

# THE POSITION OF NEGERI SERDANG SULTANATE (1865-1946) TOWARDS ISLAMIC LEGAL DEVELOPMENT

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**Abstract:** The research is normative legal research and empirical law. These two types of research are deliberately carried out to search for deeper data. Normative research is theoretical research, comparative philosophical structures, and others. The results of the study show: First, the Sultanate of Serdang has succeeded in putting in the form and construct of legal policies that are accommodative, open, and democratic in nature. Second, the legal policies of the Serdang Sultanate in strengthening fiqh & fiqh proposals can be seen in: (1). Encouraging the creation of personal fatwas carried out by scholars in responding to the various problems that arose. (2). Encouraging the creation of institutional fatwas, in which the Sultan has established an Islamic legal institution called the Syar'i Council, is an attempt by the Sultan to introduce the mufti institution as the institution responsible for giving religious and social fatwas.

**Abstrak;** Penelitian ini adalah penelitian hukum normatif dan hukum empiris, Kedua jenis penelitian ini sengaja dilakukan guna pencarian data lebih dalam. Penelitian normatif adalah penelitian teori, filosofis perbandingan struktur dan lainnya. Hasil penelitian menunjukkan : *Pertama*, Kesultanan Serdang berhasil meletakkan bentuk dan konstruk kebijakan hukum yang sifatnya akomodatif, terbuka dan demokratis. *Kedua*, kebijakan hukum Kesultanan Serdang dalam penguatan usul fikih & fikih dapat dilihat pada : (1). Mendorong terciptanya fatwa personal yang dilakukan oleh para ulama dalam menjawab berbagai persoalan yang muncul. (2). Mendorong terciptanya fatwa kelembagaan, dimana Sultan telah mendirikan sebuah lembaga hukum Islam yang disebut dengan *Majelis Syar'i*, merupakan upaya Sultan memperkenalkan lembaga mufti sebagai institusi yang bertanggung jawab untuk memberikan fatwa agama dan sosial.

**Keywords:** Fiqh/Fiqh proposal, Legal policy, Sultan of Serdang

## Introduction

There is a relationship between power policy and law. The law will exist if it is supported by the policies of power. Otherwise, the law will stagnate and run in place. Every legal policy or application must be legitimized by existing political forces. Policy or political power greatly influences legal standing. The blessing of a king or head of state determines everything. The existence or not of legal policy is largely determined by the existing power politics. Law could be used as a tool to legitimize a state or royal power.<sup>1</sup> Appreciation for the application of law strengthens or maintains the status quo of the political power that is played.

The existence of Islam and Islamic law (*usûl fiqh/fikih*) become important in the politics of power in a country or kingdom. In historical records, Islam and Islamic law exist to grow and develop, inseparable from several channels, namely channels of trade, marriage, tasawuf, education, arts, and channels of power politics.<sup>2</sup> Channels through the power carried out by the spreaders of Islam, especially in Indonesia, through power politics.

The presence of the Malay Sultanate of East Sumatra, especially the Serdang State Sultanate under the Sultanate of Sultan Sulaiman Shariful Alamsyah (1865–1946) contributed to Islamic politics and Islamic law. The growth and development of Islam and Islamic law quite existed in the Sultanate of Serdang. The Sultanate has succeeded in building Islamic civilization and law in the land of Serdang. At least some of the indicators of the existence of the development of Islam and Islamic law under the leadership of Sultan Sulaiman Shariful Alamsyah (1865–1946) can be seen in the: First, Islam and Islamic law were made the official religion of the kingdom with the practice of the *amalīyah* of the empire and royal society with Islamic law.

Second, through power politics carried out by the sultanate, the majority of the population of Serdang country are Muslims. Third, the development of Islamic law is quite dynamic with indicators, the emergence of Serdang country scholars with different disciplines active in the sultanate as advisers to the sultan and playing a role in society either as Ustaz or preacher and others. Fourth, the widespread production of religious symbols such as the construction of mosques, artifacts, and others with Islamic nuances. Fifth, the atmosphere of *fiqh/fiqh* proposals related to legal settlement always involves the Sultan as a listener or influences a legal decision in response to legal certainty.

The explanation above confirms that the Serdang State Sultanate's contribution was quite large in building Serdang as an advanced and religious area. This achievement

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<sup>1</sup> Tengku Lukman Sinar, *Peraturan-Peraturan Di Dalam Residen Sumatera Timur* (Medan, 1989).

<sup>2</sup> Aziz Thaba, *Islam Dan Negara Dalam Politik Orde Baru* (Jakarta: Gema Insani Press, 1996).

is inseparable from the support of the legitimacy of the Sultanate. The process of Islamization will not work, especially when faced with the touch of customary law which has long been rooted before Islam came. As is well known, when Islam came to Indonesia, in this archipelago there were already civilizations and cultures built by the kingdoms at that time. According to Abdul Gani, Islam came to Indonesia, not in a cultural vacuum or a civilization vacuum.<sup>3</sup> Every region has a kingdom without exception the kingdom in East Sumatra. Such as the Srivijaya kingdom which ruled the archipelago, the Tarumanegara kingdom in West Java, the Kutai kingdom in Kalimantan, and the Kedah kingdom in Peninsular Malaysia. Then after the 7th century AD, the kingdoms of Mataram, the kingdoms of Kediri, Singosari, and Majapahit kingdoms ruled the entire archipelago<sup>4</sup>. Accompanied by the collapse and rise of other kingdoms, including the Malay kingdoms in East Sumatra, such as the Kingdom of Deli and the Kingdom of Serdang. This means that the contribution of the kingdom is so great in the development of the civilization and culture of their respective kingdoms.

