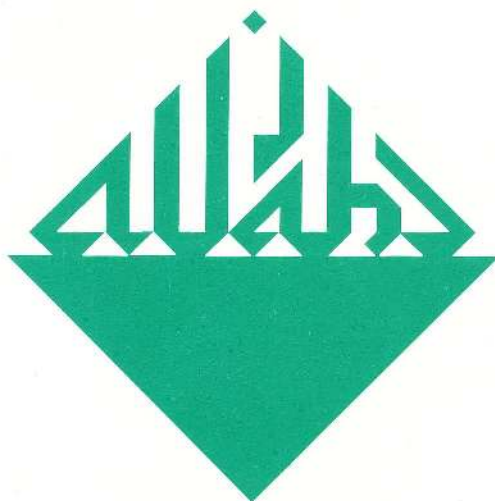


# STUDIA ISLAMIKA

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## The Making of Islamic Political Tradition in the Malay World

**Abstrak:** *Kajian-kajian tentang Islam di Asia Tenggara, khususnya Indonesia, menunjukkan bahwa dunia Melayu telah menerima tingkat pengaruh Islam dalam derajat yang lebih besar dibanding wilayah-wilayah lain. Nilai-nilai agama tersebut membentuk substansi utama struktur politik dan budaya Melayu, sehingga ia kemudian dianggap identik dengan Islam. Bagi bangsa Melayu, hal ini terefleksikan dalam satu ungkapan, "masuk Islam berarti masuk Melayu". Ungkapan tersebut merupakan wujud pemaknaan bangsa Melayu terhadap realitas yang dirumuskan dalam terma-terma Islam; sebagai artikulasi perasaan bangsa Melayu tentang identitas mereka yang cenderung menempatkan Islam sebagai bagian penting dalam rumusan ke-Melayu-an.*

*Artikel ini mencoba menghadirkan satu pembahasan tentang tradisi politik Islam di dunia Melayu. Menurut penulisnya, dalam konteks politik Melayu, Islam telah menanamkan pengaruhnya yang sangat kuat. Hal ini, antara lain, terlihat jelas dalam bahasa yang digunakan untuk mengekspresikan gagasan-gagasan tentang politik, seperti konsep kekuasaan, raja atau penguasa, hubungan raja dengan rakyat, serta hal-hal lain yang berada dalam domain politik. Di sini, bangsa Melayu menjadikan Islam sebagai dasar perumusan etika bagi perilaku politik para penguasa di kerajaan. Dalam teks-teks Melayu klasik, seperti Sejarah Melayu dan Hikayat Raja-Raja Pasai, —dua teks yang masing-masing berbicara tentang kerajaan Samudra Pasai dan Malaka pada abad 14*

dan 15— perumusan Islam sebagai basis etika politik terlibat dengan jelas pada isu-sisu pokok politik yang mengemuka dalam seluruh isi pembahasan teks.

Konsep penting lain yang muncul dalam wacana politik Melayu adalah hubungan raja dengan rakyat (subject). Sejalan dengan konsep daulat, raja dalam budaya Melayu memang dianggap memiliki posisi sangat dominan serta pemegang inisiatif di kerajaan. Namun, pada saat yang sama, politik Melayu juga memberi tempat penting bagi rakyat dalam bangunan kekuasaan kerajaan. Dalam Sejarah Melayu, misalnya, hubungan raja dengan rakyat diatur dalam suatu pola yang, dalam beberapa hal, bisa disebut sebagai satu “mekanisme kontrak” antara dua pihak yang saling berkepentingan —untuk tidak menyebut sejajar. Kendati memang sangat simbolik, teks Sejarah Melayu menekankan kewajiban dua pihak, raja dan rakyat, dalam sebuah “perjanjian” untuk tidak saling merusak posisi masing-masing. Pola hubungan raja-rakyat inilah yang selanjutnya menjadi dasar keberadaan sebuah kerajaan di dunia Melayu.

Dalam kaitan inilah maka wacana politik Melayu selanjutnya memperkenalkan konsep musyawarah, yang juga diadopsi dari tradisi politik Islam, sebagai satu aturan dalam sistem perilaku politik raja-raja Melayu. Konsep musyawarah ini tentu saja harus dilihat sebagai bagian integral dari pola hubungan raja-rakyat seperti disinggung di atas. Musyawarah dalam hal ini dilakukan guna menjaga tata hubungan yang telah dianggap sebagai landasan eksistensi suatu kerajaan. Dari sini, maka bisa dikatakan bahwa budaya politik Melayu berbeda dengan Jawa yang memiliki konsep penyatuan Kawula-Gusti, di mana rakyat sepenuhnya menjadi bagian milik sang raja dan tidak menempati posisi yang penting seperti di dunia Melayu.

Mengamati perumusan konsep-konsep pokok politik dalam teks-teks Melayu klasik di atas, bisa disimpulkan di sini bahwa kehadiran Islam di dunia Melayu —atau tepatnya dalam wacana politik— telah melahirkan satu proses transformasi ideologis yang sangat efektif. Islam secara pasti tampil menggantikan ideologi politik Hindu-Budhis sebagai sumber upaya perumusan etika dan sistem politik kerajaan.

Dengan demikian, Islam di dunia Melayu memang telah terlibat secara intensif dalam proses awal pembentukan kerajaan dan pelebagaan sistem budaya. Didukung watak budaya mereka yang bersifat kekotaan (urbanism), yang tumbuh sejalan dengan hubungan intensif dengan dunia internasional lewat perdagangan, bangsa Melayu menjadi sedemikian mudah menerima ajaran Islam, sehingga islamisasi berlangsung hampir tidak menghadapi resistensi budaya lokal yang berarti.

## The Making of Islamic Political Tradition in the Malay World

خلاصة: إن الدراسات الإسلامية بآسيا الجنوبية الشرقية وعلى رأسها إندونيسيا تدل على أن العالم الملايوي تأثر بالإسلام أكثر بكثير بالنسبة إلى غيرها من الأمكنة، وشكلت القيم الإسلامية الجوهر الأساسي في نظام سياسة ملايو وحضارتها بحيث اعتبرت ملايو قطاعا إسلاميا. ويتمثل ذلك للشعب الملايوي بالقول "إن الاعتناق بالإسلام بمثابة الدخول إلى القطاع الملايوي"، وهذه العبارة هي واقعية المعنى التي أتى بها الشعب الملايوي للواقعية المتوفرة في المصطلحات الإسلامية.

ويعمل هذا البحث على معالجة عادة الإسلام السياسية في العالم الملايوي، ورأى الباحث أن الإسلام على الصعيد السياسي بملايو كان قد غرس أثره الكبير، ويبدو ذلك جليا في المصطلحات المستعملة لتقديم الأفكار السياسية كالأفكار عن السلطة والمالك والصلة بين المالك والشعب وما إلى ذلك من الآراء السياسية في الحقل السياسي. ففي هذا الحقل جعل الشعب الملايوي الإسلام أساسا في تشكيل سلوك سياسة رجال الملكية، ويبدو من نسخ ملايو القديمة مثل تاريخ ملايو (*Sejarah Melayu*) وحكاية ملوك باسي ( *Hikayat Raja-Raja Pasai*) كل يبحث في ملكية سامدرا باسي (Samudra Pasai) ومالاكا (Malaka) في القرنين الرابع عشر والخامس عشر أن الإسلام باعتباره أساسا لسلوك السياسة يبدو جليا في قضايا السياسة الرئيسية التي تتناولها سائر محتويات النسخ.

وغيرها من الأفكار الهامة التي تبرز في الأفق السياسي بملايو هي صلة المالك بالشعب، وتماشيا مع فكرة الدولة فإن للمالك في حضارة ملايو مكانة في غاية الأهمية وحقا في أخذ القرار، على أن في نفس الوقت فسحت السياسة الملايوية مجالاً هاماً للشعب في تشكيل سلطة المالك. ومثل ذلك ما كان في تاريخ ملايو من النظام الذي يدبر صلة المالك بالشعب، وتسمى هذه الصلة في بعض الأحيان بميكانيكية التعاون بين طرفين ذوي أهمية متبادلة، ومع كون تاريخ ملايو رمزياً للغاية فإن نسخ تاريخ ملايو تؤكد على واجبات الطرفين المالك والشعب في الوثيقة وهي عدم إهلاك مكانة البعض بعضاً، ومثل هذه الصلة (صلة المالك بالشعب) هي التي تكون أساساً لواقعية الملكية في العالم الملايوي فيما بعد.

وبموجب ذلك تقدم أفق ملايو السياسي بعد بفكرة الشورى كنظام في نظام سلوك سياسة ملوك ملايو، واستمدت هذه الفكرة من تاريخ الإسلام السياسي، وذلك بالإضافة إلى أن الفكرة جزء لا يتجزأ من صلة المالك بالشعب كما سبق أن ذكرناه، وتستهدف الشورى في هذه القضية محافظة الصلة التي تعتبر أساساً لكيان الملكية.

ومن هذا المنطلق فإنه من الممكن القول بأن حضارة ملايو السياسية تختلف عن جاوى التي تملك فكرة توحيد الشعب بالمالك، فإن المالك في هذه الفكرة يسيطر على الشعب على وجه كلي وليس لشعب جاوى مكانة ما لشعب ملايو.

وبعد ملاحظة أفكار السياسة الرئيسية في نسخ ملايو القديمة السابق الذكر فنأتي بالخلاصة أن حضور الإسلام إلى العالم الملايوي وعلى وجه التحديد في الحقل السياسي ولد إلى حد بعيد عملية نقل العقيدة الفعالة، وحل الإسلام محل الإيديولوجيا السياسي للهند والبوذي باعتبارهما ينبوعاً في وضع سلوك سياسة الملكية ونظامها. ولذلك فإن الإسلام في العالم الملايوي لعب دوره الهام في تشكيل الملكية وتأسيس نظام الحضارة، ومن الدوافع التي تؤدي إلى سهولة تلبية الشعب الملايوي التعاليم الإسلامية هي أن لهم طبيعة متحضرة تنشأ تماشياً مع الصلة الدولية بواسطة التجارة، ويترتب على هذا الأمر أن كادت الأسلمة تجري دون أي مقاومة جديرة بالذكر من الحضارة المحلية.

Let me begin this article with a quotation which reads as follow:  
...if these people regard themselves for all practical purposes as Muslims, it is difficult to maintain that scientific research has come to the conclusion that they are not. ...One is inclined to feel that if an Indonesian says he is a Muslim, it is better to take his word for it.<sup>1</sup>

With regard to the word “Islamic” in the title of this study, “The Making of the Islamic Political Tradition”, it might be significant to take the above quotation into consideration. In the Malay tradition, what the people say about themselves seems to support the argument which is revealed in the sentences quoted. One of the most well-known Malay proverbs runs as follows: “to convert to Islam is to become a Malay”. This proverb obviously expresses the feelings of the Malay people who identify themselves with Islam. Islam is acknowledged as having constituted a significant part of Malay society; Islam is regarded as the source of its cultural identity. Thus, if what is conceived of as being Islamic as such is accepted, perhaps there is no reason to wonder how “Islamic” Malay society is; and there is a solid validation for taking the sentence quoted as the argument for this study.

As the title suggests, in this study, the discussion will be directed towards examining the formation of the political tradition during the period of its inception: the span of time in which Islam was first integrated into the politics of Malay society, which covers the period of the first two Islamic states in the Malay Archipelago, Samudra Pasai and Malacca, from the late thirteenth to the early sixteenth century. In the Malay political tradition, the period under the discussion has considerable significance. Especially in the case of Malacca, the political tradition established in the state has been regarded as the source of legitimacy for the later development of the Malay political tradition.<sup>2</sup> As regards with the main issues of the sentence quoted and the Malay proverb, this study will be devoted to investigate the initial process of the attempts by the Malay people in the making of political tradition under the Islamic domain.

In this study, therefore, with the title “The making of the Islamic Political Tradition”, the discussion will be directed towards the understanding of Islam as a cultural basis for the concepts and practices of politics within the Malay society. As a cultural basis, Islamic influence is not to be discerned exclusively in the political institution as

the above-mentioned scholars have suggested. Instead, it has to be ascertained in the system of meaning in the Malay people which served as an ideological foundation for the political enterprises.

In this respect, therefore, the tradition —it is important to emphasize— is not a residue of the past as is usually assumed, but a pattern of cultural paradigm through which the society conceives realities; a cluster of values and norms on the basis of which the society sees and gives meaning to the political activity. Instead of assuming the tradition as a series of events which happened in the past, this study conceives the tradition as a process of recreating and reproducing what is believed as to have existed and performed in the past.<sup>3</sup> Conceived as such, the tradition can also be understood as a mental activity or a mode of thinking which is employed in the attempts to invent and reconstruct the past realities on the basis of the contemporary argument.<sup>4</sup>

Thus, the main emphasis of this study is on the *practiced* Islam as a cultural substratum of the politics; Islam interpreted and performed as cultural norms and meanings on the basis of which the political concepts and practices worked and operated within the Malay society. With regard to this main concern, the term Islamic is employed in this study to refer to the social and cultural entities which are associated with Islam and are meaningful for the Muslims. The pre-Islamic elements which still prevail in the practice of politics are not to be judged as un-Islamic, nor are they viewed as indicating the minor impact of Islam on the Malay tradition. On the contrary, they must be regarded as belonging to the tradition within which Islam serves as a cultural paradigm for their meaningful existence in the society.

Turning to the Malay proverb mentioned above, what is significant to discern is the fact that Islam is regarded as a cultural framework for the identity of Malay society. Islam is acknowledged as having constituted a foundational basis for the cultural and social formation of the society. It means that whatever forms Malay society may take in its social and political arrangement —which might come from the pre-Islamic tradition— yet the society credits them as being founded on the Islamic cultural substratum. From this, it follows that to agree with the argument in the sentence which is quoted at the beginning of this chapter is strongly justified. Finally, it also follows that the attempts to ascertain the Islamic contribution to the formation of the Malay political tradition is historically grounded



and culturally significant for the understanding the history of Islam the Malay Archipelago.

Turning to the formation of the political tradition, the indigenous Malay texts, especially those derived from the historical period under the discussion, are important sources for this study. In this respect, four important Malay texts will be studied and examined: the *Sejarah Melayu*, the *Hikayat Raja-Raja Pasai*, the *Hikayat Hang Tuah*, and the *Undang-Undang Melaka*.<sup>5</sup> These texts are significant in this discussion for the reason that they are inextricably entrenched in the structure of the Malay society in the two Islamic states mentioned during the period of this study. These texts are historically imbued within the society and, therefore, they are culturally meaningful for the understanding of the Malay political tradition. Thus these Malay texts will be used in this study as evidence of the preoccupation and categories of the Malay political tradition.

When employing indigenous Malay texts as the main sources, however, several considerations of the methodology need to be paid particular care. First and foremost, this study assumes that what is written in the Malay classical texts mentioned is the perception and practice of the Malay society towards politics as these really existed during the period under this study. These texts communicated the ideas of politics which constituted the discourse of the Malay people on the political power within the language system which prevailed in the period concerned. Conceived as such, in this study these texts will not be treated as merely a *reflection* of the historical condition in a simple mirror-object assumption. Instead, they will be ascertained as an inherent part the political reality itself, a reality that is autonomous in character.<sup>6</sup>

From this perspective, the significance of the texts is therefore not in the extent the texts can recount the historical conditions reliably, but in their function in articulating the meaning of politics within Malay society: the patterns of these texts express the political experiences, the nature this expression reveals and in turn renders the Malay political tradition. Thus, the ideas of politics expressed in the texts mentioned are politized, and the language the text employs to express the political ideas and concepts is structurally institutionalized which means that political thought and actions are channeled in certain direction.<sup>7</sup>

On the basis of this argument, in this study, instead of reading the texts as “works of history”, whose narration of past events has to be

tested on the basis of scientific requirements, the discussion will be directed towards exploring and identifying the social and political significance of the texts, whatever the nature of language they employ in their narration. Thus the fact that the Malay classical texts mentioned are legendary in their narration should not be criticized as being worthless and unreliable, as some scholars have suggested.<sup>8</sup> They should instead be regarded as a part of the social and cultural structure of Malay society which is revealed in the pattern of legendary and mythical explanations. In other words, with regard to this legendary aspect of the texts, the main concern of this study is an inquiry into the process of *reflection* by the Malay society of its social and political realities which were expressed in the language system provided during the period concerned.

