

# **PHILOSOPHY OF *TASHRĪ'* REVIEW ON INTERNALIZATION MAJA LABO DAHU IN THE LEGAL SYSTEM OF THE SULTANATE OF BIMA**

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*Abstract:* Maja Labo Dahu's philosophy represents the Bima community's local values that have been internalized into Islamic law. This research aims to find answers to the issues examined, namely the existence of Islamic law in the Sultanate of Bima. The primary focus lies in the analysis of the implementation of Islamic law during the Sultanate of Bima and the internalization of the philosophy of Maja Labo Dahu within the Sultanate of Bima. The method used in this research is a descriptive qualitative method, which explores written documents and information from Bima community figures who know the implementation of Islamic law in the Sultanate of Bima as a result of the internalization between the philosophy of Maja Labo Dahu and the fiqh *tashrī'* in Islam. The data used in this research were obtained through observation, cross-checking interviews, and literature study.

The findings of this research reveal that Islamic law has existed in the Sultanate of Bima since Islam was accepted as the official religion, based on the legitimacy of the theory of *shahada*, which explains the application of Islamic law coinciding with the Bima community's embrace of Islam. However, formally and juridically, Islamic law was declared applicable throughout the Sultanate of Bima after the establishment of three legal institutions, namely *Sara Tua*, *Sara Sara*, and *Sara hukum*, which were responsible for coordinating the implementation of laws such as flogging, stoning, retribution, and discretionary punishment. The philosophy of *Maja Labo Dahu* has been internalized into the Islamic law of the Kingdom of Bima, causing the Bima community to feel fear and shame in committing legal violations.

*Keywords:* *Tashrī'* philosophy, *Maja Labo Dahu*, Family Law, Sultanate of Bima.

## Introduction

The Sultanate of Bima represents a ritual heritage of a state system and legislative practices within a sultanate that has yet to be well-documented. However, academically, numerous philosophical values can be explored and uncovered to explain the state system and the implementation of Islamic law once enforced in the Sultanate of Bima. The *taqin* process within the Sultanate of Bima remains largely undisclosed, particularly the philosophical aspects of the process of *Tashrī'* or *taqin* of Islamic law in the Sultanate of Bima. Furthermore, in the legislative system of the Sultanate of Bima, there has been an internalization of the philosophy of the Bima people, known as the philosophy of *Maja Labo Dahu*, which drew heavily from Islamic law. The lack of explanation regarding the *taqin* process and the internalization of the *Maja Labo Dahu* philosophy is due to the scarcity of written sources on the application of Islamic law in the state system of the

Sultanate of Bima, and the historical actors involved in the implementation of Islamic law in the Sultanate of Bima have left limited historical evidence.

Several underlying reasons justify the importance of conducting this study. *First*, the philosophy of Maja Labo Dahu is a monumental local tradition of the Bima community that holds significance in Indonesia and globally. Therefore, examining the philosophical meaning embedded in Maja Labo Dahu is necessary. *Secondly*, knowledge regarding implementing Islamic law in the Sultanate of Bima is relatively scarce among the Bima community, primarily due to the lack of written sources or documents available for study. If such bases exist, they often provide general information about Islamic law with minimal details on its application in the Sultanate of Bima. *Thirdly*, Islamic law is a legal practice that has gained customary recognition, leading to community compliance and obedience. *Fourthly*, Islamic law is vital in the life of the Bima Sultanate community, as it encompasses philosophical values. This is in line with Allah's purpose in revealing Islamic law, known in Islamic law as *ad-daruriyyat al-Khamzah* (the five necessities), which include the preservation of religion, life, intellect, lineage, and property.<sup>1</sup> *Finally*, the philosophy of Maja Labo Dahu has been internalized within the Islamic law practised in the Sultanate of Bima. It effectively motivates the Bima community to fear and be ashamed of committing legal violations, including criminal offences. The philosophy of Maja Labo Dahu has become deeply rooted in the lives of the Bima community, thus inseparable from the implementation of Islamic law.

Maja Labo Dahu was a motto embraced by the Bima community during the reign of Sultan Muhammad Salahuddin

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<sup>1</sup> Mohammad Taufik Azis, "Analisa Kinerja Perbankan Syariah Indonesia Ditinjau Dari Maqasyid Syariah," *Al-Amwal: Jurnal Ekonomi Dan Perbankan Syari'ah* 10, no. 1 (2018): 1–17, <https://doi.org/http://dx.doi.org/10.24235/amwal.v10i1.2808>. Lihat juga Sadari (2018) 'Qur'anic Studies: Ber-Ushul Fiqh dengan Maqashid Syariah Sebagai Metode dalam Perspektif Yudian Wahyudi Sadari', *Shahih*. doi: 10.22515/shahih.v3i1.1103.