The Serdang State Sultanate was originally part of the Deli Sultanate. The name “Serdang” comes from the name of a tree “Serdang” whose leaves are used for the roof of the house. This name was later enshrined as the name of the Kingdom of Serdang.<sup>5</sup> The emergence of the kingdom Serdang originated from a kingdom called the kingdom of Deli.<sup>6</sup> It started after a power struggle with the death of Raja Deli Tuanku Panglima Paderap (3rd King of Deli). This is the early history of the founding of the kingdom of Serdang. Starting from the reign of Tuanku Umar Johan Pahlawan Alamsyah (1713–1782 AD), Tuanku Ainan Jihan Alamsyah (1767–1817 AD) Sulthan Thaf Sinar Basyarsyah (1817 AD–1850 AD), Sultan Basyaruddin Syaiful Alamsyah (1819–1980 AD) and Sultan Sulaiman Syariful Alamsyah (1865–1946 AD).

Sultan Sultan Sulaiman Syariful Alamsyah (1865–1946 AD) was the next king to build the Sultanate more advanced than before was not an easy thing. The continuation of Serdang State’s leadership relay is in his hands. Various aspects that have been built by the previous Sultans must be maintained and promoted, including in this case Islamic civilization. This includes Islamic law in the context of civilization as part of Islamic civilization itself. Moreover, as mentioned earlier, the official religion and law that is enforced in Serdang country are Islam and Islamic law, and because of that the legal politics of the Sultanate are an integral part of the Sultan. For the Sultan or whoever holds political power, the law is an important requirement. Ordinarily, legal politics that is built on the principle of a double movement, namely as a frame of mind for formulating legal

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<sup>3</sup> Thaba, *Islam Dan Negara Dalam Politik Orde Baru*.

<sup>4</sup> Suparman Usman, *Hukum Islam Asas – Asas Dan Pengantar Studi Hukum Islam Dalam Tata Hukum Indonesia*, 2nd ed. (Jakarta: Perpustakaan Nasional, 2002).

<sup>5</sup> Tuanku Lukman Sinar Basarshah II, *Bangun Dan Runtuhnya Kerajaan Melayu Di Sumatera Timur* (Medan: Yayasan Kesultanan Serdang, 2006).

<sup>6</sup> Basarshah II.

policies by those in power or authorized institutions, is also used as an instrument to criticize products. laws that have been promulgated based on legal policies.

In the context of the Serdang State Sultanate, a legal policy is an important instrument for establishing Islamic law in Serdang State. The scope of the Islamic law policy area must be an important spirit and framework in building Islamic legal politics. In legal studies, there are several scopes of legal policy studies, namely: (1). There is a process of extracting values and aspirations that develop in a society by state administrators who are authorized to formulate legal politics (2). There is a process of debate and formulation of these values and aspirations in the form of a draft of legislation by state administrators who are authorized to formulate legal politics. (3). The existence of state organizers who have the authority to formulate and determine legal politics (4). Legislation that contains legal politics (5). Some factors influence and determine a good legal policy that will be, is being, and has been determined (6). The existence of the implementation of laws and regulations which are the implementation of a country's legal politics. Accommodated or not in the area of legal politics as stated in the theory above, the scope of legal politics above is always used as a benchmark in legal politics.

Sultan Sulaiman Syariful Alamsyah (1865 - 1946 AD) as the political architect of Islamic law during his empire, played an important role in determining the framework of thinking about formulating Islamic legal policies in the field of law as well as criticizing legal products that had been formulated and promulgated based on the legal policies of the empire at that time. It is certain that Islamic law is a living law and is applied in the country of Serdang. The process of formulating laws and determining laws within the framework of fiqh and fiqh proposals became a necessity for the sultanate and the Muslim community. People who have fiqh are part of everyday life - become patrons to form religious Muslims by ruling Islamic law. Likewise, fiqh proposals become the methodology of the ulama in formulating and establishing fiqh. Both of these are part of the substance of Islamic law which are inseparable and must be strengthened through the legal policies of power, in this case, the legal policies of the Sultanate of Serdang, Sultan Sulaiman Syaiful Alamsyah (1865 - 1946 AD). This research is an interesting study to be explored in more depth to find out and describe the form of legal policy of the Serdang State Sultanate in strengthening fiqh and fiqh proposals.

Theory of analysis of the legal policy forms of the Serdang State Sultanate in strengthening fiqh & fiqh proposals. Meanwhile, in terms of empirical law, we look at empirical facts or see legal practice in direct reality, especially in the strategic steps of Sultan's legal policy in strengthening fiqh & fiqh proposals in Serdang State. Because of this, literature and field research was elaborated with a descriptive qualitative type of research with a normative approach (jurisprudence), the history of Islamic law, and the politics of Islamic law. The research findings show that the Sultanate of Serdang has succeeded in putting the form and construct of legal policies that are accommodative, open, and democratic, this can

be seen from the involvement of the clergy in the legal policy process starting from the formulation to the establishment of Islamic law. Then the formation of the *Syar'i* Council as a gathering place for scholars and the media in the process of formulating and establishing Islamic law. This research will describe the steps The strategy of Sultan's legal policy in strengthening fiqh and fiqh proposals in Serdang State is mixed in the title: "Strengthening Fiqh/Fiqh Proposals in Islamic Law Policy of the Serdang State Sultanate (1865 - 1946)"

