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Glossary

ABS-SBK. An abbreviation for the maxim, *adat basandi syarak, syarak basandi kitabullah*, (Adat based on Sharia, Sharia based on the Quran). This maxim is widely used to justify the harmony between Islam, Sharia, and Minangkabau *adat*. It also implies that Minangkabau *adat* is subordinate to Islam and that *adat* is valid as long as its rules are in accordance with Sharia. This maxim is transformed from an old maxim: *adat basandi Syarak, Syarak basandi adat*, (*adat* based on Sharia, Sharia based on *adat*). This maxim indicates that Sharia was subordinate in *adat* rules in which Sharia is only applied as long as its rules are in line with *adat* rules. However, there is considerable dispute among the Minangkabau people as to which maxim should take precedence.

adat. The meaning of *adat* covers local custom, traditional law, morality, political systems, legal systems. In the Minangkabau world view, *adat* and Islam are considered the two pillars of society.

‘āmil zakāt. Zakāt collector that might be an individual or institution. According to Sharia an ‘āmil is entitled to receive zakāt revenue.

‘awra,’ awrāt (plural). Part of the body needed to be covered when one is together with non-family members, except in emergency situations.

BAM. An abbreviation for *Budaya Alam Minangkabau*. It is a new subject of study created under local autonomy, taught at the schools in West Sumatra as in attempt to maintain Minangkabau society. Its contents cover the foundation of Minangkabau society according to *adat*.

Bank Muamalat. The first private bank to apply a system of non-interest, established in May 1992.

BAZ. An abbreviation for *Badan Amil Zakāt*, the institution of zakāt managed by the local government. This name was commonly used before the central government passed law 38/1999.

- BAZDA.** An abbreviation for *Badan Amil Zakāt Daerah*, the institution of zakāt under local government that is commonly used after the central government passed law 38/1999.
- BAZIS.** An abbreviation for *Badan Amil Zakat, Infag dan Šadāqā*, the institution established by local government that voluntarily collected zakāt, and other forms of Islamic charities.
- BAZNAS.** An abbreviation for *Badan Amil Zakat Nasional*, the institution of zakāt established by the central government. According to law 38/1999 this institution is set up at a national level, while according to law No.23/1999 BAZNAS it is also used in regions/municipalities.
- BPUPK.** An abbreviation for *Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan*, (*Dokuritu Zyunbi Tyoosakai*) the Investigating committee for the preparation of independence. This committee was established on 29 April 1945 to prepare for Indonesian independence, declared on 17 August 1945. In several literatures the name of BPUPK is added to a word Indonesian which is clearly incorrect because this committee was set up by the *rikugun* (Japanese Army), which had authority in the regions of Java and Madura. A similar committee, namely, *Cuo Sangi In*, was set up for Sumatra in May 1945. There was no such committee in the eastern part of the archipelago.
- Bupati.** The head of the region that was selected the general election for the first time in 2005. Previously, this position had been selected by members of regional parliament.
- BTA.** An abbreviation for *Baca Tulis al-Quran*. This is a new subject, created under the local autonomy, taught at primary schools in West Sumatra as part of implementation of the provincial as well as regional/municipal law on the obligation to have the ability to recite the Quran.
- cando.** A Minangkabau *adat* term dealing with immorality offences.
- constitutional review.** One of the tasks of *Mahkamah Konstitusi* (Constitutional Court) relating to examining whether a law or regulation is in contravention of the 1945 constitution.
- darek.** A region where Minangkabau tradition initially existed.
- decentralization.** The policy of the central government to transfer or delegate its authority in order to plan, to make decisions, to implement and to manage public functions and development

programs at the local government. The scope of the authority of local government is regulated by laws and regulations.

Didikan subuh. An activity held in mosques early on Sunday morning for students of primary school. It was introduced by the local government in order to enrich the religious knowledge and rituals of the students.

diya. Financial compensation paid by a perpetrator or his/her family to the victim or to his/her family in cases of homicide or grievous harm.

DPR. An abbreviation for *Dewan Perwakilan Rakyat* the People's Representative Council for central government. Its members are selected through a general election. According to the 1945 constitution this institution has legislative, budgeting and oversight functions.

