

# **“ADAT BERSENDI SYARA’, SYARA’ BERSENDI KITABULLAH”**

## **The Superb Consensus Formulation and Its Implementation**

1st Adrianus Chatib<sup>1</sup>, 2nd Diana Rozelin<sup>2</sup>

{adrianuschatib@uinjambi.ac.id<sup>1</sup>, dianarozelin@uinjambi.ac.id<sup>2</sup>}

Sulthan Thaha Saifuddin State Islamic University Jambi, Indonesia<sup>1,2</sup>

**Abstract.** it turns out that striving for the same objective of improving the nation's generation does not always begin with conflict, which is something that cannot be disregarded. In fact, it has been demonstrated in Jambi that cooperation may help community groups achieve their objectives without provoking conflict. It is also indisputable that when the people are led by a single leader, rather than by double leadership as has previously occurred in Minangkabau, cooperation (cooperation) can be carried out. This article uses library research and descriptive methods. The finding is a very important lesson may be drawn from the results of this study. When compared to the wide ocean or a tall mountain, this research is nothing more than a drop in the bucket. However, this research can contribute to something else, namely a new hypothesis. With the help of this new theory, the old theory has gotten a strong and conclusive rejection. A community now has the chance to advance with the discovery of this theory, provided it is headed by a single leadership with a consistent policy orientation.

**Keywords:** custom, Islam, agreement, implementation

### **1 Introduction**

It is common to study a socio-religious phenomenon in two different ethnic groups and come up with different solutions. However, when two different ethnic groups adhere to the same fundamental norm, the implementation changes. Furthermore, it becomes even more interesting when the same norms in one ethnic group cooperate (cooperation); On the one hand, the other ethnic groups encounter significant conflict in carrying it out, which touches and impels one's intellectuals to ask and investigate why this occurred. What is the final gap? It has implications and impacts on other things as a result of the conflict or cooperation. 74 years of independence, the question of nation's children should no longer arise - at least it is not hotly debated - but in reality, this view always appears wherever we are, whether in the market, school, office or coffee shop, that the law always favors certain groups: "the rules has never been upheld" [1] "why is this nation, to this day still like this" [2]; "The law in Jambi city is blunt upwards, sharpest downwards" [3].

There are no signs of the big questions stated above showing any signs of abating, of shrinking, as long as what the public desires as a container for public aspirations or desires that have not

been paid for by the Government, unless it is lent on lips that like to lie, who knows? When will it be paid as the fruit and goal of our independence (goal or aim of our celebration) or just "a promise is just a promise", as the saying goes by naughty people like Abu Nawas said "promise usually refuses, because the footbridge usually rots". This statement will arise every time the problem appears as long as the promises spoken by the leaders that have a power in noble agreement that contained Pancasila and the 1945 Constitution, had not been paid in full. This statement meant that law in all levels of society as a straight bridge to justice and prosperity which had been taken away for quite a long time by colonizer Dutch for 350 years, Japan colonialist around 3.5 years, and the nation itself where there are no bright signs yet still promising. This study wants to find out some questions like why does Indonesia law became independent at the time 17th to 19th centuries, law in the archipelago (Malay Sultanate) was once the cornerstone of law. This fact is informed by the text as a scientific record, chapter *al-Qawa'id* in the Malay Sultanate of Siak- Riau and the text of Law 20 in the Malay sultanate of Jambi. How did law exist in two sultanate territories and what contribution it made to law enforcement at that time and what constructive grades that conveyed to the present that can be traced in the following description.

In Jambi, the integration of religious and customary values coexist peacefully. In the meantime, Jambi's customs originated in the country of origin, the Minangkabau, and were first modified to Islam through fighting. This begs the crucial query; Why did any conflict not exist prior to the ABS-SBK (*Adat Bersendi Syara'—Syara' Bersendi Kitabullah*) in the Jambi community? After performing in-depth study and posing follow-up queries, the following questions can be resolved: a) How did the disagreement between traditional and Islamic authorities in Jambi arise when they linked the *adat* (custom) and Islam? b) How is the relationship between the *adat* and Islam manifested through traditional and religious leaders in asset distribution? c) What are the government's efforts, apart from ABS-SBK to maintain its dynamic synergy? When applied to the field, the statement becomes meaningful in order to obtain an accurate answer based on the following foundations: 1) conflict theory; 2) cooperation theory; and 3) acculturation and assimilation theory [4]; [5]; [6].

