

LAW AND CULTURE

The Legitimacy of Islamic Sharia and Indonesia's Positive Law in Rejecting the Practice of Javanese Mysticism in the Muslim Community

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Abstract

This article examines in depth the dynamics of interaction between Islamic sharia principles and positive Indonesian law in responding to the sustainability of Javanese mystical practices among some Muslim communities. Practices such as offerings, ruwatan, pesugihan, non-shari'i tirakat, and various forms of spiritual rituals based on local beliefs are understood in normative Islam as activities that contain elements of superstition, superstition, and the potential of shirk, so that they are contrary to the purity of the creed and the principle of monotheism. On the other hand, Indonesia's positive law through the constitution, cultural laws, and regulations related to public order provide restrictions on cultural activities that have the potential to be misleading, cause harm, or contrary to the religious values recognized by the state.

This research adopts a juridical-normative and theological-analytical approach to interpret how national law and religious norms can synergize in forming a strong legitimacy framework for Muslims to reject or not engage in Javanese mystical practices. The findings of the study show that the state not only provides space for religious people to practice their religious teachings in a pure way, but also provides legal instruments to restrict cultural practices

that are considered deviant from religious teachings, mislead society, or threaten public order. Thus, the synergy between Islamic sharia and positive Indonesian law becomes a strong normative basis for the rejection of Javanese mystical practices, while emphasizing the role of the state in maintaining the purity of religious teachings and protecting the community from potentially harmful cultural practices.

Keywords: *Islamic law, positive law, Javanese mysticism, Javanese culture, cultural rejection, public order.*

A. INTRODUCTION

Indonesia as a country of law based on the principle of the Almighty God has a demographic composition dominated by the Muslim community. This condition creates a special dynamic in the relationship between Islamic teachings as a source of normative value and local cultural traditions as historical heritage. One of the most prominent forms of intersection occurs in the practice of Javanese mystical culture, which is still practiced by some people, especially in rural areas and Javanese indigenous communities. These practices include ritual ruwatan, salvation with magical elements, the use of offerings for supernatural entities, certain ritual practices, the search for supernatural magic, to pesugihan which explicitly contains worship of spirit beings.¹

Although considered an expression of local culture and identity, the mystical practice poses serious theological problems when practiced by Muslims. From the perspective of Islamic faith, rituals or beliefs that involve intermediaries other than Allah, hope for supernatural beings, the search for supernatural powers without sharia legitimacy, or vague or explicit forms of servitude, can fall into the categories of superstition, superstition, bid'ah dhalalah, and grand shirk which

¹ Koentjaraningrat, *Javanese Culture* (Jakarta: Balai Pustaka).

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are the greatest violations of the principle of monotheism. A number of classical and contemporary scholars from the four schools of fiqh, including the Fatwa Council in various Muslim countries and the fatwas of the Indonesian Ulema Council (MUI), have consistently affirmed the prohibition of these practices because they have the potential to damage the purity of the faith.²

At the same time, Indonesia's positive legal framework provides a clear space to assess and limit cultural practices that are considered contrary to religious values, endanger society, disturb the public, or contain elements of fraud and moral deviation. The Constitution through Article 29 of the 1945 Constitution guarantees the freedom of religious people to practice their beliefs, while various laws and regulations—including the Criminal Code, the Consumer Protection Law, the Blasphemy Law, and regulations on culture—place limits so that cultural practices do not harm, mislead, or impose beliefs that are contrary to religious teachings.³

In such a context, it is important to examine how the synergy between Islamic sharia and positive law can be the basis for legitimacy for Muslims to reject or not participate in Javanese mystical practices that are considered contrary to the faith. This article aims to show that such rejections not only have strong theological justifications, but also gain support from a national legal framework that protects religious freedom, public order, and the moral integrity of society. Thus, this research offers an academic perspective that combines Islamic review and juridical analysis as an argumentative basis in understanding the phenomenon.⁴

² Muslim, Sahih Muslim; Abu Dawud, Sunan Abi Dawud; Indonesian Ulema Council, Fatwas.

