HERITAGE OF
NUSANTARA

International Journal of Religious Literature and Heritage

Vol. 3 No. 2 December 2014

HERITAGE OF
NUSANTARA
International Journal of Religious Literature and Heritage

Front cover: The image (*The Terengganu Inscription*) is fully adopted from the image in the article of *Dialetic Between Islamic Law and Adat Law in the Nusantara: A Reinterpretation of the Terengganu Inscription in the 14th Century*

The focus of this journal is to provide readers on understanding of Indonesia and International affairs related to religious literature and heritage and its present developments through publication of articles, research reports, and books reviews.

Heritage of Nusantara specializes in religious studies in the field of literature either contemporarily or classically and heritage located in Southeast Asia. This journal warmly welcomes contributions from scholars of related disciplines.

Table of Contents

Articles

UNDERSTANDING MARITAL DISPUTES MANAGEMENT IN RELIGIOUS OFFICE AND *SYARIAH* COURT IN MALAYSIA

Zakiyah
A researcher for the Board of Religious Research and Development
Ministry of Religious Affairs, Semarang Indonesia
zaki_smart@yahoo.com

Abstract

This article reviews a monograph entitled Managing Marital Dispute in Malaysia, Islamic Mediators and Conflict Resolution in the Syariah Court written by Syarifah Zaleha Syed Hassan and Sven Cederrot. This book contributed in the discourse of anthropology of Islamic law. This book discussed about three institutions that dealt with Islamic family law; kadi, women counselor and judge. This monograph was published in 1997 when Islamic family law became one of the heated topics in many part of the world. This book was a result of extensive research conducted at the religious office and syariah court in Kedah and Johor Malaysia. This study shows that mediator used different ways in dealing with the family disputes including formal, semi formal and informal. The first method was used to deal with adjudication, the second was utilized to manage arbitration, and the last was used in consultation, conciliation and mediation. In addition, 'kadi', women counselor and the judge not only use legal formal approach but also local norm when giving advice and managing cases.

Keywords: mediation, marital disputes, Syari'ah court, Islamic law, conflict resolution

Abstrak

Artikel ini membahas buku karya Syarifah Zaleha Syed Hassan dan Sven Cederrot yang berjudul Managing Marital Dispute in Malaysia Islamic Mediators and Conflict Resolution in the Syariah Court. Buku ini memberikan kontribusi signifikan terhadap kajian antropologi hukum Islam, karena buku berisi tentang bagaimana tiga institusi berbeda yaitu kadi, penasehat wanita dan Pengadilan Agama menangani perselisihan di dalam pernikahan. Buku ini diterbitkan pada tahun 1997 bersamaan dengan semakin banyaknya diskusi terkait hukum keluarga dalam Islam di beberapa belahan dunia. Monografi ini ditulis berdasarkan hasil penelitian yang dilakukan di Kantor Agama dan Pengadilan Syariah di dua kota di Johor dan Kedah Malaysia. Dari penelitian tersebut diketahui terdapat beberapa respon yang diberikan oleh mediator dalam penyelesaian konflik pernikahan yaitu, formal untuk menangani masalah terkait pengadilan, semi formal dilakukan untuk mencapai arbitrasi, dan informal digunakan di dalam konsultasi, konsiliasi dan mediasi. Ketika memberikan nasehat, baik kadi, penasehat wanita maupun hakim tidak hanya menggunakan pendekatan legal formal, tetapi juga mempertimbangkan aspek norma yang ada di masyarakat.

Kata Kunci*: mediasi, konflik pernikahan, Pengadilan Syari'ah, hukum Islam, resolusi konflik*

Introduction

In this paper I discuss a monograph entitled *Managing Marital Dispute in Malaysia Islamic Mediators and Conflict Resolution in the Syariah Court* written by Syarifah Zaleha Syed Hassan and Sven Cederroth (1997). This is an important writing due to the fact that Malaysia is a country with approximately 60% of its population practiced Islam yet Islam is an official religion for the country (Bbc, 2013). In addition, this study gives a useful contribution to the field of anthropology of islamic law. This book focuses on how the religious office and *syariah* court in Malaysia deal with the marital disputes which are seen and examined by anthropologist.

This book was written in 1997 along with the emerging phenomenon of Islamic law discussion in other part of Muslim countries. In the 1990s this theme was discussed by many scholars such as Brinkley Messick (1992), Ziba Mir-Hosseini (1993), Dwyer (1990), Judith Tucker (1997), as well as Annelies Moor (1999). This phenomenon emerges in accordance with the great political changes in certain countries with significant number of Muslim population. For

instance, in 1990 Yemen became a republic of Yemen after North and South Yemen were unified. In 1998 the opposition took over the Moroccan government. In 1994 Palestinian Authority was established, and in 1992 the multiparty government was elected in Mali (Moors, 1999).

In that period, there were also significant demand of implementation and development of Islamic law specifically Islamic family law in those countries (Messick, 1992; Mir-Hosseini, 1993; Dwyer, 1990; Tucker, 1997; Moor, 1999). The implementation of Islamic family law is an important aspect for Muslim community because it is a symbol of Islamic identity. However, this is a complicated thing such as women seeking divorce in Iran; women are not only looking for divorce, but also for more other things such as custody rues, dower practice, family structure and employment opportunities (Messick, 1992; Mir-Hosseini, 1993). Moreover, Moors (1999) suggested that family law is the main instrument for reproducing social and cultural order including transfer of wealth from generation to the next descendents, managing and socialization of one generation to the next generation, and managing sexual relationship (Moors, 1999).

Although there is no direct explanation about the relationship between this monograph with other works done by other scholars, it is important to see that in this period many books published and many anthropologists focused their study in this topic. Earlier to this era there was also a work conducted by Clifford Geertz (1983). He studied islamic law and local knowledge in Indonesia. He examined three different concepts found in the legal system namely; (a) *"haqq"* means truth and has close connection to the islamic concept, (b) "dharma" means duty and has a relationship with the Indic, (c) *"adat"* means practice and has close connection with the Malaysian concept (or Austronesian-speaking civilization of Southeast Asia). Each of this word is eventually a symbolic system which has further meaning. "*Haqq*" is Arabic word which means reality, validity and truth. "*Dharma*" is Sanskrit word that means duty, obligation and merit. "*Adat*" was originally from Arabic word and taken into Malaysian language which is defined as a social consensus and a moral style (Geertz, 1983).

Those phenomena are illustrations how Islamic family law becomes a public debate among scholars. At the same time it shows how important of such law for Muslim community. Based on this fact it is important to discuss further this monograph. Sharifah Zaleha Syed Hassan and Sven Cederroth (1997) explains how the official intermediaries in religious office and *syariah* court deal with the marital conflicts in Malaysia. This is a significant study that describes much on the Islamic mediators' work and the implementation of Islamic family law. In this monograph, the writers show a number of cases related with the family disputes. Then, they explore what the conflict management are used in order to resolve the problems.

These dispute settlements are crucial elements for Malaysian's society now because the number of family disputes is significant. In two towns being researched by Syed Husain and Cederroth depicted that in Kempas there were 219 cases being handled by religious office in 1990 and 201 cases in 1991. Meanwhile in Jati, there were 239 cases in 1990 and 220 cases in 1991. Furthermore, the *syariah* court in Kempas handled 71 cases in 1990 and 61 in 1991. Slightly different from the previous, the *syariah* court in Jati managed 80 cases in 1990 and 71 cases in 1991 (p.62-63, and p.74-75). There are many types of problems handled by both the religious office and the *syariah* court namely; validity of marriage, marriage guardian, *taklik* divorce, *fasah* divorce, *khuluk* divorce, wife maintenance, child maintenance, custody of children and shared poverty. For further analysis and description of the book, it will be discussed in the next part of this paper.

