the husband or wife in addition does not give forgiveness they will be flogged and expelled from Donggo. Mostly they move outside the island of Sumbawa (Abdul Majid Bakry, interview, 03/05/2011).

On premarital pregnancy, the man will be forced to marry a pregnant woman. Both partners also paraded around the village asking an apology to the community with promise not to do it again. Flogging was also given to both of them determined by the *Majelis Adat*.

The *adat* law applied in Donggo accepted by the whole community, including those who have religion other than Islam. Ignatius Ismail one of the member of Majelis *adat* is a priest. In his opinion even *adat* law absorb the Islamic values and Islamic law, he refused to say that the Donggo *adat* law is part of Islamic *Syariah*. Islamic teachings were absorbed by *adat* law according to him will enrich the law so it can answer the problems occurred in Donggo (Ignatius Ismail, interview, 8 April 2011).

Adat law that is implemented in Donggo has been believed successfully manage conflict in Donggo community. The law is also used as a primary basis in regulating the relationship between religions and relations between communities. This condition can be seen in Mbawa village which is more than 30 percent of the population are Christian, and animism. The *adat* law manage the harmony and maintain the good relationship between religions and communities.

Ignatius Ismail pointed during Christmas celebration; Moslem youth always helped to secure and maintain the vehicle in a church parking lot. Meanwhile, Moslem women cooked meat and rice for dinner consumed together between Moslem and Christian after Christmas celebration (Ignatius Ismail, interview, 8 April 2011). Muhammad Kadru one of the *pesantren* leaders in Mbawa also said the same thing. Christian youth look after the mosques and blocking the road in front of the mosque while Friday prayers performed (Muhammad Kadru, interview, 8 April 2011).

There are three churches in Mbawa, one of them where Ignatius Ismail taught the children every Sunday. As this church is the biggest building in the village, the church is often used by the people for wedding celebration event. Many of them are Moslem, and using Islamic tradition at wedding ceremony including reading *sholawat* and the history of Prophet Muhammad (Muhammad Kadru, interview, 8 April 2011).

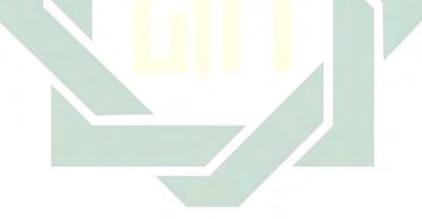
### Conclusion

Islamic values widely accepted by Donggo community even though many of them are not Moslem. These values are introduced to the community by cultures and *adat* for long time. The Sultanate has tried to implement *syariah* law in Donggo since 1640 using power and bureaucracy. This strategy however, failed and rejected by the society. The appointment of *Jeneli* (sub-district leader) and implementation of *Syariah* law in Donggo did not succeed in changing people's traditions; on the contrary, the effort was led to the rejection and hatred to the sultanate legal system.

Cultural and tradition approach proposed by Sultan Muhammad Salahudin successfully introduces Islamic values to the Donggo community. The three strategies proposed by Sultan Muhammad Salahudin been accepted by *Dou* Donggo and implemented until today. These Islamic values are mixed with *adat* law has been used as a major foothold for creating harmony between communities and religions in Donggo.

We can learn from the success of Sultan Muhammad Salahudin and the failed of previous Sultan in order in introducing Islamic values to *Dou* Donggo to answer the question why formalization Islamic teachings in Indonesia are facing many obstacles and failures. The booming number of *Syariah* motivated *Perda* and regulations in Indonesia which reached 300 is a proof of the big wave of formalization Islamic teaching. These regulations however, are not effectively implemented.

Cultural approach as implemented by Sultan Muhammad Salahudin can be seen as an alternative strategy for developing Islam in Indonesia. A Donggo *ulama* Haji Abdul Majid Bakry says that the problem facing by most Moslem scholar in Indonesia is they thinking the formalization of Islam more than its essence: "We need more content than the wrapper" (Abdul Majid Bakry, interview, 03/05/2011). The development of Islamic values is more essential rather than the formalization of Islam.





#### REFERENCES

Acciaioli, G. 2001, 'Ground of Conflict, Idiom of Harmony: Custom, Religion and Nationalism in Violence Avoidanca at the Lindu Plain, Central Sulawesi', *Indonesia*, 72 : 81 – 112.

<u>2002</u>, *Re-empowering "the Art of the Elders": the Revitalization of Adat Among the To Lindu People of Central Sulawesi and throughout Contemporary Indonesia*, Crawford House, Adelaide.

- Avonius, L. 2004, *Reforming Wetu Telu : Islam, Adat and the Promises of Regionalismin Post-New Order Lombok,* unpublished thesis, Leiden University.
- Bowen, J.R. 2003, Islam, Law and Equality in Indonesia: an Anthropology of Public Reasoning, Canbridge University Press, Canbridge.
- Fox, J.J. 2004, *The Poetic Power of place: Comparative Perspectives on Austronesian Ideas of Locality,* Australian National University, Canberra.
- Hamzah, M, 2004, Ensiklopedia Bima, Pemerintah Kabupaten Bima, Bima.
- Hilir, I. 2004, *Peran* Sultanate *Bima Dalam Perjalanan Sejarah Nusantara*, Lengge, Mataram.
- Hooker, M.B. 2008, Indonesia Syariah : Defining a National School of Islamic Law, ISEAS, Singapore.
- Hurgronje, C.S. 2009, The Achehnese, University of Michigan Library, USA
- Just, P. 2000, *iDou Donggo Justice: Conflict and Morality in an Indonesian Society,* Rowman & Little field Publishers,
- Li, T. 2001, 'Mayarakat *Adat*, difference and the Limit of Recognition in Indonesia's Forest Zone', *Nodern Asian Studies*, 35: 645 676.
- ----- 2002, 'Ethnic Cleansing, Recursive Knowledge, and the Dilemmas of Sedantarism', *International* Science Journal, 173, 361 371.
- Lindsay, T. (ed). 2002, Indonesia Law and Society, federation Press, Sydney
- Ngani, N. 2012, Perkembangan Hukum Adat Indonesia, Pustaka Yudistira, Jakarta.
- Picard, M. 2005, Otonomi Daerah in Bali: the Call for Special Autonomy Status in the name of Kebalian, in M. Erb, P. Sulistiyanto, and C. Faucher (eds) Regionalism in Post-Soeharto Indonesia, Routledge Curzon, London.
- Rangga R R. 2011, Gerakan Masyarakat Donggo Tahun 1972: Kisah Dari Elit-elit Terkalahkan, Thesis, Universitas Negeri Malang, Malang.

Roth, D. 2002, A National Crisis in Regional Perspective: Some Observation in Luwu District, South Sulawesi, Indonesia, in C. Holtzappel, M. Sanders and M. Titus (eds) Riding a Tiger, Dilemmas of Integrations and Decentralization in Indonesia, Rozenberg, Amsterdam.

Tayeb, A. 1995, Sejarah Bima Dana Mbojo, Harapan Nusa PGRI, Jakarta

Timmer, J, 2005, Decentralization and Elite Politics in Papua, The Australian National University, Canberra.