³ the Constitution of the Republic of Indonesia in 1945; Law No. 8 of 1999 concerning Consumer Protection; Criminal Code.

⁴ Satjipto Rahardjo, Law and Society.

B. RESULTS AND DISCUSSION

1. Islamic Sharia Perspective on Mystical Practices

In Islam, the concept of monotheism as the foundation of faith occupies a central position. The Qur'an affirms the prohibition of shirk as the greatest sin that will not be forgiven if it is not repented (QS. An-Nisa: 48; QS. Al-An'am: 88). Shirk in this context includes not only direct worship of other than Allah, but also any form of supplication, hope, or dependence on supernatural entities and subtle beings.

Sahih hadiths provide strict restrictions on activities that are close to shamanic practices and non-shari'i spirituality. The Prophet Muhammad PBUH said: "Whoever comes to a shaman or a fortune teller, his prayer will not be accepted for 40 days." (HR. Muslim). In another narration it is stated that believing in the words of the shaman is a form of disbelief in the revelation that has been revealed (HR. Abu Dawud). In addition, the prohibition of fabricating rituals of worship without a clear basis is stated in the famous hadith: "Every bid'ah is heretical." (HR. Muslim).

The prohibition of asking for the help of jinn or associating with spirit beings is emphasized in QS. Al-Jinn: 6, which illustrates that such interactions only add to the confusion and misery of man. Thus, Javanese mystical cultural practices—such as offerings to ancestral spirits, ruwatan rituals with elements of worship, the search for supernatural magic, the practice of tirakat without the basis of sharia, and pesugihan that entrusts the help of spirit beings—are categorized as substantively contrary to the principles of monotheism and the rules of normative Islamic law.⁵

⁵ Al-Qur'an al-Karim; Ibn Taymiyah, *Majmoo' al-Fatawa*; Wahbah az- Zuhaili, *Tafsir al-Munir*.

2. Javanese Mystical Culture in an Anthropological Perspective

Classical anthropological studies, such as those conducted by Clifford Geertz in *The Religion of Java* and Niels Mulder in his studies on Javanese spirituality, explain that Javanese mysticism is the result of a long process of syncretism between animism, dynamism, Hindu-Buddhism, local elements of Javanese, and a small part of the influence of Sufism—but regardless of normative Islamic sharia. His belief structure emphasizes cosmic harmony, man's relationship with ancestral spirits, and the search for inner perfection that is not always in line with the teachings of monotheism.

Common practices include *tirakat* with special methods such as *mutih* fasting or *ngebleng* without sharia evidence; offerings to subtle spirits; salvation rituals involving spiritual mediators; to the search for knowledge as a form of supernatural power. From the perspective of legal anthropology, mystical culture is not a static system, but rather undergoes internal criticism, negotiation, and adaptation to social change—including adaptation to the demands of religious law and state law. This means that culture does not exist in an empty space, but rather that its legitimacy and compatibility with religious norms and public law can be questioned.⁶

⁶ Clifford Geertz, *The Religion of Java*; Niels Mulder, *Mistisisme Jawa*; M.C. Ricklefs, *Mystic Synthesis in Java*.

3. Indonesia's Positive Law and Restrictions on Cultural Practices

Indonesia's national legal framework provides room for cultural preservation, but still sets strict limits if a cultural practice is contrary to religious norms, public order, or harms society. Some relevant regulations that form the basis of:

Article 28J of the 1945 Constitution affirms that freedom of expression is limited by religious, moral, and public order values. This means that cultural practices cannot be claimed to be value-free when they harm society or are contrary to religious teachings.

Article 29 paragraph (2) of the 1945 Constitution emphasizes that the state guarantees the freedom of every citizen to embrace religion and worship according to his religion and belief. This guarantee implies the protection of Muslims with faith.

