

The Interaction and Acculturation of Islamic Law and Rejang Customary Law in Rejang Lebong Regency

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Abstract

The Rejang people are one of the ethnic groups inhabiting Bengkulu Province, possessing a unique language and script. Over time, it is suspected that interaction and acculturation have occurred between Islamic teachings and the customs of the Rejang people, with Islamic values exerting a significant influence on their way of life. The aim of this research is to identify the various types of customary law practiced by the Rejang people and to explore the interaction and acculturation between Islamic law and Rejang customary law in Rejang Lebong District. To achieve this goal, the study employed a normative empirical method with a qualitative approach, which included legal document analysis, as well as direct observation and interviews. The findings revealed two main conclusions: First, the types of Rejang customary law in Rejang Lebong District encompassed various rules within the categories of customary law such as *cepalo mato*, *cepalo mulut*, *cepalo tangan*, *cepalo kaki*, and *cepalo telingo*. These rules reflected strong values and norms that regulated individual behavior and social interactions within the community. In cases of more serious violations, such as adultery and immorality involving the abduction of another man's wife, Rejang customary law enforced stricter measures such as flogging and *cuci kampung* (community cleansing rituals). Second, there was a mutual interaction between the universal values of Islam and the

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unique local customs, resulting in a distinctive form of Islamic culture. The process of acculturation between Islamic law and Rejang customary law created a unique form of Rejang customary law that did not conflict with the principles of Islamic law.

Keywords: Islamic law; Rejang customary law; interaction; acculturation

Introduction

Customary traditions in society serve as orientation guidelines for actions and behavior. In the legal and social contexts, customary law plays a significant role in shaping daily life.¹ The relationship between local customs and Islam, particularly in religious practices, has resulted in various forms of religious expressions that reflect traditional teachings. Conversely, many customary rituals often embody Islamic values. Islam frequently interacts with local cultures where it develops, either through conflict or dialogue, involving the exchange between the universal principles of Islam and specific customary traditions. This process gives rise to what is recognized as distinct Islamic cultures.

As a comprehensive system, Islam brings universal teachings. However, upon entering communities with rich local cultures, it undergoes a dynamic process of adjustment and interaction.² The Rejang people, an ethnic group inhabiting Bengkulu Province, possess a distinctive language and script. This script is a unique writing system that holds significant historical and cultural value. The Rejang language, classified within the Austronesian language family, features a wealth of vocabulary and unique linguistic structures. The presence of the Rejang ethnic group with their unique language and script adds to Indonesia's rich cultural heritage and significantly contributes to the country's cultural diversity.³

In this dynamic context, it is believed that interactions and acculturation between Islam and the Rejang people's customs have occurred. Islamic values have influenced the way of life of the Rejang community. These values have permeated Rejang customs, as evidenced in various aspects of daily life, such as

¹ Rosdalina Bukido et al., "Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 239–254.

² Gustave E Von Grunebaum, *Unity and Variety in Muslim Civilization* (Chicago University of Chicago Press 1955, 1955). hal 8

³ Agusria Jesika and Ika Pasca Himawati Heni Nopianti, "Makna Simbolik Tradisi Kedurei Agung Pada Masyarakat Suku Rejang Di Kota Curup Kabupaten Rejang Lebong Bengkulu" (2023).

the *cuci kampung* tradition and customary sanctions for those who violate social norms.

The aim of this study is to identify various types of customary laws applied by the Rejang people and to explore the interaction and acculturation between Islamic law and Rejang customary law in Rejang Lebong District. The research employs a normative empirical method with a qualitative approach, combining legal document analysis, observation, and direct interviews. This approach is chosen for several reasons: first, it allows for a deeper understanding of the meanings behind actions or events. Second, individuals interact with their social environments in unique ways, requiring a more in-depth analysis of such phenomena. Third, the study focuses on individuals' beliefs and awareness within society. Fourth, qualitative research enables a comprehensive and holistic examination of the phenomena under study.⁴

The study of Rejang customs becomes increasingly relevant when faced with the realities of modernization, which currently affects various aspects of society and the process of social transformation throughout human history, including religious practices, local rituals, and the community's efforts to formulate strategies for survival amid global challenges.

In this context, previous studies on Rejang customs were conducted by Toha Andiko, Zurifah Nurdin, and Efrinaldi in their research titled "Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A Maqāṣid Al-Sharī'ah Review." Their research reveals that the application of restorative justice in the customary court of Rejang Lebong aligns with maqāṣid al-sharī'ah, aiming to promote goodness and prevent harm by emphasizing the importance of deliberation and peace.⁵ Furthermore, Emma Ellyani's 2020 doctoral dissertation, titled "Recognition of Customary Dispute Resolution Based on Deliberative Principles," offers an alternative legal approach that considers deliberative principles in the *Jenang Kutei* Customary Court of the Rejang community.⁶

This study differs from previous research by focusing specifically on identifying the types of customary laws practiced by the Rejang people and exploring the interaction and acculturation between Islamic law and Rejang customary law in Rejang Lebong District.

⁴ Lexi Moloeng, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosda Karya, 2000). hal 3

⁵ Toha Andiko, Zurifah Nurdin, and Efrinaldi, "Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A Maqāṣid Al-Sharī'ah Review," *Juris: Jurnal Ilmiah Syariah* 23, no. 1 (2024): 93–106.

