***The Construction of Fiqh Paradigm of Kudus Moslem Society***

***on the Tradition of the Prohibition of Slaughtering and Consuming Beef***

***(Adaptation of Javanese Islamic Culture in Strengthening the Existence of Local Law)***

***Abstract***

*This study will try to find the reasoning structure behind the sustainability of the tradition of prohibiting slaughtering and eating beef in the Kudus community, as a form of preserving the cultural heritage of Sunan Kudus. This prohibition is a symbol of respect for Hindus who when Sunan Kudus made this adaptation the Hindu population was still the majority, but when Hindus had become a minority and the Muslim population became the majority why did this tradition and syncretism still exsist. How is the construction of Sunan Kudus's ijtihad reasoning regarding the prohibition of slaughtering and consuming beef in Kudus, how is the understanding and obedience of the Kudus community regarding the prohibition of slaughtering and consuming beef. and Why the Kudus Moslem community still maintains adherence to Sunan Kudus's ijtihad even though its socio-political construction has changed****.***

*The method used is a sociological anthropological approach that examines the mindset, attitude patterns and patterns of action of Muslims in Kudus Regency related to human nature (the relationship between tradition and human nature), distinctive personality (Culture with a distinctive collective personality) and individual. personality (the relationship between culture and the individual). Data can be obtained from interviews with the community directly. This primary data can be supported by several research notes and other relevant writings. The intellectual debate is about the absence of texts/arguments forbidding beef but Sunan Kudus made an ijtihad not to slaughter and consume beef with the argument to respect the majority of the Hindu population. However, when the current condition of Muslims has become the majority and the population of the Hindu minority community, Sunan Kudus's opinion is still maintained.*

**Keywords:***Culture, Cultural Acculturation, Local Wisdom,*

**Introduction**

The definition of Cultural Pluralism adopted by the Indonesian people is quite ideal if it is associated with the pluralism used by modern experts. Because the pluralistic understanding adopted by modern society demands recognition of the differences that exist in other people, without denying the shortcomings they have and always respecting the advantages attached to them. In a pluralistic sense, society is given the same position, rich-poor, officials, male-female, upper-lower class, all of which get the same position in social stratification (Syamsun Ni’am, 2015:55). Soetandyo Wignyosubroto, a sociologist, stated that ethnic, religious, racial, and intergovernmental (SARA) differences are always claimed to be conflict-laden differences, so that they will only threaten division. Whereas the existence of a person who is born from a certain ethnicity, religion, and race, is not his choice, but as a reality that is inherent in his humanity (Soetandyo Wignyosubroto,1998:1).

Kudus Regency as part of the Unitary State of the Republic of Indonesia is territorially not large enough when compared to other districts in Central Java. However, the real condition of the Kudus Union in general can be seen that the diversity of community backgrounds is very prominent. Consists of various ethnic groups, religious backgrounds, cultures, and races. With the heterogeneity of Kudus Regency, as a logical consequence that must be shared together is the possibility of social conflicts, especially those with nuances of SARA (Ethnicity, Religion, Race, and Inter-Group) in society that can divide the nation if not handled and managed properly, wisely and wisely. by the community and local government.

The Kudus community has a very unique culture, namely Javanese culture with Islamic culture and Hindu-Buddhist culture, resulting in an integrated and rooted culture that is upheld by the community. Culture has values ​​consisting of concepts about everything that is considered valuable and important by citizens so that it can be used as a guide for orientation to the lives of the citizens concerned (Koentjaraningrat, 2005:155).

Culture itself is dynamic, not static because society is always changing and developing following the times and human civilization. One form of cultural dynamics or change is acculturation or cultural contact which involves the concept of social processes that arise when a group of people with a certain culture are exposed to foreign cultural elements so that these foreign elements are gradually accepted and processed into their own. culture without causing a loss of cultural personality (Koentjaraningrat, 2005:155).