Biography and the Works' of the Authors

Both Sharifah Zaleha Syed Hassan and Sven Cederroth are experts on the topic under studied. Sharifah Zaleha Syed Hassan is a professor of social anthropology; formerly she was the head of the Department of Anthropology and Sociology, and currently Deputy Dean of the Faculty of Social Sciences and Humanities, Universiti Kebangsaan Malaysia. She was born on June 26, 1947 in the town of Jitra Kedah state. In 1971 she completed her undergraduate school in the department of Malay studies University of Malaya.

She continued her study in the department of Anthropology and sociology at the same university and got her Master of Arts Degree in 1974. She took her Ph.D program in cultural anthropology at Cornel University (Syed Hassan, 1985).

Meanwhile Sven Cederroth is a social anthropologist. He is an associate professor at the department of social anthropology, Goteborg University which also associated with the centre of Asian studies. He took his Ph.D at the University of Goteberg and completed it in 1981 with his doctoral dissertation entitled *The Power of Mekkah and the Spell of the Ancestors: A Sasak Community on Lombok and Describes a Syncretist Muslim Community on Lombok*. He was a lecturer at University of Gotenberg Sweden. Between 1988-1997, he was a senior research fellow at the Nordic Institute of Asian Studies (NIAS) in Copenhagen. He conducted many anthropological researches in Indonesia specifically in Lombok and Java, and in Peninsula Malaysia (Antlöv and Cederroth, 2004).

The collaborative work between them is a good example of how insider and outsider explore in one community together. Sharifah Zaleha Syed Hassan is a Malaysian, while Sven Cederroth is a Swedish. Thus, they are a good composition in doing an ethnographic research. As an insider Syed Hassan has a deep knowledge related with the community being studied. Altorki and El-Solh (1998) mentioned that being indigenous is an important aspect for anthropologists so that they will have great advantages to understand society and to have minimal cultural shock. On the other hand, as indigenous she may have greater potential for value conflict. Initially, studying one' own society was conducted by sociologists; they usually study population segments within their own complex societies, while anthropologists usually deal with "the others". On the ongoing process anthropology was defined as the study of human condition in general and not exclusively of particular society, so that it brought the anthropologists back to their own societies (Altorki and El-Solh, 1998). During the fieldwork, the disadvantage of being native can be solved by the presentation of Sven Cederroth as a collaborator. He is a Swedish who can play as an outsider.

In addition to be Insider and outsider, both writers have extensive experiences in doing research on Muslim community. Here are some of their works:

1. Sharifah Zaleha Syed Hassan's Works

   a. *Ilmu dan Authoriti Pengalaman Sosial seorang Kadi*, published by Institut Alam and Tamadun Melayu University Kebangsaan Malaysia in 1994. This is a monograph talks about the roles of the *syari'ah* court in Malay community and how Kadi disseminate the law to the societies as well as how the relationship between Kadi and expert of societies. In this book, Syed Hassan underscore on the profile of the *kadi* (judge) named Syeikh Marzuki Haji Abdullah (not the real name). She found that by studying a Kadi lead to understanding of general social pattern, dissemination of islamic value, and the movement of Islamic organization in Malaysia (Syed Hassan, 1994).

   b. *Syarahan Felda: Satu Pengenalan Rengkas Terhadap Masyarakat Desa dari Segi Struktur, Organisasi dan Masalah,* published by Jabatan Anthropology dan Sosiology Universiti Kebangsaan Malaysia in 1975. In this book, Syed hassan was as an editor with Mohd. Dahlan Hj. Aman. This is a compilation book concerning on the topic of leadership, land ownership and its implication, characteristic of the rural people, and the main elements of the stakeholders. Besides as an Editor Syed Hassan wrote a chapter in this book under the title *Kepemimpinan di dalam Komuniti Luar Bandar* (Syed Hassan, 1975).

   c. *Perenungan tentang Ilmu Sosial,* published by Universiti Kebangsaan Malaysia in 1992. This is a compilation book edited by Sharifah Zaleha Syed Hassan and Mohd Shamsuddin Zahid Sopian. In this book Syed Hassan contributes a paper entitled *Jabatan Anthropologi dan Sosiologi dari Kaca Mata Para Penilai,* (Syed Hassan, 1992).

   d. *Malaysian Women in the Wake of Change,* published by Gender Studies Program, Faculty of Arts and Social Science,

University of Malaya, in 1998. Syed Hassan was as an editor of the book (Syed Hassan, 1998).

e. *Native Court and the Construction of Modern Legal Thinking in Sabah, a Case Study,* published by Journal of Borneo Review in 1993. This is originally a paper presented at Borneo Research Council Second Biennial International Conference, 13-17 July 1992, held in Kota Kinabalu, Sabah, Malaysia (Syed Hassan, 1992).

f. *From Saint to Bureaucrats: a Study of the Development of Islam in the State of Kedah Malaysia".* This is her doctoral dissertation presented at the faculty of the graduate school Cornell University in 1985. In this book, Syed Hassan discussed four main themes namely; the history of the development of Islam in Kedah, the influence of Muslim scholars in the Islamic educational system, the religious bureaucrat, and the religious court and disputes settlement (Syed Hassan, 1985).

2. Sven Cederroth's Works

a. *The Spell of the Ancestors and the Power of Mekkah: a Sasak Community on Lombok,* published by Acta universitatis Gothoburgensis in 1981. This is a monograph which is written based on the field work in *Sasak* community in North Lombok Indonesia. This book explores about the *wetu telu* and *waktu lima* community. The first is considered as a syncretism between Islam and indigenous belief. The second, *waktu lima* is recognized as a more purified Islam. In this book Cederroth explains the history of external and internal conflicts in *Sasak* comunity. Furthermore, he examines the politic of the big feast, the shaping of economic cleavages and the impact of market economy in the agriculture sector (Cederroth, 1981).

b. *Basket Case or Poverty Alleviation? Bangladesh Approaches the Twenty-First Century,* published by Nordic Institute of Asian Studies, Copenhagen Denmark in 1997.

c. *Development Aid to Nepal: Issues and Options in Energy, Health, Education, Democracy and Human Rights,* published

by Curzon Press in 1997. This book was edited by Sven Cederroth and Harald O Skar.

d. *Elections in Indonesia, the New Order and Beyond,* published by Routledge Curzon, London, in 2004. This is a compilation book edited by Hans Antlöv and Sven Cederroth. In this book Cederroth wrote a chapter entitled *Traditional power and party politics in North Lombok 1965-1999.*

e. *From Syncretism to Orthodoxy? The Struggle of Islamic Leaders in an East Javanese Village,* published by Nordic Institute of Asian Studies Copenhagen Denmark, in 1991.

f. *Leadership on Java: Gentle Hints, Authoritarian Rule: published by Taylor and Francis Group in 1994.* This book is edited by Hans Antlòv and Sven Cederroth. In this book Sven Cederroth write two chapters; firstly he and Hans Antlòv wrote an introduction. Secondly Sven Cederroth wrote a chapter under title *New Order Modernization and Islam, Village Official and Religious Teachers.*

g. *Managing the Irrigation: Tharu Farmers and the Image of the Common Good,* published by Nordic Institute of Asian Studies Copenhagen Denmark, in 1995.

h. *Rice Societies: Asian Problems and Prospects,* published by Curzon Press London in 1986. In this book Sven Cederroth was as a coauthor with Irene Nørlund and Ingela Gerdin.

i. *A Sacred Cloth Religion? Ceremonies of the Big Feast among the Wetu Telu Sasak*, published by Nordic Institute of Asian Studies Copenhagen Denmark, in 1992. This is a monograph based on the field research in Bayan village, Lombok, Indonesia.

j. *Survival and Profit in rural Java: the case of an East Javanese Village,* published by Curzo Press Richmond in 1995. This monograph written by Sven Cederroth.

k. *On the Meaning of Death: Essays on Mortuary Rituals and Eschatological Beliefs,* published by Almqvist & Wiksell

International, Stockholm in 1988. This book is edited by Sven Cederroth, Claes Corlin and J Lindström.

