P-ISSN: 2355-5173
E-ISSN: 2656-9477

Beyond Reception: A Critical Reassessment of Snouck Hurgronje and the Formation of Islamic Legal Historiography in the Nusantara Archipelago (14th–16th Centuries)

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Received: 20-09-2025 | *Revised: 15-10-2025* | *Accepted: 22-11-2025* | *Published On: 30-12-2025*

Abstract: The *Receptie* Theory formulated by Christiaan Snouck Hurgronje has long occupied a central position in the study of Islamic law in the Nusantara, often treated as an objective explanatory framework for the relationship between Islamic law and customary law. However, this dominance has generated a historiographical problem by obscuring the pre-colonial legal realities of the region. This study critically reassesses the *Receptie* Theory by situating it within the broader context of colonial knowledge production and legal governance, arguing that it functioned not merely as an academic proposition but as an epistemic instrument of colonial power aimed at subordinating Islamic law. Methodologically, the research employs an interdisciplinary approach that integrates Critical Legal Studies, Postcolonial Theory, and Indo-Archaeo-Islamology. The analysis is grounded in extensive field research conducted over five years across more than fifty cities in four countries. Thousands of archaeological artifacts—particularly Islamic tombstones and epigraphic inscriptions dating from the fourteenth to the sixteenth centuries—are examined and treated as primary legal-historical sources. The findings demonstrate that Islamic law had already operated as an autonomous, authoritative, and socially institutionalized legal system in the Nusantara well before the advent of European colonial rule. These empirical data directly challenge the foundational assumption of the *Receptie* Theory, which posits that Islamic law applied only to the extent that it was accepted by customary law. Instead, the evidence reveals a complex legal order in which Islamic norms functioned as positive law within political, social, and judicial structures. This study makes an academic contribution by deconstructing a long-standing colonial paradigm and reconstructing a more integrative historiography of Islamic law in the Nusantara. It advances postcolonial legal studies by offering an empirically grounded model for decolonizing Islamic legal historiography and re-centering indigenous Islamic legal agency in Southeast Asian history.

Keywords: *Reception Theory; Snouck Hurgronje; Postcolonial Legal Studies; Islamic Law Historiography*

Abstrak: Teori *Receptie* yang dirumuskan oleh Christiaan Snouck Hurgronje sejak lama menempati posisi sentral dalam kajian hukum Islam di Nusantara dan kerap diperlakukan sebagai kerangka penjelas yang objektif mengenai relasi antara hukum Islam dan hukum adat. Namun, dominasi teori ini telah melahirkan persoalan historiografis karena menutupi realitas hukum pra-kolonial di kawasan tersebut. Penelitian ini melakukan penilaian ulang secara kritis terhadap Teori *Receptie* dengan menempatkannya dalam konteks produksi pengetahuan kolonial dan tata kelola hukum kolonial, serta berargumen bahwa teori tersebut berfungsi bukan semata sebagai konstruksi akademik, melainkan sebagai instrumen epistemik kekuasaan kolonial yang bertujuan mensubordinasikan hukum Islam. Secara metodologis, penelitian ini menggunakan pendekatan interdisipliner yang mengintegrasikan *Critical Legal Studies* dan Teori Poskolonial dengan Indo-Arkeo-Islamologi. Analisis didasarkan pada riset lapangan intensif selama lima tahun di lebih dari lima puluh kota yang tersebar di empat negara. Ribuan artefak arkeologis—khususnya batu nisan dan prasasti Islam bertarikh abad ke-14 hingga abad ke-16—dikaji dan diperlakukan sebagai sumber primer sejarah hukum. Temuan penelitian menunjukkan bahwa hukum Islam telah beroperasi sebagai sistem hukum yang otonom, berwibawa, dan terlembagakan secara sosial di Nusantara jauh sebelum hadirnya kekuasaan kolonial Eropa. Data empiris ini secara langsung menggugat asumsi dasar Teori *Receptie* yang menyatakan bahwa hukum Islam hanya berlaku sejauh diterima oleh hukum adat. Sebaliknya, bukti-bukti tersebut mengungkapkan tatanan hukum yang kompleks, di mana norma-norma Islam berfungsi sebagai hukum positif dalam struktur politik, sosial, dan peradilan. Secara akademik, penelitian ini berkontribusi dengan membongkar paradigma kolonial yang telah mengakar lama serta merekonstruksi historiografi hukum Islam Nusantara yang lebih integratif. Studi ini juga memperkaya kajian hukum Islam poskolonial dengan menawarkan model empiris untuk mendekolonisasi historiografi hukum Islam dan menegaskan kembali agensi hukum Islam lokal dalam sejarah Asia Tenggara.

Kata kunci: *Teori Receptie; Snouck Hurgronje; Studi Hukum Poskolonial; Historiografi Hukum Islam*.

