

MSU – SULU

# KISSA JOURNAL



Volume 4

Number 1

January-December 2023

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BOOK REVIEW

## **SARA ADAT: THE TAUSUG STANDARDS FOR GOOD GOVERNANCE**

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### **I. INTRODUCTION**

The integration of the Tausug society to the mainstream Philippine society has created a cultural loss. The main tool of integration is the acculturation from which most young Tausug have become miseducated with their own history and culture. The result is that it threatens the existence of the traditional leadership. The *maharajah* and the *panglima* who were used to be the authorities in the communities, are now outmarched by the elected officials of the communities. Their powers became diminished with the introduction of the Philippine local government system. Communities today are governed by the barangay captains and the municipalities are governed by the mayors. But the way the community is governed does not accord with the interest of culture and the local folks. The elected local leaders in Sulu are not accustomed with the *sara adat* and therefore pay no attention to its implementation.

*Sara adat* is still viewed as the unifying factor of the Tausug society and that the Tausug can be best governed by their own traditional laws. The desire to preserve *adat* is indispensable to the maintenance of the unity of the Tausug society. *Adat* is an active force holding the Tausug society together. It is the way of life of the Tausug. Destroying *adat* means destroying the Tausug society. The objective of this documentation is to promote the Tausug *adat* as the solution to the social crisis brought about by the impact of the government's national integration programs. This study is based on interview with the Tausug elders and scrutiny of historical accounts of Sulu.

### **II. LEGAL DEVELOPMENT OF *DIWAN***

*Diwan* is referred to the code of laws which the Sultanate of Sulu adopted in the early part of the 17<sup>th</sup> century. It is also known as the *undang-undang sara*. *Diwan* is a living proof that a kind of civilization was in the process of formation in the Sulu archipelago. The original copy of the *diwan* was based on the laws of the Ottoman empire. It discusses six aspects of laws, namely: 1). Court procedure, 2). Regulatory power of the sultanate, 3). Inheritance, 4). Penal laws on theft, adultery, murder which are based on *hudud* (fixed punishment found in the Qur'an), *qisas* and *ta'zir* such as punishment determined by the *qadi*, 5). Social laws and 6). Economics and business laws.

It is also understood that the adoption of this *diwan* was meant there was really an attempt by the Sultanate of Sulu to introduce reforms in the society. The sultanate recognized the fact that *diwan* was a necessity to enforce peace and order in the country.

The legal development of *adat* can be traced to the following periods of our history:

- The original version of *diwan* adopted in the early 18<sup>th</sup> century (circa).
- Asmawil's version was adopted on the month of *Rabbiyul Akhir* 4, 1295. It consists seven articles on 1). Abduction, 2). Theft, 3). False claim, 4). Forced exaction or claim, 5). Disagreement, 6). Murder, and 7). Fine on marriage betrayal.
- Hadji Butu's version was passed on the month of *Zul Qada* 11, 1320/1902 but it was not widely implemented due to political instability. It has ten articles on the following subjects: 1. Theft and abduction, 2. Murder, 3. Immoral conduct in marriage life, 4. Opprobrium, 5. Trade, 6. False claim, 7. Unlawful exactions, 8. Debt, 9. Finds, and 10. Grievance procedure.
- P.D. 1083 otherwise known as Muslim Personal Law was enacted on February 4, 1977 upon the recommendation by the Muslim Commission headed by Atty. Michael

Mastura of Maguindanao. It has four areas: court procedure, marriage, family relations and inheritance.

- P.O. No. 01-2002 otherwise known as Tausug Customary Law (March 13, 2003) deals with the definition of terms, fines and marriage.

The current direction is now the new attempt of the Sultanate of Sulu to write constitution. The proposed constitution discusses comprehensively on rights, political structure, economic policies and others.

### **The Role of *Diwan* in Attaining Peace**

It is understood that the adoption of the *diwan* was meant there was really an attempt by the Sultanate of Sulu to introduce reforms in the society. The sultanate recognized the fact that *diwan* was necessity to enforce peace and order in the country. It has an important role in providing clear authority and guidance by which sovereignty is exercised. *Diwan* as a law is actually an instrument of justice. Conversely, the absence of laws or the non-enforcement of its provisions will lead to anarchy which is the highest form of injustice in the society.

*Diwan* has a specific tool for which its provisions can be enforced. These are the concept of *kaadilan* and the concept of *karayawan* (public welfare). *Kaadilan* implies equality before the law such as no one is above the law. If these tools are made to operate freely, the Tausug shall be able to solve and address any problem they are confronting.

Second role of *diwan* is to serve as the restraining factor in the abuse of authority and power. Any powers that be cannot just easily circumvent the law or neglect because they are bound by the provisions of the *diwan*. The *diwan* was there to protect the rights and freedom of every citizen of the state. Political philosophers say that where there is no law there is no freedom. For liberty to be free from restraint and violence from others, not to be subjected to the arbitrary will of another, strong enforcement of the law is needed. In legal term this connotes rule of law or rule of *Shari'ah*. This principle implies that *Shari'ah* should prevail in all aspects of men's life and activities.

For instance, if the rule of *Shari'ah* becomes the dominant norm in the life of the people, conflict shall certainly be prevented and disappeared. Justice will run smoothly. People will in turn revere the government. They will always trust the government as protector of their civil liberties.

There are issues affecting the application of *diwan*. This can be illustrated as follows: 1). Ignorance of the provisions of *diwan*, 2). Lack of political machinery vital to the enforcement of *diwan*, 3). Lack of experts in *diwan* and 4). Lack of planning on how to strengthen the enforcement of *diwan*.

