*Jurnal Syariah*, Jil. 30, Bil. 2 (2022) 175-205
**Print ISSN:** 0128-6730
**e-ISSN:** 0127-1237

**Submitted Date:** 11 March 2022
**Accepted Date:** 29 July 2022
**Published Date:** 31 August 2022

# HISTORY OF MUHAMMAD BASIUNI IMRAN AS HEAD OF *SHARĪ'AH* COURT OFFICE IN THE IMPLEMENTATION OF ISLAMIC LAW IN SAMBAS 1951-1955 WEST KALIMANTAN

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## ABSTRACT

*This article discusses the footsteps of the maharaja Imam Muhammad Basiuni Imran in the application of Islamic law in Sambas, West Kalimantan. Muhammad Basiuni Imran is a charismatic cleric from Sambas with qualified religious knowledge who has several works that are recognized by the Islamic world in reference to Islamic law and has many teachers, one of which is Rasẖid Rihda, a middle eastern cleric who is very famous for his knowledge of legal reform and works he became a reference for world Islamic scholars, especially scholars of the Indonesian archipelago. The focus of this research is how Muhammad Basiuni Imran as the head of the sharī'ah court office in the application of Islamic law in Sambas, West Kalimantan? While the method in this study uses*

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*a descriptive qualitative type and the nature of the research is literature. While the approach in this study is to use a historical approach. The findings in this study in the application of Islamic law Muhammad Basiuni Imran were faced with the problem of friday prayer law of less than 40 people, disputes about talkins in society, debates on the issue of marriage faskḥ, developing the concept of masḫlahāh mursālah, the application of the concept of al-Tahāluf al-siyasi and the application of the concept of tadārruj.*

**Keywords***: Muhammad Basiuni Imran, sharī'ah court, Islamic law*

## INTRODUCTION

Knowing the history of civilization should not only from the physical aspectbut also from a spiritual aspect. Civilization must be able to create an intelligent and dignified society and then accommodate it for progress.[3] From the aspect of education, Muhammad Basiuni Imran is one of the students of two prominent scholars, namely Shaykh Ahmad Khatib Minangkabau (in Mecca, Saudi Arabia) and also Shaykh Muhammad Rasyid Rida (in Egypt).[4] There are also many works produced Bay Basiuni Imran, including 12 books (own works, translations, excerpts from books) covering the fields of monotheism, jurisprudence, history, and reckoning. [5] Meanwhile, in the socio-political field, Basiuni Imran was trusted by the Sambas Kingdom as the Maharaja of Faith and carried out the modernization of *Madrasāh al-Sulthaniyāh*.[6]

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[3] Martasudjita, Emanuel Pranawa Dhatu. *Sumbangan Teologi Sukacita Dalam Mewujudkan Masyarakat Yang Semakin Bermartabat*, (Yogyakarta: Sanata Dharma University Press, 2021), 19.

[4] Wendi Parwanto, "Konstruksi dan Tipologi Pemikiran Muhammad Basiuni Imran (1885-1976) Sambas, Kalimantan Barat dalam Literatur Tafsir." *Substantia: Jurnal Ilmu-Ilmu Ushuluddin*, vol 21/1 (2019): 61-78.

[5] Norahida Mohamed, "[Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan] Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat." *Jurnal Islam dan Masyarakat Kontemporari*, vol. 22/1 (2021): 83-97.

[6] Beti Yanuri Posha, et al. "Peran Sultan Muhammad Mulia Ibrahim Syafiuddin di Kesultanan Sambas 1931-1943 Dalam Bidang Revitalisasi Lembaga Peradilan Agama." *Jurnal Diskursus Islam*, vol. 6/1 (2018): 175-200.

Almost all studies on the Islamic renewal movement in Indonesia covered merely Sumatra and Java.[7] Almost no studies on Islamic reform movements have been carried out in other areas, for example in Kalimantan and Sulawesi, especially West Kalimantan.[8] This research had a lot of impact on the views of Islamic law researchers, that outside Sumatra and Java there were no ulema who carried out Islamic reform movements. Therefore, a study of Basiuni Imran as a reformer in the Kingdom of Sambas should be carried out, especially in the renewal of Islamic law in Sambas. There are several writings and research results that review the life of Muhammad Basiuni Imran. Among them are books by Machrus Effendy[9], Muhammad Rahmatullah[10] and Erwin[11]. The results of the research that have not been published are the research of A. Muis Ismail and Pabali Musa[12]. Meanwhile, Gusti Mahyudin Ardhi[13] wrote a paper that was presented in Brunei Darussalam. The author also finds two short articles written by Wan Moh. Shaghir Abdullah.[14]

There are several reasons that encourage researchers to conduct a study on Muhammad Basiuni Imran on the renewal of Islamic law in Sambas, West Kalimantan. First, as mentioned above, Muhammad Basiuni Imran studied under two prominent scholars with relatively different styles of

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[7] Babun Suharto, *Moderasi Beragama; Dari Indonesia Untuk Dunia*, (Yogyakarta: Lkis Pelangi Aksara, 2021), 10.

[8] James T. Collins, *Bahasa Melayu bahasa dunia: Sejarah singkat*, (Jakarta: Yayasan Obor Indonesia, 2005), 4.

[9] Machrus Effendy, *Riwayat Hidup dan Perjuangan Maharaja Imam Sambas*, (Jakarta: Dian Kemilau, 1995), 25.

[10] Muhammad Rahmatullah. *Pemikiran Fiqh Maharaja Imam Kerajaan Sambas Basioeni Imran (1885-1976)*, (Pontianak: Bulan Sabit Press, 2003). 36.

[11] Erwin Mahrus, *Falsafah dan Gerakan Pendidikan Islam Maharaja Imam Sambas Muhammad Basioeni Imran (1885-1976)*, (Pontianak: STAIN Pontianak Press. 2007), 45.

[12] Pabali Musa, *Muhammad Basioeni Imran (1883-1976); Rekonstruksi Pemikiran Maharaja Imam Kesultanan Sambas Kalimantan Barat*. (Jakarta: IAIN Syarif Hidayatullah Jakarta, 1999). (Tesis, tidak diterbitkan).

[13] Gusti Mahyudin Ardhi. *Muhammad Basioeni Imran 1883-1976, Maharaja Imam Kerajaan Sambas, Rekonstruksi Pemikiran Keagaman dan Politik Kenegaraan*. (Makalah Seminar Pusat Sejarah Brunei, 2001)

[14] Wan Moh. Shaghir Abdullah, *Basiyuni Imran Maharaja Imam Sambas*, (artikel online: http://ulama-nusantara.blogspot.com. akses: 25 Sepetember 2021.

thought, namely Shaykh Ahmad Khatib Minangkabau (Sunni scholar) and Sheikh Muhammad Rasyid Rida (Salafiyah cleric, successor to al-Afghani's reform ideas and Muhammad Abduh). Those are the thoughts of Basiuni Imran and his pattern of reforming Islamic law reform movement carried out by Basiuni Imran combine the two patterns of thought. Second, Muhammad Basiuni Imran is a prolific cleric who writes as a medium to transmit his renewal ideas to the community. Of course his works are very important to study. Third, in carrying out the Islamic law reform movement, Basiuni Imran used "political power", namely taking advantage of his position as Maharaja Imam of the Sambas Kingdom. As the holder of the highest authority in the religious field in the Sambas Kingdom, Muhammad Basiuni Imran was able to freely disseminated the idea of reforming Islamic law through the official royal channels. Fourth, the influence of Islamic law reform carried out by Muhammad Basiuni Imran shows its significance in the Sambas community to this day. [15]

This research is limited to only three matters concerning Muhammad Basiuni Imran, namely: curriculum vitae, the application of Islamic law during the leadership of Basiuni Imran and his reform efforts in the field of Islamic law. There are still many things that should be disclosed, for example the social, political, and religious context that surrounds the life of Basiuni Imran. However, due to space limitations, it is imperative that the study of the context is not discussed. This study is important to see the background of Muhammad Basiuni Imran as head of the *sharī'ah* office in Sambas. The most important thing in this research is an in-depth study of the thoughts of reforming Islamic law by Muhammad Basiuni Imran. This article is intended to identify the figure of an Islamic law reformer from Sambas in the arena of Islamic studies in Indonesia in particular, and the Islamic world in general. This study uses a historical approach to get to know more deeply the figure of Islamic law reform who was born in Sambas, West Kalimantan.