Liaw means: 1) regulations or customs that are officially considered binding; 2) law; 3) benchmarks (regulation, provisions); 4) judgment (considerations decision by the judge). Thus, the law is definitive regulations or laws decisions that confirmed by the authorities to regulate social life in society. There are rules or laws that are moral, civil, criminal, and customary in nature. Criminal law can also be said to be a law that determines an event (criminal act) as an action related to a crime. Meanwhile, civil law is the opposite of criminal law, which means civil rights such as property and human relationships are based on logic.

On the other hand, moral law or religious law is law based on legal sources which in Islam are the Koran, hadith and *ijtihad*. Thus, Islamic criminal law is called *fiqh jinayat*, while civil law is *fiqh maliyah*.

Meanwhile, customary law is a law or regulation that develops in society based on the rules of agreement that exist in society. Moral law is a law that discusses good and bad relating to attitudes, behavior, and obligations. This article will be measured automatically based on the legal principles as talked above.

## 2 Methods

It must go through the method as a scalpel in order for the accuracy of the findings to be scientifically justified. The method employed is qualitative, with a focus on data enumeration via purposive sampling, which is used in data collection through the following methods: 1) documenting; 2) observing; and 3) interviewing [7]. Meanwhile, the data analysis technique proceeded as follows: 1) data reduction; 2) display of data; 3) verification [8], [9].

## 3 Result and Discussion

The findings of this study revealed that: 1) there was no conflict in Jambi community when they drafted the ABS-SBK. This is because: a) the community's understanding of religion and customs led to solutions and common ground that support one another or concede to one another, a process known as deliberation and mutual agreement [10]. Sultan is the only monarch in Jambi who has the responsibility of safeguarding both the traditional and religious society. Meanwhile, in West Sumatra, the Sultan, the Chieftain (*datuk-datuk*), and the Ulama are the three rulers who have high authority in society and significant social influence. However, it soon becomes clear that Sultan's role is nothing more than a power symbol that only legitimizes when it comes to the application of authority. The true rulers are the chieftains (*datuk-datuk*) of various tribes [11]. Each ruler has different ambitions or goals; b) the people of Jambi can accept orders from the Sultan because he is the sole ruler, whereas in West Sumatra the orders of the Sultan are not obeyed, especially if the orders are against the customs that have been deeply ingrained for them; c) the Ulama for the people of Jambi are truly respected and their advice is heard, whereas in West Sumatra traditional leaders have not been able to accept Islam as a way of life beyond custom, the *adat* (custom) was born before the arrival of Islam in Minangkabau.

In Jambi, assets are divided in accordance with an agreement. Some split in a fair manner, as did the citizens of Jambi; others refer to customary law, while others adhere to customary law, whose implementation varies depending on deliberation, as the people of Merangin, Sarolangun, Kerinci, Bungo, and Tebo do. Others provide more of the property, the distribution, or both to the men or the women; some give more to the women [12], [13]. It is subject to both parties' agreement. Because the people of Jambi believe that inheriting property is a right, not an obligation; 3) In order for ABS-SBK to be sustainable in Jambi, the government must do the following: a) establish Jambi Malay Customary Institutions in provinces, regencies, cities, and sub-districts; b) hold working meetings to discuss customs and religion; and c) implement ABS-SBK in official government events, official religious events, and other events such as wedding receptions [14] [15]. The following matrix depicts the superb formula as a novelty:

WEST SUMATRA PEOPLE	PEOPLE IN JAMBI
$\frac{ABS - SBK = (A - I)}{(ABAP - APBK + ABS - SBA)}$	$\frac{ABS - SBK = (A - I)}{(ABS - SBK)}$

