

**ISLAMIC LAW CIVILISATION AND THE THOUGHT OF ULAMA INDONESIA IN  
THE COLONIAL PERIOD (19<sup>th</sup> CENTURY)**

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<b>Abstract</b>	<p><i>This paper explains the history of Indonesia's Islamic civilisation and thought during the colonial period in the 19<sup>th</sup> century. This colonial period in the 15<sup>th</sup> century when the Portuguese seized the archipelago domestic products such as spices and gold, and wanted to spread Christianity in the archipelago. In relation to this, this research aims to examine the ins and outs of the beginning of the entry of colonial nations into the Archipelago; the peak of Dutch colonial success in colonising Indonesia; the role of Islamic figures in facing these colonial powers through war in the 19<sup>th</sup> century and the intellectual heritage of the fuqoha at that time, based on qualitative, historical and library approaches. The results show that the Dutch have struggled strongly and determined to rule the archipelago by monopolising the trade of produces, seizing the power in Java, and oppressing the Religion of Islam. There was a resistant group from the community led by Islamic figures, such as Prince Dipenogoro in the Java war, Imam Bonjol in the Paderi war, and Sultan Agung Tirtayasa in the Banten war where they fought against these colonial powers and as a result, spreading Islam in Indonesia. In addition, these Islamic figures also established pesantren to spread Islamic teachings in the archipelago and so did the nusantara fuqoha in the 19<sup>th</sup> century when they had an intellectual heritage to spread the teachings of Islam in the archipelago.</i></p> <p>Keywords: <i>Law, Civilisation, Ulama, Nusantara, Thought.</i></p>
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**INTRODUCTION**

Speaking of an independent Indonesia, it is inseparable from a historical record. The history of colonization in Indonesia began in the 15<sup>th</sup> century. Indonesia was a colonial country where Europeans began to colonise Indonesia in the 16<sup>th</sup> century. The Europeans who ruled Indonesia at that time were the Portuguese. In the mid-19<sup>th</sup> century, the Dutch began to colonise the archipelago by way ethnicity and language. Later in the late 19<sup>th</sup> century, the Dutch began to colonise Indonesia in terms of politics and economy and they began to provoke the local Muslims to oppose the invaders with rebellion. Nusantara scholars, Sufi teachers and *fuqoha* get together and united to fight against the colonials for the future of Indonesia (Nadia Nur Indrawati, 2016).

The cruelty of Dutch can be seen from the monopoly of the Indonesian produced trades. They sought profit and took all the corps by force, even with their gun violence with the aim of gaining control of the economy, politic, culture, education, and religion (Samsul Munir Amin, 2015). The nobles were forced to obey the orders from the colonial rulers while the people of the lower class were always been supervised. Besides, there was

a divisive political policy carried out by the Western Imperialist aimed at preventing the unity and unity of the Indonesian community.

Not only seen from the side of society, in terms of religion, the invaders were able to oppress the nobility. the invaders oppressed the community by insulting religion. According to them, Muslim nobles were people who did not have knowledge, Muslims were forbidden to organize because of their ignorance, especially the Muslim community was closely monitored when they had performed hajj so as not to be influenced by Islamic reformers in Asia and Africa (Samsul Munir Amin, 2015).

Colonization also had a very negative impact on the Indonesian nation. They undermined Islamic civilisation by giving their culture what they often did, including: drinking alcohol, gambling, and free association. In these ways they easily controlled the archipelago and controlled the Islamic community.

At the end of the 16<sup>th</sup> century, the Dutch began to enter Indonesia. The arrival of the Dutch in 1595 was to monopolize the spice trade in Indonesia. Entrepreneurs from the Netherlands were vying to achieve the produce in the archipelago by playing the politics of trade known as the VOC. The arrival of the Dutch was very concerning to the people and the community began to do war even though the war was won by the Dutch. Among the largest wars in the history of the 19<sup>th</sup> century were the War, Java War, Paderi War, and Banten War led by prominent Muslim community leaders such as Imam Bonjol, Prince dipenogoro (Samsul Munir Amin, 2015).