How to cite this article:
Sariat Arifia and Others, **B**eyond Reception: A Critical Reassessment of Snouck Hurgronje and the Formation of Islamic Legal Historiography in the Nusantara (14th–16th Centuries) Archipelago, *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 12.2 (2025), 803-817
Doi: http://dx.doi.org/10.29300/mzn.v12i2.9644

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P-ISSN: 2355-5173 E-ISSN: 2656-9477

Introduction

In the discourse of legal history in the archipelago, *the Receptie Theory, formulated by Christiaan Snouck Hurgronje,* occupies a very influential position. This theory has long been used as the primary framework for explaining the relationship between Islamic law and customary law, assuming that Islamic law only applies to Muslim communities to the extent that local customs and practices accept it. For more than a century, *Receptie was* not only understood as an academic concept in the sociology of law but also served as an epistemic basis for Dutch colonial legal policy, and to some extent, continued to influence Indonesia's post-independence national legal construction. As a result, the understanding of Islamic law history in the archipelago is often formed through a colonial lens that is rarely critically examined.[1]

The primary issue with the dominance of the Receptie Theory is its impact on the historiography of Islamic law. By placing Islamic law in a subordinate position to customary law, this theory indirectly obscures the historical fact that Islamic law once functioned as an autonomous and institutionalized legal system. The narrative that developed then tended to represent Islamic law solely as an individual religious norm, rather than as a comprehensive legal framework that governed social, political, and judicial life. Consequently, the early period of Islamic law's development—especially during the Islamic sultanate of the 14th to 16th centuries—is often marginalized in the study of legal history, or only mentioned in passing without adequate analysis.[2]

Several previous studies have critiqued the *Reception Theory*. Some studies of Islamic law in Indonesia highlight the normative impact of this theory, which weakens the position of Islamic law in the national legal system. [3] Other studies, particularly in a postcolonial framework, view *Receptie* as part of a colonial strategy to control Islam and limit its political potential. [4] Meanwhile, legal anthropological research indicates that the practice of Islamic law in society often coexists with customs that are not subordinate to it, as assumed by Snouck.[5] However, these criticisms generally focus on the colonial and postcolonial periods, and still rely on textual and policy analysis, without seriously exploring the realities of Islamic law in the pre-colonial period.

On the other hand, the study of the historiography of Islamic law of the archipelago still faces limited sources and approaches. Existing research often relies on colonial archives, palace chronicles, or normative texts of fiqh, which frequently reflect the perspectives of specific elites. Significantly few studies have utilized Islamic archaeological artifacts—such as tombstones and inscriptions—as primary sources of legal history. In fact, these artifacts hold essential

[1] Pristiwiyanto Pristiwiyanto, "Staatsblad 1882 Nomor 152 Tonggak Sejarah Berdirinya Pengadilan Agama," *Fikroh: Jurnal Pemikiran Dan Pendidikan Islam* 8, no. 1 (2014): 1–19, https://doi.org/10.37812/fikroh.v8i1.19.

[2] Anis Masykhur, "Blessing in Disguise Teori Receptie: Dampak Teori Receptie Pada Tradisi Penyalinan Dan Penulisan Ulang Manuskrip Hukum Adat Dan Undang-Undang Kerajaan Islam Nusantara," *istinbath* 19, no. 2 (2020), https://doi.org/10.20414/ijhi.v19i2.268.

[3] Harda Armayanto et al., "Snouck Hurgronje and the Tradition of Orientalism in Indonesia," *Tasfiyah: Jurnal Pemikiran Islam* 7, no. 2 (August 2023): 263–87, https://doi.org/10.21111/tasfiyah.v7i2.10384.

[4] Mustaqimah Mustaqimah, "Pemikiran Christian Snouck Hurgronje dan Implikasinya pada Umat Islam di Indonesia," *Farabi* 21, no. 2 (December 2024): 160–79, https://doi.org/10.30603/jf.v21i2.5938.

[5] Rahmad Alamsyah, Imadah Thoyyibah, and Tri Novianti, "Pengaruh Teori Receptie dalam Politik Hukum Kolonial Belanda terhadap Hukum Islam dan Hukum Adat dalam Sejarah Hukum Indonesia," *Petita* 3, no. 2 (December 2021): 343–62, https://doi.org/10.33373/pta.v3i2.3875.

information about the existence of legal authorities, religious institutions, and legal practices in the early Muslim society of the archipelago. This lack of integration between the study of Islamic law, historiography, and archaeology is what makes the understanding of pre-colonial Islamic law partial and vulnerable to distortion.

This condition shows a significant research gap. Until now, there have been few studies that simultaneously pursue two main agendas: first, deconstructing the Receptie Theory as a product of colonial knowledge; and second, reconstructing the historiography of Islamic law in the archipelago based on pre-colonial empirical evidence, particularly from the 14th to 16th centuries. This period was a crucial phase in the formation of the Islamic sultanate and the institutionalization of Islamic law, but it is the least studied in the context of legal history. In addition, interdisciplinary approaches that integrate *Critical Legal Studies*, postcolonial theory, and Indo-Archaeo-Islamic studies are still relatively rarely employed to reexamine the history of Islamic law in the archipelago comprehensively.

Departing from this gap, this research aims to go beyond the Receptie *paradigm*. The *Receptivity theory is no longer regarded as neutral academic truth, but rather as an epistemic construction shaped by colonial power relations and infused* with political interests. By utilizing Islamic archaeological data from the 14th to 16th centuries as legal historical documents, this study aims to demonstrate that Islamic law has functioned as an autonomous, institutionalized, and integrated positive legal system, incorporating local wisdom, long before the arrival of European colonialism. Thus, the relationship between Islamic law and customary law in the pre-colonial period cannot be reduced to a subordinative scheme as assumed by *Receptie*.

On that basis, this research is directed to answer one central question: how *did* Snouck Hurgronje's Receptie Theory shape the historiography of Islamic law in the archipelago, and to what extent did the pre-colonial evidence of the 14th to 16th centuries challenge the validity of the theory and open up space for a more integrative and decolonial reconstruction of the historiography of Islamic law? By answering this question, the research is expected not only to provide correction to the historical narrative of Islamic law in the archipelago but also to contribute to efforts to decolonize legal knowledge and strengthen a more authentic understanding of the position of Islamic law in the history and development of law in Southeast Asia.

