

**Tatyana A. Denisova**

*University of Technology of Malaysia*

## **ONCE UPON A TIME IN RIAU: PEOPLE AND SOCIETY IN THE DOCUMENTS OF THE RIAU–LINGGA SHARIAH COURT (EARLY 20TH CENTURY)**

### **Abstract**

The collection of documents of the Riau–Lingga Shariah Court (*Mahkamah Syariah Kerajaan Lingga*), preserved in the local museum of the administrative center of Daik (Lingga Island, present-day Indonesia), constitutes a corpus of judicial verdicts concerning various types of commercial transactions, financial obligations, and property disputes. The collection comprises approximately 350 documents written in Malay Jawi script and dating from the early 20th century (1905–1908).

Among the materials preserved in the collection are debt obligations, verdicts imposing fines, claims for maintenance payments, petitions, property disputes, documents on the sale and purchase of real estate and goods, waqf deeds, and others.

A preliminary examination of the texts reveals that both Muslim and non-Muslim individuals participated in judicial proceedings, with Chinese names being particularly prominent. A number of European names also appear. The analysis of these documents provides valuable insights into the socio-economic and cultural dimensions of public life in Johor, since the Riau–Lingga Shariah Court exercised jurisdiction not only over Muslims but also over other population groups.

The application of a comprehensive source-critical approach to this newly available body of material is certain to yield significant insights into the economic and legal history of the region, while also enabling the reconstruction of multiple dimensions of social life within the multicultural, multiethnic, and multireligious society of the Malay-Indonesian Archipelago at the turn of the nineteenth and twentieth centuries.

**Keywords:** *collection of legal documents; Riau–Lingga Shariah Court (Johor); historical source studies*

The collection of documents of the Riau–Lingga Shariah Court (*Mahkamah Syariah Kerajaan Lingga*), preserved in the local museum of the administrative center of Daik (Lingga Island, present-day Indonesia), represents a corpus of judicial verdicts concerning various types of commercial transactions, financial obligations, and property disputes. The collection comprises about 350 documents written in Malay *Jawi* (Arabic script) and dating to the early 20th century (1905–1909). They were produced on unlined European paper bearing the watermark SUPERFINE and the image of a crown, most likely manufactured in Britain in the late 19th century (around the 1870s). The page sizes vary, with the largest

being 32.5 × 20 cm (others include 25 × 20 cm, 29 × 20 cm, etc.). Locally produced black ink was primarily used, while annotations also appear in black, blue, and orange (red) pencils, the latter usually marking negative court decisions. The documents display a variety of handwriting styles, including *naskh*, *nastaliq*, and mixed cursive scripts, indicating that they were written by different scribes.

The accessibility of this collection is due to its digitization in 2008 within the framework of the British Library's Endangered Archives Programme<sup>1</sup>, [pic. 1] aimed at preserving and safeguarding archival materials at risk of disappearance. The documents had not been published<sup>2</sup>. [pic.2]

This corpus holds particular scholarly significance, since non-narrative historical sources related to economic activities and the judicial-legal system of the Malay–Indonesian Archipelago have seldom become the subject of academic investigation. Meanwhile, Russian source studies (*istochnikovedenie*) boast a distinguished tradition of analyzing such materials, particularly regarding sources from Central Asia and the Caucasus. The names of scholars such as V.V. Bartold<sup>3</sup>, I.P. Petrushevsky<sup>4</sup>, E.A. Davidovich<sup>5</sup>,

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<sup>1</sup> <http://eap.bl.uk/>

<sup>2</sup> Several articles by the author have been devoted to this collection. See: Denisova, T.A. *Names and Toponyms in the Collection of Court Documents of the Lingga Shari'a Court at the Beginning of the 20th Century*. In: *Proceedings of the Institute of Oriental Studies, RAS*, Issue 30. *Written Monuments of the East: Problems of Translation and Interpretation. Selected Papers*, Vol. 4. Moscow: IOS RAS, 2021, pp. 93–105; idem, *The Collection of Documents of the Lingga Shari'a Court (early 20th century): Structure of the Collection and Research Methods*. In: *Proceedings of the Institute of Oriental Studies, RAS*, Issue 14. *Problems of Translation and Interpretation. Selected Papers*, Vol. II. Moscow: IOS RAS, 2018, pp. 109–117. Several documents from this collection were also described by the author for the anthology on Malay paleography and orthography (*Jawi Source Book for the Study of Malay Paleography and Orthography*), compiled and edited by the British scholar Annabel Gallop in 2015. See: Gallop, Annabel. *Jawi Source Book for the Study of Malay Paleography and Orthography*. In: *Indonesia and the Malay World (IMW)*, vol. 43, 2015, pp. 13–171.