### **The Formation of Islamic States: Samudra Pasai and Malacca**

The early development of Islam in the Malay Archipelago has been credited to occur in a very bewildering historical period. This is especially the case in the attempts to determine the precise date when and the place where Islam initially came to the area, and also to detect the country from which Islam in the Malay Archipelago originated. The scarcity of historical sources available on this period has made the scholarly attempts to provide a reliable historical construction extremely difficult.<sup>9</sup> Added to these difficulties is also the fact that the Malay archipelago has displayed great diversity both in time and modalities of the presence of Islam at particular points. In certain areas Islamization proceeded easily, whereas in other areas it had to face strong opposition from the local tradition. Likewise in some areas Islam was already established, in others it began to be introduced. This diversity then not only creates divergent articulations of Islam in the Malay areas, but also —and more importantly— renders the impossibility of providing any single and general theory of Islamization.<sup>10</sup>

In this context, therefore, instead of providing a precise historical construction of the Islamization, an attempt will be made to investigate the start of the gradual process of the acquisition of Islam in the political tradition in the Malay Archipelago. The discussion will be directed towards examining the initial process of establishing political tradition within which Islam gradually formed a substantial element: the period when Islam was first integrated in the political

arrangement in the Malay world.

The historical sources available on the early history of Islam in the Malay Archipelago have allowed historians to come to the conclusion that Samudra Pasai converted to Islam in the late thirteenth century.<sup>11</sup> This is based on evidence supplied by the gravestone of Malik al-Şâlih, the first Muslim ruler of Samudra Pasai, which is dated 1297.<sup>12</sup> This opinion is supported by the story provided in the *Hikayat Raja-Raja Pasai*, in which Malik al-Şâlih is described as the first ruler of the state who converted to Islam. The *Hikayat* relates that Merah Silu —the previous name of Malik al-Şâlih— once had a dream that he met the Prophet Muhammad who asked him to recite the profession of the faith (*kalimah syahadah*). The Prophet then named him Malik al-Şâlih, and from that moment Merah Silu had converted to Islam with the title sultan.<sup>13</sup>

These sources —the gravestone and the story in the *Hikayat*— of course do not give any description how the conversion in Samudra Pasai came about. The story in the *Hikayat* is very legendary in character, and it is therefore very difficult to regard it as a reliable historical description of the Islamization. Moreover, crediting the date of the gravestone as the time of Islamization is not only insufficient, but to some extent also misleading. It is really the case, however, when we consider Chinese sources which predate the presence of Islam in Samudra Pasai long before the time on the gravestone. Although fragmentary in nature, the *Yuan-Shih* does indeed mention that the ruler of Samudra (*Sa-mu-ta-la*) had sent two ministers with the very Islamic names of Husain and Sulaiman, to the Chinese court.<sup>14</sup> From this, it can be assumed that Islamization in Samudra Pasai had already proceeded gradually before the date on the gravestone. Staying with this fact, what is significant from the mentioned historical sources may also be attained from another perspective. Following the story in the *Hikayat*, the fact is that Malik al-Şâlih is credited as being the first ruler of Samudra Pasai. The text describes him as having built a palace in an area in the northern part of Sumatra, Samudra, as the center of the state.<sup>15</sup> From this, it is implied that the conversion of the ruler of Samudra Pasai to Islam in the late thirteenth century coincided with the process of its formation of becoming state. Malik al-Şâlih converted to Islam not long after assuming power in Samudra Pasai, and transformed and developed it into a large state which reached its peak in the fourteenth century.

From this perspective, Islamization in Samudra Pasai must be

viewed in the whole context of its historical development. Islamization in this area appeared to have been integrated into the process of state formation which corresponded with its involvement in trade development. In the Malay Archipelago, Islamization, state formation, and commercial development were closely interwoven with each other and constituted a major feature in the historical process of its religio-cultural and political formation.<sup>16</sup> Geographical and climatic conditions had predestined the area to engage in the maritime trade throughout its history. Situated on the peripheries of the opposing wind systems of the Indian Ocean and the Chinese Sea, various states in the Malay Archipelago had acted as intermediaries in the intra-regional commercial development.<sup>17</sup> In view of the importance of this commercial aspect, the following discussion therefore will focus on the trade development in the Malay Archipelago which engendered the rise of Samudra Pasai to become an Islamic state.

The thirteenth century, the period of the Islamization of Samudra Pasai, is acknowledged as a turning point in the history of maritime trade in the Malay Archipelago and South-east Asia at large. New patterns of trade, which involved some areas on Sumatra's northern coast, emerged to replace the old pattern which centered in southern Sumatra.<sup>18</sup> The rise of this new trade pattern began with the decline of the Hindu-Buddhist kingdom, Srivijaya, on the southern coast of Sumatra. After seizing and holding political and economic power in the straits of Malacca from the seventh to tenth century, Srivijaya was then conquered by the Cola Dynasty from Southern India in the early eleventh century.<sup>19</sup> The decline of Srivijaya had far-reaching effects on the development of maritime trade in the Malay Archipelago. The southern coast of Sumatra and the areas along the strait of Malacca were practically closed for international trading activities. At the same time, with the rise of the kingdom of Madjapahit in 1293, Java increasingly emerged as a "dominant entreport" of eastern parts of the archipelago. The products of the eastern areas, especially spices, which were at that time greatly in demand on the international market, then came to the hands of Javanese ruler. Moreover, the economic policy of Java was concentrated more upon destroying Srivijaya and holding the straits under its control.<sup>20</sup>

This development then provided Samudra Pasai, located in the northern coast of Sumatra, with great opportunities to develop as a new central entreport for international trade networks. Unlike Srivijaya, Java established a loose hegemony in Sumatra, which was

then responded to by the emergence of the new entrepôts in its northern parts.<sup>21</sup> This situation was reinforced by political change in China, especially with the rise of Yuan and Ming Dynasties in the thirteenth and fourteenth century respectively. In contrast to the previous Sung and Tang Dynasties which closed their entrepôts to foreign merchants, these two later Chinese dynasties directed their political and economic policies to be more concerned with, and even intervening in, Southeast Asian affairs.<sup>22</sup> At the same time, Indian Muslim merchants who dominated the trade network between India and China also began to gain a foothold in that area.<sup>23</sup>

Thus from this period Samudra Pasai became a regular stopping place on international trading voyages which lured foreign merchants to visit. The travel account of Tome Pires describes the condition of Samudra Pasai as "becoming prosperous, rich, with many merchants from different Moorish and Kling nations, who do a great deal of trade".<sup>24</sup> He then also mentions the presence of Muslim merchant from other Muslim countries: such as Bengalis, who formed the most numerous, Turks, Arabs, Persians, and Gujarates.<sup>25</sup> This description is in fact supported by the fact that the northern coast of Sumatra produced spices, in particular pepper, which were greatly in demand in Europe and on international markets.<sup>26</sup> In the *Hikayat Raja-Raja Pasai* this is in fact described in the illustration given of Shaikh Ismâ'il from Mecca who visited Samudra Pasai to spread Islam. After staying some time in the state, one day he came to the Sultan to announce his departure to Mecca. The Sultan, the text describes, collected presents which were chosen from among the main products of the state: such as camphor, eaglewood, benzoin, cloves, and nutmeg.<sup>27</sup>

From this wide perspective, it can be argued here that the changing pattern of trade formed a determining factor in the state formation and Islamization process of Samudra Pasai. Having been directly involved in what K.N. Chaudhuri terms as a "long distance trade"<sup>28</sup> in the Indian Ocean, Samudra Pasai experienced an intensive Islamization concomitant with its increasing political power and suppressed other entrepôts on the northern coast of Sumatra. In this "long distance trade", the movement of people must be seen not only in economic terms, but also as being part of the cultural and political formation.<sup>29</sup> Thus the Muslim merchants who visited Samudra Pasai became important agents for the process of Islamization.<sup>30</sup> They had participated greatly in the Islamization which achieved its highest momentum in the late thirteenth century, coinciding with the eco-

conomic and political development which resulted in Samudra Pasai becoming an important state.

As in the case of Samudra Pasai, the provision of a reliable construction of early history of Malacca is also hampered by incomplete and fragmentary data. In this case, scholars have to encounter enigmatic figures to determine the first three rulers of Malacca, and also to ascertain the first of these to be converted to Islam.<sup>31</sup>

The travel account of Tome Pires in the sixteenth century, to which most scholars refer in their studies, suggest that Malacca was established by Parameswara.<sup>32</sup> He was a fugitive prince from Palembang who moved to Singapore, possibly because of a Javanese attack, and ruled the island for five years until he was driven out by a Siamese fleet. Parameswara then came to Malacca and commenced building a state, possibly in 1403, with the support from his loyal followers, the so called *Celat*, since he had been a prince of Srivijaya in Palembang.<sup>33</sup> From that time Malacca was established and Parameswara ruled the state until he died and was succeeded by his son, Iskandar Shah.<sup>34</sup>

Following Tome Pires, it was during the reign of this second ruler, Sultan Iskandar Shah, that Malacca emerged as an important state in the Malay Archipelago. Malacca became increasingly attractive for the merchants, either from areas in the Malay Archipelago or foreign merchants who always had come before to Samudra Pasai, to visit. At that time, some Muslim Merchants, especially Persians as well as Bengalis and Arabs, moved from Samudra Pasai to Malacca. This is also supported by the attitude of Iskandar Shah who was very happy to welcome the Muslim merchants. He provided them with facilities both for economic and religious activities.<sup>35</sup> Still following Tome Pires, Iskandar Shah himself then converted to Islam when he was seventy-two years old on the advice of the ruler of Samudra Pasai and *ulamas*, mollah, who had settled there during his reign.<sup>36</sup>

As in the case in Samudra Pasai, the travel account of Tome Pires is of course not sufficient to provide a reliable construction of the early history of Malacca. Especially in reference to the determination of the first three rulers of Malacca, the *Sejarah Melayu*, for example, relates that Iskandar Shah is the first ruler of Malacca.<sup>37</sup> Winstedt, moreover, assumes that Iskandar Shah and Parameswara is the same person. He argues that Iskandar Shah is the Muslim name of Parameswara after he had converted to Islam. "As a Muslim he took the Pasai style of Megat Iskandar Shah, a change that confused Chi-

nese and Portuguese into mistaking him for two persons".<sup>38</sup>

With due regard to the differences, what is significant to emphasize here is the fact that Malacca displayed the same pattern as Samudra Pasai, that Islamization proceeded in the line with state formation and commercial development. Based on all the information adduced above, it can be assumed that during the period of its conversion to Islam Malacca was in the crucial phase of its state formation. In this period, political consolidation became the overriding concern of the rulers. They attempted to provide trade enterprises—as the primary sources of the state development—with some safety guarantees. In this light, therefore, conversion of the Malaccan rulers to Islam became politically significant, in particular in keeping foreign Muslim merchants being attracted to maintain trade transactions in the state.

As will be apparent in the explanation which follows, in Malacca, as in Samudra Pasai, it was its engagement in the long distance trade in the Indian Ocean which resulted in Malacca becoming a leading Islamic state during the fifteenth century. To ascertain how this process came about, it is important therefore to pay attention to the maritime trade which developed in the Malay Archipelago during the period concerned.

As in Samudra Pasai, even more in the case of Malacca, it was Chinese economic development which was responsible for the establishment of Malacca as an international trading centre. The economic policy of the Ming Dynasty which emphasized trade overseas, with the re-establishment of the Bureau of Maritime Trade, had considerable impact on the flourishing trade in the areas in the north of Sumatra and then the straits of Malacca. In the rise of the Malaccan state, moreover, this Chinese involvement had a direct impact, especially on empowering Parameswara to build his power and authority and to rule the state from its inception. Carefully examining Chinese sources from the fifteenth century, Wang Gungwu comes to the conclusion that China was responsible for bringing Malacca under the emperor's protection.<sup>39</sup>

For the Chinese court, the relationship with Malacca was advantageous not only in the political aspect, namely that it would enhance its power authority, but also in its economic development. The Chinese court at that time was searching for a convenient trading centre and a safe route to India free from any disturbance from piracy which was then becoming well-entrenched on the Chinese coasts.<sup>40</sup> Conversely for Malacca, relationship with China was politically signifi-

cant, especially to counterbalance the increasing power of the Siamese in Ayutha, which was regarded as constituting a threat to the establishment of Malacca. In addition, it was economically also more advantageous, that the tribute to China was returned by gifts and marks of honor but nothing was gained in return for the tribute to Siamese.<sup>41</sup>

On the basis of this mutually advantageous relationship, therefore, the Chinese Ming court sent missions to Malacca, as well as other trading centres in India and Southeast Asia. Chinese records from the fifteenth century approve that the Ming emperor sent the eunuch Yin Ch'ing in 1403 and then the eunuch Cheng Ho in 1407 to Malacca to bring presents for the ruler, and they also brought the ruler and his wife and son with them to the Chinese court.<sup>42</sup> The coming of this mission not only announced the existence of the Malaccan state, more importantly it also assured, to a certain degree, the security and stability of Malacca as a growing international trading state.<sup>43</sup>

Added to this advantage, the Chinese expeditions to overseas trading centres were purely economic in purpose, not like the Europeans who were easily tempted to conquer. In the context of Malacca, therefore, China made great contributions not only to the establishment of Malacca as an international trading centre, but also to the process of becoming a state. China had laid down the basic requirements for its later development as the most important state in fifteenth century Malay Archipelago.<sup>44</sup> Thus in 1435, when the Chinese Ming court abandoned its expansionist economic policy, Malacca by that time was already capable of maintaining itself independently of Chinese protection.<sup>45</sup>

It was in this process of becoming independent that the conversion of the Malaccan rulers to Islam took place. Malacca at that time was in the process of consolidating its political power. With China's withdrawal from active participation in Southeast Asian affairs, Malacca had to forge a new relationship with other trading entrepôts in the Malay Archipelago. In this situation, Malacca attempted to attract the Muslim merchants who had previously concentrated their economic activities in Samudra Pasai. As appeared in the previous section, this area had been visited by Muslim merchants from many other Muslim countries. Samudra Pasai was very important for the commercial development of Malacca, because it functioned as a collection centre for Sumatran goods. Pires, for instance, states that in Samudra Pasai all the merchandise from all the islands were gathered.<sup>46</sup> In addition, the importance of Samudra Pasai was also due to the fact that the area had appeared as a market place for Javanese



spices in the fourteenth century. Malacca attempted to lure Javanese traders to shift their spice trade from Samudra Pasai to Malacca.<sup>47</sup>

From this perspective, the conversion of the Malaccan rulers to Islam occurred concomitantly with their economic and political strategies to build the power and authority of the state after China's withdrawal. By accepting Islam the ruler would gain political prestige and economic growth would be set in train by the Muslim merchants in Malacca, which in turn created the foundation for the empowerment of the state. Conversion to Islam was an effective means of self-protection resorted to by the Malaccan rulers to guard itself from international isolation after China's disinvolvement in the Malay Archipelago.<sup>48</sup>

As will be apparent in the following section of the discussion, the Malaccan rulers did indeed succeed in building the state into a leading international entreport and at the same time as a centre for Islamic learning in the fifteenth-century Malay Archipelago. As Samudra Pasai had done in the previous century, Malacca experienced intensive Islamization after the coming of the Muslim merchants to the state. They constituted a leading social class which made a contribution both to the process of Islamization and the economic development of the Malaccan state.

### **The Claim to Genealogy: Building a Legitimate Power**

From what has been explained in the foregoing discussion it can be seen that the process of Islamization in the Malay Archipelago proceeded in the same lines as the political development. This process is revealed as such in the state formation of Samudra Pasai and Malacca, where Islam made a considerable contribution at the very crucial phase of their process of becoming states. Both these two states converted to Islam during the period when their rulers attempted to gain legitimate authority to rule the states. The rulers at that time had to deal with the changing conditions in the societies both in social and political affairs and also the religious belief.

