

**A BLEND OF LOCAL AND SCRIPTURAL LAWS?
(A CASE STUDY ON DISPUTE SETTLEMENT OF THE GAYOS OF
INDONESIA AND THE TAUSUG OF THE SOUTHERN PHILIPPINES)**

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Abstrak

Artikel ini mengkaji praktek penyelesaian konflik personal pada masyarakat yang hidup di dalam sistem hukum yang majemuk. Diskusi difokuskan pada dua masyarakat Muslim yang berasal dari wilayah Negara, wilayah geografis dan budaya yang berbeda, yaitu masyarakat Gayo (Indonesia) dan masyarakat Tausug (Philipina). Tujuan dari tulisan ini adalah untuk mengkaji bagaimana aturan-aturan hukum keagamaan, kondisi sosial-politik, dan tradisi budaya saling jalin berkelindan di dalam membentuk konsep masyarakat tentang hukum, dan bagaimana manifestasi konsep tersebut pada penyelesaian konflik.

Melalui pendekatan praksis (diskursus) dapat dilihat bahwa agama sebagai realitas sosial bukanlah sebuah entitas yang tunggal, seragam, apalagi monolitik. Analisis memperlihatkan bahwa amalgamasi antara ketiga sistem nilai yang berbeda akan menghasilkan variasi pada artikulasi hukum dan juga praktik penyelesaian konflik di antara masyarakat Muslim.

Data diperoleh dari penelusuran literature dan dianalisa dengan menggunakan metoda analisa naratif.

Kata Kunci: *Gayo, Tausug, conflict resolution*

Background

The relation between state, law, society, and religion, is an interesting topic that has been and will be discussed over the years. It seems that, social and political dimensions -- such as political factions and relationships, religious practices, culture and traditions -- have in

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fact influenced the processes of drafting, implementing and enacting legal rules. Cultural values and moral principles have become indispensable parts of social dynamics- in the drafting and the implementation of legal texts as well as in shaping local community responses to attempts law enforcement.

Regarding the state enforcement of the law, how did Islamic values influence Muslims behavior toward it? It should be noted first that Islam it self is not a monolithic religion, which is neither changeless nor homogeneous (Ernst 2003: 64). As indicated in the literature, the interface between the teachings of Islam -- which are based on holy scriptures -- and the variety of local cultures has shaped different Islamic societies or in fact civilizations. According to Marshall Hodgson (cited in Ernst 2003: 64; Woodward 2001: 7917; Bowen 1993: 6), the kind of civilization and cultural practices accepted by Muslim and non-Muslims, associated with Islamic religious tradition but not derived from the primary Islamic scriptural sources, can be defined as Islamicate culture.

Islamicate relates to the end-product of the dynamic tensions between orthodox Islamic doctrine and the so-called “lived Islam” and its local cultural setting. Here, lived or folk Islam is a product of discursive practice (Woodward 2001, 7917; Bowen 1993, 9). This practice common to many cultures shows that Islam is not a monolithic religion. Many Muslims immerse their religious beliefs in responding to life affairs. According to the symbolic-interaction paradigm, people construct religious beliefs as a means of responding to life’s uncertainties and disruptions (Berger 1967 cited in Macionis 2001: 511).

The relation between Islamic values and behavior toward the law can be reconciled through the vision of Islam. As Murata and Chittick clarify (1994: 45-52), being faithful to Islam, a Muslim believes in the oneness of God (*Tawhid*). Surrender to God is the basic obligation, as it is declared in the first dimension of Islam. In other word, to obey the instructions of God is the only way of being a Muslim. This is accompanied by the dimensions of *Iman* (faith) and *Ihsan* (doing what is beautiful) that ensure the Muslims act in the righteous way. For the Muslims any activity should always be undertaken for the sake of God. This is especially true when Islam stresses the importance of legal rules in man’s relation with both God

and his fellow men (Kiefer 1972a: 86). ‘Problems’ will arise if people recognize several types of law which are also based on different sources.

