Abstract

The study of legal multiculturalism is a very important topic to be researched, because it is related to its significant influence in the diversity of cultures, religions, and traditions in society. The formulation of the problem of this research is how the form, and dimension of legal multiculturalism in Tarekat Qodiriyyah wa Naqsyabandiyyah Darul Falah Pagutan Mataram and how the practice of family law for its adherents. This research aims to identify the form, and dimension of legal multiculturalism in Tarekat Qodiriyyah wa Naqsyabandiyyah Darul Falah Pagutan Mataram and the practice of family law for its adherents. The method used in the research is a qualitative method with data collection through documentation and interviews. The location of this research is Pondok Pesantren Darul Falah Pagutan Mataram. The results of the study found that; (1) the form of legal multiculturalism in Tarekat Qodiriyah wa Naqsyabandiyyah is seen from the acceptance of the four Mazhabs as the basis for implementing laws related to furu' issues, religious and cultural tolerance, social services without discrimination, respect for cultural values, contribution to peace and social welfare with a very strong dimension of tasawwuf through self-cleansing, (2) the practice of family law values for adherents includes; the implementation of walimah when getting married, practicing praiseworthy behaviour and pleasing the family, providing for the family properly, and deciding something important through istikharah or permission from the murshid such as divorce and others. The findings are expected to illustrate the way in which spiritual teachings and practices can co-exist with the challenges of contemporary life, including cultural and religious diversity.

Keywords: Multiculturalism, Islamic Law, Thariqoh Qodiriyyah Wan Naqsyabandiyyah
Abstrak

Kajian tentang multikulturalisme hukum merupakan topik yang sangat penting untuk diteliti kembali, karena berkaitan dengan pengaruhnya yang signifikan dalam keberagaman budaya, agama, dan tradisi dalam masyarakat. Rumusan masalah dari penelitian ini adalah bagaimana bentuk, dimensi multikulturalisme hukum dalam Tarekat Qodiriyah wa Naqsyabandiyah Darul Falah Pagutan Mataram dan bagaimana praktik hukum keluarga bagi penganutnya. Penelitian ini bertujuan untuk mengidentifikasi bentuk, dimensi multikulturalisme hukum di Dalam Tarekat Qodiriyah wa Naqsyabandiyah Darul Falah Pagutan Mataram dan praktik hukum keluarga bagi penganutnya. Metode yang digunakan dalam penelitian adalah metode kualitatif dengan pengumpulan data melalui dokumentasi dan wawancara. Lokasi penelitian ini adalah Pondok Pesantren Darul Falah Pagutan Mataram. Hasil penelitian menemukan adanya; (1) bentuk multikulturalisme hukum dalam Tarekat Qodiriyah wa Naqsyabandiyah terlihat dari diterimanya empat Mazhab sebagai landasan dalam melaksanakan hukum yang terkait dengan masalah-masalah furu’, toleransi agama dan budaya, pelayanan sosial tanpa diskriminasi, menghormati nilai-nilai budaya, kontribusi untuk perdamaian dan kesejahteraan sosial dengan dimensi tasawwuf yang sangat kuat melalui pembersihan diri, (2) praktek nilai hukum keluarga pada penganutnya meliputi; pelaksanaan walimah saat akan pernikahan, mengamalkan ahklak terpuji dan menyenagkan keluarga, memberi nafkah keluarga dengan baik, dan memutuskan sesuatu yang penting melalui istikharah atau izin mursyid seperti mentalak dan lain-lain. Temuan ini diharapkan dapat menggambarkan cara di mana ajaran dan praktik spiritual dapat berdampingan dengan tantangan kehidupan kontemporer, termasuk keberagaman budaya dan agama.

