

Acculturation of Islamic Law and Betawi Customs in Historical Perspective

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Abstract

This study examines the process of acculturation between Islamic law and customary law in Betawi society from a historical perspective. Using qualitative research methods with secondary data analysis, this article traces the historical traces of the entry of Islam into Batavia/Betawi and its interaction with pre-existing local traditions. The analysis focuses on key domains such as family law (marriage and inheritance), life cycle rituals, and mechanisms of community governance and dispute resolution. It is found that acculturation is not a linear process, but rather a complex dynamic involving harmonization, syncretism, adaptation, negotiation, and sometimes conflict, especially evident in inheritance law practices. External factors such as Dutch colonial legal policies (e.g., theorie receptie) and the development of post-independence Indonesian national law (Marriage Law No. 1/1974, Compilation of Islamic Law) have also shaped the landscape of interaction between these two normative systems. This study concludes that Betawi society, with a strong Islamic identity, dynamically negotiates and integrates Islamic teachings with their customary heritage, resulting in unique and ever-evolving socio-legal practices.

Keywords: Acculturation of Law, Islamic Law, Betawi Customs, Legal History, Legal Pluralism

Introduction

Indonesia is a country rich in ethnic, cultural, and religious diversity, making it an ideal social laboratory to study the dynamics of legal acculturation (Dianti, 2017; Fitri Lintang & Ulfatun Najicha, 2022; Maulidi et al., 2022; Unis Yadri Kurnia, 2019). Amidst this plurality, the interaction between various legal systems, such as *religious law*, *customary law*, and *state law*, has created a complex yet dynamic legal landscape. One of the most striking forms of interaction is between *Islamic*

law, which is adhered to by the majority of the Indonesian population, and local *customary legal systems* that exist in society (Adhitya Anugrah Nasution & Ade Saptomo, 2024; Pelu et al., 2022; Prawiratama Nugraha et al., 2023; Syaikh et al., 2023; Ubink, 2018). This study specifically highlights the legal acculturation between *Islamic law* and the *customary law* of the *Betawi people*, who are the indigenous people of Jakarta and its surroundings. The *Betawi people* themselves are formed from a mixture of various ethnicities and cultures but develop a strong Islamic identity while still maintaining the characteristics of their traditional customs. This phenomenon reflects a process of cultural and legal synthesis that is interesting to study historically.

In this context, a fundamental question arises regarding how the acculturation process between *Islamic law* and *Betawi customs* took place over time. This study aims to answer the main problem formulations, which include: how the historical process of acculturation occurred, in what domains did acculturation occur significantly, and how the dynamics of the relationship between these two normative systems changed in various historical periods—*pre-colonial*, *colonial*, and *post-independence*. No less important is the identification of internal and external factors that influence the acculturation process, such as *religious developments*, *social dynamics*, *political policies*, and *state legal interventions*. This study does not only want to capture history, but also explore the meaning and transformation of values that occurred in the process of meeting between *Islamic law* and *Betawi customary law*.

The purpose of this study is to provide an in-depth understanding of the patterns of continuity and change in the acculturation of *Islamic law* and *Betawi customs*. Using qualitative methods and a historical approach, this study relies on secondary data collected through literature studies of books, scientific journals, research reports, and relevant historical documents. The analysis was conducted descriptively-analytically with the hope of being able to compile an integrative and critical historical narrative. Theoretically, *Islamic law* is understood as *sharia* and *fiqh*, which are sourced from the *Qur'an*, *Hadith*, *Ijma*, and *Qiyas*, and have the main objective of realizing the welfare and avoiding damage to humanity through the protection of five main things: *religion, soul, mind, descendants, and property*.