DPDRD. An abbreviation for *Dewan Perwakilan Rakyat Daerah*, it is the people's Representative Council for the provinces and regions or municipalities. The members of this institution are also selected through a general election.

fāqih. fuqahā' (plural). Muslim legal scholars.

fatwa. A legal opinion given by a *muftī* and based on a request.

fiqh. Islamic jurisprudence that is commonly produced by a *fāqih*. In the Sunni tradition there are four mainstream schools of *fiqh* that are associated with the names of the founders: *Shifī'iya*, *Ḥanafīya*, *Mālikīya* and *Hanbalīya*.

executive review. One of the tasks of central government is to review the provincial, regional or municipal laws or other local regulations in terms of whether it contravenes with higher ranking laws and regulations. This exercise is conducted by the Ministry of Home Affairs and, as the representative of central government the governor may also carry out this review to the regional/municipal law or regulations.

Golkar. An abbreviation for *Golongan Karya*, a nationalist political party.

ḥadd, ḥudud (plural). A mandatory fixed punishment for the fixed offences that are regulated in the Quran or ḥadith.

ḥarām. A category of normative standards of conduct relating to conduct that is classified as prohibited.

ḥawl. A period of possessing property on which zakāt must be paid by the owner. A standard period is one year.

- ḥijāb.** This term is used to identify Muslim dress. It literally means to cover, specifically to cover 'awra. See also **'awra** and **jilbāb**.
- IAIN.** An abbreviation for *Institut Agama Islam Negeri*, State institute for Islamic studies. An Islamic higher education institution managed under the Ministry of Religious Affairs. See also **UIN** and **STAIN**.
- 'ibāḥa.** A category of normative standard of conduct relating to conduct that is classified as neutral.
- ICMI.** Abbreviation for *Ikatan cendekiawan Muslim Indonesian/Indonesian Association of Muslims Intellectuals*. It was established in December 1992 and B.J.Habibie was pointed as its first chair.
- infāq.** A voluntary religious donation.
- Immoral.** Suppressed practices, condemned as immoral though they involve nothing that would ordinary be thought of as harm to other persons.
- jilbāb.** The kind of material used to cover 'awra. Alternative names include the ḥijāb. See also **ḥijāb** and **'awra**.
- judicial review.** One of the tasks of the Supreme Court involving determining whether a law contravenes national laws.
- karāḥa.** A category of normative standard of conduct relating to conduct is classified as being disapproved of. While it implies that the conduct has a negative element, it is not prohibited.
- Kaum Muda.** A group of 'ulama in Minangkabau at the beginning of the twentieth century. Advocating modernization, including the introduction of a new interpretation of Sharia and the establishment of schools that adopted the Western model of education.
- Kaum Tua.** A rival of *Kaum Muda*. This group was primarily associated with traditional values and institutions, including with the *tariqa* such as Naqshbandiyya and Satariyya.
- khalwa.** Close proximity between unmarried persons of the opposite sex.
- khimar.** A kind of ḥijāb that is commonly used as a headscarf.
- KHI.** An abbreviation for *Kompilasi Hukum Islam*, the compilation of Islamic Law. It has been the normative standards for judges in the Islamic court since 1991.
- KUHP.** An abbreviation for *Kitab Undang-undang Hukum Pidana*, the Indonesian penal codes. The majority of the Indonesian penal

codes are adopted from the *Wetboek van strafrecht voor Nederlands Indie* (WvSN) applied on 15 October 1925 based on the *Koninklijk staadblaad* No.732.

KUHAP. An abbreviation for *Kitab Undang-undang Hukum Acara Pidana*, the Indonesian penal codes procedures. These procedures are regulated under law No.8/1981.

LAZ. An abbreviation for *Lembaga Amil Zakāt*, Institution of zakāt managed by Muslim communities. This institution must be under the license of the government and law No.23/2011 elucidates more restrictive regulations for this institution.