⁶ Ahmad Agus Ramdlany, *Restorative Justice dalam Hukum Pidana Islam Perspektif Filsafat Hukum Islam*, Disertasi Doktor, Universitas Sunan Ampel Surabaya, 2021.

Thus, this research will not only deepen the understanding of the interaction between religion and culture in Indonesia's multicultural context but also provide broader insights into how harmony and sustainability can be achieved through the collaboration between Islamic values and local traditions.

Categories of Rejang Customary Law and Sanctions Applied in Rejang Lebong District

Two key factors play a significant role in shaping the social dynamics of the Rejang community: religion and customary law. This is reflected in the Rejang principle, "Custom is based on Sharia, and Sharia is based on the Book of Allah." According to Hazairin,^{7,8} Rejang customary law embodies the values and beliefs of the Rejang people, encompassing various aspects such as marriage procedures, land rights, customs in religious rituals, and methods for resolving conflicts between individuals and groups.

In the context of Rejang customary law, there are several important concepts, including *Mulo Bangun* or *Mulo Tepung*, which refer to customary reconciliation. This involves the resolution of disputes by establishing, determining, and implementing agreements, often symbolized by the phrase *mengijpar sayap menukat paruh*, meaning agreeing to pay or bear the stipulated burden. This concept highlights inclusive values in conflict resolution, aligned with the principles of customary law that prioritize justice and harmony within the Rejang society.

These practices reflect the Rejang people's commitment to preserving their traditions, local wisdom, and resolving conflicts in a fair and harmonious manner, in accordance with the rules and values they uphold. The customary law applied in Rejang Lebong District is binding and must be followed, as it is supported by Regional Regulation No. 5 of 2018 issued by the Rejang Lebong District Government, which recognizes and protects indigenous customary communities.

On the other hand, the sanctions imposed to address various issues within the Rejang community are outlined in the Regent's Decree of Rejang Lebong No. 180.377 of 2012. The following section provides an explanation of

⁷ Subhan M.A. Rachman and Fuad Rahman, "The Dynamic of Malay Islamic Law: The Rise and Practices of Adat Bersendi Syarak, Syarak Bersendi Kitabullah in Jambi," *Journal of Indonesian Islam* 11, no. 2 (2017): 389–404.

⁸ Hazairin, *De Redjang De Volksordening, Het Verwantschaps-Huwelijks-En Erfrecht; Hukum Pribadi, Hukum Kekkerabatan, Hukum Pernikaban Dan Hukum*, Thesis for Obtaining a Doctoral Degree in Legal Studies at Batavia Law School by Order of the Faculty Chairman, Mr. J. M. J. Scheppe, edited by Emong Soewandi (Curup: Andra Grafika, 2023). P. vi

the Rejang customary law and the associated sanctions enforced in Rejang Lebong District:⁹

1. *Cepalo Mato/Cepalo Matei* is the act of looking at a woman (who is not a close relative) in an improper manner, involving a gaze from head to toe, as if the stare penetrates and makes the woman feel uncomfortable. If this violation occurs, the perpetrator will be subject to customary sanctions in the form of a monetary fine, consisting of *sirih* (betel leaf), *uang* (fees) *rajo*, *uang kutei*, and *tepung setawar* (blessed flour). The fine ranges from 1 *ria* to 6 *ria*, where 1 *ria* is equivalent to two cans of rice or approximately IDR 300,000.
2. *Cepalo Tangan* refers to a violation or inappropriate act involving the use of hands towards another person. According to Syamsul Hilal, a member of the Rejang Lebong Customary Deliberation Board in the legal field, *cepalo tangan* is divided into several categories.
 - a. *Cepalo Tangan Anting Rawai* is a violation involving the area from the wrist to the fingertips. An example of this violation occurs when a man touches the wrist or fingertips of a girl who is not a close relative. If the girl feels uncomfortable, the man may be subject to a customary fine ranging from 1 *ria* to 6 *ria*.
 - b. *Cepalo Tangan Rawai Takep* is a violation involving the area from the fingertips to the upper arm. The fine for this violation ranges from 2 *ria* to 24 *ria*, along with additional fines such as *uang* (fees) *perkara*, *uang rajo*, *uang kutei*, *punjung mentab* (raw rice cone), and *tepung setawar* (blessed flour).
3. *Cepalo Kaki* is a violation involving actions toward someone's legs, such as tripping another person while they are walking, kicking someone without reason, or moving objects with the feet in a way that harms others. The sanctions or fines for this violation include *uang perkara* (litigation fees), compensation for the harm or injury, which ranges from 1 *ria* to 6 *ria*, as well as *tepung setawar* (blessed flour).
4. *Cepalo Mulut* refers to violations committed through speech, such as using offensive language, speaking harshly, spreading slander, gossip, or causing discord. The fines for this violation range from 1 to 24 *ria*, along with *uang perkara* (litigation fees), *uang* (fees) *rajo*, *uang kutei*, *uang pengosot*, *punjung mentab* (raw rice cone), and *tepung setawar*.
5. *Cepalo Telingo* is a violation related to hearing, such as when someone is untrustworthy in delivering a message or entrusted task, or when a received