The strong influence of Islam in the culture of the Kudus community, Eickelman in Mark R. Woodward notes that existing cultural and religious patterns, together with the configuration of local socioeconomic forces, influence the way universal texts are interpreted, including the Qur'an and Hadith. The problem in trying to explain the character of local Islam is not as simple as how a text, a doctrine, and a form of ritual practice are interpreted. Moreover, we must try to determine how local Islam became a religious and social system (Mark R. Woodward,2008:106). If beef is not consumed by the holy people, it is a form of preserving the cultural heritage of Sunan Kudus, because in Hinduism, cows are considered sacred animals. On the other hand, to carry out Islamic law in terms of slaughtering sacrificial animals, which are usually cows, they are replaced with buffalo slaughter.

The high tolerance of the Kudus religious community is now difficult to find in the lives of Indonesian people, even though the values ​​of tolerance and harmony are reflected in the philosophy of our country, namely Pancasila. Based on history, this is related to the way Sunan Kudus preached to the Kudus community and its surroundings at that time using Hindu and Buddhist symbols, because the majority of Kudus people at that time were Hindu and Buddhist. The original culture of the Kudus Community, namely Javanese culture, which in its development was strongly influenced by Islam and Hinduism and Buddhism, became local values ​​that were upheld and lived sustainably to this day despite the very strong influence of modernization and globalization. The values of local wisdom of the Kudus people are institutionalized into local law or more popularly with customary law and are the original laws of the Indonesian nation which are sourced from customs and habits related to community traditions. This tradition is important because of its position of recognition in the Indonesian National Legal System, considering that in Indonesia there are three legal systems, namely Western Law, Customary Law, and Islamic Law (Mohammad Jamin, 2005:48).

From the description of the background, the problems that will be discussed are as follows: What is the existing condition of the sacred community in the tradition of not slaughtering and consuming beef? What is the understanding of the Kudus people about the prohibition of slaughtering and consuming beef? Why do the Kudus Moslems still maintain adherence to Sunan Kudus's ijtihad even though its socio-political construction has changed, How is the adaptation model of the Javanese-Islamic culture of the Kudus Community in strengthening regional laws towards national integration?

**RESEARCH METHODS**

The research method used is legal constructivism which sees reality in the form of various mental constructions, based on social, local and specific experiences, and depends on the person doing it. The epistemological relationship between the observer and the object is a unity, subjective, and is the result of a combination of interactions between the two. Therefore, the main methods used are hermeneutics and dialectics. The research method used is socio-legal research in the form of field research with data collection instruments in the form of literature studies and in-depth interviews with selected sources and focus group discussions (FGD).

This research will be conducted specifically in Kudus Regency by involving the Kudus community, Islamic religious leaders, and community leaders. Partner agencies involved include the Indonesian Ulema Council (MUI) and the Ministry of Religion of Kudus Regency.

Sources of data in this study were obtained through searching references and documents that will be carried out, including: (1) Information and Documentation Service Center of the Secretariat General of the DPR RI, (2) Research and Development Center for BPHN Kemenkumham (3) Legal Bureau of the Ministry of Home Affairs, (4 ) Indonesian Ulema Council of Kudus Regency (5) Ministry of Religion of Kudus Regency. while the sources in the field were selected (purposive sampling) from representatives of the Kudus community who were Muslim, Hindu, Christian-Catholic, with the resource persons being Community Leaders, Religious Leaders, the Indonesian Ulema Council, and the Ministry of Religion, and competent academics. Field studies (interviews) were conducted with the following objectives: first, to take an inventory of the Islamic culture and Javanese culture of the Kudus community which has undergone acculturation and is still showing its existence in the reality of the life of the Kudus community to this day. now, secondly, to identify the values ​​of local wisdom that live in the community. Kudus was institutionalized into local law.

The analysis of data and legal materials was carried out in a non-positivistic qualitative manner using an interpretation method. The interpretation used is a hermeneutic interpretation by taking into account the vertical and horizontal synchronization between the text and the legal context with the relevant laws and regulations. The interpretation of legal hermeneutics, namely the interpretation of legal texts not only from the formal legal aspect based on the sound of the text, but also from background factors (past context), socio-political aspects, culture, and the present context. interpretation from text to context (contextualization).