## Research methods

This research is library and field research. Using a descriptive research type, to obtain comprehensive data on the study of Islamic law (Usul fiqh/fiqh) of the Sultanate of Serdang Sultan Sulaiman Syariful Alamsyah (1865 - 1946 AD). The research location is focused on the area of the Malay State Sultanate which is now in the territory of Serdang Bedage Regency and Deli Serdang Regency. The two regions used to be the basis of the Serdang State Sultanate, the regions were quite successful in laying down the history of the formation and application of Islamic law. Methods used qualitative methods with normative legal approach (usul fiqh) and empirical law, the politics of Islamic law, and the history of Islamic law. Legal research is a scientific activity based on certain methods, systematics, and ideas that aim to study one or several specific legal phenomena by analyzing them. An in-depth examination of the legal facts was carried out to then find a solution to the problem of symptoms that arose in the matter.<sup>7</sup>

In this context, the search for the existence of Islamic law (*ushul fiqh*) is used as a special object to be seen as part of the research topic. This study uses sources that contain information about the past and is carried out systematically by collecting, evaluating, verifying, and synthesizing evidence to support the facts to obtain strong conclusions. Where there is a completely intact relationship between people, events, time, and place chronologically by not partially placing the object being observed.<sup>8</sup> The legal political approach is carried out to reveal legal policies that will be and have been implemented by the authorities, including how politics influences law by looking at the configuration of forces behind law making and enforcement.<sup>9</sup>

The choice of these three approaches was based on the fact that the data to be searched for were data that described Islamic law (fikih proposal) in the form of Islamic law policies for the Serdang State Sultanate and legal policy strategic steps towards strengthening *fiqh/fiqh* proposals during the Serdang State Sultanate. In addition, this approach aims to gain in-depth and natural understanding and interpretation of meanings and phenomena in the

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<sup>7</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 1986).

<sup>8</sup> Kementerian Agama, *Sejarah Sosial Kesultanan Melayu Deli* (Jakarta: Badan Litbang dan Diklat Puslitbang Lektur dan Khazanah Keagamaan, n.d.); M. Damayanti, *Penelitian Kualitatif* (Malang: PPS IKIP Malang, 1997).

<sup>9</sup> Moh. MahfudMD, *Politik Hukum Di Indonesia* (Jakarta: Rajawali, 2011).

field. In addition to focusing attention on the study of Islamic law (jurisprudence/jurisprudence) during the Serdang Sultanate. Based on the research method chosen, the researcher does not depart from a hypothesis to be tested for its validity or suitability in the field. However, what researchers do is go directly to the field and try to collect data as completely as possible following the subject matter under study.

## **Results and Discussion**

### ***History of the Establishment of the Sultanate of Serdang***

Indonesia before being called a country or more precisely the Unitary State of the Republic of Indonesia (NKRI), was part of the archipelago. The word Nusantara comes from Sanskrit, a combination of the words “Nusa” and “Antara”. Nusa means island while Antara means outside, when combined it becomes the archipelago is an outer island, between two continents and two oceans. Indonesia (the Archipelago) certainly contains a wealth of thousands of islands spread from Sabang to Merauke, even out of the seventeen thousand islands, nearly ten thousand do not yet have names. Besides that, having 300 ethnic or ethnic groups, which are estimated to be around 1,340 ethnic groups in the country, it is certain that this reality is an extraordinary wealth that gave birth to a variety of cultures and customs in this country. The richness of the diversity of customs forms the concept and practice of urf or the customs of this country then enters the dimensions of people’s lives in various aspects, starting from political, educational, economic, cultural, security defense, religion, and so on. Every race and tribe has a style of politics, a style of carrying out education, a style of economics, a style of creating security defenses, and a style of following their respective beliefs, all of these are inherently united in people’s lives. Forming local wisdom that has sacred value is practiced in everyday life.

In the context of religion and belief, it is also an integral part of people’s lives. Long before Islam came to the archipelago, Buddhism and Hinduism had grown and lived as well as other forms of belief which became the religion and belief of the ancestors of this nation. Religion and belief are practiced in the recognition of the existence of God orientated towards the recognition of monotheism and even atheism. This is seen as legitimate because each has a basic belief that does not need to be disputed or blamed. All of them grow to form their respective religions and beliefs with adherents who have high faith in their God. This is where religion and belief become a necessity for the people. The transcendental power of religion and belief is truly felt from the perspective of the adherents of the religion and belief in question. The implication is that the love for religion and belief is getting stronger, becoming tools of life.

When Islam entered the archipelago, as various theories say, it can be seen in three major theories. *First*, the Gujarati theory. It is intended that Islam came to the archipelago for the first time from the Gujarat region - in India through the services of Indian Muslim traders

around the 13th century AD. *Second* the theory of Mecca. It is intended that Islam came and was brought to the archipelago for the first time directly brought from the Middle East through the role of Arab Muslim traders around the 7th century AD. *Third*, the Persian theory. It is intended that Islam came and was brought to the archipelago for the first time through the role of traders from Persia who on their way stopped at Gujarat before going to the archipelago around the 13th century AD. This opinion is inseparable from the reason that there are many Persian expressions and words in Malay, Acehnese, and also Javanese saga. Another reason for Marcopolo's findings also stated that as a result of the interaction of the Perlak people in North Sumatra who had known Islam during this period, revealed by Van Leur and Scharieke, the spread of Islam was more assisted through political and commercial factors. It is undeniable that these three theories are a strong basis for their respective arguments explaining the arrival of Islam into Indonesia.