LKAAM. An abbreviation for *Lembaga Kerapaaan Adat Alam Minangkabau*, an umbrella for *adat* organizations. This institution was initially established by the New Order government in 1968.

local autonomy. Autonomy belonging to the provincial and regional/ municipal authorities in order to run the local government. Their authority is determined by national laws and regulations.

local law. Translated from *peraturan daerah*, meaning a provincial law passed by provincial parliament and the governor, or a regional/municipal law passed by the parliament and *bupati* or the mayor. Law No.10/2004 uses this term to covers provincial, regional/municipal and village law. However, this definition was revised by law No.12/2011 and now only refers to provincial and regional/municipal law.

MA. An abbreviation for *Mahkamah Agung*, the Supreme Court.

Mahkamah syar'iyah. This is the current name for the Islamic court for the first and appeal level in Aceh. This name has shifted since this province has been granted special autonomy to apply Sharia and is now commonly called *qanun*. See also *qanun*.

maksiat. A category of conduct relating to acts that are not in accordance with public morality.

MDA. An abbreviation for *Madrasah Diniyah Awaliyah*, a centre for Qur'anic recitation managed by the Muslim community.

MK. An abbreviation for *Mahkamah Konstitusi*, the Constitutional Court.

MORA. An abbreviation for the Ministry of Religious Affairs, a translation from *Kementerian Agama*, a state institution that has

authority in relation to religious affairs in Indonesia; established on 3 January 1946.

MPR. An abbreviation for *Majelis Permusyawaratan Rakyat*, the People's Consultative Assembly.

MTQ. An abbreviation for *Musabaqah Tilawatil Quran*, a nationwide competition for reciting Quran begun in 1968.

mufti. A jurist consult, one who issues a legal opinion. In the contemporary Muslim world, the jurist consult may be an individual or group of mufti.

muḥrim. Family member. A Muslim is permitted to uncover his/her 'awra in the presence of muḥrim.

MUI. An abbreviation for *Majelis Ulama Indonesia*, the Indonesian 'ulama council; set up at the national, province and regional levels, established on 26 July 1975.

mukallaḥ. A Muslim to whom religious teachings are applied; a subject of law.

mustahiq. Person or group entitled to receive zakāt; the recipients of zakāt.

muzakki. Muslim person or institution possessing wealth on which zakāt is levied.

nadab. A category of normative standard of conduct relating to conduct classified as recommended. While the term implies conduct that has a positive element, it is not an obligation.

nagari. The lowest form of government structure, originally based on Minangkabau tradition.

niqāb. A type of cloth covering for the face of Muslim women.

niṣāb. The rate or amount of property on which zakāt is levied.

NU. An abbreviation for Nahdlatul Ulama; the largest Muslim organization in Indonesia.

PAN. An abbreviation for *Partai Amanat Nasional*. The national mandate party that is historically linked with Muhammadiyah.

Pancasila. The philosophy that forms the foundations of the Indonesian state.

PBB. An abbreviation for *Partai Bulan Bintang*, the crescent and star party that is widely known as an Islamic party.

PDI-P. An abbreviation for *Partai Demokrasi Indonesia Perjuangan*, the Indonesian democratic party that is commonly known as the nationalist party; led by Megawati Sukarno Putri, the daughter of Sukarno.

- Pendidikan agama.** A subject relating to religious teachings and taught in schools.
- Perda.** An abbreviation for *Peraturan daerah*. See also **local law**.
- Pesantren Ramadan.** An activity for primary to senior high school students, held in a mosque in their neighborhood during the fasting month. It was introduced by the local government with a view to enriching the religious knowledge and rituals activities of the students.
- PHRI.** An abbreviation for *Perhimpunan Hotel dan Restoran Indonesia*, the Indonesian association of hotels and restaurants.
- PK.** An abbreviation for *Partai Keadilan*, the justice party. An Islamic party, established on 22 July 1998. On 20 April 2002 this party changed its name to **PKS**.
- PKS.** An abbreviation for *Partai Keadilan Sejahtera*, the justice and welfare party.
- pondok baremoh.** A small temporary building located in tourist destinations where couples of the opposite sex spend their leisure time.
- PP.** An abbreviation for *Peraturan Pemerintah*, the government regulation that endows the president with the authority to make a law come into effect. Without PP, a law remains window dressing.
- PPP.** An abbreviation for *Partai Persatuan Pembangunan*, the unity and development party. It has been an Islamic party since the 1970s.
- Provincial law.** A law passed the provincial parliament and the governor and incorporated in the hierarchy of the Indonesian legal system.
- PTIQ.** An abbreviation for *Pendidikan Tinggi Ilmu al-Quran*, higher education for the Quranic arts.
- qadhaf.** Unfounded accusations of unlawful sexual intercourse.
- qanun.** The provincial and regional laws passed under the authority of Aceh province. Aceh has been granted special privileges to implement Sharia.
- qisās.** A provision concerning offences against the person, including homicide and wounding.
- rantau.** A region located outside of Minangkabau land. See also **darek**.