**ANALYSIS AND DISCUSSION**

1. **The Condition of the Kudus Community in the Tradition of Not Consuming Beef**

Kudus is one of the cities in Central Java which was founded by a spiritual leader who was the spiritual leader and warlord of the Demak kingdom, Sunan Kudus (Soedjipto Abimanyu, 2014:438). This city is also a very historical city, as can be seen from the existing relics such as the Kudus Mosque Tower, Madureksan Mosque, Bubar Mosque, and others that are archaeological in nature. The development of a religion anywhere will definitely be influenced by the culture that existed at that time (Anisatun Muti’ah, 2009:21). Similarly, Islam developed in the Kudus and surrounding areas, Islam was influenced by various previous cultures.

When Islam entered Java, many elements of Hinduism entered into Islam. In terms of architecture, for example, it can be seen in the Kudus Mosque building and other buildings in the Kudus Mosque complex. Such as the three-story roof covering the mosque, the gate building that surrounds or is contained in the covering wall of the complex, all of which are similar to Hindu architectural patterns as in sacred buildings in Bali. Then the elements of tradition can be seen on the walls around the gates of the mosque complex which are relics of Javanese-Hindu pattern building art (M.C. Ricklefs, 2012:37).

The ablution place at the Kudus Mosque which has eight water faucets also reminds us of the philosophical value of Buddhism. That person, if he wants to be successful, must go through the eight paths of truth called Astasanghikamarga, namely: Speech, Effort, and Reflection. In general, around the mosque there are several tombs that are often visited by the public for pilgrimage. In the history of the development of Islam in Kudus Regency, there is a figure named Kyai the Ling Sing, a Chinese from Hunan, South China. He came around 400 Ad. with his village friends, namely Kyai Agung Wajah, Kyai Ageng Kedangeyan, and Nyi Ageng Mlati. The goal is to spread Islam in the Kudus area. Therefore, it is not surprising that there are carvings of Hong and Nagara birds on the carvings of the Sacred House (Sumanto al Qurthuby:138). The figures who the figure who played a role in the spread of Islam in Central Java was Sunan Kudus. He is one of the Walisongo who spread Islam in the northern coastal areas of Central Java, especially in the Kudus area. Sunan Kudus is the son of Raden Usman Haji, he is also known as Ja'far Sadiq. A Senapati from the Islamic kingdom of Demak. In his lifetime Sunan Kudus played an important role in fostering the Demak sultanate. It could even be said that Sunan Kudus was the one who mobilized all the power of Islam to develop Islam on the island of Java (Soedjipto Abimanyu, 2014:347).

Besides Sunan Kudus, who spread Islam in the Kudus area was Sunan Muria, he was the son of Sunan Kalijaga with Dewi Saroh. His real name is Raden Umar Said, in preaching he is like his father by using subtle ways, such as taking fish without cloudy water. That's the way he used around Mount Muria in spreading Islam. The targets of his da'wah are traders, fishermen, and commoners. He is the only one who maintains the art of gamelan and wayang as a means of da'wah and he is the one who created the song Sinom. He filled many Javanese traditions with Islamic nuances such as nelung dino, mitung dino, nyatus dino and so on. The history related to the prohibition of slaughtering and consuming beef for the Kudus people began with events that were passed down from one generation to the next, namely as follows; One day, the man whose full name is Sayyid Ja'far Sadiq Azmatkhan was tying a cow in the courtyard of the Menara Mosque. It also attracted the attention of Hindus in Kudus. What will Sunan Kudus say? "After the Hindus came to the courtyard of the mosque, Sunan Kudus said a welcome greeting and then lectured, preached, and had a dialogue."