### **Features of the New *Diwan***

- a. Foundation of authority and basis of society
  - Sovereignty belongs to Allah alone and sultanate is paramount to its implementation.
  - *Shari'ah* is the source of authority.
  - Authority is a trust and is exercised in accordance with the *Shari'ah*.
- b. Principles of Sultanate
  - The supremacy of *Shari'ah* and the *fiqh* in all aspects of life;
  - *Shura* is the method of governance;
  - That everything in the universe belongs to Allah and is a blessing from Him to mankind and that everyone is entitled to a just share in this divine bounty;
  - That all natural resources are a trust from Allah and that man in individually and collectively is custodian of these resources;

- Inviolability of the Islamic code of human rights and obligations to support and defend the oppressed anywhere in the land;
  - The paramount importance of inculcating an Islamic personality in the individual and in society through Islamic education, cultural programs, and the media;
  - Provision of opportunities for work to all able-bodied members of society and guarantee of the provision of the necessities of life for the disabled, the sick and the aged;
  - Provisions of public services for all: health, education, cultural and social;
  - Unity of the *Ummah* and unceasing efforts for its realization; and,
  - Obligation to engage in *da'wah Islamiyyah*.
- c. Obligation of rights
- d. The three branches of government such as the *kawazilan*, *hukum sara* and *majlis as-shura* or *ruma bitsara*

### III. PAGNAKURA SYSTEM

*Pagnakura* is the traditional Tausug leadership system based on traditional concept and principles mostly the influence of Islam. This is well-illustrated in the system of the Sulu sultanate which existed in 1450 A.D. up to the present.

#### Concept

Prof. Al-Rashir C. Kulani has made a good description of the concept of the Tausug leadership. "The Tausug believed that leadership is responsibility. They called it *pagnakura*. Their ancestors told them that this term stemmed from the word, *kura* or horse. They explained to them that similar to what the term connotes, to lead means to serve and to work for the people in the society. People mount the horse which will bring them to the place they intend to go; it also sometime acts as a beast of burden, hauling the materials of men from one area to the other. In similar manner, the leader carries the burden of the society which may comprise not only the material one but also mental and spiritual.

Though the present Tausug may demonstrate different forms of leadership, their tradition depicts of a form peculiar to them. A Tausug leader is always anxious how to feed his followers. In festivals, most of the foods are prepared by him. His home is always ready for anyone coming feeling hungry or thirsty. Thus, one of the reasons why some persons with royalty title opted for the renouncement of their title, known as *pagluppus*, is because poverty plagued them."<sup>1</sup>

The Tausug leader also appoints the officials in the community who take care of the spiritual and mental well-being of the people. The *imam*, the *khatib* who reads the ceremonial sermon, the *bilal* who calls the faithful to prayer and the *panday* who oversees the affairs of the women; all of them are handpicked by the leader. He arranges for the construction of *langgal* where his people would gather to pray and where he mostly conducts his meetings with them concerning the regular communal activities as stated by their tradition like *puasa*, *duwa haylaya*, *panulak bala*, *mawlud*, *tay'ti* and communal gathering in occasions of *paghakika*, *pagtammam*, *pagtiyaun* and *kamattiyan*. Aside from that, he is also very much concerned on the knowledge that his people are learning, as such he suggests to his *kaguruhan* the forms of knowledge and its substance that they are instilling to his people especially the young ones.

In addition to his understanding of leadership as a responsibility, the Tausug seem sold to the idea that leadership is the craft of the ruling and royalty family. From among their sayings, you would find the precept: *Bang mangdaak na in daraakun*, or *bang mamarinta na in ipun*, *hiluhala na in hula* which means: "When time comes whereby you

<sup>1</sup> Based on the interview, January 10, 2020

will find out that the one who was usually commanded to do mean works will begin to issue the command, or when the slave starts to govern, the society surely will be in chaos.” This precept they held so dearly because they consider the responsibility of leadership close to divine. They held that leadership is a life calling whereby you spend your lifespan because you were born into it. Leadership is worth spending your effort, your wealth and even your life. Leadership is instilled from the time you were born and you should carry it in life with prestige and value and never hesitate to honor it even at the expense of your neck.

Leadership is self-sacrifice. It is a mastery and control over one’s desire and whims. By the time one becomes a leader; his statements are tantamount to law, so he should not be wanton in his speech but should be a thought-after and with wisdom. He should not easily be angered because his wrath could mean destruction to his subjects. But he should be magnanimous, forgiving to the shortcomings of his subjects and always anxious of their well-being and development. Pretenders to leadership could not display such sublime behavior. In the first place, they were able to usurp such power due to their ambition and boastful actuations. Their way in attaining such position is also laid upon suffering of people and catastrophe to the community. Or it could be through beguiling, lying and treachery of a lot of people. At the end, these people could not deliver the promise they used to dope the masses because they were not opted to sacrifice but instead bend upon revenge and overarching thought of proving themselves that they are power to be reckon with and ought to be obeyed.

### Structure

Since the waning of sultanate, the *panglima* became the most visible beacon of Tausug leadership. The *panglima* heads the *pasisil* or roughly the municipal structure of Tausug leadership. Under him are other traditional leaders who help him in the management of his society. Foremost among them is the *maharajah* who is his lieutenant in every *lungan* or what we may call as barangay in modern arrangement. Each *Maharajah* has armed followers who are his *tindug* and who lend him legitimacy and source of awe for him to issue decisive principled instructions and courageous guidance. Always in his side is his *laksamana* who is always ready upon a short notice of his call because he is his liaison to the rest of the officials in his community. Every command that he instructs, the *laksamana* will readily deliver it to the officials it is intended. The *imam*, the *khatib*, the *bilal* or the caller to prayer and the *faqir* are all under the *maharajah* who though their titles might be high resounding religious, nonetheless perform very crucial daily roles in the community. These people are the most literate and the most knowledgeable in the *lungan*, therefore people sought their advice in all varied concerns on daily basis. They are also the *guru* of everyone, the *mananawal* or spiritual healer, the scribe, the story teller, the *sulamusim* or predictor of climate and even the *manunumbay*’ or the slaughterer of the animals of everyone which the owner wishes to cook for food. They are also the persons sought in communal occasions of marriage, baptism, circumcision and the burial of dead.