## DISCUSSION

### 1. The Advent of Islam in Sambas, West Kalimantan

The advent and development of Islam in Sambas cannot be separated from the important role of acculturation agents, namely traders from Arabia, Gujarat, Brunei, and Banjar who have brought Islam into the area by the sea

[15] Machrus Effendy, *Riwayat Hidup dan Perjuangan Maharaja Imam Sambas*, 28-29.

and land routes. The oldest information about the arrival of Islam to Sambas is found as early as 15th century. By then, it is estimated Muslim traders living in Sambas. In addition, Malay literature in written form has been found since the 15th century.[16] In addition, the influence of Sultan Muhammad Shafiuddin who carried out the development of Islamic teachings in Sambas increasingly made Islam well received by the community.[17] This happened because both traders and Sultan Muhammad Shafiuddin carried out an integration process which then resulted in acculturation with the Sambas community. At its peak, Ratu Anom Kesumayuda, who was the last king of the Hindu kingdom of Sambas, handed over the government and the land of Sambas to Raden Sulaiman and his wife.[18]

The process of entering Islam in Sambas is not much different from the process of entering Hinduism. Islam began to enter Sambas in the 14th century AD, then grew and developed in 1600. The entry of Hinduism and Islam in Sambas can be accepted by the Sambas people because it is in accordance with the culture of the Sambas people.[19] Apart from this process, there is an opinion that the local culture which is still firmly adhered to by the Dayak and Hindu communities is difficult to integrate with Islam. Over time, this assumption disappeared after Islam grew and became a guide for the running of the government process of the Sambas Sultanate.[20] With the process of integration and acculturation by Islam, the people of Sambas slowly began to embrace Islam and leave Hindu traditions. In addition, the Dayak people are slowly starting to accept Islam in their very different society.[21]

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[16] Sunandar, dkk, *Sejarah Desa Penakalan Asal-Usul Perkembangan Sosial, Ekonomi dan Budaya,* (Pontianak: Derawati Press, 2020), 19.

[17] H. S. Suhaedi, "Etnis Banten di Negeri Borneo." *Kawalu: Journal of Local Culture,* vol. 6/2 (2021): 25-52.

[18] Ansar Rahman, dkk, *Kabupaten Sambas-Sejarah Kesultanan dan Pemerintah Daerah,* (Pontianak: Taurus-Semar Karya, 2001), 42-43.

[19] Eliza and Hudaidah. "Proses Islamisasi dan Perkembangan Islam di Kesultanan Banjarmasin." *HEURISTIK: Jurnal Pendidikan Sejarah,* vol. 1/2 (2021): 54-62.

[20] Abd Rochim Al-Audah, *Pemikiran Politik Syekh Al-Banjari (1710-1812): Dalam Pembinaan Politik Hukum,* (Banjarmasin: Lekkas, 2021), 3.

[21] Suharno, *Pendidikan Multikulturisme Konsep, Tata Kelola, dan Praktik Penyelesaian Konflik Multikultural,* (Cirebon: Penerbit Insania, 2021), 95.

Islam that entered Sambas at first was not immediately accepted by the community. It took a long time for people to accept it so that it became the territory of the Sambas Sultanate. Moreover, at that time Sambas was still in the form of a Hindu kingdom led by a queen.[22] Islam began to enter and develop in the Kingdom after Sultan Shafiuddin, who came from Brunei, married Sultan Matan's sister, who then settled in Sambas.[23] The development of Islam in Sambas became wider after the son of Sultan Muhammad Shafuiddin, namely Raden Sulaiman with the title of Sultan Muhammad Syafiuddin I, the first Sultan of Sambas participated in teaching Islamic teachings to all the relatives of the Sultanate of Sambas and the people of Sambas.[24] It was from this step that many people began to be interested in converting to Islam and so Islam developed in Sambas.

During the reign of Sultan Muhammad Syafiuddin I there were many changes in the structure of the Sultanate government, which at this time was the initial stage of the use of the Islamic bureaucratic system in the Sultanate of Sambas.[25] After officially serving as the Sultan of Sambas, Sultan Muhammad Syafiuddin I further intensified the development of Islamic teachings. In addition, during his reign, Sultan Muhammad Syafiuddin I had set the procedure for selecting the Sultan that is:[26]

1. The successor of the Sultan is then appointed or comes from the descendants of the Sultan who is on the throne, then chosen by the palace relatives.
2. After being selected and determined, then it is announced throughout the country to be recognized as the new Sultan.

After that, every time a Sultan will be crowned, Viziers and ministers will also be appointed. In carrying out their duties, There is a philosophy of the

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[22] Aslan, et al. "Dinamika Keagamaan Masyarakat Perbatasan Paloh Kabupaten Sambas, Kalimantan Barat." *Jurnal Antropologi: Isu-Isu Sosial Budaya*, vol. 22/1 (2020): 90-101.

[23] Johan Septian Putra, *Brunei Darussalam dan Falsafah Melayu Islam Beraja*, (Yogyakarta: Guepedia, 2021), 107.

[24] Dwi Surya Atmaja, *A potrait of Chinese diaspora in Cidayu area: dinamika persepsi dan argumentasi antar etnis*, (Pontianak: IAIN Pontianak Press, 2019), 101.

[25] Jaelani dan Duski Ibrahim, and Endang Rochmiatun. "Pedagang Melayu di Kesultanan Sambas 1819-1942: Terbangunnya Perdagangan, Relasi dan Jaringan." *Medina-Te: Jurnal Studi Islam*, vol. 15/2 (2019): 154-171.

[26] Beti Yanuri Posha, et al, "Peran Sultan Muhammad Mulia Ibrahim Syafiuddin di Kesultanan Sambas 1931-1943 Dalam Bidang Revitalisasi Lembaga Peradilan Agama." *Jurnal Diskursus Islam*, vol. 6/1 (2018): 175-200.

Sambas people that air depends on cliffs, cliffs depend on bamboo. It means the Sultan for the people and the people for the Sultan.[27] These original traits in the course of the Sultanate and Sambas customs have been carried out from generation to generation. In addition, in the coronation ceremony of the Sultan, Vizier, Minister, Prince, marriage ceremonies and the death of heirlooms are used with the provisions[28]:

1. At the Sultan's inauguration ceremony, he was equipped with a yellow umbrella, as many as 12 advanced spears. Meanwhile, at marriage and death events, 8 yellow umbrellas and advanced spears are equipped.
2. At the inauguration ceremony, the Vizier, Minister, and Prince are equipped with yellow umbrellas, as many as 8 sophisticated spears. Meanwhile, at the wedding or death ceremony, it is equipped with 6 advanced spears.
3. At the inauguration ceremony, Uray became Raden equipped with a yellow umbrella, 4 advanced spears. While at the wedding or death 2 pieces of advanced spears.

The procedure that has been carried out by Sultan Muhammad Syafiuddin I above is one form of preserving historiography and organizing the Sambas Sultanate. With the presence of Sultan Muhammad Syafiuddin I as the first Sultan of Sambas, the system or government order that originally used the Hindu system has now become an Islamic government system. During the reign of Sultan Muhammad Syafiuddin I, it became the turning point of the triumph of the Sambas Sultanate.[29] This was marked by the establishment of a city and a means to teach Islam in Bandir City, before finally being moved by Sultan Muhammad Tajuddin to Muara Ulakan.[30] Sultan Muhammad Syafiuddin I was the first king in the Islamic Kingdom of Sambas to use the title Sultan. This title was then continued until the 15th Sultan of Sambas. Sultan Muhammad Syafiuddin I was the first to implement governance

[27] Abd Rachman Abror, *Pantun Melayu, Titik Temu Islam dan Budaya Lokal Nusantara*, (Yogyakarta: LKIS PELANGI AKSARA, 2009), 151.

