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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.

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DIALECTIC BETWEEN ISLAMIC LAW AND ADAT LAW IN THE NUSANTARA: A REINTERPRETATION OF THE TERENGGANU INSCRIPTION IN THE 14TH CENTURY¹

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Abstract

This article discusses the inscription found in Terengganu, which originated in the early XIV Century. The inscription documents the laws implemented by the rulers of the time. These texts reveal that the laws of this time came from two sources: Islamic law and customary (adat) law. In other words, the inscription indicates that legal pluralism was already in existence by the 14th Century. Adat law was the principle legal system in place, playing an important role in the archipelagic society at the time. However, there was an alternative system of Islamic law (e.g. stoning as a punishment for adultery) in place for lower social classes. This finding suggests that Islamic law was already in existence in the early 14th century—much earlier than the prevailing understanding of the history of Islamic law suggests. The article contributes by providing the new transliteration from Jawi into Latin characters and the new translation from old-Malay into modern English, which are arguably more accurate than the previous work.

Keywords: sultanate, Terengganu, Melaka, Islamic law, adat, customary law, adultery (zina), king

Abstrak

Artikel ini membicarakan Batu Bersurat yang ditemukan di Terengganu yang berasal dari awal abad ke-14. Batu Bersurat itu mendokumentasikan hukum yang diterapkan oleh penguasa pada waktu itu. Teks tersebut menunjukkan bahwa hukum pada saat itu berasal dari dua sumber: hukum Islam dan hukum adat. Dengan kata lain, Batu Bersurat memperlihatkan bahwa pluralisme hukum telah ada pada abad ke-14. Hukum adat adalah sistem hukum yang utama di tempat tersebut yang memainkan peranan penting di dalam masyarakat Nusantara saat itu. Kendati demikian, ada satu sistem hukum alternatif, yaitu hukum Islam, seperti rajam bagi pezinah di tempat itu bagi masyarakat kecil. Temuan ini mencabarkan bahwa hukum Islam telah ada pada awal abad ke-14. Artikel ini telah memberikan sumbangsih dengan menyediakan alihaksara baru dari Jawi ke huruf Latin dan terjemahan baru dari Melayu-Kuna ke Inggris-Modern yang amat mungkin lebih tepat dari karya-karya sebelum ini.

Kata Kunci: *kesultanan, Terengganu, Melaka, hukum Islam, adat, zina, raja*

Introduction

Terengganu is a place located on the East Coast of the Malay Peninsula facing the South China Sea, on the border of Pahang and Kelantan. During monsoon season (November-January), Terengganu is faced with a deluge of rain and wind from the Northeast. Fourteen rivers flow across Terengganu, feeding into the South China Sea (Talib, 1984: 1). Its capital, Kuala Terengganu, was mentioned by Ptolomeus in his map of the Malay Peninsula in 2nd Century Alexandria (Sheppard, 1949:1).

The recorded history of Terengganu begins with the semi-autonomous feudal family living in Terengganu: the Talani and Telanai families According to R.J. Wilkinson, they were the reportedly the first people in Terengganu, perhaps living prior to the reign of the kings of Syailendra in 750 CE. The Telanai family claimed to be the descendants of the King in Palembang, Demang Lebar Daun (Wilkinson: 1935:1).

During this early period, Terengganu, like other states located on the coast had one of the most important harbours for merchants from India, the Arabian Peninsula and Persia (Tibbets, 1956: 182-

209; Tibbets, 1957: 1-45). They often stopped in Terengganu on the way to the Orient. Amongst these merchants were Arab Muslim traders, who held commercial relations with people of the Malay Peninsula from the 8th to 11th Century (Sauvaget, 1948: 4 and 8; Sirâfi, 1982:89-101; Hamadâni, 1973: 13-15; Šahriyâr, 1883-1886: 231). From 7th century to 12th century, Terengganu was under the rule of the Buddhist Kingdom of Sriwijaya in the 7th Century, which ruled the majority of the Malay Peninsula at that time. As Chau-Ju-Kua stated, Töng-ya-nöng (Terengganu) was still under the rule of Sriwijaya into the 12th Century (Kua, 1911: 62).

