John Bowen and Arskal Salim (eds), *Women and Property Rights in Indonesian Islamic Legal Contexts*. Leiden: Brill, 2018, xii + 174 pp. ISBN 9004385967, price: USD 48.00 (paperback).

The relationship between norms and practices of Islamic law has always been an intricate subject of debate, transgressing multiple disciplines. In Indonesia, this debate does not necessarily revolve around the national scene, but, more interestingly, pertains to the rich variety of practices in different regions within the nation. The main question then becomes at least threefold. How has Islamic law been interpreted and incorporated into a national code, in which both political elites and religious authorities play roles? To what extent does this code shape the ways people implement law in their everyday life? And, in what ways do other norms contribute to shaping their practices?

The present book is important as it seeks to provide adequate answers to the above questions. It is a highly recommended reading, due among many reasons to the qualifications of the editors. The editors of the book, John Bowen and Arskal Salim, are prominent scholars in the field. Bowen has spent more than four decades studying how (Islamic) law is implemented at a societal level. His seminal work *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* has been a key model for further anthropological studies of Islamic law in the Muslim world. Salim is a legal anthropologist by training, and his work is important to understand the relationship between different legal orders in contemporary Aceh.

This book focuses on the issue of women's property rights. It proposes one main question: how do Indonesian women strategize to secure their rights to property according to Islamic legal teachings. These rights include inheritance, divorce gifts (*mut'ah*), alimony (*iddah*), and dowry (*mahr*). The importance of the book certainly lies on its focus on women. As the editors argue, earlier studies have been devoted to understanding social and cultural structures that shape men's and women's access to resources. Islamic texts also provide justifications for men's control of households as well as public domain. However, experiences from across a range of Muslim societies brings to the fore variations in gendered ideas and practices (p. 2).

The seven chapters of the book are divided in three parts. The first part, in my opinion, constitutes the most valuable contribution of this book, as it addresses the tension in different social settings between Islamic law and localized cultural norms. Wardatun's chapter on the practice of *mahr* in Bima suggests that its payment is not always tied to Islamic legal texts or notions of men as providers and women as receivers, yet open to adjust to different circumstances.

BIJDRAGEN TOT DE TAAL-, LAND- EN VOLKENKUNDE

© MUHAMMAD LATIF FAUZI, 2019 | DOI:10.1163/22134379-17501005

This is an open access article distributed under the terms of the prevailing CC-BY-NC license at the time of publication.

The Bimanese concept of *mahr* assumes that marriage is a joint investment. Tami's article examines the effects of shame (*siri*) in relation to marital gifts (*sompa*) in the context of the Bugis Makassarese community. It argues that *siri* can work both ways: protecting women's access to property and discouraging them from accessing their property rights, depending on the social identities and values that *siri* plays into.

The book's second part pertains to public debates on women's perspectives and strategies to claim property rights. Tutik Hamidah studies how female activists who belong to Indonesia's two largest Muslim women's organizations, Muslimat NU and Aisyiah Muhammadiyah, view the issue of the rights of children born to parents whose marriage is not legally registered. Hamidah considers Constitutional Court Judgement 46/2010 a revolutionary change in the state's attempts to protect children's rights. She concludes that despite the different educational backgrounds of female activists and religious leaders, they share their positive responses to the aforementioned decision. On the legal status of unregistered marriage (*nikah siri*), they remain strongly influenced by classical interpretations of Islamic law. *Nikah siri* is legitimate according to the religion, while the rights and obligations that emerge from this type of marriage should not differ from registered ones. Nanda Amalia's chapter deals with legal processes of inheritance cases in civil and *shari'a* state courts in Lhokseumawe and Banda Aceh, focusing on the ways lawyers employed by female disputants interpret and utilize legal instruments and refer to legal facts to influence the decisions of judges. She finds variation in the plaintiff's ability to negotiate with lawyers, yet the efforts of these lawyers offer promising outcomes for women who seek a just share of marital property.

The third part of the book is more about judicial practices and problematizes the roles of judges in granting property rights to women in divorce proceedings. Nurlaelawati's chapter focuses on the ways women negotiate their rights to property, particularly *iddah* maintenance and *mut'ah*. She highlights the increasing optimism of religious court on protecting divorced women's rights. However, in practice, a range of difficulties hinder its execution, ranging from the lack of adequate legal mechanisms, economic problems, and the perception among some husbands of *iddah* maintenance and *mut'ah* as religious obligations. Nurdin's chapter likewise deals with the roles of religious courts in Aceh in awarding *iddah* and *mut'ah* to women. He finds that religious judges in Aceh are more realistic than elsewhere in decision-making, as they consider the wife's need for maintenance and the husband's ability to pay as important references to pass judgment. The last chapter by Arskal Salim provides a comparative study of *mahr* disputes in Aceh and South Sulawesi. He argues that in both societies *mahr* is closely linked to social status, rather than merely

an obligation in a marriage ceremony. The local Acehnese concept of *mahr* (*mayam*) is regarded as Islamic, while this is not the case for its South Sulawesi equivalent (*sompa*). Disputes over *mahr* are chiefly driven by non-economic motives, in which social dignity often surfaces as a reason for divorce petitions.

Overall, the book is recommended for scholars interested in the topics of women's rights in Indonesia and gender studies in general. The fact that all contributors have an Indonesian background provides an added-value, in the sense that the indigeneity of the researchers ensures a better understanding of locally-rooted legal concepts.

Muhammad Latif Fauzi

IAIN Surakarta

muhlatiffauzi@iain-surakarta.ac.id

Reference

Bowen, John R. (2003). *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press.