In this regard, the experience of Indonesia as the world largest Muslim majority country is important. According to Ali (1986: 187) ‘the Indonesian legal system, as a result of its historical development, is a composite of various legal systems, each with its own pattern: the traditional legal system, the Islamic legal system and the western legal system’. Each provides rules that have legal forces (Bowen 2003: 12). Here, Indonesia’s state law adopts the civil law system, a legacy of the long-term Dutch colonialism in Indonesia. But in implementing the law, the application of these three normative norms in Indonesia is ambiguous since locality and universality have to be taken into consideration within a limited time frame. The universality of state regulation often conflicts with the local regulation that is *Adat*, and also the law that applies to Muslim or Islamic law (*Sharia*). This condition precisely affects social life, as there are hundreds of groups with different ethnic cultures, religions and unique value systems and history, and so on. These multicultural and multi-religious situations often make it difficult for Muslims to decide which law to follow.

According to Bowen (2003: 3), Indonesian Muslims have struggled over how best to apply the legal traditions and religious norms of Islam to family life. One wonders how people in this pluralistic society can live together, admitting different values and forms of life, recognizing and tolerating one another. Through his long research in *Gayo* society, Bowen (2003: 6) found that women and men are engaged in debates about the relative merits of *Adat*, Islam and state laws. Lately, people in other cultural, political and social settings are struggling to enact Islamic law in their regions, such as Nanggroe Aceh Darussalam, Tasikmalaya, Cianjur, and Makasar.

Then there is the issue of “state religion” or to make Islam the state ideology that has been raised since the establishment of Indonesia. In this regard, Islamic scholars are divided into many factions. Some support the idea of constituting an Islamic State, as they believe that Islam provides a comprehensive and detailed social, economic and political system. Others reject that idea as they believe that an Islamic state that would be normative would only harm the universal norms as not every citizen is a Muslim. This faction believes that putting an

Islamic State into a pluralistic society would not be appropriate, because it is believed that Islamic values are universal, but the formalistic way is rejected.

In order to understand better the law discourse in Muslims society, this study will seek and examine similar situations among some Muslims in the Philippines. According to McKenna (1998: 2), Muslims represent only a small percentage of the Philippine population, concentrated in the south of the country and are distinguished from Christian Filipinos not only by their profession of Islam but also by their evasion of three hundred years of Spanish colonial domination.

The relationship between state, law, society, and religion in the Philippine context is characterized by disharmony between Muslims and the State. Ever since the incursion of the Spanish and American conquests, and the later Philippine government, the story of Muslims in Philippine is about warfare and/or insurgency (Kiefer 1972b: 22). A later study by McKenna (1998: 1-4) shows that the Moro nationalist identity which motivated in great part the separatist movement, originated only during the American colonial period. The modern movement of separatism set by Philippine Muslims students in 1960s gained popular support after the declaration of martial law by President Ferdinand Marcos in 1972. Muslim civilians were supporting the separatist insurgents.

Only after the 1980s factional infighting within the separatist group and also because of the declining of popular support, the separatist group, as McKenna stated (p.3), refashioned itself and adopted the practices of popular politics, struggling over political autonomy and forming an Islamic political party. This kind of movement received substantial support from ordinary Muslims. In spite of several efforts to attain peace in the south, for example the enactment of the Code of Muslim Personal Laws under the Marcos regime, up to now, fighting still erupts between the separatist group and the Armed Forces of the Philippines. This can be seen as the total number of evacuees and internally displaced persons in Cotabato and other ARMM (Autonomous Regions in Muslim Mindanao) areas has reached almost a hundred thousand (90.620) and is still rising (Solamo-Antonio 2003: 2). For the time being, the conjuncture of Muslim life in Philippine seems to be unsettled as Moro society remains excluded in national development, while the signal of peace remains silent.

For Philippine Muslims, the consequence of the implementation of 1987 Constitution is the opportunity to apply *Sharia*. But the *Sharia* - both family and criminal cases- was enacted only until 1996 when the New Organic Act (Republic Act No.9054) has been issued. By the application of *Sharia*, Muslims in the Philippine are exposed to the implementation of heterogeneous legal systems --the similar situation with their Muslims fellow in Indonesia--. In term of relationship with the state, the question remain how this Muslims society, as a minority in Christian country, respond to the law imposed by the state especially in the settlement of family feud or land conflicts, among others? In comparison with the Indonesian case, what are the similarities, if any, between the Gayo and the Tausug in adapting the *Sharia* to local situations and the local customary law (*Adat*)?

