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Glossary

Listed are only the non-English terms, i.e. Indonesian, Dutch, Japanese, and local language, that recur in the text. Please note that I use the Indonesian spelling for Islamic legal terms originating from the Arabic language in accordance with the way those terms are most commonly used in daily practice. The meaning and use of the latter terms may differ from those in the Arabic countries.

Adat: In its broad definition, the term *adat* can be used to mean either: (1) a concrete body of rules and practices inherited from the past; (2) a coherent discourse concerning history, land, and law; or (3) a set of loosely related ideals which (rightly or wrongly) are associated with the past: authenticity, community, harmony, order, and justice. In the present study, the term *adat* carries the first definition, meaning a concrete body of local rules and practices inherited from past Minangkabau and developed in Mukomuko throughout the course of its history.

Afdeling: The Dutch Indies Colonial Government System led by an assistant *Residen*

Ahli waris pengganti: representation of heirs.

Anak luar nikah: a child out of wedlock. In establishing a child filial status, judges from the Indonesian Islamic court distinguish between a legalisation (with a full *nasab* relationship) and an acknowledgement (with a restricted legal relationship) of a child-father relationship. While the former is intended for a child born to an unregistered marriage that can be validated retroactively through *isbat nikah*, the latter is intended for a child born to an unregistered marriage that is not legible for *isbat nikah*.

Antaran (antar-belanjo): voluntary expenses from a bride groom to his bride. This term derives from *antar* (carrying or bearing) *belanjo* (expenses). While the term should be shortened as *belanjo* (expenses), but the term *antaran*—with an additional syllable ‘an’ to make it a noun in the Malay language—was locally perceived to be more proper to maintain a sense of politeness.

At-fault: a matrimonial guilt or a blame-game.

Biaya berperkara: non-litigation fees. This includes accommodation expenses (i.e. transportation, housing, meal costs) spent by a litigant throughout his or her court sessions. The expenses would be higher supposed the litigant employed a professional lawyer.

Biaya perkara: litigation fees. This includes a registration, summons (for both parties), editorial, and an official seal (*biaya materai*) fees as published by the judges in their decisions.

Bicara: this term literally means a ‘talk’. In practice, *bicara* refers to a deliberation forum of the *adat* assembly that serves as a means of a decision making since time immemorial.

Cara-gadis: It refers to the first marriage of a female members of Mukomuko’s matrilineal community. Usually, this type of marriage is registered to the state and follows all the sequence of important steps of *adat* marriage.

<i>Cara-randa:</i>	It refers to the marriage of a widow or divorcee to a bachelor, a widower, or a divorced man. Usually, this type of marriage is unregistered, mostly due to her former marriage that ended up in an out-of-court divorce. Compared to all the sequence of steps followed in <i>cara-gadis</i> , <i>cara-randa</i> marriage usually follows a more simplified procedure.
<i>Cicilan/angsuran:</i>	instalment payment.
<i>Cognatic:</i>	a non-unilineal (or bilateral) kinship-system.
<i>Dinas</i>	the Civil Registry Office.
<i>Kependudukan dan Pencatatan Sipil (Dukcapil):</i>	
<i>Executoir verklaring:</i>	executorial force; statement of the general court which orders enforcement of a judgment of the Islamic court. Until the reforms of the 1989 Islamic Judiciary Law the subsequent priest councils, <i>penghulu</i> courts and Islamic courts had no independent capacity to enforce their judgments. Litigants who wanted to see these judgments enforced had to petition to the general courts (during the Netherlands Indies the <i>landraad</i>) in order to obtain an <i>executorial force</i> .
<i>Fasakh:</i>	annulment of marriage
<i>Fatwa:</i>	legal opinion of Islamic scholars.
<i>Fikih:</i>	Islamic jurisprudence or doctrine. It refers to practical rules deriving from the primary sources in Islam through a process of <i>ijtihad</i> (legal reasoning), which are diverse in nature as a 'law' of scholars.