## DISCUSSION

### The Entry Of Invaders Into The Archipelago

The entry of invaders into the archipelago began from the arrival of Europeans around the 15<sup>th</sup> to 16<sup>th</sup> centuries. The invaders came to the Archipelago after they managed to destroy the Islamic Kingdom during the Umayyad Dynasty II in Andalusia. Especially after Granada fell to King Ferdinand III in 1492 from Castile which was marked by the change of the crescent moon emblem with a cross over the towers. This led to muslims being forced by Cardinal Ximenezes de Cisneros to convert and burn Arabic texts (Dzulkifli Hadi Imawan, 2018).

The First European nation to colonized the Archipelago was the Portuguese, which was known for their advance in the fields of technology, geography, and astronomy. Armed with this knowledge, the Portuguese sailed the Archipelago using cannons on board and using ships that sailed quickly. The Portuguese led by Prince Henry scoured the west coast of Africa for war, seeking gold, besieging Muslim opponents, gaining spice to Asia and cutting off the shipping lanes of Islamic merchants in the Mediterranean.

Portuguese victory in conquering Malacca gave encouragement to other European countries such as England, Spain, and the Netherlands in order to colonize the Archipelago to seize spices and gold and spread their religion to the Archipelago (Dzulkifli Hadi Imawan, 2018).

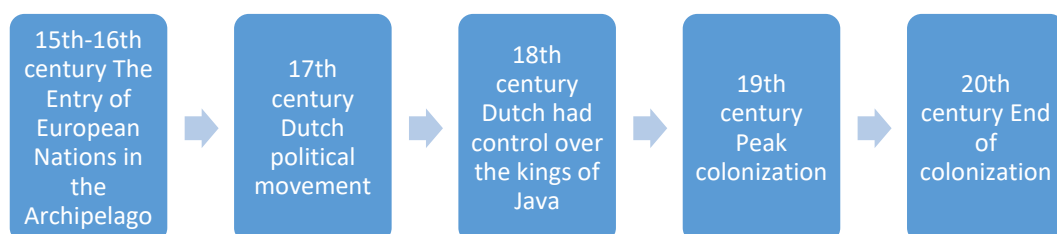


Figure 1: The History Of Dutch Colonialism During 15<sup>th</sup> - 19<sup>th</sup> Century

In the 17<sup>th</sup> century, a political movement was started by the Dutch to rule the archipelago. One of them was by establishing the VOC as an alliance of Dutch businessmen to obtain spices. At that time, there was also a rivalry between the East Indies Airlines formed by the British and the Dutch VOC in Ambon in 1623. The competition was won by

the Dutch who at the time were led by Governor-General Van Pieterszoon Coen. He made Jayakarta the headquarters of the VOC. The Dutch conquest became a divisive political move, and oppressed the people to rule Indonesia (Dzulkifli Hadi Imawan, 2018).

Continued in the 18<sup>th</sup> century, the Dutch also began to destroy several Islamic kingdoms in Java Island. This became one of the Dutch tactics to grab a lot of spices. Because Coen had succeeded in establishing the VOC headquarters in Batavia, this certainly made it easier for the Dutch to tear down the Islamic Kingdom on the island of Java, such as the collapse of the Kingdom of Banten due to the VOC conquest that led to the civil war or known as the Banten War.

The peak of Dutch colonial colonialization in the 19<sup>th</sup> century where the invaders began to seize some control of the archipelago and the collapse of the Islamic kingdom in the Archipelago as in the Paderi War, Java War, Banten War. Even from the war, the Dutch demanded losses from the war resistance to the people of Indonesia. Several ways were also done by the Dutch colonial to colonize Indonesia with a system of forced cultivation until the mid of the 20<sup>th</sup> century which was the end of the Dutch colonialists.

