

## **Mapping Adat and Islamic Law Continuum: The Bliss of Indonesian Pluralism?**

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Everywhere in the post-colonial era, the phenomenon of adat (customary) law has always been the subject commonly augmented in the discussion of legal pluralism. Triangular relationship of customary, religious and statutory laws is a plausible starting point to understand the continuum between non-state normative orderings and the state one. Indeed, adat law had been shaped by conquests and migrations for centuries. In explaining the legal complexity of Java, for example, Clifford Geertz described it as the product of the encounters of an original group of settlers from South China and north Vietnam with India states, Chinese trading communities, Islamic missionaries, Dutch and British colonizers, Japanese occupation forces, and presently the Indonesian state. Our understanding of adat law has thus never been separated from the fact of its relationship with other legal traditions found living side by side. The history of adat law has however been described as the story full of class and dissonance. The old Dutch jurist, Ter Haar, since early twentieth century has showed the long list of conflicts between adat law and Islamic law in the indigenous community of the archipelago. This kind of awkward relationship between the two legal traditions has in fact been continued unabatedly until today, disregarding the many values of convergences and efforts of adjustments to reapproach the two laws.

This study will show that in the history of Indonesian law, adat law has more often than not been misunderstood. Our jurists have never taken care deeply about it. And when people talk about adat or adat law, more done for the sake of political benefits than legal stances. The continuum of adat and Islamic laws in Indonesia is thus commonly described as a fierce encounter between the two conflicting legal traditions. Both Muslims and adat proponents see each other indifferently. In so doing, I will trace the development of adat theory in the circle of secular and Muslim jurists and then shed the light of its impacts in the study of legal pluralism in the country. The study will specifically analyze the impacts of the theory of adat and Islamic laws continuum to the positioning of the two legal traditions in Indonesian legal system. From Muslim camp, I will specifically discuss the phenomenon of the struggle for the Islamization of law in Indonesia, done both by state and non-state agents, especially on its perspective of the position of adat law in the struggle. While from the adat camp, the study will focus on the current struggle of the Association of Nusantara Adat Community (*Asosiasi Masyarakat Adat Nusantara*, AMAN) to alleviate adat law in Indonesia.