[28] Mohammad Syawaludin and Mohammad Sirajudin Fikri, *Tradisi Politik Melayu; Analisis Pengangkatan dan Pergantian Kekuasaan di Kesultanan Palembang*, (Palembang: Rafah Press, 2019), 75.

[29] Hifza, Muhammad Suhardi, Aslan and Silvia Ekasari. "Kepemimpinan Pendidikan Islam Dalam Perspektif Interdisipliner." *NidhomulHaq: Jurnal ManajemenPendidikan Islam*, vol 5/1 (2020): 46-61.

[30] Dwi Surya Atmaja, *A potrait of Chinese diaspora in Cidayu area: dinamika persepsi dan argumentasi antar etnis*, 106.

based on Islam in the Sambas Sultanate.[31] Even though during the reign of Sultan Muhammad Tajuddin, the Sambas Sultanate was making progress both in terms of economy and religion. Where every village is established a surau and a place of study to deepen Islam.

At the beginning of the reign of Sultan Muhammad Syafiuddin I, it is not known for certain whether he ever built a mosque around the Sultanate which at that time was still in the Lubuk Madung area, or only recommended to the public to build a mosque and surau.[32] However, in the process of spreading Islam in Sambas at the end of the 16th century AD, located in the City of Bangun, a mosque was built by scholars from the Peninsula and Sumatra.[33] It was only during the reign of Sultan Muhammad Tajuddin, Sultan Umar Akamuddin I, and Sultan Muhammad Syafiuddin II that it was discovered that they had built mosques and further developed Islamic teachings in the Sambas Sultanate. The Sultans of Sambas, starting from Sultan Muhammad Syafiuddin I until the death of Sultan Muhammad Mulia Ibrahim Syafiuddin, for 312 years have developed Islam.[34]

In addition to establishing the Sultan's Palace, the Sultans who built mosques and advised the public to build surau and mosques in every village. The first Sambas Mosque is estimated to have been built during the reign of Sultan Muhammad Tajuddin with a simple form.[35] This mosque has an antique pulpit for a preacher to preach made of red wood with gold carvings given by sailors and traders from Palembang. Inside the mosque there is a bandi or ceramic vessel used to hold water for ablution, a gift from the Sultan of Brunei, Sultan Muhyiddin to Sultan Muhammad Tajuddin for his

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[31] Yesi Safitri and Henny Yusnita. "Pendidikan Islam Di Kesultanan Sambas Awal Abad XX." *Jurnal SAMBAS: (Studi Agama, Masyarakat, Budaya, Adat, Sejarah) Journal of Religious, Community, Culture, Costume, History Studies*, vol. 3/1 (Juli 2020): 73-94.

[32] Risa, Ahmad M. Sewang, Syamsudduha, and Hasaruddin. "Bureaucracy of The Sambas Sultanate During The Dutch Colonial Period (1818-1942)." *Jurnal Adabiyah*, vol. 20/1 (2020): 69-91.

[33] Muhamad Murtadlo, "Masjid Kraton Sambas dalam Konstelasi Pembaharuan Islam di Kalimantan Barat." *Jurnal Lektur Keagamaan*, vol. 12/1 (2014): 207-234.

[34] Muhamad Murtadlo, "Masjid Kraton Sambas dalam Konstelasi Pembaharuan Islam di Kalimantan Barat: 207-234.

[35] Reza Akbar, "Karakteristik Masyarakat Muslim Kota Sambas Dalam Menentukan Arah Kiblat Untuk Pelaksanaan Salat Di Rumah." *Sosial Budaya*, vol. 16/1 (2019): 37-48.

inauguration as Sultan Anom.[36] According to Jalaluddin Rakhmat, on the outside of the mihrāb of the mosque, the holy Qur'ān is inscribed which is the hallmark of Muslim mosques.[37]

Meanwhile, during the reign of Sultan Umar Akamuddin I who was called by the people of Sambas as Marhum Adil because he ruled justly, he built a new mosque to replace the old mosque. The name of this mosque is *Kamā Sāllaitā* which is the second mosque ever built in the Sambas Sultanate.[38] In the reign of the 13th Sultan, Sultan Muhammad Syafiuddin II, a large mosque was also built with the name Jami' mosque.[39] This mosque is the third mosque built in the city of Sambas and one of the oldest mosques in West Kalimantan. This magnificent and historic mosque building has meaning and is symbolic of Sultan Muhammad Syafiuddin II and the Sultan who ruled in the Sambas Sultanate.[40] Sultan Muhammad Syafiuddin II is known as a booster of economic development in the Sambas Sultanate through progress in development, education and religion.

During his reign, although there were not many very significant changes in terms of development in the Sambas Sultanate, Sultan Muhammad Syafiuddin I was known and loved by the public as a good and wise Sultan and was religiously devout.[41] When reigning in the Sambas Sultanate, Sultan Muhammad Syafiuddin I was assisted by the Vizier, ministers, and Sultanate officials who were quite capable of carrying out their duties. The vizier who was appointed to assist the government of Sultan Muhammad Syafiuddin I was his own brother Raden Badaruddin who was appointed Prince Treasurer

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36 Haji Awg Asbol bin Haji Mail, "Institusi Wazir, Ceteria dan Menteri pada Abad ke-19: Struktur dan Kuasa Elite dalam Pentadbiran di Kesultanan Melayu Brunei." *SOSIOHUMANIKA*, vol. 1/1 (2008): 25-35.

37 Jalaluddin Rakhmat, *Islam alternative*, (Jakarta: Mizan Publishing, 2021), 43.

38 Muhamad Murtadlo, "Masjid Kraton Sambas dalam Konstelasi Pembaharuan Islam di Kalimantan Barat.": 207-234.

39 Muhamad Murtadlo, "Masjid Kraton Sambas dalam Konstelasi Pembaharuan Islam di Kalimantan Barat.": 207-234.

40 Sumanto Al Qutuby, Tedi Kholiludin, and Abdus Salam. *E-book-agama Dan Budaya Nusantara Pasca Islamisasi*, (Semarang: Elsa Press, 2020), 79.

41 Thoriq, "Perkembangan Pendidikan Formal Di Sambas Pada Masa Pemerintahan Sultan Muhammad Mulia Ibrahim Tsafiuddin (1931-1943)." *MASA: Journal of History*, vol. 1/1 (2019): 43-52

of Seri Maharaja and Raden Abdul Wahab was appointed Prince Tumenggung Jaya Kesuma.[42]

The process to carry out Islamization in Sambas was carried out in 1600, which was carried out by Raja Tengah, father of Sultan Muhammad Syafiuddin I. Thanks to learning and deepening Islam through the holy book of al-Qur'ān in the Sultanate of Matan with Syech Syamsuddin envoy from the King of Mecca.[43] This is a big capital for Sultan Muhammad Syafiuddin I to continue to deepen, develop and teach Islamic teachings in the territory of the Sultanate of Sambas. During his reign, Sultan Muhammad Syafiuddin II married Putri Mas Ayu Bungsu, the second daughter of Ratu Sepudak, the King of the Sambas Hindu Kingdom government. From his marriage to Puteri Mas Ayu Bungsu, Sultan Muhammad Syafiuddin I was blessed with a son who later became his successor crown prince, namely Raden Bima who had the title Sultan Muhammad Tajuddin.[44] Thanks to the help of the Sultanate government apparatus that he has led, it is not difficult to develop and Islamize the immigrants, along with the followers of Sultan Muhammad Syafiuddin I who are and live around the territory of the Sambas Sultanate.