Objective of the Paper

This paper employs an anthropological approach to understand how religious jurisprudence, socio-political, and cultural tradition are interwoven in shaping the people's idea of law in the process of working out a dispute. Based on that, I will focus on one aspect of the social life of two Muslims societies, the *Gayo* of Indonesia and the *Tausug* of Southern Philippines. Data about the two Muslims communities is developed through a literature study focusing on how each group settles family feud and what form of the legal system they comply with to settle a dispute. For the *Gayo* I use portions of John Bowen's "Muslim through discourse" and for the *Tausug*, I base my research on Kiefer's "*The Tausug: violence and law in a Phillipine Moslem society*". The main interest of this paper is to discuss and analyze the discourse of law at the local level. In doing so, the description of local practices within the two communities, particularly on the settlement of family dispute, will be presented.

Discussion on State, *Adat*, and Religious Law

How people perceive way to maintain their existence of differing ideas of justice is a point of discussion of society living in a pluralistic legal system. People will be able to negotiate different notions of justice if they are conscious about their identity. Problems of living in a pluralistic society can be overcome when people are able to

internalize any differences with others. To obtain a better understanding of the people's discourse on law, focus shall be given on the norms that are derived from the country's existing legal systems. Below is the explanation of the legal concepts that are derived from the three legal systems, the State law, *Adat*, and Islamic law.

a. State law

The state law encompasses all statutes, decrees, codes, jurisprudence, treaties, state conventions, and customs that are recognized and enacted by the state in the present time. The implementation of the state law is directed towards promoting and maintaining social order. The police, judges (courts), and public defendants, are the enforcers of state law. Ignorance to state law will bring particular sanction to the breaker, such as a fine, a jail sentence, or a death sentence. Particular subpolitical entities, such as adat and Sharia are accommodated in some sort of statute, code, decree, and so on. For example, the 1974 Marriage Bill of Indonesia leaves the definition of marriage to the religion of the couple (Bowen 1999: 92-93). In marriage, the state allows the application of religious law by its adherents: the Sharia for Muslims, the Canon law for Christians, Weda for Hindus, among others.

b. Adat or customary law

Adat² (also known as sara adat) is a set of norms, values, and rules applying to a group of people living in a particular area (not necessarily based on geographic location), usually the indigenous people or the native. Usually Adat is unwritten; it is the customary law transmitted through generations usually by way of an oral tradition. The validity of adat is tied to communal life, and/or the individuals who fall under its rules. According to Sanday (2002: 222), "adat represents a point of view about proper relations, a way of life that follows this point of viewpoint, as well as world-view." To some extent, the locality factor

² Any kind of customary law discussed in this study is referred to as adat.

differentiates adat from other laws.³ Consequences for not following adat are social sanctions such as humiliation and expulsion, and economic sanctions such as fines and being banned in communal economic activity.

c. Islamic Law (Sharia or Sara Agama)

According to Rasul (2003: 92), “unlike law in western sense, Islamic law covers every aspect of life, regulates a Muslim from the cradle to the grave.” It consists of actions that a Muslim is obliged to perform, refrain or prohibit from doing, and do recommended things. Furthermore, the same author explains that there are four major sources of Islamic law namely: the Qur’an, the Sunnah, *ijma*,⁴ and an analogical deduction from the three⁵; Thus, Rasul identifies four sciences of Sharia that are *Hadith* (prophetic tradition), *Tafsir* (Qur’anic exegesis), *Kalam* (theology), and *Fiqh* (jurisprudence)⁶ (Rasul 2003: 59-60).

³ For example: the Minangkabau and the Tausug have different meanings regarding the concept of friendly and respectful ties. For the Minangkabau, to be friendly and respectful of ties (*tali budi*) is their adat; and this adat is cancelled when tali budi is lost (Sanday 2002, 17). The equivalent of tali budi in Tausug is the word, *buddi* (in English, debt of gratitude; Kiefer 1972, 66). However, for the Tausug, the loss of buddi to some extent strengthens ties within the community to counteract the wrong doing. When buddi is lost, the Tausug feel betrayed, as they consider it an offense to one’s dignity. They will fight back for the sake of their self-image, and will even mobilize their allies when needed (Ibid., 65-69). Here, the mobilization of alliances will be considered an action that will strengthen ties among the allies.

⁴ This refers to a consensus among scholars on the interpretation of the Qur’an and the Sunnah

⁵ This is divided into two categories: the *qiyas* (analogical reason) and the *ijtihad* (the right of original thinking).