From the works of the authors presented above I found that not all of them related to the book *Managing Marital Dispute in Malaysia Islamic Mediators and Conflict Resolution in the Syariah Court* which is being reviewed. There are only three works of Sharifah Zaleha Syed Hassan that are closely related have close relationship with it. Those works are two books called *Ilmu dan Authoriti Pengalaman Sosial seorang Kadi,* and *From Saint to Berucrats; a study of the development of Islam in the state of Kedah Malaysia,* and a journal article entitled *Native court and the Construction of Modern Legal Thinking in Sabah, a Case Study.* These three works talk about Islamic legal system and its practice in Malaysia (Syed Hasan, 1994; Syed Hasan, 1985; Syed Hasan, 1993).

In the first book, Syed Hassan explores the life of *Kadi* in Kedah (Syed Hasan, 1994). In the second book there are two chapters, chapter four and chapter five, concerning on the Islamic legal system. Chapter four describes the history of Islamic development in Kedah including bureaucratized Islamic tradition, department of religious affairs, and religious office. Chapter five explains the legal procedure and judicial process in the religious court (Syed Hasan, 1985). In this chapter Syed Hassan also describe the disputes management in the religious court. These two chapters seem to be a preliminary work for the monograph being reviewed due to the fact the theme and the place of field work are similar. Meanwhile, topic of the third work is almost similar but the area of the study is different (Syed Hasan, 1985).

On the other hand, the works' of Sven Cederroth presented here do not connect with the monograph being reviewed. He conducted most of his research in Indonesia and under different theme.

Structure of the Book

The book written by Sharifa Zaleha Syed Hassan and Sven Cederroth is a monograph talking about how the Islamic conflict resolution system dealing with the marital disputes in Malaysia. This book published by Curzon Press in 1997 consists of 252 pages

that are divided into teen chapters. Before the first chapter of the monograph, there is an introduction explaining Islamic conflict resolution in Malaysia and a brief overview of the book. The first chapter is a setting of the research. The second chapter tells the institutionalization of the *syariah* in Malaysia. The third chapter describes the types and management of family disputes. The fourth chapter explore about consultation in the district religious office and consultation by *syariah* court judge. The fifth chapter is about conciliation in the district religious office. The sixth chapter talks about mediation in the district religious office and in the *syariah* court. The seventh chapter is arbitration in both religious office and the *syariah* court. The next chapter consists of discussion on adjudication in the *syariah* court. The last chapter describes the pattern of disputes settlement. The tenth chapter is conclusions.

From those ten chapters, it can be understood that the book can be grouped into three parts. First part consists of two chapters discussed about the setting and the history of the Islamic law in Malaysia. These chapters explore more on the general background of the societies and how the *syari'ah* was institutionalized and become part of Malaysian law. This discussion plays as the basis for further understanding on what is actually happened in the court and in the communities.

The second part describes how the different ways of conflict resolutions applied in the family disputes. This part includes five chapters which explore on the types and management of family disputes as well as how each dispute was resolved through different ways of resolution such as conciliation, mediation, arbitration, and adjudication. In this part the author gave clear explanation what happened in the court and how they solved it.

The third part comprises two chapters which discussed and examined the pattern of dispute resolution. In this part the writer also discussed how the roles of family counselor, *kadi*, and judge in handling conflict. These three parties are considered as an Islamic intermediator in Malaysia; they are also recognized as the formal apparatus in which Muslim residents of village and district can ask them to help and end their conflict. Then, In this last chapter the author emphasized on three issues as follows; firstly, the roles of

the Islamic inter-mediators in sustaining the family solidarity; secondly the issue of morality and unity of family; thirdly, there are at least three kind of ways used by Islamic intermediary in handling disputes namely formal (adjudication), semi formal (arbitration) and informal (consultation, mediation, conciliation). Each part of this book will be discussed further in the next part of this writing.

Background of the Study

There are many underpinning reasons that motivated this research being conducted as follows; firstly there were many elements of family life legalized by Islamic law. It can be seen from the history of the Islamic law development in Malaysia as it will be presented in the next part of this paper. Secondly, the significant roles of the religious office and the *syariah* court dealing with the family disputes. Thirdly, the existence of three religious officials in every district namely the marriage counselor (*pegawai penasehat wanita*), the district *kadi*, and the hakim *syari'e* or the *syariah* court judge who have power to resolve family disputes among Muslim. These three parties are selected by the state to help resolving the intra familial conflict. To deal with the family disputes, these three parties use a variety of conflict resolution techniques such as mediation, arbitration, conciliation, and adjudication (p.1-5).

Based on the above reasons this book concern on two aspects; firstly, how in the context of the overall set consisting of *syariah* based concepts, assumptions, and beliefs about family institution, an Islamic remedy agent investigates the underlying causes of intra-familial dispute, ascertains what are the fact in the case, and finally makes a decision. Secondly, how a technique of dispute settlement adopted by a particular Islamic remedy agent to resolve a conflict, and to relate with his or her interpretation of a third party's role for forging family solidarity (p.6).

Method and Overview of the Setting

This writing is based on the field work in two Malaysian towns in the state of Kedah and Selangor. Rabinow (2007) wrote that field work is important part for anthropologists in order to collect data, because anthropology is equal to experiences. You are not an

anthropologist until you have experience doing it. But when you return are returning from the field, the important thing is the objective data you have brought back. Doing field work is a way to understand people and their culture (Rabinow, 2007). Morever, culture is interpretation which means the data and fact of anthropology themselves are interpretation. So that this data cannot be collected as if they are rocks or a thing which can be picked up and taken home to be analyzed in the laboratory. Furthermore, he stated that anthropology is an interpretive science in which the anthropologist and the informants live in the culturally mediated world. The facts of anthropology are cross cultural because they are made across cultural boundaries (Rabinow, 2007).

The authors collected data and information about Islamic conflict resolution in the religious office and the *syariah* court in both towns. It was conducted between August 1991 and June 1992. There are at least three main data collected namely; social structure of urban neighborhoods, the history and organization of Islamic judiciary, the observed and recorded cases of intra-familial disputes (in the religious office and the *syariah* court) (p.6).

Those data collected by the authors in two towns Jati (Kedah) and Kempas (Selangor). Jati (not the real name) is populated by 88,500 people in whom 48.7% out of the total is Malays, 39.6% Chinese, and the rest are Indians, Eurasians, Sam-sam (people of Malay and Thai Extraction). Jati has transformed into a busy town; this town provides complete public service for the societiy such as court house, police station, market, state mosque, grand communal hall, land office building, state secretariat building, a general hospital and so forth. In this city, both men and women contribute to the town's economy. Meanwhile, Kempas (not the real name) is inhabited by 114.430 people in which 49.9% of them is Malays, 38.3% Chinese, and 11.8% Indians. This town is originally a small Malay village but it gradually transformed into small town when it was chosen as the administrative centre for the district. In this city, both men and women contribute to the town's economy (p.9-21)

In both towns, household composition is mostly limited to nuclear family. The working class earn RM 400-600 a month living in low-cost house or flat with one or two bedrooms. Children have

responsibility to take care of their parents especially when they are old. The kinship is characterized by a bilateral descent with a strong patrilineal bias in which agnatic kinsmen (male agnate) are considered more important than matrilineal relatives.