The fall of the Sriwijaya kingdom between the 12th and 13th centuries created a power vacuum in Terengganu, giving the increasingly powerful Javanese kingdom of Singasari an opportunity to take power. The rule of the Singasari kingdom ended upon the assassination of the kingdom's fifth and final King, Kertanegara (1254-1292). In the years after the rule of the Singasari Kingdom and before the Kingdom of Majapahit took control, the Malay Peninsula experienced the process of Islamization (Lombard, 1930: 36). Evidence of this process of Islamization can be seen by the establishment of the Islamic Kingdoms of Perlak and the Sultanate of Sumudera Pasia, located close to the Terengganu area (Hasan, 1980: 80-89). The existence of neighbouring Islamic kingdoms suggests that it is highly possible that the sovereign of Terengganu Mandalika and the Minister of State, Sri Paduka Tuhan converted to Islam at this time (Fatimi, 1963: 61).

There are two lines of argumentation regarding the entry of Islam into Terengganu. Some scholars argue that Islam could have entered Terengganu by way of Samudera-Pasai (Sham, 1980: 3). According to R.O. Windstedt, the Terengganu inscription, dated 1303, was evidence of the influence of Samudera-Pasai (Winstedt, 1940: 150). This article provides even greater evidence for Windstedt's hypothesis. Also, we may think that Islam came from Samudera-Pasai thanks to the commerce from the West to the East. It is highly probable that Muslim merchants, who relied between Indochina and the Malay Peninsula, propagated Islam in Terengganu. Those merchants had a strong relationship with Indochina and mainly with Champa (Lafont, 1990: 1-45).

The second argument is one made by S. Q. Fatimi (Fatimi, 1963: 61), who argues that Islam entered from Champa. Her argument is based on the Champa inscription of 1039 and 1025-1035 (Ravaisse, 1922: 247-289), which suggests that Champa was already Muslim in the 10th and 11th CE (Cabaton, 1990: 1240). One can think that Islam in Champa might originate from China. This is because Muslim community since 7th century has been found (Broomhall, 1905: 5-36). However, recent scholarship has cast doubt on the origin and even existence of the Champa inscriptions. First, Claude Gillot, doubts that the Champa inscription even exists. This is because the Champa inscription only exists in photographs, although the inscriptions' printing plate is displayed in a museum in Cambodia². Second, even if the existence of the inscription was verified, Ludvik Kalus argues that the Champa inscription did not originate in Champa. Instead, the inscription originated in Kairouan, Tunisia. In a comparison of all artefacts from the Islam world of the time, the Champa inscription closely resembles the artefacts from Tunisia, not Champa. Kalus argues that the inscribed stone made its way to Champa as it acted as an anchor for Muslim Tunisian merchants. The stone was then left on the shores of Champa when they docked there (Kalus, 2003: 63-90). In light of the challenges to this argument, Windstet's explanation for the source of Islamization of Terengganu is more likely.

Overall, while Islam had already entered into Terengganu at the end of the 14th CE. (Manguin, 1979: 255-287), it is important to note that only a minority of the population practiced the faith. At this time, only the elite class would have converted to Islam by this time, while the rest of society continued to practice their traditional systems of belief.

The rule of Mandalika and Sri Paduka Tuhan in Terengganu—and consequently, the Islamization of the area—coincided with the growth of the agrarian kingdom of Majapahit. In 1331, the Prime Minister of Majapahit, Gajah Mada, sought to unite and conquer all of the kingdoms in the Nusantara archipelago, subsequently waging war against them. The rulers of Terengganu did not want to submit to the Majapahit kingdom initially. As a result, Terengganu was attacked and destroyed. It subsequently surrendered to Majapahit,

as was recorded in *Negarakertagama*, written in 1365 (Pigeaud, 1906-1963: 33; Gerini, 1905: 486 and 495). The death of Gajah Mada weakened the influence of the Majapahit Kingdom. Eventually, Majapahit could not maintain its control over their conquered territory.

The fall of Majapahit opened the way for yet another foreign power to take control of the Terengganu territory. At this time, the kingdom of Siam took the collapse of Majapahit as an opportunity to conquer kingdoms in the Malay Peninsula. In the early in the 15th CE, kingdoms in the Malay Peninsula—like Terengganu—were controlled by the Kingdom of Siam (Reid, 1993: 207-208)³ until the end of the 15th century.