⁶ During the first two centuries of Islam, the schools of jurisprudence were divided into four, each led by an Imam: *Hanafi* (followed by Muslims in Central Asia, India, Turkey, and the Middle East), *Maliki* (followed in northern and western Africa), *Syafii* (followed in Eastern Africa, parts of Arabia, and Southeast Asia), *Hambali* (followed by Muslims limited to Wahhabis of Central Arabia and parts of Persian Gulf). The Indonesian and the Philippine Muslims follow the Syafii.

Social Setting of the *Gayo* and the *Tausug*

To bring the two societies into discussion, I am going to use the concept of shame. The purpose is to describe how people observe this concept in situated their personal/family conflict.

1. The *Gayo* Setting

The concept of shame, *kemèl*, in *Gayo* society has several dimensions. *First*, it is a norm that keeps social life orderly and enjoyable and prevents arguments from exploding publicly (Bowen 1993: 15). The *Gayo* style of settling dispute is keeping it out of the public domain. A basic value for the *Gayo* is that interpersonal conflicts are best discussed privately rather than coming out into public. The means to solve interpersonal conflict for the *Gayo* is by an indirect confrontation.

Informal public behavior for *Gayo* is to control their action. It means that it is important to avoid an open confrontation in a public sphere. People will feel embarrassed (*kemel*) when having an improper conduct, as if they are crossing a proper social sense of self (*mukemel*). They consider a *mukemel* person be pious as well (Bowen, 1993: 164).

Illustration 1

The context of shame can be found in a narrative about Adam and Eve's children, specifically about, Cain and Abel and the marriage of twins. Below is the narrative:

...Cain's incestuous longings resulted in sexual jealousy when Adam (his father) allows Abel (his younger brother) to marry his twin sister. Furthermore, it motivates Cain's fratricide Abel. For his action, Adam made Cain leave his domain.

...'In the context of *Gayo*, the problem of marrying siblings presents it as a conflict between the children, who possesses the proper sense of shame over incest'. (Bowen 1993: 210-211, 217)

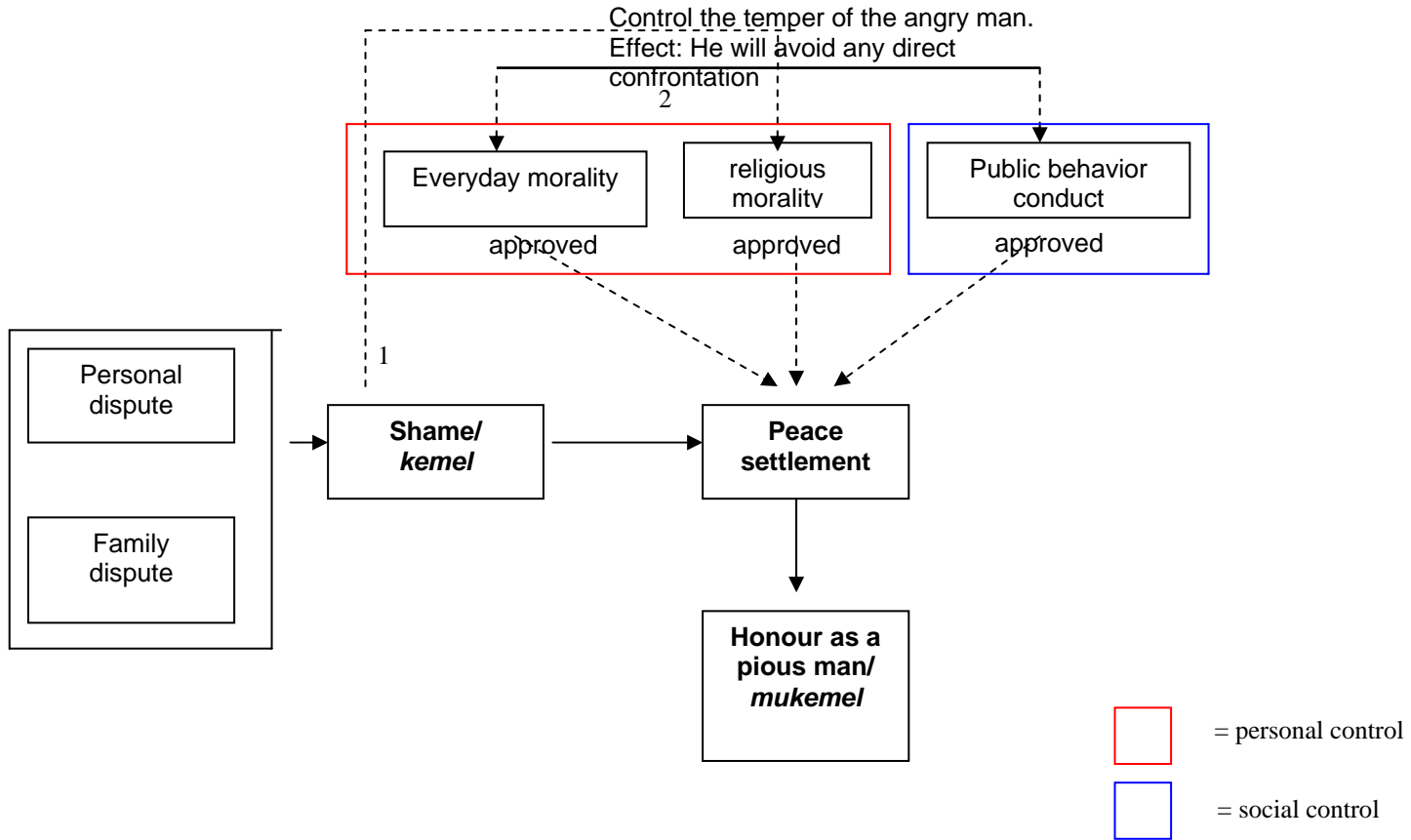
The *Gayo* concerns the dangers posed by improper marriages, especially those between close kin. ...any traceable tie may be cause for some alarm... Another narrative is the popular legend of 'Green Princess'; a girl who discovers that her husband-to-be is her long-lost brother. Having herself into ironic situation, she felt deeply shamed, and thrown herself into a nearby lake. (Bowen, 1993:212).