In the Malay Archipelago, the rulers claimed that they descended from Raja Iskandar Zulkarnaen (Alexander the Great), a ruler with great significance in the history of the world. Many Malay classical texts, especially those belonging to the court literary genre, demonstrate the genealogy of Malay rulers going back to Raja Iskandar Zulkarnaen.

The story of Iskandar Zulkarnaen is preserved in a Malay text named after him, *Hikayat Iskandar Zulkarnaen*.<sup>49</sup> In this text he is described as a great Muslim ruler who held political power from the West to the East; he conducted his power authority on the basis of Islamic principles; he also made great contributions to the Islamization in every area in the world he conquered. The text narrates both his political and religious journeys in such a way as to demonstrate that Raja Iskandar Zulkarnaen is a glorious Muslim ruler who had been guided by God. During his lifetime he was always accompanied by his best friend and also his religious adviser, the Prophet Khidir. In short, Raja Iskandar Zulkarnaen is portrayed in the text as the greatest Muslim ruler who was endowed with sacred attributes.<sup>50</sup>

In the Malay Archipelago, this text was in fact very highly appreciated. Some parts of the story of this Muslim ruler are incorporated into some Malay classical texts. More importantly, the Malay texts describe Iskandar placing the emphasis on his glorious and successful aspects both in politics and religion.<sup>51</sup> The *Sejarah Melayu* is one of those which contain the story of Iskandar in a very great detail. The first part of the text is devoted to relating the story with such importance that there is a tendency to regard it as "the Iskandar episode".<sup>52</sup>

Moreover, what is significant in the *Sejarah Melayu* is the fact that the text relates the story of Iskandar as the origin of the Malay rulers' genealogy in more detail than that provided in other Malay texts. In the *Misa Melayu* and the *Hikayat Atjeh*, for instances, Iskandar Zulkarnaen is mentioned in only one sentence.<sup>53</sup> The *Sejarah Melayu*, in contrast, begins with a description of Iskandar Zulkarnaen's journey to India. He traveled to this country to persuade Kida Hindi, the ruler whose kingdom held sway over half of all India, to convert to Islam. Having succeeded in his mission, he then married the daughter of the ruler, Shahrul Bariyah, and had children who came to the throne after the ruler Kida Hindi died.<sup>54</sup> It is from this marriage that the genealogical lineage of the Malay rulers originates. The ruler Nushirawan, one of his children, is claimed in the *Sejarah* to be a descendant through whom the genealogy goes back to Iskandar Zulkarnaen. The text relates as follows:

"... Not from the breed of genies (*jin*) or fairies are we. We are descended from Raja Iskandar Dzulkarnaen; of the lineage of Raja Nushirawan, Lord of the East and the West, are we. Our line springs from Raja Sulaiman (upon him be peace): one of us is called Bichtiram, one Paludatani, and one Nilatanam".<sup>55</sup>

Concerning the story of Iskandar, in the context of this study, the questions which might best be addressed are as follows: how did the Malay rulers come to claim Raja Iskandar Zulkarnaen as their ancestor? From where did the story of Iskandar enter the Malay tradition? These questions are of specific importance because the story of Iskandar does not belong exclusively to the Islamic tradition. The origin of this story goes back to the Greek tradition, and the *Pseudo Callisthenes*, a classical Greek text written in 200 BC, has been credited so far as the source of the story of Iskandar.<sup>56</sup> In the Western tradition this story has enjoyed enormous popularity, and the *Pseudo Callisthenes* has also been translated into many Western languages. He is described as the greatest ruler of Macedonian-Greek descent who was responsible for the fact that Greek culture and tradition, the Hellenism, gained supremacy over the world.<sup>57</sup>

In the Muslim world, the story of Iskandar has also enjoyed great popularity. It has been widely celebrated in many Muslim countries, especially Arabia and Persia.<sup>58</sup> In Persia, this popularity is revealed by the fact that the *shahnamah* by Firdawsi —the most distinctive Perso-Islamic literary work— described Iskandar as the founder of the throne of Iran.<sup>59</sup> More importantly, the name Iskandar is cited in the Qur'an (sura 18: 83-98), and is described as the epitome of a Muslim ruler.<sup>60</sup>

Turning to the Malay *Hikayat Iskandar Zulkarnaen*, it can be said that this text might be derived from the story of Iskandar established in the Muslim tradition, most likely from the Perso-Arabic tradition. This is based on the fact that the description of Iskandar provided in the Malay text strongly displays close resemblance to that established in the Perso-Arabic tradition. Besides, of course, it was also inspired by the story recounted in the Qur'an.<sup>61</sup>

In the context of the Malay political tradition, I would argue that the significance of the story of Iskandar lies in the fact that it laid down the basis for the establishment of Malay royalty. The genealogies in the Malay political tradition have been preserved as part of the regalia of the Malay rulers.<sup>62</sup> During the period under discussion, the issues of the Malay royalty were in fact of considerable importance for the Malay rulers. Both in Samudra Pasai and Malacca the consolidation of the political power became the main concern of their rulers. In this respect, the figure of Raja Iskandar Zulkarnaen fitted the rulers' political attempts. The story enabled the rulers to build an heroic image which was needed as a means of establishing the politi-

cal power which was centred in the sacred and omnipotent rulers. This functioned to invest the royal figure with the religious types.<sup>63</sup> The story of Iskandar indeed emphasizes the supernatural character of this Muslim figure. These characters are described in such a way to the extent that it constituted the religious basis for the building of the Malay political royalty.

In the Malay Archipelago, the heroic image in fact formed one important feature in the political and literary tradition.<sup>64</sup> To mention but a few examples, the *Hikayat Amir Hamzah* and the *Hikayat Muhammad Hanafiyah* emerged as counterparts of the story of Iskandar.<sup>65</sup> In a comparison with the *Hikayat Iskandar*, these two texts mentioned also demonstrate Muslim heroes with attributes which parallel with those of the story of Iskandar. Amir Hamzah is depicted in the text as a wandering warrior long before the time of the Prophet Muhammad.<sup>66</sup> The same is also true with the *Hikayat Muhammad Hanafiyah*. This text is purported to magnify the martyrdom of Hasan and Husain, the sons of the Caliph Ali, in the battle of *Karbala* against the Umayyad Dynasty, in this case the ruler Yazid ibn Abi Sufyan.<sup>67</sup> To put it in other words, the heroic story of Iskandar and those contained in the two texts mentioned have provided the Malay rulers with strong a foundation for the establishment of the Malay royalty and ultimately for a political ideology. Turning to the characteristics of the stories in the texts, it can be argued here that Islam was referred to as an important source of the texts. It follows that the attempts of the Malay rulers to build their political power occurred within the framework of Islam.

Given to this fact, the claim of the Malay ruler to be descended from Iskandar and the wide celebration of the story in the Malay literary tradition can be identified as a political response of the rulers to a situation in which Islam was ever increasingly gaining position in the Malay society.<sup>68</sup> The genealogy was created to justify their political authority over the subjects. By associating the rulers with the descendants of Raja Iskandar Zulkarnaen, the claim to this genealogy announced the credentials of the rulers as the leaders and protectors to rule their subjects on the basis of the legitimate authority.

From this point of view, the importance of the figure Iskandar in the Malay rulers' genealogy has to be seen as a political attempt of the rulers to trace their origin and to ascribe it to this glorious Muslim figure. This is a form of political myth which cannot be historically testified. This story should be understood as a consequence of the

need to give the myth of their origin in the formulation of Islamic terms, so that it is fit to be carried over into the new Islamized environment.<sup>69</sup> In this respect, therefore, the incorporation of the figure Iskandar in the Malay political tradition can be defined—in the words of J.J. Ras—“as characteristics of the Malay conception of the way in which a royal dynasty comes into being”.<sup>70</sup> As the main element of the regalia of the Malay rulers, the genealogy served the rulers with the claim to the royalty which functioned as an ideology to justify their political power. Ultimately, the claim to their genealogy by the Malay rulers confirms the nature of the Islamization which proceeded alongside the political strategies employed by the rulers to build their political power in the state.

Staying with this fact, in the genealogy a connection to the pre-Islamic political tradition established in the Malay area also became a significant factor to maintain. However much Islam constituted important facet in the Malay society during this period, there was and always is ample room for the continuity of pre-Islamic elements. Moreover, in the context of politics, the connection to the pre-Islamic tradition was extremely vital for the rulers' capability for assuring the subjects that they assumed to the political power on the basis of a legitimate authority. In this respect, what B.J.O. Schrieke said in the case of Java, “the transference of lustrous principle of royal authority”,<sup>71</sup> is relevant to explain the political condition in the Malay Archipelago. As in Java, the Malay Islamic states which emerged in this period had to deal with the ideological justification from the pre-Islamic royal authority. Bearing this justification in mind, the genealogy served a significant indicator to show that the new states were the perpetuators of the older existing order. In the Mataram Islamic state, again as mentioned by Schrieke, the imperial crown of Madjapahit was worn by the Mataram rulers as the proof of their claim to the continuity of their royal authority.<sup>72</sup>

In the Malay Archipelago, particularly in this case the Malaccan state, this argument becomes even sounder considering the fact that the founder of the state, as can be seen in the previous explanation, was a Palembang prince who was descended from the royal family of Srivijaya. Thus the Malaccan rulers were the direct inheritors of the royal authority of the Srivijaya.<sup>73</sup> Added to this fact, it is worth mentioning here that during the process of state consolidation, besides the Muslim communities established in Malacca, the Malay people who had not converted to Islam also constituted another major impor-

tant social and political community. This was especially true with the loyal followers of Parameswara, the so-called *Celats*, who supported him in building the Malaccan state. They ultimately asked the ruler to fulfill his promises and to reward them with some gift of honor.<sup>74</sup> In contrast to the Muslims, moreover, this Malay people had still a kin relationships with their ancient power holder in Srivijaya.

Giving this condition its due weight, therefore, the efforts of the Malaccan rulers to establish the power authority had to take into account other considerations besides Islam. In this context, it was the unbroken Malay sovereignty from the time of Srivijaya which must be proved by the rulers to secure their political authority from an ideological query of this group of Malay people. The Malaccan rulers had to demonstrate that they were legitimate Malay sovereigns who had the rights to rule their subjects, not only the Muslims but also the non-Muslim people.

The quest of Malaccan rulers for the power authority is obviously expressed in the *Sejarah Melayu*. As far as the text is concerned, it can be seen that the rulers attempted to gain political supports from both communities. It is especially the case in the claim to genealogy. The *Sejarah* demonstrates the genealogy in the pattern which is extremely reminiscent of the Hindu-Buddhist political tradition established in Srivijaya. Raja Iskandar Zulkarnaen is stressed as the origin of the Malay rulers with the emphasis on the paramount position of Bukit Siguntang Mahameru, a sacred place in the Hindu-Buddhist mythology, which was located near Srivijaya.

The text starts by demonstrating this genealogy with an illustration of a miracle experience of two widows, Wan Empok and Wan Malini, who met the three youths coming down from heaven in the area of Bukit Siguntang Mahameru, in Palembang. It happened, the text describes, that one night they saw from their house a glow as of a fire on the Bukit Siguntang. When the day dawned, they arose from their sleep and suddenly saw that the padi they had planted in the area had "golden grain, leaves of silver and stems of gold alloy".<sup>75</sup> It was on this land, Bukit Siguntang, that Wan Empok and Wan Malini met the descendants of Raja Iskandar Zulkarnaen. They are described as the three beautiful youths coming down from heaven.

And on this land that had been turned into gold Wan Empok and Wan Malini beheld three youths of great beauty. All three of them were adorned like

kings and wore crowns studded with precious stones, and they rode upon white elephants. Wan Empok and Wan Malini were lost in wonder and utterly amazed at the sight of these youths who were so handsome, bore themselves with such grace and were so brilliantly adorned.<sup>76</sup>

The above description gives the strong impression that the Hindu-Buddhist elements are extremely prominent in the genealogy. The attempt to emphasize the importance of Bukit Siguntang Mahameru, Palembang's hill, is an important aspect in the association with the Hindu-Buddhist Srivijaya. In the pre-Islamic history of the Malay Archipelago, Srivijaya is recognized as an exemplary Hindu-Buddhist state, especially famed for its Mahayana-Buddhist school.<sup>77</sup> This state was even well known as the centre for Buddhist learning. Chinese records mentions that in the seventh century there were more than a thousand Buddhist priests who studied in Srivijaya, and they performed ritual ceremonies which were identical to those in India.<sup>78</sup>

In the Hindu-Buddhist political tradition, Bukit Siguntang Mahameru is indeed recognized as a sacred place. It contains a symbolic meaning of the existence of ruler as a divine king. In this tradition, Bukit Siguntang Mahameru is conceived as the centre of universe, the cosmic mountain, and the king is identified with the axis of the world. This means that the king is the reincarnation of the deities and representative of God in the world, as he is described sitting on the throne which symbolizes the mount Mahameru.<sup>79</sup>

The importance of Bukit Siguntang Mahameru, alongside Raja Iskandar Zulkarnaen, in the genealogy presented in the *Sejarah* therefore must be viewed as an attempt by the Malay rulers to associate their authority with the Hindu-Buddhist Srivijaya in Palembang. One other, or even more, convincing reason to assume this association is also the fact that the presence of the descendants of Iskandar Zulkarnaen in Bukit Siguntang Mahameru is glorified with a glow shining like a fire on the top of the hill, and the turning of the land into gold. This is reminiscent of the brilliant rays which are attributed to the Bodhisattva Avolocitisvara, known in Southeast Asia as Lokeshvara. In the Mahayana-Buddhist tradition, this Bodhisattva is a symbol of "the Lord of the World", whose rays beamed from the lowest hill to light up to Jetavana, and they also turned the whole city of Sarasvasti in north India into gold.<sup>80</sup>

Up to this point, it is quite obvious that the Malay rulers' genealogy includes not only the Islamic elements, as presented in figure Iskandar Zulkarnaen, but also the Hindu-Buddhist elements. The

inclusion of pre-Islamic elements in the genealogy is of course very significant as a political ideology of the rulers. As stated previously, the Malaccan rulers had to deal with the subjects not only from the Muslim communities, but also the non-Muslim Malay people who were connected through ties of kinship to the royal authority of Hindu-Buddhist Srivijaya. In fact it is true the Malay society was familiar with the sacred position of Bukit Siguntang Mahameru, both in their political ideology and religious belief.<sup>81</sup> Thus the recognition of the Malay people that the princes were descendants of Iskandar Zulkarnaen was dependent on the association with Bukit Siguntang Mahameru. The *Sejarah* impressively describes how the Malay society recognized the princes in the manner which was very much associated with Siguntang Mahameru. The text relates as follows:

Now when the Raja of Palembang, whose name was Demang Lebar Daun, had heard the story of how Wan Empok and Wan Malini had met the princes who had come down from heaven, he went to the house of Wan Empok and Wan Malini to see the princes, whom he then took back with him to the city. And it was then noised over the whole country that the descendants of Raja Iskandar Zulkarnaen were now in Palembang, having come down from Bukit Siguntang Mahameru. Thereupon every ruler from every part of the country came to pay his respects to them.<sup>82</sup>

The sounder exposition of this genealogy is expressed in the *Hikayat Hang Tuah*. This text narrates the genealogy in a more explicit manner than does the *Sejarah*, in that it demonstrates the princes coming down from heaven as having been sent by God to Bukit Siguntang. "Thus it was heard throughout all the country (*negeri*)", so the text relates, "that in Bukit Siguntang there was now a raja brought down by Allah Subhanahu Wata'ala from heaven".<sup>83</sup>

This quotation seems to suggest that the *Hikayat Hang Tuah* strengthens the exposition of the genealogy provided in the *Sejarah Melayu*. The Islamic element, which is symbolized by the figure Iskandar in the *Sejarah*, is expressed in the statement which signifies the importance of Islam in the Malay tradition. Referring to this fact, S. Errington therefore suggests that in this *Hikayat*, particularly in the statements quoted above, Islam functions as the source and locus of meaning in the Malay world.<sup>84</sup>

Finally, it can be concluded that the genealogy of the Malay rulers demonstrates the process of the searching for ideology of the rulers in the changing conditions of the society. Under this conditions, the transition from Hindu-Buddhist culture to Islam constituted the



main elements of political ideology. Carefully examining the last-mentioned quotation, it is clear that both pre-Islamic and Islamic notions constituted the primary ingredients of the Malay political discourse. The appearance of Raja Iskandar Zulkarnaen in the genealogy and the central position of Palembang, in particular Bukit Siguntang Mahameru, in the presentation of the genealogy in the Malay classical texts are deeply structured in the historical condition of the Malay Archipelago during the period concerned.