⁹ Traditional Deliberation Council (BMA) of Rejang Lebong Regency, *Lepeak Hukum Adat Jang Kabupaten Rejang Lebong* (Curup, 2012). P 51

- message is inaccurately conveyed, causing harm to others. The sanction for this violation is *sirih* (betel leaf) *sesanggan* with fines ranging from 1 *ria* to 2 *ria*.
6. A violation involving rape is an act of imposing improper (outside of moral norms) desires on a woman, whether a maiden or a widow. If this act occurs, the perpetrator will face customary sanctions that include *uang perkara* (litigation fees), *uang* (fees) *rajo*, one goat, *punjung mentab* (raw rice cone), a *sembiring* chicken, as well as a *kutei* fine of 24 *ria*, and *tepung setawar* (blessed rice flour).¹⁰
 7. The violation of murder includes the act of taking someone's life, whether intentional or accidental. In Rejang customary law, murder is divided into three categories:
 - a. *Bangun Bunuh Sayang* refers to an unintentional act those results in someone's death, such as in a traffic accident or vehicle collision. The customary sanction for this case ranges from 12 to 40 *ria*, along with *uang pengurusan* (administration fees), *uang perkara* (litigation fees), *punjung mentab* (raw rice cone), and *tepung setawar* (blessed flour).
 - b. *Bangun Bunuh Sayang* also refers to an unintentional act those results in someone's death, such as in a traffic accident or vehicle collision. The customary sanction for this situation ranges from 12 to 40 *ria*, along with *uang pengurusan* (administration fees), *uang perkara* (litigation fees), *punjung mentab* (raw rice cone), and *tepung setawar* (blessed flour).
 - c. *Bangun Mayo* refers to an intentional act of murder or taking someone's life. The customary sanction for this violation also ranges from 12 to 40 *ria*, along with *uang pengurusan* (administration fees), *uang perkara* (litigation fees), *punjung mentab* (raw rice cone), and *tepung setawar* (blessed flour).
 - d. *Bangun Gimea* (Two Lives) refers to the act of intentionally taking the lives of two people simultaneously, such as killing a pregnant woman who is more than four months pregnant or heavily pregnant. The customary sanction for this violation ranges from 80 to 120 *ria*, along with *uang pengurusan* (administration fees), *uang perkara* (litigation fees), *punjung mentab* (raw rice cone), and *tepung setawar* (blessed flour).
 8. The violation of theft refers to the act of taking someone else's property without permission. The offender is required to return the stolen goods. If the goods cannot be returned, the offender must replace them with money

¹⁰ Ahmad Faizir Sani (Chairman of BMA) Rejang Lebong, Interview on July 7, 2024.

or fees. In addition, the offender is fined between 12 to 48 *ria* and charged legal fees ranging from 2 to 4 *ria*.¹¹

9. The violation of laws related to diminishing character, such as fighting or quarreling, is subject to sanctions including *uang perkara* (litigation fees), *buah sirih* (betel fruit), *uang rajo*, and *uang kutei*. The fine ranges from 12 *ria* to 60 *ria*. Additionally, the offender is required to cover all medical expenses until the victim recovers and provide *tepung setawar* (blessed flour) and *punjung mentab* (raw rice cone).
10. The violation of *Iram Berdarah* refers to actions causing physical injury to another person, such as fighting, blows, kicks, or other forms of violence. Sanctions for this violation include *uang pengosot* (court fees) ranging from 1 to 2 *ria*, covering medical expenses until recovery, fines ranging from 1 to 6 *ria*, and *tepung setawar* (blessed rice flour).
11. The Violation of *Iram Tidak* refers to actions causing harm to another person, such as punches that result in bruises, swellings, or welts. The sanction includes *uang pengosot* (court fees) ranging from 1 to 2 *ria*, covering medical expenses until recovery, and providing *tepung setawar* (blessed flour).
12. The violation of *Iram Tidak Berdarah* refers to actions that cause harm to another person, such as punches that leave blue marks, bruises, or swelling. Sanctions for this violation include *uang pengosot* (court fees) ranging from 1 to 2 *ria*, covering medical expenses until recovery, and *tepung setawar* (blessed flour).
13. The violation of *Utang Takep* refers to the act of adultery occurring within one's own family. The sanctions for this violation include the payment of *uang perkara* (litigation fees), *uang* (fees) *rajo*, *uang* (fees) *pengapes kutei*, one goat, and *punjung mentab* (raw rice cone).
14. The violation of *Ular Penawar Biso* occurs when a community leader, such as a village head, imam, preacher, or traditional leader, commits an offense. If they violate customary law, the sanctions imposed will be twice as severe compared to those applied to ordinary citizens.
15. The violation of *Biduk Meninggalkan Pulau* refers to hosting an event, such as a wedding, without notifying or seeking permission from the *rajo* (local authority) like the neighborhood head or village head. The sanctions for this violation include offering *sirih* (betel leaf) *sesanggan berbuah*, a fine of *kutei* ranging from 2 to 4 *ria*, and an adequate amount of *punjung mentab* (raw rice cone).