In addition to the information provided by historical sources, we also can learn several facts about Terengganu from semi-legendary sources (e.g. folklore) on Terengganu history. The *Hikayat Hang Tuah* (Ahmad, 1991: chapter X, 226-253 and chapter XI, 254-274; Sutrisno, 1983) mentions that Terengganu was governed by the Megat family, the descendants of the King of Palembang that married non-royalty (Winstedt, 1940: 146-148). The Megat family was not regarded as true nobility by the indigenous population. Nevertheless, their rule was accepted as the Megat family were likely descendants of the Telanai family and, by status, were considered royalty (Clifford, 1992: 58). This claim is supported by the fact that there was an arranged marriage between Megat Panji Alam, the son of the Terengganu King, and the daughter of the king of the kingdom of Pahang. Such an arrangement would not have been possible if one party was not considered royalty.

What happened to Terengganu under the rule of Siam? According to *Sulalat al-Salatin (Sejarah Melayu)* written in 1424, another local source, Terengganu was a part of the Sultanate of Malacca. During the rule of Muhammad Shah (1424-1444), the kingdom of Malacca spanned from Beruas Ujung in the West to Terengganu in the East (Lanang, 1997: 56). While it is unclear what happened in the period after Muhammad Shah's death, *Sejarah Melayu* states that Sultan Mansur Shah (1459-1477) sent a fleet to attack and destroy the Siamese kingdom in order to take control over the Terengganu territory (Lanang, 1997: 96-97). Subsequently, Terengganu

was absorbed into the Pahang kingdom, which was given to Sultan Muhammad, the son of Sultan of Mansur Shah. There is evidence to suggest, however, that Terengganu became a semi-autonomous unit under the rule of Sultan Alauddin Riayat Shah's rule (1477-1488) over the Malacca kingdom (Lanang, 1997: 113-114). During this time, the king of Terengganu, Telanai, along with the king of the Rokan kingdom and the Maluku kingdom paid tribute to the Sultan Alauddin Riayat Shah.

Under the reign of the last Sultan of Malacca, Mahmud Shah (1488-1528), the kingdom of Terengganu participated in the Sultanate of Malacca in the war against the Portuguese. The kingdom of Malacca was defeated by the Portuguese in 1511 and the territory—including Terengganu—fell into the hands of the Portuguese. After the disappearance of the Malacca Sultanate and the defeat of the Portuguese by the Dutch in 1641, Terengganu submitted to the Sultanate of Johor. They stayed under their rule until 1722 (Andaya, 1999-2000: 448-449). The Sultanate of Terengganu was re-established in the first half of the 18th CE, with the first Sultan being Zainal 'Abidin I (Sheppard, 1949: 8, Clifford, 1992: 58-59, and H. Marriot, [ed.], 1916: 3).

As shown above, the history of Terengganu prior to the writing of the Terengganu inscription was quite tumultuous. Although there was some political continuity in that the Telaini family was frequently in power, Terengganu's history was one of constant political changeover, being ruled by multiple political kingdoms.

Literature Review

There are three very important works dealing with the Terengganu Inscription. First, the article of Paterson who was the first person to publish the Terengganu inscription, but the transliteration from *Jawi* (Malay in Arabic characters) into Latin characters and the translation from Malay into English was made by his colleague: Blagden (Paterson, *Journal of the Malayan Branch Royal Asiatic Society*, II, no III, 1924). The article does not provide any analysis dealing with Islamic Law and some of his reading on *Jawi* was not accurate neither complete. Second, the book of al-Attas (Al-Attas, 1970) who gives a very strong argumentation about the date of the

Terengganu inscription by providing archaeological analysis, but this book does not discuss an Islamic law aspect. The third, the article of Hooker (Hooker, 1976) that tries to discuss the content of inscription within the legal perspective, but the analysis on the Islamic law is far from what I expected. The author did not provide any references into the books in *Hadīs* and the *Fiqh* to strengthen his argumentation. Therefore, there is no really satisfying scholarly work that gives strong argumentation on what the inscription contains. The article contributes two new things. First, it will provide the new transliteration from Arabic characters into Latin and the new translation from old-Malay into modern English, which are different from the first work done by Blagden. Second, it will give a deep analysis and strong argumentation on the existence of Islamic penal law contained in the inscription.