- regional law.** A law passed together with the regional/municipal parliament by and *Bupati/* mayor. According to law No.12/2011, it is the lowest rank of legislation in the hierarchy of the Indonesian legal system.
- repressive non-judicial.** The non-judicial authority belonging to *Satpol PP* whose tasks are confined to implementing provincial or regional/ municipal law.
- ridda.** Apostasy, an offence according to Sharia.
- rikāz.** A type of *zakāt* property that is defined as buried treasures of the earth.
- ṣadāqā.** Voluntarily alms as well as *zakāt*.
- Satpol PP.** Civil service police unit that now has the authority to uphold and implement provincial, regional/municipal law and other regulations passed by the local authorities.
- SMA.** An abbreviation for *Sekolah Menengah Atas*, senior high school.
- STAIN.** An abbreviation for *Sekolah Tinggi Agama Islam Negeri*, higher education for Islamic studies managed by the Ministry of Religious Affairs.
- surau.** *Adat* as well as Islamic institution utilized as place for rituals, a centre for Islamic teachings and other social functions. Currently it tends to function solely as a place for ritual.
- ta'zīr.** Discretionary punishment of sinful or forbidden behavior or an act endangering public order or state security.
- TPA.** An abbreviation for *Taman Pendidikan al-Quran*, the centre for Quranic education mostly located in a mosque and managed by the Muslim community.
- TPSA.** An abbreviation for *Taman Pendidikan Seni al-Quran*, the centre for the Quranic arts education.
- UIN.** An abbreviation for *Universitas Islam Negeri*, the Islamic higher education that transformed from IAIN or STAIN, established in the 2000s.
- UPZ.** An abbreviation for *Unit Pengumpul Zakāt*, the *zakāt* collector unit.
- wajib.** A category of normative standard of conduct relating to conduct classified as obligatory.
- waqf.** Religious endowment.
- waṣīya.** A vow to transfer an amount of property to an appointed receiver. The amount is a maximum of one-third of the total property of the owner.

wirid remaja. A weekly activity for junior and senior high schools students held in a mosque in their neighborhood. This activity comes under the supervision of school teachers living in the neighborhood.

zakāt al-māl. Literally meaning *zakāt* on property, it refers to kinds of property for which *zakāt* is obligatory.

zakāt al-fiṭr. *Zakāt* that is levied on individual Muslims and that should be paid during Ramadan.

Zina. (Arabic: zinā') Sexual intercourse that occurs outside of a valid marriage, the semblance (*shubha*) of marriage, or lawful ownership (*milkiyamīn*).

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2. Laws and regulations

2.1 Constitution

The Constitution of 1945

The Constitution 1945 - the first amendment of 1999

The Constitution 1945 - the second amendment of 2000

The Constitution 1945 - the third amendment of 2001

The Constitution 1945 - the fourth amendment of 2002

2.2 Decisions of MPR

Decision XV/MPR/1998 on the implementation of local autonomy.

Decision III/MPR/2000 on the source and hierarchy of laws and regulations.

Decision IV/MPR/2000 on recommendations for the implementation of local autonomy.

Decision IX/MPR/2000 on the establishment commission to prepare the amendment of the 1945 Constitution.