<sup>3</sup> *Бартольд В.В. Работы по источниковедению. Сочинения. Т. VIII. Москва, Наука, 1973, 725 стр.* (Bartold, V.V. *Works on Source Studies. Collected Works. Vol. VIII. Moscow: Nauka, 1973, 725 pp.*)

<sup>4</sup> See in particular: *Петрушевский И.П., Ислам в Иране в VII—XV веках (курс лекций)*. Ленинград, Издательство ЛГУ, 1966, 400 стр (Petrushevsky, I. P. *Islam in Iran in the 7th–15th Centuries (Lecture Course)*. Leningrad: Leningrad State University Press, 1966, 400 pp.); ———. *Очерки по истории феодальных отношений в XVI- нач. XIX вв в Азербайджане и Армении*. Ленинград, Издательство ЛГУ, 1949, (*Essays on the History of Feudal Relations in the 16th–early 19th Centuries in Azerbaijan and Armenia*. Leningrad: Leningrad State University Press, 1949, 182 pp.); and others.

<sup>5</sup> See in particular: Davidovitch Elena, Tatiana Denisova (ed). *Numismatica Transoxania. From 9th to 13th century*. Kuantan: Museum Pahang & CASIS UTM, 2023, 811 pp., *Давидович Е.А. Корпус золотых и серебряных монет Шейбанидов. ХУІ век. Москва, Наука, Главная редакция восточной литературы, 1992* (Davidovich, E. A. *Corpus of Gold and Silver Coins of the Shaybanids, 16th Century*. Moscow: Nauka, Main Editorial Office for Oriental Literature, 1992, 504 pp.); ———. *История денежного обращения средневековой Средней Азии. (медные монеты XV – первой четверти XVI вв. в Мавераннахре)*. Москва, Наука, Главная редакция восточной литературы, 1983 (*History of Monetary Circulation in Medieval Central Asia (Copper Coins of the 15th – First Quarter of the 16th Centuries in Mawarannahr)*. Moscow: Nauka, Main Editorial Office for Oriental Literature, 1983, 360 pp.); ———. *Серия «Восточное историческое источниковедение и специальные исторические дисциплины» (Ближайшие задачи)*. – в сборнике: *Восточное*

and O.D. Chekhovich among many others, testify to the exceptionally high level of the native Orientalist fundamental research in this field.

O.D. Chekhovich<sup>6</sup>, developed techniques of comprehensive analysis and applied them to the study of large-scale documentary collections, such as the corpus of documents associated with Khoja Ahrar (including legal acts, waqf records, deeds of sale, and others). These complex methods include both external criticism (the analysis of documents based on diplomatics, paleography, and other related disciplines) and internal criticism (textological, statistical, and comparative analyses), as well as the classification and systematization of data according to criteria specifically devised for the collection under study. Chekhovich also placed great emphasis on identifying and employing narrative sources of the corresponding period, as well as reconstructing the broader historical context in which the collection was formed.

It is therefore of considerable interest to apply the methods of classical Orientalist source studies to the analysis of Malay Arabic-script documents preserved in the collection of the Riau–Lingga Shariah Court.

### **Classification of the Collection by Type of Documents**

- Debt obligations
- Certificates of debt payment
- Verdicts imposing fines (including those related to breaches of public morality, such as gambling, loud singing, insulting officials, etc.)
- Certificates of fine payment

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*историческое источниковедение и специальные исторические дисциплины*. Москва, Наука, Главная редакция восточной литературы, Вып. 1, 1989 (Series *Eastern Historical Source Studies and Special Historical Disciplines (Immediate Tasks)*). In: *Eastern Historical Source Studies and Special Historical Disciplines*. Moscow: Nauka, Main Editorial Office for Oriental Literature, Vol. 1, 1989, pp. 3–4 ). On the methodology of E. A. Davidovich's works, see in particular: Kurpalidis, G. M. "List of Major Works of Doctor of History, Professor E. A. Davidovich (On the Occasion of Her 60th Birthday)." In: *Narody Azii i Afriki*, 1983, No. 3, pp. 207–210; Gulyamova, E. G. "Scientific Works of Doctor of History, Professor E. A. Davidovich." In: *The Past of Central Asia (Archaeology, Numismatics and Epigraphy, Ethnography)*. Dushanbe: Donish Publishing, 1987, pp. 25–32; "List of Scientific Works of E. A. Davidovich, 1983–1992." In: *Eastern Historical Source Studies and Special Historical Disciplines*, Vol. 3. Moscow: Nauka, Main Editorial Office for Oriental Literature, 1995, pp. 3–6, 320–322; Nastic, V. V. "E. A. Davidovich." In: *Vostok*, No. 3, 2014, pp. 213–216; Smirnova, N. "Elena Davidovich: 1922–2013 [Obituary]." In: *International Numismatic e-Newsletter*, No. 16, February 2014, p. 12; Denisova, T. A. "Professor Elena Abramovna Davidovich: On the Occasion of Her 80th Birthday." In: *Numismatika*, 2003, No. 2, pp. 51–55, 65. Full list of E. A. Davidovich's publications is available online: <http://info.charm.ru/authors/Davidovich-ru.pdf> (accessed 10 August 2021).

