ISLAMIC LAW IN THE LAND OF MALAY

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Abstract: This study aims to find out in-depth: 1) how the implementation of law enforcement in the Siak Sri Indrapur, Riau and how it is enforced in the Jambi Malay, both related to criminal, civil and moral matters; 2) What is the contribution of Bab al-Qawa'id and Law 20 to law enforcement and what values can be embraced by society to organize law enforcement in Indonesia today; 3) why the two governments adhere to the same or similar legal principles. The researcher used qualitative with descriptive method. The data collection technique is a literature review with documentation technique, while the data analysis technique is content analysis. The findings of the study are: 1) The law enforcement in the Siak Sri Indrapura through what is stated in Chapter Al-Qawa'id manuscript, both relating to criminal, civil, moral/religious and custom textually the text and its implementation that the law in that area is well established. Law enforcement in Jambi Sultanate refers to the law of 'nun Duapuluh.' It is running well as well as law enforcement in Siak sultanate. It is just that, judging from the sources of law used, whether criminal, civil, moral or religious, or customary, the law is not as elaborated as Chapter al-Qawa'id. It is not too difficult to understand because the Law of 'Nun Duapuluh' is older than Chapter al-Qawa'id by about one century. The law in Chapter al-Qawa'id and the law of 'nun Duapuluh' have contributed to law enforcement in their time, and both have contributed to the cultivation of values that can be guided for law enforcement today in 'Tanah Air.'

Keywords: Islamic law, implementation, chapter al-qawa'id, law of 'nun duapuluh'


Kata Kunci: hukum Islam, implementasi, bab al-qawa'id, undang-undang 'nan duapuluh'
I. Introduction

Seventy-four years of the independence of Indonesia, the question from nations should not appear again – at least not hotly gossiped about – but still pops up everywhere, as if to greet or reprimand us if we ignore it. Amid society, on social media, even at all levels of the socio-political degree to the coffee shops, simple questions break the silence: the law is never enforced (translated) (Mahfud, MD, 2007). Why is this nation still like this to this day (translated) (Adrianus Chatib, 2013); The law in our country is blunt up, sharp down (translated) (Karni Ilyas, ILC, 2019).

Big questions and statements, as listed above, have no signs of abating or shrinking. The Government has not paid for what the community desires as a reservoir for aspirations or public needs. It is owed on the lips of those who like to lie, and when we are paid as the fruit and aim of our independence (goal or aim of our celebration) or just a promise. The old saying of a naughty person like Abu Nawas says: a promise to leave is usually because the footbridge is usually rotten (translated).

That question will always arise again. The sweet promises woven by the founding fathers recorded in their noble agreement contained in Pancasila and the 1945 Constitution have not been paid in full. What is meant in the last sentence is the enforcement of the law in all levels of society that is a straight bridge to justice and prosperity taken away by the Dutch colonial for 350 years, by the Japanese for 3.5 years, and by the nation itself.

It becomes strange and requires an answer from careful research: why before the independence of Indonesia, the law around the 17th to the late 19th century, law in the archipelago (read: Kesultanan Melayu) had become a pillar of law teachers. The manuscript informs this fact as a scientific record; first, Chapter Al-Qawa'id in the Malay of Siak, Riau and the text of Law 20 in the Jambi Malay. How the existence of law in the two territories of the sultanate, what its contribution to law enforcement was, and what constructive values it transmits to the present can be traced in the following description.

The law means 1) regulations or customs that are officially considered binding; 2) legislation; 3) standards (rules, conditions); 4) decision (consideration determined by a judge).

According to the law, according to definitive is a regulation or law or rules or binding decision that is confirmed by the Government or authorities to regulate the social life of the community.

Regulations or laws that are criminal, civil, moral, and customary. So criminal law is the law that determines events (criminal acts) are acts related to crime. Meanwhile, civil law is the opposite of criminal which means civil rights such as property and people’s relationships are based on logic.

On the other hand, moral or religious law is based on legal sources such as the Qur’an, hadith, and ijtihad in Islam. Islam is called ‘jinayat fiqh’, while civil law is ‘maliyah fiqh,’ and customary law is law or regulation developed based on the existing agreement rules in the community.