Meanwhile, *Betawi customs* include a system of values, norms, and social practices that live in *Betawi society* and are passed down across generations. These customs are not static, but rather the result of the accumulation of local and foreign cultural influences, such as *Malay, Javanese, Arabic, Chinese, and Dutch*. *Betawi traditions* hold a unique cultural wealth, reflected in art, language, kinship systems, and religious rituals. In the meeting between *Islamic law* and *Betawi customs*, an acculturation process occurred, namely the acceptance and processing of foreign elements—in this case, *Islamic law*—into the framework of local culture without eliminating the basic identity of *Betawi customs* themselves. This acculturation is not a one-way assimilation process, but rather the creation of a synthesis that influences and enriches each other.

This study becomes increasingly important considering Jakarta's position as the center of government and national culture from the colonial era to the present. *Betawi*, as a cultural entity native to Jakarta, is a witness and participant in various dynamics of power that have influenced the direction of legal development in this region. The history of colonial legal intervention, such as *theorie receptie* during the *Dutch East Indies* era, to national legal policies after independence, such as the *Marriage Law* and the *Compilation of Islamic Law*, have major implications for the way *Betawi society* practices and combines religious teachings with customary practices. Therefore, a study of legal acculturation among *Betawi society* can provide a broader picture of how Indonesian society, in general, negotiates legal pluralism in a constantly changing social space.

Mulyadi (2022) investigates the relationship between *Islamic law* and *Javanese customary law*, highlighting the impacts of colonial and post-colonial interventions on legal systems. However, this research does not delve deeply into how these legal systems evolved within the specific context of Jakarta and its *Betawi community*. Similarly, Suryanto (2021) addresses the acculturation of *Islamic law* with local customs in rural areas, but the study overlooks the urban, multi-ethnic dynamics of *Betawi culture* and its legal interactions. By offering a critical historical narrative, this study aims to provide insights into how *Islamic law* and *Betawi customs* have influenced each other and contributed to the broader understanding of legal pluralism in Indonesia.

This study aims to provide a detailed understanding of the continuity and transformation in the acculturation of *Islamic law* and *Betawi customary law*. By examining the historical process and identifying the internal and external factors affecting this relationship, the research offers a valuable perspective on legal pluralism and the synthesis of legal and cultural values in Indonesia. This study contributes to the broader discussion on how legal systems evolve in response to social, political, and cultural dynamics, offering important insights for future legal reforms and the development of inclusive, culturally sensitive legal frameworks.

METHOD

This research uses a qualitative method with a historical approach, which aims to deeply understand the process and dynamics of the acculturation of *Islamic law* and *Betawi customs* over time. The historical approach was chosen because the main focus of this study is to trace the development and changes that occurred in the interaction of *Islamic law* and *Betawi customs* from the *pre-colonial* period to the contemporary era. In its implementation, this study relies on literature studies as the main data collection technique, by tracing various relevant and credible secondary sources. These sources include academic journal articles, scientific books, previous research reports, and historical documents that are directly related to the topic of study. The data collection process is carried out systematically by considering the validity and historical significance of each source. The data that has been collected is then analyzed using descriptive-analytical techniques, namely by systematically describing the contents of the available data, interpreting the historical meanings in it, and synthesizing the information into a complete framework of understanding. Through this approach, the study attempts not only to record historical facts, but also to understand the social, cultural, and political contexts that surround the process of legal acculturation. Thus, this method allows researchers to produce a comprehensive and meaningful historical narrative in explaining the dynamic relationship between *Islamic law* and *Betawi customs* in Indonesian legal history.

RESULT AND DISCUSSION

Forms of Acculturation in Legal and Social Practices

The long process of interaction between Islam and customs in Betawi society has produced various forms of acculturation that are manifested in legal practices and daily social life. This form of acculturation can be observed in various domains, from the private realm such as family law to the public realm such as social rituals and community governance mechanisms.