**Fig. 1.** The matrix depicts the superb formula.

A = *Adat* (custom); B = *Bersendi* (Based); A = *Alur* (flow); P = *Patut*; S = *Syara'* (local custom); K = *Kitabullah* (the Holy Qur'an); I = Islam; A = *Agama* (religion)

The above-mentioned conditions can be described visually in the photos below:



**Fig. 2.** Three Leaders (Troubles)



**Fig. 3.** Two Leaders (Concern)

The pictures with 3 persons will get much troubles in leading a region than the picture with two leaders. The text of Twenty Laws' book, which originates from the eighth and twelfth laws, can be described as follows. The script of "*Oendang-oendang Djambi*" has no stamps or labels [16], [17]. The paper size is 14 cm, wide and long are 24 cm. Every page has 25 lines, including chapter titles without numbers and verses. From all 32 chapters, there were three chapters

without titles. The number of pages is 26 pages. Judging form is a format as a law, it looks more perfect than the chapter *al-Qawa'id* law book. Regarding the law, the writers must read it word by word, line by line, and paragraph by paragraph to understand it completely. Another difficulty is the language and accent used, which really feel regional. Jambi Malay language is no longer used. If we see at Indonesian rules (*EYD*), it's still a long way off. This conditions make the writers find difficulties in translating the regional language into Indonesian.

The contents of the twenty laws can be transcribed as shown below. The first happiness is called "law eight". It is named because this law contains 8 articles, namely: 1) relating to the stabbing – kill; 2) related to upas-poison; 3) related to *samun*; 4) related to thieves; 5) related to burning; 6) relating to lancing; 7) related to dago-dagi; and 8) related to discord. Meanwhile, it is called "law twelve" because the law consists of 12 articles, which are also divided into the first: 1) relating to over-exertion; 2) related to proven evidence; 3) related to being bound; 4) related to splashing; 5) related to being choked and 6) being caught red-handed. Next, the second 6 are: 1) *bersurih* like *sipasin*; 2) traces of scars; 3) hornbills fly, twigs fall; 4) *kacondong mato* of many people; 5) the most sown; 6) walking in a hurry. As for differences in numbering and prioritizing one and some driving the other, it is nothing more than layout; the content and the number are also the same, namely  $6+6=12$  articles. As a comparison in another version, the eight principles of law are: 1) dago-dagi; 2) *sumbag-false*; 3) *samun sakai*; 4) remove poison; 5) grilled slurry; 6) deception; 7) thieves steal; 8) stab kill. [18], [19], [20].

Meanwhile, the twelve laws are: 1) laws relating to Allah's rights; 2) laws relating to Adam's children and their rights; 3) Laws relating to old houses and old villages; 4) laws relating to the headman; 5) laws relating to the rights of independent and overseas countries; 6) laws relating to the natural rights of Berajo; 7) laws relating to the law of being injured, disemboweled, dying in the wake, wrongly owed, left behind, borrowed and returned; 8) laws relating to marriage rights, *semendo-memendo*; 9) laws relating to the livelihood rights, intelligence, and employment of Adam's children; 10) laws relating to heavy and light property rights; 11) laws relating to games; 12) laws relating to rights to natural cruelty, sea, land, rice fields, lake fields, mines, mountains, hills, forests, swamps, bays, jungles, and *remban*. In addition to other versions, what is stated above is also a description and explanation of the scope of law twenty. [21]

Article 8, matters relating to anger. Consisting of: 1) people who commit adultery with underage women must be punished by Allah's law (the law of stoning) 2) people who abuse other people's children and wives after being warned by their parents, which results in a commotion; people who carry out tracking (slavery, pen) whether they are minors or not so that they become concubines. The cases relating to civil law are contained in article 9 concerning money and debts as follows: Paragraph 1 states about receivables amounting to more than 300 *ringgit*; verse 2 about inheritance that exceeds 500 *ringgit*; verse 3 talks about hamlets, gardens, and villages that exceed the price of 500 *ringgit*. Penalties relating to civil matters are disclosed in chapter IV with the following articles. Articles 1 to 5 are as described. The legal sanctions for the above actions are: 1) the penalty is eliminated if there is no strong evidence that makes him guilty; or a sentence of forced labor of arround 6 months or imprisonment maximum 15 days. The second option is a fine that must be paid a maximum of 150 *ringgit*. [22].