In this perspective, it is safe to assume that the genealogy was reproduced as a source of legitimacy of the rulers' political authority on the basis of religious tradition, or—in the opinion of Khalid-Taib—religion-based legends which were preserved in the society.<sup>85</sup> From this, it follows that the genealogy functioned as a political ideology to justify the rulers' assumption of power. The rulers functioned, in the establishment of royal authority, as cosmic reproducers on behalf of the entire society, and ultimately on the basis of the whole socio-political and cultural condition.

One very important aspect to stress here is the fact that the genealogy of the Malay rulers produces the very strong impression of the attempt to establish the omnipotent and sacred ruler. The adoption of Iskandar Zulkarnean is an indication of the rulers' seeking to build an image of super human being as a symbol of the rulers' political power over the subjects. In this context, it is worth mentioning that the royal genealogy of the Malay rulers basically represents the encounter between Islam and the Hindu-Buddhist political tradition which emphasizes the divine or even God-rulers. As explained above, the image that the ruler is "sacred" and "reincarnation of the deities" is closely attached to the pre-Islamic political tradition. In the discussion which follows, therefore, attempts will be made to investigate the concept of rulership in the wake of Islam being incorporated in the political arrangement of the Malay rulers.

### ***Daulat: Formulating the Concept of Authority***

The Islamic influence on the Malay political tradition has in fact provided the politics with new concepts derived from Muslim language.<sup>86</sup> In the concept of authority, instead of regarding the rulers as reincarnations of the deities, the Malay society has employed *daulat* as a political concept to denote the power authority of the rulers. In the Islamic political tradition, *daulat* has been used as to indicate the power of the state. Derived from the Arabic language, *d-w-l*, with the

root meaning “to turn, to alternate”, the term *daulat* has evolved as an Islamic political concept to signify the power of a dynasty and ultimately a state.<sup>87</sup>

In the Malay political tradition, the term *daulat* has also been employed to denote the power of state, with of course containing local elements attached to the use of the term. *Daulat* in the Malay tradition basically means “the divine elements in kingship”.<sup>88</sup> It refers to the elements of politics which are supernatural in character, and in consequence are associated to the sacred sovereignty of the rulers. The term *daulat* was introduced into the political tradition in the Malay Archipelago to give new meaning to the concept of *andeka* of the earlier Buddhist kings — “a word that meant the ghostly forces that lived around sovereign and smote with evil any reckless person who blasphemed their majesty”.<sup>89</sup> Thus, the *daulat* is an Islamic political concept which was injected into and, to any important extent, took the place of the previous Hindu-Buddhist political conception in the Malay Archipelago. In this respect, one matter which raises very significant questions is to what extent *daulat*, as a concept of authority, made a contribution, or more precisely, made innovations, in the Malay political tradition. To answer this question, it is important therefore to investigate the practical aspects of the concept; the conditions within which *daulat* structurally operated and historically functioned as a political concept in the historical period concerned.

Close examination on the Malay texts convincingly suggests that *daulat* was notably rendered as a supplication (*do'a*): an expression of praying for the newly enthroned ruler in the state.<sup>90</sup> *Daulat* was cited as a blessing with the expectation that the new ruler will seize the throne (*tahta*) and rule the subjects in the state under guidance of God The Almighty. This blessing runs, *Daulat tuanku*, “O King, live for ever”.<sup>91</sup>

That *daulat* is conceived as such is clearly expressed in the *Hikayat Raja-Raja Pasai*. The text describes the use of the term *daulat* at the coronation of Sultan Malik al-Şâlih who converted to Islam, as the ruler of Samudra Pasai. The citation of *daulat* in the *Hikayat* takes place during the political ceremony which was held to pay homage to and to call for God’s blessing on the newly enthroned ruler who just converted to Islam. The text relates as follows:

The court heralds stood by to clasp hands in prayer, and each of the officers of the state attended to his duty. The installation drum was beaten and the band began to play tunes. A royal salute was fired. Then the whole company of

chiefs and people did homage, saying as they bowed in obeisance, *Daulat dirgahayu Sbab Alam zill Allâh fi al-'âlam*, "O King, Lord of the Realm, God's Shadow on Earth, may you live for ever".<sup>92</sup>

Concerning the condition in which *daulat* is used as a supplication, as clearly articulated in the above quotation, it can be assumed here that the term *daulat* has a powerful meaning for the existence of political authority. The two quotations demonstrate the condition that *daulat* is summoned to signify the approval and endorsement of court dignitaries of the new enthroned ruler. It follows that the term is cited to justify the rulers' political authority, and to assure that the rulers are legitimated to rule the subjects. *Daulat* provides the rulers with the claim that they possess credentials to hold authority and to execute the political power in the states.<sup>93</sup> At this point, the *daulat* is a form of expression or language medium to articulate this very essential political endorsement. This is of course very effective because the *daulat* enunciates the religious aspect of politics which functions to magnify the position of the rulers. The rulers therefore have religious sanction to exercise their power authority.

The magnification of the rulers' political power in the concept of *daulat* is proved by the fact that the term is used in conjunction with the royal Islamic title, *zill Allâh fi al-'âlam*, "God's Shadow on Earth". This honorific title, together with titles *khalifah* (caliph) and *Sultân* which have evolved in the Islamic political tradition, clearly mark a claim to divine right by the rulers, that their power authority is derived from God.<sup>94</sup> The adoption of these royal Islamic titles by the Malay rulers certainly had a significant impact on the power establishment. These titles dignified the rulers with divine attributes, credited them as having religious legitimacy to rule their subjects, endowed them with many rights and privileges, placing them above the society.<sup>95</sup>

From this perspective, *daulat* therefore cannot be sufficiently interpreted by such words as "sovereign" or "power". It is the divine quality which is inherent in the rulers of the Malay world.<sup>96</sup> As to a divine quality, the concept of *daulat* regards the rulers as having a sort of "divinely-endowed power or gift" which enabled them to exercise political power over the subjects.<sup>97</sup> At this point, *daulat* cannot be regarded only as a political term to indicate or articulate certain political authority. Rather, considering the way in which and the conditions under which it is used, *daulat* must be conceived as the politics itself. It is in *daulat* the power exists, and by *daulat* the

rulers hold legitimate authority to rule the subjects in the states.

In the *Hikayat Hang Tuah*, this concept of *daulat* is expressed in the illustration about Hang Jebat who was in conflict with Laksamana Hang Tuah. Accusing Hang Jebat of committing treason (*durhaka*), Laksamana then intended to kill Hang Jebat. The text then relates as follows:

After Hang Jebat made this request, Hang Jebat thought in his heart, "If I fight with Laksamana alone in the palace here, if I die, there will be no lives taken, and my name will not be famous. If that is the way it is, it would be well for me to get down and amuck, so that my victims will be numerous." And then it pleased Allâh Ta'âlâ to close Hang Jebat's heart from burning the palace. If he burned it, negeri Malaka would be totally destroyed, and Hang Jebat would not be killed by Laksamana. It was the *daulat* of the Malaccan Sultan.<sup>98</sup>

It is implied, in this quotation, that *daulat* is ascribed to the divine authority of the Malaccan rulers. The will of Allah to stop Hang Jebat from burning the palace of Malacca is then accompanied by the expression that it was the *daulat* of the Malaccan rulers. It follows that the text equates the will of Allah and the *daulat* of the rulers, and emphasizes them as having preserved the Malaccan state from any destruction. Both the will of Allah and the *daulat* of the rulers ultimately protected the existence of power authority of the rulers.

Furthermore, the quotation above clearly reveals the nature of the Islamic impregnation of the political tradition in the Malay world. Islamization indeed did not eradicate the Malay idea of a divine ruler derived from the Hindu-Buddhist political tradition. In the case of the concept of *daulat*, Islam served a new meaning for the perpetuation, in its outward appearance at least, of the past divine concept of ruler. *Daulat* is an Islamic political concept in the very real sense which has been encapsulated in the line of Malay political ideas in which the central position of the ruler (*raja*) is strongly emphasized. Islamization, in this particular context of politics, proceeded in the terms of the "kerajaan system" which maintained the sacred and ultimate position of the raja.<sup>99</sup> Thus the idea of *kerajaan* —which is interpreted as "the condition of having raja"<sup>100</sup>— and the idea of Islam are completely merged in the concept of *daulat*.

Based on this argument, it can easily be ascertained that *daulat* has evolved as an important political concept in the Malay world. *Daulat* was established on the dual foundation of both Islamic ideas and the Hindu-Buddhist tradition. One very important aspect to note here is

the fact that *daulat* is articulated in the same pattern of the Hindu-Buddhist *andeka*. Both of them have a celestial function to protect the existing rulers' political power on the basis of religious sanction. The difference lies in the fact that in the *daulat* it is Islam—not Hindu-Buddhism—which forms the religious basis for its effectiveness as the concept of authority.

Being conceptualized as a divine quality of the rulers, *daulat* therefore cannot be conceived as an external attributes assigned to the rulers' political power. Like the concept of *andeka* from Hindu-Buddhism, *daulat* is an inherent segment of the power itself which is embodied in the making the rulers having sacred attributes. The quotation mentioned from the *Hikayat Hang Tuah* strongly supports the argument that the *daulat* is the existence of the rulers' political authority itself. One other convincing reason for this assumption is the fact that the concept of *daulat* in the Malay political tradition is juxtaposed with the term *durbaka*. Derived from the Sanskrit word, *drohaka* (treason), *durbaka* has been used with a specific political meaning to indicate disloyalty to the lawful authority or the state.<sup>101</sup> The term *durbaka* in the Malay tradition has evolved as a political concept to signify the state of being against the legitimate and established political authority, *daulat*.<sup>102</sup>

In the *Sejarah Melayu*, the concept of *durbaka* is exhibited, to take one example, in an illustration of Bendahara Sri Maharaja. The text describes the Bendahara as having attempted to dethrone Sultan Mahmud from his power seat in the Malaccan state. Having committed *durbaka*, the Bendahara was then killed at the command of Sultan Mahmud. The text relates as follows:

Raja Mendaliar then went in and presenting himself before the Laksamana sought his acceptance of all he had brought, saying, "I come into your presence, sir, because I have a duty to perform. It is necessary to inform His Highness the Ruler, so that I may not be accused of complicity with him that is set over me, that it has come to my knowledge that Bendahara Sri Maharaja intends to do a *durbaka* (treason), and he has had a royal throne made for himself, his purpose being to make himself Raja here in Malaka". ...Sultan Shah sent a ready ear to the Laksamana's story because he had long harbored malice against Bendahara Sri Maharaja over his daughter: and he accordingly ordered Tun Sura Diraja and Tun Indra Segara to put Bendahara Sri Maharaja to death.<sup>103</sup>

The most striking exposition of the concept of *durbaka* in the Malay political tradition is the story of Hang Jebat's treason in the *Hikayat Hang Tuah*. Hang Jebat in the text is described as an envious

courtier who succeeded in persuading the ruler to put Laksamana Hang Tuah, the model of a loyal courtier of Malacca, to death. Hang Jebat then was appointed in Hang Tuah's place becoming Laksamana (Police Chief).<sup>104</sup> As an envious court official, following his appointment Hang Jebat then behaved evilly. He is described in the text as having lost all his sense of propriety and etiquette not only towards all his colleagues at the Malaccan court, but also —and what is politically more serious — towards the ruler. He acted as a royal prince; he was not respectful and subservient to the Raja and the Bendahara. Several attempts were made by the Raja and his officials to remind Hang Jebat of his improper manners, but all were in vain until eventually the Raja realized that he misplaced his trust in Hang Jebat at the expense of Hang Tuah whom he had betrayed. The Raja then asked the Bendahara for help to rescue him from the menace of Hang Jebat. The Bendahara then “produced” Hang Tuah whom he had hidden rather than having had him executed, and upon the Raja's request Hang Tuah ultimately succeeded putting a stop to Hang Jebat's evil behavior and putting him to death in his arms.<sup>105</sup>

Indeed there have been many studies and interpretations from different perspectives concerning the story of Hang Jebat's treason (*durbaka*) in the *Hikayat Hang Tuah*.<sup>106</sup> In this particular context, however, the discussion will be directed towards analyzing the significance of Hang Jebat's *durbaka* within the framework of Malay political culture, in particular the concept of *daulat* and *durbaka*. Concerning the story in the *Hikayat* it seems that the purpose of the text is to suggest that Hang Jebat's *durbaka* symbolizes political disorder in the Malaccan state, a condition in which *daulat* was in danger. In line of the definition of *durbaka* cited above, the story in the *Hikayat* demonstrates *durbaka* as political disobedience to legitimate political authority. In this respect, therefore, Hang Jebat is not to be seen as an individual subject, but he is an embodiment of a political dissidence against the ruler's authority. The text indeed signifies the above condition as disorder (*buru-hara*) of the Malaccan state.

O, Laksamana, my son, tomorrow morning you will be ordered by the Raja because the Malaccan state is in disorder (*buru-hara*) as though it is defeated by the enemy. Although it is not really reverse, in fact the palace is under the control of someone [Hang Jebat]; even the Raja is still in the country.<sup>107</sup>

This is an expression indicating the condition that *durbaka* existed and operated in the Malaccan state which was embodied in the

evil behavior of Hang Jebat. *Huru-hara* in this passage is interpreted as “disorder” to denote the political significance of the *durbaka* that the text magnifies and intimates pertaining to the whole condition of the Malaccan state. Consistent with this concept of *durbaka* the text therefore emphasizes Hang Jebat’s treason in the opposite direction to the concept of *daulat*, the divine attributes inherent in the ruler. The evil behavior of Hang Jebat is classified as *durbaka* not only in the sense that he committed treason towards the ruler, but also to God. As stated in the previous discussion, the concept of *daulat* has provided the rulers with divine qualities derived from Islamic notions. In this concept, it is implied that every attempt to rebel against the rulers is associated with traitorous actions against God Himself. The *Hikayat* relates as follows:

...But my Lord can see the stabbing of traitorous Si Jebat. For forty days the people of Malacca have thrown out corpses in Malacca, and their trench is unendurable. If you are going to be evil, do not go half-way. I have acted without reservation. And Laksaman answered, “Hai, Si Jebat, you have concentrated your energies on the wrong thing. Your traitorous actions towards your Lord are so many sins against Allah, and you will not bear up under them in the world to come. As for now, you will kill ten of thousands of innocent people.”<sup>108</sup>

Up to this point, it can be stated that *daulat*, together with *durbaka*, have constituted essential elements in the language of politics in the Malay society and history. As to the essential language of politics, in these two concepts of politics, therefore, lie not only political ideas but also political actions and attitudes established in the Malay society. The concept of *daulat* has constituted the basis on which rulers’ political exercises are founded, and at the same time it is an articulation of political authority in the pattern of culture and tradition established in the Malay Archipelago. In the following discussion, therefore, attention will be directed to investigating the very substantial aspect of the political actions of *daulat*: the regulation of ruler-subjects relationship in the Malay political tradition. This is substantial because in the nature of this relationship we can find the most notable aspect of ideological practice of the *daulat*.

