

ANALYSIS OF THE ROLE OF RELIGIOUS JUSTICE IN THE TIME OF THE SURAKARTA SULTANATE

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Abstract

Islamic law has existed in the territory of Indonesia since the Muslims settled in Nusantara. Based on the opinions concluded at the Seminar on the Entry of Islam into Indonesia held in Medan in 1963. In the process of Islamization in Indonesia carried out by merchants through trade and marriage. The research in this journal comes from research into library data types that focus on the analysis of existing literature. This research does not involve collecting primary data through direct observations or experiments, but rather using written sources of information such as books, articles, and scientific publications. The Surakarta Residence has a legal system that has existed since the Mataram era and the Dutch Indian Government in the legal system under its supervision. Law is very closely linked to other fields, especially social and economic order. Keraton Surakarta has a government structure that inherited the reigns of Mataram II, Pajang and Demak. With such authority, the process of growth and development of the courts in various sections has their own uniqueness. Integration, or living side by side between custom and shara', is a settlement of conflict that occurs latently even manifest as studied in Aceh, Minangkabau, and in some places in South Sulawesi.

Keywords: *Islamization; Religious Court; Surakarta Islamic Kingdom.*

Abstrak

Hukum Islam telah ada di wilayah Indonesia sejak umat Islam menetap di nusantara. Berdasarkan pendapat yang disimpulkan pada Seminar Masuknya Islam ke Indonesia yang diselenggarakan di Medan tahun 1963. Dalam proses Islamisasi di Indonesia yang dilakukan oleh para saudagar melalui perdagangan dan perkawinan. penelitian dalam jurnal ini bersumber dari penelitian jenis data pustaka yang berfokus pada analisis literatur yang telah ada. Penelitian ini tidak melibatkan

pengumpulan data primer melalui observasi atau eksperimen langsung, melainkan memanfaatkan sumber informasi tertulis seperti buku, artikel, dan publikasi ilmiah. Karesidenan Surakarta memiliki sistem hukum yang sudah ada sejak zaman Kerajaan Mataram dan Pemerintah Hindia Belanda tetap mempertahankan sistem hukum tersebut di bawah pengawasannya. Hukum sangat erat kaitannya dengan bidang-bidang yang lain, terutama tatanan sosial dan ekonomi. Keraton Surakarta memiliki struktur pemerintahan yang mewarisi pemerintahan Kerajaan Mataram II, Pajang dan Demak. dengan wewenang demikian, proses petumbuhan dan perkembangan pengadilan pada berbagai kesultanan memiliki keunikan masing-masing. Pengintegrasian, atau hidup berdampingan antara adat dan syara', merupakan penyelesaian konflik yang terjadi secara laten bahkan manifes sebagaimana terkaji di Aceh, Minangkabau, dan di beberapa tempat di Sulawesi Selatan.

Kata kunci: Islamisasi; Peradilan Agama; Kesultanan Surakarta.

INTRODUCTION

Islamic law has existed in Indonesian territory since Muslims settled in the archipelago. Based on opinions concluded at the Seminar on the Entry of Islam into Indonesia held in Medan in 1963, Islam entered Indonesia in the 1st century Hijri or in the 7th century AD. Another opinion states that Islam only entered the archipelago in the 13th century AD. The first area visited at that time was the northern coastal area of Sumatra, which later succeeded in forming the first Islamic community in Samudera Pasai, northern Aceh.

In the process of Islamization in Indonesia carried out by merchants through trade and marriage. This is evident from the fact that if a Muslim merchant wishes to marry, for example a native woman, she must first convert to Islam and subsequent marriages will take place in accordance with the provisions of Islamic Shari'a.

In the era of the Hindu kingdom, before the entry of Islam into Indonesia, there was a judicial institution that was divided into two parts, namely the pudu court and the civil court.¹ Whereas in the early period

¹ Ahmad R. "Peradilan Agama Di Indonesia", YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam, 2015, vol. 6 no. 2, hal. 312

of Islam entering Indonesia, the establishment of the judicial system was still quite simple, namely in the form of *tahkim* to religious leaders.