Kata Kunci: Multikulturalisme, Hukum Islam, Thariqoh Qodiriyah Wan Naqsyabandiyah

A. Introduction

The teachings of Tarekat are a valuable heritage in its role in building public awareness of multicultural values, which include values of justice, tolerance, democracy, love for the country, mutual respect for all forms of difference, and so on\(^1\). Multiculturalism itself can be defined as a perspective that recognises the

\(^1\) Halimatussa’diyah, Nilai-Nilai Pendidikan Agama Islam Multikultural (Surabaya: Jakad
political, social and economic realities experienced by each individual in complex and linguistically diverse human encounters, and reflects the importance of culture, race, sexuality, gender, ethnicity, religion, social and economic status. In other words, the teachings of Tarekat as a medium for the transformation of knowledge and practice are able to provide multiculturalism values by appreciating and respecting each other for the diverse realities of both the background and the socio-cultural basis that surrounds it, especially in family matters.

The practice of multicultural life has actually existed in Indonesian society for a long time, starting from 1945 after gaining independence. This is as the theory says that the style of Islam that first entered is Sufistic Islam which is open and tolerant of different communities. From here, the Walisongo married Islam and local culture, so that it could be accepted by the local population. The ulama after the Walisongo generation also followed their open and tolerant style of da'wah, such as K.H. Hasyim Asy'ari, K.H. Wahab Hasbullah, and K.H. As'ad. Multicultural values were transformed by the scholars, especially the Tarekat scholars, through their monumental teachings. Tariqah schools reach dozens of schools with various sanads and lineages that are connected to the Prophet Muhammad. The teachings of Tarekat do not only focus on Sufistic teachings or Sufism (the mystical dimension of Islam) but are still accompanied by studying fiqh studies (the dimension of Islamic law) so the teachings of Tarekat are very influential in shaping the paradigm of society at large.

Living in a society as rich in diversity as Indonesia often presents unique challenges in the integration of religious values with applicable laws and policies.

---


3 Khobir, Jaeni, and Basith.


One religious group that plays a significant role in this context is the adherents of Tarekat Qodiriyyah wa Naqsyabandiyyah, particularly in Darul Falah Pagutan Mataram. This congregation not only acts as a religious path but also as a guardian of traditions and values passed down from generation to generation.

In the realm of law, aspects of multiculturalism are becoming increasingly important to understand. Fundamental questions arise around how the concrete form of legal multiculturalism is reflected in the daily life practices of adherents of Tarekat Qodiriyyah wa Naqsyabandiyyah in Darul Falah Pagutan Mataram neighbourhood. In addition, how the practice of family law in the community considers aspects of diversity and the values of Tarekat becomes the central point of this research.

There are several previous studies that examine legal multiculturalism. Among them are research by Sustiono et al (2022) which examines the concept of multiculturalism, especially in the context of a culturally and religiously diverse society and tries to link multiculturalism with the views of Islamic law. Silfiah (2020) in his research also examines the contribution of Islamic Law in the development of multicultural Indonesian national law by considering the diversity of ethnic, racial and religious patterns. Further research by Nahe et al (2022) examines the views of Islamic law on multicultural life in Indonesia.

In the current research, want to review the multicultural law focused on the practice of adherents of Tarekat Qodiriyyah wa Naqsyabandiyyah Darul Falah Pagutan Mataram which is different from previous studies in order to confirm previous studies.
By deeply understanding these dynamics, this research is expected to contribute to the understanding of the harmonization between religious and legal values in the midst of the diversity of Indonesian society, especially in the context of Tarekat Qodiriyyah wa Naqsyabandiyyah Darul Falah Pagutan Mataram.

B. Discussion
Theoretical Review
Legal Multiculturalism

Legal Multiculturalism is an approach or theory in the context of law and politics that recognises and respects the diversity of cultures, religions, and traditions in society. This approach is based on the principle that society consists of various groups with different cultural and religious backgrounds, and that laws and public policies should reflect and respect this diversity\(^{11}\).

Some of the main points in the theory of legal multiculturalism are; First, Recognition of Diversity\(^ {12}\). Multiculturalism theory recognises that modern societies are often diverse in terms of religion, ethnicity, language and tradition. This can include groups such as ethnic minorities, religions, and so on. Second, the Protection of Rights\(^ {13}\). This approach emphasises the need to protect the rights of individuals and minority groups so that they are not ignored or suppressed by the majority. This includes rights such as freedom of religion, cultural rights, language rights, and other rights.