The Inscription and Implementation of Law in Terengganu

The Terengganu inscription was discovered in 1889 by a Sayyid Husain Ibn Ghulam al-Bukhari, an Arab merchant and a researcher of tin. He found the inscription in the Teresat river near Kuala Berang, around 32 km from the mouth of the Terengganu river. According to local narratives, prior to its discovery by Sayyid Husain, the stone was used as a front step to the mosque; all who wished to enter the mosque wiped their feet on the stone. This explains the erosion on parts of the stone. Once the mosque's imam saw the inscription on the stone, indicating its holy nature, he ordered it to be moved to the river. He found it inappropriate that a holy object be used as a mat to the mosque. Once it was placed in the river, the stone was eventually found by Sayyid Hussain. The inscribed stone was subsequently presented to Sultan Zainal Abidin I and then placed in Bukit Puteri (Paterson, 1924: 252; Gordon, 2001: 35-36). Today, the Terengganu inscription is found in the Terengganu State Museum.

The finding of the Terengganu inscription is significant because it reveals that Islam was present and well-established in the Terengganu region by the 14th CE (Al-Attas, 1969: 12). It is one of the most important archaeological findings in Southeast Asia, as it is an early example of Arab-Melayu (*Jawi*) writing (Andaya, 448-

449). The inscription also shows that there was already a written tradition in Terengganu (Hashim, 1991: 2). The Terengganu inscription records a decree by a Muslim sovereign who promulgated Islamic law for his subject (Drewes, 2001: 143). This decree suggests that the “King” was quite eager to introduce and disseminate his new faith.



Photo 1: Four inscribed sides of the stone of Terengganu Inscription.



Photo 2: The Terengganu Inscription is now in the National Museum of Terengganu.

The inscription contains 29 Sanskrit words and 10 Arabic words (Paterson, 1924: 254). It is divided into three parts: 1) a preamble; 2) a list of the laws to be enacted; and 3) a conclusion. Some parts of the text are illegible, but there is a photograph of the whole inscription. The first transliteration was made by Paterson (Paterson, 1924: 255-256), who translated the inscription from *Jawi* to Latin characters. However, we argue that Paterson's transliteration is not fully accurate nor is it complete, as he misses the meanings of a few words.

Below is arguably a more accurate and complete transliteration of the inscription:

A

1. Rasul Allah dengan yang orang...bagi mereka salam
2. ada pada Dewata Mulia Raya beri hamba meneguhkan agama Islam
3. dengan benar bicara derma meraksa bagi sekalian hamba Dewata Mulia Raya.
4. di-benua-ku ini penentu ugama Rasul Allah sallallahu 'alaihi wasallam raja
5. Mandalika yang benar bichara sa-belah Dewata Mulia Raya di dalam
6. behumi. Penentua itu fardzu pada sakalian raja manda
7. –lika Islam menurut sa-titah Dewata Mulia Raya dengan benar.
8. bichara berbajiki benua penentua itu maka titah Seri Paduka
9. Tuhan medudukan tamra ini di benua Tringganu di pertama ada
10. Juma'at di bulan Rejab di tahun sarthan disasanakala
11. Baginda Rasul Allah telah lalu tujuh ratus dua

B

1. keluarga di benua jauh...kan...nur
2. datang berikan. Keempa ...orang berpihutang
3. jangan mengambil ...(a)mbil hilangkan emas
4. kelima derma barang orang...(mer) deka
5. jangan mengambil tugal buat...t...emas
6. jika ia ambil hilangkan emas. Keenam derma barang
7. orang berbuat balachara laki-laki perempuan sa-titah
8. Dewata Mulia Raya jika merdeka bujan palu
9. seratus rautan. Jika merdeka beristeri
10. atawa perempuan bersuami di-tanam hingga
11. pinggang di-hembalang dengan batu matikan

12. jika inkar ... hembalang jika anak mandalika

C

1. bujan danda-nya sepuluh tengah tiga jika ia...
2. menteri bujan dendanya tujuh tahl sa-paha....
3. tengah tiga. Jika tetua bujan dendanya lima ta-hil...
4. tujuh tahl sa-paha masok bendara. Jika o-rang...
5. merdeka. Ketujuh derma barang perempuan hendak...
6. tida dapat bersuami jika ia berbuat balachara

D

1. ...tida benar danda-nya sa-tahl sa-paha. Kesembilan derma
2. ...seri paduka Tuhan siapa tida...dandanya
3. ...kesapuluh. Derma jika anakku atawa pemain ku atawa chuchuku atawa keluargaku atawa anak
4. ...tamra ini segala isi tamra ini barang siapa tidak menurut tamra ini laanat Dewata Mulia Raya
5. ...di-jadikan Dewata Mulia Raya bagi yang langgar achara tamra ini.