In these cities as others in Malaysia, marriage is regulated by Islamic law and limited by local customs. Marriage is often viewed as the forging alliance between families rather than between a man and a woman. In this institution, there is a distinct obligation; a married man has to work for providing food and basic need for his wife and children. On the other hand, a married woman was expected to cook, to bear children, to manage the household, to serve the husband hand and foot, and to guard his good name in private and public spheres (p.23-24).

Islamic Law in Malaysia

This book also describes the development of the Islamic Law in Malaysia in brief. The writers mention it in a chronological order. They said that the recognition of Islamic law in Malay state is in accordance with the development of Islam in this country. It is stated that as early as the ninth century the Islamic aspect was recognized in this state. This continued to the next years along with the spreading of Islam. It is believed that the ancient legal code called *Hukum Kanun Melaka* was compiled between 1424 and 1444 during the period of sultan Muzaffar shah. In this code, there were many acts derived from the Islamic legal system such as a commercial transaction, Islamic penalties against gambling, drinking, adultery and evasion of the fast during Ramadhan month. In addition, in seventeenth and eighteenth century there were other similar legal systems operated in other Malay's state, for instance in Kedah, Paha, Negeri Sembilan, and Johor (p.28-30).

The writers ascertain that it is rather difficult to mention how the legal code was implemented in the past. The authors then continue their discussion by providing the history of this Islamic law chronologically, as below:

Year	Events
Between 1880-1920	The British allowed several legislative activities to enact Islamic substantive law to some degree concerning

	betrothal, marriage, divorce, maintenance of dependant, religious endowment, inheritance
In 1880	The earliest legislation was passed. It is known as Muhammadan Marriage Ordinance (focused on marriage and women's possessions)
In 1885	Muhammadan Marriage and divorces order was issued in Perak
In 1913	Muhammadan Marriage and divorce enactment (Separation) was passed in Kedah
In 1915	Muhammadan divorce enactment was passed in Kelantan
In 1952	The administration of Muslim Law enactment was passed in Selangor. This become a model for other states
In 1970s and early 1980s	Every state starting with Kelantan began to review the Muslim Law
In 1976	Kelantan set up a committee to reevaluate the administration of Muslim Law enactment
In 1983	Kelantan issued Islamic Family Act, *syariah* court enactment, *syariah* criminal procedure code, *syariah* civil procedure code. Other states also reformulated the administration of Muslim law enactment
The 1980s	Legal reform restructured the Islamic judiciary; the *syariah* court became the civil legal system independently
Now	There is a system of *syariah* courts consisting of *syariah* high court, *syariah* subordinate court, and *syariah* court of appeal.

This brief description of the history of Islamic law development in Malaysia gives general idea for the readers on how the Islamic legal system has grown from the early period to the recent time. It can be understood that this is not a short process of Islamic law forming. It needs a long time to be approved and accepted by the government. For more detail of the history of islamic law development in Malaysia can be read on other books such as *Islamic Law in Malaysia Issues and Development* by Muhammad Hashim Kamali (2000), *Islamic Modern Religious Court and Cultural Politic in Malaysia* by Michael G.Peletz (2002) and *Status Wanita di Asia Tenggara Studi Terhadap Perundang-Undangan Perkawinan Muslim Kontemporer di Indonesia dan Malaysia* by Khoirudin Nasution (2002). In these three books the readers can find more detail information about Islamic law in Malaysia. For instance the first book written by Kamali (2000) presented detail information of Islamic law development in Malaysia from the beginning period to

the present time. He describes not only Islamic family law but also other aspects of Islamic law such as Islamic banking and insurance, apostasy, *kharaj* tax, and women's right to work (Kamali, 2000).

This monograph does not provide detail information related with the Islamic legal system in Kedah. It would be better if the writers specifically mention the development of Islamic law and its practice in the area under study. Therefore, readers will be directly guided to the main topic. To look for this information, readers can refer to the previous work of Syed Hassan entitled *From Saint to Bureaucrats: a Study of the Development of Islam in the State of Kedah Malaysia* (Syed Hasan, 1985).

Islamic Family Law in Malaysia

The authors mention that except for the improvement of the status of *syariah* court, in 1980s Islamic family law became more present and less influenced by *adat* law. In all state of Malaysia the government issued the Islamic family acts. There are at least four elements of Islamic law in Malaysia namely: a) marriage; b) divorce; c) maintenance; d) inheritance and Division of Property; e) the penalties to be imposed to those people who break the law.

These four aspects are described theoretically referring to the islamic teaching. Only a small explanation related to the *adat* such as ceremony of marriage and the amount of *mas kahwin* (marriage gift). The writers explained that islamic law on inheritance (*faraid*) was accepted in all areas of Malaysia. This phenomenon to some extent creates conflict between the Islamic law with the *adat* law called *adat perpatih* in the state of Naning and Negeri Sembilan. This *adat* emphasizes on the female lines, while *faraid* stresses on the important of male lines.

In order to institutionalize *syariah* in Malaysia, the government established religious bureaucracy. This institution plays as a board having responsibility to enforce Islamic law into societies. It consists of two boards as follows:

1. Religious office (*pejabat agama*) lead by a kadi, in practice kadi is helped by a marriage counselor (*pejabat penasehat wanita*) called *ustazah*.

2. *Syariah* court consist of: syariah lower court presided over by a hakim *syari'i*, *syariah* high court headed by a chief kadi, the *syariah* appeal court.

Types and Management of Family Disputes

The record cases gathered from the religious office in Kempas and Jati show that there are approximately 200 cases averagely handled by this institution each year. In 1990 there were 219 cases proceed in District religious office in Kempas, and 201 cases in 1991. Meanwhile, in 1990 and 1991 cases handled by religious office in Jati was 239 and 220 respectively. These cases include maintenance, estrangement, illicit affairs, desertion, assault, child abuse, divorce, poligyny, endorsement of talak, disregard of court order, and marriage guardian.

The data reveals that in both religious offices in Kempas and Jati the numbers of cases are mostly proposed by women. In 1990 and 1991 there were 167 and 166 cases reported in Kempas. Almost similar to the earlier data, during that period in Jati there were 214 and 209 cases reported by women. The most striking figure was maintenance cases in both towns. It was followed by desertion cases in Kempas and estrangement in Jati.

This book mentions that there are twelve types of family disputes handled by religious court which are validity of marriage, marriage guardian, *taklik* divorce, *fasah* divorce, *khuluk* divorce, wife maintenance, child maintenance, custody of children, and shared property. Every year this institution manages about 60 to 80 cases, for example in 1990 there were 71 cases in Kempas and 80 cases in Jati. In the following year there were 61 cases in Kempas and 71 cases in Jati. In both cities *taklik* divorce placed at the top rank compared to other cases which stands at 29 to 34 cases.

To deal with those cases, the religious office and the *syariah* court use many types of conflict settlement such as Consultation, conciliation, mediation, arbitration, adjudication. Each type of them was used in certain cases. Moreover, these institutions use different kinds of disputes resolution as follows:

1. District religious office: the counselor tends to probe into as many different problems as possible to get to the bottom of the conflict. This different information allows us to understand the reasons behind the conflict. To find the fact, the problem has to be introduced so that the dialog may start. In this case, the religious office do not have the power to enforce any sanction, they only suggest any solutions.

2. *Syariah* court: they tend to narrow the focus of conflict and then they identify the main issue to be solved. To find the fact in conflict, reconstruction of the event was taken or the word of oath was given to the case at hand. After that the hakim *syari'e* made decision either it is mediation settlement or adjudicated decision.

In this book the writers give some examples of the cases, so that readers can understand the legal process in both institutions and know how they manage the family conflicts.