Method

This study adopts an integrated, multidisciplinary approach that combines qualitative, normative legal research with empirical and historical analysis. The normative dimension focuses on a critical examination of legal theories and colonial legal policies—particularly the *Receptie* Theory—through the lenses of legal history, critical legal sociology, and postcolonial theory. At the same time, the empirical–historical approach is employed to trace the practice and institutionalization of Islamic law in the pre-colonial period through material evidence gathered from the field. The primary framework for data collection is Indo-Archaeo-Islamology, as developed by Hasan Muarif Ambary, which enables the integration of archaeological, epigraphic, and philological data. Within this framework, inscriptions on tombstones, grave typologies, and the architecture of ancient mosques are treated as legal-historical documents that record legal authority, institutional structures, and the

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P-ISSN: 2355-5173 E-ISSN: 2656-9477

operation of Islamic law between the fourteenth and sixteenth centuries.

The study applies a *Grounded Theory* method with an inductive orientation, whereby theoretical insights are developed progressively from field data rather than derived from predefined deductive hypotheses. Data collection and analysis were conducted simultaneously through iterative coding processes until theoretical saturation was achieved. Primary data were collected through extensive field research conducted over a period of five years, encompassing visits to 59 major cemetery complexes, hundreds of individual graves, and 54 ancient mosques across various regions of Indonesia, as well as in four other countries. These materials include tombstone inscriptions, funerary artifacts, and early manuscripts dating from the fourteenth to the sixteenth centuries. They are further enriched by in-depth interviews with caretakers of historical sites, experts in traditional Islamic law, and descendants of religious scholars. Methodologically, this approach deliberately retraces the tradition of intensive field research associated with Snouck Hurgronje. Yet, it is reoriented toward a critical and decolonial purpose and conducted independently to reconstruct a more authentic historiography of Islamic law in the Nusantara.

Results and Discussions

From Confession to Domestication: A Political Genealogy of Colonial Law

The history of the formation of colonial law politics in the Dutch East Indies cannot be separated from the initial dynamics of recognizing Islamic law as a living legal system and one widely practiced by the Muslim people of the archipelago. In the early phase of colonialism, especially from the VOC period to the mid-19th century, the colonial government tended to be pragmatic towards the existence of Islamic law. This attitude was not based on the normative recognition of Islam as a religion, but rather on the administrative need to maintain social stability in the colonies. It was in this context that the Theory of Receptio in Complexu emerged, which was formulated by Lodewijk Willem Christiaan van den Berg, an orientalist and Islamic jurist who was influential in early colonial policy.[6]

Van den Berg departs from the empirical observation that indigenous peoples who have embraced Islam automatically make Islamic law the primary guideline in social life, especially in the fields of marriage, inheritance, and worship. Therefore, he concluded that Islamic law applies in its entirety (in complexu) to Muslims without having to depend on the acceptance of local customs. This theory is not just an academic construct, but a reflection of the legal reality that has been unfolding long before the arrival of colonialism. In practice, Islamic law has been institutionalized in the form of religious courts and has become the primary reference in resolving disputes between Muslims.[7]

The recognition of Islamic law in this phase is manifested in concrete policies, one of which is the establishment of Priesterraad (Religious Courts) in Java and Madura, as outlined in

[6] Roni Pebrianto, Asasriwarni Asasriwarni, and Ikhwan Matondang, "The Contribution of L.W.C. Van Den Bergâ€TMs Thoughts in Dutch Colonial Legal Politics on The Development of Religious Courts in Indonesia," *AJIS: Academic Journal of Islamic Studies* 7, no. 1 (June 2022): 45–56, https://doi.org/10.29240/ajis.v7i1.3779.

[7] Rahmad Alamsyah, Imadah Thoyyibah, and Tri Novianti, "Pengaruh Teori Receptie Dalam Politik Hukum Kolonial Belanda Terhadap Hukum Islam Dan Hukum Adat Dalam Sejarah Hukum Indonesia," *Petita* 3, no. 2 (December 2021): 343–62, https://doi.org/10.33373/pta.v3i2.3875.

Staatsblad Number 152 of 1882. This institution is authorized to adjudicate certain cases directly related to Islamic law. The existence of the Priesterraad indicates that the colonial state, at least in its early stages, acknowledged Islamic law as an autonomous legal system and enjoyed strong social legitimacy among indigenous Muslim communities. However, this recognition did not last long. Along with the strengthening of colonial control and the increasing political consciousness of Muslims, the Dutch East Indies government began to view Islamic law as a potential threat to the stability of colonial power. Islam is no longer seen solely as a system of religious norms, but rather as a socio-political force capable of mobilizing resistance. It is in this context that a paradigm shift occurs from the phase of recognition to the phase of taming and subordination of Islamic law.[8]

This change in the direction of legal politics reached a crucial point with the emergence of Christiaan Snouck Hurgronje at the end of the 19th century. In contrast to Van den Berg, who emphasized the normative applicability of Islamic law, Snouck made a sharp criticism of the approach. According to him, Van den Berg was too caught up in the texts and doctrines of fiqh and ignored the social reality of indigenous peoples, which he considered to be more influenced by customs than Islamic teachings. This criticism marked the beginning of the Receptio Theory, which systematically reversed the logic of Receptio in Complexu.[9]

In the Receptie Theory, Snouck states that Islamic law does not apply automatically to Muslims. Islamic law can only be applied to the extent that it has been accepted and incorporated into local customs and practices. Thus, customary law is established as the primary legal system, while Islamic law is relegated to a secondary norm that depends on the legitimacy of customs. This shift was not merely an academic debate, but a profound transformation in the political orientation of colonial law. The implications of this shift are significant. Islamic law, which was previously recognized as a positive law, began to be systematically marginalized. Religious courts were restricted in their authority, while customary law was developed and codified as indigenous "original" laws, which were considered more neutral and politically harmless. Within this framework, Islamic law is not only subordinated but also politicized as an instrument of social control.[10]