Family Law: Betawi Customary Marriage and the Influence of Islam

The Betawi wedding ceremony is one of the arenas that most clearly demonstrates the blending of local traditions (which are also the result of acculturation with other previous cultures, such as Chinese and Arabic influences) with the values and provisions of Islamic law (Alaudin, 2020). The series of Betawi traditional wedding processions are full of symbolism that reflects these two elements:

1. Pre-Marital Stages

The pre-marriage exploration process, such as Ngedelengin (seeing or investigating the background of the prospective bride, often through an intermediary or matchmaker), Kenalan (a period of getting to know each other between the prospective bride and groom and their families, similar to the concept of ta'aruf in Islam), and Ngelamar (the formal process of proposing by the groom's family), are basically in line with the principles of caution, seriousness, and seeking the family's consent in building a household as recommended by Islamic teachings (April, 2018). The Ngelamar procession is usually accompanied by bringing symbolic gifts typical of Betawi such as sirih for the proposal, bananas as a symbol of hope, and white bread, but the main purpose is to make promises towards a marriage bond that is valid according to religion.

2. Gifts (Gifts)

The giving of goods from the prospective groom to the bride, known as seserahan or hantaran, is an important part of Betawi wedding customs. Symbolically, this seserahan is interpreted as a form of responsibility and the ability of the prospective husband to

provide physical and spiritual sustenance, as well as a form of respect for the woman's family. The contents of the *seserahan* are often a unique combination of goods that have traditional meaning, such as traditional Betawi cakes, and the most iconic is a pair of Crocodile Bread (symbolizing loyalty, because the myth is that crocodiles only mate once in a lifetime), with practical necessities for the prospective bride (clothes, cosmetics, shoes, bags) and prayer equipment (*mukena*, prayer mats, *Al-Quran*). This combination clearly shows the acculturation of cultural and religious values. Although in Islamic jurisprudence, this *seserahan* is different from the *mahar* (dowry) and its original law is *mubah* (permissible), in Betawi community practice, this *seserahan* tradition is often considered to have socially binding power (*'urf*) and is an inseparable part of the wedding procession (Syarifudin, 2019).

3. Rituals before the marriage contract

A number of traditional rituals are carried out before the wedding day. For example, the *Diungkeb* or *Masè Dipiarè* period, where the bride-to-be is 'kept' at home, undergoes beauty and health treatments, and keeps herself from traveling, can be interpreted as physical and mental preparation to enter a new life, a concept that is in line with the recommendation to maintain personal purity. The night before the marriage contract, the *Malem Mangkat* or *Malem Pacar* event is held, which is usually filled with religious study activities, reading prayers together, and applying henna to the bride's nails, explicitly integrating Islamic rituals into the customary series. The *Palang Pintu* tradition, a unique attraction that combines the martial art of *pencak silat* with humorous *pantun* contests between representatives of the groom's entourage and the host (the woman's family), is often philosophically interpreted as a test for the future husband to demonstrate his ability to protect his family in the future, a value of the husband's responsibility that is also strongly emphasized in Islamic teachings, although the form of the ritual is very Betawi (Wibowo & Ayundasari, 2021).

4. Marriage Contract (*Ijab Kabul*)

This procession is the essence of the validity of a marriage according to Islamic law and is carried out in full accordance with the *Shari'a*. *Ijab* (handover from the bride's guardian) and *Kabul* (acceptance by the groom) are pronounced in the presence of at least two witnesses and recorded by an officer from the Office of Religious Affairs (*penghulu*). The implementation of the marriage contract is often preceded by the reading of the holy verses of the *Koran*, the marriage sermon, the reading of the Prophet's *salawat* or birthday, and closed with prayer. Friday is often chosen as the day for marriage ceremonies because it is considered a good day in Islam (Siregar, 2021).

5. Post-Wedding Rituals

After the marriage contract, there are several continuing traditions. *Sungkem*, where the bride and groom ask for blessings from their parents and older relatives by kissing their hands, reflects the Islamic teachings on respecting parents (*birrul walidain*). Thanksgiving events such as *Selamatan Tiga Ari* (a three-day feast after the wedding) and *Sedekahan Ngawinin* (a wedding reception or *walimatul 'ursy* usually held by the groom's family sometime after the contract) are forms of expressing gratitude and sharing happiness that are recommended in Islam, but are carried out with a Betawi nuance and cuisine. Betawi traditional wedding attire itself often shows visual acculturation, such as the *Caré Haji* attire for the groom (inspired by the *hajj*/Arab attire) and the *Caré Ciné* for the bride (showing Chinese influence) (Somantri & Merlina, 2014).