The life journey of religious courts is certainly not as smooth as imagined. Sometimes the authority and power possessed are in accordance with Islamic values and the reality that exists in society, other times the authority and power are limited by various policies and laws and regulations, often even experiencing various fabrications from the ruler (Dutch colonial) and certain groups of society so that the position of religious courts is weakened.²

Islamic law as a single law had a strong force in society and state legislation before the Dutch implemented their legal politics in Indonesia. Islamic kingdoms that once existed in Indonesia implemented Islamic law in their territory. The Kingdom of Samudra Pasai was the first Islamic kingdom established in North Aceh at the end of the 13th century AD which was then followed by the establishment of other Islamic kingdoms, for example in the eastern part of Indonesia also stood Islamic kingdoms, such as: Tidore and Makassar. In the middle of the 16th century, a new dynasty emerged, namely the Kingdom of Mataram which had an important role in the spread of Islam in the archipelago, this kingdom ruled in Central Java, and which later succeeded in conquering small kingdoms on the north coast. With the entry of the ruler of the kingdom of Mataram into Islam, then at the beginning of the 17th century AD the spread of Islam almost covered most of Indonesia (Muchtar Zarkasyi: 21).

RESEARCH METHODS

The method used qualitative method is sourced from library data that focuses on analyzing existing literature. This research does not involve primary data collection through observation or direct experimentation, but rather utilizes written sources of information such as books, articles, and scientific publications. Researchers will develop a theoretical framework based on an in-depth literature review, filter and synthesize relevant information to support the formulation of hypotheses or research findings.

Although this method does not produce new data, its contribution lies in a deep understanding of the conceptual framework that supports the argument or findings. These methods provide a solid theoretical

² Pakarti, M. H. A. (2023). *Pembaruan Hukum Keluarga Dalam Putusan Pengadilan Agama*. Sakina: Journal of Family Studies, 7(3), 335-344. DOI: <https://doi.org/10.18860/jfs.v7i3.3935>

foundation for further research as well as provide valuable insights into the development of knowledge in a particular field.

RESULTS AND DISCUSSION

Periodization of Islamic Courts in the Early Archipelago

The entry of Religious Courts in Indonesia certainly cannot be separated and is closely related to the history of the entry of Islam in Indonesia. This is due to the entry of Islam into Indonesia and with the rapid development of Islam in Indonesia so that there are many Islamic sultanates / kingdoms ruling in various regions of Indonesia, indirectly showing that the entry and development of Religious Courts in Indonesia is none other than the entry of Islam in Indonesia.

As explained in the discussion chapter that Islam entered Indonesia is estimated around the 7th century to the 13th century AD, at that time many Muslim traders from Arabia, Persia, and Gujarat who made stops in the coastal areas of Indonesia to trade.³

With the entry and settlement of Arab and Gujarati merchants in Indonesia, gradually made the surrounding community groups in the area visited slowly apply Islamic law in various fields such as in the fields of worship, muamalah, munakahat, and 'uqubat. So that in the end Islam can develop into an Islamic kingdom.⁴

In its development, at that time Islamic law was also used in solving problems in the fields mentioned above, and the problem was resolved through religious courts,⁵ Although Islamic law has begun to be implemented in some practices, it has not been fully resolved, because juridically there is no religious judiciary. Prior to the establishment of the judiciary and the arrival of the Dutch in Indonesia, scholars say that there was a periodization of religious courts in Indonesia, three of which were⁶:

1. The period Arbitration

This period is referred to as the early period of the development of religious justice in Indonesia. Where at that time Islam had just entered several regions in Indonesia, with the number of followers of Islam which was still quite small. In this

³ Badri Yatim. "*Sejarah Peradaban Islam Dirasah Islamiyah II*", (Jakarta: PT. Raja Grafindo Persada, 2013), hal. 192

⁴ Ismanto, dan Suparman. "*Sejarah Peradilan Islam Di Nusantara Masa Kesultanan-Kesultanan Islam Pra-Kolonial*", Historia Madania, hal. 68

⁵ *Ibid.*

⁶ Faisal. "*Histori Pemberlakuan Peradilan Agama Era Kerajaan Islam Dan Penjajahan Di Indonesia*", Al-Qadha, vol. 6 no. 1, hal. 20

period, when someone is faced with a problem or dispute, then they will appoint voluntarily to settle their case to a 'ulama' or religious expert provided that both parties to the dispute are willing to accept and obey whatever decision has been determined by the ulama'. Usually the cases decided in this matter are non-criminal matters.⁷

2. The period Ahl al-Hilli wa'l-'Aqdi

After Islamic community groups were formed and were able to regulate their own living arrangements, in the exercise of judicial authority, the community at that time began to appoint someone with broad knowledge and trust to be the elder of the community.⁸ According to another period, this period explained that the Dutch government began to hand over some judicial authority to the sultans or kings who were ruling at that time. as in the Kingdom of Saudra Pasai, Aceh, Demak, and Banten.⁹