With regards to women issues, the *panday* is the only official who takes the tasks head on. She is the only female official of the leadership but not in any way less capable from the rest. She is also literate and knowledgeable and assumes varied roles like the others. She is the teacher to the women, their adviser, their health provider, shrouder of their dead and a host of other duties including their representative to the bigger gathering of leadership. The usual reference for her as the midwife, does not in real sense of the word, afford her the justice about her very important position in the Tausug social world.

## Qualifications

Certainly, not all individuals become leaders; others are followers who follow indications in order for them to recognize the leaders. In Tausug traditions, these indicators are five as being enumerated by the elders and handed down from generation to generation via the oral tradition. The following are the five indicators:

**Bangsawan.** The leader is from the blood of royalty. Among the Tausug, royalty belongs to the lines of *datu* and *salip*. These two lines both claimed blood-line from Prophet Muhammad (S.A.W.), with the difference, the former is in the ruling position. The essence however, is not really the blood but the nobility that the person possesses, as well as his upbringing and the sublimity of his character.

**Halimawan.** The leader is a decisive person. He is courageous and does not bend to any pressure. Threat does not soften his decision but makes him stern when facing it. However, he does not decide recklessly but with deeper thought and wisdom. But if making sacrifice is needed, he willingly embraces it. This behavior strengthens his followers who lend their trust and loyalty to him to the point of no return.

**Ilmawan.** The leader is knowledgeable. He could read and could write. He is abreast with the current knowledge surrounding him domestically as well as international. He knows the law, literature, science, medicine, history, tradition, rituals and the rest that constitute at least a holistic notion of information. Traditional Tausug leadership however has erred in writing and relied mostly on oral tools of transmitting knowledge between generations. Present Tausug leadership should rectify this weakness, because documentation could not be replaced in authenticating information in history and other fields of knowledge. The languages that Tausug leaders should gain command to keep them well updated with dominant views in the world are: Sinug, Arabic, English, Pilipino, Bahasa and some local languages like Sama, Maranaw/Maguindanao and Bisaya. If he is engaged in studying history, he should include Chinese and Spanish.

**Altawan.** Leadership needs financing. Activities and programs require budgetary support. However, this does not mean that leaders should always be rich personally. It is because, the society, through tradition and through divine arrangement, has made wealth readily accessible to the leaders in their midst. Before the incorporation into the law of the nation, Tausug laws assigned certain forms of wealth of the land only to the leaders. Nowadays, and it has been also since from the past, Tausug pay their religious financial obligations to their *imam*, *faqir* and other leaders. These traditional financial obligations which they call *sadaqa*, *fitra*, *zakat*, and *waqaf* are utilized by the leaders to fulfil their mandate in their communities. People also pay petty amounts when they request their leaders to facilitate for them negotiations for marriage, amicable settlement of conflicts and even as trifle as the request for *dua* for blessings of individuals and family. Whenever the community needs bigger financing, the leaders could simply ask everyone to contribute what they can afford to meet such social demands. All people will certainly heed the call especially when they trust and love their leader because of his honesty and competence.

**Rupawan.** This refers to the person with integrity. This indication of Tausug leadership emphasizes that the leader should safeguard his personality from sinful and debasing acts. He should be dutiful to his obligation to God and not engage in immoral activities.

## Principles

The principles of Tausug leadership are called “*bawgbug*.” A Tausug leader, who understood these principles, unifies his community, makes it strong and leads his people

towards their shared goals in unison and cooperation with one another. What follows are the principles practiced by successful Tausug leaders who have made their marks in history:

**Kaadilan.** *Kaadilan* means justice. It is the first test of leadership of a person by the Tausug masses. Most Tausug subscribe to the leadership of a person only upon proof of such person's good disposition to justice. Conversely, even a staunch follower, would little by little distance him or even become a worst rival to a person who is an unjust individual. Referring to justice, a Tausug would say: "*Way hibakul, way hikingking*" which means 'People should not be classified like thumb and pinkie finger thus, prompting the leader not to give preference to his relatives and friends in his decisions and governance. However, if the leader has been proven just and fair, people will rally behind him and willingly die for the cause that he is calling them.

**Sirilma'sun.** This refers to public consultation. Leadership should not be dictatorship in such a way that only the leader possesses correct idea and appropriate thinking, while the followers are only a bunch of dupe persons that should only follow the dictates of the leader. The truth could be the opposite, because the masses might have the direct experience of the situation while the leader relied only on reports and assessments. These will make the masses more in touch with reality thus, in a better position to be heard by the leader. Consultation will also make the followers feel that they are given value as members of the society, thus will abide wholeheartedly to the decision that would come out of such consultation. Although the Tausug has the tendency just to follow orders, they nevertheless are motivated and feel happy if they are involved in decision making.

**Taat Amir.** This means obedience to the leader. This attitude emanates from trust and confidence upon the leader. It is also caused by people sensing the concern and love to them by the leader. The leader enjoins this behavior upon the masses so that the programs of the community will prosper and bear fruits. Obedience to the leader is likewise enjoined especially during hard times in order the community will remain intact and survive the suffering together.

**Amanat.** This means trust. The notion that leadership is a trust is contained in the teachings of Islam which is the religion of the Tausug. Allah (SWT) has handed the trust of becoming *khalifa* to men in this world. Becoming a *khalifa* means to implement the rules of Allah (SWT) in this world in the form of worship to Him, doing what He enjoined, avoiding what He discouraged and to serve justice in the conduct of men. In the Qur'an, it is stated that this trust was first offered to other creations like the mountains, but they refused due to its weight. For that reason, the Tausug leader is duty-bound to facilitate the obedience of the slaves of Allah (SWT) to the mandates that they have to fulfil in this world. That is, to make the performance of worship easy to them, to remind them always to do what is good and avoid what is bad and to set the mode of interactions between them in the norms of justice.