The case is heard as stated in the following chapter, namely in chapter 3, article 1 it is stated that the case of the person who killed someone intentionally uses a sharp weapon or a weapon

that they feel is capable of killing people. In Article 2, a person kills someone by deliberately poisoning them with any type of poison that can kill; Article 3 states that the form of killing someone is killing someone intentionally. In article 4 it is stated what the punishment is for a person who is seriously injured by a person who cuts off a large part of the genitals to the point of severing the human veins/the person becomes disabled. [23], [24], [25].

Article 5 contains articles regarding theft, embezzlement, robbery, and fraud with the following details. Article 1 concerns people who steal people's property and even break up people's houses that are occupied or unoccupied. Article 2, about people stealing to the point of breaking the piti of the person they stole is more than the interpretation of 60-ringgit birds. Article 3 concerns people who seize society's property in the middle of a big road, in a river or rice field, or in the forest rather than plundering themselves – *samun* – *sakar rampak*/robbing people's property. Article 4 concerns people who steal someone's property, which is more than 80 ringgit, or not breaking a chest or house. Next, Chapter 6 explains burning, which consists of paragraph 1 about people burning down people's houses (inhabitants); paragraph 2 states that the person's house is where they store assets worth more than 20 ringgit. Paragraph 3: houses adjacent to houses that may be burned are occupied by people or houses where people diverted their property.

In article 7 there is a clause about harm - disobedience in paragraph 1, which reads: who is the person who disobeys Sri Paduka Sulthan, either by deeds, whether by consensus, which means saying words are disgraceful and to Sri Paduka Sulthan, especially with his hands. Verse 2: Whoever resists the government of the Kingdom of Siak Sri Indrapura in its possessions with their mouths or words or actions will destroy that government. Verse 3: Whoever gathers together says they will destroy the government and security of the Siak Sri Indrapura State and its conquered colonies or something the government of Siak Sri Indrapura will be destroyed by saying. Verse 4: Who is the person who keeps someone who has been punished by the judges hidden, or who is the person whose crime is clear will be arrested by the police or will be summoned by the judges for a big mistake hidden by someone. Verse 5: Whoever complains about big people, heads of countries and tribes and mosque employees, or those who are just carrying out their duties and powers until they are pressured or disturbed by the big government. Verse 6: who is the person who revokes the signs that the judges or heads have clearly stated. Verse 7: Who is the person who imitates a bright title or imitates the clothes of a policeman or a big official?

Cases handled by Police Judges. In Article 1 it is stated that the punishment for residents of a colonial country is as follows: 1) the case may be dismissed and fined with forced labor for a maximum of 3 months; After 1 month has been served, the person concerned can be forced to work in their respective provinces. Or forced labor in Siak Indrapura. However, the punishment must not exceed that of my lords, big men, grandfathers, or treasurers of the Siak Indrapura sultanate. Article 2 states that if the sentence is more than 1 month of work, they will immediately be sent to Siak to serve their sentence. The police must send the minutes of his sentence as an attachment so that he will know when he will start serving his sentence for a minimum of 8 days. However, if the sentence falls during the month of Ramadan, then he will only serve the sentence for 1 month of Ramadan. There must be a statement from Sri Paduka Suthan Siak regarding this matter. Furthermore. Then, article 3 states that if the sentence cannot be carried out, then the punishment will be a fine of 60 ringgits. Furthermore, in article 4 regarding debts, it can be decided that the debt is a maximum of 150 ringgit. About matters

relating to inheritance. Article 5 states that the case will be resolved with a maximum fine of 300 ringgit.