At that time, Sunan Kudus appealed to all Kudus residents not to slaughter and eat beef. The goal is to respect Hindus. In this way, finally most of the Hindus became sympathetic to Sunan Kudus and were willing to convert to Islam. This prohibition is a symbol of respect for Hindus who were still the majority at that time. Even though cows are not forbidden for adherents of Islam. Until now, the Kudus community still adheres to the tradition of not slaughtering cows, including on the feast of sacrifice. On the other hand, the Kudus people prefer to slaughter buffalo or goats.

There is another version of the story about cows and the Kudus people when Sunan Kudus once felt very thirsty, then a Hindu priest gave him cow's milk, then as an expression of gratitude from Sunan Kudus, he appealed to the Kudus people not to slaughter. cow. and until now, Sunan's recommendation is still being tracked in the Kudus City. One of the passions absorbed from this teaching is mutual respect between followers of different religions.

1. **Understanding of Muslims in Kudus Regency on the Prohibition of Slaughter and Consumption of Beef**

One of the important characteristics of Islamic society is its success in developing humans and civilization in the territories it occupies. Islam first built civilization in Yastrib, the city that was first built by the Prophet Muhammad SAW with the principle of ethnic pluralism and belief (religion).

The history of the entry of Islam to Kudus is also marked by a very thick process of cultural acculturation. Java at that time was still very thick with mystical traditions, so there was a synergy between Javanese mystics and Islamic mystics (M.C. Ricklefs, 1012:30-31). In addition, the largest religious adherents at that time were Hindu and Buddhist, so the symbols of both religions were used in Islamic architecture. As seen in the current architecture of the Aqsa Kudus Mosque, this mosque uses minarets and gates that are characteristic of Hinduism and the shower place symbolizes Buddhism as a tribute to Buddhists, as well as a means of preaching so that Islam is easily recognized and accepted by the local community (Musyrifah Sunanto, 2017: 198).

Sunan Kudus is a religious scholar, government expert, and literary expert. In spreading Islam, he used very wise ways, taking into account the situation and conditions of the local community. Sunan Kudus spread Islam in Kudus in the early 16th century and founded Menara Kudus. Menara Kudus is the first portrait of the entry of Islam in the city of Kudus. Before Islam entered the city of Kudus, the Kudus community adhered to the Hindu-Buddhist religion. Before there were loudspeakers, Menara Kudus was used as a place to call the call to prayer. In the Menara Kudus building, there is a blend of Hindu and Islamic cultural elements.

This can be seen from the shape of the tower building which is similar to the temples on the island of Java. Likewise, the ways of preaching Sunan Kudus are as follows:

A. Strategy approach to the community by means of:

1) Allow old customs to be difficult to change

2) Avoid direct confrontation in broadcasting Islam

3) Tut Wuri Handayani

4) The parts of customs that are not appropriate are easily changed instantly changed.

B. Embracing Hindu society is like a ban on slaughtering cows because in Hinduism cows are sacred and sacred animals.

C. Embracing Buddhist society

After building the mosque, Sunan Kudus set up an ablution place with a shower with a statue of Kebo Gumarang on it. This is according to the Buddhist teaching of the "Eightfold Path".

D. Congratulations Mitoni. Usually before the congratulations are held read the history of the Prophe (Musyrifah Sunanto, 2017: 199).

Islamic civilization in Kudus was strongly influenced by the teaching methods and the excavation of religious sources carried out by Sunan Kudus. The definition of pluralism is Sunan Kudus's ijtihad which is manifested in the prohibition of slaughtering cows because the social conditions of the Kudus people at that time were dominated by Hindu-Buddhist religion. And the important thing that is understood by the Kudus community is obedience to the charismatic figure of Sunan Kudus who makes every ijtihad that he follows and obeys even though conditions have changed where Islam is now the majority (Max Weber, 2012).

There is one teaching of Sunan Kudus in the form of a motto that is upheld and obeyed so that it becomes a very important guideline for pluralism for the Kudus community, which reads "Sunan Kudus has taught that respecting followers of other religions is not defeat, let alone betrayal of aqidah". While Sunan Kudus's ijtihad related to the prohibition of slaughtering and consuming beef based on the dynamic and elastic rules of Islamic law, there is a legal basis called 'urf. 'Urf is something that becomes a habit and is done by humans, both in the form of actions that are carried out between them and the lafadz they usually say for a special meaning that is not used (which is being used). (Wahbah Zuhaili,1986:833).