(1917-1951) Sultanate of Bima. It became the distinctive characteristic of the Sultanate of Bima during that time in their familial, societal, and even family relationships. Maja Labo Dahu guided the Bima people, inspiring them to practice their customs and traditions based on religious values. Semantically, Maja means "shame," Labo means "and," and Dahu means "fear." This philosophy conveys that the Bima community during the reign of Sultan Muhammad Salahuddin (1917-1951) would feel shame and fear when engaging in actions that deviate from religious values, whether they involve crimes, sinful acts, or any other transgressions against both humans and their Creator. The Bima people during that period would feel ashamed and reluctant to return to their homeland if they had not succeeded in their endeavours abroad.

During the reign of Sultan Muhammad Salahuddin (1917-1951), the Bima community, particularly women, already wore hijabs and held their dignity in high regard. They were even cautious about revealing any part of their bodies or faced to men. The Sultanate of Bima adhered to a culture of covering the body, symbolized by using sarongs to hide their aura. This cultural practice, known as "Budaya Rimpu" or the practice of modesty, is a concrete manifestation of the Maja Labo Dahu philosophy in the implementation of Islamic law. One of the methods of implementing Islamic law in the Sultanate of Bima was through the *sadd zara'i* method,<sup>2</sup> which focused on preventive measures or actions taken before a crime occurred. Hence, the "Budaya Rimpu" practice was effectively internalised into Islamic law as an implementation of Maja Labo Dahu. Moreover, during the reign of the Sultanate, Islam was practised and embraced since its introduction to the region, marked by the acceptance of Islam by

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<sup>2</sup> Imam Fawaid, "Konsep Sadd Al-Dzari'ah Dalam Perspektif Ibnu Al-Qayyim Al-Jauziyah," *LISAN AL-HAL: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 13, no. 2 (2019): 323–40, <https://doi.org/https://doi.org/10.35316/lisanalhal.v13i2.599>.

the Kingdom of Bima,<sup>3</sup> resulting in the transformation from a kingdom to a sultanate and the king becoming a sultan. Islamic law,<sup>4</sup> known as “fikih al-Islam,” encompasses a set of legal rules that prohibit specific actions due to the harm they may cause to others, whether to life, body parts, intellect, lineage, or property.<sup>5</sup> It also includes criminal acts resulting from the failure to fulfil obligations prescribed by religious law.<sup>6</sup>

Bima was one of the many sultanates with a territorial domain extending from the east to the Manggarai region in East Nusa Tenggara and from the west to the Sumbawa Regency in West Nusa Tenggara. The Sultanate of Bima began in 1620<sup>7</sup> during the reign of Ruma Ma bata Wadu or Abdul Kahir, the 27th king of Bima who ruled between 1620-1640. The Sultan embraced Islam in Sape under the guidance of scholars from Tallo, Luwu, and Bone on the 15th of Rabi'ul Awal, 1030 H (February 7, 1621 AD).<sup>8</sup> Towards the end of Abdul Kahir's reign, Islam became the official religion of the Bima Kingdom. Sultan Abdul Kahir passed away in 1640 and was succeeded by his 11-year-old son, Abdul Khair Sirajuddin.<sup>9</sup> Towards the end of Abdul Kahir's reign, Islam became the official religion of the Bima Kingdom. Sultan Abdul Kahir passed away in 1640 and was succeeded by his 11-year-old son, Abdul Khair Sirajuddin.

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<sup>3</sup> Tawalinuddin Haris, “The Entry of Islam And The Emergence of Bima As the Central Powers of Islam in Nusa Tenggara Area,” *Al-Qalam* 17, no. 2 (2011): 270–80, <https://doi.org/http://dx.doi.org/10.31969/alq.v17i2.121>.

<sup>4</sup> Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge: Cambridge University Press, 2005).

<sup>5</sup> Qomarauzzaman Qomarauzzaman, “Sanksi Pidana Pelaku LGBT Dalam Perspektif Fiqh Jinayah,” *Raheema: Jurnal Studi Gender Dan Anak* 3, no. 1 (2016): 87–99, <https://doi.org/https://doi.org/10.24260/raheema.v3i1.563>.