Third, Justice and Equality\(^ {14}\). Legal multiculturalism aims to create a just and equal society for all its citizens, regardless of cultural or religious background. This means that laws and policies should ensure that all citizens can participate equally in social, political and economic life. Fourth, Culturally Responsive Law\(^ {15}\). This


\(^{13}\) Made Arsana, “Revitalisasi Nilai-Nilai Pendidikan Multikultural” 2, no. 3 (2019): 137–43.

\(^{14}\) Nahe, Hidayatullah, and Yamani, “Multikulturalisme Dalam Pandangan Hukum Islam.”

\(^{15}\) Edi Yuhermansyah and Mukhils, “The Implementation of Qanun Jinayah in Aceh Singkil
theory proposes that the law should be flexible and responsive to different cultural values and traditions. This could include recognising customary legal systems or specific cultural norms, as long as these do not conflict with fundamental human rights. Finally, Intercultural Dialogue\textsuperscript{16}. Legal multiculturalism encourages better dialogue and interaction between different groups in society. It can help build understanding and reduce mistrust between different groups.

This theory will be a reference or analysis in examining the law of multiculturalism on the practices carried out by adherents of Tarekat Qodiriyyah wa Naqsyabandiyyah Darul Falah Pagutan Mataram.

**Research Method**

This research is qualitative research with a qualitative descriptive approach. There are two sources of data used in this research, namely primary data sources and secondary data sources. Primary data sources are in the form of observation data, and interview data with the three master teachers and 30 congregations of Tariqah Qodiriyyah Wa Naqsyabandiyyah Darul Falah spread across Mataram City. Secondary data sources in this research are articles, books and research reports related to the research theme. Data collection strategies used are the observation method, interview method, and documentation method.

**Results and Discussion**

**Multicultural Values of Law and Practice of Tariqah Qodiriyyah Wa Naqsyabandiyyah Adherents**

Multiculturalism is closely related to law, either positive law or sharia law\textsuperscript{17}. As for sharia law, we can find various forms of law from different sources both in worship, *muamalah*, *munakahat*, and *jinayat*. These laws are inseparable from


everyday life and are binding for every Muslim.

In addition to undergoing various forms of Sharia law, a Muslim also undergoes Sufistic spirituality by not abandoning Sharia law, as the author finds a phenomenon in Muslim adherents of Toriqoh Qodiriyah Wan Naqsyabandiyah Darul Falah in their teachings very upholding the values of Sharia law both in 
ubudiyyah, muamalah, and munakahat, because for adherents of Toriqoh Qodiriyah Wan Naqsyabandiyah Darul Falah undergoing Tariqah activities is part of perfecting sharia.

In practice, there is no significant difference between adherents of Tariqah Qodiriyah Wan Naqsyabandiyah and those who do not adhere to Tariqah such as praying Tariqah adherents are only required to undergo wirid, zikir and tawassul after praying for non-adherents that is only Sunnah, as well as in muamalah there is nothing more than non-adherents of Tariqah, even Tariqah adherents are obliged to hold the principles taught by a murshid. The principles of the adherents of Tariqah Qodiriyah Wan Naqsyabandiyah Darul Falah follow the principles of the imam Sheikh Muhammad Amin Al-Kurdy, namely

18 Syekh Amin Al-Kurdy, Tanwîr Al-Qulûb Fi Mua’amalati ’Allamîl Ghuyub (Surabaya: Haramain, 2013).
(11) You should give the Ikhwan a seat in the Majlis. (12) Restrict turning away from them, and support them morally, because honour is a duty. (13) Keep your word if you make a promise. Because a promise before Allah is a debt, and breaking a promise is hypocrisy. As the principles written by Imam Al-Kurdy, we can conclude that the adherents of Tariqah strongly uphold the value of multiculturalism both legal and cultural.