¹¹ Zulman Hasan, *Anok Kutai Rejang, Sejarah Adat Budaya Dan Aksara* (Dinas Pariwisata Kebudayaan dan Perhubungan Kabupaten Leborg, 2015). P. 169

16. The violation of *Ingong Sala Kelapik Bido* involves stalking or following someone without a clear reason, which appears strange to others. The sanctions for this violation include offering a complete set of sirih, a *kutei* fine of 12 to 4 *ria*, and *tepung setawar* (blessed flour).
17. The violation of *Biduk Berlayar Meniti Buih* refers to knowingly committing an act that violates customary law but proceeding with it regardless. The sanctions for this violation include one goat, a *kutei* fine ranging from 6 to 12 *ria*, *uang perkara* (legal fees) for the trial, and *tepung setawar* (blessed flour).
18. The violation of *Terjun Alas Menebo Menyerkoa* occurs when a young man and woman agree to marry but do not obtain parental consent, yet insist on not returning home until the marriage is conducted. The sanctions for this violation include *uang perkara* (legal fees), *uang* (fees) pengapes, a *kutei* fine ranging from 12 to 24 *ria*, one goat, *punjung mentab* (raw rice cone), and *tepung setawar* (blessed flour).
19. The violation of *Kerbau Bekubang di Tengah Dusun* occurs when someone commits adultery in another village's area. The sanctions for this violation include a *kutei* fine ranging from 12 to 24 *ria*, one goat, *punjung mentab* (raw rice cone), and *tepung setawar* (blessed flour).
20. The violation of *Pialing Gemgut Tengea* involves the act of adopting a child through a *kutei* ceremony, cooking *serawo*, and slaughtering a chicken. If the adopted child grows to be diligent, good, intelligent, and honorable, then marries their biological child, the sanctions for this violation include a *kutei* fine ranging from 12 to 48 *ria*, one goat, *punjung mentab* (raw rice cone), *uang pengasot* (settlement money), and *tepung setawar* (blessed flour).
21. The violation of *Pialing Gemgut Tengea* relates to the process of adopting a child through a *kutei* ceremony, cooking *serawo*, and slaughtering a chicken. If the adopted child grows up to be diligent, good, intelligent, and dignified, and later marries their own biological child, the sanctions for this violation include a *kutei* fine ranging from 12 to 48 *ria*, one goat, *punjung mentab* (raw rice cone), *uang pengasot* (settlement money), and *tepung setawar* (blessed flour).
22. The violation of *Burung Hinggap di Ranting yang Patah* occurs when someone who has planned an event or *umbung* and set the date through a *kutei* meeting suddenly brings a different partner, from either the groom or bride's side, causing one party to fail. The sanctions for this violation include a *pengapes kutei* fine of 2 to 4 *ria*, a *takep malu* fine ranging from 2 to 12 *ria*, a full set of *punjung mentab* (raw rice cone), and all gifts being forfeited.
23. The violation of committing adultery of *Menga'em* and conceiving a child involves adultery that results in pregnancy outside of marriage. After the child is born, the customary sanctions include one goat, *punjung mentab* (raw rice cone), a *kutei* fine ranging from 6 to 12 *ria*, *sirih sesanggan berbuah* (Betel

vine planted in a pot bearing fruit), 100 green coconut sticks, sweet fat, salt, blessed flour, and village cleansing.

24. The violation of *Masang Pesabet Nak Bang Agung Melumbang Beras di dalam Lesung* refers to someone who frequently borrows but is reluctant or unwilling to repay, and when confronted, becomes angry and resorts to violence. This behavior is considered inappropriate and subject to customary sanctions including a fine of 6 to 12 *ria*, *punjung mentab* (raw rice cone), and *tepung setawar* (blessed flour).
25. The violation of *Mengbilangkan Jejak di Atas Abuk* means altering the *kutei* decision in a task, such as during an *umbung* or a dispute. The sanctions for this violation include a *kutei* fine of 1 to 2 *ria*, a full set of *punjung mentab* (raw rice cone), and *sirih sesanggan* (betel vine planted in a pot).¹²
26. The violation of *Perasaan Kutei Tidak Masak Serawo* occurs when on the night of the *kutei* meeting, a day is set for not cooking *serawo* or slaughtering a chicken, and if someone hosting the event violates this, they are subject to customary sanctions. The sanctions include *sirih sesanggan berbuah* (betel vine planted in a pot bearing fruit), a *kutei* fine ranging from 1 to 2 *ria*, and *punjung mentab* (raw rice cone).¹³
27. The violation of *Bimbang (Umbung) yang Merubah Keputusan Kutei* happens if someone hosts an *umbung* or event, and it was agreed that the erection of the *tarup* (tent) would take place on Saturday, but it was completed on Friday. This is considered a violation of custom and is subject to sanctions including *sirih sesanggan berbuah* (a betel vine planted in a pot bearing fruit), a *kutei* fine ranging from 2 to 4 *ria*, and *punjung mentab* (raw rice cone).
28. The violation of organizing a small event without a working committee occurs when someone hosts a small event, such as a thanksgiving or baby haircut ceremony, without forming a work committee, even though the event lasts only one day. If the event includes entertainment without permission, it is considered a customary violation. The sanctions include *sirih sesanggan berbuah* (a betel vine planted in a pot bearing fruit), a *kutei* fine ranging from 2 to 4 *ria*, and *punjung mentab* (raw rice cone).
29. The violation of indecent acts (Pregnant by More than One Person) refers to an immoral act such as adultery that results in pregnancy involving more than one man. This act is considered a disgrace and must be sanctioned. The fine for this violation is 6 *ria* per person multiplied by 3 (the total of 18 *ria*), plus one goat, *uang kutei*, and *cuci kampung*.