The moral law is a law based on good and bad teachings related to actions, attitudes, and obligations. This paper is measured automatically based on the legal rules mentioned above.

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1 Departemen Pendidikan Nasional, Kamus Besar Bahasa Indonesia, Jakarta: Balaipustaka, 2007, p. 410
2 Ibid., p. 600
3 Ibid., pp. 754-755
The Description of Manuscript Content in Tabulation

**Table 1 Law Enforcement in Chapter Al-Qawa’id**

<table>
<thead>
<tr>
<th>No.</th>
<th>Aspect/Chapter</th>
<th>Articles</th>
<th>Number of verses</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Criminal/ III</td>
<td>9</td>
<td>articles 5 = 4 verses</td>
<td>1 article, namely 9 = civil</td>
</tr>
<tr>
<td>2.</td>
<td>Civil court/XI</td>
<td>9</td>
<td>articles 6 = 3 verses</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>Morality/X</td>
<td>13</td>
<td>without verse</td>
<td>-</td>
</tr>
<tr>
<td>4.</td>
<td>Penalty/ IV</td>
<td>5</td>
<td>without verse</td>
<td>-</td>
</tr>
<tr>
<td>5.</td>
<td>Matters dealt with by the police</td>
<td>7</td>
<td>articles 7: 5 verses</td>
<td>-</td>
</tr>
<tr>
<td>6.</td>
<td>Convene a police judge /VI</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Script *Chapter al-Qawa’id*

Note: Although there are 22 chapters, the contents of Chapter al-Qawa’id do not all discuss legal issues, so what is tabulated is only those related to law.

**Table 2 Law Enforcement in the Law of ‘Nan Duapuluh’**

<table>
<thead>
<tr>
<th>No.</th>
<th>Law of Duabelas</th>
<th>Chapter/article</th>
<th>Law of Seven</th>
<th>Chapter/article</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>‘Terlelah – terkejar’</td>
<td>-</td>
<td>‘Tikam bunuh’</td>
<td>-</td>
<td>Ways of law Enforcement and violation penalty</td>
</tr>
<tr>
<td>2.</td>
<td>‘Tertanda – terbukti’</td>
<td>-</td>
<td>‘Upas racun’</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>‘Terikat – terkungkung’</td>
<td>-</td>
<td>‘Samun sakar’</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Tertambak- terciak</td>
<td>-</td>
<td>‘Maling curi’</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>‘Tercencang- terakah’</td>
<td>-</td>
<td>‘Siar bakar’</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
6. ‘Tertangkap basah’ - ‘Lancung Kicuh’ -
7. ‘Bersurih bagi sipasin’ - ‘Dago dagi’ -
8. ‘Berjejak-berbekas’ - ‘Sumbang Salah’ -
9. ‘Enggang terbang’
   ‘Ranting jatuh’ -
10. ‘Kecondong mata orang Banyak’ -
11. ‘Terbayak – tertabur’ -
12. ‘Berjalan tergesa-gesa’ -

Source: Manuscript of Law ‘Nan Duapuluh’

### Table 3 Resume of Chapter Al-Qawa'id

<table>
<thead>
<tr>
<th>No.</th>
<th>Chapter</th>
<th>Number of Articles</th>
<th>Number of verses</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>I</td>
<td>10</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>II</td>
<td>10</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>III</td>
<td>9</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4.</td>
<td>IV</td>
<td>5</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5.</td>
<td>V</td>
<td>7</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6.</td>
<td>VI</td>
<td>13</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7.</td>
<td>VII</td>
<td>18</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>8.</td>
<td>VIII</td>
<td>4 (article ?)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9.</td>
<td>IX</td>
<td>without article</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>10.</td>
<td>X</td>
<td>13</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>11.</td>
<td>XI</td>
<td>9</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>12.</td>
<td>XII</td>
<td>6</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>13.</td>
<td>XIII</td>
<td>4</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>14.</td>
<td>XIV</td>
<td>article 1</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>article 2</td>
<td>12</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>article 3</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>15.</td>
<td>XV</td>
<td>3</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>16.</td>
<td>XVI</td>
<td>5</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>17.</td>
<td>XVII</td>
<td>5</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>18.</td>
<td>XVIII</td>
<td>8</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>19.</td>
<td>XIX</td>
<td>4</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>20.</td>
<td>XX</td>
<td>without article</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>21.</td>
<td>XXI</td>
<td>14</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>22.</td>
<td>XXII</td>
<td>6</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Manuscript of Chapter al-Qawa'id
Through the table above, it can be understood that al-Qawa'id contains 22 chapters, 145 articles, and 42 verses. However, there have been only four chapters, 40 articles, and 18 verses relating to law. So, the rests talk about other things such as Government, tribes, etc.