2.3 Law

Law 1/1946 on penal code

Law 13/1961 on police

Law 19/1964 on judicial authority

Law 18/1965 on principles of local government

Law 14/1970 on principles of judicial authority

Law 1/1974 on marriage

Law 5/1974 on principles of local government

Law 7/1974 on gambling.

Law 8/1981 on criminal procedure code

Law 14/1985 on the supreme court

Law 7/1989 on the islamic court

Law 10/1989 on the banking system

Law 7/1992 on the banking system

Law 11/1999 on regional autonomy

Law 17/1999 on organizing the journey of the *hajj*

Law 22/1999 on local government

Law 23/1999 on the Bank of Indonesia

Law 25/1999 on fiscal balance between central and local government

Law 35/1999 on the amendment of law 14/1970 (on principles of judicial authority)

Law 44/1999 on the implementation of special autonomy for Aceh

- Law 38/1999 on the management of *zakāt*.
- Law 18/2001 on special autonomy for the province of Aceh as the province of Nangroe Aceh Darussalam.
- Law 20/2003 on the national education system.
- Law 22/2003 on the bank of Indonesia
- Law 3/2004 on the amendment of law 23/1999 (on the Bank of Indonesia)
- Law 4/2004 on judicial authority
- Law 5/2004 on the amendment of law 14/1985 (on the Supreme Court)
- Law 10/2004 on procedures in the preparation of laws and regulations
- Law 32/2004 on local government.
- Law 33/2004 on fiscal balance between the central and local governments
- Law 41/2004 on *waqf*.
- Law 8/2005 on the acknowledgment of the government regulation in lieu of law on law 32/2004 (on local government as law)
- Law 3/2006 on the amendment of law 7/1989 (on Islamic court)
- Law 11/2006 on the government of Aceh.
- Law 13/2008 on organizing the journey of the *ḥajj*
- Law 19/2008 on *Surat Berharga Syariah Negara*
- Law 21/2008 on the Islamic banking system.
- Law 36/2008 on the fourth amendment of law 7/1983 (on income tax)
- Law 44/2008 on pornography.
- Law 3/2009 on the second amendment of law 14/1985 (on the Supreme Court)
- Law 34/2009 on the acknowledgment of the government regulation in lieu of law on law 13/2008 (on organizing the journey of *ḥajj* as law)
- Law 48/2009 on judicial authority
- Law 50/2009 on the second amendment on law 7/1989 (on the Islamic court)

Law 12/2011 on the procedure in the preparation of laws and regulations

Law 23/2011 on the management of *zakāt*

2.4 Government Regulations

PP 28/1977 on *waqf*

PP 9/1975 on the implementation of marriage law

PP 1/1981 on the implementation law 7/1974 (on gambling)

PP 27/1983 on the implementation of criminal procedure codes

PP 6/1998 on the civil service police unit

PP 25/2000 on the authority of the central and provincial governments as autonomous governments

PP 32/2004 on the civil service police unit

PP 38/2007 on the distribution of authority among central, provincial and regional/municipal governments

PP 41/2007 on the organization of local government

PP 5/2007 on religious education

PP 18/2009 tentang Bantuan atau sumbangan termasuk *zakāt* atau sumbangan yang sifatnya wajib yang dikecualikan dari objek pajak penghasilan (aids or charity including *zakāt* or obligatory aids)

PP 60/2010 tentang zakat atau sumbangan keagamaan yang sifatnya wajib yang dapat dikurangkan dari penghasilan bruto (*zakāt* and other forms of religious obligatory charity that may deduct the gross income)

PP 6/2010 on the civil service police unit

2.5 Presidential decrees

President decree 1/PNPS/1965 on hatred, heresy and blasphemy offences

President decree 188/1998 on the procedure in the preparation of drafts of law

President decree 44/1999 on techniques in the preparation of regulations, drafts of law, government regulations, and presidential decisions

President decree 11/2003

President decree 55/2007

2.6 President instruction

President instruction 1/1991 on the compilation of Islamic law

2.7. Supreme Court and Constitutional Court

Supreme Court Decision 1/2004 on judicial Review rights

2.7 Ministerial decision

Joint ministerial decision 8 and 9/2006 on places of worship

2.8 Qanun

Qanun 3/2000 on the establishment of MPU,

Qanun 5/2000 on the implement sharī'a in Aceh,

Qanun 7/2000 on customary law and sharī'a,

Qanun 43/2001 on the administration of MPU and the establishment of the plenary council

Qanun 10/2002 on the establishment of sharī'a courts.