¹² Syamsul Hilal (Member of BMA Rejang Lebong Regency), Interview on January 21, 2021.

¹³ Ahmad Faizir Sani (Chairman of BMA) Rejang Lebong, Interview on July 7, 2024.

30. *Menerkam Batang Terbaring* means disturbing an innocent person. The sanctions for this violation include *uang sirih* (betel money), *uang* (fees) *kutei*, a fine of 1 to 12 *ria*, and *tepung setawar* (blessed flour).
31. *Sekilik Melunjur Batang* refers to disrespecting others, such as receiving guests at home in a casual and disrespectful manner. The sanctions for this violation include *uang* (fees) *kutei* and a fine of 1 to 6 *ria*.
32. *Kubuk Macan* means attacking someone from behind. The sanctions for this violation include *uang* (fees) *rajo*, a fine ranging from 1 to 40 *ria*, along with a chicken, rice, and *tepung setawar* (blessed flour).
33. *Elang Meyambar Buih* refers to actions such as taking a hairpin from behind or embracing a woman who is not a close relative from behind. The sanctions for this violation include *uang* (fees) *rajo*, *uang* (fees) *kutei*, a full set of *sirih* (betel leaf), and a fine ranging from 1 to 24 *ria*.
34. *Kerbau Bekubang di Palak Dusun* refers to someone engaging in adultery in another village. The sanctions for this violation include a *kutei* fine ranging from 12 to 24 *ria*, one goat (for village cleansing), *punjung mentab* (raw rice cone), *tepung setawar* (blessed flour), *uang perkara* (legal fees), and *uang pengasot* (court fees) ranging from 1 to 2 *ria*.
35. The violation of *Bujuk Telonjoa* occurs when a bride and groom are sitting on the wedding stage, but their bed is used by someone else. The sanctions for this violation include *sirih sesangen* (betel vine planted in a pot), *uang* (fees) *rajo*, *uang* (fees) *kutei*, and a fine of 1 to 2 *ria*.
36. *Burung Terbang Hinggap di Daban Kayu, Kayu Jatuh Menimpa Anak Rajo* means someone is attracted to a girl but does not inform her parents. The sanctions include a pengapes fine of 2 to 4 *ria*, a *tekap malu* fine (to cover shame) ranging from 2 to 12 *ria*, and legal or court fees as decided through a meeting.¹⁴

Rejang customary law in Rejang Lebong District reflects a strong system of values and norms that regulate individual behavior and social interactions within the community. Various violations, ranging from acts involving gaze, hands, feet, to serious offenses such as rape and murder, are subject to strict customary sanctions.

This system not only focuses on financial penalties but also incorporates symbolic elements such as *sirih* (betel leaf), goats, and *tepung setawar* (blessed flour), which reflect cultural and spiritual values. These regulations demonstrate a deep concern for ethics, respect, and social responsibility, as well as efforts to maintain harmony and justice within the community. This customary approach

¹⁴ Badan Musyawarah Adat (BMA) Kabupaten Rejang Lebong, *Lepeak Hukum Adat Jang Kabupaten Rejang Lebong*. P. 61

illustrates a balance between punishment and restorative efforts, with the primary aim of preserving social welfare and cohesion.

The Interaction between Islamic Law and Rejang Customary Law

Islam is a universal religion that promotes justice, well-being, freedom, and human dignity, with core values centered on humanistic theocentrism. In its application, Islam demonstrates dynamic and flexible characteristics, capable of adapting to local cultures as long as they do not contradict the fundamental principles of Islam. According to research by experts on the relationship between Islam and local culture, there are two main approaches: first, studies that view Islam from a syncretic tradition perspective, and second, studies that emphasize the acculturation between Islam and local culture (acculturative).¹⁵

The term acculturation comes from the Latin "acculturare," which means "to grow and develop together." Acculturation generally refers to the process of blending cultures that creates a new culture while maintaining elements of the original culture. This occurs when two or more cultures interact and influence each other over an extended period. In the relationship between customary law and Islam (worship), this process results in various forms of Islamic religious expressions influenced by customary law. Similarly, traditional rituals often reflect Islamic teachings. When Islam interacts with local culture, a dialogue and exchange take place between the universal principles of Islam and the specific local customs, resulting in a unique form of Islamic culture.

According to Redfield, there is an adaptation between Islam as a great tradition and local culture as a small tradition. Islam has become an ideology that influences various aspects of the life of the Rejang people, showing uniqueness in how they appreciate and integrate Islamic teachings into their local traditions and culture. If we examine the customary law of the Rejang people in Rejang Lebong District, we will find a harmonious intersection. This customary law complements and aligns with the objectives of Islamic law, particularly when viewed through the *urf* approach.