**Table 4. Laws of Chapter al-Qawa'id seen from Law Enforcement**

<table>
<thead>
<tr>
<th>No.</th>
<th>Chapter</th>
<th>Number</th>
<th>Article</th>
<th>Number</th>
<th>Verse</th>
<th>Number</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Law</td>
<td>22</td>
<td>145</td>
<td>42</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Criminal</td>
<td>22</td>
<td>145</td>
<td>42</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Civil court</td>
<td>1</td>
<td>9</td>
<td>9</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Moral Law</td>
<td>1</td>
<td>13</td>
<td>13</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Customary Law</td>
<td>1</td>
<td>9</td>
<td>9</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>In total</strong></td>
<td></td>
<td><strong>40</strong></td>
<td></td>
<td><strong>18</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Manuscript Chapter al-Qawa'id

Through the table above, it can be understood that al-Qawa'id contains 22 chapters, 145 articles, and 42 verses. However, there have been only four chapters, 40 articles, and 18 verses relating to law. So, the rests talk about other things such as Government, tribes, etc.

**Table 5 Isi Undang-Undang Nan 20**

<table>
<thead>
<tr>
<th>No.</th>
<th>Chapter</th>
<th>Number of chapters</th>
<th>Article</th>
<th>Number of articles</th>
<th>Verse</th>
<th>Number of verse</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2</td>
<td>2</td>
<td>12</td>
<td>12</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>2</td>
<td>2</td>
<td>8</td>
<td>8</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2</td>
<td>2</td>
<td><strong>20</strong></td>
<td><strong>20</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Manuscript of Law "Nan Duapuluh"

The table above shows that the Law of 'Nun Duapuluh' consists of law 'nun Duabelas' and Law 'nun Delapan' written down without chapter numbers and articles. While the verses are too general, other descriptions show that these are chapters, articles, and at the same time, the verse.

Based on the explanation above, this research uses qualitative research with a descriptive method. For data collection, this research uses literature review with documentation techniques, while the analysis technique is *content analysis techniques*.

I. Transkripsi Isi Kitab Al-Qawa’id dan Undang-undang Nan Dua Puluh

Manuscripts of Chapter al-Qawa'id consists of 22 chapters, namely: I) Boundary boundaries of each province; II) High-Density Power and judges; III) Discussions on what must be brought to the high council meeting; IV) Discussing the duties of the Siak Police Judge Sri Indrapura; V) Judges of the Colonial State Police; VI) Correspondence of Police Judges; VII) Head of Tribe and Parent; VIII) Power of attorney for each tribal chief; IX) Treasurer, Penghulu-penghulu and Patih respectively; X) Qadhi power of (Siak Sri Undrapura; XI) Power of the Priest of the (Colonial Country; XII) The Power of All Priests of the (Colonial Country; XIII) The position of (Sri Paduka Sulthan; XIV) Duties and Responsibilities of the Siak Police and the Colonies; XV) Duties of (Princes; XVI) Duties of the Prosecutor’s (Hoof; XVII) Additional Tasks of the (Mighty Bidawinda; XVIII) Authority of the (Penghulu Balai; XIX) Rules for the Sale and Purchase of Dusun Gardens in (Siak; XX) Tribal Provisions; XXI) Rules concerning the Head of the Parent
Tribe; Rules on Fines in High Density, Police Judges and Colonial Lands in Siak Sri Indrapura. Furthermore, the articles written in the Riau Malay language are filled with characters/words that smell like the Minangkabau language. The first article, more appropriately which is called the General Provisions, consists of 6 verses; Second Article (the second general provision which contains the relationship between the Sultanate of Siak Sri Indrapura and the Governor of the Dutch East Indies and a letter of agreement between Sulthan Syarif Hasyim Abd. Jalil, with the colonies and officials, signed in the presence of Assistant Resident D’afdeling Bengkalis in 1898.