- Gugatan cerai*: a divorce lawsuit. Indonesian family law distinguishes a divorce lawsuit among Muslims into *cerai talak* (a divorce initiated by husband) and *cerai gugat* (a divorce lawsuit initiated by wife). This distinction is modelled after traditional *fikih* provisions, which give a husband the privilege of unilateral divorce (*talak*) over his wife. While their distinctive names are still retained, their use in court is almost no different since both *cerai talak* and *cerai gugat* are contentious and must be equipped with a valid divorce ground(s) and dependent on a court's judgment.
- Gun*: the Japanese Indies Colonial Government System led by a *Gunco*, who was 'equivalent' to the Dutch *Controleur*.
- Hakam*: mediator.
- Harta-sepencarian*: joint-marital property; conjugal earnings or properties acquired by a couple during marriage.
- Hulu-hilir*: upstream-downstream. A defining feature of the geospatial polity of Mukomuko in the past and the main settlements of matrilineal communities in the present-day Mukomuko.
- Ibu*: mother. Among Mukomuko's matrilineal community, the term *ibu* is interchangeably used to mean either a biological mother or a mother's sister (a sororal mother). However, it must not be confused with an agnatic mother or a father's sister who is usually called *ibu bako*.
- Iddah*: waiting period of three menstruation cycles in which the wife is not allowed to remarry after a divorce.

<i>Isbat nikah massal:</i>	a mass retroactive validation of a marriage held under the cooperation of an Islamic court, an Office of Religious Affairs (<i>Kantor Urusan Agama, KUA</i>), and a local government (<i>Pemerintah Daerah, Pemda</i>). In some cases, a mass <i>isbat nikah</i> was held abroad, such as in Malaysia, through a cooperation between the Islamic Chamber of the Supreme Court and an Indonesian embassy from the country concerned.
<i>Isbat nikah:</i>	petition for a declaration of the legality of a marriage in which the court investigates whether the legal requirements for a marriage have been met. In its present-day use, this type of petition becomes increasingly used to validate a religiously unregistered marriage.
<i>Islamic Law:</i>	practical rules prescribed in Islam. In a scholarly use, there are three different terms used interchangeably to refer to the prescribed rules in Islam, i.e. sharia, <i>fikih</i> , and Islamic law. In the present study, their distinctions will be retained, but sometimes the term of Islamic law will be used to mean either sharia or <i>fikih</i> .
<i>Iwad:</i>	a compensation paid by a wife to his former husband in exchange for his agreement to pronounce <i>talak</i> in a <i>khul'</i> divorce (a divorce by agreement).
<i>Juru ketik perkara:</i>	informal case-drafters. In the Arga Makmur Islamic court, an informal case-drafter is the one who offered a service to formulate a lawsuit or a petition for 100,000 to 150,000 rupiahs per case. Usually, the informal case-drafter is an acquaintance to one of the court's employees whose presence nearby the court was to run the role of <i>Pos Bantuan Hukum</i> that does not exist in this court.

<i>Kaum:</i>	a matrilineal clan. This term resembles with an equivalent term of ' <i>suku</i> ' in Minangkabau. These two terms have been used interchangeably in Mukomuko to mean its a matrilineal clan system. In contemporary Mukomuko, the existing <i>kaums</i> are <i>Enam di Hulu, Enam di Hilir, Delapan di Tengah, Tujuh Nenek, Lima Suku, Sang Pati, Gresik Ketunggalan, Datuk Rio Manyusun, Datuk Rio Menang, Datuk Rio Melan Putih Bubun, Datuk Rio Sati, Datuk Rio Batuah, and LIX Peroatins.</i>
<i>Keluarga bako:</i>	an agnatic family.
<i>Kementerian Agama</i>	The Ministry of Religious Affairs (the MoRA).
<i>Kerja baik and kerja buruk:</i>	good events and bad events. This term serves as a general guideline on how this community should deal with important events such as birth, marriage, and death. While public participation in <i>kerja-baik</i> is passive, their participation in <i>kerja-buruk</i> is active. For instance, people will not participate in a marriage celebration unless invited, but they will automatically get involved in taking care of a deceased person.
<i>Khataman:</i>	a final test of Quranic recitation, which is usually held for a bride before her marriage.
<i>Khul':</i>	a divorce by a mutual agreement. It refers to a traditional Islamic divorce procedure in which the wife offers her husband to return (part of) her dower (<i>mahr</i>) in exchange for his pronouncement of the <i>talak</i> and in which she will refrain from her maintenance rights during the <i>iddah</i> . However, its present-day use across the Muslim world has been significantly modified to mean a (unilateral) divorce option for wife.