<sup>6</sup> Muhammad Tahmid Nur, *Menggapai Hukum Pidana Ideal Kemaslahatan Pidana Islam Dan Pembaruan Hukum Pidana Nasional* (Deepublish, 2018).

<sup>7</sup> Ismail, 94.

<sup>8</sup> M. Hilir Ismail, *Kebangkitan Islam Di Dana Mbojo (Bima) (1540-1950)* (Bogor: CV. Binasti, 2008), 91.

<sup>9</sup> Henri Chamber-Lor and Siti Maryam R. Salahuddin, *Bo Sangaji Kai Catatan Kerajaan Bima* (Jakarta: Yayasan Obor Indonesia, 2012), 19.

The Sultanate of Bima ended during the reign of Sultan Salahuddin, who had a strong desire for the advancement of Islam. His significant attention to the different schools of thought (madzhab), education development, social progress, and political issues earned him the title of *Ma ka Kidi Agama*. This figure established, advanced, and practised the teachings of Islam in the Sultanate of Bima. Towards the end of his reign, Sultan Salahuddin issued a proclamation stating that the Sultanate of Bima was a sovereign and independent particular region that was part of the Republic of Indonesia. All governance matters were in the hands of the Sultan while still adhering to the provisions of the central government in Jakarta.<sup>10</sup> Sultan Salahuddin's love for the Unitary State of the Republic of Indonesia led the central government to honour him by naming the airport "Sultan Salahuddin Bima."

The method employed in this study is a qualitative approach using the technique of philosophical analysis of tasyri, which is an analysis used to determine the objectives of the application of Islamic law and to explore the wisdom and secrets of Islamic law built upon religious values derived from the Quran and hadith.<sup>11</sup> *Falsafah tashri'*, when understood linguistically, carries two meanings: "falsafah" referring to values and "tasyri" meaning legislation or regulation. However, the operational meaning derived from falsafah tasyri is internalizing the benefits contained within a legal regulation. Falsafah tasyri, commonly called hikmah tasyri, signifies the existence of desired objectives within the sharia, motivating individuals to implement them. Falsafah tasyri can also be understood as the ultimate goal of an act

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<sup>10</sup> Susi Sulastri, "Peranan Sultan Muhammad Salahuddin Dalam Pengembangan Islam Di Bima," *Rihlah: Jurnal Sejarah Dan Kebudayaan* 4, no. 1 (2019): 154–69, <https://journal.uin-alauddin.ac.id/index.php/rihlah/article/view/2600>.

<sup>11</sup> Hamzah Hasan et al., "Londo Iha: Elopement and Bride Kidnapping amongst the Muslims of Monta, Bima, Indonesia," *Cogent Social Sciences* 8, no. 1 (2022): 1–13, <https://doi.org/10.1080/23311886.2021.2023973>.

of worship.<sup>12</sup> Another meaning of falsafah tasyri is proposed by Faturrahman Djamil, which is the philosophy that emanates from Islamic law, strengthens it, and preserves it. Falsafah tasyri is concerned with discussing the essence and objectives of Islamic law, including its foundations, principles, main aspects, sources, objectives, and legal principles.<sup>13</sup> Ali Ahmad al-Jurjawi provides an understanding of the philosophical aspect of tasyri by including the term "yaqsud" (purpose) which signifies that the purpose of the divine legislation is to achieve four objectives: 1) recognizing Allah and everything related to Him, including His oneness, glory, and attributes; 2) understanding the proper way of worshipping Allah with the aim of honoring Him and expressing gratitude for His blessings; 3) advising people to perform good deeds, prevent wrongdoing, and improve their morals; 4) aiming to prevent transgression and falsehood from exceeding limits.<sup>14</sup> From the definitions above that explain the meaning of falsafah tasyri, it can be understood that the operational definition of falsafah tasyri in relation to this research is as an analytical tool to uncover the objectives underlying the application of Islamic law in the Sultanate of Bima and to identify the legal wisdom embedded in the implementation of Islamic law.

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<sup>12</sup> Nur Hadi and Sabariyah Sabariyah, "Falsafah Hikmah Tashri"Perespektif Syekh Ali Ahmad Al-Jurjawi," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 4, no. 2 (2019): 201–20, <https://doi.org/https://doi.org/10.25217/jm.v4i2.496>.