Thus, the political genealogy of colonial law shows that the Receptie Theory was not born in a vacuum. It is the result of a change in colonial strategy in dealing with Islam as a social force. From the pragmatic recognition of Islamic law in the early phases, colonialism moved towards a more systematic project of domestication through the engineering of legal theory. The transition from Receptio in Complexu to Receptie marked the transformation of Islamic law from an autonomous legal system to a subordinate entity within the colonial legal architecture. This is the initial foundation of the historical distortion of Islamic law in the archipelago, the

[8] Dri Santoso, "Politik Hukum Pemerintah Kolonial Terhadap Peradilan Agama," *Nizham Journal of Islamic Studies* 2, no. 1 (2014): 77–93.

[9] Muhamad Masâ€™ud, "The Application of Islamic Law at the Colonial Age and It's Implication for The Indonesian Religious Justice System," *Journal of Islamicate Studies* 1, no. 2 (2018), https://doi.org/10.32506/jois.v1i2.459.

[10] Muhammad Jazil Rifqi, "The Superiority of Customary Law over Islamic Law on the Existence of Inheritance: Reflections on Snouck Hurgronje's Reception Theory," *Millah: Journal of Religious Studies*, December 31, 2021, 217–52, https://doi.org/10.20885/millah.vol21.iss1.art8.

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impact of which is still felt until the postcolonial era.[11]

Intellectual and Political Alliances: Snouck Hurgronje, Van Vollenhoven, and the Engineering of Customary Law

The development of the Receptie Theory cannot be fully understood without situating it within a broader network of colonial intellectual and political alliances. One of the key actors in this network was Cornelis van Vollenhoven, a key figure in the development of customary law studies (adatrecht) in the Dutch East Indies. The intellectual relationship between Snouck Hurgronje and Van Vollenhoven formed the theoretical foundation for the engineering of colonial law, which systematically marginalized Islamic law and established customary law as the "original" indigenous law.[12]

Snouck Hurgronje and Van Vollenhoven have a strong common point of interest, despite moving in different disciplines. Snouck, as an orientalist and the colonial government's principal adviser on indigenous and Islamic affairs, was interested in reducing the political influence of Islam, which was considered to threaten colonial stability. Meanwhile, Van Vollenhoven, as a legal academic, had the ambition to establish customary law as a distinct, independent, and autonomous legal system, separate from the influence of Western law and Islamic law. It is in this context that customary law is not merely studied as a social phenomenon, but is engineered as a political project of colonial law.[13]

Van Vollenhoven developed the idea of adatrecht as a "living law" in indigenous societies. He claimed that customary law is an authentic expression of the soul of the nation (volksgeist) of the people of the archipelago. These claims appear academic and neutral, but in reality contain a strong colonial bias. By placing customary law as the only indigenous law, Van Vollenhoven implicitly excludes Islamic law from the category of local law. Islamic law is perceived as a foreign element that originates from outside and is not fully integrated into the culture of the archipelago.[14]

This narrative finds its political legitimacy through Snouck Hurgronje's Theory of Receptie. Within the framework of the Receptie, Islamic law is only recognized insofar as it has been "accepted" by custom. Thus, customary law is given a superior position as the primary legal system, with the authority to determine whether Islamic law applies. This alliance created a theoretical symbiosis: the Receptie Theory provided a political basis for the subordination of Islamic law, while Van Vollenhoven's adatrecht construction provided academic and juridical legitimacy for the policy. The implications of this alliance were far-reaching in colonial legal practice. The Dutch East Indies government began to codify and classify customary law extensively through

[11] Harda Armayanto et al., "Snouck Hurgronje and the Tradition of Orientalism in Indonesia," *Tasfiyah: Jurnal Pemikiran Islam* 7, no. 2 (August 2023): 263–87, https://doi.org/10.21111/tasfiyah.v7i2.10384.

[12] Jajat Burhanudin, "The Dutch Colonial Policy on Islam: Reading the Intellectual Journey of Snouck Hurgronje," *Al-Jami'ah: Journal of Islamic Studies* 52, no. 1 (June 2014): 25–58, https://doi.org/10.14421/ajis.2014.521.25-58.

[13] Muhammad Jazil Rifqi, "The Superiority of Customary Law over Islamic Law on the Existence of Inheritance: Reflections on Snouck Hurgronje's Reception Theory," *Millah: Journal of Religious Studies*, December 31, 2021, 217–52, https://doi.org/10.20885/millah.vol21.iss1.art8.

[14] Ilham Tohari, Siti Rohmah, and Ahmad Qiram As-Suvi, "Exploring Customary Law: Perspectives of Hazairin and Cornelis Van Vollenhoven and its Relevance to the Future of Islamic Law in Indonesia," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 7, no. 1 (October 2023): 50–70, https://doi.org/10.30659/jua.v7i1.32600.

field research conducted by experts in the field of customary law. This process is neither neutral nor objective, but rather selective and normative. Elements of Islamic law that have long been integrated into customary practice are often omitted, simplified, or recategorized as mere customs. In this way, Islamic law is erased from legal memory as an autonomous normative system.[15]