<sup>6</sup> Чехович О.Д. Самаркандские документы XV - XVI вв. (О владениях Ходжи Ахрара в Средней Азии и Афганистане). Факсимиле, критический текст, перевод, введение, примечание и указатели О.Д. Чехович, Москва, Наука, Главная Редакция Восточной литературы, 1974, (Chekhovich, O. D. Samarkand Documents of the 15th–16th Centuries (On the Estates of Khoja Akhrar in Central Asia and Afghanistan). Facsimile, critical text, translation, introduction, notes, and indexes by O. D. Chekhovich. Moscow: Nauka, Main Editorial Office for Oriental Literature, 1974, 631 pp.)

- Verdicts determining the amount of maintenance (*nafkah, mas kahwin, etc.*)
- Claims for the payment of maintenance (*nafkah, mas kahwin, etc.*)
- Petitions related to property damage
- Petitions related to physical harm
- Petitions related to moral harm
- Complaints about theft
- Complaints regarding abduction of a bride and acts of adultery
- Property disputes
- Disputes over child custody
- Disputes concerning the distribution of profits or income from joint ventures
- Documents certifying the allocation of land ownership
- Inheritance documents
- Documents related to the sale and purchase of goods and property
- Documents concerning the transfer of property as waqf

### **Classification of the Collection by Documents Format**

- Indication of the date and place of the verdict or court session
- Address to the Sultan and/or higher officials
- Explanation of the reason for convening the court session
- Presentation of the case details, including all relevant particulars
- Listing of all parties involved
- Formulation of the court decision
- Explanation of the reasons for issuing that particular verdict
- Closing clause containing signatures, seals, and other attribution elements

This preliminary analysis of the documents demonstrates the presence of a formalized system of judicial procedure in the Riau–Lingga Shariah Court. Moreover, there is ample reason to assume that judicial practice was conducted in accordance with Islamic law, although traditional elements such as the opening religious formula (*kepala surat*) or praise of Allah and the Prophet are absent. References to relevant Qur’anic Surahs and hadiths do appear, but not in all documents, indicating that such references, along with other formal elements of Islamization, were no longer mandatory.

A preliminary review of the texts also shows that both Muslim and non-Muslim individuals participated in judicial proceedings, with Chinese names being particularly prominent. Several European names also appear. The analysis of the documents provides insight into various socio-economic and cultural aspects of public life in Johor, since the Riau–Lingga Shariah Court exercised jurisdiction over both Muslims and other population groups. Chinese individuals are most frequently mentioned in documents related to financial disputes—debt obligations, cases of non-payment, as well as contracts of sale and complaints connected with trade—allowing scholars to delineate the scope of Chinese economic activity in Johor (primarily in Lingga) by the early 20th century.

Of considerable interest is also the analysis of economic realities mentioned in the documents of the Riau–Lingga Shariah Court: the list of goods and items subject to litigation; the amounts of fines; the volume of debts and credits; property prices (land, houses, boats, livestock, fruit trees, etc.); maintenance payments (*nafkah*); conditions for

the transfer of land ownership; terms of sale and purchase; and official recognition of inheritance rights, among others.

Analysis of specific cases reveals several interesting aspects of judicial practice in Riau, particularly regarding the organization of court proceedings:

- Composition of the judicial panel
- Venue of the court session
- Hierarchy of judicial procedures
- Social status, ethnicity, and religious affiliation of the parties (plaintiffs and defendants)
- Subject matter of the dispute
- Criteria for issuing decisions

The application of a comprehensive source-critical approach to this new corpus is certain to generate valuable evidence for the economic and legal history of the region, while also contributing to the reconstruction of multiple dimensions of social life within the multicultural, multiethnic, and multireligious society of the Malay-Indonesian Archipelago at the turn of the nineteenth and twentieth centuries

## Case Studies

### Example 1: Case No. 9<sup>7</sup>

#### – Non-payment of Maintenance (*Nafkah*)

#### Riau–Lingga Shariah Court, 3 Safar 1323 AH (8 April 1905)

**Case:** Jijjah Merawang vs. Ninggal Merawang

As for the claim of Jijjah against Ninggal, [it is as follows:] Ninggal failed to pay the *nafkah* maintenance for his daughter named Ru'yah Binti Ninggal, who was under the care of her mother, i.e., Jijjah, and at present the mentioned Ru'yah has already reached an age of more than 7 years.