In the entire series of Betawi traditional marriages, a pattern of selective adaptation can be seen. The core ritual which is the pillar or legal requirement for marriage according to Islamic law, namely *Ijab Kabul*, is adopted and implemented in full accordance with the

provisions of the Shari'a. Meanwhile, the various traditional rituals that accompany it, both before and after the contract, are still maintained. However, these traditional rituals are often not allowed to stand alone, but are given new meanings that are in line with Islamic values, or are integrated with Islamic practices such as recitation, prayer and reading salawat. This shows an acculturation strategy where customs are not abolished, but are 'Islamized' or harmonized so that they remain relevant and acceptable in the context of Betawi society which highly upholds Islamic religious values.

Family Law: Dynamics of Inheritance Law between Faraid and Customary Practices

In contrast to marriage law, which shows relatively strong harmonization, the domain of inheritance law is actually an arena in which the potential for differences and tensions between the provisions of Islamic law (Faraid) and Betawi customary law practices more frequently surface.

1) Basic Principles of Islamic Inheritance Law (Faraid)

Islamic inheritance law, known as Ilmu Faraid, regulates in detail and definitely regarding who is entitled to be an heir (ashabul furudh and 'ashabah), the portion of inheritance received by each heir, and the procedure for its distribution. These provisions are sourced directly from the Quran (especially Surah An-Nisa verses 11, 12, and 176) and are clarified by the Sunnah of the Prophet Muhammad SAW. The main principles include the division based on predetermined portions (for example, a son gets twice the share of a daughter [2:1], the wife gets 1/8 if the heir has children or 1/4 if she does not have children, the husband gets 1/2 or 1/4). The goal is to realize distributive justice in accordance with the provisions of Allah SWT and prevent disputes (Abdillah, 2025).

2) General Practices of Betawi Customary Inheritance Law

The Betawi people, like many other indigenous peoples in Indonesia, tend to adhere to a parental or bilateral kinship system, which traces descent from both the father's and mother's sides simultaneously (DELLASEKARSAFA, 2023). This kinship system has implications for views on inheritance rights, where the position of sons and daughters is often considered equal or balanced in terms of inheriting parental property. As a result, the practice of inheritance distribution in Betawi society often does not strictly follow Faraid's mathematical calculations. The most common method used is through deliberation and consensus (shura') among the heirs to reach a mutual agreement on the distribution of inheritance. In this deliberation, various factors can be taken into consideration, such as the needs of each heir, the closeness of the relationship with the testator during his/her lifetime, or the contribution of the heir in caring for parents or managing family property. The result can be an equal division between sons and daughters, or another division according to agreement. In addition, there is a tendency to give special treatment to traditional houses (such as the Gudang House or Kebaya House), which are sometimes inherited by the eldest son in the hope that the house will be maintained as a symbol of the family. The practice of inheritance distribution is also sometimes carried out by the heir while he/she is still alive, in the form of a gift or will, which is also based on family agreement (Poespasari & SH, 2018).

3) Acculturation, Negotiation, and Potential Conflict

Although the Betawi people are known to be religious and strong in practicing Islamic teachings, in practice, customary inheritance laws that are based on deliberation and tend to be egalitarian are often more dominantly applied than the deterministic Faraid system. This phenomenon shows the existence of an acculturation process in which customary values (family, deliberation, bilateral equality) negotiate with the formal provisions of religious law (Nafi'ah, 2020). However, the differences between the two systems also have the

potential for internal conflict within the family, especially if there are heirs who insist on demanding their rights according to Faraid (for example, daughters who feel disadvantaged by the equal division or sons who demand a larger share). The case study of Mr. Haji Marzuki's family reported in one source illustrates this kind of conflict. Nevertheless, many Betawi families have managed to reach a resolution through deliberation, which interestingly, is often also religiously legitimized because *shura'* (deliberation) itself is one of the principles recommended in Islam. The existence of formal institutions such as the Religious Court, which has the authority to resolve inheritance disputes for Muslims based on the Compilation of Islamic Law (KHI), provides an alternative resolution if family deliberation reaches a dead end. However, the cultural preference for resolving problems amicably and maintaining harmony seems to remain strong.