### **The Peak Of Colonialism In The 19<sup>th</sup> Century**

After the Portuguese colonized Indonesia and left, the Dutch then came to colonize the archipelago around the end of the 16<sup>th</sup> century. They came to achieve their wishes like the Portuguese desire to master spices in Indonesia spreading Christianity, even the Dutch also managed to establish a place of footing in the land of Java (Dzulkifli Hadi Imawan, 2018). In 1595, the first Dutch expedition to the East Indies was led by Cornelis de Houtman on four ships anchored to Banten at the largest pepper port. The ships carry a lot of spices from Indonesia.

Houtman's success in bringing spices made competition between companies in the Netherlands to come to Indonesia which resulted in soaring market prices. Until 1598 the Dutch parliament proposed that the owners of these businesses unite to form the East Indies Airline Union known as the VOC (Vereenig de Oost Indische Compagnie) which was established in 1602 (Dzulkifli Hadi Imawan, 2018). Then, when the VOC was led by Governor-General Jan Pieterszoon Coen in 1619, it conquered Jayakarta as the headquarters of the VOC commercial kingdom. It also got spices and committed violence by colonizing the work of Islam in Java, one of which was the Islamic Kingdom in Banten.

According to the results of the interview with Mr. Dzulkifli as a Moslem Historian, the peak of Indonesian colonization in the 19<sup>th</sup> century was when Dutch colonialism succeeded in winning the Javanese resistance in 1825-1830, the Padri war in 1830-1835, and the Banten war in 1888. In this war, the Dutch claimed losses to Indonesia by colonizing more or less. About 100 years. In the beginning, the colonialists had not interfered in Islamic issues because the colonizers did not have knowledge about Islam and Arabic. However, in 1820 the Dutch government issued the *Staatsblaad* which contained instructions that *ulama* should not do anything contrary to the Dutch. And in 1882, a religious court institution was also regulated which limited only matters of marriage, inheritance, guardianship, and *waqf*.

In addition, in 1830 it was also the peak of Dutch colonial rule with a system of forced cultivation and control of several areas in Then, with the arrival of Snouk Hurgronje as an indigenous and Arab advisor, the government made a policy on the issue of Islam in Indonesia known as Islamic Politics. The content of Islamic politics is divided into three fields, namely religion, social affairs, and politics. Related to education, the Dutch East Indies government created an ordinance that arranged for Islamic teachers to be obliged to ask permission before they taught. This ordinance was created to inhibit and prevent the spread of Islam in Indonesia and the Dutch East Indies government had a mission to spread Christianity (Sajuti Thalib, 1976).

The application of Islamic law among the Indonesian people has emerged various theories, which one is often incompatible. There are three kinds of theories, namely

receptio in complexu, receptie theory and receptie a contrario theory. The receptio in complexu theory states that Islamic law as a whole applies to its adherents. So based on this theory, the Dutch East Indies Government in 1882 established a religious court which was aimed at citizens who embraced Islam.

This theory was later discussed by Van Vollenhoven and Snouck Hurgronje as the creators of a new theory, namely the receptie theory which states that Islamic law can be enforced as long as it does not conflict with customary law. The theory of receptiveness prevented the indigenous people of the colonies from holding Islamic teachings too strongly and being easily influenced by western civilisation. He gave advice to the Dutch East Indies Government to try to attract the indigenous people to comply with the rules of the Dutch East Indies government which paralyzed and hindered the implementation of Islamic law by does not include the issue of *hudud* and *qishash* in the field of criminal law and narrowing down the application of *muamalah* law which concerns marriage law and inheritance law (Kamsi,2012).

Daendels said that Islamic law is the original indigenous law. Because of this opinion, Daendels began to issue a regulation stating that the religious law of Javanese people should not be disturbed and that the rights of their predecessors to decide several kinds of cases concerning marriage and inheritance must be recognized by the Dutch government.