## 2. History of the Sambas *Sharī'ah* Court

Muhammad Basiuni Imran in 1951 was appointed chairman of the *sharī'ah* court in Sambas. In Law Number 1 of 1951 (State Gazette of 1951 Number 9), concerning Organizing Units of Power Structure and Procedures for Civil Courts, in Article 1 numbers 2 and 4 it is stated that the Religious Courts are within the Autonomous and Customary Courts, if the courts according to the law in force is a separate part of Swapraja and Customary Courts, will not be deleted and the continuation will be regulated by Government Regulation. As an implementation of the Emergency Law, the District Court has been abolished by Decree of the Minister of Justice.[45]

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[42] Suwardi Mohammad Samin, "Kerajaan dan Kesultanan Dunia Melayu: Kasus Sumatera dan Semenanjung Malaysia." *Criksetra: Jurnal Pendidikan Sejarah*, vol. 4/1 (2015): 62-83

[43] Suhardi, Muhamad, et al. "Perubahan kurikulum lembaga pendidikan Islam di Sambas pada masa Kesultanan Sambas." *Ta'dibuna: Jurnal Pendidikan Islam*, vol. 9/1 (2020): 34-48.

[44] Beti Yanuri Posha, et al, "Peran Sultan Muhammad Mulia Ibrahim Syafiuddin di Kesultanan Sambas 1931-1943 Dalam Bidang Revitalisasi Lembaga Peradilan Agama." *Jurnal Diskursus Islam*, vol. 6/1 (2018): 175-200.

[45] Henni Muchtar and Muhammad Prima Ersya. "Fungsionalisasi Undang-Undang Darurat, Nomor 1 tahun 1951 sebagai Suplementasi dari Pasal

Religious courts outside Java and Madura are based on separate regulations, either based on regulations from the Dutch military forces, state laws and regulations, decisions of the Mayor of East Sumatra, or relying on self-governing and customary regulations,[46] then with the abolition of Swapraja and Adat courts, doubts arose from officials of the Religious Courts regarding the continuity of their legal position within the territory of the Unitary State of the Republic of Indonesia.[47]

For the Kalimantan region, the Religious Courts in Pontianak and Sambas were handed over to the Ministry of Religion since 1952 by the Swapraja Government in their respective places, so that although officially administration and staffing matters have not intervened, until now two courts have been running under the supervision of the Ministry of Religion.[48] The Swapraja government in Matan has handed over the affairs of the Islamic Religious Council to the Ministry of Religion, with a letter dated January 18, 1956 No, 25/44, and now efforts are being made to accommodate the staff of the Council through the West Kalimantan Regional Religious Affairs Coordinator. In the area of East Kalimantan, the Swapraja Government of Kutai, Berau and Bulungan since 1951 has handed over the affairs of the Religious Courts, which are run by the Islamic Court, to the Ministry of Religion.[49]

Since the abolition of the Swapraja and Customary Courts in Sulawesi, with the decision of the Minister of Justice dated August 21, 1952 No. J.B. 4/3/17, so the Religious Courts there are very chaotic.[50] Several Swapraja Governments simultaneously declared to hand over the affairs of the Religious Courts to the Ministry of Religion, While in other places there were Syara' Judges who continued to carry out their duties as they did in the past during the Dutch East Indies period. Efforts to regulate the

284 Kitab Undang-Undang Hukum Pidana Indonesia." *Nagari Law Review,* vol. 3/1 (2019): 78-88.

46 Fauzan, *Pokok-Pokok Hukum Acara Perdata Peradilan Agama dan Mahkamah Syar'iah di Indonesia*, (Jakarta: Kencana, 2016), 3-4.

47 A. Suriyaman Mustari Pide, *Hukum Adat Dahulu, kini, dan akan datang*, (Jakarta: Prenada Media, 2017), 8.

48 Ahmad, "Peradilan Agama di Indonesia." *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam,* vol. 6/2 (2015): 311-339.

49 Sulaikin Lubis, *Hukum Acara Perdata Peradilan Agama di Indonesia*, (Jakarta: Kencana, 2018), 1-2.

50 Yance Arizona, "Kedudukan Peradilan Adat Dalam Sistem Hukum Nasional." *Diskusi tentang memperkuat Peradilan Adat di Kalimantan tengah untuk Penguatan Akses terhadap Keadilan,* vol. 4/2 (2013): 1-17.

establishment of a Religious Court based on article 12 of Stbl. 1932 No. 80 turned out to be a failure, because the article only contained a provision that Hoofd van Gewestelijk Bestuur only had the power to "appoint godsdienstige rechts", so that this provision does not provide a basis, that the Governor of Sulawesi has the right to establish a Religious Court, both in the area formerly called "rechtstreeksbestuurd gebied," as well as in the Swapraja area.[51]

The Swapraja governments in Sumbawa, Bima and Dompu in the province of Nusa-tenggara, with the approval of the Governor of the local Provincial Head, meanwhile have entered into correspondence with the Ministry of Religion to hand over the affairs of the Syara' Legal Entity, which is the day-to-day Religious Court in their area. Which is also done for "Mohammedaansche Godsdienst Beambten" in the Lombok area.[52] For the Maluku region, in order to overcome difficulties regarding the settlement of cases of husband-wife disputes who are Muslim and other cases that were previously under the authority of the Syara' judges, The Head of the local Provincial Office of Religious Affairs has taken a temporary measure by appointing Syara' Judges in each sub-district capital, as a simplification of the existing Syara' Judges in each State.[53] Of course, this action does not have a strong legal backing.

Meanwhile, the implementation of Law no. 22 in 1946 yo. Law No. 32 of 1954, concerning marriage registration, talaq and reconciliation, This has resulted in many officials of the Religious Courts being accommodated in the formation of the local Religious Affairs Office, considering that these officials from the first also carried out the affairs of marriage, kalaq and reconciliation, so that it seemed as if the religious judicial bodies had been erased.[54] Therefore, the Government feels the need to immediately take action for the continuation of the Religious Courts in accordance with the intent of Article 1 paragraph 4 of the Emergency Law no. 1 of 1951, by promulgation of a Government Regulation regulating the establishment of Religious Courts/*Sharī'ah* Courts in areas outside Java and Madura, except in parts of South and East Kalimantan which are included in the jurisdiction

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[51] HA Basiq Djalil, *Peradilan Agama di Indonesia*, (Jakarta: Prenada Media, 2010): 7-8.

[52] Ahmad, "Peradilan Agama di Indonesia." *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam*, vol. 6/2 (2015): 311-339.

[53] Ecep Nurjamal, *Teknis Beracara Di Pengadilan Agama*, (Jawa Barat: EDU PUBLISHER, 2020), 23.

[54] Fajrul Falaakh, "Peradilan Agama dan Perubahan Tatahukum Indonesia." *UNISIA*, vol. 16/1 (2016): 21-26.

of the Qadi Density (Kadigerecht) as referred to in Stbl. 1937 NO. 638 yo. No. 639, which integrally provides uniformity in the settlement of civil disputes from Muslims which must be decided according to Islamic *Sharī'ah* Law.[55]

The institutional structure of the Islamic religious sector was refined so that it had a structure up to the village level during the time of Maharaja Imam Basini Imran. Muhammad Basiuni Imran made improvements to the organizational structure of the priesthood with the composition of Maharaja Imam HM, Imam Maharaja H. Abdurrahman Hamid, Imam H. Muhammad Djabir, Khatib H. Muhammad Djabir, H. Muhammad Mursal, H. Muhammad Murtadha, H. Muhammad Siddiq, Penghulu H. Ahmad Sharir (Singkawang), H. Muhammad Zahri (Sacred Bay-Paloh), H. Muhammad Zainuddin, H. Mi'radj Djabir (Bengkayang), and H. Abdul Aziz.[56] Thus, the renewal of Islamic law means daily matters concerning husband-wife disputes who are Muslim in matters of marriage, talaq, reconciliation, Fasach, dowry, living, hadhanah and so on, as well as matters concerning the determination of inheritance for heirs issues of waqf, grants, sadaqoh and baitulmal that must be decided according to Islamic *Sharī'ah* law do not receive proper service. This is deeply felt by the people of Sambas, especially the Islamic Ummah in Sambas, as evident from the many pressures and demands that have been put forward to the Government, both through the local Regional Representative Council, as well as through social and political organizations.