The Authors' Remarks

This book reveals many important aspects related with the practice of intermediation conducted by the religious office and the *syariah* court as follows; firstly the state intervention in determining Islamic law which will be applied to the people. In this case, the state has authority to issue and to socialize spread the Islamic law to societies. This is because historically the state has a positive response to Islam which leads to the recognition of *syariah* law in the national Malaysian legal system. Secondly, the Islamic intermediaries mostly deal with the dispersion of urban attitudes and values, thus court is mostly used to cope with this.

The authors said that in the practice of legal process there were overlap conflict resolution techniques used by intermediaries. Ideally, the counselors present consultation, but in reality they also propose solution and encourage the disputants to come into agreement. Meanwhile, the *kadi* should perform arbitration; however they also make negotiation and compromise about the problem rather than producing a decision. To reach a decision the *kadi* allows the element of mediation and conciliation to enter into

the process of arbitration. Whereas, the judge should present adjudication, in the reality they have also chances to initiate mediation.

The overlapping techniques of disputes management are part of the attempts to integrate *syariah* rules with the local values such as the important of family solidarity and the ideal relationship between wife and husband, as well as the clear distinction of obligation between married man and married women. These local values to some extend lead to the discrimination against women. For instance in the case of Yusuf and Roslina as illustrated in chapter six; Roslina who works as barmaid is seen as a person having a bad morality by society. A barmaid is not considered as an appropriate job for women in Malaysia. People said a bad thing related to Roslina's work. Her mother in-law also makes bad arguments against Roslina.

During the mediation the counselor asked to Roslina about her job. The counselor argued that if Roslina does not make anything blameworthy, people will not blame her. In this case the counselor asked her whether she did a wrongdoing or having affair with boy friend. Roslina answered that she only worked to feed her children, but people still talked about her. In this case, the consultation turns to an issue of morality not to the main issue that her husband did not give maintenance to her and her children. From this case, I found that women were placed in a difficult situation, in the one side she should feed her children without any alternatives work; on the other side, she should keep maintaining her local values about morality.

From this research, the authors found that there are at least three types of responses used by the mediators when handling the cases; formal, semi formal and informal. The first type is usually used by intermediaries dealing with the adjudication. The second category is initialized in managing cases to reach arbitration. The third method is used in the consultation, conciliation and mediation. Each of these methods proposes for dispute settling process. The mediator chooses a way of handling disputes based on some considerations; firstly, what is the aim of the dispute management, is it to communicate, to harmonize or to recompense? Secondly, the main concern of the process, is it on the person or on the relationship

between wife and husband? Thirdly, how to assess the case; does it refer to local norm or *syariah*?

Those three methods depict that there is a judicial hierarchy among the counselor, *kadi* and judge. The counselor can only use an informal way to resolve the problem posed by disputants. They usually initiate and facilitate a contact between disputants. They usually prefer to use a local norm such as the important of the relationship rather than *syariah;* this norm is used to make the disputants cool down. The *Kadi* can use two ways; informal and semiformal. The *kadi* has also an authority to use all techniques of disputes management but adjudication. The *kadi* use an informal way to explore the past and present objection of the quarreling parties. In addition, the *kadi* recognize the personalities of the parties when measuring the acts. Meanwhile, the judge can use all three types of methods. He usually works in the formal setting of courtroom, but he can also use semi formal and informal way depend on the cases. He can change what is adjudication to mediation, conciliation and arbitration. This changing is aimed for achieving the best solution for the disputants for example to repair their relationship, to come into agreement, or to get divorce.

The dominance of morality issues used in the legal process is an illustration how the local norm is an important aspect of Malaysian life. At the same time this phenomenon lead to the following consequences; first, the mediator did not manage the real problem involving each parties such as economic difficulty, wife and husband relations, subordination toward women, and incompatibility of character. Second, the Islamic intermediaries do not consider the women's changing role in this country. The concept and the way used by the mediator during the legal process seems to be discriminative against women, for instance, the concept of *layan* which means to serve is a term connected to women's duty. In this part women have to serve her husband in all time and to take care of the household. Meanwhile, men have to provide maintenance and the needs of his wife and children. But in fact, many men fail to provide such maintenance for his family.

Discussion and Conclusion

This monograph is a good and interesting work as I mentioned before which contributes to the field of Anthropology of Islamic law. From this monograph I found that there are variety of conflicts happened in Malaysian family. These conflicts are handled by religious office and syariah court using different approaches depend on the problems. When advising and deciding to solve the problem in marriage the counselor, kadi and judge do not only refer to the legal rules but also consider local norms; to some extent they use it. They did not only use formal but also semi formal and informal method.

The use of local norm in the legal process is an illustration of a legal pluralism. Dupret (1999) said that a norm exists as an attempt to internalize understanding to be in harmony with others. He argued that norm is perceived as "assumption", "meaning" and or "instruments of evaluation". Norm is also referred to "the abstract formulation of what ought to be" and "the usual condition, encountered in most cases". Eventually, norm does not exist individually; it internalizes and correlates with others. In this case local norm interact with the cases handled by religious office and *syariah* court. Furthermore, he argued that norm is a part of social control, and social control is a part of subject-matter of legal pluralism (Dupret, 1999: 31). Dumont (1983) as quoted by Dupret (1983) states those norms are closely related to the idea of values which tend to be hierarchical frameworks and hegemony (Dumont, 1983 as quoted by Dupret, 1999: 35). Referring to the above idea, it can be understood that local norm in Malay society to some extent become powerful than the legal acts itself. At the same time, this situation leads to the creation of subordination during the process of disputes resolution, for instance, promotion of the concept of *layan*; it creates subordination against women.

From the previous part, I found that women had more complain reported to the religious office or *syariah* court. In the religious office, their problems are mostly maintenance, estrangement, polygyny, desertion and negligence. Meanwhile in the *syariah*

court, their cases are mostly about *taklik* divorce, wife maintenance and child maintenance.

Data from both bodies show that women have intention to get their right such as to get divorce and get access for the property specifically for their maintenance. This is a picture how women attempt to fight against patriarchy and subordination. It is mentioned earlier that a married man have to provide maintenance for their wife and children, but in fact some of them do not do that. Therefore wives try to attain it through the formal board. This data can be an illustration of how women become aware of their right and they dare to pursue it. However, this book does not explore and analyze it more deeply, let alone use feminist perspective.

References

Altorki, Soraya & Fauzi El-Solh, Camilia. 1988. "Introduction" in Altorki, Soraya & Fawzi El-Sohl, Camilia (eds). *Arab Women in the Field.* Syracus, New York: Syracuse University Press pp. 1-23.

Antlòv Hans and Cederroth Sven. 2004. *Elections in Indonesia, the New Order and Beyond*. London: Routledge Curzon.

____. 1994. *Leadership on Java: Gentle Hints, Authoritarian Rule*. Richmond: Taylor and Francis Group.

____. 1994. "Introduction" In Antlòv, Hans and Cederroth, Sven. *Leadership on Java: Gentle Hints, Authoritarian Rule*. Richmond: Taylor and Francis Group.

Bbc. 2013. *Malaysia profile*. Accessed 15 October 2014, from: http://www.bbc.com/news/world-asia-pacific-15367879

Bouduin, Dupret. 1999. Chapter 3 "Legal Pluralism, Normative Plurality and the Arab World" In Boudouin Dupret and Maurits Berger and Laila al Zwaini (ed). *Legal Pluralism in the Arab World*. The Hague.London.Boston: Kluwer Law International.

Buskens, Lèon. 2000. "An Islamic Triangle, Changing Relationship between Shari'a, State Law, and Local Customs" in: *ISIM Newsletter* 2000 no. 5.