**Pananggunanan.** This means accountability. That is, the leader, in his conduct of leadership, will be investigated in the future. This notion also stems from the teachings of Islam. It was stated in the *Sunnah* that everyone is given a responsibility and all will be asked in the Hereafter concerning these responsibilities. But before the questioning in the court of God, the leader is also answerable to the masses. Therefore, his conduct must be open and accessible to the scrutiny of his followers. He must accept criticism

from them and consider constructive suggestion to his person and leadership. Though Tausug leadership, similar to all societies and nations, tends to aristocratic form of leadership. Tausug intelligentsia never approve of it. Rather, they keep talking in the form of parables and narrations of the accountability of leaders to their followers.

### **Present Sulu Leadership**

What is Sulu leadership? Sulu leadership refers to the politicians whether in power or not, the career officials, the *ulama*, traditional leaders, professionals, the academe, the businessmen, police officers, the CSOs leaders and the MNLF revolutionaries. The people entrust the leadership to these leaders with the mandate to work for the attainment of peace and progress. However, this Sulu vision can be achieved only when these leaders have to work as leadership system where the leaders fulfill their respective missions in the direction towards the attainment of said vision. This is the major task of the top executive of the province. Given this huge responsibility, therefore, the top executive should be respected, competent, a man of caliber, just, and committed. If this type of leader is not possible at this point of time, at least Sulu needs a leader who has the ability to mobilize the people and to coordinate the entire leaders of the province and to facilitate political direction so that every part of the Sulu leadership system becomes functional and effective.

But what happens? First, there has been no solid consensus on Sulu's developmental goals, and the approach to address the top five problems of Sulu such as peace and order condition, environmental degradation, graft and corruption, drug trafficking, and ignorance of the masses. These societal divides are interrelated. They are undoubtedly the product of the present contemporary leadership.

Second, there is wider gap between theory and practice of leadership and governance in Sulu. According to Clodovis Boff, practice without theory is blind practice. On the one hand, theory without practice is like having eyes but no hands. Definitely, leadership and governance of the province shall not succeed if there are no ideological principles to guide the leaders. Without ideology to follow, any leader is prone to dictatorship and oppression. Rule of thumb prevails as it happens today. Sulu leadership therefore shall continue to be drifted.

Third, there is a breakdown of ethical value in leadership and governance. Persons in authority are no longer conversant with the value of *taqwa* and *sabar*. They take power as privilege and view government coffers as family wealth. The breakdown of the said values in our relationship to Allah and to fellow human beings has widened further the gap between theory and practice of leadership and governance.

Fourth, there is a lack of good conduct in leadership practice. Most Tausug leaders today have betrayed their own people. They all failed in their promises. They failed to act as servants of the people. They failed to live with the people. Most leaders become despotic and arrogant. Most of them built mansion in outside Sulu and often stayed away for months. This attitude rises because of the absence of moral values and ideological doctrine in the Sulu leadership.

Fifth, hypocrisy in the performance of duties and responsibilities is very prevalent among the Tausug leaders. This is very glaring among the academic and political leaders. The Prophet said: "There are three distinctive marks of a hypocrite: whenever he speaks, he tells a lie, whenever he promises breaks it and whenever he is trusted he betrays." The effect of the foregoing leadership has led to public maladministration such as the following: corruption, luxury management practice, deceitful practices, greed for power and wealth, defective policy implementation, misconduct like acceptance of gifts, partiality, and defective accounting.



## What Can Be Done?

Islamic leadership and re-embracing of the *sara adat* are the right solution to the leadership crisis in Sulu. The challenge is that are our leaders today willing to reform and follow Islam as their guidance in leadership and governance?

The cry of every Tausug is epitomized in the Qur'an as illustrated with the silent prayer of the oppressed people in the time of *jahiliyyah* – “Our Lord! Rescue us from this town whose people are oppressors and raise for us from You one who will protect and raise for us from You one who will help.” (Qur'an, 4:75) This prayer is actually asking for a good leader who can liberate people from oppression, poverty, injustices and polytheism.

Leadership is essential and with it, Islam will prosper. Leadership is associated with the nature of man as Allah created him *khalifa* on earth. It is his nature as *khalifa* that gives him authority to manage his affairs and choose his destiny. To make man effective and efficient with his leadership journey, Allah has endowed him with numerous gifts of which the most important one is his intellect, resources and power. Not only this, Allah sent many Prophets, divine books including iron so that the entire men will be able to stand for justice. It is through justice that equalizes men. *Nabi* Muhammad (S.A.W.) said: “Justice is the glory of *iman* and power of the government. In it lies the prosperity of the people. It is the measure of all good things. Allah sets up scale for mankind and that is justice.” However, man must be aware that he is accountable for his actions.

Islamic leadership is the central column of the edifice of the society. It must have the fire power to build and depend justice, peace and harmony. It is said: “Sword is more understood than law. On its blade spells between seriousness and foolishness.” “*Assayfu asdaq inbaan minal qutub. Fi haddihil hadda baynal jiddi wa al-layb.*”

Looking at the nature of Islam as the all-embracing ideological guidance, it will indeed require leadership paradigm to guide the Muslim leaders in translating its message into reality. The paradigm of Islamic leadership should cover the thrusts of leadership, orientation, guiding principles, approach to leadership, and specific steps the leaders should do.

**THRUST OF ISLAMIC LEADERSHIP.** The ultimate thrust of Islamic leadership is the implementation of Islamic justice. The Qur'an says: *Waltaqum minkum ummatun yaduna ilal khayri, wa ya'muruna bil ma'rufi wa yan hawna anil munkari wa ulaika humul muflihun.* The term *umma* here implies government or group of people that exercises leadership in order to carry out the three basic steps as mentions in the foregoing *ayat* toward establishing justice in the land. (Qur'an, 3:104) It is said that any society can survive in the state of disbelief but it cannot survive under injustices. The Qur'an says: Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion. He instructs you that you may receive admonition.” (Qur'an, 16:90)

**ORIENTATION OF LEADERSHIP.** Leadership is an extension of Prophethood. It is an *amanat* because the leaders who are enlightened soul are called by Allah to stand out firmly for justice as witnesses even though it be against yourselves or your parents or your kin be he is rich or poor. Allah is a better protector to both (than you). So, follow not the lusts (of your hearts), lest you avoid justice. And if you distort your witnesses or refuse to give it, verily, Allah is ever well-acquainted with what you do.” (Qur'an, 4:135) The person who wants to become leader should continue the mission of the Prophets of Allah. “Verily! Allah commands that you should render back the trusts to those whom they are due and when you judge between men, you judge with justice...” (Qur'an, 4:58). If the exercise of leadership is done with sincerity for the sake of Allah and in accordance with

the divine guidance, such type of leadership becomes an *ibadat* before Allah. The Prophet said: “One moment of justice of a leader is equivalent to 60 years prayer.”