## 3. Biography of Muhammad Basiuni Imran

His full name is Muhammad Basiuni bin Haji Imran bin Haji Muhammad Arif bin Haji Nuruddin bin Haji Mustafa. He was born on 25 Zulhijjah 1302H simultaneously October 16, 1885. He came from a family of scholars who had great position and influence in the Sambas kingdom.[57] The descendants of Muhammad Basiuni Imran continue with Datuk Mustafa who has a genealogical relationship with King Gipang, the ruler of the Hindu

[55] Sulaikin Lubis, *Hukum Acara Perdata Peradilan Agama di Indonesia*, 2.

[56] Risa, *Perkembangan Islam di Kesultanan Sambas: Kajian Atas Lembaga Keislaman pad Masa Pemerintahan Sultan Muhammad Syafiuddin II 1886-1922*, (Yogyakarta; Penerbit Ombak, 2015), 94.

[57] Sunandar, Resonansi Maharaja Imam Muhammad Basiuni Imran (1885-1976) Di Sambas. *Medina-Te: Jurnal Studi Islam*, vol. 15/1 (2019): 75-91.

kingdom located in the Sabung area, Paloh. Mustafa had a son named Imam Nurdin (Nuruddin) who died in Mecca. His marriage to Mas Nafsiah gave birth to a child named Muhammad Arif. Then, Muhammad Arif was appointed a court cleric and was given the title Maharaja Imam, the first during the reign of Sultan Muhammad Safiuddin II in 1872.[58] Maharaja Imam Muhammad Arif has six children from his marriage to Wan Aisyah. One of his sons, Imran, was also appointed Maharaja Imam in the Sambas Sultanate. Imran was blessed with four children, namely Muhammad Basiuni, Ahmad Fawzi, Hamdah and Aisyah through marriage with Sa'mi. Muhammad Basiuni Imran was then raised by his stepmother, Badriyah after his mother, Sa'mi died when he was young.[59]

From the aspect of education, Muhammad Basiuni Imran received early education at home with direct upbringing from his father. At this stage, he learned to read the Koran when he was six or seven years old. He also studied at the People's School (Volkschool) in Sambas. Among what he learned was the science of nahwu and sharf. The formal education that he had attended at the People's School was only for two years. Besides studying with his father, Muhammad Basiuni Imran also studied religion with his brother's father, Haji Muhammad Djabir who became Imam Maharaja in the Sambas Sultanate. In general, the informal education that he went through in Sambas was for 10 years.[60]

His father, Maharaja Imam Muhammad Imran had a dream to make Muhammad Basiuni Imran a major scholar in West Kalimantan. At that time there were no clerics who could lead Muslims in Sambas. Thus, in 1901, after completing his recitation in Sambas, Muhammad Basiuni Imran was sent to Mecca to perform the pilgrimage and study Arabic and explore Islamic knowledge.[61] In Mecca, Basiuni Imran studied *nahwu, sharaf* and *fiqah* from Tuan Guru Umar Sumbawa and Tuan Guru Usman Sarawak

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[58] Erwin Mahrus, *Membangun Pendidikan: Gagasan Pendidikan Maharaja Imam Sambas Basiuni Imran 1885-1976,* (Pontianak: Yayasan Luhur Nusantara, 2003), 19.

[59] Erwin Mahrus, *Membangun Pendidikan: Gagasan Pendidikan Maharaja Imam Sambas Basiuni Imran 1885-1976,* 22.

[60] *Erwin Mahrus, Membangun Pendidikan: Gagasan Pendidikan Maharaja Imam Sambas Basiuni Imran 1885-1976,* 23

[61] Norahida Mohamed, "[Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan] Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat." *Jurnal Islam dan Masyarakat Kontemporari,* vol. 22/1 (2021): 83-97.

while fiqah was studied with Sheikh Ahmad Khatib Minangkabau. While Sheikh 'Ali Maliki taught him Arabic knowledge such as *nāhwu*, *sārf, mā'ani, bādi', bayān, māntiq* and several other sciences such as fiqḥ proposals, interpretations and monotheism.[62]

While in Mecca, Muhammad Basiuni Imran began to study with several reformers in the Islamic world such as Jamal al-Din al-Afghani, Muhammad 'Abduh and Muhammad Rashid Rida through al-Manar magazine. After five years of studying in Mecca, in 1324H he was asked to return to Sambas by his parents. In Sambas, Muhammad Basiuni Imran was appointed by Sultan Muhammad Safiuddin II as Assistant Imam at Jami' Sambas Mosque and taught religious studies at the palace of the sultan of Sambas for two years. While in Sambas, he still subscribed to the al-Manar magazine, in addition to studying various Arabic books from Egypt.[63]

Muhammad Basiuni Imran still feels that his knowledge of Islam is still incomplete. He finally decided to continue his studies at al-Azhar University, Egypt. Muhammad Basiuni Imran's admiration for Muhammad Rashid Ridha thoughts was one of the factors that prompted him to choose Egypt as a place to study. So, in 1908, he was accompanied by his younger brother Ahmad Fawzi Imran and his friend Ahmad Su'ud by boarding a French ship from Singapore to Egypt. When they arrived in Egypt, Muhammad Basiuni Imran and his friends had been picked up by Sayyid Soleh Rida, Muhammad's younger brother Rashid Rida. They stayed at Muhammad Rashid Rida's house for a few days before finding a rental house near the al-Azhar mosque.[64] While in the house, Muhammad Rashid Rida had held informal recitations to Muhammad Basiuni Imran and his friends. Among the things discussed are related to religious knowledge and about religious life in Indonesia. In that conversation, Muhammad Rashid Rida was quite proud to see Muhammad Basiuni Imran's ability to speak Arabic and have good knowledge of religion.[65]

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[62] Wendi Parwanto, "Struktur Epistemologi Naskah Tafsir Surat Al-Fatihah Karya Muhammad Basiuni Imran Sambas, Kalimantan Barat." *Jurnal At-Tibyan: Jurnal Ilmu Alqur'an dan Tafsir*, vol. 4/1 (2019): 143-163.

[63] Erwin Mahrus, *Membangun Pendidikan: Gagasan Pendidikan Maharaja Imam Sambas Basiuni Imran 1885-1976*, 25.

[64] Erwin Mahrus, *Membangun Pendidikan: Gagasan Pendidikan Maharaja Imam Sambas Basiuni Imran 1885-1976*, 26.

[65] Erwin Mahrus, *Membangun Pendidikan: Gagasan Pendidikan Maharaja Imam Sambas Basiuni Imran 1885-1976*, 70.