The participation of the *ulama* (scholars) as an advisor to the king in determining his political steps in the era of Islamic kingdoms was formed in the steps of the sultan. However, when the sultans no longer had political power, the scholars gathered their own people because their king was defeated by the Invaders. One of them was the Javanese war (1825-1830) led by Prince Dipenogoro and Kyai Mojo. When the Dutch colonialists increasingly came to Indonesia, there was a protest movement from farmers led by local clerics to fight the Dutch. This happened in Cilegon because of the fact that the Dutch had oppressed people's lives by forbidding Muslims to worship and the actions of the invaders arbitrarily (Musyrifah, 2005).

Dzulkifili said also then the expansion of colonial territory by the Colonials was very troubling to the people who had seized much of their produce for the needs of the VOC. The unrest was used by the people to unite and fight with the events of the Padri War led by Imam Bonjol in the year (1821-1837) and also the Aceh War led by (1873-1904). Although in these two wars Indonesia lost, but Islam continued to develop under the rule of leaders who had been eliminated by the Dutch such as soldiers in the Padri War including Imam Bonjol, Syeikh Ahmad Nawawi, Thahir Djaaluddin and H. Abdul Karim.

It can also be said, the 19<sup>th</sup> century was the culmination of a very cruel Dutch colonialism by tearing down some Islamic work in the archipelago. The condition at that time was very detrimental to the people of Indonesia, until the nusantara scholars appeared to fight. They realized that after the defeat of the war, in the traditional way could not be used against the Dutch and they wanted changes through the organization in the field of education (Samsul Munir Amin, 2015).

One of the scholars in Java, KH Ahmad Dahlan also founded the Muhammadiyah and KH movements. Hasyim Asy'ari founded "Nahdathul Ulama". The two scholars made Islam as an ideological foundation, making Islam as a politics to fight colonial rule, lifting the wealth and dignity of the people before the colonization. Not only that, in this condition also became the golden peak of nusantara scholars who studied in haramain and made major changes to end the invaders by establishing several jam'iyah such as Sarikat Islam into a common ground, binding national unity to fight the invaders (Siti Aisyah, 2013).

### **19<sup>th</sup> Century Indonesia Fuqoha' and the Intellectual Heritage of Nusantara Fuqoha' Syaikh Nawawi Al-Bantani (1813-1897M)**

His real name was Nawawi ibn Umar ibn Arabi. He was a great cleric and educator from Serang Banten who long settled in Makkah. During his lifetime, he lived under the

government of Syarif Aun Kingdom under The Syarif Usman II Dynasty in Turkey and with Sheikh Tantawi Jauhari who was a great scholar from Egypt. Nawawi was famous as the son of the nation. His famous name is enshrined in the Book of Munjid.

Nawawi's role in spreading Islam in the archipelago is by preaching Islamiyah directly and giving messages of Islamic teachings to its cadres. He also pioneered the teachings of Islamic da'wah taught by walisongo. In addition, Sheikh Nawawi also studied and mastered the disciplines in the field of Islam in Mecca. His famous name is enshrined in the Book of Munjid. Because the famous name carries a fragrant name for the Indonesian nation, he was recognized as a scholar in the Islamic world since the 19th century (Arwansyah, 2015).

According to the result Dzulkifli, Nawawi's role in spreading Islam in the archipelago is by preaching Islamiyah directly and giving messages of Islamic teachings to its cadres. He also pioneered the teachings of Islamic da'wah taught by walisongo. In addition, Sheikh Nawawi also studied and mastered the disciplines in the field of Islam in Mecca. Various forms of teaching given by Sheikh Nawawi in islamic da'wah activities by broadcasting Islam through *pesantren* and some of his writings in the science of interpretation, hadith, history, fiqh science, tawhid science, akhlaq science, Sufism and language sciences as an intellectual heritage for the Indonesian nation.