### **GUIDING PRINCIPLES**

1. Observance of the principle of *tawhid* (vertical relationship and horizontal relationship)
2. Man should know himself that he is *khalifa* of Allah on earth. He has therefore a mission to accomplish in his leadership journey.
3. *Ala kullukum rain wa kullukum mas-ulun an ra'iyatihi*. Every leader is a shepherd and he is accountable to his flock.
4. *Assayyidul qawmi hadimuhum*. The leader is the slave of the people.
5. Islam and leadership are inseparable. Leadership is one important wing by which Islam can reach to its destination. If Islamic leadership wanes, anarchy sets in. Under anarchy, despotism and oppression will spread. The poor, the defenseless people, the minority shall suffer under anarchy. The Prophet (S.A.W.) said: “Any leader is better than anarchy.”
6. “O ye who believe! Obey Allah and obey the Messenger and those of you (Muslims) who are in authority. (And) if you differ in anything among yourselves, refer it to Allah and His Messenger if you believe in Allah and in the last day. That is better and more suitable for final determination.
7. “*Wasawirhum fil amri faija ajamta fatawakkal alallah innalaha yuhibbul mutawakkilin.*” “*Waamruhum shura baynahum...*” And consult them in affairs then when you have taken the decision put your trust in Allah for Allah loves those who put their trust (in Him). (Qur'an, 3:159)
8. “*Allajina inmakannaqum fil ardhi akamussalata wa atudzakata wa amaru bilma'rufi wanha anil munkar wa lillahi aqibatul umur.*” They are those who if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong. With Allah rests the end and decision of all affairs. (Qur'an, 22:41)

### **LEADERSHIP APPROACH**

1. Islamic leadership paradigm should become the instrument of the Muslims for implementing the *Shari'ah*<sup>2</sup>.
2. There must be a bond of Muslim people who share the same vision for establishing an Islamic society.
3. Handbooks on Islamic leadership must be formulated and promoted among the people.
4. Basic moral values such as *iman*, *Islam*, *taqwa*, *sabar*, *ihsan*, and others must be inculcated into the hearts of the Muslims since early childhood. Only the person who is imbued with such values become fitted to discharge the *amanat*, righteous actions, and *jihad fi sabilillah*.
5. Training center must be established.

### **SPECIFIC STEPS**

1. The leader should be acquainted with the leadership style of *Nabi* Muhammad (S.A.W.), Hazrat Umar ibn Khattab, Hazrat Ali and Khalid bin Walid.
2. The leader should expose himself to the political landscape of the Muslim world.
3. The leader should cultivate discipline and moral values to his personality.
4. The leader should facilitate the unity of the righteous Muslims.
5. Every Muslim leader should believe that Islamic leadership is necessary and the solution to leadership crisis confronting the Muslim *Ummah* today.

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<sup>2</sup> *Adat* law is recognized as part of the supplementary source of *Shari'ah*. In Sulu, *adat* is described as the interpretation of the Tausug of *Shari'ah*.

#### IV. CONFLICT RESOLUTION METHOD IN ISLAM

Resolution of all conflicts is the responsibility of the people through their leader. In Islam the basic functions of the leader are to invite the people to good work, to enjoin the people to justice and to prevent evil deeds. The leader should always be conscious that the purpose of government is to secure the safety of the people, protect liberties and properties.

##### Objectives of Conflict Resolution in Islam

1. To reconcile misunderstanding, disputes and differences between disputing persons through persuasion and forgiveness;
2. To facilitate peaceful solution to conflict through mutual concession, and;
3. To restore the spirit of *surat urrahim*<sup>3</sup> between disputing persons.

##### Concept of Leader

Nabi Muhammad (S.A.S.) has likened the leader into a shepherd. He said: "Behold! Each one of you is a shepherd and every one of you is responsible for his subject. So, the sultan who rules the people is a guard and responsible for his subject." If we look at the shepherd, he watches closely his flock from not falling into the side of the hill or preventing the lion from attacking the flocks for he is responsible to his master. This is the meaning of the leader who should act like a shepherd watching his *ra'ayat* all the times from any danger for fear of Allah will ask him of the accountability on the Day of Judgment.

*Nakura* is the Tausug concept of leader. Here, the leader is likened to *kura* which is the traditional mode of transportation used to carry load for his master. Exactly, the leader like *kura*, should be prepared to carry and administer the problems of his *ra'ayat*. The Prophet said: *Sayyidul qawm hadimuhum*. The leader is the servant of the people. He is to serve the people like the slave who serves his master with utmost care. The leader should always avail himself and ready to respond to the call of his people. Hazrat Umar (R.A.) said: there are four classes of rulers:

1. A powerful ruler who keeps himself and his officers engaged, they are like warriors in the way of Allah. The hand of mercy is upon them.
2. A weak ruler who does not make effort on administrative matters and owing to his weakness his officers pass time in comforts. He will be ruined and will not get salvation.
3. A passive leader who keeps his officers busy in duties but he himself remains in comforts. This is such a calamity about which the Prophet said: "A bad shepherd is a danger and ruins himself."
4. Negligent ruler who lives in comfort and his officers also live likewise. They are all ruined.

##### Tausug Concept of *Kaadilan*

The Tausug concept of *kaadilan* or justice is heavily influenced by Islam as the term itself is derived from the Qur'anic word *adlun* which means justice. In Sinug, *adlun* is called *kabuntulan*. The instrument of *kaadilan* is *sara*. The effectiveness of law of a given society speaks the extent of justice that the people enjoy. *Kaadilan* is the basis of building community and possible only through *nakura adil* (just leader).