Ninggal replied that indeed he had not paid Jijjah, but he gave the daughter Ru'yah – once, and Jijjah – once; and when he (Ninggal) gave them – food and drink and money – 1–2 cents, this is what he gave to this child.

After consultation between us, the members of the Riau–Lingga Shariah Court, and Hajji Muhammad, Imam of Lingga, we confirmed that Ninggal is obliged to reimburse Jijjah for *nafkah* payments for the period up to the age of 3 years, calculated at \$1.5 [ringgit] per month; and after reaching the age of 3, *nafkah* is calculated at \$3 [ringgit] per month, i.e., [for the following] 4 years.

The total *nafkah* payments for Ru'yah, calculated based on her age of 7 years, amount to \$198 [ringgit]; [this sum] is divided into two parts: (1) part – \$99 [ringgit], which we obligate Ninggal to pay [immediately], and [the second part, for which] we grant deferment, so that Ninggal pays gradually, \$3 [ringgit] per month until full repayment.

#### Signatures:

- Raja Abd ar-Rahman<sup>8</sup>
- Mr. Haji Muhammad Salih, Imam of Daik

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<sup>7</sup> See in Manuscript: EAP\_153\_DAIK\_MUSEUM\_01\_017

<sup>8</sup> In the text, there is a lacuna. It should read: Raja Abd ar-Rahman, representative of the state. Reconstructed from the document: EAP\_153\_DAIK\_MUSEUM\_01\_015.

- Abd al-Rahman, Lieutenant of Keling
- Encik Sulaiman, Panglima<sup>9</sup> of Lingga Territory
- Haji Yahya – Head of Lingga Town

### Analysis:

The subject of this claim is the non-payment of mandatory *nafkah* maintenance for a child (including former wife). The decision was made in favor of the plaintiff based on the defendant's admission and in the interest of the child. The decision was taken collegially. It is important to note that the total payment (\$198 ringgit) is a very substantial sum, especially compared with other fines and prices in Riau at that time<sup>10</sup>.

Examining the list of persons who signed the court decision shows that the judicial panel included, alongside the *qadi* and *imam* (local religious figures), also secular leaders and respected citizens not directly associated with Muslim administration or religious activity.

Analysis of personal names leads to interesting conclusions. The names Jijah Merawang and Ninggal Merawang contain a toponym – *Merawang*. Merawang is a region and settlement on Bangka Belitung Island near Palembang, in southeast Sumatra (modern Indonesia). Although this toponym is quite distant from Lingga, historical evidence indicates that many people from Bangka Belitung settled on Lingga in the 19th century<sup>11</sup>. They were captured by pirates (*orang laut*) and brought to Lingga to replenish the population. [pic.3] At that time, due to the opening of tin deposits on Singkep Island in Lingga, there was a severe shortage of labor.

Confirmation of this is found in 19th-century Johor historical chronicles, primarily *Tuhfat an-Nafis* (The Precious Gift)<sup>12</sup>. There is an account of Singkep Island, one of the Riau–Lingga Archipelago islands, where in the early 19th century rich tin deposits were discovered. [pic. 4] However, for mining, there were insufficient workers, and the island population was small. This shortage was supplemented by pirates through the forced

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<sup>9</sup> *Panglima* – the headman or chief of a village/settlement.

<sup>10</sup> For the economic situation of Riau in the 18th–20th centuries, see in particular: Денисова Т.А. Малайский мир в малайских хрониках. Мореплавание, торговля, шариат. Москва, ИВ РАН, 2012 (Denisova, T.A. The Malay World in Malay Chronicles: Navigation, Trade, and Shari'a. Moscow: Institute of Oriental Studies, Russian Academy of Sciences, 2012. 264 pp), Denisova T. *Marginalia. On Malay Muslim Historiography from 13 to 19 centuries*. Kuantan: Museum Pahang&CASIS UTM, 2022, 467 pp., Andaya, Leonard Y. *Kerajaan Johor 1641–1728: Economic and Political Development*. Kuala Lumpur: DBP, 1987. 506 pp. (in Malay); Leur, J.C. van. *Indonesian Trade and Society: Essays in Asian Social and Economic History*. The Hague: W. Van Hoeve, 1955. 465 pp.

