
**THE VALUES OF ISLAMIC LAW IN JAVA TONDANO COMMUNITY DIVERSITY
IN THE MIDDLE OF MINAHASA CHRISTIAN MAYORITY
IN THE CONTEXT OF BHINNEKA (DIVERSITY)**

Fauzul Aliwarman

Faculty of Law, Civil Law Department, UPN “Veteran” East Java

Email: fauzula.ih@upnjatim.ac.id

ABSTRACT : The Javanese Tondano (Jaton) community is a different entity (with Muslim beliefs) compared to other Minahasa communities. This is formed from a piece of past history that brought them to the land of Minahasa. In an effort to maintain their identity there is a power relationship that is formed between the Minahasa Christians and the Jatton people. This study aims to see the application of Islamic law values in the diversity of the Jatton Society in Minahasa and the challenges of Javanese Tondano Muslim diversity in the perspective of diversity. The method used is through an empirical juridical approach with qualitative descriptive analysis. The results obtained indicate the value of the Jatton community's diversity as an ethnic identity with a very strong belief in holding Islamic law in interacting with local communities. Even though the early and later generations had mixed marriages with Minahasan people themselves and other ethnic groups, they still maintained their beauty and Javanese culture until now. They did not choose to become reformist Islam which has recently flourished in Indonesia. However, their existence is not considered to disturb or threaten the existence of the majority of Christian Minahasa people.

Keyword : Islamic law; Diversity; Javanese Tondano.

INTRODUCTION

Javanese Tondano (Jaton) community is a different entity (with their Muslim beliefs) compared to other Minahasa communities. This was formed by the past history that brought them to the land of Minahasa. In an effort to maintain their identity there is a power relationship formed between Minahasa Christians and the Jatton people themselves.

Kampung Jatton is a series of the life of Kyai Modjo and his followers after going through the Java War and being exiled to Tondano Minahasa. They then formed their own territory in exile while still maintaining their true identity as Javanese Muslims and then married with local residents until finally it became a large village as we know today known as Kampung Jawa Village with 731 families or 2,597 residents (1,334 men and 1,263 women) as of October 2018.¹

¹ Profil Kecamatan Tondano Utara, <https://minahasa.go.id/detailpost/tondano-utara>, accessed on wednesday, 23 September 2020, 20:00.

The interaction between Kyai Modjo and his followers with the surrounding community made the assimilation of Javanese and Minahasa culture were unavoidable. In this way they have maintained their Islamic and Javanese values to this day. Even though in reality the Minahasa cultural pattern is more dominant than Javanese culture, it is still possible to feel the large Islamic style possessed by the Jaton people.²

The life of the Jaton community, which has entered its 192th year, has not always gone smoothly. Sometimes disputes arise and they are considered a problem for the existence of the majority community in Minahasa, who in fact have different beliefs. Meanwhile, the Jaton community still holds Islamic religious values as one of their faith identities. Although in the end it was resolved considering the long history of the Jaton people in the Tondano region itself.

Tondano Utara Subdistrict as one of the sub-districts in Minahasa Regency which houses Kampung Jawa village has made a positive contribution in diversity in the past and must be preserved in the future. It is necessary to carry out surveys and research that can provide a more accurate picture in order to provide input for policy makers and related units in the application of Islamic Law values in the diversity of the Jaton Community in Minahasa..

PROBLEM

Based on the description above, the problems of the study are as follows how the application of Islamic Law values in the diversity of the Jaton Society in Minahasa and the challenges of Javanese Tondano Muslim diversity in terms of diversity perspective?

RESEARCH METHODS

1. Nature of Research

Research on the implementation of Islamic Law values in the diversity of the Jaton Community in Minahasa is a juridical empirical study or non-doctrinal law study. This type of study is also known as socio legal research where in this research it emphasizes the works of law in the community.³

2. Types of Research

This type of research was done by examining and processing research data obtained directly in the field which were primary data or also called as field study by starting from the legal (juridical) aspect. To support and complement the primary data, library research was conducted

² Babcock. Muslim Minahasas with Roots in Java; The people of Kampung Jawa Tondano dalam Indonesia no. 32, tahun 1981, USA: Cornel University. Page 98.

³ Sunggono, B., Metodologi Penelitian Hukum. 5th print ed. Jakarta: Rajawali Pers, 2003, p.66.

⁴ Supranto, Metode Penelitian Hukum dan Statistik. 1st print ed. PT. Rineka Cipta, Jakarta, 2003, p.54.

to obtain secondary data on research problems.⁴ In other words, the data used in this study were primary data and secondary data.