<sup>13</sup> Muannif Ridwan, M Hasbi Umar, and Abdul Ghafar, "Sumber-Sumber Hukum Islam Dan Implementasinya," *Borneo: Journal of Islamic Studies* 1, no. 2 (2021): 28–41, <https://doi.org/https://doi.org/10.37567/borneo.v1i2.404>.

<sup>14</sup> Nurhadi; Sabariyah, "The Philosophy of Hikmah Tashri"Based on the Perspective of Syekh Ali Ahmad Al-Jurjawi," *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah* 5, no. 1 (2020): 83–94, <https://doi.org/https://doi.org/10.22373/petita.v5i1.20>.

### **The Existence of Islamic Law in Bima Sultanate**

The Islamic law practised in the Sultanate of Bima is based on the philosophical values of Islamic Sharia, which are derived from three primary sources of Islamic teachings: the Qur'an, Hadith, and *ijmā'* (consensus).<sup>15</sup> The Qur'an, being the primary source of Islamic Sharia, is believed to be a legal source encompassing humanistic values and governing various aspects of human life, including rights and obligations towards Allah, human rights, and the natural world. The laws found in the Qur'an have consequences not only in worldly life but also in the afterlife. These two consequences distinguish the uniqueness of Islamic Sharia contained in the Qur'an compared to laws created by humans.

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The Hadith, the second source of Islamic Sharia law after the Qur'an, explains the general and specific meanings of the Qur'anic verses, as well as other interpretations. Hadith also functions as a legal source based on the Prophet's establishment of laws according to the socio-cultural context of the Muslim community at that time. In the Hadith, three basic concepts confirm the Qur'an, ensure the Prophet's practices (Sunnah), and confirm the statements and actions of the Prophet (takrir). As a result, the

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<sup>15</sup> Rahmah Murtadha and Muhammad Mutawali, "Implementasi Hukum Islam Di Kesultanan Bima," STIS Al Ittihad Bima (OSF Preprints, 2017), <https://stisbima.ac.id/implementasi-hukum-islam-di-kesultanan-bima/>.



Hadith becomes a perfect secondary source that complements the Qur'an.

Ijma, or consensus, is a legal agreement reached by scholars, whether based on tacit agreement (silence) or collective agreement. Ijma does not stand alone. Still, it goes through the processes of *ijtihad* (independent legal reasoning) and *istinbat* (deductive reasoning) to determine legal rulings. Therefore, ijma can be considered a legal source when the results of *ijtihad* and *istinbat* have been agreed upon. *Ijtihad* is the process of exerting intellectual effort to derive new legal rulings. It involves various methods employed by scholars, such as *qiyas* (analogical reasoning), *istihsan* (juristic preference), *istislah* (consideration of public interest), *istiṣḥab* (presumption of continuity), *sadd zarā'i* (blocking the means), and *'urf* (customary practices).

As a method of legal reasoning, *ijtihad* reflects the contemporary relevance of Islamic law in addressing the challenges of the time, and it should not be closed off. *Ijtihad* must continue to be developed and should not experience a void so that the Qur'an and hadith remain aligned with the evolving times and can address contemporary legal developments. The methods of *ijtihad* practised during the era of the Sultanate of Bima included the consensus of scholars, which was accepted and recognized as a lawful source in the Sultanate of Bima. This strengthened the implementation of Islamic law in the Sultanate of Bima, particularly in addressing legal violations at that time.

The enforcement of Islamic law is supported by traditional institutions, where the sultan gives these institutions the authority to implement and oversee the implementation of rules at the grassroots level. These institutions are known as *shara'* legal bodies, with Islamic law as their foundation.<sup>16</sup> The *shara'* legal body in Bima is a functional institution with the following main

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<sup>16</sup> Muh Salahuddin, "Mahkamah Syar'iyah Di Kesultanan Bima: Wujud Dialektika Hukum Antara Islam Dan Adat," *Ulumuna: Journal of Islamic Studies* 9, no. 1 (2005): 189–201, <https://doi.org/https://doi.org/10.20414/ujs.v9i1.451>.