Cederroth, Sven. 1995. *Managing the Irrigation: Tharu Farmers and the Image of the Common Good.* Copenhagen Denmark: Nordic Institute of Asian Studies.

Cederroth, Sven & Corlin, Claes & Lindström, J. 1988. *On the meaning of Death; Essays on Mortuary Rituals and Eschatological Beliefs.* Stockholm: Almqvist & Wiksell International.

Cederroth, Sven & Nørlund, Irene & Gerdin, Ingela. 1986. *Rice Societies: Asian Problems and Prospects.* London: Curzon Press.

Cederroth, Sven. 1981. *The spell of the Ancestors and the power of Mekkah; a Sasak Community on Lombok.* Göteborg, Sweden. Acta Universitatis Gothoburgensis.

____. 1991. *From Syncretism to Orthodoxy? The Struggle of Islamic Leaders in an East Javanese Village.* Copenhagen Denmark: Nordic Institute of Asian Studies.

____. 1992. *A Sacred Cloth Religion? Ceremonies of the Big Feast among the Wetu Telu Sasak.* Copenhagen Denmark.

____. 1994. *New order modernization and Islam, Village official and religious teachers,* in Antlöv, Hans and Cederroth, Sven. *Leadership on Java: Gentle Hints, Authoritarian Rule.* Richmond: Taylor and Francis Group.

____. 1995. *Survival and Profit in rural Java: the case of an East Javanese Village.* Richmond: Curzo Press.

____. 1997. *Basket Case or Poverty Alleviation? Bangladesh Approaches the Twenty-First Century.* Copenhagen Denmark: Nordic Institute of Asian Studies.

____. 2004. "Traditional power and party politic in North Lombok 1965-1999". In Antlöv Hans and Cederroth Sven (2004). *Elections in Indonesia, the New Order and Beyond.* London: Routledge Curzon.

Cederroth, Sven and Skar, Harald.O. 1997. *Development Aid to Nepal: Issues and Options in Energy, Health, Education, Democracy and Human Rights.* London: Curzon Press.

Geertz, Clifford. 1983. "Local Knowledge: Fact and Law in Comparative Perspective". In Geertz, Clifford. *Local Knowledge,*

Further Essays in Interpretive Anthropology. New York: Basic Books. Pp. 167-234.

Hurgronje, C. Snouck. 1906. *The Acehnese*. Leiden: Late E J.Brill

Kamali, Mohammad Hassim. 2000. *Islamic Law in Malaysia Issues and Developments*. Kualalumpur Malaysia: Ilmiah Publisher.

Messick, Brinkley. 1993. *The Caligraphic State; textual Domination and History in a Muslim Society*. Berkeley, Los Angeles, Oxford: University of California Press

Mir-Hosseini, Ziba. 2000. *Marriage on Trial, a Study of Islamic Family Law*. London-New York. I.B.Taurus.

Monaghan, John & Just, Peter. 2000. *Social and Cultural Anthropology a very Short Introduction*. Oxford: New York.

Moors, Annelies. 1999. *Debating Islamic Family Law: Legal Texts and Social Practices,* in Meriwether, Margareth L and Tucker, Judith E. *Social History of Women and Gender in the Modern Middle East*. United State of America: Westview Press.

____. 2003. *Introduction: Public Debates on Family Law Reform Participants, Positions, and Styles of Argumentation in the 1990s.* Leiden: Koninklijke Brill NV.

Peletz, Michael. G. 2002. *Islamic Modern Religious Courts and Cultural Politicts in Malaysia*. Princeton and Oxford: Princetton University Press.

Robinow, Paul. 2007. *Reflections on Fieldwork in Marocco.* Berkeley, Los Angeles, London: University of California Press. Thirtieth Anniversary Edition with a new Preface by the author.

Rosen, Laurence. 1989. *The Antropology of Justice; Law as Culture in Islamic Society*. Cambridge etc: Cambridge University Press.

Syed Hassan, Sharifah Zaleha. 1975. *Syarahan Felda; Satu Pengenalan Rengkas Terhadap Masyarakat Desa dari Segi Struktur, Organisasi dan Masalah*: Kualalumpur Malaysia Jabatan Anthropology dan Sosiology Universiti Kebangsaan Malaysia.

____. 1985. *From Saint to Bureaucrats; a Study of the Development of Islam in the State of Kedah Malaysia.* Cornell University: Dissertation at Faculty of the Graduate School.

____. 1992. *Perenungan tentang Ilmu Sosial*. Bangi Malaysia: Universiti Kebangsaan Malaysia.

____. 1993. *Native Court and the Construction of Modern Legal Thinking in Sabah, a Case Study*. Sabah, Malaysia: journal of Borneo Review.

____. 1994. *Ilmu dan Authoriti Pengalaman Sosial seorang Kadi.* Selangor, Malaysia: Institut Alam dan Tamadun Melayu University Kebangsaan Malaysia.

____. 1998. *Malaysian Women in the Wake of Change*. Malaysia: Gender Studies Programme, Faculty of Arts and Social Science, University of Malaya.

Syed Hassan, Sharifah Zaleha & Cederroth, Sven. 1997. *Managing Marital Dispute in Malaysia Islamic Mediators and Conflict Resolution in the Syariah Court*. Richmond, Surrey TW9 2QA: Curzon Press Ltd.

Woodman, Gordon R. 1999. Chapter 1 the Idea of Legal Pluralism. In Boudouin Dupret and Maurits Berger and Laila al Zwaini (ed). *Legal Pluralism in the Arab World*. The Hague. London. Boston: Kluwer Law International.

Author Guidelines

Heritage of Nusantara is a specific journal for the studies of Nusantara heritage. Nusantara meant in this journal is the areas covering Indonesia, Malaysia, Brunai, Southern Part of Thailand, Southern Part of the Philipines and also Timor Leste.

Heritage of Nusantara is a peer reviewed journal using bilingual (English and Arabic). The aims of the journal is to introduce the richness of the cultural legacies or heritage of Nusantara in particular and to show its relations as well as contributions to the world heritage in general by publishing the research papers, articles and literary criticism or book reviews concerned. It is hopefully intended to give a better and wider outlook and understanding to the readers concerning the heritage of Nusantara, and above all offers a wide variety of analysis on how to preserve and develop the heritage of Nusantara.

Therefore, the journal welcomes the papers from the scholars and experts from all disciplines of humanity, social sciences, and religious studies related to the mission of the journal.

The journal requires the article submitted to be original based on academic works (academic writing and research). In addition to that, the article submitted is never published before in any journal or is being reviewed for possible publication in certain time in other journal. All the articles submitted will be reviewed by certain editors, editorial board as well as blind reviewers appointed by the journal. Any article does not meet the requirement of the guidelines will not be considered and will be declined.

The number of the words of the article is between 10000 to 15.000 words at length. References, tables, figures, appendices and notes are included in those words. As for the abstract, it must not exceed from 150 words with 5 key words. The articles with quotations and passages from local or foreign language should be translated into English. Electronic submissions are welcome and should be sent to mail journal.

Referencing Guidelines
Referencing is the very important system in the academic writing to show that the work has a high quality of academic writing. Therefore referencing is required for the article submitted to this journal. The journal uses the Harvard referencing system as follow:

A. Citation in the Text (Author-date method)

All statements, opinions, conclusions etc. taken from another writer's work should be cited, whether the work is directly quoted, paraphrased or summarised. In the Harvard System, cited publications are referred to in the text by giving the author's surname and the year of publication in one of the forms shown below. If details of particular parts of a document are required, e.g. page numbers, they should be given after the year within the parentheses.

