



This book constitutes a study of Southeast Asia, discussing the Malay world's long historical connection with the Muslim people including the Rumi-Turks, Ḥaḍramī and the Ottomans. These connections reflect religious, political and legal cooperations. It also discusses the Ottomans' policy of pan-Islamism and the role of Sultan Abdulhamid II in improving ties with the Malay world and their scholars, rulers and heritage, in the fight against Western colonial powers. In seven essays, the contributors to this book discuss the early religious-intellectual network in the region as well as the evolution of the judicial and political systems.

Dr Saim Kayadibi is lecturer at the International Islamic University, Malaysia. Born in Turkey, he studied at Al-Azhar University and at the University of Jordan, and obtained his PhD from Durham University, UK. He has published numerous books and articles and has taught Islamic law in Turkey and the UK. His other areas of interest include Islamic legal theory and jurisprudence, Muslim international law, human rights and democracy, Sufism, and philosophy of Rumi. He is also author of *Istihṣān: The Doctrine of Juristic Preference in Islamic Law* (Islamic Book Trust, 2010).

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Saim Kayadibi



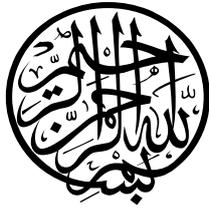
Ottoman Connections to the Malay World

Islam, Law and Society

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Saim Kayadibi





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Dedicated to
My late father Mehmet
and
my mother Zülfüye

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Contents

Acknowledgement	ix
Preface	xi
1 The religious-intellectual network: the arrival of Islam in the archipelago	1
2 Baba Davud: A Turkish scholar in Aceh	32
3 A preliminary note on the Dayah Tanoh Abee	56
4 Legal developments in the Ottoman state (1299-1926)	85
5 Evolution of the Muslim judicial system	114
6 Fiqh education at Ottoman madrasahs: A case study of Süleymaniye madrasahs	154
7 Judicial pluralism in the Malaysian legal system	186
Conclusion	211
Bibliography	213
index	239

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Wa al-salamu 'alaykum wa rahmatullāhi wa barakātuh

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Preface

Southeast Asia, especially the Malay Archipelago, has enjoyed a long historical connection with Muslim Rumi (Turkish), Ḥaḍramī Arab, and Ottoman traders as can be seen in the two regions' framework of religious, political, and legal cooperation. The Ottomans' pan-Islam policy and the mission of Sultan Abdulhamid II enabled the archipelago to play an active role and thus increase its relationships with Muslim scholars, rulers, and legal heritages elsewhere when it was confronted with European colonialism. The network of Johor-Ottoman and Ḥaḍramī Muslim relationships, as well as the role of Sultan Abu Bakar of Johor, strengthened bilateral connections. The translation of the *Majallah al-Aḥkām* (Ottoman Legal Codes) into Malay also served to develop legal practice of Islamic law in Malay Shari'ah courts.

The seven articles contained in this collection discuss and analyze selected topics related to the Ottoman and Malay legal structures and development. Chapter 1, "The Religious-Intellectual Network: The Arrival of Islam in the Archipelago" by Nurulwahidah Binti Fauzi, Ali Mohammad, and Saim Kayadibi, elaborates upon the network existing between the '*ulamā*' and the ruler of Johor during the twentieth century, including its historical background. The researchers indicate that ever since Islam appeared in seventh-century Arabia, Arab society has continued to influence

Asian societies. After Islam's arrival in Southeast Asia, a number of records were found that present a still incomplete picture of the mix of formal and/or non-formal relationships between the Arabs and the Chinese, Indians, Persians, and Turks. The authors focus on Islam's arrival and the Malays' relationship with Muslims, especially the Ottomans and Arab Ḥaḍramīs.