The Laws 'nun Duapulu' text originated from the Laws of 'Nun Delapan' and the laws of 'Nun Duabelas,' which are physically described as follows. The title is "Oendang-oendang Djambi"; there is no stamp and stamp found. Paper size, 14 cm wide and 24 cm long. The number of lines per page is 25, including chapter titles without numbers and verses. After sorting 32 articles, there are three chapters without titles. Then another article without a number appears. The number of pages is 26 pages.

Judging from its format as a law, it looks less than perfect compared to the book of Chapter al-Qawa'id. So, what is discussed in the law, researchers must read word by word, line by line, and paragraph by paragraph to understand it fully. Another difficulty is the language and the accent used; it feels very regional, or the Jambi Malay hamlet language is no longer used. From the rules of good Indonesian, it is still a long way off. Under these conditions, if the researcher does not understand the local language and language, it will be difficult to translate it into Indonesian.

Meanwhile, it is called the "undang-undang duabelas" (law of 12) because the law consists of 12 articles divided into the first 6, namely: 1) relating to being overtaken; 2) relating to evidence; 3) about bound-bonded; 4) related to shout-outs; 5) relates to being shattered and 6) caught red-handed. While the second 6 are: 1) chaining like a 'sipasin'; 2) trailing scars; 3) hornbills fly, twigs fall; 4) 'kacondong mato' (kecandong mato for people); 5) most sprinkled; 6) walk in a hurry. As for the differences in numbering and prioritizing one and some driving the other, it is just nothing more than a layout; while the content is the same and the number is also the same, 6 and 6 are 12 articles.

The 3rd Chapter of al-Qawa'id describes the discussion of Indonesian Islamic Criminal Law in detail, which contains the following. Matters that must be brought to the court (Majlis Kerapatan Tinggi), further abbreviated as MKT, located in the Sultanate of Siak Indrapura, are:

1) The Problem of Murder: a) Matters related to intentional murder by using a sharp weapon (sajam) and done intentionally (read: direncanakan – pen); b) premeditated killing by using poison of any kind; c) and or murder by other premeditated means; d) murder committed until the big vein breaks (leg or hand - pen) which makes him disabled for life forever.

2) Theft problems consist of a) theft; b) robberies; c) trickery whose modus operation consists of 1) people who steal people's property to the point of breaking into inhabited or uninhabited houses; 2) the person who steals to the point of breaking the stolen person's chest exceeds the estimated price of 60 ringgit for the bird; 3) people who rob people in the middle of the highway or the river or the rice fields or the forest against someone by way of robbing (menyamun-menyakar) property; 4) stealing people's property of approximately 80 ringgit bird; but not by breaking into houses and breaking open chests. So article 5, as stated above, is divided into two ways, namely: a) stealing by force (robbery - pen), whether the house is guarded by its occupants or not; b) theft by breaking the
cupboard or chest where money is kept (by force) where the amount of money stolen is 60 ringgit more; c) extortion in the middle of the main road, in the river or at sea (pirates) or in the forest with a gang; d) stealing money worth less than 80 ringgit, even if not by breaking (damaging - pen) the house.

3) The problem of Siar-Bakar with its criminal form is as follows. a) set fire to the house of the occupants; b) burn a house where property worth less than 20 ringgit is stored; c) set fire to nearby houses (neighbors) either inhabited or just for storing property.

4) Misfortune - Disobedience. This act is categorized as criminal, which leads to criminal charges. Acts similar to this in the law of 'Nun Delapan' are referred to as "Dago-dagi". They consist of 8 articles with details as follows: a. committing disobedience, both in deed and word to Sri Paduka Sultan, which if spread would be a disgrace to the Sultan; b) against the legitimate Government of the Siak Sri Indrapura sultanate and the states under its subjugation.

What is mentioned above is a civil case that occurred in the Sultanate of Siak Sri Indrapura. Meanwhile, the sanctions imposed on the colonies are as follows: 1) He can be punished with forced labor in the respective province where he works; 2) and sent to the Siak Sri Indrapura Sultanate.