<sup>11</sup> For information on the descendants from Bangka Belitung Island in Lingga, see: "Sejarah Kampung Melayu Keturunan Bangka di Lingga," Pulaulingga, accessed October 8, 2021, <http://www.pulaulingga.com/sejarah-kampung-melayu-keturunan-bangka-di-lingga/>

<sup>12</sup> *Tuhfat al-Nafis* ("The Precious Gift"), a well-known 19th-century historical work, was authored by Raja Ali Haji (1809–1872), a prominent Malay scholar and historian of Bugis descent. For more on the chronicle and its author, see: Денисова Т.А. Тухфат ан-Нафис. (Драгоценный дар). Введение, перевод и комментарии. Памятники мусульманской историографии Джохора XVIII – XIX веков. Москва, ИВ РАН, CASIS, 2016 (*Tatiana Denisova, Tuhfat an-Nafis* (The Precious Gift): Introduction, Translation, and Commentary. Monuments of Muslim Historiography of Johor, 18th–19th Centuries, Moscow, I.V. RAN, CASIS, 2016, 627 pp.); *Virginia Matheson Hooker* (ed.), *Tuhfat al-Nafis* by Raja Ali Haji, Kuala Lumpur, Yayasan Karyawan & DBP, 1998, 611 pp. (in Malay).

relocation of people from Bangka to Lingga. The choice of Bangka Island to replenish Lingga's labor force was likely not accidental. Bangka had been known for its tin mines since the early 18th century<sup>13</sup>.

The *Tuhfat al-Nafis* chronicle says:

*"And the pirates were strong. At that time their leader was Panglima Ramen. He raided the sea from Tanah Bangka to Java. They captured many people from Java and Bangka and brought them to Lingga, settling them in the state of Lingga. Gradually, people from Bangka became accustomed to living in Lingga. [They] cleared gardens and built settlements. And no one wanted to return to Bangka. Sometimes their relatives also came from Bangka. And voluntarily, not because of pirates, they went to serve the Lord Sultan Mahmud. And the lineages of Bangka multiplied in the state of Lingga."<sup>14</sup>*

There is every reason to believe that the participants in this judicial proceeding descended from families of migrants from Bangka Island.

The second case is particularly interesting because it allows us to trace what happened to these same individuals later and how their legal dispute developed at a higher level. This time, the case concerns the non-payment of a debt by the former wife, namely Jidjah Marewah

#### **Example 2: Case No. 12<sup>15</sup>**

##### **– Non-payment of Debt by Former Wife (Jidjah Marewah)**

Ribat Ahmadi – 23 April 1905

Regarding Ninggal's claim against Jidjah, his former wife, [the case is as follows:] she, Jidjah, admitted (confirmed) that she had stated her intention to pay a debt of \$50 [ringgit]. Upon verification, [it was found that] Jidjah denied this, and [that] she had never gone to Ninggal's house nor told or admitted to Ninggal that she intended to pay the \$50 [ringgit].

Ninggal then presented a witness. However, the witness was rejected by Jidjah on the grounds of being of doubtful credibility, and Jidjah refused to admit anything. She was then allowed to take an oath (*sumpah*). Since Jidjah refused to take the oath, Ninggal pronounced a counter-oath. Consequently, Jidjah is obliged to pay in full the amount claimed by Ninggal.

Signed by His Majesty Sultan Abd al-Rahman

#### **Analysis:**

The claim was filed by the husband (who had already divorced) against the wife, who

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<sup>13</sup> For more details, see: *Sutedjo Sujitno, Sejarah Penambangan Timah di Indonesia [History of Tin Mining in Indonesia]*, Jakarta, Cempaka Publishing, 2007, 286 pp. (in Indonesian).

<sup>14</sup> Денисова Т.А. Тухфат ан-Нафис. (Драгоценный дар). Введение, перевод и комментарии. Памятники мусульманской историографии Джохора XVIII – XIX веков. Москва, ИВ РАН, CASIS, 2016 ( Denisova, T.A. Tuhfat al-Nafis (The Precious Gift). Introduction, Translation, and Commentary. Monuments of Muslim Historiography of Johor, 18th–19th Centuries. Moscow, Institute of Oriental Studies, RAS; CASIS, 2016, p. 396).

<sup>15</sup> See in Manuscript: EAP\_153\_DAIK\_MUSEUM\_01\_023

refused to admit that she had borrowed money from him and promised to return it. The situation was complicated by the fact that the plaintiff already had financial obligations to the defendant according to the previous court decision mentioned above in Example 1.

This was the reason for referring the case to a higher instance – for the consideration of the Sultan. Sultan Abd ar-Rahman Muazzam Shah II (1885–1911) – the last Sultan of Riau–Lingga, removed from power by the Dutch in 1911 for refusing to sign a treaty with the Dutch, which ultimately deprived the Riau–Lingga Sultanate of independence<sup>16</sup>. [pic. 5] He died in Singapore in 1930. Here we see only his signature. At this level, the decision is made personally by the supreme ruler, who also acts as the chief judge.