Customary Law or *urf* plays an important role in the development of Islamic law because it reflects the norms and customs of local communities, which can contribute to the adaptation and application of Islamic law in a local context. In the context of Islamic law, *urf* is recognized as one of the important sources of law, especially when customary norms do not conflict with the basic principles of sharia. This allows Islamic law to be more relevant and adaptive to the diverse needs of society while maintaining a balance between the universal principles of Islam and local social realities. The integration of local culture into

¹⁵ Nur Syam, *Islam Pesisir* (Yogyakarta: Lkis, 2005). P. 2

lawmaking also reflects efforts to respect and preserve the cultural heritage of communities while ensuring that the law remains in line with Islamic teachings.¹⁶

However, not all customary practices can be immediately recognized as part of Islamic law. This is because there are both good customs (*al-‘ādah al-sahībah*) and bad customs (*al-‘ādah al-fasīdah*) in society. In Islamic legal theory, only good customs are accepted, while bad customs must be rejected or abolished. Thus, the acceptance of local culture into Islamic law is selective and requires careful consideration to ensure that only customs aligned with sharia principles are integrated.

Acculturation of Islamic Law and Rejang Customary Law

Acculturation¹⁷ is the blending of various cultures that gives rise to a new cultural form without eliminating the original elements of the existing cultures. In this process, there is an interaction and mutual influence between the universal values of Islam and the unique local customs, resulting in a distinctive cultural expression within Islam.¹⁸

Rejang customary law, which *includes Cepalo Mato, Cepalo Tangan, Cepalo Kaki, Cepalo Mulut, and Cepalo Telingo*, is a social regulatory system designed to ensure that the people of Rejang Lebong District adhere to ethical and moral norms. Each type of violation within this customary law reflects concern for important aspects of daily life, such as sight, speech, actions, and hearing, all of which have a significant impact on individual behavior and community well-being.

By enforcing this customary law, the community is expected not only to avoid negative behavior but also to promote positive and beneficial actions, thus shaping character in accordance with religious teachings and customary norms. This demonstrates that customary law serves as a tool for integrating moral and religious values into social life, encouraging individuals to live better and more harmonious lives.

In Islam, followers are encouraged to maintain al-jawarih, or the limbs, as a form of gratitude for the blessings that Allah has bestowed. A healthy body is a gift that must be appreciated and cared for properly. As a trust from Allah, the body must not be used to commit sins or immoral acts. Taking care of the health and integrity of the body is a moral and spiritual responsibility that reflects an awareness of the value and honor of the body given by God. If

¹⁶ Ratno Lukito, *Pergumulan Antara Hukum Islam Dan Hukum Adat Di Indonesia* (Jakarta: INIS, 1998). P. 6

¹⁷ Ismail Suardi Wekke, "Islam Dan Adat: Tinjauan Akulturasi Budaya Dan Agama Bugis," *Analisis* 13, no. 1 (2013): 27–56.

¹⁸ Edi Susanto and Karimullah Karimullah, "Islam Nusantara: Islam Khas Dan Akomodatif Terhadap Budaya Lokal," *Al-Ulum* 16, no. 1 (2017): 56.

someone misuses their body, they are considered to have wronged the trust. On the Day of Judgment, every part of the body will testify before Allah, giving an account of the deeds of its owner, as Allah affirms in the Qur'an;

الْيَوْمَ نَخْتِمُ عَلَىٰ أَفْوَاهِهِمْ وَتُكَلِّمُنَا أَيْدِيهِمْ وَتَشْهَدُ أَرْجُلُهُمْ بِمَا كَانُوا يَكْسِبُونَ

*On this Day We will seal their mouths, and their hands will speak to Us, and their feet will bear witness to what they used to do.*¹⁹

From Allah's command, it can be understood that on the Day of Judgment, Allah will present the book of deeds recorded by the angels Raqib and 'Atid. Through this record, every deed will be clearly visible. After the book of records is shown to humans, all witnesses will be brought before Allah to give testimony.

There are several reasons why the body parts are made witnesses: 1) Humans often disobey Allah's commands and may lie or deny when testifying, while body parts cannot deny the actions they have performed. 2) The testimony of the body parts can refute the arguments presented by the tongue. 3) The testimony of body parts is considered more accurate and reliable than other forms of testimony.

Imam as-Sa'diy states;

أي: شهد عليهم كل عضو من أعضائهم، فكل عضو يقول: أنا فعلت كذا وكذا، يوم كذا وكذا. وخص هذه الأعضاء الثلاثة، لأن أكثر الذنوب، إنما تقع بها، أو بسببها.

All of the human body parts will bear witness to a person's actions. Each part will reveal what it has done at a specific time. Three body parts—the eyes, ears, and skin—are mentioned specifically because most sins are directly related to these parts or caused by them.

The essence of Rejang customary law *Cepalo Mato* is the prohibition of looking at women who are not mahram, from head to toe. This rule aligns with the teachings of Surah An-Nur, verse 30 in the Qur'an, which commands people to lower their gaze;

Allah SWT says;

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ۗ ذَٰلِكَ أَزْكَىٰ لَهُمْ ۗ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ

*Tell the believing men to lower their gaze and guard their private parts; that is purer for them. Indeed, Allah is All-Aware of what they do.*²⁰

Imam Ibnu Katsir stated;

¹⁹ QS.Yasin / 36 : 65, n.d.