tasks:<sup>17</sup> Firstly, handling public affairs. It manages administrative cases, legal disputes, and matters concerning the parties involved. Secondly, in the field of justice, it deals with shara' legal meetings, as specified in the Sultan of Bima's Instruction dated May 4, 1947, where the seven members of the shara' legal body serve as judges within the shara' legal body.<sup>18</sup> The shara' legal body not only renders decisions or legal determinations during shara' legal meetings but, according to Merryman, it also carries out actions beyond case examinations, such as legal enlightenment, active implementation of laws such as the obligation to pay zakat, inheritance division systems, education administration, and the establishment of the beginning of the fasting month.<sup>19</sup>

Three factors influence the presence of Islamic law in the Sultanate of Bima. Firstly, the influence of the sultan. Historically, it is understood that the power of a sultan in any kingdom in the world plays a significant role in establishing the laws of a domain. Similarly, the sultan's influence was crucial in the Sultanate of Bima, which had territorial authority from the east to the western part of Flores and in the east bordering Sumbawa.

After the Sultanate of Bima embraced Islam and the sultan converted to Islam, the people and society of Bima also followed the religion of the sultan, which was Islam. This made it easier for the sultan to implement Islamic law as the official law of the Sultanate of Bima. Islamic law within the legal system of the

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<sup>17</sup> Ayang Utriza Yakin, "Hukum Pidana Di Kesultanan Melaka Abad Ke-15 Dan Ke-16 M," *KARSA: Journal of Social and Islamic Culture* 24, no. 1 (2016): 33–51, <https://doi.org/https://doi.org/10.19105/karsa.v24i1.1007>.

<sup>18</sup> Kartini Mawaddah, "Diplomatik Sultan Abdul Hamid Di Kerajaan Bima Tahun 1773-1817 M," *JUSPI: Jurnal Sejarah Peradaban Islam* 1, no. 1 (2017): 139–53, <https://doi.org/http://dx.doi.org/10.30829/j.v1i1.1004>.

<sup>19</sup> Husnul Fahimah Ilyas and Hamzah Harun Al-Rasyid, "Religion And State Cohesion: The Importance Of Getting Reference From Lontaraq Akkarungeng Wajo Concerning The Islamization In Bugis," *Heritage of Nusantara: International Journal of Religious Literature and Heritage* 7, no. 1 (2018): 1–18, <https://doi.org/https://doi.org/10.31291/hn.v7i1.488>.

Sultanate of Bima encompassed not only laws related to personal matters (family law) such as marriage, divorce, reconciliation, endowment, inheritance, and gifts but also extended to the governance of society and the regulation of violations and crimes that occurred.<sup>20</sup>

The Islamic law implemented in the Sultanate of Bima is a law that originates from the beliefs of the community. Practising it means adhering to the teachings of Islam, while abandoning it means forsaking the teachings of Islam. This aligns with the theory of the effectiveness of a law known as the *shahādah* theory (creed theory),<sup>21</sup> which explains that a law is effective once the community utters the two testimonies of faith. The community of the Sultanate of Bima's firm conviction in the truth of Islamic teachings has made Islamic law an accepted and fully implemented part of the concept of Islamic teachings by the people of the Sultanate of Bima.

This is due to three aspects. First, regarding belief, Islam teaches belief in Allah, who possesses attributes such as All-Knowing, All-Seeing, All-Hearing, and All-Encompassing. The Islamic community believes in the existence of angels who faithfully carry out their tasks, diligently observing and recording human actions even more meticulously than modern technological devices. Islam teaches the concept of an afterlife, where individuals are held accountable for their deeds. Accountability for actions is not limited to the earthly realm but extends to the hereafter. Freedom from worldly punishment does not necessarily imply freedom from punishment in the afterlife.

Secondly, worship. The obligatory acts of worship for the Islamic community of the Sultanate of Bima have implications for preserving and preventing them from committing vile and

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<sup>20</sup> Rahmah Murtadha and Muhammad Mutawali, "Politik Hukum Pembentukan Badan Hukum Syara'Kesultanan Bima," 2017, 1–18, <https://doi.org/doi:10.31227/osf.io/xzdpq>.

<sup>21</sup> Khamami Zada, "Politik Pemberlakuan Syariat Islam Di Aceh Dan Kelantan (1993-2014)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 10, no. 1 (2015): 41–70, <https://doi.org/https://doi.org/10.19105/al-lhkam.v10i1.588>.

immoral acts (*fahisha*). The obligation to perform the five daily prayers within 24 hours has become a significant moment for the people of the Sultanate of Bima to sharpen their spiritual and emotional intelligence. In fulfilling these acts of worship, the people of the Sultanate of Bima always worship Allah as if they see Him, believing Allah is constantly watching over them in every movement and action.