The ways in which judges convene according to chapter 6 of the Chapter al-Qawa’id can be described as listed below. Article 1 states that a judge may close his case or punish him by employing forced labor for a maximum of 6 months in prison or a minimum of 15 days in prison. In article 2, it is stated that the sentence is changed or fined a maximum of 150 ringgit. The following article, article 3, says that the fine or the compensation of debts case is 300 ringgit. In article 4, data cases are settled with a ransom of 500 ringgit in any matters relating to inheritance. In article 5, which relates to the case of the 'Kebun Hamlet' (Dusun Kebun) and the village, the punishment is to pay a maximum of 500 ringgit. If the case is more significant than that, then the case must be handled by the attorney (Kajaksaan).

The Police Judge handles the case. Article 1 states that the punishment for the inhabitants of the colonized country, namely 1) it is permissible to terminate the case and fine him with forced labor for a maximum of 3 months; After one month of service, the person concerned can be forced to work in his/her respective province. Or forced labor in Siak Indrapura. However, the punishment should not exceed respected people such as bosses, older people, or the treasurer of the Siak Indrapura sultanate. Article 2 states that if the sentence is more than one month's work, he or she is immediately sent to Siak to serve a sentence. In addition, the police must send the official report of his verdict as an attachment to let him know when he starts serving his sentence of at least eight days. However, if the sentence coincides with the month of Ramadan, then he will only carry out the sentence for one month of Ramadan. Regarding this, there must be a statement from Sri Paduka Suthan Siak. Furthermore, Article 3 states that if the sentence cannot be carried out, the penalty is a fine of 60 ringgit. Furthermore, in Article 4 regarding debts, it can be decided that the debt case is a maximum of 150 ringgit. Regarding matters relating to inheritance. Article 5 states that the case is settled with a maximum fine of 300 ringgit. It is different with cases related to hamlets, Dusun, and villages); the settlement of the case is estimated at 300 ringgit.
What is mentioned above is the standard limit, and if the case is more significant, then the case cannot be decided more by the judges of the colonized country. However, the case must be sent to the police judge in Siak Indrapura.

**How to meet a police judge.**

Besides that, there are provisions on how to meet police judges. The following articles and verses related to it will be described. Article 1 states that police judges are present together and convened in a majlis where they decide cases and must also jointly sign a decision with the following details: 1) paragraph 1 concerning 'tirkah' that the head of the accused and the accused in the state part of the province of Siak, then Datuk Tanah Datar, Datuk 5 Kota, Datuk Pesisir, Datuk Kampar sat in session at the assembly and signed the decision; 2) Paragraph 2 states that if there is no accused or accused tribal chief, then Article 2 states that the police judge of the Tebing Tinggi province who jointly sits in the assembly and when deciding the case, it is obliged to sign the decision of the case; 2) the verse states that if the tribal chief is accused and accuses him of not being in the Tebing Tinggi province, then the mind and Bathin and the head of the king's servant, Kerimbang and Bathin Galang sit in the assembly and sign the decision together. In article 3 (regarding the duties of police judges in the state of Merb province), it is stated that in making decisions, they must sit together and sign together as explained in paragraph 1 that the tribal chief who accuses and the accused. Suppose the issue is about 'tirkah.' In that case, God's law applies (read: jinayat-pen) 2) in paragraph 2, it is stated that if the accused and accused tribal chiefs are not present, then Batin Opang, Batin Cntai, and the Tanjung head sit together and sign the decision together as well. The article is repeatedly mentioned with the provisions of the same paragraph, except for its application to each part of the country.

Problems related to Islamic ethics/morals can be found in chapter 10 under the title "Kuasa Qadhi Siak Sri Indrapura" (The Power of Qadhi Siak Sri Indrapura). In detail, article by article. Article 1 says that the marriage of Muslim adherents must refer to Allah (read: the law of fiqh), and between the two prospective brides, it must be equal. This provision is based on the Decree of Sri Paduka Sultan. Article 2 explains that marriage and divorce must be based on the law of God (fiqh law). Furthermore, article 3 says that in the trial of the case, if the judge requires an oath from the witnesses, Qadhi will order the mosque staff to take the oath of the witnesses in front of the Qadhi; Article 4 states that the Qadhi has the power to detain people or imprison people who are found guilty for eight days and cannot be ordered to work.