<i>Kompilasi Hukum Islam (KHI):</i>	the Compilation of Islamic Law. A body of Islamic law (i.e. marriage, inheritance, and religious endowment) compiled by the state through a joint-cooperation between the MoRA and the Supreme Court by involving Islamic figures and scholars. The KHI was intended to be the official reference for judges in the Islamic court, even though a few judges initially retained the views available within the traditional <i>fikih</i> .
<i>Landraad:</i>	court for the Indigenous population during the Netherlands Indies.
<i>Lian:</i>	an adultery accusation. This accusation can serve as a divorce procedure in the Islamic court. The outcome of this procedure is a final divorce, and the couple cannot remarry.
<i>Mahar:</i>	dower; the (agreed) bride-price given by a bridegroom to a bride, which constitutes one of the requirements for a Muslim marriage. The <i>mahar</i> can be paid in cash during the solemnisation of marriage (a prompt <i>mahar</i>) or counted a husband's debt to his wife (a deferred <i>mahar</i>). The <i>mahar</i> belongs to the bride and is hers to keep in the case of divorce. She is entitled to half if the marriage ends before consummation. The <i>mahar</i> is one of the requirements for a Muslim marriage.
<i>Mahkamah Agung (MA):</i>	the Supreme Court, which functions as the court of cassation (<i>Kasasi</i>) and judicial review (<i>Peninjauan Kembali, PK</i>)
<i>Mandur:</i>	a head of labour workers.
<i>Marga:</i>	an ethnic-based supra village institution. The institution of <i>marga</i> was first introduced in the East Indies under the Dutch administration. It survived the early period of Indonesian independence until its abolition through the passing of Law 5/1979 on Village Administration.
<i>Masuk kaum:</i>	a procedure in Mukomuko to naturalise a foreigner (migrant) into the <i>adat</i> community.

- Muhallil*: a man who married a divorced woman, who got a triple talak (*talak bain kubrā*) from her former husband.
- Mutah (mut'ah)*: a consolation gift. A man is required to give *mut'ah* to his former wife as a token of consolation for repudiating her through a *talak*, provided that it concerns a non-final divorce, and she was not *nusyuz* at that time.
- Nafkah māḍiyah (nafkah lampau)*: unpaid due maintenance. In the case of divorce preceded by a husband's negligence of spouse supports, a divorced wife is entitled to the unpaid due maintenance.
- Nanam kelapo*: a procession, where a bride and a groom exchange coconut seeds and plant them near their future house, not only to symbolise their union but also to provide a sustainable source for the local cuisine that uses considerable amounts of coconut cream.
- Nusyuz*: marital discord caused by disobedience or not fulfilling the marital duties. Wives who are *nusyuz* lose their legal rights on maintenance from their husband. Traditionally *nusyuz* refers to the wife's behaviour, but recently the Indonesian Islamic courts have applied the term to husbands as well.
- Onderafdeling*: The Dutch Indies Colonial Government System led by a *Controleur*.
- Ongkos perkara*: litigation and non-litigation costs.
- Orang adat*: the elite members of *adat* in Mukomuko, which comprise *kaum* (clan) leaders and elders, sub-village heads, and *pegawai syarak* (religious functionaries).
- Orang-tigo-jenis*: literally three types of people. Its use in Mukomuko refers to an assembly of local elites that comprise the Penghulu, the *Imam-Khatib* (the religious dignitaries) and *Orang banyak* (the mass). This assembly derives from Minangkabau after the Padri movement, which formalised the involvement of religious dignitaries as its integral part.

<i>Pegawai Pembantu Pencatatan Nikah (P3N)</i>	an ‘informal’ marriage registrar.
<i>Pegawai syarak:</i>	religious dignitaries or functionaries that comprise of <i>Imam</i> , <i>Khatib</i> , <i>Bilal Muhsin</i> , and <i>Bilal Jum’at</i> , who are arranged hierarchically and rotated among the existing clan representatives once in every three years.
<i>Pengadilan Agama (PA)</i>	Islamic Court.
<i>Pengadilan Tinggi (PT):</i>	the court of appeal or the appellate court.
<i>Perjanjian pra-nikah:</i>	a prenuptial agreement. According to the Indonesian family law, prospective bridegroom and bride can arrange a prenuptial agreement, especially, to separate their respective earnings during the marriage. After the Indonesian Constitutional Court Judgement No. 69/PUU-XIII/2015, such agreement can be arranged voluntarily at any time either before or after the concluding of a couple’s marriage.
<i>Pos Bantuan Hukum (POSBAKUM)</i>	a legal aid centre facilitated by the state through an Islamic court. Its main task is to provide a legal aid for free for justice seekers, who could not afford a professional lawyer. In 2016, there were only 120 legal aid centres from a total of 359 Islamic courts across Indonesia.
<i>Riddah or murtad:</i>	conversion from Islam. According to Article 116 [h] of the Compilation of Islamic Law (<i>Kompilasi Hukum Islam</i> , KHI), <i>riddah</i> than causes a marital breakdown can serve as a valid ground for divorce both for husband and wife.
<i>Semendo adat:</i>	a popular denomination and a particular element of Mukomuko’s <i>adat</i> to mean its matrilineally-informed of Islamic law on marriage and divorce.