The following are the Tausug idiomatic expressions useful for the functions of the *nakura adil*:

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<sup>3</sup> *Surat urrahim* refers to fraternal harmony among people. Restoring such harmony is called *surat urrahim*.

1. The *nakura* should be “*tindug* Muhammad.” He should seek guidance from the *Sunnah* of Nabi Muhammad (S.A.S.).
2. The *nakura* should be *batik* (referring to the three stars as guide in the night journey). *Batik* is always true to its position as guide. It never errs.
3. The *nakura* should be *bayanbuddiman* who is wise and smart.
4. The *nakura* should act as *kura* – ready to carry the burdens of the *ra’ayat*.
5. The *nakura* should be *mabuntul* in applying the law upon the people. He must avoid double standard known as *sara kulampira*.
6. The *nakura* should be fair – *way pagbakul*, *way pagkingking*<sup>4</sup>. The *nakura* is ought to apply justice without favor even if it is against relatives and self-interest.
7. The *nakura* should not be *kulampira*<sup>5</sup>. A leader is *kulampira* when he appears to people with different faces, speaks with different tones in order to deceive people.
8. The *nakura* should not be *duwa dila* or double speak. People will lose their trust and confidence to the leader who found to be *duwa dila*.
9. The *nakura* should not be *agad lusay*. He must not give in to any pressure. He must stick to the principles of justice.

### **Qur’anic Guiding Principles**

1. O ye who believe! If a wicked person comes to you with any news, ascertain the truth, lest you harm people unwittingly and afterwards become full of repentance for what you have done. (Qur’an, 49:6)
2. If two parties among the believers fall into a quarrel, make peace between them... (Qur’an, 49:9)
3. The believers are but a single brotherhood. So, make peace and reconciliation between your two (contending brothers) and fear Allah that you may receive mercy. (Qur’an, 49:10)
4. O ye who believe! Avoid suspicion as much for suspicion in some cases is a sin. And spy not on each other nor speak ill of each other behind their backs ... (Qur’an, 49:12)
5. ... So, fear Allah and keep straight the relations between yourselves. Obey Allah and his Apostle if you do believe. (Qur’an, 8:1)

### **Procedure for Amicable Settlement**

1. *Pagtabuk sin Kasukkalan* (Receipt of the *Kasukkalan* or Complaint either written or oral). In case of oral complaint, the *taumaas* will cause it to writing. Complaint is a concise statement of the cause of action and the relief prayed for. The *taumaas* will also take the opportunity to hear the side of the complainant.
2. *Pagpatiut sin Taumaas* (Mediation by the *Taumaas*). Upon receipt of the complaint, a notice letter will be sent to the respondent for him to appear to the office of the *taumaas*. During his appearance, the respondent shall be informed about the complaint. Afterward, the respondent is given three days to submit his answer for the record of the *taumaas*. In case, the respondent cannot submit the written answer, the secretary will cause to writing the oral argument of the respondent.
3. *Pabayhuun* (Summon). The *taumaas* will send summon letter to the respondent and notice to complainant stating the venue, date and time of the amicable settlement. Both parties are requested to bring their evidences and witnesses.
4. *Pagpatiut* (Mediation Proper). Both parties are requested to present their respective sides. Upon hearing the sides of both parties, the *taumaas* will explore all possibilities

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<sup>4</sup> *Bakul* means thumb and *kingking* refers to the smallest finger. *Bakul* symbolizes the rich and the powerful and *kingking* symbolizes the powerless and the poor. The leader should treat his people equally either rich or poor, powerful or powerless.

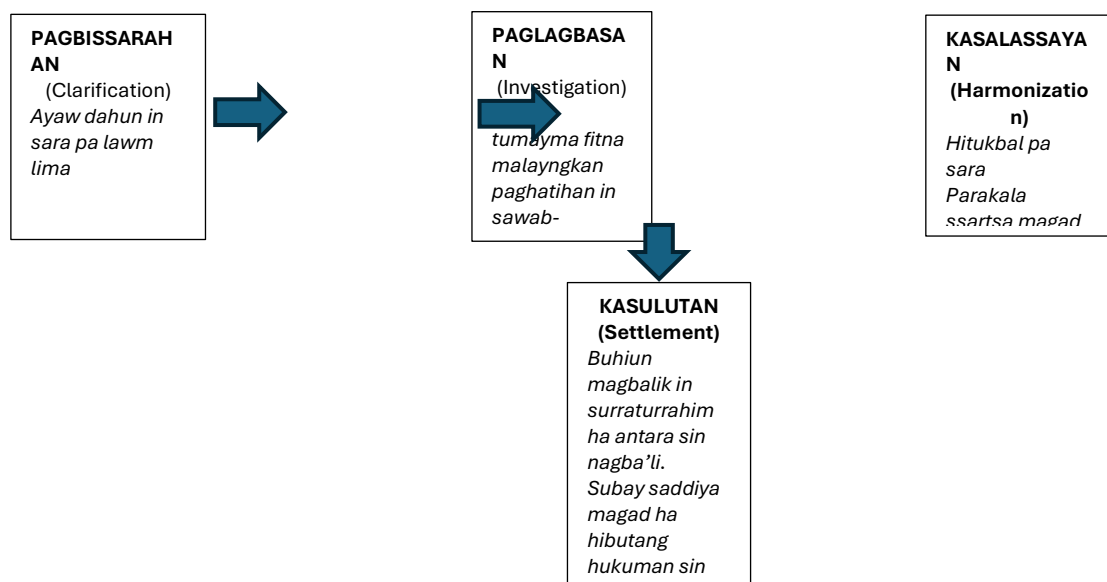
<sup>5</sup> *Kulampira* is a kind of fish with has only one side body. It symbolizes unfairness.

for amicable settlement. During the mediation process the parties involved are advised to observe ethics and calmness. They should refrain from using bad words, insult and statement below the belt.