3. Result Analysis

All research data that has been collected is complete, both obtained from library research and field research which were then processed and analyzed qualitatively. Qualitative analysis is carried out by paying attention to facts that actually occur in the field. The research data that has been analyzed was then compared with secondary data or norms that should apply, then conclusions were drawn using deductive thinking method based on general theories or concepts (which are applied) to explain the relationship of a data with other data. The results obtained will be compiled in a descriptive final research report to provide a true picture of the application of Islamic Law values in the diversity of the Jatun Community in Minahasa.

DISCUSSION

Islamic law or Islamic law values in this paper refers to what is understood from the term Islamic law itself. Islamic law comes from two syllables, namely Law and Islam. In language, it can be seen in the Indonesian Dictionary which emphasizes Law as 1) a regulation or custom which is officially considered binding which is confirmed by the ruler or government. 2) Laws, regulations, etc. to regulate social interactions. 3) standards (rules, regulations) regarding certain events (nature, etc.). 4) decision (consideration) determined by the judge (in court), verdict.⁵ The second term in the word Islam is explained as the religion taught by the Prophet Muhammad SAW., Guided by the holy book of the Qur'an which revealed to the world through the revelation of Allah SWT.⁶ While in the realm of Islamic literature the meaning of Islam is understood as the religion of Allah which mandated to the Prophet Muhammad SAW., to teach its basics and Shari'a and also preach it to all humans and invite them to embrace it.⁷ Islamic law in other technical terms, as conveyed by Muhammad Daud Ali in his book, Islam is defined as the law established by Allah to regulate the relationship between humans and humans, the relationship between humans and God, the relationship between humans and themselves and the relationship between humans and objects in society and nature.⁸ In other words, it can be concluded that Islamic law is a law that comes from Islamic teachings.

⁵ Kamus Besar Bahasa Indonesia, <https://kbbi.kemdikbud.go.id/entri/hukum>. Accessed on Sunday dated 27 September 2020, 05.37.

⁶ Ibid.

⁷ Marzuki Ali, Tinjauan Umum tentang Hukum Islam, http://staff.uny.ac.id/sites/default/files/lain-lain/dr-marzuki-mag/Dr.%20Marzuki.%20M.Ag_.%20Tinjauan%20Umum%20tentang%20Hukum%20Islam.pdf. accessed on Sunday 27 September 2020, 05.47.

⁸ Muhammad Daud Ali, Hukum Islam; Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia, Rajawali Perss, Jakarta, Edisi 6, Cet. Ke-13, p.15.

The concept of Islamic Law is generally divided into two main areas, namely the field of worship which is closed because it is perfect and the field of muamalah which is open to human development with sufficient conditions. The scope of this muamalah field when juxtaposed with western literature can be aligned with private law and public law. The realms of private law include marriage law (munakahat), inheritance law (wirasah), material rights and human relations arrangements in the agreement model in particular (buying and selling, leasing, lending and borrowing and others). While the realm of public law can be seen from criminal law (jinayah), constitutional law (as-sulthaniyah), international law (siyar), procedural law (mukhasamat) and others.⁹ This paper will focus on the realm of private law that applies in general to the diversity of the Jaton community today.

Marriage

At the beginning of his arrival, the Jaton community consisted of 63 men. Kyai Mojo and his followers have made good adaptations to nature and the harsh and difficult environment. However, they were able to conquer the harshness of Tondano's nature and succeeded in clearing land and farming, even making it a "new center of Tondano community activity", especially in agriculture.¹⁰ In addition, they make their area a safe and comfortable place to live in. This is the factor that makes the Minahasa people who have settled there earlier felt amazed at their persistence. Good communication and interaction in these early days made Minahasa women to fell in love and many married young Kyai Mojo followers. This was a marriage that made their friendship stronger and rooted with local residents. This marriage also made them feel part of the Tondano earth and could not be separated from Minahasa until now. The total number of Jaton people in Kampung Jawa as a whole until 2020 is estimated to be approximately 1,450 families or 5,000 residents with six neighborhoods associations.¹¹

Marriage is basically a way to protect oneself from things that are forbidden and a way to purify the soul from disgraceful actions. As emphasized by Sajuti Thalib that marriage is a holy bond that is strong to live together legally between a man and a woman in forming an eternal family, supportive, loving, peaceful and happy.¹² Especially in the midst of the influence of television and other media, it also contributed to the maturity of young people who arrived earlier than the younger generation in the 80s. Jaton youth who are mature enough will choose this media because it is seen as part of their worship and a manifestation of their faith.