According to the case materials, during the proceedings both parties were provided with equal rights, regardless of gender or social status. According to the regulations of the Shariah Court, both parties were entitled to present witnesses in their support. This right was exercised only by Ninggal Marewah. However, the defendant found his witness *of doubtful credibility*. The fact that the court took into consideration the opinion of the defendant and rejected the witness clearly indicates that the woman had adequate rights in the Riau Shariah Court, despite the fact that her social status in traditional society was probably relatively low: she was a divorced woman and a single mother.

Meanwhile, the court, represented by the Sultan, sided with the plaintiff and obliged Jijjah to pay the debt. However, the basis for the decision in favor of the plaintiff was the defendant's refusal to take an oath (*sumpah*)<sup>17</sup> to confirm the truth of her statements.

Taking the *sumpah* requires pronouncing the name of Allah Almighty (*wallahi, wa billahi, wa ta'ala* – all together or one of them) in the presence of three witnesses. Often the Quran is used as the sacred object upon which the oath is sworn. The last element of the ritual is rather cultural than legal. According to Islam, only the first two conditions are obligatory.

The case materials illustrate the rules governing the administration of oaths and the unquestionable importance of oath-taking in legal proceedings in Lingga during the 19th and early 20th centuries.

It is also noteworthy that the location of this court session is named Ribat Ahmadi, a religious center of the Ahmadiyya Sufi tariqat. [pic. 6] Typically, this facility includes a space for prayers and other communal religious rituals<sup>18</sup>. The fact that the higher court session

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<sup>16</sup> On this, see: *Deidi Zuraidi*. Malay-Bugis in the Political History of the Johor-Riau and Riau-Lingga Kingdoms. In: Proceedings of the International Seminar on Multiculturalism and Globalization 2012, Depok (Indonesia), Pusat Penelitian Kemasyarakatan dan Budaya (PPKB), vol. 1, 2012, pp. 121–122.

<sup>17</sup> On the *sumpah* oath, see: Wilkinson, R.J. A Malay-English Dictionary (Romanised). London, Macmillan & Co. Ltd., Part II, 1959, pp. 1134–1135; Ensiklopedia Sejarah dan Kebudayaan Melayu. Kuala Lumpur, DBP, 1999, vol. 4, pp. 2337–2338; Kamus Dewan, 4th ed., Kuala Lumpur, DBP, 2007, p. 1541.

<sup>18</sup> "A *Ribat* has a space for prayer and Quranic recitation. During the religious retreat (*suluk*), the followers of the tarekat spend some time in silence and then engage in performing religious duties under the supervision of the teacher, who usually resides in the *Ribat*." See in particular: Ribat Madrasa Para Sufi, *Republika*, 29.08.2014, <http://www.republika.co.id/berita/koran/dialog-jumat/14/08/29/nb1xwa16-ribat-madrasah-para-sufi> [accessed 10 August 2021].

was held in the Ribat Ahmadi indicates the significant influence of the Ahmadiyya tariqa in Lingga in the late 19th–early 20th centuries.

**Example 3: Case No. 29<sup>19</sup> “Love Triangle”**

In document No. 29, dated 26 July 1905 (23rd day of Jumada al-Awwal 1323 AH), it is stated:

“We, the members of the Lingga Court, assembled to examine and consider the claim of a Chinese man named Go Peng Ki, a trader living in Kampung China, Daik. His claim is against a Malay man named Amat Bin Sulaiman, residing in Kampung China, Daik. In Peng Ki’s claim, it is stated that on the evening of 5 Jumada al-Awwal 1323 AH (8 July 1905), Amat abducted (induced to elope) his fiancée, a Chinese woman named Abi, from the house of her mother, Nya Ahing.”

We interrogated Amat to ascertain whether he had indeed abducted (induced to elope) Abi, as stated in Go Peng Ki’s claim. Amat responded that he did not abduct (induce to elope) her, and that since Abi’s elder brother, named Aba, who was acquainted with Amat, had died, he had never again entered Nya Ahing’s house.

We required Go Peng Ki to present witnesses to the act, since Amat denied the accusations.

He presented two witnesses: the first, a Chinese man named Kek Sam, who lived in the house with Nya Ahing; the second, a Chinese woman named Yong Hwa, the former daughter-in-law of Nya Ahing.

We interrogated Kek Sam regarding what he knew about Amat abducting (inducing to elope) Abi. He responded that it was true: he saw that on the evening of the fourth day of the sixth month, around 10 PM, Amat came and knocked on the front door from the street. Abi heard someone knocking and went to see [who was that], while he (Kek Sam) followed her. But he saw that she was already gone.