Qanun 11/2002 on shar implementation of sharī'a in the fields of theology (*aqīda*), ritual (*ibāda*) and public expression of sharī'a (*syi'ar*).

Qanun 32/2002 on the religious educational system based on the Qur'ān and Ḥadīth.

Qanun 11/2003 on the prohibition of drinking alcohol and similar beverages

Qanun 13/2002 on the prohibition of gambling

Qanun 14/2003 on the prohibition of *khalwat*

Qanun 7/2004 on *zakāt*.

Qanun 11/2004 on the tasks and duties of the sharī'a police

2.9 Provincial law

Provincial law of West Sumatra 11/2001 - on prevention and elimination of public immorality

Provincial law of West Sumatra 3/2007 - on Quranic education

Provincial law of West Sumatra 2/2009 - on the implementation of education

2.10 Municipal laws

Municipal law of Bukittinggi 9/2000 - on public order and elimination of public immorality

Municipal law of Bukittinggi 20/2003 - on the amendment of the municipal law of Bukittinggi 9/2000 (on public order and elimination of public immorality)

Municipal law of Bukittinggi 29/2004 - on the management of *zakāt*.

Municipal law of Padangpanjang 3/2004 - on prevention and elimination public immorality

Municipal law of Padangpanjang 7/2008 - on the management of *zakāt*.

Municipal law of Padang 6/2003 - on the obligation for elementary school students to be able to recite the Quran

Municipal law of Padang 14/2004 - on the civil service police unit

Municipal law of Padang 11/2005 - on public order and peace

Municipal law of Padang 2/2010 - on the management of *zakāt*

Municipal law of Payakumbuh 4/2007 - on prevention and elimination of public immorality

Municipal law of Sawahlunto 19/2006 - on prevention and elimination public immorality

2.10 Kabupaten/municipal law

Regional law of Bulukumba 03/2002 - on the prohibition of abusing alcoholic beverages

Regional law of Sambas 3/2004 - on the prohibition of prostitution and pornography

Regional law of Sambas 4/2004 - on the prohibition of gambling

Regional law of Agam 5/2005 - on the obligation to be able to recite the Quran

Regional law of Agam 6/2006 - on Muslim dress code.

- Regional law of Agam 14/2007 - on the management of *zakāt*
- Regional law of Limapuluh Kota 6/2003 - on the obligation for students and bridegrooms to be able to recite the Quran
- Regional law of Limapuluh Kota 5/2005 - on Muslim dress code
- Regional Law of Padangpariaman 02/2004 - on prevention and elimination of public immorality
- Regional law of Pasaman 22/2003 - on Muslim dress code
- Regional law of Pesisir Selatan 31/ 2003 - on the management of *zakāt*
- Regional law of Pesisir Selatan 8/2004 - on the obligation for students and bridegrooms to be able to recite the Quran and perform prayers
- Regional law of Pesisir Selatan 4/2006 - on prevention and elimination of public immorality
- Regional law of Sawahlunto/Sijunjung 1/2003 - on the obligation for students, civil servants and bridegrooms to be able to recite the Quran
- Regional law of Sawahlunto/Sijunjung 2/2003 - on Muslim dress code for student and civil servant
- Regional law of Solok 6/ 2002 - on Muslim dress code
- Regional law of Solok 13/2003 - on *zakāt*, *infāq* and *sadāqa*
- Regional law of Solok 10/2004 - on the obligation for students of elementary, junior and senior high schools, and bridegrooms to be able to recite the Quran
- Regional law of Solok Selatan 6/2005 - on Muslim dress code

2.11 Decision of Governor, head of region/mayor

- Decision of the head of region of Limapuluh Kota 26/2003 - on the management of *zakāt*