Meanwhile, Article 5 says that Qadhi may lighten the law for husbands and wives to follow God’s law; but it must first be conveyed to Sri Paduka Sulthan. If the Sultan agrees, then Qadhi can apply it. Article 6 explains that if the 'imam' of Eid prayer and Jum'at prayer (the leader of the prayers), the Eid prayers and Friday prayers can be replaced when he cannot attend to read the sermon. Furthermore, Article 7 states that it gives power to judges in the case of Islamic heritage in the province to the state police judges of the Siak. The case may be decided at a maximum of 150 ringgit with the obligation that the tribal chief be punished by Allah's law (fiqh) signed by the chief or tribal. If the parent of the tribe is not present, the priest of the colonized country may do so on the condition that the chief of the tribe of the accused and the chief of the tribe of the accuser are allowed to do so. If it doesn't come, then it can be left. In article 8, it is also stated that the qadhi must keep a book of disputes over 'tirkah,' inheritance and marriage, and divorce cases, 'Fasakh,' which the book is kept in the hall (Balai). In article 9, it is stated that Qadhi must summon the head priest concerning article 2, article 5, and article
7, which is stated in chapter X; on the other hand, if the priest of the colony was not present at that time, then the qadhi did not have to wait.

The Jambi Malay people use the Law of 'nan Duapuluh,' especially in the society in Kerinci, Muaro Bungo, Muaro Tebo, Merangin, Sarolangun, and Muaro Bulian regencies. At the same time, the West and East Tanjung Jabung are more entrenched in their lives with Bugis and Banjar customs.

As the name implies, the law of 'nan Duapuluh' consists of 20 articles, without chapters as in Chapter al-Qawa'id. The law is divided into two parts. The first part is called the Law of 'nan Delapan,' while the second is called the law of 'nan Duabelas.'

II. The Contribution of the al-Qawa'id Manuscript and the Law of 'nan Duapuluh' to Law Enforcement in the past and the impact to the present.

Chapter al-Qawa'id and the Laws of 'nan Duapuluh' have positively contributed to shaping legislation in Jambi and Riau communities; In fact, the two laws have contributed significantly to the legislation for the Indonesian Islamic community and positive law as well. It is because local communities – to a certain extent – cannot accept sentencing based on positive law; they are more receptive to customary law that has deep roots to be applied in the community31.

Today, the complaint offense known in positive law was carried out in the early 20th century. One is found in the texts of al-Qawa'id and the laws of 'nan Duapuluh.' It is stated that a person can legally be processed after first submitting his complaint based on witnesses and evidence. It is not difficult to accept because, at the beginning of the 20th century, the influence of positive law was influential on the implementation of law in Indonesia.

Islamic law also has its place in developing national law, so Chapter al-Qawa'id is a concrete form of a combination of Islamic law, customary law, and positive law (BW). It shows the legal contribution of the three mentioned above.

Judging from the application of the law, then we relate it to the excavation of its application in the Siak Sultanate and Jambi Sultanate, it also appears that the firmness of law enforcement officers makes the law stand amid society. If someone commits a criminal act, then caught and tried. The court decided the sentence of 10 years, for example; then he was exiled and imprisoned in Cilacap (read: Nusakambangan now); The criminals languished there for years. Then, after his sentence was up, leave him and returned to his hometown. After receiving the punishment, they no longer dared to do anything against the law. In addition to enforcing the law, the deterrent effect is expected as part of institutionalized and populist law enforcement. If we relate it to the practice of law enforcement in the Netherlands until now, it has a natural effect. It is reported in the media that many prisons in the Netherlands are empty. This, of course, is due to one of the reasons why the crime rate has decreased due to the non-favoritism of law enforcement and non-discrimination, not blunt up and sharp down. Many prisons cannot be empty if there are still many criminals.

It should be noted that the chapters, articles, and legal language in the Siak Indrapura and Jambi Sultanates are straightforward, unlike the legal language in the Indonesian legal code today. However, it seems that the police, prosecutors, and judges in the Dutch colonial era played a role and functioned as law enforcers. This is perhaps the positive Dutch colonial legacy – after Indonesia's independence – which was not well preserved. As a result, criminal acts and acts against the law are high in Indonesia. So, the Netherlands in law enforcement is firm and
indiscriminate.