²⁰ QS.An-Nur / 24 : 30., n.d.

" هذا أَمْرٌ مِنَ اللَّهِ تَعَالَى لِعِبَادِهِ الْمُؤْمِنِينَ أَنْ يَعْضُوا مِنْ أَبْصَارِهِمْ عَمَّا حَرَّمَ عَلَيْهِمْ، فَلَا يَنْظُرُوا إِلَّا إِلَىٰ مَا أُبَاحَ لَهُمْ النَّظَرُ إِلَيْهِ، وَأَنْ يَعْضُوا أَبْصَارَهُمْ عَنِ الْمُحَارِمِ

*"This is a command from Allah, the Exalted; to His believing servants to guard (lower) their gaze from what has been forbidden to them. So, let them not look except at that which is permissible to look at. And restrain your gaze from what is forbidden."*²¹

Ibn Kathir explains that this verse is Allah's command to the believers to guard their gaze from forbidden things. In his commentary, he emphasizes that a Muslim should limit their gaze to what is permissible and avoid looking at what is not allowed or forbidden.

The Prophet Muhammad (peace be upon him) also said;

وَاحْفَظُوا فُرُوجَكُمْ، وَعَضُوا أَبْصَارَكُمْ، وَكُفُّوا أَيْدِيَكُمْ.

*Protect your private parts, guard your eyes, and restrain your hands (from committing oppression)."*²²

This hadith of the Prophet Muhammad (peace be upon him) emphasizes six fundamental principles that must be adhered to in order to attain the promise of paradise: speaking truthfully, fulfilling promises, maintaining trust, preserving purity, controlling one's gaze, and restraining the hands from wrongdoing. These principles serve as important guidelines in building good character and maintaining social harmony, reflecting a commitment to living in accordance with Islamic values.

In the context of customary law, *Cepalo Mulut* aims to regulate a person's actions that violate norms through speech and words. This includes actions such as speaking in a way that offends others, using harsh language, spreading slander, gossip, or provoking conflict.

These principles of customary law align with the teachings of Surah Al-Hujurat, verse 12 of the Qur'an, which also emphasizes the importance of guarding the tongue and behavior in interactions with others;

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَبَ بَعْضُكُم بَعْضًا أَيُحِبُّ أَحَدُكُمْ أَنْ يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ

*O you who have believed, avoid much [negative] assumption. Indeed, some assumption is sin. And do not spy or backbite each other. Would one of you like to eat the flesh of his brother when dead? You would detest it. And fear Allah; indeed, Allah is Accepting of repentance and Merciful.*²³

²¹ Tafsir Ibnu Katsir, 6 / 41., n.d.

²² Kitab Sahih Ibnu Hibban no 271

²³ QS. Al-Hujurat / 49 : 12, n.d.

This verse reminds Muslims of the importance of maintaining good morals and ethics in interactions with others. Allah forbids negative assumptions, searching for others' faults, and ghibah (backbiting), all of which can damage social relationships and foster hatred.

In Rejang customary law, violations committed by the hands are known as *Cepalo Tangan*, which includes inappropriate actions by a person towards another using their hands. This encompasses all forms of violence or harmful behavior involving the use of hands.

The Prophet Muhammad (peace be upon him);

المُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ

*“A Muslim is the one from whose tongue and hands the Muslims are safe”.*²⁴

This hadith emphasizes that a true Muslim is someone who ensures that their words and actions do not harm or hurt others. Guarding one's tongue means avoiding words that could offend, spread slander, or speak harshly, while controlling one's hands involves refraining from acts of violence or harmful behavior. This principle reflects the importance of ethics and morality in Islam, where good behavior and thoughtful actions refer to a reflection of sincere faith. By following these teachings, a Muslim contributes to social well-being and harmony, creating a safe and compassionate environment.

Rejang customary law *Cepalo Telingo* pertains to violations committed through hearing, such as failing to uphold trust when conveying a message, losing a message after being entrusted with it, or delivering it incorrectly, leading to misunderstandings and harm to others. According to the author, this customary law of *Cepalo Telingo* aligns with the command of Allah in Surah Al-Hujurat, verse 6;

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَنْ تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْحَبُوا عَلَيَّ مَا فَعَلْتُمْ نَادِمِينَ

*“O you who have believed, if a wicked person comes to you with information, investigate it carefully, lest you harm a people out of ignorance and become regretful for what you have done.”*²⁵

Allah's command to verify information (*tabayun*) before making decisions emphasizes the importance of ensuring that decisions are based on truth. This process helps avoid errors and slander, ensuring that all actions align with religious teachings. By practicing *tabayun*, we demonstrate moral and spiritual responsibility, and we ensure that decisions are fair and in line with Islamic principles of justice.

²⁴ Kitab Sahih Bukhari No 9., n.d.

²⁵ QS.Al Hujurat / 49 : 6., n.d.