### **Imam Bonjol (1772-1864M)**

The Padri War took place in West Sumatra led by Imam Bonjol around 1821-1837. This war occurred due to the continued impact of provocations from the Dutch colonial government in order to have a war between indigenous peoples against Padri. The provocation stemmed from the operation of Dutch soldiers in West Sumatra and the threat of Islamist groups in Southeast Asia that began from the return of the Paderi (native Malays) who performed hajj in Mecca. They tried to reapply the teachings of Islam that led to the rebellion of the local Muslim community of West Sumatra and the Dutch colonialists (Subroto, 2015).

The Padri War was classified into three periods. The First Period, when the Padri Jihad against the Indigenous people in 1809-1821 which in this period was a period of battle by the Padri against the indigenous rulers who considered contrary and distorted the teachings of Islam. The Second Period was the padre jihad against the Dutch colonialists and the Indigenous peoples in 1821-1832. This period was the battle of the Padre with the Dutch-Christians who were fully assisted by the indigenous rulers.

In this battle the Dutch-Christian colonial rulers who colonized West Sumatra were assisted by the rulers of their own nation or could be supported by cooperation between the rulers and the Dutch. This battle was fierce and won by the Dutch with a heinous act that was to kill the Padre people en masse. Not only that, the Dutch made the mosque as a place of military dormitories and a place of mabok-mabokan, a place of rape of women and pampering the Chinese people by controlling the people's economy, thus causing resentment to the rulers against the Dutch colonialists (Fadly Fabian, 2017).

The Third Period, was the period of jihad of the Padri and the Indigenous peoples against the Dutch colonialists in 1832-1837. The battle struggle in this period was carried out by all the people of West Sumatra and between the Paderi and the indigenous rulers united against the Dutch-Christian colonists with the treaty and pledge in Tandikat. Initially the attack on the invaders was won by minangkabau people in Bonjol region, but the Dutch attack on Luhak Tanah Datar could not be won. This is because many of these areas are controlled by the Dutch and the people of the area had not received the results of the Tandikat agreement or pledge so there were still many indigenous leaders and heads who obeyed the Dutch (Subroto, 2015).

Until the many quarters between the Dutch and minangkabau people ended with the arrest of Imam Bonjol who did not carry weapons during negotiations with Resident Francis. Imam Bonjol received a letter of offer from Resident Francis which was the Dutch

cunning tactic to capture Imam Bonjol and was exiled to Manado until his death on November 8, 1864 (Subroto, 2015).

### **Muhammad Zainuddin Abdul Majid (1898)**

He is known as Tuan KH. Muhammad Zainuddin Abdul Madjid who is a fiqh cleric and his thoughts are known about inheritance law in sasak society. He is also known as a figure of movement and change of Lombok society. Some of the papers include Sullanul Syarah Safinatun Najah (fiqh eradication), and three works of discussion of *far'idh* science, namely Nahdhatuz Zainiyah, At-Tuhfatul Ampenaniyah Syarah Nahdatuz Ziniyah and Alfawakihun Nahdiyah

In the context of Islamic inheritance in sasak society, he gave the thought that knowledge of Islamic inheritance law should not be eliminated and that it should always be applied in Sasak society. He also gave 4 methods of division of inheritance. First, the pattern of inheritance based on Islamic inheritance law as the inheritance law written in the book of "Tuhfah al-Ampenaniniyyah".

Second, by dividing the inheritance through grants by distributing some of the parents' property to the heirs when the parents are still alive on a grant basis and then the rest of the property is further divided according to the Islamic inheritance system. Third by means of will, and the last by inheritance according to the customary inheritance legal system. The existence of these four methods is expected by Sheikh so that there is no conflict between families in the transfer of property and for the benefit of all (Abdul Madjid, 2019).

### **Sayyid Utsman Al-Batawi (1822 M)**

Sayyid Uthman ibn Abdullah bin 'Aql bin Yahya al 'Alwi was born on December 1, 1822 to a part of batavia Arab society. He is of Hadramaut Arab descent. Since childhood he studied religion inherited by his grandfather, Sheikh Al-Misri such as jurisprudence, *hadits*, and interpretation. He also studied Arabic during the colonial period, he as a *ulama* Nusantara had a close relationship with the colonial. In fact, he gave support and flattery to the colonial colonists to rule the archipelago. However, with his closeness to the colonial nobility could give an idea or renewal of Islamic law (Indrawati, 2016).