After that, we also examined Yong Hwa, the second witness. Yong Hwa stated that she lived in a different house: Abi in the house below, and she in the house above (on the same street). On the evening of the fourth day of the sixth month, around 10 PM or so, Abi was already about to leave her former mother-in-law Nya Ahing’s house, whom she was visiting, as the latter was ill. When she opened the door, she encountered Amat standing near Su Nahing’s house. Then he approached Nya Ahing’s house and knocked on the door. When Yong Hwa saw that Amat was knocking at Nya Ahing’s door, she stopped to watch in the alley by Captain Lama’s house. Then the door opened, and Abi opened it. Abi immediately left the house. She had a bundle in her hands, which Amat took from her, took her by the hand, and they went down together. Yong Hwa even thought that Abi might have been planning to escape while her mother was seriously ill and near death.

We, the members of the court, listened to all the testimony of the plaintiff and the defendant, as well as all witnesses. We deliberated and evaluated what was said by the witnesses. It is our opinion, upon due consideration, that it stands established that Amat carried Abi away, yet not by the sole will or desire of Amat, but with the full consent and good-will of both parties, Amat and Abi. Thus, in our judgment, the fault lies with both – Amat and Abi – since both acted together, i.e., conspired, in committing this offense.

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<sup>19</sup> See in Manuscript: EAP\_A53\_DAIK\_MUSEUM\_01\_057.

Therefore, both should be punished. The punishment prescribed was *tazir* (at the court's discretion) of two weeks to one month.

However, the Chinese woman Abi belonged to the group of governor's people who could not be judged by the state (*kerajaan*) court. Consequently, Abi could not be condemned. In our consideration, i.e., by decision of the court members, Amat was also exempted from punishment, because according to Muslim law, it is unjust to punish only one party for an offense committed in conspiracy.

In this case concerning Amat, we hand him over to the care of Dato Laksamana (the Admiral) to properly admonish him, and we forbid Amat under any pretext to enter the houses of Chinese people where there are young women, as usually occurs.

We, the members of the court, affix our signatures below:

- Signature of the State Representative: Raja Abd ar-Rahman ibni Raja Abd Allah
- Signature of Datuk Laksamana Yusuf
- Signature of Datuk Kaya Mepar Awang Bin Montela
- Signature of Lieutenant Keling Abd al-Rahman Bin Mahmud

**Subject of the case:** violation of public morality, breach of family code; abduction of another's fiancée.

**Plaintiff:** Chinese, Go Peng Ki

**Defendant:** Malay, Amat Bin Sulaiman

**Abi:** former fiancée of the defendant

**Nya<sup>20</sup> Ahing:** Abi's mother

**Aba:** Abi's elder brother

**Court decision:** Based on the testimony of witnesses, both participants were found guilty, but no punishment was imposed due to considerations of fairness.

#### **Analysis.**

The case is interesting both for its subject and for the composition of the participants. The plaintiff is Chinese, the defendant is Malay, and the main witnesses are Chinese. The judicial panel consists of Malay Muslims. The religious affiliation of the runaway fiancée, Abi, and her family is not explicitly stated, although the names Abi and Aba could suggest Muslim identity. This raises intriguing questions: could a Muslim woman Abi have been betrothed to a Chinese man, Go Peng Ki? What was the level of everyday religious tolerance in Riau at the time? Did racial affiliation (both Chinese!) matter more than religious affiliation?

Location: Chinese village Kampung China<sup>21</sup> in Daik. [pic. 7] The settlement was founded in 1857 according to an agreement between the Chinese community leaders, Sultan Badr al-Alam Shah II, and the Dutch Resident in Riau. The heads of the Chinese community, interested in more profitable trade and business, requested to be recognized

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<sup>20</sup> "Nya" is likely an abbreviation of Nonya. Nyonya is a term used for women descended from Chinese immigrants in the Malay-Indonesian Archipelago from the 15th to 17th centuries.

<sup>21</sup> For a brief history of the founding and administration of Kampung Cina Daik, see: <https://lihatkepri.com/2017/12/04/ini-cacatan-sejarah-kebakaran-di-kampung-cina-ternyata-sudah-terjadi-sejak-tahun-1881/>, <https://www.riautelevisi.com/berita-klenteng-ini-simbol-kekerabatan-cina-dan-melayu-di-lingga.html> [accessed 10 August 2021].

as “people of the Dutch Indies (*rakyat Hindia Belanda*).” The agreement was signed on 9 February 1858. From that time until 1911, a special assistant of the Dutch resident resided in Daik, dealing with matters concerning the relocated Chinese population. This is confirmed by our source.

The document states that Abi’s family belonged to the *rakyat gubernemen* – governor’s people, i.e., evidently the same “*rakyat Hindia Belanda*.” [pic. 8] These governor’s people were Chinese settlers brought by the Dutch colonial administration to Johor and other areas of Malaya as cheap labor under a special demographic policy to increase the non-Malay population.