It does not mean that there is no opportunity or opportunity to do something against the law; however, fostering prisoners with an upright law will not dare to "steal" opportunities to commit crimes, not none at all. The results of observations reinforce this fact by researchers and interviews with ex-criminals in the post-independence era who are still alive. It shows that positive law has vigorous enforcement 32.

The enforcement of customary law is also vital. If the law violator does not reach the level that requires him to be punished for decades, then the customary law familiar to the community is well enforced. Articles and clausal related to this are mentioned in Chapter al-Qawa’id and the book of law 'nan Duapuluh.'

This customary law was enforced because the punishment was made with the agreement of traditional officials whose contents followed the community's spiritual atmosphere. However, its enforcement cannot be separated from the seriousness of the Government (read: Sulthan) through law enforcement itself. So, at that time, the law was enforced, not by itself; however, there is synergy between 1) article by article; 2) the seriousness of law enforcement, whether Sulthan, Qadhi, or tribal chiefs; 3) the people as the object of the law can accept it because the implementation is not favoritism. Unlike today’s law enforcement: "sharp down; blunt upwards;", but all people are equal. That is why the law is not only 'menara gading' (an ivory tower), but the law can be felt by the community, not only by a handful of people.

III. Analysis and Discussion
After conducting a careful search between the Chapter of al-Qawa'id, which is the legal basis for the community in the Sultanate of Siak Sri Indrapura Riau, and the Book of Laws 'nan Duapuluh' as a legal reference for the community in the Malay Sultanate of Jambi, the laws have many similarities in terms of content, such as criminal, civil, moral/ethical as well as those related to the implementation of "adat bersendisyara" (customs with syara’); syara’ bersendi kitabullah” (syara’ is linked to the book of God). Likewise, the terms used, such as . "siar – bakar, samun – sakar, tipu-tepok, lancung-kicuh, sumbang-salah” and so on , are equally used in the two sultanates. Another interesting thing is that the terms are written in the Minang language, which shows that the Minangkabau kingdom at the time ruled the region of West Sumatra, Riau, and Jambi in the western part of the southern part now. Even as far as the Malacca Peninsula, the law proves that Minangkabau people migrated there in the past. As additional evidence - until now - in Malaysia, there is a community whose people come from Minangkabau, namely "Negeri Sembilan.’Likewise in Singapore, the first Prime Minister was born or descended from Minang.

The similarity of the laws that are used: the Law of 'Nan Duapuluh', which consists of the Law of 'Delapan' and the Law of 'nan Duabelas', with the book Chapter al-Qawa'id assures that Riau and Jambi regions used to be part of Minangkabau (read: West Sumatra now). Thus, it is not difficult to understand and affirm the proveb of the Minangkabau people "Luhak berpenghulu; royal region" which means that the real power in Minangkabau rests with 'Datuk-datuk Penghulu,’ such as Dt. Perpatih nan Sebatang, Dt. Ketumanggungan and so on govern like little kings who only bow to the Pagaruyung Kingdom symbolically. On the other hand, the state conquered by the Minangkabau kingdom is called a "rantau,” which is a kingdom such as Malay Siak and Malay Jambi and others without changing the form of Government, i.e., the kingdom. However, the laws are applicable in both sultanates. The laws were made by 'Datuk-Datuk' as the executors of the Government in the sultanates. Mentioned the name Dt. Fifty from Payakumbuh (50 Cities), Dt. Coastal, Dt. Flat Land, Dt. Pasaman and Dt. Camphor. 33 In Chapter
al-Qawa'id and Datuk Perpatih nan Sebatang in the Law of ‘nan Duapuluh’. Some things are hidden in the form of messages through the law, such as:

1) Law enforcement in the Jambi sultanate in the 17th century AD had been going well. It is proven that the law of ‘Nan Duapuluh’ consists of chapters and articles that contain rules relating to criminal, civil, moral, and customary violations. Jambinese People at that time were already arranged with written rules.