This is different with cases related to hamlets, gardens, and villages, the settlement of the case is estimated at 300 ringgits. Specifically, article 7 contains a paragraph about cases that occurred in Merb Province as follows: 1) paragraph 1 states that a person whose case is terminated, with a decision of 1 month of forced labor, may be served in the province where he lives and may also be in Siak Indrapura; 2) paragraph 2 allows him to pay a maximum fine of 40 ringgit; 3) paragraph 3 states that debt and receivable cases can be decided at a maximum of 100 ringgit; 4) paragraph 4, that inheritance cases are settled with a maximum estimate of 200 ringgit; ) paragraph 5 regarding gardens, hamlets and villages, the matter is settled at a maximum price of 200 ringgit. What is stated above are the normal limits, and if the case is bigger, then the case cannot be decided by the judges of the colonial country. However, the case must be sent to the police judge in Siak Indrapura.

How to convene a police judge. In Chapter VI, there are provisions on how police judges convene. Below, we will explain the chapters and verses relating to this. Article 1 states that police judges are present together and convene in one council where cases are decided and must also sign together on a decision with the following details: 1) paragraph 1 concerning the *tirkah* between the head of the accuser and the accused in the state of Siak province, then Datuk Tanah Datar, Datuk 5 Kota, Datuk Pesisir, Datuk Kampar sat in session at the council and signed the decision; 2) Paragraph 2 states that if there is no accused or accused tribal chief, then article 2 states that the police judges from Tebing Tinggi province who jointly sit on the council and then decide that it is mandatory to sign the case decision; 2) the verse states that if the chief of the tribe is accused and accused not in Tebing Tinggi province, then the inner and chief servants of the king, inner Kerimbang and inner Galang sit at the council and sign the decision together. Article 3 concerning the duties of police judges in the state of Merb province, as in the articles above it, states that in making decisions, they must sit together and sign together, as explained in paragraph 1 that the tribal chief who accuses and the accused, if the issue is about *tirkah* , then Allah's law applies (read: *jinayat-pen*) 2) in paragraph 2 it is stated that if the chief of the accuser and the accused are not present, then the inner Opang, inner Cntai and the Tanjung headman sit together and sign the decision together as well. And so on, the articles are repeatedly mentioned with the provisions of the same paragraph, except for their application to each state.

Issues related to Islamic ethics/morals can be found in chapter 10 under the title "The Power of Qadhi Siak Sri Indrapura". With details article by article. Article 1 reads, the content of which is that marrying followers of Islam must refer to the laws of Allah (read: the laws of fiqh – pent.) and between the two bride and groom candidates must be equal (equal). This provision is based on the Decree of Sri Paduka Sultan; article 2 explains that marriage and divorce must be based on God's law (fiqh law); Furthermore, article 3 states that in a case trial, if the judge requires an oath from the witnesses, then the qadhi orders the mosque employees to take the oath of the witnesses in front of the qadhi; Article 4 states that the qadhi has the power to detain people or imprison people who are found guilty for 8 days and must not be ordered to work. Meanwhile, article 5 states that qadhi may lighten the law for husband and wife following Allah's law; however, it must first be conveyed to Sri Paduka Sulthan. If the Sultan agrees, then the qadhi can apply it. Article 6 talks about the imam who can replace the imam when praying for holidays and Friday prayers when he cannot be present to read the sermon. Furthermore, article 7 states

that the power of judges in cases of Muslim inheritance in the province is given to the Siak state police judge.

The case can be decided with 150 ringgit of the tribal chief's mutual obligation to obey Allah's (fiqh) law signed by the tribal chief or parents. If the parent is not present, this may be done by the colony priest, provided that the chief of the accused tribe and the chief of the accuser's tribe are present. If he doesn't come, then you can leave. In article 8 it is also stated that the *qadhi* must keep a book of disputes regarding *tirkah* inheritance and, marriage matters and divorce, *fasakh*, so the book is kept in the hall. In article 9, it is stated that the qadhi must summon the head priest in connection with article 2, article 5, and article 7 as stated in chapter X; On the other hand, if the imam of the colonial country is not available at that time, then the qadi does not have to wait. Next Article 10 states that cases decided, whether inheritance or divorce, must be carried out at the Court Hall. In Article 11, Muslims who carry out a marriage contract must take a marriage certificate issued by a *qadhi* with the provisions of redeeming the marriage certificate for 25 cents and the marriage fee is 1 ringgit. Another provision is in 12, namely that the *qadhi* is given legal authority to receive zakat on rice if the nisab reaches the Islamic religious rules that Sri Paduka Sulthan has determined. The closing article of this chapter, namely article 13, which states that the qadhi ensures that the married person reads the marriage vows stated in the marriage certificate (marriage certificate).