3. The period Tauliyah

After the formation of Islamic kingdoms in Indonesia, the appointment of judges was carried out by means of Tauliyah from the Imam, or delegation of authority from the Sultan as the head of State, the head of State as the ruler had the authority to appoint people who had met certain requirements to become judges in the territory of the kingdom (*penghulu agung*) determined by the head of state or sultan, in carrying out his duties the supreme ruler was also assisted by several advisors who were later called the *surambi court*.¹⁰

This period was an important period in the history of the entry of Islamic law in Indonesia. This was due to the emergence of Islamic sultanates in Indonesia which shifted the Hindu-Buddhist kingdom, making Islamic law used as positive law, where at that time the sultans positioned Islamic law as state law. In addition, it can also be seen that in the 16th and 17th centuries there appeared some fiqh literature written by ulama'-ulama' of the archipelago.¹¹

⁷ Basiq Djalil. "*Peradilan Agama Di Indonesia*", (Jakarta: Kencana Prenada Media Group, 2010), hal. 31

⁸ Faisal. "*Histori Pemberlakuan*", hlm. 20

⁹ Basiq Djalil. "*Peradilan Agama Di Indonesia*"....., hlm. 32

¹⁰ *Ibid.*

¹¹ Ismanto, dan Suparman. "*Sejarah Peradilan Islam.....*", hlm.71

With the development of Islamic law in this period does not mean that everything went smoothly, there were challenges that arose afterwards, namely with the arrival of western colonialism who came to the archipelago with trade missions, political missions, and even Christianization missions.¹²

Actually, before Islam came to Nusantara, in this country there were two types of courts, namely Civil courts and Unified Courts. The Civil Court handled matters under the king's jurisdiction, while the Unified Court handled matters that were not within the king's authority. Civil Courts when viewed in terms of legal substance take the law from Hindu law contained in the pepakem or book of law, so that it becomes written law. Meanwhile, the Padu Court is based on the original unwritten law of the archipelago.¹³ According to R. Tresna (1977: 17), with the entry of Islam in the archipelago, the legal system in the archipelago changed.

Islamic law not only replaces Hindu law contained in pre-civil law, but also has an impact in various aspects of people's lives in general. Although native law is still present, Islamic law is pervasive among its adherents, especially in family law. This greatly impacted the process of establishing and developing Religious Courts in Indonesia.

Actually, Islamic law in the archipelago has existed for a long time among Muslim communities, of course, this is related to the growth and development of Islam. If we look before Islam entered, Indonesian society had embraced a culture of animist beliefs and dynamism. Furthermore, kingdoms were established and built based on their religions, such as Hinduism, Buddhism and followed by Islamic kingdoms / sultanates supported by Islamic religious broadcasters. The historical basis of Islamic law in the Nusantara region according to some historians began at the beginning of the Hijri century, or around the 7th and 8th centuries AD.

As the main way of entry of Islam into the archipelago, the northern region of Sumatra served as the starting point for the spread of Islamic teachings by Muslim immigrants. Slowly, this da'wah movement led to the formation of the first Islamic community in Peureulak, East Aceh. The development of the Muslim community in the region was then

¹² Ibid.

¹³ Abdul Halim, *Peradilan Agama dalam Politik Hukum Islam*, PT. Raja Grafindo Persada, Jakarta, 2000, hlm. 34

followed by the establishment of the first Islamic Kingdom around the 13th century, known as Samudera Pasai, located in North Aceh.

With the establishment of the Kingdom of Samudera Pasai, the influence of Islam increasingly spread which led to the establishment of other Islamic Kingdoms such as the Sultanate of Malacca located not far from Aceh. In addition, there are several in Java, including the Sultanates of Demak, Mataram, and Cirebon. Then in the Sulawesi and Maluku regions, there are the Kingdom of Gowa and the Sultanates of Ternate and Tidore.

Islamic law in this period became an important phase in the history of Islamic law in the archipelago. With Islamic Kingdoms replacing Hindu-Buddhist Kingdoms, this marked the first time Islamic law was present in the archipelago as positive law. This is supported by the facts and the existence of fiqh literature written by Nusantara Ulama in the 16th and 17th centuries. During this time, the rulers placed Islamic law as the law of the land.

Islam was chosen by society because theologically its teachings provide confidence and peace to its adherents. In this period people voluntarily and obediently submitted and followed the teachings of Islam in various dimensions of life. However, this situation was later disturbed by the arrival of Western colonialism, which brought certain missions, ranging from trade missions, politics, even to Christianization missions.

