

16 October 2013, Wednesday ✦ 10.30am – 12.00pm ✦
Federal Conference Room, Federal Building, NUS (BTC)

Indonesian Islamic Inheritance Law: Testing the Boundaries of Doctrinal Reform

by **Professor Mark Cammack**
Southwestern Law School, USA

ABSTRACT

Inheritance has long been a central battleground in efforts to expand the role of Islamic doctrine in Indonesia, and the extent to which state law enforces Islamic inheritance as opposed to indigenous customary rules has generally been regarded as a key measure of the place of Islamic doctrine within the Indonesian legal system. Advocates for broader enforcement of Islamic law achieved a major victory in the contest for inheritance in 1989 when Indonesian Muslims were allowed a choice of having inheritance matters decided either by Islamic tribunals according to Islamic law or by civil courts based on custom. In 2006 the goal of making Islamic rules the sole basis for determining inheritance for Muslims was finally realized when the Islamic courts were given exclusive jurisdiction over Muslim inheritance.

Studies of contemporary Islamization movements often focus on whether Islamic law is being enforced without giving sufficient attention to the content of the law. An examination of decisions by Indonesian Islamic courts shows that over the past two decades there have been major reforms in Indonesian Islamic inheritance. The changes incorporate principles widely recognized in Indonesian customary inheritance and therefore narrow the difference between the Islamic system and custom. The reforms also go further in transforming the foundations of Islamic inheritance than changes elsewhere in the Muslim world, and challenge common understandings about the limits of doctrinal change in Islamic law and the boundaries of the Islamic legal tradition.

ABOUT THE SPEAKER



MARK CAMMACK is Professor of Law at Southwestern Law School where he has taught since 1990. He has a B.A. from Brigham Young University and J.D. from the University of Wisconsin where he was also a graduate student in Southeast Asian History. He also worked for three years as an Assistant District Attorney in New York. In 2002 Professor Cammack was appointed by the United Nations to observe the trials before the Ad Hoc Human Rights Court for East Timor in Jakarta, and in 2010 he was a Senior Fulbright Scholar in Indonesia. His research focuses criminal law and procedure and the Indonesian legal system. He is co-editor with Michael Feener of *Islamic Law in Indonesia: Ideas and Institutions* (Harvard, 2007) and author of *Advanced Criminal Procedure in a Nutshell* (West, 2d ed. 2006) as well as numerous articles and book chapters.

Admission is free.

Please RSVP via email at cals@nus.edu.sg

Closing Date of registration : 11 October 2013, Friday, 5pm