Thirdly, enjoining what is good and forbidding what is evil. This duty is carried out collectively by the people of Bima to create a society that cares for one another by commanding righteous deeds and prohibiting bad actions. The concept of enjoining what is good (*amar ma'ruf*), believed by the people of the Sultanate of Bima, is an implementation of the philosophy of *Maja Labo Dahu*.

### **The Forms of Islamic Law Practiced During Bima Sultanate**

Few sources can explain the implementation of Islamic law during the reign of Sultan Abdul Khair Sirajuddin. However, it is commonly known by the people that cases and legal disputes within the community were resolved based on Islamic law. Islamic law related to violations and crimes is referred to as Islamic criminal law, and among the criminal cases handled were cases of "*mpaa zina labo mpanga ra mpoku*" adultery, theft, murder, and assault.<sup>22</sup>

*Mpaa zina labo Mpanga* are two types of criminal offences whose applicability is based on the provisions of the Quran and Hadith, in addition to being accompanied by an additional punishment in the form of *baja* (lashes). The lashes serve as a specific punishment for perpetrators of theft and crimes against honour.

Anwar states, "*dou mampanga janga, di baja keliling kampo di desa ede, kau nggahi eeh, tio menapu, maloaku ra bade mena, nahu atau*

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<sup>22</sup>H. Bahrain H. Abd. Ahman, 65 tahun (tokoh Masyarakat dan Ketua Umum KKB SulSel 2008-2015), *wawancara*, di Makassar, 5 Januari 2020

*madake ra mpangaku janga sambal ngenge salahona janga, romopa nahu aina ba nggomi doho*"<sup>23</sup> (meaning: if someone steals a chicken, they will parade around the village while saying, "Come and see, so you all know that I stole the chicken," while taking a bite of the stolen chicken, claiming that it was enough for them to do it and others should not do the same). Usman further confirms, "*Ndede wali ja di iyu ba dou ma zina ra bunti, di baja kalili dana ra rasa, sambil nggahina dibade mena ba ita doho kaso, cina ra angi, sa'e ra arie, ai naka rawi ba nggomi doho lampa rawi ake, dosa kai, di ruma Allah ta'ala taho pa ba nahu.*"<sup>24</sup> (meaning: Similarly, the punishment for those who commit adultery is to be paraded around the village, while uttering the words 'for everyone's knowledge, brothers and sisters, do not engage in such acts, it is a sin in the sight of Allah, it is enough that I have already committed it).

For perpetrators of adultery in Islamic law, there is a distinction between unmarried perpetrators and those already married. Both forms of this crime carry different punishments in Islamic criminal law. Unmarried adulterers are subject to a sentence of 100 lashes, based on (QS al-Nur/24: 2), while married or previously married adulterers are subject to stoning to death as a punishment. The two forms of punishment mentioned are punishments based on customary law decisions applicable in the Sultanate of Bima. These customs are not in conflict with Islamic law, as viewed from the perspective of Islamic criminal law, where these punishments fall under the category of discretionary punishment (*ta'zīr*) and serve as additional penalties.<sup>25</sup>

*Ta'zīr* punishment is a form where the judge determines the severity as an extension of the ruler's authority. The prohibition of these two types of criminal acts is clear in the Qur'an as a manifestation of Islamic law's concern in realizing the maqasid al-Shariah, which includes the preservation of lineage (*nasab*) and the

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<sup>23</sup>H. Anwar 67 Tahun (tokoh Masyarakat), *Wawancara*, di Makassar, 5 Januari 2020

<sup>24</sup>H. Usman, 70 tahun tokoh Masyarakat Bima, *wawancara*, Jati Baru, 2 Februari 2020

<sup>25</sup> Halil Husairi, "Ta'zir Dalam Perspektif Fiqh Jinayat," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 16, no. 2 (2018): 60–64, <https://doi.org/https://doi.org/10.32694/qst.v16i2.787>.

preservation of wealth (maal) or what is known as *al-muḥāfadat 'ala al-nasab* and *muḥāfadat 'ala al-māl*.<sup>26</sup>

The prohibition of adultery is mentioned in Surah al-Isra'/17:32 and surah al-Nur/24:2. The adultery ban is aimed at preserving the purity and sanctity of human lineage so that every child born has a clear origin, and has the right to use their father's name, has the right to guardianship, inheritance, and other rights. Similarly, in the case of crimes against property, the prohibition is aimed at protecting the community's wealth from the interference of others. This act is punishable by hand amputation, as stated in Surah al-Maidah/5:38.