The mediation proper starts with the appearance of both parties. Afterwards, the *taumaas* will facilitate to reach the amicable settlement within ten days. This is the period in which the *taumaas* will encourage the parties to compromise, give concession and soften their stands to give way to amicable settlement. The *taumaas* may talk separately to persuade each party to settle the conflict within the spirit of Islamic brotherhood. The *taumaas* will emphasize the importance of reconciliation and the benefit of restoring the harmony between them.

5. *Kasulutan* (Agreed Settlement). The *taumaas* will call the parties to the conflict and facilitate the reconciliation of restoring the *suraturrahim* among them. He will brief them of the final amicable settlement and afterward follows the signing ceremony of the document. Each of them will be given copy of the signed written agreed settlement.
6. *Duwaa*. After the signing of the document, the *imam* will be called in to perform the *pagduwaa* invoking the blessings and guidance of Allah upon the parties.

### TARITIB SIN DAN KASALASSAYAN



### Traditional Instruments for Amicable Settlement

In handling the amicable settlement, the *taumaas* must be guided with the principles of Islam and the traditional instruments for settlement such as the following:

1. *Pagmaap*. The act of forgiveness by person to someone who asks forgiveness for his wrongdoing. Forgiveness is greater than sin. Allah will forgive the sins of person who can forgive other persons. This is a cardinal principle in Islam.
2. *Pagpaag*. The act of giving in by younger to elder, by male to female, by leader to followers, etc. This is a tradition of the Tausug and accepted as best form of mutual concession.
3. *Pagsapa*. An act used to establish fraternal brotherhood for mutual help for all times.
4. *Diyat*. The act of remedy for compensation to physical injuries as the condition for amicable settlement.

5. *Sugpatun in suraturrahim*. The act of restoring mutual relationship between disputing persons through persuasion in accordance with the spirit of Islamic brotherhood. "Muslim is brother to one another."
6. *Paglilla*. The act of submission by the disputing parties to the decision of the *taumaas*.
7. *Pagbilma'ruf*. The act of valuing mutual understanding in order to reach amicable settlement.
8. *Pagpatiut*. The act of mediation by the *taumaas* in order to bring together the disputing persons to dialogue and mutual understanding. The *taumaas* maintains neutrality and fairness in order he will gain the respect and cooperation of the disputing parties.

#### **Documentation**

1. All proceedings of the amicable settlement must be kept in the office.
2. The office should have the file copy of all records pertaining to land sale, land mortgage of the residents, business contract, labor contract, etc.
3. The office should have a profile record of all people residing in the community.
4. The office should have a record of the criminal act and violence in the community.

#### **IV. SARA PAGTIYAUN (Marriage Law)**

*Pagtiyaun* in the Tausug practice is the marriage between man and woman who are *aqil baligh*<sup>6</sup> and who do not belong to the prohibited degree or *mahram* to each other and is done following the *adat*. It is viewed as a permanent institution although may become dissolved by death or divorce. There are four types of marriage among the Tausug:

1. **PAGPANGASAWA** (asking hands for marriage). This is the ideal marriage form which follows the specific steps as provided for in the Tausug *adat*. It is either the boy who may choose his partner or his parents is the one to look for the right girl for his son. There are five steps to be followed:
  - a. *Pagpasihil*. The parent will assign a near relative to inform the parent of the woman about the marriage proposal. In few days, the assigned person will report the outcome of the proposal either accepted or rejected. If the *pagpasihil* is accepted, the parents of the boy will proceed to *pagpangasawa*.
  - b. *Pagpangasawa*. This is the formal asking for marriage. The family of the boy will designate its *kapala* (spoke man) to facilitate the realization of the marriage proposal. The family of the girl will also entrust the affair to its own *kapala*. It is actually *kapala* to *kapala* transaction. During the negotiation, the *kapala* of the *kausugan* (man's side) will present immediately the *tapil dila* in the form of money as token of good faith to proceed with the marriage. Afterward, the *kausugan's kapala* will signify the *kausugan's* intention asking for marriage. If the offer is accepted by the *kababaihan*, right away the *kapala* will propose the dowry the *kausugan* can afford to offer. Under the Tausug tradition, the elements of marriage demand are *mahar*, money, sacks of rice, cows, cigarettes, *maligay* and *gabbang* presentation including the bride's attire. However, the *kababaihan* is also free to state their demands especially if the groom's family is well to do.
  - c. *Panunggu Tunang* (courting period). After the *pagpangasawa*, the would-be groom is now allowed to visit the would-be bride. From then on until marriage, the would-be groom is required to give sustenance for the would-be bride.
  - d. *Pagturul Tayma*. This is acceptance ceremony. The *kausugan* upon notification of the *kababaihan* will visit the family of the would-be bride to fulfill the acceptance ceremony known as *pagturul tayma*. The *kausugan* will come in large numbers

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<sup>6</sup> *Aqil baligh* refers to the legal age set by Islamic law. The legal age under *adat* is 15 years old.

bringing with them different types of local delicacies and soft drinks usually donated by the relatives and friends of the family of the *kausugan*. During this ceremony, the *kababaihan*'s demand will be turned over to their *kapala* and the schedule of the marriage will be agreed upon.