Law No. 5 of 2017 concerning the Advancement of Culture states that cultural preservation must pay attention to religious values, social norms, and public safety. Cultural practices that contain mystical, supernatural, or heretical elements cannot be preserved indefinitely.⁷

Article 378 of the Criminal Code on Fraud can be used to ensnare commercial shamanic practices that promise supernatural results in exchange for wealth.

Law No. 8 of 1999 on Consumer Protection prohibits service providers from offering misleading services, including spiritual claims, *pesugihan*, or occult remedies without a rational and verifiable basis.

In some cases, the Blasphemy Law can also be applied if

⁷ 1945 Constitution Article 28J; Law No. 5 of 2017 concerning the Promotion of Culture.

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cultural practices lead to the distortion of state-recognized religious teachings.

Thus, positive law does not confer sacred status or legal immunity on mystical cultural practices. The state regulates that culture remains in the moral, religious, and safety corridors of citizens.⁸

4. Kerangka Legal Pluralism

The concept of legal pluralism explains that various legal systems—state law, religious law, and customary law—coexist in society. However, this theory also asserts that when there is a conflict of norms, state law becomes the ultimate norm (the rule of law of the state), while religion gains a privileged position because it is protected by the constitution.

In the context of Javanese mysticism, legal pluralism suggests that: Customary can live as long as it does not contradict the religious laws embraced by the community. When customs are contrary to the teachings of Islam that the majority of people adhere to, there is theological legitimacy to reject them. The state can restrict customs that are contrary to the principles of public order, morality, and public safety.

This framework provides a theoretical foundation that Muslims' objections to the practice of Javanese mysticism have a normative basis in two domains: Islamic sharia and national positive law.⁹

⁸ Criminal Code Article 378; Law No. 8 of 1999 concerning Consumer Protection.

⁹ John Griffiths, *Legal Pluralism and the Social Working of Law*.

C. CONCLUSION

Based on the results of the theological, juridical, and anthropological analysis that has been described, it can be concluded that Islamic sharia places the principle of monotheism as the main basis in assessing various religious and cultural practices. In this context, Javanese mystical practices that involve offerings to ancestral spirits, hopes for supernatural entities, the search for supernatural magic, or rituals without sharia legitimacy, are clearly included in the categories of superstition, superstition, bid'ah, and even shirk. The sharia's position on such practices is firm, because this behavior has the potential to damage the purity of faith and shift the orientation of worship from Allah to creatures.¹⁰

On the other hand, Indonesia's positive law provides a regulatory framework that is in line with the view of the sharia. Various provisions in the 1945 Constitution, sectoral laws, and other legal instruments affirm that freedom of expression and cultural preservation must remain within the corridor of religious values, public order, and public safety. The state does not consider all traditions as entities that must be preserved indefinitely; Conversely, cultural practices that are detrimental, misleading, or potentially manipulative to society may be restricted and even banned. Thus, a positive legal position provides formal legitimacy for Muslims who choose to refuse or not participate in Javanese mystical rituals.¹¹

The synergy between Islamic sharia and positive Indonesian law creates a strong normative basis for the Muslim community in maintaining the faith while exercising citizenship in accordance with state law. The rejection of Javanese mystical practices cannot be understood as an anti-cultural act or rejection of ethnic identity, but rather as an effort to maintain religious integrity, public rationality, and social safety. The state, through constitutional protection of religious freedom, ensures that every religious believer has the right

¹⁰ Sayyid Qutb, *Fi Zhilal al-Qur'an*.

¹¹ Law No. 5 of 2017; Criminal Code; Law on the Advancement of Culture.

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to stay away from cultural practices that are contrary to his or her beliefs without having to face social pressure or cultural stigma.¹²

Thus, this study emphasizes that the relationship between sharia and positive law is not contradictory, but can be seen as a mutually reinforcing structure in forming a religious, orderly, and civilized social order. The integration of the two is an important foundation in dealing with cultural practices that require normative clarification, especially in the context of societies that experience intersections between religious teachings and local traditions.¹³

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¹² Soetandyo Wignjosuebrotu, Law in Society.

¹³ Franz Magnis-Suseno, Javanese Ethics.

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