As for the Munakahat practice of Tariqah adherents, there is no difference at all with those who are not Tariqah adherents, even Tariqah adherents must uphold harmony in the family as a reflection of their Riyadoh, because with riyadoh humans will seriously train and replace bad character with good character because the presence of good character in humans will manifest good morals as well, where the benefits manifest the balance of self and family and society. As in the Qur'an Surah Ar-Rum Verse 21 states;

وَمِنَۡاٰيٰتِهِّۡا نَۡخَل قَۡلا كُمَۡمِِّنَۡا نۡفُسِكُمَۡا زۡو اجًاَلِِّت سۡكُنُوٖۡۤاِل يۡه اَو ج ع ل َب يۡن كُمَۡمَّو دَّةًَوَّر َ حَۡۡ ًًََِِّلَِ ُ َلاِّيٰتٍَلِِّق وۡمٍَيَّت ف كَّرُوۡن َ

Meaning: "And among the signs of His greatness is that He created mates for you from your own kind, so that you may tend to them and feel comfortable with them, and He created between you affection. Surely in that are signs (of Allah's greatness) for those who think." (QS: Ar-Rum Verse 21).\(^{19}\)

From the verse above, every Muslim is obliged to provide comfort, peace and affection to each other, especially to partners. The creation of peace and comfort is by cleaning the soul or Qolbu called tazkiyatun nafs and tazkiyatun nafs is one of the ways to study and practice tariqoh.

In general, the value of multicultural law in the Qodiriyyah Wan Naqsyabandiyah Darul Falah congregations is reflected in the following things, namely; First, Religious and Cultural Tolerance\(^{20}\). Tariqah Qodiriyyah and Naqsyabandiyah Darul Falah strongly emphasise tolerance towards religious and cultural diversity. This can be reflected in an open attitude towards the practice of


other religions and the recognition of diverse cultural values. Second, Social Services without Discrimination. The practice of multiculturalism in Qodiriyyah and Naqsyabandiyyah Darul Falah Tariqah can be reflected in the social services provided to all people regardless of religious, ethnic, or cultural backgrounds. This includes charitable activities, donations, or assistance to the needy.

Third, Respecting Cultural Values. Tariqah Qodiriyyah and Naqsyabandiyyah Darul Falah recognise and respect different cultural values within their community. This could be reflected in cultural celebrations, festivals, or other activities that value cultural diversity. Fourth, Contribution to Peace and Social Welfare. Tariqah Qodiriyyah and Naqsyabandiyyah Darul Falah contribute to the efforts of peace, justice, and social welfare in the wider society.

Implementation of Family Law Values in Practice

Adherents of Tariqah are obliged to follow what has been outlined by Sharia in starting a marriage and living a family life, there are several legal principles that must be followed by someone who follows the path of tariqoh.

First, Walimah, in marriage it is recommended to hold a walimah as said by the Prophet SAW "Anas r.a said: "Rasulullah SAW saw in Abdurrahman bin 'Auf a small grain of yellow-coloured goods. Then he asked: "What is this?". Abdurrahman replied: "I have married a woman, with a dowry as heavy as a tamarind seed of this gold!". Then the Messenger of Allah (SAW) said: "May Allah bless you! Have a banquet, even with a goat!" (HR. Bukhari Muslim).

As the results of an interview with one of the adherents of Toriqoh Qodiriyyah Wan Naqsyabandiyyah Darul Falah, namely Mr H. Musleh said:

"Before I got married, I took baiah to follow the path of tariqoh and I reached the 4th baiah then after I got married I followed the customs and traditions of the

---

From the results of the interview above, it can be concluded that the adherents of Tariqah Qodiriyyah Wan Naqsyabandiyah Darul Falah undergo walimatul ‘urs as usual by respecting local cultural values.

Secondly, being moral in living with your wife and enduring pain and hardship because compassion for your wife is obligatory, as Allah SWT says:

وَعَاشِرُوْهُنَّ بِالْمَعْرُوْفِ

Meaning: "And deal with them in an appropriate manner..." (Q.S An-Nisa': 19)²⁶

His verse is in accordance with the principles of toriqoh adherents as said by H. Zainun who is the administrator of Tarekat Qodiriyyah Wan Naqsyabandiyah Darul Falah.