Below is the newest translation and Jessica Soedirgo from the University of Toronto, Canada, helped me to translate and make it readable in English.

A

The prophet of Allah with people...for them, greetings. The Lord Almighty has instructed me to reinforce the religion of Islam through the right statements of the law that applies to all the subjects of the Lord Almighty in my country. These are the regulations of the prophet of Allah (*May Allah bless him and give him peace*), the King Mandalika, who tells the truth according to God Almighty in this world. Under this regulation, all the Muslim King Mandalika have the duty to obey the Word of the Lord Almighty and righteously apply these regulations in the country. Seri Paduka Tuhan orders that this code be established in the country of Tringganu on the first Friday of the month of Rajab of the year of Scorpion 702 years after the death of the prophet of Allah.

B.

Family in a distant country...*kan...nur* come and give. Fourth... the creditor should not take...(if) he takes, he will lose his gold. Fifth...free people should not take gold...if he takes it he will lose his gold. Sixth, people, men and women, who commit adultery according to the decree of the Lord Almighty..if they are single, give them one hundred whippings with a cane. If a free⁴ married man or a free married woman bury them up to the waist and stone them until death. If they deny...throw. If one is an unmarried descendant of Mandalika

C.

The fine shall be twelve and a half *tahil*. If he is an unmarried [descendent] then the fine shall be 7 and a quarter *tahil*...two and a half. If an unmarried local chief the fine shall be five *tahil*... Seven and a quarter *tahil* goes to the treasury. If a person...free. Seventh, a woman who desires...but does not have a husband if she commits adultery...

D.

...is not right the fine shall be one and a quarter *tahil*. Ninth... Seri Paduka Thuan whosoever does not...the fine shall be...Tenth, if my child or *pemain* (?) or my grandchildren or my family or children... this code and all it contains. Any person who violates this code will be cursed by the Lord Almighty...By the will of the Lord Almighty who disobeys the provisions of this code.

An Exploration and Explanation of the Terengganu Inscription

Section A is the proclamation of rules to support Islam to obey the teachings of Allah and the prophet Mohammad. In this section, King Mandalika indicates that he is creating the laws to establish and maintain order in Terengganu, ordering Sri Paduka Tuhan, the State Minister, to implement them. While the date of the inscription is the subject of debate, as this part is damaged, an intensive and respected study by Mohammed Najib al-Attas dates the promulgation of the law to 4 Rajab 702 A.H or 22 February 1303 (Al-Attas, 1970: 23-24).

This text was promulgated as State Law (Blagden, 1924: 258). In fact, the names specifically mentioned in the inscription are Mandalika and Sri Paduka Tuhan; the former was the Muslim king of Terengganu and the latter was his minister. Thomas Pirés notes that all the kings of the Malay Peninsula were named Mandalika (Pirés, 1990: 261), the name existing in official records until the early sixteenth CE. While the meaning of the term is up for debate—Armando Cortesao claims that the word is rooted in the Arab word for King *Malik* (Cortesao, 1990: 261) and Claude Guillot claims that it comes from the Javanese word for the leader of a region Mandaliko for *Bupati* or Mayor/Regent⁵—the important fact is that Mandalika refers to the King. The Mandalika named in this inscription would have been a descendent of the ruling Telanai family.

Along the same lines, the title of Sri Paduka Tuhan comes from Sanskrit. “*Sri*” is a Hindu name that is equivalent to “Sir” and is also the name of the Hindu god for prosperity. “*Paduka*” means boot, likely referring to the individual’s ability to repress the population (Fatimi, 1963: 65). On the other hand, *Tuhan* is rooted in Malay and is the word for God. However, the word *Tuhan* does not always mean ‘God.’ An inscription found in Sumatra in 1347 indicates that *Tuhan* was the title of the Minister of State (Blagden, 1906: 262) or it was only an honorific title in the inscription found in 1370 (Kalus, 2003: 305).