Second dimension of *kemel*, in term of dishonor, is discrediting of other existence. The manifestation of this only occurs in private domain, for example the use of invulnerability spell.

Illustration 2

One healer admitted to having tried the powerful knowledge called *reje sujud* (ruler [through] prostration), so called because the speakers orders iron to bow down before him as it once did before God. In activating this knowledge, the speakers puts himself in God's place and claims power for himself... At the ritual feast he said, "*I bathe in the estuary of the Berhud well. Suru is your name, iron. When you became iron, Abillah was your name. When you first crated it was forbidden [haram] for you to harm me, iron; if you do harm me Allah Taala will be ashamed of you*". (Bowen 1993: 93-94)

Figure 1
Flow Diagram of dispute settlement in Gayo society



2 The *Tausug* Setting

According to Kiefer (1972a: 86) Islam has influenced the development of legal institutions among the *Tausug*. The incorporation of Islamic teaching is rational since Muslims is obliged to establish a working community of the faithful on earth. The *Tausug* differentiates the divine law and secular law. Law that is based upon Islam is called *sara kuraan*, the interpretation of religious law is *sara agama*, while law of the government is called *sara upis*, and *sara adat* for the customary law. Furthermore, the *Tausug* is obsessed with litigation as they are with the conflict.

The male of *Tausug* values bravery, friendship, and *violence*⁷. They do not afraid to express anger (to combat) whether aggressive or reactive. They consider this as bravery not as violence. Violence may be morally wrong, but to show extreme quickness to anger in a male presupposes the bravery necessary to sustain him in frequent violent encounters. These 'violent' and bravery values related to a wider concept of shame (*sipug*), which is to avoid being embarrassed in public sphere. It is important to sustain man self-image as a brave man, otherwise he will be mentally judged as coward in his community. When it comes to encounter direct offense in the public sphere, a man of *Tausug* based the action in two level of morality (ibid, p.54). First is a common sense everyday morality. The manifestation of this can be an appearance of physical forces such as an avenged. Second it is an ideal religious morality. A belief that men do not need to seek for avenges since there is a divine power that will retaliate for other crime. The reaction itself will be attempted either by him or enlist the help of friends and allies. Sometimes, a man is not able to confront their enemy directly because he got trapped by situation.

Illustration 3 (Kiefer 1972a: 57):

“While he was involved in some trouble in his mother’s community, Pulunun and some of his allies were staying with Atari, an unmarried young man living with his first cousin in

⁷ According to Kiefer, there is no *Tausug* word can approximately be translated as violence. In regard to that, the use of violence in this paper will not refer as violence we are normally refered to. *Tausug* word that almost have the connotation with violent is *maisug*, which is mean very masculine or brave.