Islam entering Indonesia was faced with conditions of various religions, beliefs, and customs, especially in Java as the center of Islamization. On the one hand, this is a quite tough challenge for preachers in carrying out Islamization, on the other hand, because it is quite strong and rooted in previous religions and beliefs that have developed in every society. But on the other hand, Islam must be preached to the archipelago, in just one century, from the barren desert and from a tribe that was originally not well known in history, from there Islam spread to all corners of the universe. In a very short time, Islam has been able to bring about fundamental changes in the way of thinking and feeling to form a new world, namely the Islamic world. This success was also felt in the Islamic Archipelago which then developed quite rapidly with a mission, as Alamsyah Ratu Perwira wrote, namely: *First*, Islam had gradually come to Indonesia since the first century of Hijrah or around the 7th and 8th centuries AD and straight from Arabic. *Second*, the process of Islamization in the archipelago was carried out in a peaceful way, not with swords and power. *Third*, the arrival of Islam in Indonesia brought intelligence and high civilization in shaping Indonesian personality. These three missions are a solid foundation providing positive implications so that the process of Islamization can be accepted wherever it is, even though it is faced with an established religion or a growing belief in society and strong customs in society.

One of the arrivals of Islam in the archipelago was the establishment of the Bedagai kingdom. Tengku Luckman Sinar mentioned the Commander of the Aceh Darussalam Sultanate Fleet, Tuanku Sri Paduka Gocah Pahlawan as the central figure in the formation of the embryo of the Serdang Sultanate.<sup>10</sup> The Kingdom of Aceh Darussalam

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<sup>10</sup> Fivi Herviyunita, Irwansyah Irwansyah, and Rina Devianty, "Kesultanan Serdang Dan Jejak Peninggalannya," *Local History & Heritage* 1, no. 2 (September 20, 2021): 63–70, <https://doi.org/10.57251/lhh.v1i2.97>.

itself stood before the fall of the Samudera Pasai Kingdom. As recorded in history, since 1360, the Samudera Pasai empire has continued to decline. At the end of the 14th century AD, the kingdom of Aceh Darussalam had been established with the first ruler Sultan Ali Mughayat Syah who was crowned on Sunday, 1 Jumadil Awal 913 H (1511 AD).

Since 1524 AD, Mughayat Syah succeeded in conquering Pasai, and since then, it has become the only kingdom that has had great influence in the region. It can be said that the kingdom of Aceh Darussalam is a continuation of Samudera Pasai. The Kingdom of Aceh Darussalam reached its heyday during the time of Sultan Iskandar Muda.

At that time, Aceh was one of the busiest trade centers in Southeast Asia. The kingdom of Aceh at that time also had diplomatic relations with the Ottoman dynasty in Turkey, England, and the Netherlands. During Iskandar Muda's time, Aceh once sent envoys to the Ottoman Turks with gifts. This visit was received by the Ottoman Caliph and he sent a return gift in the form of a cannon and military advisors to help strengthen the Acehnese army. Under the Commander of the Aceh Darussalam Sultanate Fleet, Tuanku Sri Paduka Gocah Pahlawan, the Aceh Darussalam Sultanate led by Sultan Iskandar Muda succeeded in conquering the countries on the West and East Coasts of Sumatra such as Johor and Pahang (1617), Kedah (1620), Nias (1624) and others.

Even the military leader of Aceh Darussalam who had the title of Admiral Kuda Bintan (Admiral Malem Dagang) put up a fight against the Portuguese in 1629. Thanks to his dedication and services to the Sultanate of Aceh Darussalam, Sultan Iskandar Muda in 1630 appointed him as Wali Negeri (representative of the Sultan of Aceh). to lead East Sumatra (the territory of the Kingdom of Haru) which he conquered, and became known as the Sultanate of Deli – part of the Sultanate of Aceh Darussalam. Under the leadership of Tuanku Sri Paduka Gocah Pahlawan, the Deli Sultanate tried to destroy the remaining power of the Haru Kingdom which was assisted by the Portuguese. Apart from that, the Islamization of the interior areas continues. Finally, the Sultanate of Deli, which was still under the auspices of the Sultanate of Aceh Darussalam, received support from the small kingdoms around it.

In fact, in 1632, Datuk Imam Surbakti, leader of the Kingdom of Sunggal, agreed to marry his younger sister, Princess Nan Baluan Beru Surbakti, to Tuanku Sri Paduka Gocah Pahlawan. The Kingdom of Sunggal was one of the small (local) kingdoms in the Urung region of Karo origin in Deli which had converted to Islam. Then 4 Urung Batak Karo Kings who were Muslim appointed Tuanku Sri Gocah Pahlawan as King in Deli in 1630. This meant that the Kingdom of Deli had been officially established. In the process of crowning the King of Deli, Raja Urung Sunggal served as Ulon Janji, namely to pronounce allegiance from the Orang Besar and the people to the king. Then, the Four Datuk Institute was also formed where Raja Urung Sunggal was a member of the Four Datuk Institution.

After the death of Tuanku Sri Paduka Gocah Pahlawan in 1641, the throne of the Sultanate of Deli passed to his son, Tuanku Panglima Perunggit (1614-1700) who held



the title Commander of Deli. At that time the Sultanate of Aceh Darussalam gradually weakened after the death of Sultan Iskandar Muda in 1636. This situation was used by Tuanku Panglima Perunggit to break away from the power of the Aceh Sultanate. Finally, in 1669 the independence of the Sultanate of Deli was declared. The Dutch, who had built a fort in Malacca, immediately gave their support. Tuanku Panglima Perunggit ruled until 1700. After his death, he was replaced by Tuanku Panglima Paderap, who ruled until 1720.