### **Internalization of the Maja Labo Dahu Philosophy in Relation to Islamic Law**

The existence of three traditional institutions in the Sultanate of Bima that apply Islamic law demonstrates that the philosophy of Maja Labo Dahu has influenced the legal regulations of the Sultanate of Bima. Among the factors that influenced the internalization of the Maja Labo Dahu philosophy in Islamic law during the reign of Abdul Khair in the Sultanate of Bima are: First, the cultural factor: The Bima community, based on the philosophy of *Maja Labo Dahu*, serves as the leading spirit behind the implementation of Islamic criminal law in the Sultanate of Bima. Maja Labo Dahu's philosophy is practised in the Bima region and highly esteemed by the Bima community living elsewhere. This local wisdom aligns with the values of Islamic teachings, particularly the concept of *akhlāq al-karīmah*, which emphasizes a sense of shame towards committing crimes and a sense of guilt when failing to do good deeds. This spirit contributes to the application of *jināyah*/Islamic criminal law by the Sultanate of Bima. Within this philosophical framework, there are four noble

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<sup>26</sup> Abdurrahman Kasdi, "Maqasyid Syari'ah Perspektif Pemikiran Imam Syatibi Dalam Kitab Al-Muwafaqat," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 5, no. 1 (2016): 46–63, <https://doi.org/http://dx.doi.org/10.21043/yudisia.v5i1.693>.

values: 1) *Tahompara nahu sura dou Malabo dana* (No need for me to confuse people with land or territory), 2) *Edera nahu sura dou marimpa* (No need for me as long as it benefits the majority), 3) *Renta balera kapoda baa ade karawi ba weki* (Words spoken are justified by the heart and carried out by the body), 4) *Nggahi rawi pahu* (Words and actions must be in alignment).<sup>27</sup>

Second, is the factor of faith (belief), where Islamic law is an integral part of Islamic teachings. Practising Islamic law is synonymous with practising the teachings of Islam itself. A concrete example of the practice of Islamic legal rules can be found in the records of BO (a collection of event records) in the Sultanate of Bima, which states that "whoever abandons Friday prayers consecutively without a valid excuse for three times will be fined." In another part of the records, it is mentioned that gatherings for religious advice and mutual counsel are held every Monday and Thursday, following the Friday prayers, as a sign of honouring the Islamic religion.<sup>28</sup> The mentioned fine in the records of BO is equivalent to half a dinar or approximately 1.939 grams of gold. This data indicates that Islamic criminal law is a living law within the Bima community. The mentioned fine in the records of BO is equivalent to half a dinar or approximately 1.939 grams of gold. This data indicates that Islamic criminal law is a living law within the Bima community.

Islamic law is seen as a law that can provide a sense of order in the lives of the Bima community. This is supported by the interdependent relationships between the sultan and the scholars (ulama), the sultan and the community. These relationships can be observed in the following connections: 1) The relationship between the sultan and the scholars is depicted during the *Ua Pua* ceremony. During this ceremony, the leader (penghulu)

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<sup>27</sup>H. Hasan H. Ali dan H. Anwar Hasnun, *Maja Labo Dahu dan Nggusu Waru Prinsip Hidup dan Pola Kepemimpinan Masyarakat Bima* (Makassar: Lephana, 2014), 31

<sup>28</sup>Azis, Mohammad Taufik. "Analisa Kinerja Perbankan Syariah Indonesia Ditinjau Dari Maqasyid Syariah." *Al-Amwal: Jurnal Ekonomi Dan Perbankan Syari'ah* 10, no. 1 (2018): 1–17. <https://doi.org/http://dx.doi.org/10.24235/amwal.v10i1.2808>.

presents the *Ua Pua* to the sultan as a symbol of the agreement between the Malay leaders (ulama) and the sultan, along with the entire *Dana Mbojo* community, to study, understand, and practice the teachings of the Qur'an in their national and community life to establish an Islamic *Mbojo* society. During this event, the sultan and the Malay leaders sit in a designated place, symbolizing the harmony between the scholars and the rulers. 2) The relationship between the sultan and the community can also be seen in the *Ua Pua* ceremony, where the harmony between the sultan and his people is evident. The people have the opportunity to see and directly interact with the sultan. The Sultan greets his people with affectionate greetings, and the people show respect and love towards the sultan".