Muhammad Basiuni Imran has been attending recitations at al-Azhar University for only six months. During the study period at al-Azhar Universiti, he and his sister and along with several other students also studied privately with a prominent cleric from al-Azhar, namely Sayyid 'Ali Surur al-Zankalani. However, when Muhammad Rashid Rida opened Madrasah *Dār al-Da'wāh wa al-Irshād* on March 3, 1912, Muhammad Basiuni Imran, Ahmad Fawzi Imran and Haji Abdurrahman Hamid had chosen to continue their studies at the madrasa. At the madrasa, Muhammad Rashid Rida taught the interpretation of the Qur'ān and the science of monotheism. His recitation at Madrasa *Dār al-Da'wāh wa al-Irshād* has been explained by Muhammad Basiuni Imran as follows:

> *"After we studied for six months at al-Azhar, S.M Rida opened a madrasa Dar al-Da'wah wal Irshad in Manyal (Old Cairo) a kulliyya madrasa. There are taught all kinds of knowledge related to Arabic, religion, knowledge of Islam and other sciences. Me, my brother and also H. Abdurrahman Hamid became students at the madrasa. S.M Rashid Rida teaches interpretation of the Koran and the science of monotheism. All students are present if Mr. Rashid teaches. Because the knowledge he gives is knowledge that really gives light to the heart and mind. Praise be to Allah, although I did not master all the lessons given at the madrasa, but at least I have participated in learning them; may Allah bless me!".*[66]

Muhammad Basiuni Imran returned to Sambas in the month of Shaaban 1331H/1913, while still studying at Madrasah *Dār al-Da'wah wa al-Irshād* because his father was sick. On Monday, 22 Ramadan 1331H/25 August 1913, his father, Maharaja Imam Haji Muhammad Imran passed away. Muhammad Basiuni Imran was inaugurated as Maharaja Imam of the Kingdom of Sambas to replace his father on 10 Zulhijjah 1331H along November 9, 1913, after the Aidiladha prayer.[67] When he was sworn in as Maharaja Imam, he was 31 years old. After returning from Egypt, Muhammad Basiuni Imran continued to study the books of Imam Shafi'i fiqah, books of other schools and books of interpretation of the Koran and

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[66] Erwin Mahrus, *Membangun Pendidikan: Gagasan Pendidikan Maharaja Imam Sambas Basiuni Imran 1885-1976*, 46.

[67] Norahida Mohamed, "Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan] Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat." *Jurnal Islam dan Masyarakat Kontemporari*, vol. 22/1 (2021): 83-97.

hadith, especially Tafsir al-Manar and al-Manar magazine.[68] To increase his knowledge of the Islamic world including the development of education, he also subscribes to Arab magazines and newspapers such as Fajar Asia, *al-Muslimin, al-Fāra', al-Ma'arif al-Qur'an, al-Fath and Umm al-Qur'an*. He also trained himself by writing several books and treatises in Arabic to improve his writing skills. At the same time, he also frequently asked questions about religious matters through letters to al-Manar magazine.[69] The character and scholarship of Muhammad Basiuni Imran was also admired by many parties. According to the records of his son Badran, Muhammad Basiuni Imran received an award from the President of Indonesia, Sukarno, who gave a carved chest containing the Koran in conjunction with the Nuzul al-Qur'an ceremony in Jakarta. Muhammad Basiuni Imran was also invited by prominent Indonesian figures to live in Jakarta to spread his knowledge again. But humbly, the invitation was rejected.[70]

Haji Agus Salim once said: "If only Maharaja Imam Haji Muhammad Basiuni Imran sat in Jakarta, his knowledge and knowledge would be more useful and easier to develop". Buya Haji Abdul Malik Karim Amrullah (HAMKA) also said he was: "a hidden pearl, Muhammad Basiuni Imran's knowledge and knowledge is deep and broad". His fluency in Arabic has also earned him praise from Professor Kahar Muzakkir, who is a lecturer at the Sunan Kalidjaga State Islamic Institute of Yogyakarta. When he heard Muhammad Basiuni Imran deliver a public lecture, he said: "The Arabic language of Basiuni Imran is highly praised."[71] In 1974, Muhammad Basiuni Imran had high blood pressure and was treated at Sungai Jawi General Hospital, Pontianak. Finally, on Monday July 25 1976, Muhammad Basiuni

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[68] Nasrullah, "Pembaruan Pemikiran Pendidikan Islam Muhammad Basiuni Imran (1906-1976 M)." *Jurnal Diskursus Islam*, vol. 6/1 (2018): 135-155.

[69] Norahida Mohamed, "Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan, Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat. 83-97.

[70] Syarif, Metode dan Pendekatan. *Corak Pemikiran Islam Borneo (Studi Pemikiran Tokoh Muslim Kalimantan Barat Tahun 1990-2000)*, (Pontianak: PIU, 2017): 28.

[71] Norahida Mohamed, "Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan, Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat." 83-97.

Imran died in Pontianak when he was 91 years old. The next day, namely on July 26, 1976, his body was taken to Sambas and prayed at the Great Mosque of Sambas.[72] He was buried in his family cemetery in Kampung Dagang Timur, Sambas.[73]

## 4. Analytical Study of the Application of Islamic Law in the Sambas Community Muhammad Basiuni Imran

In this discussion, the researcher examines various literatures both from books and journals that are relevant to this research, thus finding a bright spot on the application of Islamic law by Muhammad Basiuni, where previously there were no researchers who examined the application of Islamic law by Maharaja Muhammad Basiuni, Sambas, West Kalimantan. There are six discussions that the researchers found and the researchers collected how Muhammad Basiuni applied the Islamic law, as follows:

### a) Ruling on Friday Prayers for Less Than 40 People

During his tenure as Maharaja Imam under the rule of the Sultanate of Sambas, Muhammad Basiuni faced various questions related to the Islamic religion. Among the religious problems that became a problem for the Islamic community in Sambas at that time were related to the law of establishing Friday prayers for less than 40 people. His concern for the problem of Friday prayers can be seen through the writing of two works, namely the Risalah Cahaya Suluh and *al-Nusus wa al-Barāhin 'ala Iqāmah al-Jumu'ah bi mā dūna al-Arba'in*. Muhammad Basiuni Imran also raised this issue to the al-Manar magazine. Muhammad Basiuni Imran's concerns about the people of Sambas who do not perform Friday prayers have been stated by Pabali Musa in his book which reads:

> *"In the kingdom of Sambas people rarely pray Friday, even the Great Mosque in the capital city alone is only visited by approximately 500 people; and this is very little for a big city. This is what caused his heart to be moved to introduce the qawl qadim Shafi'i which allows Friday prayers with a congregation of less than forty people, but nevertheless the prayers are still*

[72] Norahida Mohamed, "Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan, Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat."

[73] Sunandar, Resonansi Maharaja Imam Muhammad Basiuni Imran (1885-1976) Di Sambas: 75-91.

> *valid. This opinion is carried out in the Sambas Kingdom and about this there has never been a conflict".*[74]

This case happened in Sambas because of the community's mistake about the obligation to perform Friday prayers for less than 40 people. This problem does not only occur in the city of Sambas, in fact it also occurs in villages throughout the Sambas area. Therefore, Muhammad Basiuni Imran saw the need for an explanation and fatwa regarding the law of carrying out Friday prayers even though the congregation was less than 40 people.[75] To avoid conflict, a fatwa rather than an authoritative party is needed. Then, Muhammad Basiuni Imran took the initiative by writing the book Cahaya Suluh to explain the minimum number of congregations that are allowed for Friday prayers. The main problem that is the subject of discussion is about the different opinions in the Shafi'i school of prayer regarding Friday prayers.

In the Light of Suluh, Muhammad Basiuni Imran explains the law for this problem by referring to the *naqli* and *aqli* arguments. His explanation in his book Erwin Mahrus, as follows:

> *"Friday is valid to be done with less than forty people, so on the qaul Imam Shafi'i who qadim is Friday with four people and the Muslim hadith which shows that the Prophet SAW had prayed Friday with twelve but this hadith does not also show that Friday is not valid with less than twelve or more than forty. So if it is found that in a village there are not more than forty people and they cannot at all go to a perfect Friday of forty because it is too far away, for example, then it is obligatory for them to establish Friday in their place (village). Or they may go to the perfect Friday with mashaqqah and with difficulty because it is very far away, they must go to the perfect Friday, understand that they can choose between the two things."*[76]

In another section, Muhammad Basiuni Imran explains that if the congregation for Friday prayers is less than 40 people, then the Friday

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[74] Pabali H. Musa, *H. Muhammad Basiuni Imran, Karya Tulis dan Pemikirannya*, (Jakarta: IAN Syarif Hidayatullah, 2002), 24. Lihat juga Muhammad Basiuni Imran, *Cahaya Suluh, Pada Mendirikan Jumat Kurang Daripada Empat Puluh*, (Singapura: Matba'at al-Ikhwan, 1920), 47.

[75] Sunandar, Resonansi Maharaja Imam Muhammad Basiuni Imran (1885-1976) Di Sambas: 75-91.