History of the Development of Religious Courts in Indonesia

1. Kingdom of Samudera Pasai

Islam entered Indonesia around the 13th and 14th centuries AD, starting in the Kingdom of Samudera Pasai. The spread of Islam was brought by traders from Hadramaut and Gujarat, India, as well as a small number of individuals from Persia. The development of Islam in this period was more dominant in coastal areas closer to ports, while in inland areas, Islam was less dominant due to limited transportation at that time.

Islamic history records that Samudra Pasai was the first Islamic Kingdom in Indonesia. The kingdom was established after Rajendra I of India from 1020 to 1024 failed to subdue the region, causing a loss of sympathy from the locals and subsequent defeat. Malikus Saleh is recorded as the King who ascended the throne, became the first ruler to embrace Islam, establishing his kingdom called Samudera Pasai.

This kingdom is an Islamic Kingdom that implements Islamic criminal law. According to Hamka, it was from Pasai that

Shafi'i ideology developed and spread to other Islamic Kingdoms in Indonesia, even after the establishment of the Islamic Kingdom of Malacca (1400-1500 AD), Islamic jurists from Malacca came to Samudra Pasai to seek legal rulings on various legal issues faced in society.¹⁴ The implementation of Islamic law is integrated with judicial institutions and is organized hierarchically. The first instance is conducted by a village-level court presided over by a *keuchik*, handling only minor cases. Appeals from courts of first instance can be made to *ulee balang* (courts of second instance). Furthermore, appeals can be made to the Sultan, whose implementation is handled by the Supreme Court consisting of *Malikul Adil*, *Orang Kaya Sri Paduka Tuan*, *Orang Kaya Raja Bandhara*, and *Faqih (ulama)*.¹⁵ The implementation of Islamic penal law has been carried out in this Kingdom, such as the execution of stoning for *Meurah Pupoek*, a son of the king who was convicted of adultery.

The implementation of Islamic law in this Kingdom knows no title or social class, ranging from the Royal family to the common people. If found to have violated Islamic law, the individual will without hesitation receive a punishment proportional to his actions.

1. Islamic Religious Court in the Kingdom/Sultanate of Mataram

The most important Islamic kingdoms in Java were Demak (which was later replaced by Mataram), Cirebon, and Banten. In eastern Indonesia, the most important were Goa in South Sulawesi and Ternate whose influence extended to the Philippine archipelago, in Sumatra, Aceh being the most important whose territory included Malays. The scattered state of the Indonesian Kingdoms and their relations with neighboring countries, such as Malaysia and the Philippines.¹⁶

Before Sultan Agung became Sultan of Mataram, Islamic law had limited influence in the Kingdom, as many of them adhered to Hinduism. During the reign of Sultan Agung (1613-1645) Islamic

¹⁴ Ismanto, *Sejarah Peradilan Islam di Nusantara Masa Kesultanan-Kesultanan Islam Pra-Kolonial*, Historia Madania, hlm. 72

¹⁵ Jefik Zulfikar, *Sejarah Hukum Islam di Indonesia: Dari Masa Kerajaan Islam Sampai Indonesia Modern*, Vol. 9, Tamaddun: Jurnal Sejarah dan Kebudayaan Islam, 2021, hlm. 173

¹⁶ Miftakhur Ridlo, *Sejarah Perkembangan Peradilan Agama pada Masa Kesultanan dan Penjajahan Sampai Kemerdekaan*, Vol. 7, Asy-Syari'ah: Jurnal Hukum Islam, 2021, hlm. 155

law developed rapidly and had a significant impact on the Kingdom. This statement is supported by the transformation of the legal system in Mataram which adjudicates cases that endanger the security of the Kingdom. The term for this judicial process is qishah, a term that retains its original language. The kingdom did not fully apply Islamic penal code, applying it only to matters related to bughah (rebellion).

With the establishment of Mataram as an Islamic Sultanate/Kingdom under the rule of Sultan Agung, changes were introduced in the judicial system to include elements of Islamic law and teachings through the involvement of Muslims in the judiciary of civilization. However, after the public was considered ready and understood the policies implemented by Sultan Agung, the existing pre-civil court system was changed to Surambi Court and this institution was not directly under the king's rule but was led by ulama. Although the head of the court was principally under the authority of the sultan, in practice it was in the hands of religious leaders, accompanied by several scholars from the pesantren as members of the assembly. The Sultan never took decisions contrary to the advice of the Surambi Judiciary.