The dominance of customary inheritance practices that prioritize deliberation and outcomes that the family feels are contextually fair, even though they may deviate from Faraid's literal calculations, provides an interesting insight (The Word, n.d.). This can be interpreted as a reflection of the priority of values on social-family integrity and harmony over formal legal compliance in the specific context of inheritance distribution among Betawi people. The use of the principle of deliberation (*shura'*), which has a basis in Islamic teachings, serves as a conceptual bridge and practical mechanism to reconcile potential conflicts between bilateral customary demands and Faraid provisions. This is a manifestation of a pragmatic acculturation strategy, where the community collectively (although not always consciously) chooses an approach that minimizes internal conflict and maintains good relations between heirs, while still framing it within a framework of religiously acceptable values (Lubis & Lubis, 2023).

Table 1. Comparison of the Principles of Islamic Inheritance Law (Faraid) and Betawi Customs

Aspect	Islamic Law (Faraid)	Betawi Customary Law (General)
Basis of Division	Al-Quran & Sunnah (Parts specified)	Consensus (Heirs' Agreement)
Kinship System	Bilateral (recognition of male & female inheritance rights)	Parental / Bilateral
Boys Section	2x girls share (generally)	Same as daughter / As agreed
Girls Section	1x part (half part boy)	Same as boys / As agreed
Position of Widow/Widower	Get a definite share (1/8, 1/4, 1/2)	Receive a share / According to agreement (often related to marital property)
Marital Property	Acknowledged separately before inheritance is divided	Shared between husband and wife first / As agreed
Custom home	Included in the inheritance, divided according to Faraid	Tends to be inherited to the eldest son / By agreement (for preservation)
Solution Method	Faraid calculation can be done through the Religious Court	Family deliberation, can involve traditional/RT/RW leaders, sometimes the Religious Court if there is a deadlock

Source: processed data

CONCLUSION

The conclusion of the discussion on the form of acculturation in the legal and social practices of the *Betawi community* shows the existence of a dynamic interaction process between *Islamic values* and local traditions that has taken place historically and continuously. In the context of family law, especially in the marriage procession, there is a harmonious integration between *Betawi customary elements* and the principles of *Islamic law*. Traditions such as *ngelamar*, *seserahan*, *masa dipiarè*, *malam pacar*, and *to palang pintu* show how local symbolism is aligned with *Islamic values* without eliminating the original cultural identity. The marriage contract, as the core of the legality of marriage in *Islam*, is still carried out according

to *sharia* provisions, while various customary rituals around it are given new religious meanings so that they become an integral part of the socio-religious system of the *Betawi community*. On the other hand, in the matter of inheritance law, a more complex dynamic occurs. The provisions of *faraid* in *Islam*, which are definite and detailed, are often adjusted in the practices of the *Betawi community*, which prioritizes deliberation and the principles of customary justice. The distribution of inheritance does not always follow the standard *Islamic* formula but is more adapted to the values of togetherness, the needs of the heirs, and family harmony, which reflect the bilateral kinship system of the *Betawi people*. In this case, acculturation takes place through a process of negotiation and finding common ground between religious norms and social values. This phenomenon confirms that the *Betawi people* do not only practice *Islam* textually, but also contextually and culturally, by making customs a medium for the actualization of *Islamic values* in everyday life. The acculturation that occurs is not just a compromise, but a process of adaptation that creates a balance between tradition and religiosity, between ancestral heritage and the demands of *sharia*, which ultimately strengthens *Islamic* and *Betawi* identities simultaneously.

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