After the death of the second Sultan of Deli, there was a split in the territory of the Sultanate of Deli. This was caused by the influence of the Siak Kingdom in East Sumatra, and the struggle for power within the palace of the Sultanate of Deli among Tuanku Panglima Paderap's children, namely: Tuanku Jalaludin Metar Vocational Degree, Tuanku Panglima Pasutan, Kejeruan Santun, and Tuanku Umar Johan Alamshah Kejeruan Junjong.<sup>11</sup> The highlight happened in 1723. Tuanku Umar Johan Alamshah Title Kejeruan Junjongan lost a battle against his brother, Tuanku Panglima Pasutan.

Whereas Tuanku Umar Johan Alamshah is the heir to the throne of the Sultanate of Deli because he is the son of the empress, Tuanku Puan Sampali (empress Tuanku Panglima Paderap). As a result, he and his mother (empress) were forced to flee to Kampung Besar. Automatic. the throne of the Deli Sultanate fell into the hands of Tuanku Panglima Pasutan. However, not all local nobles and kings recognized Tuanku Panglima Pasutan as the Sultan of Deli. Some of them even reject leadership. The new Sultan, and gave support to Tuanku Umar Johan Alamshah as the legitimate Sultan.

It is recorded in history that local kings gave their support to Tuanku Umar Johan Alam shah. namely Raja Urung Sunggal, Raja Urung Senembah, Raja Urung Batak Timur, and a dignitary from Kejeruan Lumu (Aceh). They finally crowned Tuanku Umar Johar Alamshah Title Kejeruan Junjongan as the new head of government in Kampung Besar in 1723. Since then, the Kingdom of Serdang has stood as a fraction of the Kingdom of Deli. The tallest structure in the Serdang Kingdom is led by a King. At that time, the role of a king was as Head of Government, Head of Islamic Religion (Khalifatullah fi'l ardh), and Head of Malay Customs.

## **Islamic Law Policy of the Serdang State Sultanate Against Strengthening Fiqh Proposals and Jurisprudence**

Sultan Sulaiman Syariful Alamsyah is a central figure in carrying out Islamic law policies in the Serdang State Sultanate. The sultanate system is a monarchy, namely the

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<sup>11</sup> Faisal Ardi Gustama, *Buku Babon Kerajaan-Kerajaan Di Nusantara* (Yogyakarta: Brilliant Book, 2017); Fachri Syauqii, Nabila Yasmin, and Jufri Naldo, "Kontestasi Politik Antara Kesultanan Deli Dan Serdang Di Sumatera Timur, 1800-1865," *Warisan: Journal of History and Cultural Heritage* 2, no. 3 (2022): 90–96, <https://doi.org/10.34007/warisan.v2i3.1042>.

ruler of the kingdom for life is a symbol of the continuity and sovereignty of the king concerned. In the Serdang Sultanate, the role of the King of Serdang was assigned to three things, namely: (1). As Head of Government of Serdang Kingdom, (2). As Head of the Islamic Religion (*Khalīfullāh fil'ardh*) (3) As Head of Malay Customs.<sup>12</sup> In a text, the position of the Sultan in the Malay structural system is stated to occupy the highest class, namely:

“The Malay power structure, the Sultan is the center of power while Sultan’s descendants top the social stratification structure. At this level, the function of authority as *ulil amri* must be fully carried out by a Sultan, fairly and wisely. Various matters, ranging from trivial matters in the palace environment, customs, and religious practices to various complicated government issues, were based on Sultan’s policies. In handling all these affairs the Sultan has absolute authority according to custom and subjects are obliged to comply. The provisions governing the rights and powers of the Sultan are contained in the Malay proverbs taken from the Koran: Obey Allah, obey His Messenger and obey your king. Manuscript Proposing Sultan Sulaiman Shariful Alamsyah From North Sumatra Province As National Hero of the Republic of Indonesia<sup>13</sup>

The Malay text above explains the main duties and functions of a Sultan, not only as a king, religious heads and traditional heads are also the main duties of the Sultan. Seeing Sultan’s authority, it can be said that Sultan’s task is quite heavy, with a heavy-duty Sultan must have high abilities. This ability has been owned by Sultan Sulaiman Syariful Alamsyah. The text again describes: “Sultan Sulaiman has been taught Malay ethics and manners as a balance to the absolute power of a king. In Malay tradition, a Sultan, apart from being beautiful and without blemish, must also be old-hearted, sweet-faced, and salty-tongued, so that good luck can grow as part of a king. Luck is a gift from God, not something that is passed down. Therefore, a Sultan must fulfill the above conditions, so that charisma, authority, intelligence, and wisdom are bestowed by God. Young people also believe that Sultan’s luck can bring disaster if young people disobey the Sultan. That is why the concept of Sultan’s position as *ulil amri minkum* cannot be separated from the context of the transcendental relationship between Allah and the Sultan.<sup>14</sup>

Sultan Sulaiman Syariful Alamsyah’s education, skills and expertise made him known to his people, his friends and even among the Dutch East Indies. As a king, he has put various good policies in the eyes of his people. A GE van Kempen (1912) said: “ *De Sultan van Serdang zorgt goed de belangen van zijne bevolking. Zoo heeft hij met veele geldelijke*

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<sup>12</sup> Basarshah II, *Bangun Dan Runtuhnya Kerajaan Melayu Di Sumatera Timur*.

<sup>13</sup> *Riwayat Hidup Dan Perjuangan Sultan Sulaiman Shariful Alamsyah 1865 – 1946* (Medan: Naskah Pengusulan Sultan Sulaiman Shariful Alamsyah Dari Provinsi Sumatera Utara Sebagai pahlawan Nasional Republik Indonesia, n.d.).