### Ruler and Subject

The ruler-subject relationship in the Malay political tradition is expressed symbolically in the *Sejarah Melayu* with a “covenant” between Sri Tri Buana and Demang Lebar Daun. Sri Tri Buana is de-

scribed in the text as the first ruler descended from Raja Iskandar Zulkarnean who intended to marry Demang Lebar Daun's daughter, Wan Sendari. Demang Lebar Daun agreed with his desire on condition that Sri Tri Buana had to accept a covenant he proposed.

...But if your Highness desires your humble servant's daughter, then must your Majesty make a covenant with your humble servant ... "the descendants of your humble servant shall be the subjects of your Majesty's throne, but they must be well treated by your descendants. If they offend, they shall not, however grave be their offence, be disgraced or reviled with evil words: if their offence is grave, let them to put to death, if that is in accordance with Mohammedan law".<sup>109</sup>

It is implied, from the quotation, that Demang Lebar Daun—the ancestor of the Malay commoners—took the initiative in making a covenant with the ruler on behalf of the Malay society. He asked the ruler, on the basis of the proposed covenant, to treat his subjects well. Demang Lebar Daun's request is, of course, a symbolic supplication made by the Malay society to their ruler. They recognize their position as the "ruled", but they invite the ruler to rule the subjects on the ground of certain regulations. Now the response of Sri Tri Buana to the proposed covenant by Demang Lebar Daun is:

And the king replied, "I agree to give the undertaking for which you ask: but I, in my turn, require an undertaking from you, sir." "...that your descendants shall never for rest of time be disloyal to my descendants, even if my descendants oppress them and behave evilly". And Demang Lebar Daun said, "Very well, your Highness. But if your descendants depart from the terms of the pact, then so will mine." And Sri Tri Buana replied, "Very well, I agree to that covenant": whereupon both of them took solemn oath to the effect that whoever departed from the terms of the pact, let his house be overturned by Almighty God so that its roof be laid on the ground and its pillars be inverted.<sup>110</sup>

The agreement between Demang Lebar Daun and Sri Tri Buana sealed by the covenant, as clearly stated in the passage, renders the impression that ruler-subject relationship in the Malay political tradition is established on the basis of certain contractual principles. Sri Tri Buana, the ruler, consents to the proposed covenant on condition that the Malay subjects are loyal to the rulers, and recognize them as having legitimate authority to rule the state. From this it follows that in the Malay tradition both the rulers and the subjects have obligations to make the relationship becoming harmonious and peaceful on the grounds of consensual mechanism.<sup>111</sup>



To reach this opinion, there are of course several aspects to be considered with particular care. As far as the above quotation is concerned, it is in fact explicated that the subjects are in the minor position in the covenant and have less opportunity to question the rulers. The covenant indeed presupposes the submission of the subjects to the rulers even when they oppress them and behave evilly. Some scholars, therefore, assume that ruler-subjects relationship in the Malay political tradition is characterized by the concept of loyalty, the unquestioning subjugation of the ruled. In this concept, the subjects have to serve the rulers with the complete and total submission, and the rulers hold absolute power over the subjects to an unlimited extent. The concept of loyalty therefore encourages the oppression of the society by the rulers, which is reminiscent of the feudal epoch.<sup>112</sup>

Carefully examining the covenant above quoted from the *Sejarah Melayu*, it appears that ruler-subject relationship is in fact characterized by the dominant position of the rulers. The oppressive and unjust behavior of the rulers does not by any means absolve the subjects from the duty to be loyal to the rulers. However, in this study I will argue that to identify this relationship with the concept of loyalty as cited above is not properly correct. This concept exaggerates too much the powerful position of the rulers without giving any consideration of the position of the subjects who are recognized in the covenant as also having important position.<sup>113</sup> As will be apparent in the quotation which follows, however, much of the covenant highlights the strong position of the rulers over the subjects, it does not mean that the political authority of the rulers is exempt from any possibility of being erased and demolished. The covenant indeed states that the ruler who departs from the terms of the covenant will be punished by God with the destruction of their state's existence.

And that is why it has been granted by Almighty God to Malay rulers that they never put their subjects to shame, and that those subjects, however gravely they offend, shall never be bound or hung or disgraced with evil words. If any rulers put a single one of his subjects to shame, that shall be a sign that his kingdom will be destroyed by Almighty God. Similarly it has been granted by Almighty God to Malay subjects that they shall never be disloyal or treacherous (*durbaka*) to their rulers, even if their rulers behave evilly or inflict injustice upon them.<sup>114</sup>

This quotation clearly expresses that the both rulers and subjects have the same, albeit unequal, obligations to commit to the covenant

they have agreed, and both are also ready to accept any consequences of their departure of the covenant. From this it is obvious that the concept of loyalty as mentioned above is not sufficient to explicate the political relationship between ruler and subjects in the Malay tradition. Despite the fact that loyalty constitutes an important feature of the relationship, it has to be seen not as a matter of crude mechanism of blind submission, nor as an indication of absolute political ideas in the negative sense. Rather, if we examine the covenant in the whole context of Malay politics, this loyalty must be viewed as an articulation of Malay religious ideology of *daulat*. In this ideology, it is Almighty God—not the subjects—who has to punish the evil and unjust rulers. The subjects, however they may commit a *durhaka*, cannot abrogate the covenant and delegitimize the ruler's political authority. Likewise the ruler has the duty to treat the subjects with all due regard, not to put them to shame.

In this respect, the illustration above from the story of Hang Tuah in the *Hikayat* is therefore very worthy of attention.<sup>115</sup> It is recounted, in the story, that Hang Tuah had to be killed at the command of unjust ruler who was led astray by the deceitful words of the treacherous Hang Jebat. In the story, however, there is no sign of apportioning of blame on the ruler for his unjust order of execution. Moreover, Hang Tuah, as a victim of the wrong order, was still, as it was, loyal to the ruler. Similarly, Hang Jebat's treason (*durhaka*) to the ruler is not to be regarded as an attempt by Malay subjects to question and delegitimize ruler's political power.<sup>116</sup> Viewed in the light of the *daulat* ideology, the story of both Hang Tuah and Hang Jebat demonstrate the "desires" of both ruler and subjects to re-establish the covenant of ruler-subject relationship, and also to show the negative consequences of any attempts to depart and to deviate from the aforementioned covenant. In other words, the covenant had originally been intended to lay down the ethical basis for the creation of harmony and prosperity.<sup>117</sup> The covenant regulated the relationship by a contract under which both parties—ruler and subjects—have opportunities to make contributions to building of the Malay states, society and history.<sup>118</sup>

On the basis of this argument, it can be said that the practical definition of *daulat* ideology in the ruler-subject relationship lies in the infusion of religious ethics into political conduct, which is expressly formulated in the above-mentioned covenant. Turning to the religious ethics, the covenant, of course, provided Malay rulers with

a certain moral duty to treat their subjects with truth and justice. It is in fact stated in the *Sejarah Melayu* that the subjects occupy an important position in the ruler's calculations. They had to take the subjects into account in the political exercises they followed in building the state. The *Sejarah* relates as follows:

Therefore it is your [ruler] bounden duty to do justice and be diligent in inquiry so that some days in the world to come you may be taken into God's loving care for all eternity. See to it that you consult with your ministers and chiefs, for no ruler, however great his wisdom and understanding, shall prosper or succeed in doing justice unless he consults with those in authority under him. For rulers are like firewood, and fire needs wood to produce a flame: *a-ra'yyatu jurtumâtun suliânun darakbt*, which means 'subjects are like roots and the rulers are like tree'; without roots the tree cannot stand upright; so is it with rulers and their subjects. As for the Malays, however grievously they may offend, be not hasty in putting them to death except in cases where that penalty is ordered by the law of God, for the Malays is your clay. ...if you put them to death when they have no done wrong, your kingdom will be brought to nought.<sup>119</sup>

It is very clear that the quotation highlights the interdependence between rulers and subjects. The existence of the rulers' political authority presupposes a good and just relationship with the subjects, which is embodied in their duties to treat the subjects according to the principles of justice. At the same time, this quotation also signifies the basic terms of the ruler-subject covenant as formulated between Sri Tri Buana and Demang Lebar Daun at Bukit Siguntang Mahameru. The emphasis of this interdependent relationship is in fact special to the Malay political tradition. The same idea is hardly found in other areas in the Malay Archipelago. In Java, for instance, the prevailing political ideas did not grant any possibilities for a social contract or system of mutual obligation between rulers and subjects as clearly conceptualized in the Malay tradition.<sup>120</sup>

Up to this point, it is extremely important to note that the interdependent ruler-subject relationship is not to be seen as contradictory to the idea of divine elements in the concept of *daulat* as explained above. As to the idea of *durhaka*, that it does not mean anything to delegitimize the rulers' political authority, nor does the *daulat* by any means diminish its function as a political authority because of this interdependent relationship. The idea that the rulers' role and position are paramount over the subjects—they are claimed as the symbol of state, dignity, and its well-being as well as its ultimate earthly arbiter and guarantor of harmony and welfare— does not inhibit

them from taking the views and reputations of the subjects into consideration of their political exercises.<sup>121</sup>

Thus the ruler-subject relationship constitutes a moral dimension in the political practice of *daulat* ideology in the Malay society and history. The loyalty of subjects to the rulers must be paid for in return by respectful and just treatment of the rulers. These two aspects have to work in both directions, to and from the rulers, to establish a secure and well founded-state and prosperous society. In fact the power regulation can work properly only if the two parties —rulers and subjects— act in agreement with and with reference to each other.

In the light of this political concept, therefore, the Malay tradition provides the rulers with the principle of *musyawarah* (deliberation) to reach the political decisions they wanted to pursue in the states. The *Sejarah Melayu* in fact elucidates some examples of the practice of *musyawarah* by Malay rulers. The text demonstrates at least the importance that *musyawarah* be executed by the rulers in their political conduct. The text emphasizes the principle of *musyawarah* as the foundation of the rulers' success in building just and prosperous state. For the wisdom and understanding shown by the rulers to their subjects, however great they are, are regarded as insufficient to make the rulers succeed unless they consult with those in authority under them.<sup>122</sup> The importance of *musyawarah* is also illustrated in the case of Sultan Malik al-Tahir. He is portrayed in the text as having advised his son before he died to hold *musyawarah* in making political decisions in the state.

And after a while Sultan Malik al-Tahir fell sick. And he gave his dying injunction to his son, Sultan Ahmad, saying, "My son, light of my eyes and of my heart, disregard not the words of your servants in many matters of yours. Take counsel (*musyawarah*) with your minister and do not provoke those who serve you. Be on your guard against aught that is dishonorable. Make not light of your duties to Almighty God, and lay not your hand wrongfully on the goods of others".<sup>123</sup>

Turning to *daulat*, the importance of *musyawarah* in the Malay political tradition also demonstrates the influence of Islam on Malay society. *Musyawarah* has constituted one of the basic political principles in Islam. The word *musyawarah* is derived from the word *shûrâ* which is mentioned in the Qur'an, Chapter 3 (*Al 'Imrân*) verse 159, *wa amrûhum shûrâ baynabum* (on their affairs they have to hold deliberation between them). This Qur'anic verse is then conceived by

Muslims as an obligation for the rulers to implement this principle of consultation in their political exercises. *Musyawarah* therefore has been widely recognized as a political term to denote the rulers' political conduct on the basis of mutual relationship with their realms.<sup>124</sup>

In the Malay political tradition, as far as the text is concerned, *musyawarah* is employed as a part of the political practice of *daulat* ideology. In this context, the final decision of deliberation is in the hands of the rulers. The court officials with whom the rulers take counsel are mostly in agreement with the rulers' decisions. *Musyawah* is in fact conducted to announce and confirm the rulers' political edict by the court officials. This is especially the case in the succession of ruler, when they ask the leading court administrators for their agreement with their intention to appoint their sons as successor to rule the state. Sultan Ala'uddin Ri'ayat Shah in the Malaccan state, for instance, held *musyawarah* to announce that his son, Sultan Muhammad Shah would ascend the throne after him. The text describes his holding *musyawarah* as follows:

And when the king had reigned for thirty-three years, then in the process of time he fell sick. And he realized that his days were numbered, he sent for his son Raja Mamat [Sultan Muhammad Shah] and his chiefs. And when they all come, the king asked the women attendants to prop him up; and of those who had assembled he ordered five —the Bendahara, the Treasurer, the Temenggung, Kadli Munawar Shah and the Laksamana— to approach his bedside. Then he said to them, "I would have you know, my friends (*tuan-tuan*), that I feel my son, Raja Met [Sultan Muhammad Shah] here, that I wish you to make Raja in my stead. Take good care of him and love him as you have loved me. If he is guilty of errors and follies, be generous in pardoning them; and watch over him, for he is a child".<sup>125</sup>

It is clear, from this quotation, that the ruler held *musyawarah* with his great courtiers in the pattern of *raja*-centered political tradition. The text gives indications of the text strong and determinant position of the ruler over his realms, showing him deciding that his son will succeed to his power seat in the state. The ruler held *musyawarah* to acquire the political approval of the courtiers which was needed to maintain the continuity of his political authority. The courtiers in fact approved and accepted the ruler's decision without question or refutation of the ruler. Thus the principle of *musyawarah* in the Malay political tradition must be viewed as an integral part of the political practice of *daulat* ideology which regards the ruler as being in powerful determinant position over the subjects. Hence, in

the covenant of the ruler-subject relationship, the significance of *musyawarah* lies in the fact that it constitutes a moral dimension in the practice of *daulat* ideology. *Musyawarah* formed an ethical practice of the rulers in achieving justice and fairness in the state.

### Establishing Legal Customs

The influence of Islam on the political tradition in the Malay archipelago seems to have reinforced the *raja*-centred political notion. As obviously apparent in all previous discussions, Islam has provided the established political tradition with a new concept which fitted in with the idea of the omnipotent and sacred ruler. Both the claim of the Malay rulers that they descended from Raja Iskandar Zulkarnain and the importance of the *daulat* ideology as the concept of political authority can be credited as the mode of conceptualizing Islamic belief in the framework of *raja*-centred political tradition. In fact these two aspects seem to have worked effectively as the ideological basis for the Malay Islamic states. Both Samudra Pasai and Malacca emerged as outstanding Islamic states in the Malay Archipelago.

In this section, the discussion will concentrate on analyzing the mode of conceptualizing Islam in the practical aspects of the political ideology. Among the practical aspects, the main emphasis of the discussion is on certain segments of politics which deal directly with the regulation of state affairs in the forms of political administration. In this context one important points will be investigated, the establishing of legal customs. It is very important to examine considering the fact that it constituted very substantial elements of the rulers' political exercise of power in the Malay Islamic states, in particular Malacca.<sup>126</sup> It explicates the *daulat* ideology at the level of power institutions. Investigating legal customs will ultimately enable us to grasp not only the degree in which Islam is adopted and incorporated in the Malaccan legal and political tradition, but also the nature of understanding and conceptualizing Islam by the Malay rulers in the legal culture and politics.

In the Malaccan state, the legal practices of the rulers are recorded in two legal texts: the *Undang-Undang Malaka*<sup>127</sup> and the *Undang-Undang Laut Malaka*.<sup>128</sup> These texts are regarded as the primary sources for ascertaining the legal practices of the Malaccan rulers. The first text covers almost every aspect of Malaccan state affairs: such as the responsibilities and the duties of the ruler and the officials, the regulation of the public conduct of the subjects of the state, the punish-

ment for criminal acts, the jurisdiction of the family matters, and the regulation regarding property. The function of the second text was to provide maritime regulations for the Malaccan state, such as the duties of ship's officers, the rules governing commercial transactions, and other matters concerning the jurisdiction of a sea-captain. In this discussion, however, most attention will be directed to the first text, the *Undang-Undang Melaka*. This is due to the nature of the text which, as was just said, covers almost every aspect of the society, so that it contains many important clues for discerning the practice of ideology.