The term *Dewata Mulia Raya* (the great Lord of Heaven) is rooted in the Malay language to describe Allah (God)⁶. The word originally emerged in the archipelago during the Hindu period to refer to Hindu gods. After Islamization, the indigenous peoples kept the term, using it to refer to Allah, the Muslim God. The term frequently appears in the *Hikayat Sri Rama*, a book of folklore that recounts the history of Islam in the archipelago, appearing more frequently than the Arabic word for God, Allah Ta’ala (Ikram, 1980: 8, 49, 66). A similar phrase also appears in Muslim Champa (modern-day Vietnam), where they would say “*Övlah*” or “*Po Debata Thwor/Cvor*,” which translates to “the Lord God of Heaven. This shows that the phrase was commonly used to describe Allah

throughout Islamic areas in the Nusantara (Cabaton and Meillon, 1990: 1241).

Section A establishes the hierarchy through which the law was transmitted. The laws are said to come directly from God, spoken to the "King" (Mandalika), taking the form of ten laws. Sections B, C, and D contains these ten laws, which are as follows (Paterson, 1924: 254, Blagden, 1906: 263; Hooker, 1976: 128):

1. Unclear due to inscription damage.
2. Unclear due to inscription damage.
3. Unclear due to inscription damage.
4. Describes the relationship between creditors and debtors. However, due to erosion, we are unable to reconstruct the text.
5. Unclear due to inscription damage.
7. This part of the inscription is the most undamaged and thus allows for a full reconstruction of the article. It outlines the punishment for unlawful sexual relations: 1) 100 Canings for sexual intercourse between persons who are free and unmarried and 2) Death by stoning if a free individual who is married commits unlawful sexual intercourse. In contrast, it is important to note that those that come from royalty and nobility are exempt from these harsh punishments and only subject to a fine.
8. This law pertains to adultery conducted by women. However, due to erosion, we are unable to fully reconstruct the text. It is possible the punishment for adultery is a fine, but this interpretation remains uncertain.
9. Unclear due to inscription damage.
10. Unclear due to inscription damage.
11. Unclear due to inscription damage.

Section D is the conclusion of the inscription. The King states that the laws must be obeyed by all the people of Terengganu; those who disobey them will be cursed (*la'nat*) by Allah.

In the following section, I will analyze the sixth law, pertaining to unlawful sexual relationships, as it is the one is fully reconstructable. Section B, lines 6 to 11 are analyzed.

[...] *Keenam derma barang orang berbuat balachara laki-laki perempuan sa-titah Dewata Mulia Raya jika merdeka bujan palu*

seratus rautan. Jika merdeka beristeri atawa perempuan bersuami di-tanam hingga pinggang di-hembalang dengan batu matikan. [...]

[...]Sixth, people, men and women, who commit adultery according to the decree of the Lord Almighty..if they are single, give them one hundred whippings with a cane. If a free married man or a free married woman bury them up to the waist and stone them until death.

The text first defines and clarifies what sexual relations are considered unlawful. The punishments articulated in article 6 are found in Islamic law related to *zinâ*, the Arabic term for adultery or the sexual intercourse between a couple who is unmarried (Schacht, 1934: 1297). There are two kinds of *zinâ*: *muhsan* and *gayru muhsan*. Etymologically, *muhsan* means protected, chaste and married. In Islamic law, it refers to a mature (*balig*) individual who is free (*hurr*), of sound mind (*‘âqil*), is responsible (*mukallaf*) and has entered into a valid marriage contract and consummated it (Manzhûr, 902). On the other hand, *gayru muhsan* refers to a free individual who is unmarried or a slave (al-Šâfi'i, 154-155, al-Ġazâlî, 1997; 435, Al-Šarbînî, 1996; 724-25; Schacht, 1999: 108).

Any person who commits an unlawful sexual act is to be punished by *hudûd* law (singular is *hadd*). *Hudûd* are the punishments decided and sanctioned by the Qur'ân for forbidden acts. Actions that can be punished by *hadd* are considered crimes against religion⁷. The four schools of Sunni Islamic law—Hanafi, Maliki, Syafi'i and Hanbali—are in agreement that the *hadd* for unlawful sexual acts for those who have the status of *muhsan* should be stoned to death. Along the same lines, they also agree that the *hadd* for those who are *gayru muhsan* is 100 canings for a free individual and 50 lashes for a slave.