Those two factors demonstrate that the process of incorporating Islamic Law (*tashrī'*) into the legal regulations of the Sultanate of Bima has been successful. The values of Islamic Law are well internalized within the philosophy of Maja Labo Dahu, which aligns with the objectives of Islamic Law in preserving and upholding the teachings of Islam. The enforcement of religious education is embedded in the philosophical values derived from incorporating Islamic Law into the legal regulations of the Sultanate of Bima, which integrates harmoniously with the philosophy of Maja Labo Dahu.

### Critical Note

As per the meaning of the philosophy of *tashrī'*, which explains the purpose and wisdom behind the establishment of a law, the objectives of implementing Islamic law and the understanding of internalizing the philosophy of Maja Labo Dahu into the Islamic law applied in the Sultanate of Bima are as follows:

Firstly, the objective of punishment in Islamic law is not only intended to realize the benefit of the perpetrator of a crime by safeguarding their rights as human beings but equally important is to ensure the well-being of the crime victims to prevent their



further distress. Additionally, punishment in Islamic law always considers the interests of the general society as an inseparable part of both the perpetrator and the victim of the crime. Therefore, the Islamic community should assist the victims of crimes and prevent individuals from committing crimes, in line with the purpose of the Prophet's hadith, which states, "Assist your brother who is being wronged and assist your brother who is acting wrongfully by preventing him from committing wrongdoing."

Another distinctive characteristic of punishment in Islamic law is that it is oriented towards worldly and hereafter interests. According to Islamic belief, human life is accountable in this world and the afterlife. In other words, the ultimate benefit in the hereafter can only be obtained by realizing the well-being of life in this world. This includes safeguarding religion, preserving the sanctity of life for everyone, protecting the intellect from imaginative and permanent damage, preserving lineage from moral corruption and physical harm, safeguarding wealth and ensuring its proper use for the benefit of its owners.

Secondly, The wisdom of internalizing Maja Labo Dahu into Islamic law can be seen from two perspectives: 1) The existence of Islamic law in the Sultanate of Bima is derived from Islamic Sharia and the traditions of the Islamic community in the Sultanate of Bima (Maja Labo Dahu), who are profoundly obedient and loyal to the rules of Islamic law enforced by the sultan. Their obedience and loyalty are synonymous with their adherence to the teachings of Islamic Sharia itself. Abandoning Islamic law would mean forsaking the teachings of Islamic Sharia itself. 2) some still perceive Islamic law as harsh and violating human rights. This assumption is understandable as people only associate Islamic law with punishments such as amputation, stoning, and retaliation. However, the true wisdom of Islamic law is to affirm the human aspect because it is impossible for a person who behaves well to receive punishment. Therefore, a sentence in Islamic law is only imposed on those who commit acts that violate human rights. In Islamic law, human beings should be seen from two sides: (1) The

aspect of their nobility: In this aspect, humans should not be punished with any law. Punishing someone innocent or who maintains their supremacy would contradict human rights. (2) The aspect of their degradation: In this aspect, individuals who have committed mistakes are responsible for their actions, which have made them demeaned. Punishing the perpetrator who has diminished their dignity does not violate human rights.

### **Conclusion**

The existence of Islamic law in the Sultanate of Bima has been practised in resolving cases of legal violations that occur within the community. Legal issues are decided by a body known as the Syariah Legal Body, led by a Qadi (judge). The Syariah Legal Body conducts hearings presided over by a chief judge and assisted by other judges who engage in deliberations to reach a decision. Implementing Islamic law in the Sultanate of Bima includes applying *kisas* (retaliation) for cases involving harm to life and body parts. If an unmarried couple commits adultery, the punishment is *hudud*, which involves whipping, while if the individuals involved are married, the sentence is stoning. All forms of criminal penalties require sufficient evidence and meet the necessary criteria per the elements of each specific offence. Violations that do not meet the requirements for the prescribed punishment are sentenced with a discretionary penalty (*ta'zīr*), where the judge determines the severity or leniency of the sentence. The internalization of the philosophy of Maja Labo Dahu into Islamic law in the Sultanate of Bima can be observed in the Syariah Legal Body, which accommodates various social and cultural developments and incorporates religious beliefs to support the implementation of Islamic law in the Sultanate of Bima.

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