<sup>14</sup> *Riwayat Hidup Dan Perjuangan Sultan Sulaiman Shariful Alamsyah 1865 – 1946*.

*opofferingen waterleidingendoen aanleggen voor de irrigatie van rijstvelden in de nabijheid van Simpang Tiga. De Sultan heeft een padi field complex bij Simpang Tiga Perbaungan, waarvan de bevolking tegen een vaste retributie gebruik kan maken. De Sultan heeft een vrij groote vesstapel op verchillendende plaatsen onderdak gebracht.*<sup>15</sup> (The Sultan of Serdang paid great attention to the interests of his people. He spent a lot of money to build clean water installations, irrigation networks to irrigate the rice fields located around Simpang Tiga (and handed over both facilities to be used by his youth). The Sultan owns an intersection area Three Perbaungan where residents can manage with a fixed rent. The Sultan also has large farms built in several locations).

The kindness of the Sultan was also recognized by the Governor of East Sumatra, HEK, Ezerman (1930 - 1933) said: *"In Serdang is het Zelbestuur en zijn ambtenaren met de autochtone bevolking uit op eigen belang, is did met de vestiging van Javanen niet gemoeid dus laat die vestiging hen onverschilling. Sinds dien hunne relatie zijn goed. Zijn worden als Lurah bevestigd.*"<sup>16</sup> (In Serdang, both the kingdom and royal officials as well as the natives can accept (immigrants) for (jointly developing) their interests, there is no interference (or objection) regarding the Javanese who live (in Serdang, even them) they didn't care. Since then (because there was no interference or objections) their (natives and newcomers) relationship was very good. Some of them (the newcomers) were appointed Lurah). Furthermore HEK, Ezerman emphasized: *"Studietoelagen aan kinderen van aanzienlijken een behoorlijke opvaeding krijgen door Landschapkas.*"<sup>17</sup> (For the children of the leaders (in Serdang) education costs are provided which are taken from the royal treasury so that they get a proper education)

The various explanations and recognition of people towards Sultan Sulaiman Shariful Alamsyah show the existence of a harmonious relationship between the Sultan and his people. The Sultan advanced Serdang in various ways. The alleviation program was carried out by Sultan Sulaiman since he ruled until the end of his life. Alleviation in the fields of agriculture, health, and education as well as the arts that he did was something extraordinary at that time. The Sultan is loved by the people and recognized as a hero who has advanced the people of Serdang. This means that the political policies he launched prioritized his people as the people of the Serdang Kingdom.

In the context of Islamic legal policy, namely in the strengthening of fiqh-fiqh proposals, as mentioned above, the duties and functions of the Sultan are not only as a king (*ulil amri*), a traditional leader but also as Head of Islamic Religion (*Khalifahatullah fi'ardh*). As the Sultan with the duties and functions of the head of the Islamic religion,

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<sup>15</sup> *Kronologi Kebijakan Sultan Sulaiman Shariful Alamsyah 1865 – 1946* (Medan: Naskah Pengusulan Sultan Sulaiman Shariful Alamsyah Dari Provinsi Sumatera Utara Sebagai pahlawan Nasional Republik Indonesia, n.d.).

<sup>16</sup> *Kronologi Kebijakan Sultan Sulaiman Shariful Alamsyah 1865 – 1946*.

<sup>17</sup> *Kronologi Kebijakan Sultan Sulaiman Shariful Alamsyah 1865 – 1946*.

the policy of Islamic law is an area that must be entered. Islamic legal policy is formulated as an *Islamic legal policy* that will be or be implemented by the Sultan. In this case, the Islamic legal policy model played by the Sultan quoted the theory put forward by Aziz Thaba orientated towards an accommodative model. The relationship between Islam, the Islamic community, and the clerics in the Serdang Sultanate was quite harmonious in favor of the people. The duties and functions of the Sultan as head of religion are an indicator of harmonization between Muslims as residents of Serdang and the Sultan. There is no visible antagonistic relationship, all problems that arise related to Islamic law, the implementation of Islamic law, and legal cases that arise can be found a solution by the Sultan.

In an interview conducted with HM Iyen Atim (95 years old), the scholar who participated in knowing the historical record of the empire said:

“The Sultan is not only a king but the orders he carries out as a religious figure, even though in the sultanate there are elements of the clergy who become his advisers. His understanding of the science of *usul fiqh* and *fiqh* is not in doubt. All *fiqh* issues that arose at that time could be resolved through joint *ijtihad* with the scholars of the Sultanate of Serdang. This means that I heard that his partisanship and attention to the strengthening of Islamic law was extraordinary as a king who was not only religious but also concerned about the establishment of Islamic law in the country of Serdang. he said! (Interview, 04/05/22).

This explanation is a form of justification for Sultan’s concern in strengthening Islamic law in Serdang. Together with the Ulema, the Sultan gave fatwas regarding various *fiqh* issues that emerged as legal policies from his position as Sultan. The Islamic legal policy shown by Sultan Sulaiman was seen when he appointed Tengku Fachruddin,<sup>18</sup> a cleric as well as religious and political adviser to Sultan Sulaiman, even though this position was not in the structure of the empire. But the advisory position is very important, and Tengku Fachruddin is the right figure for that position. This shows how open the attitude of the Sultan was to the ulema by inviting the ulema to cooperate with him by establishing the structure of the ulema in the Sultanate. Likewise, the establishment of the Syar’i Council was a strategic institution in strengthening and developing Islamic