1. If the author's name occurs naturally in the sentence the year is given in the parentheses:- e.g. In a popular study, Harvey (1992, P.556) argued that….
2. If however, the name does not occur naturally in the sentence, both name and year are given in the parentheses:- e.g. More recent studies (Bartlett 1996; James 1998) show that....

3. When an author has published more than one cited document in the same year, these are distinguished by adding lower case letters (a,b,c, etc) after the year and within the parentheses:-e.g. Johnson (1994a) discussed the subject….
4. If there are two authors, the surnames of both should be given:- e.g. Matthews and Jones (1993) have proposed that….
5. If there are more than two authors the surname of the first author only should be given, followed by et al:- e.g. Wilson et al. (1997) conclude that….
6. If there is no originator then "Anon" should be used:-e.g. A recent article (Anon 1993) stated that….
7. If you refer to a source quoted in another work you cite both in the text:-e.g. A study by Smith (1960 cited Jones 1994 p. 24) showed that…. (You need to list the work you have used, i.e. Jones, in the main bibliography)
8. Page Number: If you are referring to the overall argument of a book or article, do not use page numbers, e.g. "Nunan (1986) presents many different varieties of syllabus." If, however, you are referring to a specific point within a book or article, mention the page number(s), e.g. "Allwright (1982 p. 56) provides an example of intervention in a lesson."
9. Quotations:- A short quotation of less than a line may be included in the body of the text in quotation marks. e.g. …so "good practices must be taught" (Smith 1996, P. 15) and we should… But if it is longer, start a new line and indent it. You must include the page number. Theory rises out of practice, and once validated, returns to direct or explain the practice (Stevens 1997, p. 92).
10. Diagrams:- Diagrams should be referenced as though they were a quotation, with the author and date given alongside and full details in the list of references.

B. Additional Notes about Citations

Personal communications:-Taken from: APA, 1983, *Publication Manual of the American Psychological Association. 3rd ed.* Washington: APA.

These do not provide recoverable data and so are not included in the reference list. Cite personal communications in the text only.

Give initials as well as the surname of the communicator and provide as exact a date as possible. e.g. Many designers do not understand the needs of disabled people, according to J.O. Reiss (personal communication, April 18, 1997).

C. The Bibliography at the End of a Piece of Work

The term bibliography describes references to cited documents given in a list at the end of the text. These are usually described as bibliographic references.

(In some departments the bibliography is called a references list and there is a separate bibliography of works that have been read but not cited.)

In the Harvard System, the references are listed in *alphabetical order of authors'' surnames*.

If you have cited more than one item by a specific author they should be listed chronologically (earliest first), and by letter (1993a, 1993b) if more than one item has been published during a specific year.

Whenever possible, elements of a bibliographical reference should be taken from the title page of the publication.

Each reference should use the elements and punctuation given in the following examples for the different types of published work you may have cited.

Reference to a book

Elements to cite:
Author's Surname, Initials.,
Year of publication.
Title.
Edition. (if not the first).
Place of publication:
Publisher.
e.g. Mercer, P.A. and Smith, G., 1993. Private viewdata in the UK. 2nd ed. London: Longman.

Reference to a contribution in a book

Elements to cite:
Contributing author's Surname, Initials.,
Year of publication.
Title of contribution. Followed by *In.*
Initials. Surname, of author or editor of publication by ed. or eds if relevant
Title of book.
Place of publication:
Publisher,
Page number(s) of contribution.
e.g. Bantz, C.R., 1995. Social dimensions of software development. *In.* J.A. Anderson, ed. Annual review of software management and development. Newbury Park, C: Sage, 502-510.

Reference to an article in a journal

Elements to cite:
Author's Surname, Initials.,
Year of publication.
Title of journal
Volume number and (part number),
Page numbers of contribution.
e.g. Evans, W.A., 1994, Approaches to intelligent information retrieval. Information processing and management, 7 (2), 147-168.

Reference to a conference paper

Elements to cite:
Contributing author's Surname, Initials.,
Year of publication.
Title of contribution. Followed by *In:*
Initials. Surname, of editor of conference proceedings (if applicable) followed by ed. or eds.
Title of conference proceedings including date and place of conference.
Place of publication:
Publisher.
Page numbers of contribution.

e.g. Silver, K., 1991. Electronic mail: the new way to communicate. *In:* D.I. Raitt, ed 9<u>th</u> <u>international online information meeting</u>, London 3-5 December 1990. Oxford: Learned Information, 323-330.

Reference to a publication from a corporate body
(e.g. a government department or other organisation).
Elements to cite:
Name Of Issuing Body,
Year of publication.
<u>Title of publication</u>.
Place of publication:
Publisher,
Report Number (where relevant).
e.g. Unesco, 1993. *<u>General information programme and UNISIST</u>*. Paris: Unesco, (PGI-93/WS/22).

Reference to a thesis

Elements to cite:
Author's Surname, Initials.,
Year of publication.
<u>Title of thesis</u>.
Designation, (any type).
Name of institution to which submitted.
e.g. Agutter, A.J., 1995. <u>The linguistic significance of current British slang</u>. Thesis (PhD). Edinburgh University.

Electronic material - following the Harvard System
No standard method for citing electronic sources of information has yet been agreed upon. The recommendations in this document follow the practices most likely to be adopted and are intended as guidance for those needing to cite electronic sources of information now. Those intending to use such citations in papers submitted to scholarly journals should check whether an alternative method is used by that journal.

This section taken from:

Holland, M. (1996). Harvard system [online]. Bournemouth University.
Available from:
http://www.bournemouth.ac.uk/service-depts/newslis/LIS Gen.citation/harvardsystint.html [15 Apr 1996].

Elements to include in the list of references at the end of a work
1. Reference to individual works
   Author/editor. (Year). *Title* [online]. (Edition). Place of publication, Publisher (if ascertainable). Available from: URL [Accessed Date].
   e.g. Holland, M. (1996). *Harvard system* [online]. Poole, Bournemouth University. Available from:-http://bournemouth.-ac.uk/servicedepts/lis/LISPub/harvardsyst.html [Accessed 15 Apr 1996].
   Library Services. (1995). *Internet user glossary* [online]. North Carolina, North Carolina State University. Available from:-
   gopher://dewey.lib.ncsu.edu:70/7waissrc%3A/.wais/Internet-user-glossary [Accessed 15 Apr 1996].

2. Reference to E-Journals
   Author. (Year). Title. *Journal Title* [online], volume (issue), location within host. Available from : URL [Accessed Date].
   e.g. Korb, K.B. (1995). Persons and things: book review of Bringsjord on Robot-Consciousness. *Psychology* [online], 6 (15). Available from: gopher://wachau.ai.univie.ac.at:70/00/-archives/psycholoquy/95.V6/0162 [Accessed 17 Jun 1996].

3. Reference to mailbase/listserve e-mail lists
   Author. (Day Month Year). Subject of message. *Discussion List* [online] Available from: list e-mail address [Accessed Date].
   e.g. Brack, E.V. (2 May 1995). Re: Computing short courses. *Lis-link* [online]. Available from: mailbase@mailbase.ac.uk [Accessed 17 Apr 1996].

Jensen, L.R. (12 Dec 1995). Recommendation of student radio/tv in English. *IASTAR* [online]. Available from: Listserv@ftp.nrg.dtu/dk [Accessed 29 Apr 1996].

It should be noted that items may only be kept on discussion group servers for a short time and hence may not be suitable for referencing. A local copy could be kept by the author who is giving the citation, with a note to this effect.

4. **Reference to personal electronic communications (E-mail)**

Sender (Sender's E-mail address). (Day Month Year). *Subject of Message.* E-mail to Recipient (Recipient's E-mail address).