Furthermore, the Snouck–Van Vollenhoven alliance led to the deliberate fragmentation of the law. Indigenous peoples are divided into separate customary jurisdictions, while Muslims lose the universal legal basis that unites them across ethnicities and regions. This fragmentation serves as a strategy of social control. By weakening the legal solidarity of Muslims, colonialism succeeded in limiting the potential of Islam as a transregional political force. In an academic context, Van Vollenhoven's legacy of thought has had a long-term influence. The study of customary law became the dominant discipline in the study of Indonesian law, even until the post-independence period. Many early Indonesian law scholars were educated in the adatrecht tradition, which placed customary law as the primary foundation of national law. As a result, the subordinate paradigm to Islamic law continues to be reproduced in academic discourse and national legal policy, even though colonialism has formally ended.[16]

What often goes unnoticed is that both Snouck and Van Vollenhoven build their arguments by ignoring the evidence of pre-colonial history. Their research relies almost entirely on observations of 19th-century society, without thoroughly examining the legal practices of the 14th- to 16th-century Islamic sultanates. In fact, in that period, Islamic law had been institutionalized as positive law in various Islamic kingdoms of the archipelago and functioned as a normative framework for government, justice, and social life.[17]

Thus, the Snouck–Van Vollenhoven alliance is not just an academic collaboration, but a legal historiographic engineering project. They not only interpreted legal reality, but also created a new legal narrative that suited colonial interests. This narrative was later passed down as a scientific truth that was rarely questioned. Therefore, criticism of the Reception Theory cannot stop at the figure of Snouck Hurgronje alone. It must be expanded to dismantle the entire network of colonial knowledge that underpins the theory, including Van Vollenhoven's construction of customary law. Without this deconstruction of intellectual alliances, efforts to reconstruct the historiography of Islamic law in the archipelago will constantly be confronted with colonial epistemic boundaries that are still entrenched in modern academic traditions.

Islamic Law as a Positive Law in the Sultanate of the Archipelago (14th–16th Centuries)

One of the most problematic claims in the Receptie Theory is the assumption that Islamic law in the archipelago has never functioned as an autonomous, positive law, but rather only applies to the extent accepted by custom. This

[15] Amry Vandenbosch, "Customary Law in the Dutch East Indies," *Journal of Comparative Legislation and International Law* 14, no. 1 (1932): 30–44.

[16] Keebet von Benda-Beckmann, "Anachronism, Agency, and the Contextualisation of Adat: Van Vollenhoven's Analyses in Light of Struggles Over Resources," *The Asia Pacific Journal of Anthropology* 20, no. 5 (October 2019): 397–415, https://doi.org/10.1080/14442213.2019.1670242.

[17] Moh Ashif Fuadi, "Islamization and the Transition of Power in Nusantara According to Kiai Abul Fadhol's Aḥlā al-Musāmarah," *Islamica: Jurnal Studi Keislaman* 16, no. 1 (September 2021): 80–104, https://doi.org/10.15642/islamica.2021.16.1.80-104.

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claim collapses when examined through the evidence of pre-colonial history, particularly during the 14th to 16th centuries, a period when the network of Islamic sultanates flourished in various parts of the archipelago. In this phase, Islamic law has not only lived as a religious norm, but has been institutionalized as the basis of government, judiciary, and social administration.[18]

The Sultanate of Samudera Pasai is the clearest early example of the institutionalization of Islamic law in the archipelago. Foreign epigraphic, numismatic, and chronicle sources indicate that Pasai was not only a center of trade but also a hub of Islamic legal authority. The titles of rulers such as Malik al-Ṣāliḥ and Malik al-Ẓāhir indicate the adoption of Islamic political terminology that is rich in legal and governmental connotations. The use of the title Malik signifies political sovereignty operating within the framework of fiqh al-siyāsah, not just local customary leadership. Moreover, the legal system in Pasai has primarily relied on Islamic law as its primary reference in civil and public affairs. The practice of inheritance, marriage, commercial transactions, and the determination of the legal calendar is based on sharia norms. The use of the Hijri calendar in tombstone inscriptions and official documents is a strong indicator that Islamic law functions as a legal time system, which determines whether legal actions are legal or not. This shows the existence of a structured and independent legal administration of the pre-Islamic legal system.[19]

In coastal Java, similar evidence was found in Gresik, Tuban, and other northern coastal areas. The tombstone of Malik Ibrahim (d. 1419 AD) in Gresik is one of the most important artifacts in the historiography of Islamic law of the archipelago. The titles inscribed on the tombstones—such as Malik, 'Umdatu al-Salāṭīn wa al-Wuzarā', and Burhān al-Dawlah wa al-Dīn—are not merely religious symbols, but official terminology in the Islamic political tradition. These titles indicate the existence of legitimate legal and political authority, as well as the integration between state and religious affairs. The existence of these titles confirms that Malik Ibrahim cannot be reduced to a mere missionary or merchant, as is often portrayed in popular narratives. He is a state actor who has authority in the Islamic power structure. Thus, Islamic law in this period was not on the periphery of custom, but became the main normative framework in the administration of power.[20]

Another important aspect is the function of epigraphs as a public legal document. Inscriptions on 14th- and 15th-century tombstones not only record the identity of the deceased, but also convey theological and legal messages. The expression of monotheism, the prohibition of shirk, and the use of legal verses and phrases show that Islamic law is communicated openly in public spaces. This is contrary to the colonial narrative that portrays Islam as syncretic and hidden.[21]

The transregional connectivity between

[18] Peter Coclanis, "Military Mortality in Tropical Asia: British Troops in Tenasserim, 1827-36," *Journal of Southeast Asian Studies* 30, no. 1 (1999): 22–37.