In terms of authenticity or not, 'urf is divided into two: 'urf authentic and faceless. The first is the habit of men who forbid what is lawful and what is lawful is unlawful, as is the custom of a wife not to move into her husband's house except after receiving part of the dowry because the dowry is divided in two; some precede and some end. Meanwhile, what is given by the host at the time of the fiancé is considered a gift, not part of the dowry (Wahbah Zuhaili, 1986:834). 'Urf Sahih must be considered in the process of making laws and decisions in court because of human habits, needs and benefits. 'Urf Fasid is a human habit that is forbidden and forbids halal such as the habit of eating usury, ikhthilath (mixed up) between men and women at parties.'This Urf should not be used as a source of law, because it is against the Shari'ah (Wahbah Zuhaili, 1986: 830).

The validity of 'urf in sharia is taken from the verse; "Excuse me, command me to do what is right, and stay away from fools." (Wahbah Zuhaili, 1986:30). from the words of ibn Mas'ud; What is considered good by the Muslims, then according to Allah is good and what they consider bad in the eyes of Allah is evil." (QS. Al a’raf :199)

From these two arguments, the jurists of the madzahib region make 'urf as their legal basis. In many cases, the shara' does not provide rigid boundaries, but allows the 'urf to define the law. As in the verse; "It is the husband's obligation to provide them with sustenance and clothing with makruf (QS. Al Baqoroh 223), and for women who are rejected, makruf is a woman's wealth." (Abdul Wahab Khallaf:190). It is he who punishes and limits the wife's expenses and wealth for the rejected wife.

Therefore, the scholars of ushul formulate the rule of "al-'adah muhakkamah". And 'urf has i'tibar (consideration) in a syara'. Imam Malik built many of his laws based on the deeds of the people of Medina. Abu Hanifa and his followers differed on several points because they weighed the differences in 'urf. Al-Shaafa'i during his stay in Egypt changed some of the laws that he enacted in Baghdad due to differences in 'urf (Abdul Wahab Khallaf:90) In fact, Imam al-Qarafi al-Maliki, explains in his book; "al-Ahkam", which perpetuates 'urf and customary laws, while the ever-changing custom violates ijma' and does not recognize religion (Yusuf Qordhawy:246).

The peace efforts carried out by Sunan Kudus are the same as those carried out by the scholars above, and are related to ijtihad regarding the prohibition of eating and slaughtering cows following the da'wah method carried out by Walisongo which is proven as follows; The Demak Mosque is a clear example of reconciliation or accommodation efforts. Ranggon or layered roof at that time was taken from the concept of 'Meru' from the pre-Islamic (Hindu-Buddhist) period which consisted of nine pillars. Sunan Kalijaga cut it into three piles only, this symbolizes the three stages of a Muslim's religion; faith, Islam, and Ihsan. In the beginning, a new believer follows Islam when he realizes the importance of sharia. Only then did he enter a higher level (Ihsan) by studying Sufism, facts, and wisdom (Abdurrahman Wahid, 1989:92).

Islam is a universal religion, with a view of life (weltanschauung) on ​​equality, justice, takaful, freedom, and honor, and has the concept of humanistic ethnocentrism as the core value of all Islamic teachings, and therefore becomes the theme of Islamic civilization. [29] At the same time, in translating the concept of heaven to earth, Islam has a dynamic, elastic, and accommodating character with local culture, as long as it does not conflict with the principles of Islam itself. The problem lies in the procedures and technical implementation. This is what Wahid calls the "foundation of Islam".