<i>Sharia:</i>	Sharia (with capital) in a broad meaning is equal to Islam as religion, but in its narrow meaning refers to practical rules prescribed in the primary sources of Islam, i.e. Qur'an and prophetic traditions.
<i>Sidang di luar gedung:</i>	a generic term for out-of-court sessions that may apply either to an integrated court session (<i>sidang terpadu</i>), such as a mass <i>isbat nikah</i> outside the Islamic court, or a circuit court (<i>sidang keliling</i>) held at surrounding regions from the Islamic court.
<i>Šiqāq</i>	a procedure in which the Islamic judge appoints one family member of each spouse as mediators (<i>hakam</i>) in an attempt to reconcile a couple. When reconciliation fails, the <i>hakams</i> have the possibility to advise the couple to divorce. In Indonesia their advice traditionally was not only directed at the husband in order to persuade him to pronounce the <i>talak</i> , but also to the Islamic judge who could divorce the couple.
<i>Sistem Kamar</i>	Chamber System. This system was used to divide judges Supreme Court according to their competence or jurisdiction. This system was first implemented following Supreme Court Decree No. 142/KMA/SK/IX/2011, divides this court into five main chambers: Criminal, Civil, Administrative, Islamic, and Military Chambers.
<i>Surat Pernyataan Tanggung Jawab Mutlak (SPTJM):</i>	a letter of absolute responsibility. In a recent development, a person may obtain important civil documents, which used to be dependent on presenting a marriage certificate determining whether a person's marriage was registered or not, simply by presenting their SPTJM to the Civil Registry Office (<i>Dinas Kependudukan and Pencatatan Sipil, Dukcapil</i>).

<i>Taklik talak:</i>	a conditional divorce agreed between a husband and the state. It refers to a contract pronounced by the bride-groom immediately after the conclusion of the marriage in which he states the conditions under which he will divorce his wife if she wants him to do so. A wife who wants to divorce on the base of the <i>taklik talak</i> must bring her case to a judge who will verify whether one of the conditions has been met. If so, she has to pay her husband the amount of compensation as established in the <i>taklik talak</i> and will be officially divorced.
<i>Talak bain khul'ī:</i>	a final divorce, which is resulted from a violation of <i>taklik-talak</i> by husband.
<i>Talak bain kubrā:</i>	a final divorce. The couple cannot reconcile and only remarry after the wife has been remarried with another man (<i>muhallil</i>) and subsequently divorced him.
<i>Talak bain ṣuġrā:</i>	a final divorce. The couple cannot reconcile but can still remarry.
<i>Talak raġ'ī:</i>	a non-final or revocable divorce. The couple can reconcile (<i>rujuk</i>) during the <i>iddah</i> .
<i>Talak:</i>	A divorce through the pronouncement of the <i>talak</i> by the husband.
<i>Terang kaum:</i>	a procedure in Mukomuko, designated for a migrant with Minangkabau origin or those who already belong to a particular <i>kaum</i> , to find a local <i>kaum</i> acting as his or her local parents in the <i>adat</i> community.
<i>Wali:</i>	guardian. According to the Shafiite school of Islamic law, one of the requirements for a Muslim marriage is that a bride must be married of by a male guardian; her father, or if this is not possible by a replacement from her father's line.
<i>Wasiat wāġibah:</i>	obligatory bequest.

Zina

fornication, adultery, sin. According to Indonesian Muslim family law, a divorce can be obtained through an adultery accusation (see a *lian* procedure) before the Islamic court, and the outcome of such procedure is a final divorce.