In "Baba Davud: A Turkish Scholar in Aceh," Mehmet Özay presents the scholar Shaikh Davud b. Ismail b. Mustafa ar-Rumi, generally known as Baba Davud or Mustafa ar-Rumi, who was a caliph of the well-known Acehese religious scholar Abdurrauf as-Singkilī (Teungku Syiah Kuala). One of his works, the *Risālah Masā'il al Muhtadi li Ikhwanil Muhtadi*, has been taught at Islamic institutions in Aceh and around the Malay world. It is hoped that his article will make a significant contribution to Ottoman-Malaysian studies. The third chapter, "A Preliminary Note on 'Dayah Tanoh Abee,'" also by Mehmet Özay, describes this centre's famous *zāwiyah* that is located in Seulimum, a subdistrict of the Acehese capital of Banda Aceh. Its importance is considered to be based on its founding family's origin, the connection between the Sultanate of Aceh Darussalam and the Ottoman empire, and its contribution to Islamizing Southeast Asia.

The Ottomans made a significant contribution to the development of legal matters in Islamic law. With this point in mind, Prof Dr Ahmed Akgündüz enriches the value of this book with his "Legal Developments in Ottoman State (1299-1926)." This important research article, which appears as chapter 4, outlines the course of legal developments before the *Tanzīmāt* Reforms (699-1255/1299-1839) and during the Post-*Tanzīmāt* Period (1255-1345/1839-1926).

Chapter 5, Saim Kayadibi's "Evolution of the Muslim Judicial System," investigates this topic by analyzing the effect of those social, cultural, political, and historical elements that shaped the role of both jurists and courts in secular and non-secular

environments. In the modern period, most Muslim-majority countries steadily adopted western legal systems and institutions due to the economic and political influence of their colonial masters. Chapter 6, featuring Servet Armağan's "Fiqh Education at Ottoman Madrasahs: A Case of Süleymaniye Madrasahs," evaluates the science of *fiqh* (Islamic jurisprudence) among the systematic sciences and its place in legal history. The emergence of madrasahs and the importance of Süleymaniye madrasahs among the Ottoman educational institutions, along with their main resources and methods of teaching, are analyzed according to both *furū' al-fiqh* and *uṣūl al-fiqh* individually.

The seventh (and final) chapter, Saim Kayadibi's "Judicial Pluralism in the Malaysian Legal System", investigates this intriguing subject. Malay society, which is well-known for allowing others to live according to their own cultural values and traditions, believes that diversity is a source of cultural and social wealth. This can be seen in Malaysia's extraordinary freedom and richness in both legal and cultural matters, traits that it shares with Ottoman society. Malay society has apparently interiorized the value of diversity, which fosters peace, freedom, tolerance, and strength among different groups. Its legal system has been shaped by external forces: Islamic law (via the Muslims' request) and the legal systems of colonial Europe (by force). In contrast, the country's courts used the Ottoman empire's *Majallah al-Aḥkām al-'Adliyyah*, the Ḥanafī code of Qadri Pasha (later called the *Majallah Aḥkām Johor*), and the *Undang-undang Sivil Islam* as the main sources for judicial rulings. In this article, Kayadibi explores the Malay legal system's evolution in relation to constitutional law, indigenous customary law and tribal legal systems, Shari'ah and civil court procedures, first contacts with Islamic law, the influence of colonial law, as well as the Ottoman-Malay connection and strong relationships.

It is hoped that this humble work will contribute to the heritage of Malay-Turk relations as well as that of other Muslim nations.

Allah knows best. Praise be to Him, the Lord of the heavens, planets and all that exists.

Saim Kayadibi

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1

The religious-intellectual network: the arrival of Islam in the archipelago

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*Saim Kayadibi*³

Abstract

The expansion of Islam in the Malay state of Johor, especially as it relates to the roles played by Arabs and Ottomans, is an interesting subject in its own right. The resulting network was based upon the efforts of the ‘*ulamā*’ and the ruler, and especially the Muslim Consultant Jurist (*muftī*), to establish religious coordination in Johore. This article analyzes this network during the twentieth century and details its historical background. Emphasis is placed on the role played by the ‘*ulamā*’ role and the challenges they faced at that time, based upon the hypothesis that their contribution to Islam’s early expansion and practice in Johor was quite significant.

Introduction

In the historical record, many great civilizations that built empires would definitely boast of playing a significant role in shaping an exemplary government and directly securing the resources needed to fulfil most of its administrative functions. Two of the main agents in this regard would be the *umarā*’ (those who manage the government) and the ‘*ulamā*’ (those who manage religious affairs). The former, universally known in Islamic lands as *sultān* or *khalīfah*, is the most important figure in an organized government,