1. **Adaptation of Islamic Culture–Javanese Sacred Society in Strengthening Local Law**

The people of Kudus Regency, Central Java Province, which in fact are thick with Javanese culture, can be cultured with Islamic culture and produce a unique culture (Eko Sugiarto dkk, 2017:1) especially in terms of not consuming beef as a form of respect for Hindus who consider cows as sacred animals. Even during Eid al-Adha, it is rare for the Saints to slaughter cows, not goats and buffalo. These traditions and teachings are passed down from generation to generation and are still being maintained until now, are still carried out by the Kudus Union as a form of tolerance and harmony between religious communities (Nilüfer Göle, 2003:18).

The values ​​of local wisdom are institutionalized into Local Law (Customary Law/Unwritten Law) whose existence is maintained as the characteristics, characteristics, identity, personality, and excellence of the Kudus Union. Adat can actually be seen as a form of law when viewed from the understanding understood by the Indonesian people in general because adat is essentially understood as a binding and maintained norm to regulate people's daily lives, thus the law itself, so it is often understood that adat as an integral part of the law (Ratno Lukito, 2008:13).

The diversity and diversity of cultures, customs, religions, ethnic groups, and races that make up the Unitary State of the Republic of Indonesia actually need not be questioned anymore, considering that several regions in our country can collaborate cultural and religious aspects into a beautiful beauty. harmonization in supporting national integration and achieving national development goals (Kuntowijoyo, 2017:15-16).

This is in accordance with the philosophy of instrumentalism in the Sociology of Law that local law/customary law as living law, the original law of the Indonesian nation can be applied effectively to the Indonesian people because the legal system used is a legal system that develops from within, not a system imposed from outside. (punished). So that social control in people's lives is not only effective by the existence of legal norms, but also by other social norms, such as customary norms, religious norms, moral norms, and norms of decency. Between legal norms and other social norms that apply in society such as tug-of-war or molor mungkret (Java), when legal norms are strong, other social norms weaken, and vice versa, as stated by Donald Black, a Legal Sociologist (Donald Black, 1976:1).

Historically, the habit of not eating beef began with the entry of Islam and spread to Kudus district. This is related to the religion of the Kudus community before the entry of Islam, which was Hinduism which was very sacred to cows. So to respect Hindus and at the same time so that Islam can be accepted by the people of Kudus district, Sunan Kudus did ijtihad by forbidding Muslims to slaughter and eat cows. And as a substitute for cows, buffalo are used for consumption purposes and as sacrificial animals. This continues to be preserved until now even when Islam has become the majority in Kudus district. This is a form of obedience and taqlid to Sunan Kudus's ijtihad which has developed into a habit.

The Ijtihad of Sunan Kudus is very concerned with the condition of Kudus which is still dominated by Hinduism and Buddhism, so that the teaching method and extracting religious law from Sunan Kudus is guided by the basis of 'urf and maslahah. Sunan Kudus was a scholar who was steadfast in the level of monotheism, mantiq, and trained in the science of fiqh and ushul fiqh, so he was given the title waliyyul 'ilmi. Likewise, he is an expert in the fields of interpretation, hadith, and literature. His ijtihad in preaching was strongly influenced by the way the walisongo interpreted the Qur'an and hadith, fiqh and tasawuf which tended to be political and acculturative, namely Ijtihad which tended to be political, because the reality at that time was a political period. conflict between the sultanates of Demak and Kalinyamat (Jepara), and non-frontal da'wah against the customs and habits of the local community.

In terms of the prohibition of slaughtering cows, actually what Sunan Kudus did was respect the Kudus community, which at that time was predominantly Hindu, and cows in Hinduism were purified. So this does not mean a prohibition according to Islamic law, because basically cows are halal animals in Islam. Likewise, in events that are often held by the Kudus community, Sunan Kudus often tells the letter al baqoroh (cow) as his missionary mission and he never eats beef so that this habit is imitated by the Kudus community even today the Kudus community still maintains the tradition.

The acculturation strategy of Sunan Kudus's da'wah was a very rare thing at that time, because da'wah by carrying acculturation values at that time had not been widely practiced by Islamic preachers in Indonesia in general. In terms of the method of ijtihad Sunan Kudus, in his position as an advisor and mufti, namely a scholar who has the right to interpret texts and give fatwas and as a person who masters the science of jurisprudence, he ijtihad related to tolerance for the sacredness of cows in Hinduism, namely by ordering the Kudus people not to slaughter and consume beef, and the people of Kudus adhere to it even today.