Before we come to the discussion, it is important to explain here that the main focus of this part is to analyze the cultural and political aspects of the legal practices. Both legal texts, therefore, will be viewed in the framework of the political tradition established in the state. The legal decisions contained in the texts are regarded as the formulation of the prevailing values which constituted the cultural basis of the Malaccan legal promulgations. In other words, it is the legal culture—not the legal system—which will be investigated in the discussion.<sup>129</sup> Likewise the Islamic elements of the legal decisions will not be dealt with distinctively, in the sense that they are separated from the local customs (*adat*).<sup>130</sup> The fact that the two elements exist in the texts must be understood in the nature of the Islamization explained above. Being imbued by the historical condition of the period concerned, the pre-Islamic elements in the legal promulgation must not be judged as the matter of Islamic or non-Islamic. It is far more opposite to view them as the extent to which Islam is conceptualized in the context of legal culture and politics.

Being structured in the *raja*-centred political notion, both *Undang-Undang* invoke the greatness of the rulers and ascribe all the regulations to them. The rules put forward in the texts are acknowledged as coming down from the great tradition of the royal genealogy of the Malaccan rulers. Referring to the establishment of the political ideology, the texts state that the Malaccan legal digest originated from the customs introduced at the time of Raja Iskandar Zulkarnaen. The *Undang-Undang Melaka* relates as follows:

Let be known to you that these customs have come down to us from the time of Sultan Iskandar Zulkarnaen who ruled over man-kind till the time of his son, Sultan Iskandar Shah. ...He was the first ruler to embrace Islam and to codify royal customs and rules, and rules pertaining to high dignitaries.<sup>131</sup>

Crediting the regulations as coming from Raja Iskandar Zulkarnaen is of course motivated by political reasons: to render the legal digest authoritative to serve as the rules of the Malaccan state. This is the ideological justification of the legal promulgation. Raja Iskandar Zulkarnaen, as has already become apparent in the previous explanations, is claimed as the origin of the Malay rulers' genealogy to enunciate the credentials of the rulers as the protector of their subjects, especially for the Muslim section of society. Thus the legal digest was promulgated as the implementation of political ideology, and it was deeply structured in the historical condition of the societies during the period of the Malaccan state.

From this, it follows that the rules established in the state functioned as an instrument lay down the legal basis for the *raja*-centred political tradition. In the digest, therefore, the great and paramount position of the ruler over the subjects is emphasized in such a way as to demonstrate that they were responsible for the introduction of the legal customs. The ruler, in this context Iskandar Shah, is accredited in the text as having "the highest authority with regard to these customs and rules".<sup>132</sup> It is the ruler who has the right to arbitrate and determine the regulation of the state, and in the ruler the legal practices are vested. In the first part of the *Undang-Undang Melaka*, therefore, it is stated the duties and responsibilities of the ruler are to appoint state administrators and to determine the obligations to which they have to answer.

Every ruler must appoint high dignitaries to act on his behalf so that he need not concern himself (with trivial matters).

Every king must, in the first place, appoint a Chief Minister (*Bendahara*), secondly, a Police-Chief (*Temenggung*), thirdly, a Treasurer (*Penghulu Bendahari*) and fourthly, a Harbour-master (*Syabbandar*), and (if he does so) both the ruler and his subjects can live in peace and security.<sup>133</sup>

This regulation provides the ruler with the rights and the authority to establish the ruling elite of the state. In this respects, the ruling elite functions as the agent of political practices to assist the rulers in exercising their power over their subjects.<sup>134</sup> The *Undang-Undang* then enumerates the division of the duties entrusted to the above mentioned high dignitaries.

The Chief-Minister is given jurisdiction for instance over those who are holding office, and those who rank as *tuang*, the *sida-sida* (Court-officers) and the children of high dignitaries.



The Police-Chief is given jurisdiction over crimes committed in the country and (matters) such as the investigation (of crime) and the apprehension of criminals in the land.

The Harbour-master is given jurisdiction over all matters concerning foreign merchants, orphans and all who have suffered injustice and furthermore, the regulations pertaining to junks, cargo-boats and other vessels.<sup>135</sup>

This of course has far-reaching effects on the position of the rulers in the state. Providing the rulers with the duty to appoint the ruling elite, the regulation entrenches the royal custom that the rulers are source of every rank (*pangkat*) and status (*nama*), as the marks of dignity and nobility of their subjects. The rulers accredited the authority to determine the social and political positions of certain people from among their subjects, and at the same time to grant and bestow their greatness (*kebesaran*). In short, the implication is that the fate and existence of the subjects are in the hands of the rulers.<sup>136</sup>

Looking at this from the perspective of the subject, it can be ascertained that the legal digest also proclaims the regulations which prohibit the subjects from adopting certain attitudes which pertain to the royal privileges: such as the wearing of yellow, thin and diaphanous materials (*khasab*), and crises (*keris*) with a gold hilt. These materials are restricted exclusively to the rulers, while the subjects, especially the ordinary ones, are not allowed to wear them unless they have been granted by royal permission.<sup>137</sup> Similar rules are applied to the use of the language. The digest contains the regulation which confines the use of certain words to the rulers alone, to be used towards his subjects: they are *lilah* (command), *patik* (I, me), *murka* (wrath), *kurnia* (royal grace), and *nugeraha* (royal bounty).<sup>138</sup> All these words are not to be used by the subjects, under pain of death. Or, the subjects can use these words only if they have expressly been granted by royal permission, and even then its use is restricted only to pass on express command from his Lord.<sup>139</sup>

These prohibitions demonstrate that the main concern of the Malaccan digest was to inaugurate legal customs for the *raja*-centred political tradition. These regulations give the impression that the royal authority of the rulers is veiled in a sacred aura of dignity which distinguishes rulers from subjects. Especially in the linguistic rules, the prohibition reveals the most noticeable aspects of the established political conception. Bestowing on the rulers with the privilege of using the "royal words" as cited above, the purpose of the digest is to stress that the rulers hold political initiative over their subjects. The

above "royal words" constitute the fundamental ingredient of the regulation concerning the ruler-subject relationship, in which the power management is located exclusively in the authority of the rulers. It is only the rulers who issue an instructive command (*titah*); who determine the standard of deviation (*murka*); and who are capable of legitimizing and validating social rank and status of the subjects (*kurnia* and *nugeraha*).

On the basis of these regulations, therefore, the digest sets forth the required qualifications for the subjects who rank very low beneath the rulers. The text emphasizes the qualities of the subjects on the basis of the manner and the way they behave towards the rulers, and to what extent they are obedient to and follow the rulers' orders.

The qualities required of a ruler's subjects are three in number. Firstly, (he is to be) honorable in all his behavior; secondly, (he) abides by the commands of the ruler; whether he (the ruler) is tyrannical or not, he (the subject) shall follow his commands; thirdly, he desires mercy from his Lord.<sup>140</sup>

In substance this quotation from the legal digest concurs completely with the ruler-subject covenant in the *Sejarah Melayu*: the subjects have to follow the rulers with unswerving loyalty, never questioning their behavior towards the subjects. This give us firm grounds for assuming that the legal digest emerged as the practical definition of the political culture established in the Malaccan state. The digest promulgated legal regulations on the basis of the prevailing political tradition. In this digest, therefore, the spirit of the legal decisions it puts forward lies in the attempts to embed the *raja*-centred political ideology in an operational basis which was culturally meaningful and structurally deep-seated in the whole historical condition of the Malaccan state.

This legal spirit is clearly expressed in the rules concerning the daily life of the society. In this respect, however, the discussion is directed only towards investigating some examples from the *Undang-Undang Melaka*. Concerning the killing of people, the text in Chapter 5: 1 and 3 relates as follows:

Even if he kills without any fault (on his part, i.e. if he is provoked), he is to be put to death by the law of God. This is what is understood by *âdil* (justice).

Concerning the killing of a paramour: if he (a paramour) runs into someone's compound and is pursued by the husband, whereby the latter is involved in a fight with the owner of the compound: If he (the owner of the compound) resist him and the pursuer is killed, the latter simply dies and there shall be no liiga-

tion. This is the customs of the country. But according to the law of God, he who kills shall also be killed. For this is in accordance with what is stated in the Qur'an and is in pursuance of (its teaching): (God bides us) to do good, and forbids us to commit sin (*amr bi al-ma'ruf wa naby 'an al-munkar*).<sup>141</sup>

A careful examination of this legal decision seems to suggest that the regulation is formulated on the basis of both the Islamic law from the Qur'an and the local customs (*adat*). Particularly in the second paragraph of the quotation, it is clearly stated that the legal decision refers to the Qur'an as substitute for or alternative to the local customs in the Malaccan state. From this, it follows that pre-Islamic tradition in the law giving, which is generally known as the *adat* law, was still considered as having an important role in governing the society.

To give proper weight to this legal statement, attention must be paid to the cultural and political aspect of the digest. Consistent with the political tradition established in the Malaccan state, the adoption of Islamic law and allowing pre-Islamic legal tradition to remain in the digest should be conceived as a matter of exercising political power in the legal formulation. In this matter, both Islam and local tradition are certainly significant and must be taken into account. In the Malaccan state, as explained in the previous discussion, the rulers had to encounter the two parties of the societies: Muslim and non-Muslim people who were still very close to the pre-Malaccan culture and politics. From this perspective, the nature of legal decisions of the Malaccan digest was constituted on and corresponded to the historical condition during the period concerned.

In this context, it is also important to ascertain the nature of the adoption of Islamic law in the digest. The Malaccan digest incorporates Islamic law mostly in these legal cases to which indigenous customs had already provided their legal solutions: such as regulations concerning with the penalty for killing a slave, abusing and slapping people, stealing or defiling another's compounds, stealing a buffalo, cow, or goat, and the regulations concerning the accusation of unlawful sexual intercourse.<sup>142</sup> These regulations demonstrate both Islamic laws and local customs have provided the sources of legal formulation in the digest. Islamic laws are described as having augmented — or more precisely innovated — local customs, by citing “but according to the law of God”. So in every case, the text relates pre-Islamic legal solution provided in the state, and then it adds explanations derived from Islamic law in the Qur'an. To take just one example,

here is the legal decision concerning with killing a slave in the digest.

If he (a slave) steals and is arrested (and) then killed, a fine of half of the value (of the slave) shall be incurred (by the killer): half of the amount goes to the minister and the other half goes to the slave's master, because (the killer) is held negligent in failing to inform the minister. But according to the law of God, he who steals ought not to be killed but his hand should be amputated instead.<sup>143</sup>

Taking this example, if we look carefully at the way the text incorporates Islamic law, the impression might be attained here that the Malaccan digest adopts Islamic law more as an alternative to the local customs than as an officially applied law. The digest offers the possibility to adopt Islamic law alongside adat law. Islamic law was most likely not the only alternative operating in the Malaccan state. The legal digest seems to have provided Malaccan rulers with the liberty to use Islamic law or local customs in accordance with certain disputed legal matters, and the condition under which the legal matters arose. This is probably due to the fact that the Malaccan political power extended to diverse societies which were scattered throughout many areas in the Malay Archipelago.<sup>144</sup> Keeping pace with the political expansion, as will be apparent in the explanation which follows, the Malaccan rulers had to cope with pre-Islamic societies each with its own culture and legal tradition. Under such conditions, therefore, regarding Islamic law as subsidiary law to the local customs in the digest can be seen in the light of a political strategy by the Malaccan rulers.<sup>145</sup> This was needed to make the Malaccan digest effective as an instrument of regulation concerning not only the Muslims but also the indigenous Malay society.

This absence of Islamic legal decisions as cited in the Qur'an from the political practices of Malay rulers should not be viewed as a matter of their reluctance to hold and practice the Islamic precepts in their political exercises. Indeed, what is reflected in the digest of the Malaccan state is an attempt to implement the precepts of divine revelation within the framework of existing social and political conditions. In this attempt, the fact that pre-Islamic elements continued to prevail in practice is not only historically plausible, but it is doctrinally justified. The history of Islam has shown us a plethora of examples which indicate a shared contribution by both Muslims and non-Muslims who participate in the creation of a religious tradition in the domain of Islamdom.<sup>146</sup> Thus the Islamic legal decisions cited in Malacca should not be viewed as the single prevailing law in the

state. It is far better to regard them—in the words of M.B. Hooker—“as a series of standards *for* law”,<sup>147</sup> which have constituted and operated as an ethical basis for legal reproduction. The Islamic law provided in the digest functioned as the provider of moral principles and exhortations which, in their actual legislation, had to take into account and accept the existing society as a term of reference.<sup>148</sup>

From this perspective, Islamic law adopted in the Malaccan digest presumably did not constitute a fixed legal regulation. Islam provided the rulers with the legal options which required sophisticated implementation to meet certain circumstances in the state, which needed legal regulation from the holders of political authority. It is not surprising, therefore, that the Malaccan digest stimulated using the law on the basis of analogy, *kiyas*, one of the basic principles of Islamic jurisprudence (*uṣūl al-fiqh*).<sup>149</sup> This is the case in the regulation concerning a slave who intends to kill his master. The text states that the penalty for this crime is to apply in all parts of the state on the basis of analogy.

... But if he (the slave) has been seriously wounded, then killed, no offence has been committed. Such is the custom regarding the slaves. And so did we mention in the *kanun* law. On the basis of analogy, the same (rule) applies to (every part of) the country and the (districts of) tributary streams without any difference.<sup>150</sup>

Alluding to the use of analogy in the Malaccan digest, it is possible to assert that the legal practice in the state was conducted giving emphasis to taking local tradition into consideration in the composition of the legal formulation. *Kiyas*, from the Arabic *qiyās*, is one of the principles of Islamic jurisprudence which functions as “the method by which the principles established by the Qur’an, *sunnah*, and consensus are to be extended and applied to the solution of problems not expressly regulated therein”.<sup>151</sup> The implication of this method that the formulation of law in Islamic legal tradition operates alongside the social arrangement in the given historical period, and at the same time it is conducted in the light of the norms and principles established by the divine and sacred revelation. From this, it follows that the rules and legal decisions formulated within the framework of certain social and historical conditions are regarded as Islamic as long as they are within the bounds of and are endorsed by the divine will.<sup>152</sup>

On the basis of this argument, the introduction and the use of

analogy in the Malaccan digest is therefore to be viewed as the evidence of the Islamizing society. This has laid down an ethical basis for the regulation of political and social affairs in the given historical period. Basically, the adoption or incorporation of Islamic law into the legal tradition in the Malaccan state was not a set of prescriptions. It was instead —again to use the words of M.B. Hooker— “a mode or method for defining the search for the essence of religion”.<sup>153</sup> The method of analogy has provided the legal formulation with practical considerations; with ample opportunities to discover, and ultimately to embody, the divine command in the pattern of social and cultural system of the society in the period under discussion.

Turning to this matter, in the Malay context, the legal practice and its reproduction were under the authority of the rulers. Being structured in the *raja*-centred political tradition, as explained above, the Malaccan digest placed the application of the rules into the hand of rulers and their high dignitaries. They wielded immense power in determining the regulations over the state. This is clearly articulated, for example, in the rule concerning the people who are allowed to kill without prior authority from the ruler. The digest grants this authority to the assigned ruling elites as cited above.

Persons who are allowed to kill fall into four categories. First, the Chief Minister in the absence of the ruler or in his own territories may kill without royal order. Second, the Police-Chief when arresting people (may also kill) without waiting for a royal order. Third, the Harbour-master, when he is in the estuary, (is allowed to kill) any one who does not obey his orders while sailing a *perahu* or a vessel. ...Fourth a Sea-Captain may also kill without royal order while he is at sea for he himself is a ruler at that time.<sup>154</sup>

Granting the authority for legal practice into the hands of the rulers and high dignitaries is, of course, to be seen as a consequence of the political arrangement pursued in the legal formulation. In this case, therefore, there is no reason to understand the authority of the ruling circle in a negative perspective. However, the bulk of the legal digest allowed them with great liberty in the practice and reproduction of the regulation and at the same time it emphasized the moral principles and exhortations derived from Islamic precepts. Consistent with the spirit of adopting and incorporating Islamic law, the Malaccan digest sets forth the state regulations in the attempt to pursue and establish justice and property in the state. Thus in the rule concerning the killing by a slave —to take just one example— the text expressly demon-

strates this moral principle as the spirit of legal formulation.