Tubig Nangka. One morning, Pulunun learned that his cousin Atari had supposedly touched his sister and suggested that they have intercourse together. Pulunun was extremely upset, describing his feelings as one of *pangdada*⁸. He was ashamed that someone should make an advance to his sister, even more so because Pulunun was currently helping Atari against his enemies. Fearing that Pulunun might attempt to kill him, Atari took refuge in the headman's house. The next morning, Pulunun arrived in an intense fit of rage; he fired once over the house and was restrained from firing into the house only by the timely intervention of the headman's wife. Crying ambivalently, caught between his shame on the one hand and the fact that Atari was his kinsman on the other, he told the headman – who was extremely angry at Pulunun's attempt to challenge his authority- that he could kill him if he wished, as he did not want to live any longer. While everyone knew that Pulunun was wrong in trying to kill Atari, they sympathized with his predicament. Actually, Pulunun have the right to take the grievance to the headmen, who would summon Atari. But he knew that to seek a formal legal remedy he would forfeit his right to kill Atari; to take vengeance while a case is under adjudication is to risk making an enemy of the headman as well. Once Pulunun had quieted down, the case was amicably settled; after all, he did not want to kill Atari, only to vindicate his shame. Atari was fined 50 pesos for the offense and the payment was given to Pulunun”.

The Tausug concept of feud is *parakala*, which is means trouble case (Kiefer 1972a: 74). Sometimes, an alliance is needed in relation to violent conflict. An alliance can be kinsman or friends. The alliance is both leader-centered and situation-centered for example the size of the group for any particular activity will depend both upon the situation itself and upon the leader's ability to mobilize his followers (Kiefer, 1972a: 71). Medial alliances are extremely unstable because the Tausug is an individual and lack of group orientation. Each individual is able to reconsider his participation in the alliance with each new. For them, it is common to have former allies became enemies and former enemies became friends. But, betrayals only occur when a man is forced to make a decision between two friends or between a friend and a kinsman (Kiefer, 1972a: 73).

⁸ The resentment which is felt when one is betrayed by a trusted friend or kinsman

The intensity of a feud is influenced by the nature of the relationship between the opponents, and so with the settlement. The little case, for example, killing within the minimal alliance group in a single community is not likely to result in an extended feud with multiple acts of homicide. The case quickly settled by the payment of blood money to the victim's relatives or perhaps a single act of retaliation. If the killer and his victim come from an adjacent community, a simple feud may result with multiple acts of homicide. The avenger will look for the persons who were directly involved in the original offense. The modes of combat are short skirmishes and simple ambushes. If the killer and his victim come from very distant communities, the parties will forge alliances with other minimal alliance groups. The mode of combat is a large battle.

Illustration 2 (Kiefer 1972a: 81):

“Karrun who just recently married a girl, whose kinsman had been killed by Rasad, was publicly insulted by some of the allies of his in-laws. Karrun, who had no primary antagonism to Rasad himself, abandoned his wife's kinsmen and formed an alliance with Rasad to seek vengeance for the insult. Neither his wife nor her kinsman criticized Karrun for doing this, saying “ A man's own shame is more important than that of his kinsmen, and his in-laws will understand this if they are good. In the battle, Karrun was particularly interested in killing certain of his in-laws and scrupulously avoided shooting at his own in-laws. Rasad was interested in killing some of Karrun's in-laws, but since he deference to Karrun he refrained from firing at them. On the other hand, Karrun's consanguine kinsmen remain neutral, as they did not involve themselves in the battle because they were temporarily allied with the people who had insulted Karrun. But, if Karrun had been killed or injured during the battle, they were ready to abandon their alliance with his enemies and instantly join the fight to avenge his death against their former friends”.

Tausug men are fascinated with guns. Perhaps, 50 percent of all ammunition is used for ceremonial occasions such as weddings, births, and similar affairs that are usually marked by gunfire (Kiefer, 1972a: 75). The Tausug have possessed firearms since at least the sixteenth century, and in addition they make use of bladed weapon such as wavy Malay sword or Kris (Kiefer, 1972a: 76). When go for battle, a young Tausug man today will likely be dresses in pants and shirt (often a dark