Lowman, D. (deborah-lowman@pbsinc.com). (4 Apr 1996). RE>>*ProCite and Internet Refere.* E-mail to P. Cross (pcross@bournemouth.ac.uk)

5. **Reference to CD-ROMs**

This section refers to CD-ROMS which are works in their own right and non bibliographic databases.

Author/editor. (Year). *Title* [type of medium CD-ROM]. (Edition). Place of publication, publisher (if ascertainable). Available from: Supplier/Database identifier or number (optional) [Accessed Date] (optional).

e.g. Hawking, S.W. (1994). *A Brief history of time: an interactive adventure* [CD-ROM]. Crunch Media (See Harvard Referencing style)

Detail of the requirement of the writing system in this journal is as follow:

1. Articles should be written in the format of 1.5 space
2. Articles should be written in standard Letter (8.5x11) margin: top 1.2 cm, below: 0.6, left: 0.8 and right: 0.6.
3. The capital letter and bold must be used for the title with 12 Times New Roman
4. The name of the author should be written in Capital and bold with 10 times New Roman
5. The affiliation of the institute should be written with the capital letter with 10 Times New Roman
6. If the article has Sub title, 10 point (Times New Roman) with capital letter should be used

7. The distance between title and the author as well as the affiliation of the author is 1.5 space
8. The space of the paragraph is 1.5
9. The writing should be begun with the abstract and key words
10. Title of the article, the author, affliation abstract and key word has the format of 1 space.
11. If the author is more than one, they should be written as follow: The first author, the second and so on. Each has the foot note explain the name of the university, institution/organization, region, state as well as the email address.
12. The author should not more than 5 persons.
13. Sub title should be numbered and separated with 1 space if another sub title appears.
14. The structure of the article should consist of the following:
    a. Title, author, email and the affiliation of the author Abstract and key words
    b. Introduction
    c. Method of the writing
    d. Theoritical Framework (the theory used by the author in the writing.) In this case, the author is able to demonstrate the accuracy of the theory used to analyze the problem with accurate arguments.
    e. Discussion (including the analysis from the author on the problem)
    f. Conclusion
    g. Acknowledgement if any
    h. List of References

Authors Obligation
1. Author should be able to show the accuracy of the data in the research done. It should be done honestly to avoid deception and plagiariasm.
2. The corresponding author must have the permission from other authors for every publication.
3. Ghost authorships and gift authorships are forbidden, i.e., the author mentions all people without explaining their roles and contributions in helping the research.

4. Originality of the article submitted is the most important thing. Thus, the paper submitted must be original from the author's work. The author wants to submit the previous article that has not been published yet for some reasons, the materials used needs to be renewed to have different perspective and result. Therefore it will be different from the previous version.
5. All material which is based on prior work, including from the same authors, must be properly attributed to the prior publication by proper citation.
6. The Authors must fairly and honestly mentions the sources of the data used/cited in the article including the theoretical foundation or references as the basis of the analysis.
7. The author is permitted to make academic criticism based on accurate academic arguments and on the contrary is strictly forbidden to make personal criticism.
8. The research itself, as reported in the manuscript, should have been conducted in accordance with commonly accepted ethical standards.
9. The authors have the obligation to notify the editor immediately should any of the statements in this list cease to be true.

Publication Ethic and Malpractice Statement

Heritage of Nusantara is a peer-reviewed international journal. The Journal is available in print and online and is published twice in a year. This statement is based on COPE's Best Practice Guidelines for Journal.

The Board of Research of the Ministry of Religious affairs of the Republic of Indonesia as the publisher of this journal, will takes all the responsibilities for all the process of the publication of the journal. The committee appointed by the Board of Research will be independent in making editorial process of the article. Any financial policies from the Board of Research will have not any impact at all on editorial decisions.

Publication decisions

The editor of the Heritage of Nusantara has the authority to select the article to be published in the Heritage of Nusantara. However, it is worth noting that the authority is based on academic responsibility to present high academic standard of International Journal. It is for that reasons, the heritage of Nusantra has some criteria in making the academic rules.

Fair play

The board of the editors will treat all the articles submitted fairly by disregarding the race, gender, sexual orientation, religious belief, and ethnic origin, citizenship, or political philosophy, gender, religious belief of the authors. Further, the board of the editors will stick to the agreed rules to give equal treatment to all those who want to submit the paper.

Confidentiality

The editor and any editorial staff must keep all the data and any relevant information concerning the data, author and reviewers confidential to avoid bias in the process of judging the article.

Disclosure and conflicts of interest

To keep the intellectual property rights of the author, the editor will not use the unpublished material without the permission from the author formally in written letter.

Duties of Reviewers

The reviewers are supposed to help the editors to give valuable comment on the article to make it easy for the editor to select the appropriate paper to be published in the journal.As for the Peer reviewer,help the editor by building communication with the author for the betterment of the article.

Time

All the reviewers are hoped to pay a great attention to the time decided for the collection of the paper after being reviewed. Under special circumstances, for example the reviewers need more time or

cannot perform the duty to review the article, and have an objection or excuse concerning the time, should notify the editors.

Confidentiality

Any manuscripts received for review must be treated as confidential documents. They must not be shown to or discussed with others except as authorized by the editor.

Objectivity

Reviews must give an objective comments and critics on the quality of the article and not on the author's personality. It is worth noting that the comments and critics given should be based on academic arguments.

الصورة (*The Terengganu Inscription*) في الغلاف الأمامي مأخوذة من الصورة في المقالة *Dialetic Between Islamic Law and Adat Law in the Nusantara: A Reinterpretation of the Terengganu Inscription in the 14th Century*

محور هذه المجلة هو تزويد القراء بمعلومات حول خطة إندونيسية ودولية في تطوير المؤلفات والتراث الديني من خلال نشر المقالات والتقارير البحثية ومراجعات الكتب.

تركزت هريتيج اوف نوسانتارا للبحث في المؤلفات الدينية سواء كانت معاصرة أو قديمة، والتراث الديني الواقع في جنوب شرق آسيا، وترحب بمساهمات المثقفين والعلماء المتخصصين فى هذا المجال.
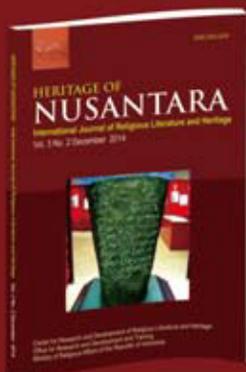
Articles

Modern Gnostics: The Pursuit of the Sacred in Indonesian Islam
Joel S. Kahn

Sayyid: "The Stranger King", Religion and Tradition the Case of Cikoang
Muhammad Hisyam

Tafsir *Al-Mishbah* in the Frame Work of Indonesian Golden Triangle *Tafsirs*: A
Review on the Correlation Study (*Munasabah*) of Qur'an
Hasani Ahmad Said

Balinese Minority Versus Sasak Majority: Managing Ethno Religious Diversity and
Disputes in Western Lombok
Erni Budiwanti

Maintaining Cultural Heritage of Nusantara and its Relations to
the World Heritage
Lukmanul Hakim

The Early Development of Sunnism and Its Relation With Javanese Sufis
Abd. Rachman Mas'ud

Dialetic Between Islamic Law and Adat Law in the Nusantara: A Reinterpretation
of the Terengganu Inscription in the 14th Century
Ayang Utriza Yakin

الشيخ متولي الشعراوي وأفكاره حول أيات الجلباب في تفسيره المعروف وأثره في إندونيسيا
*Asy Syaikh Mutawwali asy Sya'rāwi wa afkārihi ḥaula Âyātil Jilbābi fī Tafsīrihil
Ma'rūfi wa Āŝārihi fī Indunisia*
Zainal Arifin

Book Review

Understanding Marital Disputes Management
in Religious Office and Syariah Court in Malaysia
Zakiyah