The majority of marriages that occurred in the early Jaton society were in contact with Minahasa women who converted to Muslim beliefs following the beliefs of their future

⁹ Ibid, p.20.

¹⁰ Yusno Abdullah Otta, *Dinamisasi tradisi Islam di Era Globalisasi; Studi atas Tradisi Keagamaan Kampung Jawa Tondano*, "Jurnal Sosilologi Reflektif", Volume 10 Number 01, October 2015, p. 89.

¹¹ An interview with Mr. Suyitno, Head of MUI Kabupaten Minahasa, on Friday 14 August 2020, 20:00.

¹² Muhammad Daud Ali, *Loc.cit.*

husbands and married into Islamic culture. This can be understood as an entity, the understanding of Kyai Mojo and his followers who that was very deep with Islamic values understood very well the harmonious marriage and the legal requirements of marriage for Muslims. Marriage requires the parties to fulfill the following five points, the prospective bride / husband is Muslim, the prospective bride / wife, the presence of a marriage guardian from the family of the bride, the presence of two adult male witnesses and consent granted. The legal requirements for marriage are in the form of a dowry given by the husband to the wife as a gift from the husband for the first time after the marriage contract is pronounced and has value and becomes the right of the wife. However, in historical records there is a descendant of Kyai Modjo named Husein who eventually married a girl from Papakelan Minahasa and became a Christian.¹³ Meanwhile, for the Jatun community today, the majority of marriages occur among Muslims, both from Jatun's descent and with other ethnic communities in Indonesia.

The diversity that occurs in the Jatun community feels even more unique because Kampung Jawa village which is inhabited by the Jatun community to this day is inhabited by the next generation of Jatun who are all Muslims with their own Javanese and Jatun language communication languages. Data from BPS Minahasa District in 2018 showed 2,597 (100%) of the population of Kampung Jawa were diverse in Islam. As for North Tondano sub-district (consisting of 3 villages and 5 villages), 3,147 (25.9%) residents were Muslim, 8,661 (71.3%) were Christian, and 334 (2.8%) were Catholic.¹⁴ Even though they are in an environment that is predominantly Christian, they still prioritize tolerance and mutual respect to the citizens of Indonesia.

In addition, the structure of the Jatun community also has distinctive differences compared to other community groups formed based on local traditions and close kinship, such as Tonsea, Tombulu and Tondano tribes, which have different accents but have similarities so they can be understood by other tribes. The structure of the Jatun society, which comes from the descendants of Kyai Mojo's followers have made them to have no affiliation and become a political force.

Inheritance

Inheritance is a manifestation of the ownership of assets owned by a Muslim from the results of his efforts during life. The profession carried out by the Jatun community is more varied than the residents of other villages in North Tondano sub-district. From the 2018 BPS data, it was found that 152 people were farmers, 16 people were traders, 234 people were civil servants and

¹³ Suzy Azeharie, Sinta Paramita dan Wulan Purnama Sari, Studi Budaya Non Material Warga Jatun, "Jurnal Aspikom", Volume 3 Nomor 6, Januari 2019 p.1158.

¹⁴ Seksi Integrasi Pengolahan dan Diseminasi Statistik, Kecamatan Tondano Utara; Tondano Utara Subdistric in Figures 2018, BPS Kabupaten Minahasa, Minahasa, 2018, p. 35

118 others were private parties and 508 other people with other professions.¹⁵ Some of the descendants of the Jaton community are artists, such as Sheila on Seven and Dina Mariana. Some have even become state officials in several ministries.¹⁶ This variation of work professions refers to the diverse origins and expertise of the early generations of the Jaton people themselves who are various followers of Kyai Mojo.

The majority of inheritance practices that occur in the Jaton community are carried out according to what have been regulated in the Qur'an and Hadith. This practice is based on the great desire and awareness of the citizens to practice and at the same time gain the reward of worship in all aspects of their life. Although there are a few that are based on family agreements.

At the normative level, inheritance law is a law that regulates the transfer of ownership rights to the inheritance of the inheritor, the right to ownership of the inheritance of the heir, determines who is entitled to become an heir and how many shares of each.¹⁷ When referring to the Qur'an and hadith, then there is a sign that the heirs or other people who participate in completing the distribution of inheritance are based on the norms established by Allah in the Quran.¹⁸ However, when viewed from the Islamic Law Compilation, it is possible that the implementation of inheritance is based on other than Islamic Law itself if there is an agreement (peace) that occurs among family members or is also based on applicable customary law.¹⁹ If the heirs do not agree, then the distribution of inheritance can be submitted through the nearest religious court which incidentally will refer to the implementation of Islamic law because the state also encourages the implementation of inheritance based on Islamic law.