[19] Yan Nurcahya et al., "Jejak Islam dan Kekuasaan di Indonesia dalam Konteks Politik Asia Tenggara," *Nusantara; Journal for Southeast Asian Islamic Studies* 21, no. 2 (December 2025): 225–36, https://doi.org/10.24014/nusantara.v21i2.38496.

[20] Roni Faslah and Novia Yanti, "Kerajaan Islam : Sejarah Politik Islam Klasik di Indonesia," *Mau`izhah : Jurnal Kajian Keislaman* 10, no. 2 (December 2020): 193–214, https://doi.org/10.55936/mauizhah.v10i2.41.

[21] Amin Sweeney, "The Rhetoric of Practising Ethnicity," *Indonesia and the Malay World* 27, no. 78 (June 1999): 96–121, https://doi.org/10.1080/13639819908729936.

Pasai, Gresik, Gujarat, and the Middle East further strengthens the argument for Islamic legal autonomy. The similarity in the typology of Cambay marble headstones in Pasai and Gresik indicates the existence of a cosmopolitan and integrated Muslim elite network within the Islamic civilization of the Indian Ocean. This network carries not only goods and people, but also scientific authority, political legitimacy, and an established Islamic legal system. In this context, Islamic law exists as a universal system that is adapted locally without losing its normative authority.[22]

The fact that Islamic law can coexist with local culture does not mean it is subject to local customs. On the contrary, Islamic law acts as an ethical and normative framework that reforms customs. In the terminology of fiqh proposals, many local practices are accommodated as 'urf as long as they do not conflict with sharia principles. It demonstrates creative and dialogical relationships, rather than subordination. This concept is incorrectly reversed by the Receptie Theory, which posits that customary law determines the validity of Islamic law.[23]

Thus, evidence from the 14th to 16th centuries shows that Islamic law in the archipelago has functioned as an autonomous, institutional, and sovereign positive law. It has clear apparatus, symbols, time systems, and political legitimacy. The claim that Islamic law only gained relevance after colonialism, or only applies to the extent accepted by custom, is an ahistorical construction born of colonial interests, not of historical reality.[24]

This subchapter emphasizes that, before colonial intervention, the archipelago had a mature and independent Islamic legal tradition. Awareness of this fact is a crucial foundation for moving beyond the Receptie and reconstructing the historiography of Islamic law in the archipelago in a more fair and evidence-based manner.

Beyond Reception: Deconstruction of the Colonial Legal Apparatus and Reconstruction of the Historiography of Islamic Law of the Archipelago

A rereading of the Reception Theory cannot stop at normative criticism of the content of its theory alone, but must be directed at the dismantling of the entire apparatus of colonial knowledge that gave birth to it. Within the framework of Critical Legal Studies and postcolonial theory, law is never a neutral entity; it is always a product of social and cultural contexts. It is always produced in a specific power relationship. Reception theory is a classic example of how legal knowledge was constructed to serve colonial political interests, rather than accurately representing socio-historical reality.[25]

The interview findings show a consistent pattern. In various research locations—ranging from Aceh on the coast of Java to the Maluku region—the informants stated that the practice of Islamic law in the past was understood as state law (the *king's law*), not just personal ethics. The determination of marriage, the division of inheritance, the

[22] Nurcahya et al., "Jejak Islam dan Kekuasaan di Indonesia dalam Konteks Politik Asia Tenggara."
[23] Faslah and Yanti, "Kerajaan Islam."
[24] Siti Aisyah et al., "Situasi dan Kondisi Kerajaan-Kerajaan Islam di Indonesia Ketika Belanda Datang," *Tashdiq: Jurnal Kajian Agama Dan Dakwah* 1, no. 2 (December 2023): 81–90, https://doi.org/10.4236/tashdiq.v1i2.1461.
[25] Muhammad Jazil Rifqi, "The Superiority of Customary Law over Islamic Law on the Existence of Inheritance: Reflections on Snouck Hurgronje's Reception Theory," *Millah: Journal of Religious Studies*, December 31, 2021, 217–52, https://doi.org/10.20885/millah.vol21.iss1.art8.

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settlement of disputes, and the timing of worship are collectively linked directly to Islamic political authorities. This testimony confirms epigraphic and archaeological evidence that Islamic law functions as institutionalized positive law, not subordinate law.

The interview also reveals essential facts about the distortion of colonial historiography. Many informants claim that a "historical obscuration" has occurred since the colonial era, when established fiqh practices were mislabeled as customary by the Dutch administration. In the collective memory of the community, what is called adat is actually "the teachings of Islam that have been cultured." This testimony is significant because it reveals that the process of customary labeling does not originate from community consciousness, but rather from the construction of colonial law. In other words, the interview shows the concrete mechanism by which Islamic law is de-Islamized in a discursive manner.

Furthermore, the interview shows how traditional scholars critically perceive Snouck Hurgronje. In some oral narratives, Snouck is not remembered as a neutral scientist, but rather as a figure who "knew Islam to weaken it." This perception aligns with the postcolonial analysis, which views Snouck as *an organic* colonial intellectual. The interviews provide an ethical and emotional dimension not found in the archives, revealing the genuine impact of Islamic political policies on the religious and legal structures of society.