[76] Muhammad Basiuni Imran, *Cahaya Suluh, Pada Mendirikan Jumat Kurang Daripada Empat Puluh*, (Singapura: Matba'at al-Ikhwan, 1920), 47.

prayers are also valid. This opinion is based on the qawl qadim of Imam Shafi'i and the hadith of Sahih Muslim. Muhammad Basiuni Imran explains this like reality. In Sharah Muslim Hadith from Jabir bin Abdullah, that the Prophet SAW was standing sermon on Friday when a camel came from Syria, so the people turned to him until there was nothing left but twelve men, then the verse came down which means: "(And when they had seen them for commerce or play, they would have gone to him and they would have left you standing). Imam Nawawi said in that syarah that it is a proof for Malik and others to say that Friday is valid with twelve men".[77]

According to Muhammad Basiuni Imran, there is no evidence to show that Friday prayers with fewer than 40 congregations are invalid. Muhammad Basiuni Imran, *qawl Jadid* which requires 40 people is not strong when compared to *qawl qadim*. The hadith stated above relates to qawl qadim which is stronger and more thorough. In addition to researching naqli arguments, Muhammad Basiuni Imran also expressed his opinion based on aqli arguments by considering the situation of the Sambas people at that time. In this case, he refers to the mashaqqah (trouble) faced by the villagers inhabited by less than 100 people. The issue that arises when the presence of villagers who come to the mosque for Friday prayers is sometimes less than 40 people. If someone only takes the *qawl Jadid* Imam Shafi'i who wants to perform Friday prayers with at least 40 congregations, it will have the implication that no Friday prayers are established in the mukim.[78] With this fatwa, the controversy regarding the minimum number of worshipers for Friday prayers can be resolved and there are no more villages that do not perform Friday prayers.

### b) Disputes About *Talkin* Existing in Society

Muhammad Basiuni Imran also played an important role in the debate over the *talkin* issue [79] in Sambas. This issue has been described by him in the book *al-Jana'iz*[80] which describes Muhammad Basiuni Imran's anxiety about the public debate regarding *talkin*. He is worried that disputes that

[77] Erwin Mahrus, *Membangun Pendidikan: Gagasan Pendidikan Maharaja Imam Sambas Basiuni Imran 1885-1976*, 35.

[78] Muhammad Basiuni Imran, *Tadḫkir, Sabil al-Nājat fi Tarki al-Sālah* (Jalan Kelepasan pada Mengingati Orang yang Meninggalkan Sembahyang), (Singapura: al-Mātba‘ah al-Ahmadiyyāh, 1931), 87

[79] *Talkin* is teaching and reminding the corpse (dead person) who has just been buried with certain sentences.

[80] Muhammsad Basiuni Imran, *al-Jāna'iz.* (Tasikmalaya: Percetakan Galunggung, 1945), 65

occur in society caused by religious problems will cause greater harm, namely the division of Muslims. Then, this book was written to provide enlightenment to the Islamic community of Sambas on the issue of *talkin* so as not to get carried away in the debate over the issue of khilafiyah. About this Norahida Mohamed, in her book Muhammad Basiuni Imran says:

> *"This has been a problem from time immemorial a dispute between the mutaqaddin and mutaakhkhirin scholars. However, half of the writers or authors and others of our time in newspapers, magazines and books strongly denounce talkin and criticize the people who do it. It's as if the talkin came from someone who is ignorant and stupid, it just doesn't have any origin at all even though it's daif. So it is not enough for them to just say what is right and what is wrong, but they make the talkin a place of reproach and insults. Because of that, disputes arise and are divided among themselves and a great feud which is strictly forbidden by Allah, which is more harmful than the harm of talkin, if it is said that talkin is harmful".*[81]

In the above fact, he expressed his disappointment with those who cursed those who did *talkin*. Criticism and insults to fellow Muslims according to him will only cause division, while the disunity is greater than the act of *tālkin*. Muhammad Basiuni Imran's goal to avoid the debate over the khilafiyyah issue was to maintain brotherhood among Muslims. The approach of 'nothing wrong' but 'giving in' by not giving a firm opinion on the issue turned out to have a positive impact on the unity of Muslims in Sambas. Even in this issue, he is seen as defending those who do *talkin* and not blaming them. When to those who opposed the case, he made a warning not to criticize and reminded them that the division of Muslims is more harmful than the problem of *tālkin*. He argues, those who do *talkin* have a basis that is obtained from *mūta'akhkhīrin* scholars even though their basis is considered daif. The facts regarding this matter are as follows:

> *"It is not that their actions are merely ignorant and stupid, but what they follow and participate in are mutaqaddin and mutaakhkhirin scholars. For that reason, it is not appropriate and does not have to be for anyone who disobeys talkin to insult the person who uses him, even though the argument is daif and*

[81] Norahida Mohamed, "Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan, Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat." 83-97.

> *weak. But it must be for him to declare his rights with manners and with kind words. So it can't be helped that the right also wins over the false or the untrue."*[82]

Muhammad Basiuni Imran's attitude and actions as a Maharaja Imam were in accordance with the community environment in the Sambas kingdom at that time. This is because *talkin* has become a local custom which is rather difficult to abolish. Muhammad Basiuni Imran also emphasized that quarrels about the issue of khilafiyah also gave a negative impression on the views of non-Muslims towards Islam.[83] This is explained in the work of *Husn al-Jawab 'an Itbāt al-Ahillah bi al-Hisāb*[84] (Molecular Answers on Determining the Beginning of the Month With Estimates) as follows:

> *"So quarrels and disputes should not be good for Muslims of the same religion, so how can people of other religions view us in that way? However, human nature likes to make mistakes and is different, friends, make mistakes in their minds and understand each other, even though our religion (Islam) commands us to agree and unite, especially in religious matters and it keeps us from making mistakes, especially those who do wrong lead to self-dividing".*[85]

The best way to solve the *talkin* problem according to Muhammad Basiuni Imran is to explain to them the real problem, not by criticizing and berating, even by saying heresy. Instead, he firmly said that the issue does not need to be disputed which will eventually lead to divisions among the Muslims themselves. It is clear here, Muhammad Basiuni Imran's approach shows that even though Muslims have disagreements, mutual respect and

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82 Muhammad Basiuni Imran, *al-Jāna'iz,* (Tasikmalaya: Percetakan Galunggung, 1945). Dalam Norahida Mohamed, "Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan, Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat." 83-97.

83 Muhammad Rahmatullah, *Pemikiran Fikih Maharaja Imam Kerajaan Sambas Basiuni Imran (1885-1976*), (Pontianak: Bulan Sabit Press, 2003), 34.

84 Muhammad Basiuni Imran, *Husn al-Jawāb 'an Ithbāt al-Ahillah bi al-Hisāb,* (Penang: Maktabat alZainiyah, 1938), 84

85 Muhammad Basiuni Imran, *al-Jāna'iz,* (Tasikmalaya: Percetakan Galunggung, 1945). Dalam Norahida Mohamed, "Muhammad Basiuni Imran: His Role in Propagating The Superiority of Islam in Sambas, West Kalimantan, Muhammad Basiuni Imran: Peranannya dalam Menegakkan Syiar Islam di Sambas, Kalimantan Barat." 83-97.

harmony need to exist between fellow school-goers within the framework of a view that is full of knowledge and faith. This is to ensure the unity and brotherhood of Islam will be more intact and maintained.

### c) Debate on the Issue of Marriage *Faskh*

According to Muhammad Basuni that the habit of "Ta'liq [86]" is divorce that is subject to conditions and pronounced at the time of the marriage contract. Muhammad Basuni said that the case was not a recognized custom and custom in the Sambas area.[87] Marriage annulments are usually carried out through the *Faskh* path, of course with a clear and strong reason that can be requested from Maharaja Imam as the mufti who is in charge of all matters related to marriage, divorce and divorce throughout the Sambas kingdom.