The compilation of Islamic Law is a procedural law agreed upon by law enforcers in the Indonesian religious court and is also a form of Islamic Law idea products that are carefully codified, systematic and formulated according to local Indonesian social conditions. In other words, the Compilation of Islamic Law has become a legal book in the Religious Courts and makes it easier for hamim to decide cases related to Islamic inheritance..

CONCLUSION

Based on previous description, there are some conclusion as the closing of this paper as follows:

¹⁵ Ibid., p.24

¹⁶ An interview with Mrs. Fadhillah, Head of Fatayat NU Kabupaten Minahasa, on friday 14 August 2020, 20:00

¹⁷ Article 171 (a) Presidential Instruction Number. 1 Year 19191 About Compilation of Islamic Law

¹⁸ Amir Syarifuddin, *Hukum Kewarisan Islam*, Kencana, Jakarta, 2012, p.287.

¹⁹ H. Hasbiyallah, *Belajar Mudah Ilmu Waris*, RosdaKarya, Bandung, 2007, p.113.

1. The values of Islamic law in the diversity of the Jatón community in Tondano, Minahasa Regency, are reflected in the prevailing practices of marriage and inheritance by the Jatón community based on Islamic law.
2. The religious value of the Jatón community as an ethnic identity with a very strong belief in holding Islamic law in interacting with local communities

REFERENCES

- Amir Syarifuddin, *Hukum Kewarisan Islam*, Kencana, Jakarta, 2012, h.287.
- Babcock. *Muslim Minahasas with Roots in Java; The people of Kampung Jawa Tondano dalam Indonesia no. 32*, tahun 1981, USA: Cornell University.
- H. Hasbiyallah, *Belajar Mudah Ilmu Waris*, RosdaKarya, Bandung, 2007.
- Hasil wawancara dengan Bapak Suyitno, Ketua MUI Kabupaten Minahasa, pada hari jumat tanggal 14 agustus 2020, 20:00.
- Hasil wawancara dengan Ibu Fadhilah, Ketua Fatayat NU Kabupaten Minahasa, pada hari jumat tanggal 14 agustus 2020, 20:00.
- Kamus Besar Bahasa Indonesia, <https://kbbi.kemdikbud.go.id/entri/hukum>, diakses pada hari minggu tanggal 27 September 2020, 05.37.
- Marzuki Ali, *Tinjauan Umum tentang Hukum Islam*, http://staff.uny.ac.id/sites/default/files/lain-lain/dr-marzuki-mag/Dr.%20Marzuki,%20M.Ag_.%20Tinjauan%20Umum%20tentang%20Hukum%20Islam.pdf, diakses pada hari minggu tanggal 27 September 2020, 05.47.
- Mertokusumo, S., (2010). *Bunga Rampai Ilmu Hukum*. Yogyakarta: Liberty.
- Muhammad Daud Ali, *Hukum Islam; Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia*, Rajawali Perss, Jakarta, Edisi 6, Cet. Ke-13.
- Profil Kecamatan Tondano Utara, <https://minahasa.go.id/detailpost/tondano-utara>, diakses pada hari rabu, 23 September 2020, 20:00.
- Rahardjo, S., *Hukum dan Masyarakat*. Angkasa, Bandung, 2010.
- Seksi Integrasi Pengolahan dan Diseminasi Statistik, Kecamatan tondano Utara; *Tondano Utara subdistric in figures 2018*, BPS Kabupaten Minahasa, Minahasa, 2018.
- Sunggono, B., *Metodologi Penelitian Hukum*. 5th print ed. Rajawali Pers, Jakarta, 2001.
- Supranto, *Metode Penelitian Hukum dan Statistik*. 1st print ed., PT. Rineka Cipta, Jakarta, 2003.
- Suzy Azeharie, Sinta Paramita dan Wulan Purnama Sari, *Studi Budaya Non Material Warga Jatón*, "Jurnal Aspikom", Volume 3 Nomor 6, Januari 2019.
- Yusno Abdullah Otta, *Dinamisasi tradisi Islam di Era Globalisas; Studi atas Tradisi Keagamaan Kampung Jawa Tondano*, "Jurnal Sosilologi Reflektif", Volume 10 Nomor 01, Oktober 2015, h. 89.