If a free man slaps a slave and is stabbed to death by the latter, no offence is deemed to have been committed. But according to the law of God, he who kills shall be killed so that justice may be done.<sup>155</sup>

Up to this point, it is safe to hold the opinion that the contribution of Islam to the establishment of legal customs in the Malaccan state lies in giving rise to the principle of justice. It functioned as an ethical basis for the legal practice and formulation. From this, it can be said that the strong and determinant position of the rulers in the legal establishment in the Malaccan state operated in line with, and was guided by, the moral principle embodied in the invocation of justice. Justice was in fact administrated by the rulers, and it ultimately constituted the most important aspect of rulers' political exercises.<sup>156</sup>

In this context, it is quite understandable that the Malaccan digest regulates the duties and responsibilities of the ruling circle with an obvious provision for rules which are completely the same in substance as the regulation over the ruler-subject relationship in the *Sejarah Melayu*. The Malaccan digest, as the *Sejarah*, lays down the principle of rulership derived from the Islamic political postulate. As will be apparent in the quotation which follows, the text states that the rulers are burdened with the obligation to rule their subjects on the basis of truth and justice, and to treat them well as to shepherds their flocks.

And this is what is to be done by all the ministers who are holding this kind of office. You should from early morning sit in the hall of audience, because God has to a great extent left all human beings to (the care of) the rulers and their ministers, for the Prophet, may God bless him and give him peace, has said: "*Kulluhum rā'in wa kulluhum mas'ulūn 'an ra'iyatibi*", that is, all of you, being shepherds, will be questioned about your herds, (and) therefore, if the occasion arises, (we) should willingly take orders and carry out whatever task may be assigned to us in this world so that we may feel without burden in the world to come, because, even if the ruler be just, if he has no ministers or judges to carry out (his orders), his justice can not take effect.<sup>157</sup>

This quotation lucidly supports the argument above that the Islamic influence on the legal customs in the Malaccan state worked effectively in the establishment of ethical principles. These principles formed the substance of the legal and political practices by the rulers. The similarity of its substance with those provided in the *Sejarah*

*Melayu* proves the cited assumption that the establishment of legal customs, as expressed in the digest, is the practice of the *raja*-centred political ideology. This ethical principle constituted the main political discourse in the Malay Archipelago during the period concerned. Islam has made great contribution to the formulation of an ethical principle for the Malay political tradition.

## Endnotes

1. C.A.O. van Nieuwenhuijze, *Aspects of Islam in Post-Colonial Indonesia: Five Essays*, (The Hague: Van Hoeve, 1958), p. 40.
2. J.M. Gullick, *Indigenous Political Systems*, (London: The Athlone Press, 1972), p. 7; see also Panuti H.M. Sudjiman, *Adat Raja-Raja Melayu*, (Jakarta: UI-Press, 1982), pp. 11-12.
3. See Edward Shils, *Tradition*, (Chicago: University of Chicago Press, 1981), pp. 12-19.
4. E. Hobsbawm, "Introduction: Inventing Tradition", in E. Hobsbawm and T.O. Ranger, (eds.), *The Invention of Tradition*, (Cambridge: Cambridge University Press, 1983), pp. 1-14.
5. Information on these texts, in particular about the date and the authorship, will be given in a specific section in this chapter.
6. For a theoretical discussion on such assumption of the texts, see J.G.A. Pocock, *Politics, Language and Time: Essays on Political Thought and History*, (New York: Atheneum, 1971), pp. 3-41.
7. William E. Connolly, *The Term of Political Discourse*, (Toronto: D.C. Heath and Company, 1974), p. 1; see also his, "The Politics of Discourse", in Michael J. Shapiro, (ed.), *Language and Politics*, (Oxford: Basil Blackwell, 1984), pp. 139-167.
8. See for example J.C. Bottoms, "Some Malay Historical Sources: A Biographical Note", in Soedjatmoko *at. al.*, (eds.), *An Introduction to Indonesian Historiography*, (Ithaca: Cornell University Press, 1965), p. 169. In this article Bottoms identifies various attitudes of some Western scholars concerning the use of the Malay classical texts as the sources of the history.
9. G.W.J. Drewes, "New Light on the Coming of Islam to Indonesia?", *BKI*, 124 (1968), pp. 433-459; Drewes in this article even came to the conclusion that has been done by many scholars in this attempt have not provided new solution. For a complete description on the theory of Islamization, see also Azyumardi Azra, "The Transmission of Islamic Reformism to Indonesia: Network of Middle Eastern and Malay-Indonesian Ulama in the Seventeenth and Eighteenth", Ph.D. Diss., Columbia University, New York, 1992, pp. 27-45.
10. See A.H. Johns, "From Coastal Settlement to Islamic School and City: Islamization in Sumatra, the Malay Peninsula and Java", in J.J. Fox (ed.), *Indonesia: The Making of Culture*, (Canberra: Research School of Pacific Studies, 1990), pp. 163-166.
11. See, for example, D.G.E. Hall, *A History of Southeast Asia*, (London: Macmillan Press, 1981), pp. 221-222; also Bernard H.M. Vlekke, *Nusantara A History of Indonesia*, (The Hague and Bandung: W. van Hoeve Ltd, 1959), p. 67.
12. It is important to stress here that the alleged year for the conversion of Samudra



Pasai, 1297, is based on the comparison of the reports of Marco Polo in 1292 in which he noted that at that time Samudra Pasai had not converted to Islam. Historians have then concluded that Islamization proceeded some time between 1292 and 1297. For a critical discussion on this theory of Islamization, see A.H. Hill, "The Coming", pp. 6-21; see also Kenneth R. Hall, "The Coming of Islam to the Archipelago: a Reassessment", in Karl L. Hutterer (ed.), *Economic Exchange and Social Interaction in Southeast Asia*, (Michigan: Ann Arbor, 1979), pp. 213-231.

13. See "Hikayat Raja-Raja Pasai", ed. by A.H. Hill, *JMBRAS*, 33 (1960), pp. 56-57; for further discussion on this conversion see R. Jones, "Ten Conversion Myths from Indonesia", in Nehemia Levtzion (ed.), *Conversion to Islam*, (New York: Holmes and Meier, 1979), pp. 129-157.
14. A.H. Hill, "The Coming", pp. 6-7.
15. *Hikayat Raja-Raja Pasai*, A.H. Hill, p. 55.
16. Taufik Abdullah, "Islam and the Formation of Tradition in Indonesia: A Comparative Perspective, *Itinerario*, 13 (1989), p. 18; see also A. Reid, "Trade and State Power in the Sixteenth and Seventeenth Century Southeast Asia", *Proceedings Seventh International Association of Historians of Asia Conference*, Bangkok: 1979, pp. 391-419.
17. M.A.P. Meilink-Roelofs, "Trade and Islam in the Malay-Indonesian Archipelago Prior to the Arrival of the Europeans", in D.S. Richards, (ed.), *Islam and the Trade of Asia: A Colloquium*, (London: Bruno Cassirer Oxford, 1970), p. 138; See also J. Kathirithamby-Wells, "Introduction: An Overview", in Kathirithamby-Wells and Johns Villiers, (eds.), *The Southeast Asian Port and Polity Rise and Demise*, (Singapore: Singapore University Press, 1990), pp. 1-5.
18. Kenneth R. Hall, *Maritime Trade and State Development in Early Southeast Asia*, (Honolulu: University of Hawaii Press, 1985), pp. 195-231; also his article, "Trade and Statecraft in the Western Archipelago at the Dawn of European Age", *JMBRAS*, 54 (1981), pp. 21-47.
19. See Kenneth R. Hall, *Maritime Trade*, pp. 100-102; for further discussion see also O.W. Wolters, *The Fall of Srivijaya in Malay History*, (London: Asia Major Library, 1970), pp. 49-76.
20. See B.J.O. Schrieke, *Indonesian Sociological Studies*, (The Hague and Bandung: W. van Hoeve Ltd, 1955), part. 1, pp. 18-36; also O.W. Wolters, *The Fall*, p. 45; Kenneth R. Hall, *Maritime Trade*, p. 212.
21. O.W. Wolters, *The Fall*, pp. 154-170; Kenneth R. Hall, "Small Asian Nations in the Shadow of the Large: Early Asian History through the Eyes of Southern Asia", *JEAHO*, 32 (1984), p. 64.
22. O.W. Wolters, *The Fall*, p. 67; Kenneth R. Hall, *Maritime Trade*, pp. 212-213.
23. Kenneth R. Hall, *Maritime Trade*, p. 21; see also B. J.O Schrieke, *Indonesian*, part. 1, p. 16.
24. Tome Pires, *The Suma Oriental of Tome Pires*, translated and edited by Armando Cortesao, (London: The Hakluyt Society, 1944), vol. I, pp. 142.
25. *Ibid.*
26. Kenneth R. Hall, "Trade and Statecraft", pp. 22-24. Hall mentions that Southeast Asian peppers was regarded as of lower grade than those produced in along the Indian Malabar coast, but it was cheaper and more directly available to the Chinese .

27. See *Hikayat Raja-Raja Pasai*, A.H. Hill, pp. 120.  
28K.N. Chaudhuri, *Trade and Civilization in the Indian Ocean: An Economic History from the Rise of Islam to 1750*, (Cambridge: Cambridge University Press, 1985).
29. *Ibid.*, p. 3; for a theoretical discussion, see George Dalton, "Karl Polanyi's Analysis of Long-Distance Trade and His Wide Paradigm", in J.A. Sabloff and Lamberg-Karlovsky (eds.), *Ancient Civilization and Trade*, (Mexico: University of New Mexico Press, 1975), pp. 63-132.
30. B. Schrieke, *Indonesian*, p. 16; Kenneth R. Hall, "The Coming", p. 222. It is also important to explain here that some scholars have assumed that Islamization in Samudra Pasai must have been carried out by Indian Muslim merchants. The Arabs, because of political disintegration in the Abbasid Chaliphate, from about the eleventh to thirteenth century, diminished their participation in maritime trade in the Malay Archipelago. See G.R. Tibbetts, *A Study of the Arabic Texts Containing Material on South-East Asia*, (Leiden and London: E.J. Brill, 1979), pp. 10-12. Moreover, it is based on this fact that Islamization is assumed as to have been carried out by Indian Muslim. See for example, S.Q. Fatimi, *Islam Comes to Malaysia*, (Singapore: Malayan Sociological Institute Research Institute, 1963).
31. For further discussion on the difference in determining the first two or three rulers of Malacca, see Wang Gungwu, "The Three Rulers of Malacca", *JMBRAS*, 41 (1968), pp. 11-22; Muhammad Y. Hasim, *The Malay Sultanate of Malacca*, (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1992), pp. 73-86; C.H. Wake, "Melaka in the Fifteenth Century: Malay Historical Tradition and the Politics of Islamization", in Kernial S. Sandhu and P. Wealthy, (eds.), *Melaka The Transformation of a Malay Capital c. 1400-1980*, (Kuala Lumpur: Oxford University Press, 1983), vol. 1, pp. 128-140.
32. Tome Pires *The Suma*, vol. 2, pp. 230-231. Pires assumes that Parameswara was son of Sang Aji Palembang (*Sam Agi Palimbaao*) who married a niece of a Javanese king, the Bhatara Tumapel (*Batara Tomarijll*).
33. *Ibid.*, pp. 231-233.
34. *Ibid.*, p. 238.
35. *Ibid.*, pp. 240-241.
36. *Ibid.*, pp. 241-242.
37. *Sejarah Melayu*, Winstedt, p. 83; Brown, p. 43.
38. R.O. Winstedt, *A History of Malaya*, (Kuala Lumpur and Singapore: Marican & Sins, 1982), p. 49. In this respect Winstedt revised his previous opinion which was also the same as Tome Pires, that Iskandar Shah is the second ruler of Malacca. See his previous article, "The Malay Founder of Medieval Malacca", *BSOAS*, 12 (1948), pp. 726-729.
39. Wang Gungwu, "The opening of Relations Between China and Malacca 1403-5", in John Basuin and R. Roolvink, (eds.), *Malayan and Indonesian Studies*, (Oxford: The Calendron Press, 1964), p. 102.
40. *Ibid.*, p. 99; see also O.W. Wolters, *The Fall*, p. 156.
41. M.A.P. Meilink-Roelofs, *Asian Trade and European Influence in the Indonesian Archipelago between 1500 and about 1630*, (The Hague: Martinus Nijhoff, 1962), p. 31; O.W. Wolters, *The Fall*, p. 154.
42. See W.P. Groeneveldt, "Notes on the Malay Archipelago and Malacca", *VBG*, 49 (1880), pp. 129-134; W.W. Rockhill, "Notes on the Relations and Trade of

- China with the Eastern Archipelago and the Coast of the Indian Ocean During the Fourteenth Century”, *TP*, vol. 16 (1915), pp. 114-115.
43. Kenneth R. Hall, “Trade and Statecraft”, p. 42; O.W. Wolters, *The Fall*, p. 155.
  44. See Eleanor Selling, “The Evolution of Trading States in Southeast Asian Before 17th Century”, Ph.D Diss., Columbia University, New York, 1980, pp. 69-75.
  45. Wang Gungwu, “The Opening”, p. 104; M.A.P. Meilink-Roelofs, “Asian Trade”, *Asian Trade*, pp. 31-32.
  46. Tome Pires, *The Suma*, vol. 1, p. 144.
  47. Kenneth R. Hall, “Trade and Statecraft”, p. 36.
  48. O.W. Wolters, *The Fall*, pp. 160-161.
  49. Siti Chamamah Soeratro, *Hikayat Iskandar Zulkarnain: Suntingan Teks*, (Jakarta: Balai Pustaka, 1992). In her introduction, Siti Chamamah assumes that this text was most likely composed in Malay in the fifteenth century, like other Malay classical texts, the *Hikayat Amir Hamzah* and the *Hikayat Sri Rama*. She then also identifies this text is an appreciation by Malay society of the same story which originated from the Greek romance, *Pseudo Callisthenes*. See pp. xiii; for the date of composition see also L.F. Brakel, “On the Origin of the Malay Hikayat”, *RIMA*, 13 (1979), p. 18. For her textual studies on this text, see also *Hikayat Iskandar Zulkarnain: Analisis Resepsi*, (Jakarta: Balai Pustaka, 1991).
  50. For a complete description, see Siti C. Soeratro, “Hikayat: Suntingan Teks”.
  51. Siti Ch. Soeratro identifies some Malay classical texts which incorporated some parts of the story of Raja Iskandar Zulkarnain, they are, *Misa Melayu*, *Hikayat Palembang*, *Hikayat Andalas*, *Hikayat Aceh*, *Undang-Undang Malaka*, and *Sejarah Melayu*. See her *Hikayat: Analisis Resepsi*, pp. 146-1162; see also Khalid-Thaib, H. Muhammad, “‘Sastera Sejarah’ in the Malay World: A Structural and Contextual Study of Folkloristic Elements in a Transitional Genre”, (Ph D Diss. Indiana University, USA, 1981), pp. 227-229.
  52. J.J. Ras, *Hikayat Banjar: A Study in Malay Historiography*, (The Hague: Martinus Nijhoff, 1968), p. 129.
  53. See *Misa Melayu*, Ahmad Fauzi (ed.), (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1992), p. 1; *Hikayat Atjeh*, T. Iskandar, (ed.), (Leiden: VKI, 1958), p. 71; for further discussion, see also Khalid-Thaib, H. Muhammad, “Sastera Sejarah”, pp. 227-232.
  54. *Sejarah Melayu*, Winstedt, pp. 42-47; Brown, pp. 1-6.
  55. *Ibid.*, Winstedt, p. 56; Brown, p. 14.
  56. G. Carey, *The Medieval Alexander*, (Cambridge: Cambridge University Press, 1967).
  57. See C.G. Starr, *A History of the Ancient World*, (New York: Oxford University Press, 1974), pp. 394-410.
  58. R.O. Winstedt, *A History of Classical Malay Literature*, (Kuala Lumpur: Oxford University Press, 1969), pp. 92-93; see also G.F. Morrison, “Persian Influence in Malay Life (1280-1650)”, *JMBRAS*, 27 (1955), p. 54.
  59. R.O. Winstedt, *A History*, p. 94.
  60. In verse 18: 84-86, for instance, the Qur’an cites, “Verily We established his power On earth, and We gave him the Ways and the means to all ends; One (such) way he followed; Until, when he reached the setting of the sun, he found it set in a spring of murky water: Near it he found a people: We said: “O Zulkarnain!”. *The Holy Qur’an English Translation of the Meanings and Commentary*, (Al-Madinah Al-Munawarah: King Fahd Holy Qur’an Printing Complex,