Despite the name change from the Pradata Court to the Surambi Court, its jurisdictional authority remains the same as that of the Pradata Court. When Amangkurat I succeeded Sultan Agung in 1645, the Pradata Court was revived to reduce the influence of the clergy in the judicial system, with the king himself presiding over it. However, in subsequent developments, the Surambi Court continued to exist until the Dutch colonial period, albeit with limited authority. According to Snouck (1973: 21) the court has the authority to resolve disputes related to family law, especially marriage and inheritance.¹⁷

The Surambi Court or Dalem Ing Surambi Law in Yogyakarta Palace is presided over by a chief justice known as the "chief judge." As chairman, the chief judge obtained a title from the Sultan, namely Kyai Penghulu. It is likely that the first chief judge in Yogyakarta to be given responsibility for the mosque was Kyai Penghulu Sheikh Abidin.

In carrying out their duties to deal with problems in society, the chief judge is assisted by four members known as "pathok

¹⁷ Ismanto, *Op. Cit.*, hlm. 73

nagara" or in subtle language "pathok nagari," both the chief judge and the state pathok are considered courtiers. In a later development, this membership structure was expanded with the addition of several preachers who were in charge of giving sermons in several mosques on Fridays. The books of law used together with the Qur'an and Hadith are the books of fiqh, namely the books of Muharrar, Mahali, Tuhfah, Fathul mu'in, and Fathul Wahab. If this is so, the task of the chief judge and his members, namely pathok nagara with courtiers in the field of law and religion in society is undoubtedly very large.

2. Islamic Courts in the Kingdom/Sultanate of Aceh and Banjar

In Aceh, the judicial system based on Islamic law is integrated with the district courts which have several levels:

- a) Conducted at the village level led by Keucik, this court only handles minor matters. Meanwhile, cases that are classified as heavy are handled by the Mukim Law Center.
- b) If the disputing parties are not satisfied with the decision in the first instance, they can appeal to the second instance, namely Oeloebalang.
- c) If the decision in Oeloebalang is still deemed unsatisfactory to seek justice, they can appeal to a court of third instance called Panglima Sagi.
- d) If Panglima Sagi's decision is not satisfactory, there is still the option to appeal to the Sultan. Its implementation is carried out by the Supreme Court whose members consist of malikul adil, orang kaya sri paduka tuan, orang kaya bandara, and fakih (ulama). The judicial system in Aceh clearly shows its hierarchy and absolute power.¹⁸

3. Religious Courts in Banjar Kingdom

No one can definitively determine when Islam first entered the Kingdom of Banjar or South Kalimantan. Even so, it can be said that Islam began to enter and develop in South Kalimantan at least in the 16th century. The penal system is purely applied in this Kingdom, as evidenced by the punishment of chopping off hands for thieves and stoning for adulterers. Banjar Kingdom is recorded as a large kingdom that adheres to Islam.

The initial process of spreading Islam initially took place from individual to individual, but reached a solid stage of spread

¹⁸ Cik Hasan Bisri, *Peradilan Agama di Indonesia*, (Jakarta: PT. Raja Grafindo Persada, 2003), Cet: 4, hlm. 115

when the Sultan of Banjar (formerly known as Pangeran Samudera) decided to embrace Islam and changed his name to Pangeran Suriansyah. Prince Samudera's decision to embrace Islam was taken when he won the battle against his uncle, Prince Tumenggung, with the support of the Kingdom in Java.

With the conversion of the King, further development became smoother because it was supported by other facilities and facilities which ultimately brought the Banjar community into a life that was entirely based on Islam. However, similar to the entry of Islam in Indonesia dating after Hinduism, the conception of law applied in the Banjar Kingdom does not seem to be entirely based on the Qur'an and As-Sunah. In South Kalimantan, before the entry of Islam, old indigenous traditions of animism flourished. This is a challenge for preachers who persistently seek to eliminate any teaching that contradicts Islam.¹⁹

Religious life is implemented through the presence of muftis and qadhis who are judges and advisors to the Kingdom in matters of religion. In carrying out their duties, their main focus is to deal with issues related to family law and marriage law. Qadhi also in addition to handling private law matters, also specialized in handling criminal cases known as Had. In the History of Banjar, records record the application of the law of murder to apostate Muslims, the punishment of chopping off hands for thieves and corporal punishment for adulterers.

Even within the legal framework of the Banjar Kingdom, the rule of law has been regulated simply following the principles of Islamic law completely. This attempt at codification became known as the Sultan Adam Act. In the end, the position of the Sultan of Banjar was not only as a ruler in the Kingdom, but also recognized as the Ulul Amri of Muslims throughout the Kingdom.