In our case, they were workers for the tin mines in Singkep. Most of the settlers were Chinese – *Teochew*, *Hakka*, and *Hokkien*. They relocated from Batam, Pekanbaru, and Jambi; *Teochews* from Pontianak. In modern Indonesia, these groups have largely assimilated with the local population. Most Chinese in Kampung China now are Muslims.

According to our document, the *rakyat gubernemen* do not fall under the jurisdiction of the local state (*kerajaan*) court. Abi could not be condemned by the state court because she belonged to the governor’s settlers. Here, the term *gubernemen* is directly opposed to the term *kerajaan*. Obviously, the existence of people with immunity from local court jurisdiction significantly weakened the legal authority of the local court and the local governance system.

The court’s decision contains another significant and interesting element: reference to the Muslim concept of justice<sup>22</sup>. Although Amat was found guilty of violating public morality, he was exempted from punishment because, under Muslim law, it is unjust to punish only one participant for an offense committed in conspiracy. Therefore, the prescribed punishment of *tazir* labor for two weeks to one month was replaced by corrective and admonitory measures: the case was referred to a member of the judicial panel to properly guide the defendant. As a form of public admonition, Amat was also prohibited from approaching houses of Chinese people where there were young girls.

This case provides a very interesting example of the characteristics of Muslim judicial practice, in particular the integration of religious and moral-ethical elements into judicial procedures in the Shariah courts of Riau in the late 19th – early 20th centuries.

### **Instead of Conclusion**

Work on the collection has only just begun. These documents represent a new type of historical source for both Western Malay studies and Georgian as well as Russian scholarship. The application of a comprehensive source-critical approach to this corpus will undoubtedly reveal new material for the economic and legal history of the region and help reconstruct many aspects of Malay social life at the turn of the 19th and 20th centuries.

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<sup>22</sup> For more on the concept of justice in Islam, see in particular: Al-Attas, S.M.N. On Justice and the Nature of Man. A Commentary on Surah al-Nisa’(4):58 and Surah al-Mu’minun (23):12-14. Kuala Lumpur: IBFIM, 2015, 57 pp.

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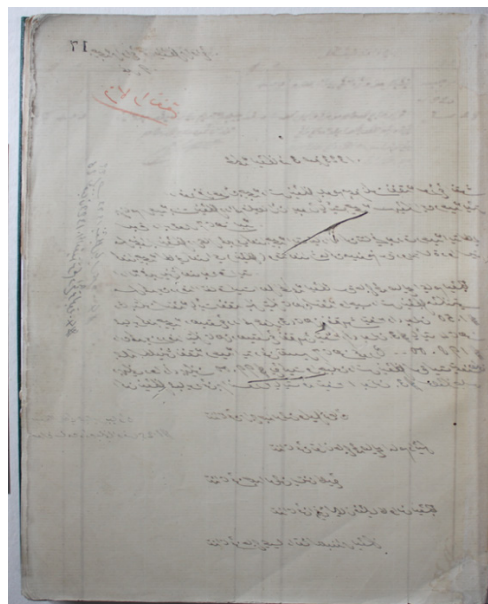
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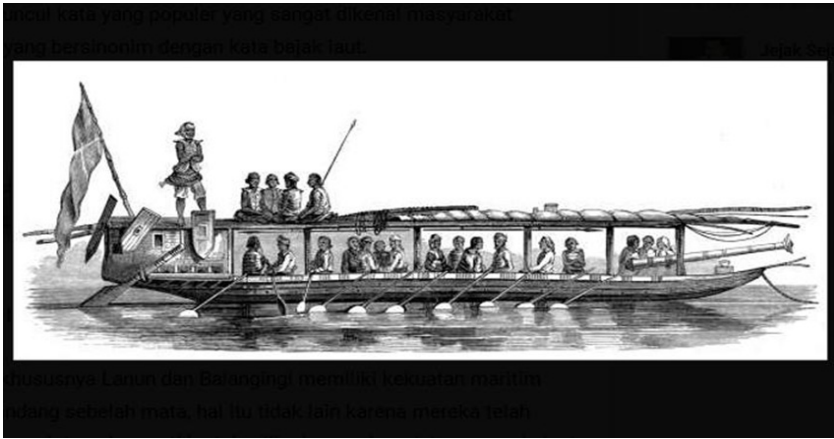
### Pictures:



### 1. Endangered Archives Programme (British Library)



### 2. Example of the document from The Riau-Lingga Shariah Court



3-4. Pirates (Orang Laut)



4-5. Tin Mines in Singkep and Belitung



6. Sultan Abd al-Rahman Mu'azzam Shah II (1885–1911) – the last Sultan of Riau-Lingga.



7. Ribat Ahmadi



8. Kampung Cina Daik (Chinese village in Daik)



9. Nonya Belanda (Chinese women from governor's people)