2) The people of Jambi can obey the rules. The rules with their articles are followed by legal sanctions for violators, whether mild, moderate, severe or so on. Whether a violator must go to prison or can be redeemed with a fine has been regulated in such a way. It seems that no offender has escaped the law, even the Sultan’s family. It shows that the law applies to all societies. Unlike today, the laws were blunt up and sharp down. More interesting is that the legal language is straightforward, and uncomplicated, as is the case with today’s legal language. What is important is the implementation/enforcement so that the perpetrators become a deterrent or have a deterrent effect.

3) Law enforcement that went so well could not be separated from the support of the Sultan, firm legal language, and judges who were authoritative/moral and did not want to be bribed. However, what is the latter? The possibility exists. Still, it is tiny because, based on the exposure of several people who were imprisoned because of their mistakes and were exiled to Cilacap (today’s Nusakambangan), after returning from their exile, they became good people and did not dare to commit crimes. The same thing after that.

IV. Closing

Based on a comprehensive review and dept critical of the manuscript of the Chapter of al-Qawa’id in Siak Sultanate and law of twenty manuscripts in Jambi Sultanate that the results are The law enforcement in the Siak Sri Indrapura sultanate through what is stated in the Chapter of al-Qawa’id manuscript, related to the enforcement of criminal, civil, moral/religious, and customary laws in a textual way and implementation according to the manuscript, is going well. The chapters and verses contained in the book are so detailed for their time; that they can even be said to have preceded its era. Law enforcement cannot be separated from several pillars which mutually reinforce each other, namely; a) the law as a legal product; b) law enforcement in all lines, police, and prosecutors. Judges and ‘Qadhi’ in the religious field and supported by tribal chiefs both in the jurisdiction of the Siak Sri Indrapura sultanate and in the colonies; c) The enforcement of the law itself is not favoritism. That is, the law is tolerant; it is not blunt and sharp down; it is even found in one clause that the son of the Sultan, if he violates the law, is still punished. As for the way of law enforcement at that time, it had gone through proper procedures, such as the existence of a complaint offense followed up by an investigation, accusation/allegation, and an indictment with evidence which eventually became convicted. If it was strongly suspected that the accused was guilty, also presenting witnesses and defenders; even equipped with a report that the parties must sign on the sheet.

Law enforcement in the Jambi Sultanate refers to the law of ‘Nan Duapuluh’ that has been running well as the law enforcement in the Siak State Government. Judging from the legal products related to criminal, civil, moral/religious, and custom, the Law of ‘nan Duapuluh’ has not yet been deciphered as in the Book of Chapter al-Qawa’id. This is not too difficult to
understand. The Laws of 'Duapuluh' are older than the Chapter a-Qawa'id by about a century. Thus, that born younger may be indeed more perfect.

Furthermore, it can be said that although the chapters and articles of the Laws of "Nan Duapuluh" are not as detailed as those in Bab al-Qawa'id, it is interesting that the two statutory texts have similarities in terms of their content and the language used. The two laws seem similar to those in the Minangkabau kingdom/sultanate at that time. What is the latter requiring in-depth research.

The three laws, namely the Chapter al-Qawa'id, the Law of 'Nan Duapuluh,' and the Legislation in the Minangkabau Sultanate, are based on the same principle. These three sultanates were (formerly) in one unit of power, namely Central Sumatra with the present West Sumatra region, Riau and Jambi. That is what is known in the traditional proverb: "Luhak berpenghulu; rantau beraja". Therefore, Riau and Jambi have previously conquered areas of the 'Pagaruyung' kingdom. Thus, the influence of Minangkabau culture cannot be denied until the legislation affects the two Siak sultanates in Riau and the Jambi Malay sultanates. The Book of Chapter al-Qawa'id and the Law of 'Nan Duapuluh' are proven to have a contribution to today's law enforcement. The contribution is mainly in the firmness of language and its enforcement which should be re-examined for the children of this nation; why law enforcement in the past went well, of course, some things need to be learned both from the content of the law, law enforcement, and law enforcement applications. There are not hundreds of chapters and articles that differ from the current KUHP/Civil with hundreds of articles; there are multiple interpretations, so it is not easy to implement. It is even more difficult if law enforcement is inconsistent, then it is not impossible that law enforcement in the past was better than now.
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