Christiaan Snouck Hurgronje must be understood not only as an orientalist or Islamic scientist, but as an organic colonial intellectual. His knowledge of Islam, indigenous peoples, and the social structure of the archipelago was not directed to the development of knowledge alone, but was systematically mobilized to design effective legal policies in controlling Muslims. In his dual position as an academic and an official adviser to the colonial government, Snouck made the law an instrument of political domestication.[26]

The Receptie Theory is a juridical expression of Snouck's Islamic-political policy. By dividing Islam into "pure worship" areas that can be protected and "socio-political" areas that must be suppressed, Snouck effectively confines Islam to a private space. Islamic law, which traditionally includes public aspects—such as muamalah, jinayah, and siyasah—is stripped of its authority through the construction that it has no applicability unless it has been filtered by custom. This is the most subtle form of conquest: not by frontally abolishing Islamic law, but by negating its ontological legitimacy.[27]

Furthermore, legal colonialism works through historiographical manipulation. Material evidence of the existence of Islamic law as the law of pre-colonial states—such as Islamic political titles, transregional Muslim elite networks, and a system of legal administration based on the Hijri calendar—is not openly debated; instead, it is often ignored or downplayed. Historical facts that do not align with the colonial narrative are set aside in the construction of science. In Michel Foucault's terms, this is the practice of a regime of truth, in which truth is produced through the

[26] Dri Santoso, "Politik Hukum Pemerintah Kolonial Terhadap Peradilan Agama," *Nizham Journal of Islamic Studies* 2, no. 1 (2014): 77–93.

[27] Zaelani Zaelani, "Hukum Islam di Indonesia Pada Masa Penjajahan Belanda: Kebijakan Pemerintahan Kolonial, Teori Receptie in Complexu, Teori Receptie dan Teori Teceptio A Contrario atau Teori Receptio Exit," *KOMUNIKE: Jurnal Komunikasi Penyiaran Islam* 11, no. 1 (2019): 128–63, https://doi.org/10.20414/jurkom.v11i1.2279.

selection, exclusion, and repetition of discourses that benefit the rulers.[28]

The Van Vollenhoven project, through adatrechtpolitiek, strengthens this operation. By elevating customary law as " indigenous law" and placing Islam as a foreign element, colonialism creates an artificial binary opposition. In fact, as evidenced in the previous subchapter, many of the so-called customs are actually the result of internalizing Islamic fiqh in the local context. This process of relabeling is not an ordinary academic error, but rather a systematic strategy to uproot the history of Islamic law from its social roots.[29]

It is in this context that the Beyond Reception approach becomes essential. Going beyond the Reception is not enough to reject its theoretical conclusions, but to demand a thorough reconstruction of the way the historical development of Islamic law in the archipelago is written. This reconstruction must be based on non-colonial primary sources, especially material and epigraphic evidence, which are relatively free from discursive manipulation. Through the Indo-Archaeo-Islamological approach and grounded theory, Islamic law can be reinterpreted as a living social practice, rather than a shadow of a normative text or a colonial product.[30]

This historiographical reconstruction led to a new understanding that Islamic law in the archipelago developed through a process of integration, rather than subordination. Integration here does not mean a weakening compromise, but rather a creative dialogue between universal Islamic norms and local realities. Islam does not entirely replace the culture of the archipelago, but provides an ethical and juridical framework that restructures social life. This model actually shows the capacity of Islamic law as an adaptive, cosmopolitan, and highly resilient system.[31]

The academic implications of this approach are significant. First, it dismantles the long-standing assumption in Indonesian legal studies that views Islamic law as a marginal or reactive entity. Second, he shifted the focus of the survey from colonial texts to material evidence and social practice. Third, it opens up space for a more autonomous epistemology of Islamic law, independent of relying on colonial validation or Western positivism.

Furthermore, this reconstruction also has contemporary relevance. Many of the tensions between state law, customs, and Islam in modern Indonesia are actually a residue of colonial politics of division. By understanding that the conflict is not a natural phenomenon, but rather the result of historical engineering, legal and religious discourse can be directed towards a more constructive synthesis. Pre-colonial history shows that the integration between Islam, local culture, and political power is not a utopia, but rather a historical reality.

Thus, Beyond Receptie is not just a criticism of Snouck Hurgronje, but an

[28] Harda Armayanto et al., "Snouck Hurgronje and the Tradition of Orientalism in Indonesia," *Tasfiyah: Jurnal Pemikiran Islam* 7, no. 2 (August 2023): 263–87, https://doi.org/10.21111/tasfiyah.v7i2.10384.

[29] Mark Woodward, "Paradigms, Models, and Counterfactuals: Decolonializing the Study of Islam in Indonesia," *Studia Islamika* 32, no. 1 (2025): 101–35, https://doi.org/10.36712/sdi.v32i1.46005.

[30] Muhammad As'ad, Muhammad Zainuddin, and M. Samsul Hady, "The Western Perspective on Islam: Reading the Legacy of Snouck Hurgronje on Islamic Studies," *Teosofi: Jurnal Tasawuf Dan Pemikiran Islam* 13, no. 1 (2023): 80–104, https://doi.org/10.15642/teosofi.2023.13.1.80-104.

[31] Montgomery McFate, "Useful Knowledge: Snouck Hurgronje and Islamic Insurgency in Aceh," *Orbis* 63, no. 3 (2019): 416–39, https://doi.org/10.1016/j.orbis.2019.05.005.

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P-ISSN: 2355-5173 E-ISSN: 2656-9477

intellectual project to liberate the legal historiography of the archipelago from colonial shackles. He restored Islamic law to its historical position as an autonomous, dignified, and integral part of the archipelago's civilization. It is at this point that the decolonization of legal knowledge finds its most substantial academic and social meaning.