In chapter In article 2) it is stated that for husband and wife couples and divorce, the punishment refers to God's law (fiqh-pent law); Furthermore, in article 3) it states that in a meeting/trial, if the judge requires the witnesses to swear, mosque employees must swear in front of the qadi. Then, in 4), it is stated that the qadhi is given the authority to detain the guilty person for eight (read: eight (8) days based on Allah's law and must not be ordered to do forced labor. In article 5) it is stated that husband and wife couples who make mistakes are punished as follows. in article 4 as mentioned above, namely following God's law. However, before the punishment is applied, the qadhi must first obtain or ask for Sri Paduka Sulthan's approval. Article (6) in Chapter al-Qawa'id chapter . Furthermore, article 7 states that police judges are given the power to handle cases regarding the inheritance of Muslims within the province. The decision can be settled by paying a maximum of 150 ringgit with another condition that the qadhi determines the punishment based on Allah's law in the presence of the chief or tribal parent.

Article 8 states that the *qadhi* is required to keep a book (minutes-pen) of cases regarding *tirkah pasaka*, marriage, and divorce cases, and the book is kept in the Hall. Then, article 9 states that if the *imam* of the colony is in Siak when the case is raised, then the *qadhi* is obliged to summon him in accordance with articles 2, 5, and 7. Meanwhile, if the imam of the colony is not there at that time, then there is no need to wait for him. Article 10 states that in cases decided in relation to inheritance, marriage-divorce-reconciliation, the trial will be held in the Hall where the trial is held. The next article, namely article 11, states that the marriage certificate is taken through a *qadhi* by paying 25 cents and the marriage fee is 1 ringgit. Furthermore, in 12 and 13 it is stated as follows; a) *Qadhi* is given the power to collect zakat on rice which has reached the *nisab* for those who are Muslim at the level determined by Sri Paduka Sulthan; b) the *qadhi* is given the right to read the marriage contract as stated in the marriage certificate. Thus, it can be said that law enforcement based on sharia' and customs has been properly promulgated in its chapters and articles. So, it is appropriate in this context that the custom of Sharia' base on the Book of Allah (Al-Quran) already had a legal basis in *Siak Sri Indrapua* at the end of the 19th century AD.



## Conclusion

Without conflict, *adat* (custom) and Islam go hand in hand in Jambi society under one single leadership. In fact, such existence supports the adage “custom with *syara*’; *syara*’ based on the Holy Book (Qur’an); *Syara*’ states, the custom wears”. To conclude, it turns out that the conflict in West Sumatra was triggered by three central figures, each of whom displayed their egos (traditional leaders, ulama, and sultans), fighting for people's support, which resulted in conflict. Meanwhile, in Jambi, the people were commanded by the Sultan only (read: one command), and the ulema themselves obeyed the Sultan’s orders. In addition, Sultan also doubles as a scholar. As an illustration, Sulthan Thaha Saifuddin, in example, is also known by another name, Sulthan Thaha Shafiuddin. Furthermore, the unique kinship relations in Jambi, which are generally patrilineal and some are in practice between patrilineal and matrilineal, have an impact on the distribution of various constructive inheritances in accordance with modern era.

As recommendations, it is suggested that: 1) in order for ABS-SBK to remain sustainable, the provincial government should foster ABS-SBK through various activities that are adequately funded; 2) Youth and women must thoroughly comprehend customs and Islam through meetings, trainings, and intense, interactive dialogues in order for ABS-SBK to serve as the guidance of the Jambi community, starting with the Neighborhood Association, Community Association, Village Association, and sub- district.

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