During the sultanate era in the Banjar region, the Religious Court became real as seen in the biography of Datu Abulung. He was sentenced to death by the Sultan for spreading the teachings of wahdatul wujud. Sultan Tahmidullah decided on the death penalty after deliberation with the scholars and they concluded that, based on the interest of public safety and the responsibility of a leader to protect the creed and welfare of his people; Rejecting potential

¹⁹ Ismanto, *Op.Cit.*, hlm. 78

damage takes precedence over bringing good. Therefore, the Sultan decided to sentence Datu Abulung to death.²⁰

4. Islamic Religious Courts in Priangan

Not only in Sultan Agung's territory, but also on the north coast of Java especially Cirebon, Islamic law especially with regard to family issues had a significant influence. In Priangan, for example, there is a Religious Court that adjudicates cases that can currently be categorized as subversive issues. This court refers to the guidelines set by the rulers who are religious figures in the Kingdom.

The judicial system in Cirebon is governed by seven Ministers representing three Sultans, namely Sultan Sepuh, Sultan Anom, and Panembahan Cirebon. All court events are decided based on the Mataram, Jaya Lengkar, Kontra Menawa, and Adilullah laws. One thing that cannot be denied is that Papakem Cirebon has seen the influence of Islamic law.

In Cirebon or Priangan there are three forms of court, namely the Religious Court, the Drigama Court, and the Cilaga Court. The ability of the Religious Courts is that cases can be threatened with corporal punishment or the death penalty, which is the absolute authority of the civil courts in Mataram. The cases are no longer transferred to Mataram, because lately the power of the Mataram government has declined from before it. The absolute authority of the Court of Drigama is marriage and inheritance. The Cilaga court specializes in differences in commercial interests. This court is known as the referee court.

5. Islamic Religious Court in Banten

Meanwhile in Banten, the talks were held based on the meaning of Islam. During the reign of Sultan Hasanuddin, the impact of Hindu law has disappeared because in Banten there is only one court headed by Qodli as the sole judge. Unlike in Cirebon, the court was conducted by seven ministers representing three sultans, namely Sultan Sepuh, Sultan Anom, and Panembahan Cirebon. The law book used is the Cirebon pepakem which is a collection of various ancient Javanese laws, which contain the Law Book of King Niscaya, Mataram Law, Jaya Lengkar, Kontra Menawa, and Adidullah. However, one thing that cannot be denied is that the Cirebon pepakem has no influence of Islamic law.

²⁰ Ahmadi Hasan, *Adat Badamai Interaksi Hukum Islam dan Hukum Adat pada Masyarakat Banjar*, (Banjarasin: Antasari Press), 2009, hlm. 123

The system applied in Indonesia including Banten is a plural legal system, because in this country applies various kinds of legal systems such as customary law, Islamic law, and Western law. This happens because Indonesia has a population of different religions, the three laws have been applied in Indonesia even though the circumstances and time of validity are not the same.²¹

In other words, Western law and customary law focus only on worldly affairs, whereas Islam is not limited to worldly affairs only, but also afterlife affairs.²² The Dutch first set foot in the port of Banten in 1596. The beginning of the Religious Court began to conduct there and what was the attitude of the Dutch towards the Religious Court in this area, it can be known how Islam first entered Banten. After the city of Banten, one of the port cities of the kingdom of Pakuan-Pajajaran was controlled by Falatehan, a government was immediately formed in the name of the Sultan of Demak. Shortly after that Sunda Kelapa which was also one form of the port city of Pakuan-Pajajaran which was also successfully controlled, was then named Jayakarta and became the territory of the Banten sultanate. Cirebon as the last port city of Pakuan-Pajajaran was also occupied by Falatehan, as a courtier of the Sultan of Demak in order to spread Islam, so that Banten, Sunda Kelapa, and Cirebon became Demak's territory.

In 1552 Falatehan moved to Cirebon and continued to rule the area, while the government in Banten was handed over to his eldest son, Hasanudin. In 1568, Hasanudin declared the Banten sultanate an independent state, independent of Demak rule, and began to run his own government. Among them is the administration of justice in the sultanate. The people of Banten, before state power was usurped by Falatehan, had begun to embrace Islam. This can be made easier because Syahbandar in Banten who ruled on behalf of Prabu Siliwangi had embraced Islam. The people of Banten as followers of Islam who have just converted to Islam are very active in carrying out their religion and obeying Islamic law.

Although Cirebon stood almost simultaneously with the Banten Sultanate, the upper layers of Cirebon society originating from Demak were still closely bound to the norms of Old Javanese

²¹ H. Mohamad Daud Ali, *Hukum Islam: Pengantar ilmu hukum islam dan tata hukum islam di indonesia*. (Pt. Raja Grafindo persada: Jakarta, 1993) h. 187.