- 1411 H.).
61. Khalid-Thaib, "Sastera Sejarah", pp. 307-308.
  62. See A.C. Milner, *Kerajaan: Malay Political Culture on the Eve of Colonial Rule*, (Tucson: The University of Arizona Press, 1982), p. 83.
  63. For the discussion on the heroic image, see John Renard, *Islam and the Heroic Image: Themes in Literature and the Visual Arts*, (South Carolina: University of South Carolina Press, 1993), p. 86; 261-264.
  64. R.O. Winstedt, *A History*, pp. 92-134.
  65. *Ibid.*, pp. 95-97; 105-107; see also L. F. Brakel, *The Hikayat Muhammad Hanafiyyah: A Medieval Muslim Romance*, (The Hague: Martinus Nijhoff, 1975).
  66. R. O. Winstedt, *A History*, p. 96.
  67. L.F. Brakel, *The Hikayat*, pp. 1-6.
  68. See D.Z. Abidin bin A. Wahab, "Power and Authority in the Melaka Sultanate: The Traditional View", in K. S. Sindhu and Paul Wealthy, (eds.), *Melaka: The Transformation of a Malay Capital c. 1400-1980*, (Kuala Lumpur: Oxford University Press, 1983), pp. 101-102; O. W. Wolters, *The Fall of Srivijaya in Malay History*, (Ithaca: Cornell University Press, 1970), p. 163.
  69. J.J. Ras, *Hikayat Bandjar*, p. 133.
  70. *Ibid.*, p. 131.
  71. B.J.O. Schrieke, *Indonesian Sociological Studies: Ruler and Realm in Early Java*, (The Hague and Bandung: W. van Hoeve Ltd, 1957), Part Two, p. 8.
  72. *Ibid.*, p. 7.
  73. See O.W. Wolters, *The Fall*, p. 106; R.O. Winstedt, *A History of Malaya*, (Kuala Lumpur: Marican & Sons), 1982), p. 47.
  74. Tome Pires, *The Suma*, vol. 2, p. 235.
  75. *Sejarah Melayu*, Winstedt, pp. 53-54; Brown, pp. 13-14.
  76. *Ibid.*, Winstedt, p. 55; Brown, p. 14.
  77. See G. Coedes, *The Indianized States of Southeast Asia*, (Honolulu: University of Hawaii Press, 1968), p. 84.
  78. Janjiro Takakusu, *A Record of the Buddhist Religion as Practiced in India and the Malay Archipelago (A.D. 671-695) by I-Tsing*, (Oxford: Oxford University Press, 1896), p. xxxiv, quoted from G. Coedes, *The Indianized*, p. 81.
  79. See Robert Heine-Geldern, *Conception of State and Kingship in Southeast Asia*, (Ithaca: Southeast Asian Program Cornell University, 1963), pp. 2-5.
  80. *Ibid.*, p. 4; Wolters, *The Fall*, pp. 128-129. Coedes even mentions that the archeology of Palembang indicates that the king of Srivijaya had built the edifices, including sanctuary, which were dedicated to the Buddha and to the Bodhisattva Padmapani and Vajrapani. See G. Coedes, *The Indianized*, p. 84-85.
  81. O.W. Wolters, *The Fall*, p. 129; G. Coedes, *The Indianized*, p. 85.
  82. *Sejarah Melayu*, Winstedt, pp. 54-55; Brown, pp. 13-14.
  83. *Hikayat Hang Tuah*, Kasim Ahmad, p. 7; this translation follows S. Errington, "A Study of Genre", p. 42.
  84. S. Errington, "A Study of Genre", p. 53.
  85. H.M. Khalid-Taib, "Sastera Sejarah", p. 308.
  86. With the term Muslim Language, I follow A. Bausani who defines it as "a language that, at certain moment of its history, presents itself deeply influenced, lexically, geographically, and to some extent also morphologically and even phonetically by the great cultural languages of Islam: Arabic and Persian". Bausani, "Is Classical Malay a 'Muslim Language?', *BAEO*, 11 (1975), p. 113.

87. Bernard Lewis, *The Political Language of Islam*, (Chicago and London: The University of Chicago Press, 1988), pp. 35-36; see also, "Dawla", *The Encyclopedia of Islam*, (Leiden: E.J. Brill, 1965), vol. 2, pp. 177-178.
88. R.J. Wilkinson, *A Malay-English Dictionary*, (Mytilene: Salavopoulos and Kinderlis, 1932), Part. 2, p. 261.
89. R.J. Wilkinson, "Some Malay Studies", *JMBRAS*, 10 (1932), p. 80.
90. See R.O. Winstedt, "Kingship and Enthronement in Malaya", *JMBRAS*, 10 (1947), p. 137.
91. R.J. Wilkinson, "Some Malay", p. 79.
92. *Hikayat Raja-Raja Pasai*, A.H. Hill, pp. 58.
93. See D. Zainal Abidin, "Power and Authority", pp. 102; see also his other article, "Sejarah Melayu", *AS*, vol. 4 (1966), pp. 445-41.
94. See Bernard Lewis, *The Political Language*, pp. 45-46; see also Philip K. Hitti, *History of the Arabs*, (London: Macmillan, 1967), p. 317. For the title sultan, perhaps it is important to explain that this title designated to signify the supreme political power came later, in the period of the Great Seljuqs in the eleventh century. Before that period, the title sultan was used only for independent rulers and potentates who had subjected themselves to the effective authority of the central power. See Bernard Lewis, pp. 51-53.
95. Zainal Abidin Wahab, "Power and Authority", p. 102.
96. Shelly Errington, "A Study of Genre", p. 118.
97. H.Muhammad Khalid-Taib, "Sastera Sejarah", p. 309.
98. *Hikayat Hang Tuah*, Ahmad, p. 388; Errington, p. 18.
99. See A.C. Milner, "Islam and Muslim State", pp. 30-31; for a detailed discussion on the Malay kerajaan political ideas, see his *Kerajaan*.
100. A.C. Milner, *Kerajaan*, p. 8.
101. R.J. Wilkinson, *A Malay-English*, pp. 275-276.
102. Zainal Abidin Wahab, "Power and Authority", p. 102.
103. *Sejarah Melayu*, Winstedt, p. 186; Brown, pp. 156-157.
104. In other Malay text, the *Undang-Undang Melaka*, the Police Chief is called *Temenggung*. See *Undang-Undang Melaka*, edited by Liaw Yock Fang, (The Hague: Martinus Nijhoff, 1976), p. 63.
105. For a complete description of the story, see *Hikayat Hang Tuah*, Kasim Ahmad, pp. 347-399.
106. See for examples, Shelly Errington, "A Study of Genre", pp. 102-121; also her article, "Some Comments on the Style in the Meaning of the Past", in A. Reid and D. Marr, (eds.), *Perceptions of the Past in Southeast Asia*, (Singapore: Meinemann educational Books, 1979), pp. 26-42; E.U. Kratz, "Durhaka: The Concept of Treason in the Malay *Hikayat Hang Tuah*", *SAR*, 1 (1993), pp. 68-97; Muhammad H. Salleh, "Central Values of the Malay Hero Hang Tuah", *Tenggara*, 17-18 (1985), pp. 47-94; P.E. de Josselin de Jong, "The Rise and Decline of A National Hero", *JMBRAS*, 38 (1965), pp. 140-155.
107. *Hikayat Hang Tuah*, Kasim Ahmad, p. 172.
108. *Hikayat Hang Tuah*, Kasim Ahmad, p. 382.
109. *Sejarah Melayu*, Winstedt, p. 57; Brown, p. 105.
110. *Sejarah Melayu*, Winstedt, p. 57; Brown, p. 105.
111. See P.E. De Josselin De Jong, "The Characters of the *Malay Annals*", in R. Roolvink and J. Bastin, (eds), *Malayan and Indonesian Studies*, (Oxford: The Clarendon Press, 1964), p. 239.

112. See for examples, Chandra Muzaffar, *Protector? An Analysis of the Concept and Practice of Loyalty in Leader-Led Relationships Within Malay Society*, (Pulau Penang: Aliran Publication, 1979), pp. 3-6; for discussion on the concept of loyalty in story of Hang Tuah and Hang Jebat, See Shaharuddin Maaruf, *Concept of a Hero in Malay Society*, (Selangor: Eastern Universities Press, 1984), pp. 20-38.
113. In addition I wish also to argue that both Muzaffar and Maaruf, the proponent of the concept of loyalty cited above, almost discredit the ruler-subjects relationship in the Malay society based on the contemporary argument of the political notion in the Western society. Maaruf's studies, for example, demonstrate almost every aspect of the story of Hang Tuah as feudalistic on the grounds of Western perspective as advocated by Erich Fromm and Karl Mannheim. This then not only leads the studies of both authors mentioned failing to understand entirely the political tradition of Malay society, but it also results in creating a distorted image and drawing a simplistic conclusion without consulting sufficient historical data, and not making judgments on Malay society in its own terms.
114. *Sejarah Melayu*, Winstedt, p. 57; Brown, p. 105.
115. See p. 57-58.
116. See P.E. de Josselin de Jong, "The Rise", p. 150; U.E. Kratz, "Durhaka", p. 95; S. Errington, "A Study of Genre", p. 73. Errington, moreover, states that *durhaka* "does not imply a motive, either good or bad. It means, simply, to go against the expressed wishes of the ruler or to withdraw from his service, to put oneself outside relation, to cut oneself off from the flow of royal beneficence".
117. U.E. Kratz, "Durhaka", p. 95.
118. P.E. de Josselin de Jong, "The Character", p. 239.
119. *Sejarah Melayu*, Winstedt, p. 150; Brown, p. 117.
120. See Benedict R. O'G. Anderson, "The Idea of Power in Javanese Culture", in Claire Holt, (ed.), *Culture and Politics in Indonesia*, (Ithaca: Cornell University Press, 1972), pp. 47-48; also Soemarsaid Moertono, *State and Statecraft in Old Java: A Study of the Later Mataram Period, 16th to 19th Century*, (Ithaca: Monograph Series Modern Asian Project Cornell University, 1963), p. 20. Moertono elaborates the ruler-subject relationship in Javanese ideas in the concept of *Kawula-Gusti*, the unity between ruler and subject, which is different from those in the Malay political tradition.
121. U.E. Kratz, "Durhaka", p. 77.
122. See *Sejarah Melayu*, Winstedt, p. 150; Brown, p. 117. M Yusoff Hashim interprets the term "Those in authority" in the text as being equivalent with the term in the Qur'an, (4: 59), "Obey Allah and the Apostle and those in authority among you", that they are the administrator surround the rulers. M. Yusoff Hashim, *The Malay Sultanate*, pp. 120-121.
123. *Sejarah Melayu*, Winstedt, p. 79, Brown, p. 39.
124. Bernard Lewis, *Bahasa Politik Islam*, (Jakarta: Gramedia, 1993), p. 194. This article on *musyawarah*, together with *Siyasa*, is attached to the Indonesian edition of *The Political Language of Islam*.
125. *Sejarah Melayu*, Winstedt, p. 149; Brown, p. 116.
126. I deal here with the Malaccan state for pragmatic reasons. The historical sources available to me, particularly those pertinent to the practice of ideology, lead

- me to concentrate the discussion mostly on the Malaccan state. This is, however, with the assumption that the same political practice also prevailed in Samudra Pasai.
127. *Undang-Undang Malaka*, edited by Liaw Yock Fang, (The Hague: Martinus Nijhoff, 1976).
  128. *Undang-Undang Laut Malaka* (The Maritime Law of Malacca), *JMBRAS*, 29 (1956), pp. 22-59.
  129. For further discussion and implementation of the legal culture, see Daniel S. Lev, "Judicial Institutions and Legal Culture in Indonesia", in Claire Holt, (ed.), *Culture and Politics*, pp. 246-318.
  130. For the discussion on Islamic elements of the legal texts, see M.B. Hooker, *Islamic Law in Southeast Asia*, (Singapore: Oxford University Press, 1984), pp. 9-16.
  131. *Undang-Undang Melaka*, Liaw Yock Fang, p. 65.
  132. *Ibid.*, p. 65.
  133. *Ibid.*, p. 63.
  134. For further discussion on the high dignitaries, see Khoo Kay Kim, "The Peninsular Malay Sultanate: Genesis and Salient Features", *Purba*, Journal Persatuan Muzium Malaysia, 9, 1989, pp. 91-102.
  135. *Undang-Undang Melaka*, Liaw Yock Fang, pp. 63-65.
  136. See A.C. Milner, *Kerajaan*, pp. 100-101; see also his *The Invention of Politics in Colonial Malaya*, (Cambridge: Cambridge University Press, 1995), pp. 21-23.
  137. *Undang-Undang Melaka*, Liaw Yock Fang, pp. 65-67.
  138. *Ibid.*, p. 67.
  139. *Ibid.*
  140. *Ibid.*, p. 67.
  141. *Ibid.*, pp. 71.
  142. See *Ibid.*, pp. 75-85; see also M.B. Hooker, *Islamic Law*, pp. 10-11. Hooker also mentions that the application of Islamic law without citing that the indigenous legal tradition only occurs in regulations concerning the Muslim marriage. This is entirely a simplified version and adaptation of Shāfi'i law. see pp. 11-13; *Undang-Undang Melaka*, pp. 127-135.
  143. *Undang-Undang Melaka*, Liaw Yock Fang, p. 75.
  144. See Tome Pires, *The Suma*, vol. 2, pp. 248-250; 259-264; Mohammad Yusoff Hashim, *The Malay Sultanate*, pp. 144-150.
  145. See L.F. Ferreira Reis Thomaz, "The Malay Sultanate of Melaka", in Anthony Reid, (ed.), *Southeast Asia in the Early Modern Era: Trade, Power, and Belief*, (Ithaca: Cornell University Press, 1993), p. 79.
  146. See Marshal Hodgson, *The Venture of Islam*, (Chicago: The University of Chicago Press, 1974), vol. I, p. 58. Hodgson, in this respect, distinguishes between "Islam" as *religion* of the Muslims and "Islamicate" as culture and tradition established in the Muslim societies.
  147. M.B. Hooker, "Islamic Law", p. 5.
  148. *Ibid.*, p. 33; for an extensive discussion on the moral principles and exhortation as the spirit of Qur'anic legislation, see Fazlur Rahman, *Islam*, (London: William Clowes and Sons, 1966), pp. 37-40.
  149. See N.J. Coulson, *A History of Islamic Law*, (Edinburgh: Edinburgh University Press, 1964), pp. 59-60; J. Schacht, *The Origin of Muhammadan Jurisprudence*, (Oxford: Clarendon Press, 1950), pp. 98-99.

150. *Undang-Undang Melaka*, Liaw Yock Fang, p. 73; for another case of using this analogy, see p. 95.
151. N.J. Coulson, *A History*, p. 60.
152. *Ibid.*, pp. 6-7.
153. M.B. Hooker, *Islamic Law*, p. 33.
154. *Undang-Undang Melaka*, Liaw Yock Fang, pp. 77-79.
155. *Ibid.*, p. 77.
156. See Anthony Reid, *Southeast Asia in the Age of Commerce 1450-1680: Volume One, The Lands Below the Winds*, (New Haven and London: Yale University Press, 1988), pp. 137-138.
157. *Undang-Undang Melaka*, Liaw Yock Fang, pp. 163-165.

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