color to avoid detection), ammunition belt or sling, bladed weapon, rifle, amulets, and sometimes a pistol. They also wrap a cloth around their heads (traditional turban) to mark themselves as Muslims, which is often inscribed with quasi-Arabic writing to provide a magical effect and protect the wearer from bullets (Kiefer, 1972a:77). In armed combat, magical practices, amulets, and divination are essential to sustain a man in battle. An amulet can be made from a rare stone, a piece of wood, sea shells, and other items, which are tied around the waist, as well as written arabic spells tied in cloth and worn around the neck or biceps. The purpose is to prevent the penetration of the body by foreign metal such as knives or bullets. They believe in the ability of amulets to repel bullets, and a man who is firmly convinced of the worth of his amulets may become reckless in battle. A man of Tausug has confident expectation that the danger is really illusory. In so, the presence of divination, amulets, and other magical means serves to reduce the sense of real risk. The power of the amulets based on power of God. However, magic is used only for situations which are unpredictable by other means. But if the fortune telling is contrary to common sense, a Tausug will not trust it. These things will be discarded if it is not worked (Kiefer, 1972a:77-78).

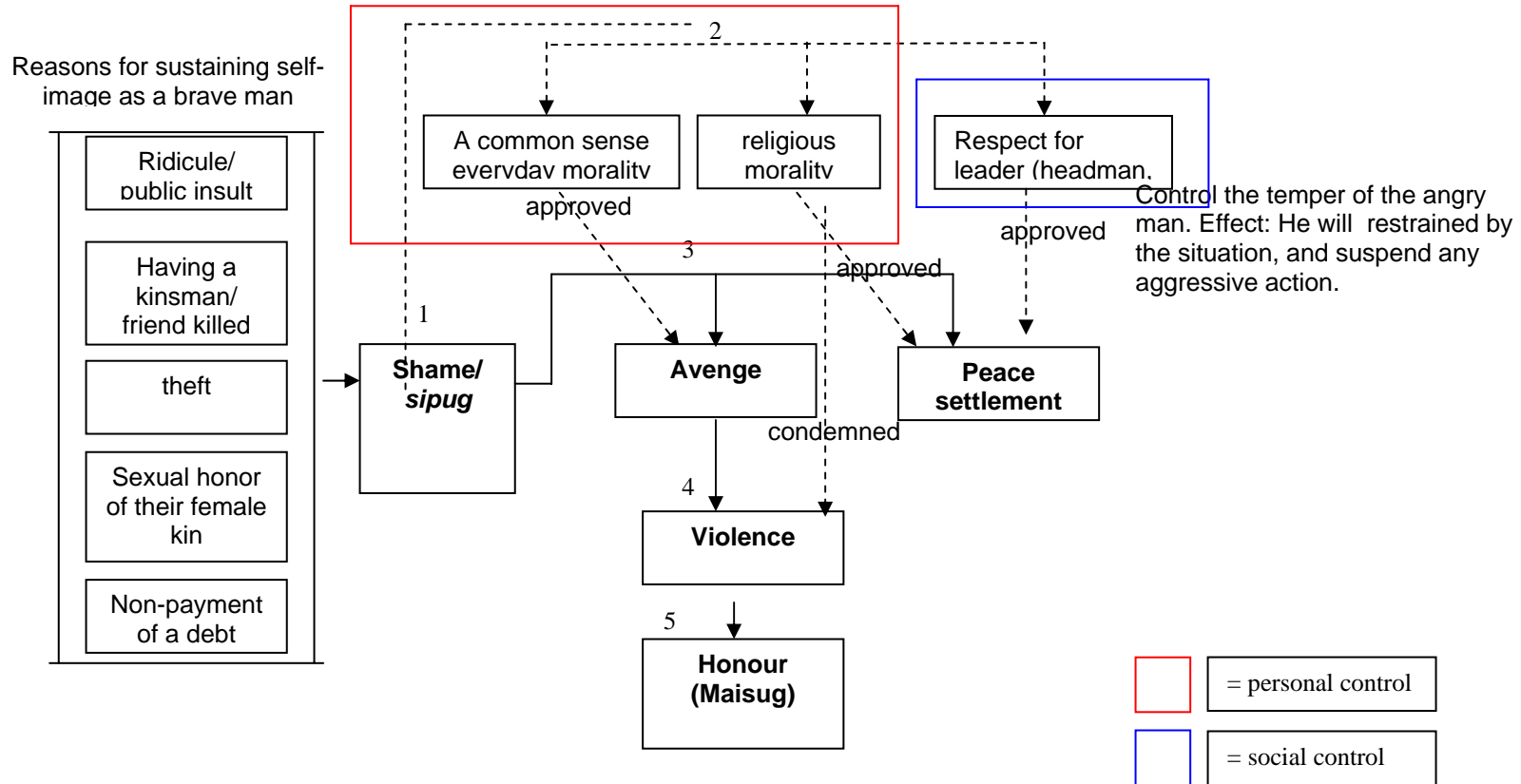
The belief in amulets is concordance with their belief in fate. A man of Tausug believes that he has the knowledge and potential to overcome the risk (reality= something that can be predicted), or if he does not, then the fate of his own death is predetermined beyond human control and he would die anyway. With his personal bravery, amulets, and other esoteric knowledge, he feels that the illusory cannot happen to him. He is seeking danger with the confident expectation that it is not really dangerous.