The extraordinary respect shown by the Kudus people is also shown when Muslims slaughter sacrificial animals, the Kudus people do not slaughter cows, but are replaced with buffalo or goats. The values of local wisdom, namely tolerance and harmony, are now very difficult to find in the lives of Indonesian people. If the values of local wisdom that have been passed down from generation to generation by the ancestors of the Indonesian nation are not reinterpreted and internalized by us, it will become a threat to the unity and integrity of the Indonesian nation, making it very vulnerable. against national disintegration. The application of the concept of "Bhinneka Tunggal Ika" as a manifestation of the values of local wisdom of the Kudus Community which can create religious harmony can be used as a model for other regions in Indonesia, to strengthen the unity and integrity of the Indonesian nation towards national integration (Asef Bayat, 2015: 896).

Da'wah with a humanist approach, such as through art, tolerance with other beliefs, cultures, has been successful and has a high tolerance value between communities. The fading of togetherness, harmony, and tolerance for Indonesian pluralism as universal values ​​in the life of society, nation and state based on the principles and philosophy of Pancasila as reflected in its forty-five points, raises very deep concerns. Social conflicts that often occur in the territory of our country, with the background of differences in ethnicity, religion, ethnicity, race, language, customs, such as eliminating the meaning of our country's motto Bhineka Tunggal Ika. The differences that we must treat wisely and wisely, should be the strengths, personality, characteristics, and characteristics of the Indonesian state that distinguish it from other countries, and not on the contrary considered as weaknesses that can easily destroy the sovereignty and integrity of the country. Indonesian state with many threats to independence for the Indonesian people. part of the territory of the Unitary State of the Republic of Indonesia (Asef Bayat, 2015: 898).

**CONCLUSION**

The reasoning structure behind the continuity of the tradition of prohibiting slaughtering and eating beef in the Kudus community is 'urf and mashlahah. Adaptation between Javanese Islamic Culture as a religion with the local culture that surrounds it as well as the existence of a valid legal basis from syara'. This is a strategy to develop an Islamic culture that must have a vision for the future. Because culture touches all aspects and dimensions of perspective, attitude to life, and its actualization in human life. In addition, cultural movements are more integrative and mass. So as an example of Sunan Kudus's methodology in spreading Islam in the Kudus area by being so tolerant in responding to a very plural society, differences were replaced by Islamic egalitarianism, he preached in a humanist and acculturative way so that it produced brilliant results in preaching, Islam was very fast. develop and change from a minority to a majority.

One of the things he uses is related to Hinduism in the form of a prohibition on slaughtering and eating beef which is a sacred animal in Hinduism, as well as with several other cultures such as wayang, and gamelan that combine with its elements. From popular Islamic ceremonies, the sekatenan tradition was born in centers of Islamic power such as Cirebon, Demak, Yogyakarta, and Surakarta. In Islamic music, for example, which contains elements of content, purpose, and Islamic presentation methods, why do musical instruments such as the tambourine get more attention? The instrument belongs to the 'urf' category. Can change according to the times.

**DAFTAR PUSTAKA**

Abdurrahman Wahid (1989). Pribumisasi Islam dalam Islam Indonesia, Menatap Masa Depan. Jakarta. P3M.

Leyh, Gregory (2011). *Pendidikan Hukum dan Kehidupan Publik, dalam Gregory Leyh, ed., Hermeneutika Hukum : Sejarah, Teori dan Praktek*, terjemahan M. Khozim dari judul asli *Legal Hermeneutics*.Bandung : Nusa Media.

Hamidi, Jazim (2011) *Hermeneutika Hukum : Sejarah, Filasafat dan Metode Tafsir*. Malang. UB Press.

Koenjaraningrat (2005). *Pengantar Antropologi I*. Jakarta : Rineka Cipta.