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<sup>18</sup> Tengku Fachroeddin (1885 – 1937) was born in Rantau Panjang in 1885. The son of Tengku Abdul Kadir whose direct descendants reached Tuanku Zaibal Abidin who died in Pungai. Tengku Fachroeddin’s education started from learning the Koran and writing Arabic letters in his hometown from a village teacher named “Lebay Bukit”. Tengku Fachroeddin then continued his education at Perbaungan to study at the Simpang Tiga Malay school with a pretty good teacher named Datuk Raja Angat, a Minangkabau from the *Fort de Kock area* (Sekapang Bukit Tinggi). Then he also took private tutoring lessons in public education to a British descendant. As a scholar, he also wrote two books entitled “ *Qutul Muhtadi* ” and “ *Fathul Jalil*” these two books were also burned during the social revolution so that their scientific values could not be defended.

law at that time. Usually, a king does not need an institution that can take on his role, but the Sultan is well aware that the existence of the Syari'i Council is a forum for strengthening Islamic law.

In other words, the position of the ulama is quite important in the midst of his busy schedule, the ulama are the closest people who can strengthen themselves in making policies. The results of interviews conducted with HM Iyen Atim (95 years old) confirmed:

“The existence of the Sultan was quite close to the ulama at that time, almost all of Sultan’s policies were inseparable from discussions with the ulama including the strengthening of Islamic law. We, as the people of Serdang, are quite proud of the Sultan, who is quite in favor of strengthening Islamic law as the law that is applied in the country of Serdang. The position of fiqh and fiqh proposals becomes part of the process of establishing and implementing Islamic law. Legal cases that developed were accommodated through a methodology (fiqh proposal) and then the formation of law was formulated (Interview, 04/06/22). This affirmation shows that the people have sufficiently felt the attention of the Sultan toward the strengthening and grounding of Islamic law in the land of Serdang.

From the various explanations above, it can be concluded that the form of Islamic legal policy implemented by the Sultan is an accommodative approach, not an antagonistic form. Accommodative means here that the Sultan is quite open, motivating, and accommodating of various legal issues that arise. The Sultan is seen as happy in discussing legal matters. The Sultan was quite concerned, various policies related to Islamic law were accommodated by the Sultanate, on the other hand, the Muslims at that time provided support and legitimacy to the government. In other words, in terms of Islamic legal policies, the accommodative relationship with Muslims is negotiable and harmonious. Precisely the Sultan showed his confrontation with the colonial government. The appointment of Tengku Fahrudin as an adviser to the Sultan and the establishment of the Syar'i Council of the Kingdom of Serdang was a form of confrontational politics with the Dutch. This means that the position of the Sultan must be covered by Ulama and the role of the Ulama must be strengthened such as the establishment of the Syar'i Council of the Kingdom of Serdang.

### **Policy The Sultanate of Serdang Through Strengthening Jurisprudence and Jurisprudence**

The position of Sultan Sulaiman Shariful Alamsyah as Head of the Serdang Kingdom Government, Head of Islamic Religion (*khalîfatullâh fil'ardh*), and Head of Malay Customs in the context of Islamic law policy will touch upon the *legal policy* of Islamic law both in law-making and law enforcement in Serdang country. Islamic law becomes law in Serdang country life both normatively, formal juridical, and empirical law. The need for the formation of Islamic law became a great concern for the Sultan both in the process of making laws and implementing the laws. Sultan Sulaiman Shariful Alamsyah’s Islamic

law policy in making Serdang State Islamic law with his attention to emerging legal cases that require legal decisions, especially those related to fiqh issues in various legal aspects starting from aspects of aqidah, worship, economics, social, politics, culture and others. The Sultan's attention was quite serious about legal issues, which according to him, legal certainty answers were immediately given.

There were various strategic steps taken by Sultan Sulaiman in *legal policy* and the process of making and implementing Islamic law in the country of Serdang, namely:

1. Encouraging the creation of personal fat was carried out by scholars in responding to various problems that arise. The scholars in question are the fatwa of Tengku Fachroeddin, Tengku Yafizham, Abdul Muin, H. Yahya, and others. Scholars are given the freedom and encouraged by their knowledge to carry out fatwas personally. The community is welcome to question or ask for advice from the ulema on legal issues faced by the community itself.
2. Encouraging the creation of institutional fatwas, in which the Sultan has established an Islamic legal institution called the Syar'i Council, is an attempt by the Sultan to introduce the mufti institution as the institution responsible for giving religious and social fatwas. Every legal issue that arises is discussed and determined through the Syar'i Council. At the same time, the presence of this institution is an extension of his arm as the Head of the Islamic Religion in Serdang Country.

The legal policy steps above, which were carried out by the Sultan through the formation, formulation, and application of laws have been going well and existed during his reign. No case of Islamic law was not resolved by the Sultan with the scholars. If a legal issue has a lingering khilafiyah nuance, through the Syari'i Council, the institution it forms will carry out the process of formulating and enacting the law. Interestingly, in developing the openness of legal policies, the *Majlis Syar'i institution* as a public media has been shown in the process of formulating laws to make it known to Muslims that these legal issues are important enough to be known together. Starting from the process of debate, formulation, and determination of laws known to the public, carried out in an open debate room (Openbaar debate) and directly witnessed by Sultan Sulaiman. Various examples are debates with Ahmadiyah Qadian, injection issues, *ushalli* issues, and others.

