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Matrilineal Islam: State Islamic Law and everyday practices of marriage and divorce among people of Mukomuko-Bengkulu, Sumatra, Indonesia

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Propositions

1. Judges from the Islamic courts in Indonesia have engaged very actively in judicial lawmaking. They have shown their autonomy from the government and conservative Islamic organizations in making the law more female- and children-friendly.
2. The Islamic Chamber of the Indonesian Supreme Court has served as a strategic locus for legal development. This is problematic when it prevents lower court judges from taking the lead in legal innovation, since they are in a better position to assess the needs of the parties that appear before them.
3. The more centralised and homogenised the Islamic judiciary the more problematic, because the unified Islamic law is often at odds with existing local normative variations that operate across the archipelago.
4. In Mukomuko, the first instance judges' lack of autonomy in considering the adat has reduced the position of female litigants and their children, who are better served by their own adat rather than by state law.
5. Marriage and divorce serve as excellent lenses to examine the complex interplay between state and local Islamic law.
6. Even though marriage and divorce practices are increasingly influenced by the state's patriarchally inclined Islamic law, matrilineally-inclined Islamic law and its institutional actors have shown remarkable resilience.

7. In order to guarantee the effectiveness of state law a judge must take into account local ideas of justice (cf. the need for 'legal differentiation' in Bedner, 2017). If not, people will become reluctant to bring their disputes to court.
8. Judicial lack of consideration for local societal variation and the specific history of a particular region have been counterproductive, because they contradict the underlying purpose of Indonesian marriage law to better protect women and children and causes fragmentation on the part of the state.
9. Doing a PhD project while adjusting to new roles as a husband, a father, and a tenured lecturer is challenging and sometimes overwhelming. Hence genuine trust and support from supervisors and family are indispensable for the completion of a dissertation.