Table 1. Beyond Reception: Deconstruction of the Colonial Legal Apparatus and Reconstruction of the Historiography of Islamic Law of the Archipelago

Dimensions of Analysis	**Colonial Narrative (Reception Theory)**	**Mechanism of the Colonial Apparatus**	**Reconstructive Findings (Beyond Reception)**	**Academic Implications**
Position of Islamic Law	Valid only if accepted by the customer	Normative subordination through Receptie	Islamic law functioned as a positive and autonomous pre-colonial law	Refuting the assumption of marginality of Islamic law
The Role of Snouck Hurgronje	Objective Islamic Scholars	Organic colonial intellectuals; policy advisers	Knowledge is used as an instrument of political domestication	Snouck's repositioning in the study of postcolonial law
Islam Politics	Protection of religious freedom	Separation of worship–socio-politics	Dismantling the public dimension of Islamic law	Dismantling the pseudo-neutrality of colonial policies
Legal Legitimacy	Customs as the main source	Rejection of sharia ontological legitimacy	Sharia has independent legitimacy based on faith and institutions	Decolonization of the basis of the enforceability of the law
Legal Historiography	Secondary and syncretic Islam	Abandonment of material evidence	Epigraphic and archaeological evidence point to Islamic state law	Transition from colonial archives to non-colonial primary sources
Political Titles & Symbols	Understood as a religious symbol	A Reduction in Political Significance	The title of Malik, Burhān ad-Dawlah, as a legal authority	Affirmation of fiqh siyasah Nusantara
Adatrecht politics	Customary as indigenous law	Relabeling of fiqh as custom	Customs are the internalization of sharia ('urf)	Dismantling the customary–Islamic binary opposition
Islamic Relations and Local Culture	Islam is considered a foreign element	Discourse on customary purification	Creative integration of Islam and local culture	Adaptive and cosmopolitan model of Islamic law
Legal Epistemology	Colonial positivism	Regime of truth (Foucault)	Indo-Archaeo-Islamology & grounded theory	Strengthening the epistemology of autonomous Islamic law
Historical Function	Colonial legitimacy	Selection & exclusion of facts	Restoration of pre-colonial legal memory	Critical historiographic reconstruction
Contemporary Implications	Islam–customs–state conflict	Legacy divide et impera	Conflict as a historical construct	The basis of the synthesis of inclusive national law
Final Destination	Colonial control	Islamic Domestication	Decolonization of legal knowledge	Historiographical liberation of Islamic law

Source: Author's Interpretation

The table serves as an analytical map that summarizes the paradigm shift from the construction of colonial law to the historiographic reconstruction of Islamic law of the archipelago through the *Beyond Receptie* approach. Each dimension in the table demonstrates that the Receptie Theory is not merely an academic formulation, but rather an integral part of the colonial power apparatus that operates through the production of

knowledge, the reclassification of legal concepts, and the manipulation of historiography to subjugate Islamic law. The colonial narrative places Islamic law as a secondary system that relies on customs, while colonial mechanisms—through *Islam-politiek*, *adatrechtpolitiek*, and the practice *of regime of truth*—reinforce an artificial legal hierarchy that favors colonialism. Instead, the reconstructive findings within the framework of *Beyond Receptie* demonstrate that Islamic law in the pre-colonial period functioned as an autonomous, institutionalized, and self-contained positive law of ontological legitimacy, as evidenced by material, epigraphic, and living social practice. Thus, this table confirms the main academic contribution of the research, namely the dismantling of colonial biases in Indonesian legal studies, the shift in focus from colonial archives to non-colonial primary sources, and the opening of space for a more independent, historical, and contextual epistemology of Islamic law.

Conclusion

This study demonstrates that Receptie Theory, as formulated by Christiaan Snouck Hurgronje, cannot be understood merely as a neutral academic construct, but must instead be situated within the broader apparatus of colonial power. Through the combined use of Critical Legal Studies, postcolonial theory, Indo-Archeo-Islamology, and grounded theory, this research establishes that Receptie functioned as a juridical instrument designed to strip Islamic law of its authority, confine it to the private sphere, and subordinate it to a colonial reconstruction of customary law. The principal findings of this study reveal that between the fourteenth and sixteenth centuries, Islamic law in the Nusantara operated as an autonomous, institutionalized, and sovereign legal system. Material evidence in the form of epigraphic inscriptions, Islamic political titles, transregional Muslim elite networks, Hijri-based legal administration, and corroborating field interviews systematically refutes the colonial claim that Islamic law applied only insofar as it was accepted by local custom. On the contrary, Islamic law constituted the primary normative framework through which universal Islamic principles were creatively and contextually integrated into local socio-cultural realities.

This research further uncovers that the distortion of Islamic legal historiography in the Nusantara was produced through deliberate practices of historical erasure and reclassification, particularly by relabeling fiqh-based norms as "customary law" within the framework of adatrechtpolitiek. This process was not a methodological oversight but a calculated strategy of dehistoricization and deislamization aimed at severing the historical continuity between Nusantara Muslim societies and the broader Islamic legal tradition. In this regard, Snouck Hurgronje must be critically reinterpreted as an organic intellectual of colonialism, whose scholarly authority was mobilized to advance political domination

CRediT authorship contribution statement

Sariat Arifia: Conceptualization, Research design, Theoretical framework, Methodology, Formal analysis, Data interpretation, Legal and doctrinal analysis, Writing – original draft, Writing – review & editing, Validation, Supervision, Final revision. The author has read and approved the final manuscript.

Declaration of competing interest

The authors declare that they have no known competing financial, institutional, or

personal interests that could have appeared to influence the work reported in this paper.

Acknowledgements

The author would like to acknowledge the academic and institutional support provided by Universitas Al-Azhar, Indonesia. Appreciation is also extended to colleagues and academic peers who offered valuable discussions, critical insights, and constructive feedback during the preparation of this manuscript. Any remaining errors are the sole responsibility of the autho.

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