In an interview conducted with HM Iyen Atim (95 years old), he said that:

“The process of formulating and enacting laws carried out by the Ulama Council of the Syari'i Council has always been requested by the Sultan to be open to the public. Moreover, the issue of Islamic law is crucial for Muslims to know together. This openness means that nothing is hidden so that all legal decisions are known by all, starting from the fiqh proposal process as a legal methodology to the fiqh as a product of the fiqh proposal. Interestingly here, the community understands the process from formulation to determination.” (Interview 04/06/22)

Various crucial legal cases are examples that are accommodative, open, and publicly known, such as in the case of the debate on Islamic law with Ahmadiyah Qadian (Openbaar Debat Oetoesan Ahmadiyah Qadian), the Sultan deliberately brought this case to the public arena so that it would be known by the public, where this debate was carried out on July 15, 1934 between Tengkoeh Fachroeddin representing the Syar'i Council and Ahmadiyah Qadian delegations represented by Muhammad Saddik and Abu Bakar Ayoeb. The debate was witnessed by 3,000 people who were present to hear the debate and 2,000 people who went home because they did not get a place, due to the dense conditions attended by Muslims.<sup>19</sup> In other words, the Sultan deliberately brought this debate among the people as a form of openness about the law while at the same time providing legal education to his people.

Furthermore, the case of injecting jurisprudence was also an interesting case that occurred in the Sultanate of Serdang. Starting from the Sultanate of Serdang, there were various infectious diseases. So the government carried out mass injections to prevent the spread of this infectious disease. A Mufti from Serdang named H. Zainuddin gave a fatwa in Perbaungan that injecting injections is unlawful. The implications of the fatwa also created public unrest about whether to inject or not. This fatwa disturbed the public, so Sultan Sulaiman held a meeting of scholars by inviting Tengku Fachroeddin and Tuan Haji Zainuddin to the Perbaungan Palace attended by Tuanku Sultan Sulaiman, important officials, and the people. According to Tengku Fachroeddin, it is legally permissible to inject. According to Islamic law, the origin of something is *mubah* (permissible). If no text prohibits it. Next is the issue of *ushalli*, where Sultan Sulaiman Syarif Alamsyah must gather all the ulema of East Sumatra is the issue of *ushalli*. This happened around the 1930s. Does reciting *ushalli* sunnat or bid'ah. In Islamic law it is called "*talaffuz* with intention" and the Sultan even gathered scholars several times to discuss this. The scholars who were invited by the Sultan of Serdang, apart from the Serdang scholars were the scholars of the Sultanate of Langkat namely Tuan Abdullah Afifuddin and H. Abdurrahim. Deli royal cleric Tuan Hasan Ma'sum, H. Muhammad Syarif Kadhi Labuhan, Muhammad Yoenoes, Tapanuli Islamic School teacher, Syafie, Kadli Tebing Tinggi and Tengku Zainuddin Mufti,<sup>20</sup> were present at the meeting.

Sultan Sulaiman Shariful Alamsyah's Islamic legal policy in its legal policy is formed and reflects democracy and does not harm Muslims. Starting from the creation process to the application of the law. It can be seen that one of the duties and functions of the Sultan is as Head of the Islamic Religion of the Serdang State Sultanate in charge of religious matters, but his decisions and attitudes never reflect authoritarianism. Precisely he was open, democratic, and accommodative in the formation of law through the legal

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<sup>19</sup> Mangaraja Ihoetan and Haji Mahmoed Ismail Loebis, *Openbaar Debat Oetoesan Ahmadiyah Qadian Contra Tengkoeh Fachroeddin* (Medan, 1934).

<sup>20</sup> Ihoetan and Loebis.

policies he carried out, so that at his time through the position of *fiqh* and *fiqh* recorded by history he was truly given reinforcement through his legal policies as Sultan in the State of Serdang. The strengthening of *fiqh* and *fiqh* proposals is meant by the role of legal political power in the formation of laws. As emphasized by the theory by Mahfud MD, the relationship between politics and law (including Islamic law) are two things that cannot be separated, there is a causal relationship depending on the perspective used to provide the answer. Then, Satjipto Raharjo's theory also emphasized that in the reciprocal relationship between politics and law, the law is affected by politics, because the political sub-system has a greater concentration of energy than the law. Similarly, Sri Soemantri explained that in theory, the relationship between law and politics in Indonesia is like the journey of a train locomotive derailing. If the law is likened to a rail then politics is likened to a locomotive, because of that it is often seen that the locomotive deviates from the rail it is supposed to be on. Various explanations of this legal theory, it must be admitted that the legal political power of Sultan Sulaiman Syarif Alamsyah is an important record of the existence of strengthening *fiqh* and *fiqh* proposals in the Serdang State Sultanate.

## Conclusion

The strengthening of *fiqh* and *fiqh* proposals is truly seen and implemented by the Serdang Sultanate through its legal policies, this is based on the conclusions namely: *First*, the Serdang Sultanate (Sultan Sulaiman Shariful Alamsyah 1865 - 1946) succeeded in putting in a form of the accommodative, open and democratic legal policy This can be seen from the involvement of Islamic scholars in the process of forming legal policies starting from the formulation to the establishment of Islamic law. Then the formation of the Syar'i Council as a gathering place for scholars and the media in the process of formulating and establishing Islamic law. *Second*, the legal policies of the Sultanate of Serdang in strengthening *fiqh* and *fiqh* proposals are: Encouraging the creation of personal fatwas carried out by scholars in responding to various problems that arise. Encouraging the creation of institutional fatwas, in which the Sultan has established an Islamic legal institution called the Syar'i Council, is an attempt by the Sultan to introduce the mufti institution as the institution responsible for providing religious and social fatwas related to Islamic law. These two things are important indicators that the existence of *usul fiqh*/*fiqh* was truly strengthened through Islamic law policies during the Sultanate of Serdang.



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