Koenjaraningrat (1983). *Kebudayaan Mentalitas dan Pembangunan.* Jakarta. Gramedia.

Kuntowijoyo (2008). Paradigma Islam. Bandung. PT. Mizan Pustaka.

Kuntowijoyo (2017). Dinamika Sejarah Umat Islam Indonesia. Yogyakarta. Mata Bangsa.

Donald Black (1976). The Behavior 0f Law. New York. Academic Press.

Mohammad Jamin (2004). *Hukum Adat dan Sistem Hukum Nasional. Surakarta. Buku Pedoman Perkuliahan.*

M.C. Ricklefs (2012). Mengislamkan Jawa. Terjmh. Jakarta Serambi.

Musyrifah Sunanto (2017). Sejarah Peradaban Islam. Depok. PT Rajawali Press.

Soerjono Soekanto (2017). *Sosiologi Suatu Pengantar*. Jakarta. Raja Grafindo Persada.

Soedjipto Abimanyu (2013). Babad Tanah Jawi. Yogyakarta. Laksana (Diva Press).

Soetandyo Wignyosubroto(1998). *Pluralitas dalam Realitas Kehidupan Nasional (dengan berbagai Permasalahan SARA-nya), Pluralisme dan Persatuan Indonesia, dalam Makalah, disampaikan pada acara Seminar Nasional “Konsep SARA dalam Tinjauan”*. Surabaya. Kosmopolit.

Soetandyo Wignjosoebroto (2002). *Hukum Paradigma, Metode dan Dinamika Masalahnya*. Jakarta. ELSAM dan HUMA.

Syamsun Ni’am (2013). *Wajah Keberagamaan Nusantara*. Yogyakarta. Pustaka Pelajar dan STAIN Jember Press.

Syarifuddin Jurdi. *Sosiologi Islam dan Masyarakat Modern*. Jakarta. Kencana Prenada Media.

Mark R. Woodward (2010). *Islam Jawa Kesalehan Normatif Versus Kebatinan* . Edisi 4. Yogyakarta. LKiS.

Max Weber (2012). Sosiologi Agama. Terjmh. *The Sosiology of Religion.yogyakarta. IRCiSoD.*

Ratno Lukito (2008). Tradisi Hukum di Indonesia. Yogyakarta. Teras.

Solihin Salam (1977). Kudus Purbakala dalam Perjuangan Islam. Kudus. Penerbit Menara Kudus.

Sumanto al Qurthuby (2005). Arus Islam China. Yogyakarta inspeal ahimsakarya Press.

Nur Said (2010). Jejak Perjuangan Sunan Kudus Dalam Membangun Karakter Bangsa. Bandung. Brilian Media Utama.

Yusuf Qardhawi (1977). Khashaish al ‘Ammah lil al Islam. Kairo. Al Mu’assash al Risalah.

Wahbah Zuhaili (1986). Ushul Fiqh al-Islami. Beirut. Darul Fik cet.I. jilid II.

Anisatun Muti’ah (2009). Harmonisasi agama dan budaya di Indonesia. Yogyakarta. LKIS.

Eko Sugiarto, Tjetjep Rohendi Rohidi, and Dharsono Sony Kartika, “The Art Education Construction of Woven Craft Society in Kudus Regency,” *Harmonia: Journal of Arts Research and Education* (2017).

Nilufer Gole. Contemporary Islamist Movements and New Sources for Religious Tolerance. JOURNAL OF HUMAN RIGHTS, VOL. 2, NO. 1 (MARCH 2003), ISSN 1475-4835 print/ISSN 1475-4843 online © 2003 Taylor & Francis Ltd http://www.tandf.co.uk/journals

DOI: 10.1080/147548303200005494117–30

Asef Bayat (2005) Islamism and Social Movement Theory, Third World

Quarterly, 26:6, 891-908, DOI: [10.1080/01436590500089240](http://www.tandfonline.com/action/showCitFormats?doi=10.1080/01436590500089240)

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