These punishments are based on the Qur'an and Ḥadīṣ. In regards to the punishment of *muhsan*, stoning (*rajm*) is based on an hadith of the Prophet transmitted by al-Bukhari and Muslim:

"[...] *So if he has committed adultery, stone him*". The punishment of *gayru muhsan* is similarly based on the Qur'an, which notes that "*As for the one who is guilty of unlawful sexual act, whip each of a hundred strokes [...]* "

Here we see that the sixth article in the inscription is an obvious reference to Islamic law. However, at the same time this law distinguishes two classes of people: commoners and elite. It seems that Islamic law only applied to ordinary people, while customary law governed the ruling classes. The punishment for unlawful sexual relationships, for example, is stoning and whipping for the common people, while those that belonged to royalty and nobility were, merely sentenced to pay a fine⁸. This punishment originates from customary law, which is not found in Islamic law.

Conclusion

The article contributed importantly by providing the new transliteration from Arabic characters into Latin and the new translation from old-Malay into modern English and the deep analysis on Islamic law. We conclude that the inscription of Terengganu is an example of a law enacted by the kingdom of Terengganu in the early fourteenth century. This law refers to two laws: 1) customary law and 2) Islamic law. Islamic law was designed as a complement of customary law and an alternative to the latter. Although the law discussed is short, it is an important example of the history of Islamic law in the Nusantara world.

Endnotes

¹ The article is based on my Master's thesis in French « *Le droit musulman dans le monde Insulindien du 14^e au 17^e siècles* », Ecole des Hautes Etudes en Sciences Sociales (EHESS), Paris, 2005. I thank Claude Guillot and Baber Johansen who gave me very precious comments and advices in the first stage of this paper. I thank Jessica Soedirgo to help me to translate it and make it readable in English. However, all mistakes and errors in this article remain my responsibility.

² Interview with Claude Guillot in 18 June 2004.

³ See also the article of Blagden on the sovereignty of Siam over the kingdoms in the Malay Peninsula. Did the later acknowledge Siam or not? According to Blagden, Siam only had its sovereignty over Patani, Kedah, Kelantan, and Terengganu in the Malay Peninsula, see Blagden, 1906: 107-119.

⁴ Because slavery.

⁵ Interview with Prof. Claude Guillot in 18 June 2004.

⁶ Alquran mentioned that the unbelievers also gave the name of their God with Allah, see QS.39:38 and QS.31: 25.

⁷ *Had* (pl: *hudūd*), have many polymeanings: hindrance, limit, cancel. From these meanings, the technical terms arose, especially the fixed rights for Allah, see Alquran : II : 187, 229, 230, IV : 13, 14, IX : 97, 112, LVIII : 4, LXV : 1, see B. Carra De Vaux, "Hadd", in *Encyclopédie de l'Islam*, Leyde et Paris: E.J. Brill et G.P. Maisonneuve & Larose S.A., 1971, p. 21.

⁸ [...] If one is an unmarried descendant of Mandalika the fine shall be twelve and a half *tahil*. If he is an unmarried [descendent] then the fine shall be 7 and a quarter *tahil*...two and a half. If an unmarried local chief the fine shall be five *tahil*[...]

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Interview

Claude Guillot in 18 June 2004.

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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.

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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.

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Edition. (if not the first).

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Title of book.

Place of publication:

Publisher,

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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

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Library Services. (1995). *Internet user glossary* [online]. North Carolina, North Carolina State University. Available from:-

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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/psychology/95.V6/0162> [Accessed 17 Jun 1996].

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Author. (Day Month Year). Subject of message. *Discussion List* [online] Available from: list e-mail address [Accessed Date].

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

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

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عارف شيرا ملسي

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

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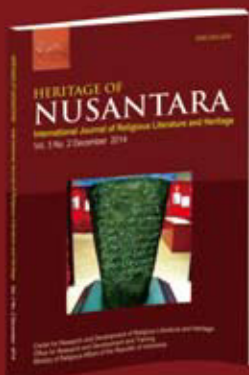
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