²² Sirojul Munir, *Jurnal Pengaruh Hukum Islam terhadap Politik hukum Indonesia*, *Istinbath, Jurnal Hukum Islam* Vol. 13, No 2, Desember 2014. h. 133.

laws and customs. This can be influenced by the development of the judicial system in both sultanates. The trial in Banten was held based on Islamic understanding. No trace of the court ever existed and operated under Hindu law as a creation of the Pakuan-Pajajaran kingdom, when Sultan Hasanudin ruled. In the 17th century there was only one type of court in Banten, headed by Kadhi as the sole standing judge.

In the 17th century the Sultanate of Banten had implemented Islamic law perfectly, so that at the beginning of the 17th century the ruler of the kingdom of Mataram had just converted to Islam. However, with the entry of the rulers of the kingdom of Mataram into Islam in the early 17th century, the spread of Islam almost covered most of Indonesia because the territory of the kingdom of Mataram covered almost the entire territory of Indonesia.

6. Islamic Courts in Sulawesi

In Sulawesi, the process of unifying Islam and its institutions into the government and customs of the kingdom went more smoothly because of the role of the king. In Sulawesi, the first kingdom to officially accept Islam was the kingdom of Tallo in South Sulawesi. Then followed by the kingdom of Goa which is the strongest kingdom and can influence among its people.

In other regions, such as in South and East Kalimantan and elsewhere, religious judges are appointed by local governments. The existence of various types of courts indicates the same position, as one of the executors of the power of the king or sultan. In addition, the authority of the Religious Court basically covers the area of family law, namely marriage and inheritance. With this authority, the process of the number and development of palaces in various sultanates became distinctive. And the function of the sultan in those days was as a representative in case of legal differences.

In Sulawesi, uniting Islam and its institutions into the administration of kingdoms and customs went more smoothly because of the role of the king. Through political power, a Parewa Sharia (Sharia official) was placed in the royal structure, which had the same position as the Parewa Adek (adek official) that had existed before the entry of Islam (level II palace). Parewa Shara was headed by Kali (Kadli), the highest official in Islamic law domiciled at the center of the kingdom (court of third instance). In each Paleli, an official is appointed who is called an imam and assisted by a khatib

and Bilal (court of first instance). Kadi and other officials are given salaries taken from zakat harta, alms on Eid al-Fitr and Eid al-Adha, royal holidays, funerals and weddings. This happened during the reign of King Gowa XV (1637-1653) when Malikus Said was in power. In the past, King Gowa himself was a judge of Islam.

Religious Justice System During the Surakarta Sultanate

Colonialism in Surakarta had significant differences compared to other regions in the Dutch East Indies. In Gubernemen - the term used for Dutch-controlled areas - government was direct, meaning that the institutional organizational structure was based on the Dutch East Indies Government based in Batavia. High-ranking officials in the Gubernemen were native Dutch and the process of replacement was based on the policy of the Dutch East Indies Government. In Surakarta, the Sunans and Dukpati of Mangkunegara remained local rulers and not Dutch officials. But in reality Papatih Dalem had a very dualistic position, because on the one hand he was a high-ranking official of the palace and on the other hand he was part of the Dutch officials. The position of Papatih Dalem in the organizational structure of the palace is the second highest official after Sunan and takes care of government administration so that the dualism attached to this position overshadows the independence of the palace. The dualism of the position of Papatih Dalem is unique in the practice of Dutch colonialism because the position only applies in the Vorstenlanden region and Surakarta is included in it.

During the Surakarta Residency, with the concurrent status of Papatih Dalem and the position of Sunan and Adipati Mangkunegara, the Dutch East Indies Government said this area as a semi-autonomous region. In terms of government administration in the Dutch East Indies, the Surakarta Residency only had one resident and resident assistant representing Europees Bestuur and did not have the identity of Inlands Bestuur at all. In Surakarta Residency, local government is purely coordinated by Surakarta Kasunanan and Mangkunegaran Duchy. The existence of a resident in Surakarta Residency is proof that the Dutch East Indies Government has the right to make policies to govern this region even though it has semi-autonomous status. One of the things that became a special concern of the Dutch East Indies Government in Surakarta Residency was the field of local law. Law is of particular concern because it is an important aspect in the constitutional life of society and is a set of rules made by the ruler to regulate people's lives.