He has a number of ideas and ideas about Islam that he has included in some of his works. His work was widely known until he was known to Batavian officials and was given a position as a government advisor in the colonial government structure by Christian Snouck Hurgronje and became his friend as a colonial advisor. He is also known as a cleric who has authority in the issue of Islamic law, he also supports the status-quo of dutch colonial rule.

Dzulfilfi said, Sayyid Uthman also initiated his thoughts on his jihad while in colonial rule. One of his jihads was religious social life under the leadership of non-Muslims, namely the Dutch colonial majority religion. His view on social interaction as a Muslim living together with non-Muslims should create freedom and mutual respect in carrying out the obligations of worship. In his Book of *Manhaj al-Istiqomah fi al-Din bi al-Salamah* mentioned that the natives must perform worship in accordance with the Pillars of Islam.

Then his view again that he put forward about the social structural relationship in which the indigenous moslems were in colonial colonization in order to stay alive does not violate Islamic law. In addition, he also opposed the presence of religious practices that are considered heretical, one of which is sabil war and jihad for personal benefit. He also opposes the mismanaged practice of a different order from the past (Dzulkilfi, 2018).

The idea initiated by Sayyid Uthman about Islam and Muslims written in some of his book works, was generally used by the Dutch colonial authorities to suppress the socio-religious symptoms they were worried about. This use by the Dutch seemed to make Sayyid Uthman's thinking pragmatic and political. The fact that his thinking in support of

the colonial movement in the archipelago has been controversial because he supported the colonial decree of European nobility in the land of Nusantara.

## CONCLUSION

Colonialism of Western imperialism dates back to the late 15<sup>th</sup> century, where the first country to colonize Indonesia was Portuguese. The country, which is famous for its technological development, colonized Indonesia with sophisticated ships to sail the ocean to the archipelago. They flocked to seize the natural wealth of the archipelago such as spices. It was until the Dutch nobility began to explore Indonesia with a system of trade persecution. Dutch entrepreneurs began monopolizing trade in Asia, one of the goals of achieving Indonesian spices. The alliance is known as the VOC which was founded in 1602.

Not only the monopoly of trade carried out by colonial colonists, they also afflicted the people with a forced planting system. People are forced to work on low wages, so that the occupiers can take more benefits. In addition, they also colonized by spreading their religion and giving examples of their ethnicity and culture that should not be done by Muslims such as The colonial colonization caused unrest for the people until they gathered the determination and unity of the Indonesian nation to conquer the invaders. They fought a war that was led by a number of Muslim figures. Fight the invaders by promoting Islam and improving science.

Until the 19<sup>th</sup> century, the resistance by the Indonesian people was won by the Dutch in the Padri war, the Java war, and the Giyanti War. These wars caused the Dutch to take control of Java and the division of the kingdom so as to divide the island of Java. The control of Javanese land as a claim for Dutch compensation for the war against Indonesia. In addition, the war leaders such as Imam Bonjol and Prince Dipenogoro were also exiled until their deaths.

The spread of Islam in the 19<sup>th</sup> century after the war led to the rise of Islam with some nusantara *fuqoha* living at that time. The *fuqoha* inherited islamic treasures from the results of ijihad which was able to spread Islamic teachings to the community. Nusantara *Fuqoha* in the 19<sup>th</sup> century included Sheikh Nawawi, Sheikh Ahmad Khatib Minangkabau, and KH Zainuddin Abdul Majid, and Sayyid Uthman al-Batawi who had a way to approach the colonial colonists in updating Islamic law. From the legacy of some *fuqoha* it became one of the expansion of Islamic civilisation in the archipelago of the 19<sup>th</sup> century.

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