"that until now we have been living in a family for about 25 years, Alhamdulillah there has never been an argument between me and my wife because we are both adherents of Toriqoh Qodiriyyah Wan Naqsyabandiyah Darul Falah."²⁷

From the verses and interviews above, it can be concluded that there is no domestic violence in the adherents of Toriqoh Qodiriyyah Wan Naqsyabandiyah Darul Falah even though there are unscrupulous followers of Toriqoh Qodiriyyah Wan Naqsyabandiyah Darul Falah practising nikah sirri or polygamy.

Third, Behave well with the family. A husband should give spaciousness to his family, especially to his wife, especially Tariqah adherents must bring peace to the family.

Fourth, Talaq, if forced to make a decision. For toriqoh adherents, there are manners that must be followed when they want to talaq their wives.

²⁶ Departemen Agama, “Alquran Dan Terjemahan.”
²⁷ Zaenun, “Wawancara.”
a. Asking the murshid for guidance on the decision that he will make because the adherents of Tariqah the best decision is in the hands of the murshid.

b. Even if forced not to go to the murshid, the Tariqah adherent must prioritise *istikharah*.

c. If not through *istikharah*, then he is obliged to pay attention to the impact after making the decision of talaq and should have to talaq gently.

d. It is forbidden for a divorced couple to tell the disgrace of their former spouse.

*Fifth,* Providing maintenance. Just as Tariqah adherents who divorce their wives are obliged to provide post-divorce maintenance in accordance with the guidance of the prescribed Sharia.

**The Other Side of Qodiriyyah Wan Naqsabandiyah Darul Falah Legal Multiculturalism in Toriqoh Qodiriyyah Wan Naqsabandiyah Darul Falah**

Multiculturalism in Tariqah Qodiriyyah Wan Naqsabandiyah Darul Falah has another side that we need to pay attention to, namely, Tariqah does not rule out gender equality.

From a gender perspective, spiritual-sufism is often considered to be "sexist", and too favorable to patriarchalism, the ideology of male power over female inferiority. This accusation is not unwarranted. There has been an assumption among Sufis that spirituality is a male prerogative. A long list of murshids in the history of Sufism are men. It is difficult to find the name of a female murshid, and this is additional data that women are in fact ignored in spiritual culture. This myth is further reinforced by an Arabic proverb that grew up among Sufis, that "Talib al-Mawla Mudzakar", meaning "seekers of God are men". However, in a study of the names of Sufi women over a period of approximately 10 centuries, no less than 120 names of Sufi women were found.28

When contemplated in terms of the essence of spiritual practice, women

---

have the right to play the same role as men in society, especially in ritual practice. Because this role does not belong to the masculine alone. The Quranic explanation of women's problems is very transparent, but Muslims have cornered women in times of backwardness and civilisational defeat. Her rights are taken away, her home becomes a prison, and ignorance of religious and world affairs is rampant, attributed to women.

From several verses of the Quran, it is at least evident that Sufism is not the monopoly of men alone. There is no prerogative for men in the spiritual realm. The phenomenon of such verses, not only dismantles the myth of the inability of women to become Sufis in the historical trajectory of Islamic Sufism, but also proves that there is an opportunity for women to be able to achieve spiritual experiences to the highest level (maqamat), and surpass what has been achieved by men.

This was exemplified by the famous Sufi woman from Bashrah, who lived in the eighth century, Rabi'ah al-Adawiyah. She (Rabi'ah) belonged to the group of Sufi women who outperformed almost all Sufi figures of her era, both in social virtues (mu'amalat) and their achievement towards Allah (ma'rifat). Hence, it is no wonder that Farid al Din 'Aththar, one of the great figures in Islamic Sufism, felt the need to pay special tribute to him. This is as revealed in one of his books, Tadzkirah al-Awliya. The emergence of Rabi'ah al Adawiyah has dealt a "severe blow" to the notion that men have the prerogative in the spiritual domain. It has also denied that women are among God's creatures who do not deserve to be in control of spiritual teachings.