Surakarta Residency has a legal system that has existed since the time of the Kingdom of Mataram and the Dutch East Indies Government still maintains the legal system under its supervision. Law is closely related to other fields, especially the social and economic order of society because the existence of law itself guarantees the creation of a safe and peaceful situation.

Surakarta Palace has a government structure that inherits the government of the Kingdom of Mataram II, Pajang and Demak. Among these government officials, there is one official called "PENGULU" whose organizational structure goes down to the Kapanewon (subdistrict) level, namely:

- a. Pengulu Ageng.
- b. District Governor.
- c. Subdistrict/Duty Supervisor.

The main duties of the Ageng Foreign Government in Surakarta itself are 3;

- a. Sharia law relating to worship, etc. And has the authority to form Imams and Mosque Staff to manage places of worship (Mosques).
- b. Apply Sharia Law in Surambi Court, accept, examine and decide divorce, inheritance, will, marriage, division of mutually beneficial property (joint property) etc.
- c. Conducting religious affairs in general, especially marriage matters and acting as Guardian Judge, in an institution called: Yugosworo Office of Religious Affairs (KUA).

At the time of the issuance of the Decree of the King of the Netherlands dated January 19, 1882 No. 24 Stbl 1882 No. 152 concerning the establishment of the Religious Council of the Javanese & Madura Pengulu in Surakarta held by K. Pengulu Tafsir Anom ke V. At the graduation ceremony on 3 Safar 1815 AD / 1883 AD and at the formation of Landraad in Surakarta on March 1, 1903, he was appointed Hoofd Pengulu of Landraad by Decree of the Resident dated 7 January 1903.

As for those who have served as Pengulu Ageng Kraton Surakarta Hadiningrat, since the first time the Kraton was established in 1738 AD, since the move of the Palace from Kartosuro to Surakarta, the order is as follows:

- a. Kanjeng Kyahi Pengulu Jalalain II
- b. Kanjeng Kyahi Pengulu Muhammad Thohar Hadiningrat
- c. Kanjeng Kyahi Pengulu Tafsir Anom Hadiningrat ke I

- d. Kanjeng Kyahi Pengulu Mertoloyo
- e. Kanjeng Kyahi Pengulu Sumemi (Tengah)
- f. Kanjeng Kyahi Pengulu Diponingrat III
- g. Kanjeng Kyahi Pengulu Tafsir Anom II
- h. Kanjeng Kyahi Pengulu Tafsir Anom III
- i. Kanjeng Kyahi Pengulu Tafsir Anom IV
- j. Kanjeng Kyahi Pengulu Tafsir Anom V

Raad Serambi is based in the foyer of the Great Mosque of Surakarta. It was only around 1935 that Raad Serambi had an office in Yugosworo, the Surakarta Palace building located north of the gate of the Great Mosque of Surakarta.

CONCLUSION

A court that is a tool for Muslims in implementing Islamic Law, the Islamic Religious Court is specifically for the Muslim community in Indonesia, as a complete tool for the implementation of Islamic Law itself. So this Religious Court grew and developed in the archipelago which was then welcomed happily and well by the people of Indonesia. Although it is fully realized that the Religious Courts in particular and the Science of Islamic Law in general have never developed markedly in Indonesia when compared to other countries, especially those with a majority Muslim population, nevertheless the conceptions of Islamic Law have contributed a very good potential for the development and formation of Islamic Law.

With a variety of courts it shows its position as one of the executors of the kingdom or sultan. In addition, basically the limitation of religious authority covers the area of family law, namely inheritance marriage. With such authority, the process of growth and development of courts in various sultanates has its own uniqueness. Integration, or coexistence between adat and syara', is a latent and even manifest resolution of conflicts as studied in Aceh, Minangkabau, and in several places in South Sulawesi. The position of the sultan as supreme ruler has, in many ways, served as a peacemaker in case of legal disputes. Furthermore, the Religious Court in the Dutch era carried certain missions, ranging from trade missions, politics and even Christianization missions. Initially, they knew that in the midst of Indonesian society, customary law was applied which had been influenced by Islam and was more inclined to its religious elements than the customary law itself. From the brief description of the history of the development of religious courts mentioned above, it can be concluded that religious courts aspire to be able to provide legal protection and services to the community

From the brief description of the history of the development of religious courts mentioned above, it can be concluded that religious courts aspire to be able to provide legal protection and services to the community. The legal awareness of the community channeled through the religious courts has great significance in the formation of government legal politics. Thus, the more the ummah is committed to Islam, the more aware of the need for Islamic law for itself, the more upright and strong the religious judiciary will be in the future.

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