Another type of dispute settlement is by using adjudication. According to Kiefer (1972a: 97), there are three basic kind of procedure i.e. judgment (*paghukum*/by a competent authority), arbitration (*paghukum muslihat*), and mediation (*magsalay*). In judgmental processes, the strict application of the laws is made by the headman. The goal of the law is the punishment of the offender or settlement of the case based on the determined facts. It is to maintain order. To some extent, headmen become extremely angry at offenses of this kind, acting as if the offender had committed a personal affront to his honor (Kiefer, 1972a: 98).

Illustration 3 (Kiefer 1972a: 98-99)

'Ilu was charge of adultery and incest. She was said to have committed sexual relations with her husband's brother. They had been divorced several months before the case occurred, but the accusation implied that the offense had taken place while they were still married. An unsigned note written in Arabic script had been placed on a tree near a small market in a neighboring community and was brought to the headman of Tubig Nangka because there was no strong headman there who could take responsibility for the case. The headman immediately sent for the woman, although Rabi was away and could not be reached. the case was heard on the headman's front porch; the only other people present were a religious leader, the man who found the note, and some female kinsmen of the woman. The woman denied the charge. The headman said that is she was really innocent she should swear on the Koran that she did not do it. Three days later, Ilu confessed to her sister, who informed the headman. The punishment in this cases is standardized according to the *diwan* : payment of a fine of P105 (\$25) and a ritual whipping of 105 lashes, followed by a ritual washing of absolution in the ocean. The fine was split between the woman's husband and the headman. Rabi, the other culprit, had left Tawi-Tawi Island; he would be punished if he returned, with the entire fine going to the headman.

Figure 2
Flow Diagram of dispute settlement in *Tausug* society



Summary

In term of settling personal or family dispute, the Gayo uses a peace instrument. The purpose is to overcome conflict so that they can maintain community order. This is based on their value of correct behavior that of to be a pious man. In the public sphere, the Gayo have to control their action and they are encouraged to seek for a consensus. In another side, the correct behavior of a *Tausug* is to become a brave, honor, masculine, and magnanimous man. A man of Tausug is encouraged to express his strong feelings in a public sphere. Here, the decision to settle personal or family dispute is to search for personal correctness (to preserve rights), that is for the private sense of justice.

The non-confrontational culture of the Gayo has been effected the mode of their settlement of interpersonal conflict, which is best discussed privately rather than coming out into public. They are using an indirect confrontation to solve interpersonal conflict, either by personal settlement or by litigation. Unlike the Gayo, the Tausug, as a combative society, is encouraged its people to discuss interpersonal conflict publicly rather than kept secret. A man of Tausug has options in settling their dispute, either by litigation or through violence.

The sources of law that applies to these Muslims societies will be based on the kind of dispute settlement they follow. For the Gayo, since they are seeking for peace settlement, the source of law to settle their dispute usually based on a blend of *Adat* and *Sharia*. For the Tausug, if violence is employed, the source of law to be followed is *Adat*. If they choose the litigation procedure, the source of law to be followed is a blend of *sara adat* and *sara agama*. Both the Gayo and the Tausug, are making use the charm, amulets, spell, and other similar item in settling personal or family dispute. Nonetheless, the use of these items is not playing a major role for the Gayo since they believe that God's justice will be there for retaliation. The Tausug uses these items mostly for battle (physical conflict). The intention is to overcome the reality because the risk-taking action in conducting violence was considered illusory.

In adjudication procedure, communication becomes important instrument for the Gayo, since they do believe that the power of words can persuade other convictions. For them, speech to other people must be clear and audible, like speaking to God. While for the Tausug,

litigation is used on the basis of deference to the local leader. The rationale to choose this type of dispute settlement is to avoid being excluded in the community (maintain social status).

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