Thus, men and women remain in a level of equality, it's just that both have different functions or roles, according to their nature. Islamic teachings, in viewing gender issues, adhere more to the "notion of equality", that is, every human being—both men and women—is equal or equal before God. This is reflected in several other proofs, both the Quran and the Sunnah, which often mention men and

---

30 Abdurrohmat.
31 Jalil and Azis, “Gender Dalam Tinjauan Sufisme Sebagai Konsep Kesetaraan Feminim Dan Maskulin Melalui Pendekatan Spiritual.”
women together and in a position of equality.

Historically, Sufi women made their appearance at a very early period, and in the evolutionary development the esteem for chastity was given equally high by women and men. As far as the study of these "friends of God" is concerned, there is no difference in the sexes. The development of Sufism in Islam gave women ample opportunity to attain the title of Sufism.

The main goal of Sufis is to be one with the Holy One, and in this quest they have left the beauty and attractiveness of the glittering world by burning the passion of their love for God, continuously, in order to achieve the ultimate goal, which is to reach enlightenment in life, along with joy and excitement, and contemplation of a higher life, until finally they can achieve \textit{ma'rifat} and reach the Shadow of God, where the Creator will become one with his beloved and remain with Him forever. However, in reality, lately, there has not been a murshid from the female group, but in Tariqah \textit{Qodiriyah Wan Naqsyabandiyah} does not close access for women to occupy the position of murshid, as long as they fulfil the terms and conditions of becoming a murshid.

As for the Tariqah \textit{Qodiriyah Wan Naqsyabandiyah Darul Falah} provides opportunities for female worshipers to occupy positions as head of the congregation, one of them is the head of the congregation who comes from the East Turide neighbourhood on behalf of Hj. Mardiyah who has been the head of the congregation since 2008.

\textbf{C. Conclusion}

Based on the in-depth research findings related to Thariqah Qodiriyah Wan Naqsyabandiyah Darul Falah, it can be concluded that this community consistently applies multicultural values in various aspects of their lives. In the legal context, Tariqah adherents integrate various forms of Sharia law with Sufistic spiritual practices, considering them as an integral part of Sharia perfection. There is no significant difference between the religious practices of adherents and non-adherents, but adherents are expected to follow principles of inclusive leadership. Furthermore, the implementation of legal values in family
life demonstrates respect for moral principles, the practice of walimah in marriage, and the absence of domestic violence. On the other hand, Thariqah Qodiriyyah Wan Naqsyabandiyah Darul Falah pays special attention to the role of women, opening access for them to occupy positions as murshids, challenging patriarchal views in the context of Sufistic spirituality. In conclusion, Thariqah Qodiriyyah Wan Naqsyabandiyah Darul Falah embodies multicultural values through legal practices, family life, and gender understanding, creating an inclusive and tolerant environment within their community.

Based on the comprehensive research findings concerning Thariqah Qodiriyyah Wan Naqsyabandiyah Darul Falah, several suggestions can be proposed to further enhance and promote their commitment to multicultural values. Firstly, it is recommended that the community actively engages in outreach programs to educate the broader society about their inclusive legal and spiritual practices, fostering greater understanding and acceptance. Additionally, Tariqah adherents could collaborate with academic institutions and scholars to conduct workshops or seminars on legal multiculturalism, emphasizing its compatibility with Sharia principles. To strengthen the implementation of inclusive leadership, training programs on leadership and communication skills can be organized for adherents. Moreover, the community should continue to emphasize and celebrate cultural diversity within their practices, organizing events that showcase various cultural traditions and values. To further challenge patriarchal views, especially in Sufistic spirituality, Thariqah Qodiriyyah Wan Naqsyabandiyah Darul Falah may consider establishing forums or platforms to amplify the voices and contributions of women within the community. Lastly, ongoing research and evaluation of their multicultural initiatives can provide valuable insights, helping the community adapt and evolve its practices to better meet the needs of a diverse and dynamic society.

REFERENCES


Bakri, dkk/ Exploring The Legal Multiculturalism …