Although the terms used in Rejang customary law, such as *Cepalo Mato*, *Cepalo Mulut*, *Cepalo Tangan*, *Cepalo Kaki*, and *Cepalo Telingo*, are not found in Islamic legal terminology, through the *'urf* approach, it is understood that these customs do not contradict Islamic law. Instead, they function as complementary measures that align with Islamic principles without altering the fundamental rules of what is lawful (*halal*) and unlawful (*haram*). Therefore, Rejang customary law is harmonious with Islamic values and supports the application of both legal and religious norms, allowing the two systems to complement one another.

In cases involving more serious moral violations, such as adultery and immorality involving the abduction of another man's wife, Rejang customary law takes a firmer approach,²⁶ involving significant fines and, in some cases, physical punishment such as flogging. According to Mr. M. Baksir,²⁷ in the practice of flogging for those guilty of adultery, there is a specific procedure to follow. With each stroke administered by a leader from the Rejang Customary Deliberation Body (BMA), along with religious and community leaders, the perpetrator is required to recite *istighfar* (a prayer asking for forgiveness). This recitation serves as an expression of remorse and a plea for Allah's forgiveness.

This practice not only serves as physical punishment but also as a reminder of the sins committed and the importance of repentance. Through the recitation of *istighfar*, the offender is encouraged to reflect on their mistakes and commit to not repeating them in the future. The involvement of BMA leaders, religious figures, and the community in this process demonstrates moral and spiritual support in upholding customary law, helping the offender return to the right path.

The flogging is performed with a whip made of ten strands of palm leaves, and the punishment is carried out by five individuals, each administering ten lashes, totaling 100 lashes. The punishment begins with the village head (*Ginde*), followed by the Imam, the Chairman of the Village Council (BPD), the offender's parents, and a community leader present. After the process, the community feels secure, and the individual involved is welcomed back into the community.

In Islamic law, adultery is categorized into two types: *zina muhsan* and *zina ghair muhsan*. *Zina muhsan*²⁸ refers to adultery committed by a person who is married or has been married, and the punishment is stoning to death, where the

²⁶ Interview with Ahmad Faizir, Chairman of BMA Rejang Lebong, on July 8, 2024.

²⁷ Interview with M. Baksir, Administrator of BMA Rejang Lebong Regency, n.d., July 7, 2024.

²⁸ Ishaq, "Kontribusi Konsep Jarimah Zina Dalam Pembaharuan Hukum Pidana Indonesia," *Ijtihad, Jurnal Wacana Hukum Islam dan Kemanusiaan*, Volume 14, No. 1, Juni 2014: 81-100 2, no. 3 (n.d.): 313-324.

offender is buried up to the shoulders and pelted with stones until death. In contrast, for *zina ghair muhsan*, adultery committed by an unmarried person, the punishment is 100 lashes and exile for one year. These punishments aim to preserve morality and the integrity of society.

The Prophet Muhammad (peace be upon him) said;

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خُذُوا عَنِّي قَدْ جَعَلَ اللَّهُ لِهِنَّ سَبِيلًا النَّبِيُّ بِالنَّبِيِّ وَالْبِكْرُ بِالنَّبِيِّ جُلْدُ مِائَةٍ ثُمَّ رَجْمًا بِالْحِجَارَةِ وَالْبِكْرُ بِالنَّبِيِّ جُلْدُ مِائَةٍ ثُمَّ نَفْيُ سَنَةٍ (مسند أحمد ٢١٦٧)

Take my ruling, for Allah has indeed prescribed punishment for them: the punishment for adultery of a married man and a married woman, and fornication between an unmarried man and an unmarried woman. The married man and woman are to be lashed one hundred times and stoned to death, and the unmarried man and woman are to be lashed one hundred times and exiled for one year." (Musnad Ahmad, No. 21674)²⁹

The practice of flogging in Rejang customary law, though different in form and detail, bears similarities to the punishment applied in Islamic law for *zina ghair muhsan*. The flogging is carried out with ten strands of palm leaves and a total of 100 lashes, with each lash accompanied by the recitation of istighfar. This procedure demonstrates an effort to integrate legal and religious values, similar to how Islamic law emphasizes the spiritual aspect in the execution of punishment.

After the flogging ceremony, which concludes with prayers and a communal meal, the community feels secure, and the offender is welcomed back. This reflects the primary goal of both Islamic and customary law, which is to restore social harmony and morality. Thus, despite differences in practice, Rejang customary law and Islamic law share a similar objective in upholding moral values and community integrity through the enforcement of laws accompanied by spiritual reflection.

Conclusion

Based on the research conducted, several conclusions can be drawn as follows: First, the types of Rejang customary law in Rejang Lebong District include various rules within the categories of customary law such as *Cepalo Mato*, *Cepalo Mulut*, *Cepalo Tangan*, *Cepalo Kaki*, and *Cepalo Telingo*. These rules reflect strong values and norms that play a role in regulating individual behavior and social interactions within the community. In the case of more severe violations, such as adultery and immorality involving the abduction of another man's wife, Rejang customary law takes firmer actions, such as flogging and *cuci kampung* (community cleansing rituals).

²⁹ "Musnad Ahmad Nomor :21674" (n.d),.

Second, there is a mutual interaction between the universal values of Islam and the unique local customs, which has resulted in a distinctive Islamic culture. The process of acculturation between Islamic law and Rejang customary law has created a unique form of Rejang customary law, without contradicting the principles of Islamic law.

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