### d) Prioritizing the *Masḫlahāh Mursālah* Concept in Islamic Law

Muhammad Basuni Imran views that efforts to advance world affairs are not something that is prohibited in Islamic *sharī'ah*,[88] Muhammad Basuni Imran gives reasons about *masḫlahāh mursālah*[89], it is an impossibility if the Messenger and his Caliph hinder and hinder the progress of people in life that is not related to faith and worship, while they have the ability so that they cannot do anything on the grounds that Allah has not permitted them. How is it possible to enter God's heaven later in the hereafter, if you can't enter the heaven of glory on earth alone.

### e) Putting Forward the Concept of *al-Tahāluf al-Siyāsi*

*Al-Tahāluf al-Siyāsi*[90] is a pledge of understanding to cooperate and help each other to achieve certain objectives. Muhammad Basuni Imran is actually an implementation of the concept of *al-Tahāluf al-Siyāsi* in the

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86 Ta'liq is a divorce that is based on something, both in words, deeds and at a certain time.

87 Didik M. Nur Haris, and Rahimin Affandi Abd Rahim. "Pemikiran Keagamaan Muhammad Basuni Imran." *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman*, vol. 16/2 (2017): 161-185.

88 Nasrullah, "Pembaruan Pemikiran Pendidikan Islam Muhammad Basiuni Imran (1906-1976 M)." *Jurnal Diskursus Islam*, vol. 6/1 (2018): 135-155.

89 *Masḫlahāh Mursalāh* is a legal argument for establishing law on new issues that are not explicitly mentioned in the Qur'an and as-Sunnah *al-Maqbûlah*.

90 *Tahâluf siyâsî* (koalisi politik) merupakan sebuah bentuk kerjasama yang melibat beberapa pihak dalam ruang politik, baik elit partai, pengurus harian dan juga para kandidat yang berhasrat maju dalam proses politik.

modern political system, namely taking a compromise step, [91] an understanding to work together and help each other to achieve objectives which in the long run will realize a greater *masḥlahāh* and avoid the same or greater danger, because this matter is the real problem in the system *siyāsah shar'iyyah*, as Ibn qil's statement about *Siyāsah Shar'iyyah* is: "An action by a leader who may save the people and prevent them from being destroyed, even though the action was not carried out by the Messenger of Rasulullah SAW or there is no revelation regarding this matter*"*.[92]

Accepting the use of office in the vicinity of a kingdom that has fallen under colonial power and influence is more beneficial and avoids greater harm than ignoring it. Of course, this decision did not come out of various considerations, some considerations that may be in between, First, it opens up opportunities to further realize the five objective basics of *sharī'ah (Maqasīd al-sharī'ah),* namely: *Hifzu al-Din* (The obligation to guard religion), *Hifzu al-Aqli* (the obligation to guard the mind), *Hifzu al-Nafs* (The obligation to protect the soul), *Hifzu al-Irdi* (The obligation to maintain honor) and *Hifzu al-Mal* (Maintain wealth). Second, realizing Islam that is universal, third, identifying colonial programs and strategies in an effort to weaken the power of Muslims, fourth, stopping colonial programs that will bring harm to Muslims, fifth, opening up opportunities to make arrangements that will bring benefits to the people Sixth, the spread of da'wah in all aspects of life, especially in state politics.

### f) Promoting the *Tadārruj* Concept in Islamic Law

Muhammad Basuni Imran tried to maintain the benefits and avoid harm in various legal ijtihad (*maqasīd al-Sharī'ah*).[93] Exploring the contents of the works that have been successful, we will find that Muhammad Basuni Imran presented his idea of renewal in two phases, first, the ideas and thoughts that he presented in the period before 1931, second, ideas and thoughts after the 1931 period, This effort in the author's view is a form of *tadārruj* stages[94]

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[91] Didik M. Nur Haris, and Rahimin Affandi Abd Rahim. "Pemikiran Keagamaan Muhammad Basuni Imran.": 161-185.

[92] Nadirsah Hawari, "Tahaluf Siyasi Dalam Praktik Politik Partai Islam di Indonesia." *MIQOT: Jurnal Ilmu-ilmu Keislaman,* vol. 43/2 (2019): 222-238.

[93] Didik M Nurharis, "Akar Tradisimoderasi Hukumislam (Suatu Tinjauan sejarah Ulama Kalimantan Barat)" *ICRHD: Journal of Internantional Conference on Religion, Humanity and Development*, vol. 1/1. (2020).

[94] *Tadārruj is going through a place step by step, which is then more familiarly used in relation to the laws of Allah SWT, in the form of commands and prohibitions as well as halal and haram.*

which is intended to maintain the integrity and unity of the people of the Sambas area (*masḫlahat*) who still have a simple understanding of religious teachings and are still affected by the excessive culture of taklid, so that with this gradual effort it will avoid continuous procrastination and conflict(*mafsādah*).

From the information above, it seems so obvious that Muhammad Basuni Imran took into account the reality, the need for 'urf and *masḫlahāh* during his legal ijtihad, so that every fatwa issued could be accepted, used and practiced in the religious life of the Sambas community without causing great disputes and disagreements. The response to the answer given by Arslan was realized by Muhammad Basiui Imran through the Alim Ulama conference, although in his speech he did not mention Arslan's idea when answering his question. Of the ten important points expressed by Muhammad Basiuni Imran, namely: 1) belief in Islam, 2) the obligation to carry out the *Sharī'ah*, 3) belief in the Qur'an as a guide, 4) the glory of the Prophet, 5) taking advantage of nature and not destroying it, 6) Islam as the perfection of life, 7) pays attention to the law at the time of the Prophet, 8) pays attention to the salaf scholars, 9) Islam as a religion of monotheism and unity, and 10) is not influenced by Bid'ah in worship and avoids blind Taqlid. [95] Of these ten points, all of these cases are the true practice of the maqasid *al-Sharī'ah* concept. To carry out maqasid *al-Sharī'ah* contained in matters relating to *jalb al-Masālih* (getting benefit to humans) and *dar al-Mafasīd* (removing harm from them). *Masḫlahāh mursalāh* is a legal argument for establishing Islamic law on new issues that are not explicitly mentioned in the Qur'an and as-Sunnah *al-Maqbûlah.*

## CONCLUSION

From the discussion above, the researcher will conclude the results of the findings that focus on answering the focus of the problem in this study. In the application of Islamic law, Muhammad Basiuni Imran received many challenges from the Sambas people of West Kalimantan in legal-related issues in determining a case that caused debate among the community. So with his wisdom Muhammad Basiuni Imran in applying Islamic law armed with the knowledge he got when studying in Mecca. To stop the many debates in the community at that time, Muhammad Basiuni Imran gave a solution to the Sambas community so that there would be no more debate,

[95] Sunandar, Resonansi Maharaja Imam Muhammad Basiuni Imran (1885-1976) Di Sambas: 75-91.

in the reform of Islamic law that was applied by Muhammad Basiuni Imran there were six points whose solutions in solving the problems given by Muhammad Basiuni Imran were: problems regarding the law of Friday prayers of less than 40 people, disputes about *talkin* in the Sambas community, debates on *faskh* issues in marriage, developing the concept of *masḫlahāh mursalāh*, applying the concept of *al-Tahāluf al-Siyāsi* and applying the concept of *tadārruj*. With the six-point solution, the people of Sambas understand and accept what Muhammad Basiuni Imran gave in solving problem cases. Therefore, the application of Islamic law by Muhammad Basiuni Imran was very well received among the Sambas Muslims in maintaining the integrity and unity of the Sambas Islamic community for the benefit of those who still have a simple understanding of religious teachings and are still exposed to the local culture which is too much, so that with this gradual effort it will avoid the continuous procrastination and conflict that results in harm among the Muslim community. Thus the application of Islamic law by Muhammad Basiuni Imran in Sambas made the Muslim community of Sambas aware of Allah's law which shows the truth path to Allah SWT paradise.

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