- e. *Pamahalayak* (marriage declaration). This is the day of marriage ceremony known as *adlaw pagtiyaun* which is celebrated as whole day affair. Both parties will hold separate wedding celebration.
  - f. *Pagkawin*. This is the solemnization proper which is the highlight of the wedding day. *Pagkawin* has four requirements: 1). *Ijab* or offer to marry by the boy and *qabul* or acceptance by the girl, 2). Presentation of *mahar* of the groom to the bride, 3). Two witnesses and 4). *Khutba Nikah* or marriage counselling by *imam*. It is within this *khutba niqah* the solemnization rite is done.
  - g. *Dum Jaga* (night watch). The night following the *pagkawin*, the newly couple must stay awake the whole night for socialization with friends and relatives. This practice is observed as if the newly couples have met for the first time and they need to acquaint to each other.
  - h. *Dum Salam* (night farewell). After the three nights from *pagkawin*, the *kausugan* will visit the *kababaihan* and finally requesting the parents of the bride to take the new couples to the house of the groom's parents.
2. PAGESARAHAKAN TUGUL (Man's offer of Marriage). This is a one-time marriage process. The *kausugan* led by its *kapala* will come to the parents of the woman requesting their consent the marriage of their daughter. A *tapil dila* is presented to the parents or their *kapala* as a token of good faith to proceed with the marriage. The *kausugan* brings with them an *imam*, *ungsud*, *mahar*, the wedding attire for the would-be bride, foods and drinks, *dulang* or set of food to be used during the solemnization of the groom and the bride. If the offer for marriage is accepted, immediately the *pagkawin* will take place. In most cases, this type of marriage is a pre-arranged process.
3. PAGDAKUP. This is called elopement. The *adat* law has neither encouraged nor prohibited the act of elopement. In the olden time, if the boy and the girl voluntarily agree to marry, they will secretly go together to the *taumaas* of the community informing him their desire for marriage. Immediately, the first action of the *taumaas* is to inform the parents of the boy and to personally hand down the *tampun maru* to the parents of the girl. *Tampun maru* literally means to block the calamity. Technically, *tampun maru* is a token of respect for the girl's parents. It also symbolizes that the case is now in the hands of the authority and that the parents of the girl should not take any violent action. It is also the basis for negotiation between the *kapala* of both parties. At present, the payment of *tampun maru* is P5,000.00 and the dowry is P50,000.00 in the case of *pagdakup*. If this requirement is fulfilled, the *kausugan* can now ask *wali* or parental consent for marriage. Solemnization cannot take place without the *wali* from the girl's parents. However, the parents can also demand *aayuan* which is extra money to be given by the offender to appease the feeling of the offended party. This money is brought during the *paghatud* or the day the newly married couples are brought before the bride's parents for forgiveness and reconciliation.
4. TAHAKKIM. The girl will come to the office of the *taumaas* telling him that she wants to marry a certain boy. The *taumaas* assesses the girl's intention and reason afterward, the prospective boy will be informed about the marriage proposal from the girl. If the boy agrees to the marriage proposal, the parents of the boy should pay the dowry and the *mahar*. As soon as the payment of dowry is done, solemnization will take place immediately. However, if the boy turns down the offer for marriage, he has

the right to invoke option known as *hisulak* or turning down. But his parents are obliged to pay the *tutulakan* which is money to be given in exchange for his refusal.

### Concept of Mahar

*Mahar* is known as the bridal gift of the groom to the bride. The payment of *mahar* is obligatory. Marriage is incomplete without the payment of *mahar* and the withdrawal of it by the husband dissolves the marriage bond. All precious things like gold, plantation, weapon, etc. can be used for *mahar*. This *mahar* is exclusive for the bride only. However, the bride may share her *mahar* with her husband or his parents.

### Concept of *Pagbugit* (Divorce)

*Adat* strongly rejects divorce. But if divorce is the only solution to problematic marriage, it can be allowed. There are five grounds that woman can ask for divorce:

1. If the husband is jailed for more than a year, the wife can ask for divorce.
2. If the husband left for more than a year, the wife can ask for divorce.
3. If the husband is habitually drunkard, the wife can ask for divorce.
4. If the husband is sexually inutile, the wife can ask for divorce.
5. If the husband fails to provide *nafaqa* or sustenance, the wife can ask for divorce.

The husband is prohibited to divorce his wife for reason of poverty or economic hardship. The manner of divorce is that husband cannot divorce his wife during menstruation period. If he wants to divorce, he must pronounce it three times while his wife is in the state of purity and from then on, he must abstain from sexual intercourse with her. Only fulfilling this manner of divorce the husband can lawfully divorce his wife. In the event the husband commits sexual intercourse with his wife, this will nullify the intention to divorce.

## V. TAUSUG SARA TUNGBAS

*Sara tungbas* or penal law is the instrument to restore justice among the people. It is a combination of Islamic law and local legislation based on *adat*. The mode of settlement of disputes is more on amicable settlement rather than on judicial process by the *qadi*. It follows this way because the people always inclined to obey the discretion of the *taumaas*<sup>7</sup> who prepares quick ending of dispute by amicable settlement. Generally, the *taumaas* in Sulu extends financial support if the dispute involves financial claims just for the sake to address the conflict. He does it since most of the people are poor.

### Procedure of Settlement of Disputes

1. *Bayyinat* is upon the *nagmasukkal* and *sapa* is upon the *nagdusa*.
2. The testimony of the child and the imbecile is unacceptable.
3. Both parties observe sobriety and not speak bad and harsh words before the *taumaas*.
4. The *sukkal* of the *nagmasukkal* will be made known by the *taumaas* before the parties.
5. If the *nagdusa* admits the *sukkal*, the case is decided accordingly.
6. But if the *nagdusa* denies it, then the *nagmasukkal* has two options: first, he may put the *nagdusa* under oath. Second, he may produce evidence in support of his *sukkal*.
7. The *taumaas* will make the judgment.

There are fifteen types of *dusa malaggu* under the Tausug penal laws.<sup>8</sup>

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<sup>7</sup> *Taumaas* is the village chief who is duly recognized by the people for his leadership, integrity, and service to the community.

<sup>8</sup> There are three types of *uquba* or penal laws under *Shari'ah*. These are the *hudud* (fixed punishment enshrined in the Qur'an and Sunnah), *qisas* (retaliation) and *ta'zir* or discretion of the judge. *Hudud* punishments are murder, highway robbery, theft, adultery and fornication, defamation, apostasy and drinking liquor.



1. PAMUNU (killing). This refers to intentional killing of a person whose fault does not beget killing rather the action is made out of anger. The penalty under the Tausug *adat* law is death in case he is caught by the *tindug* (armed force) of the *maharajah* or *panglima*. In case the case is settled through amicable settlement, the penalty is *bangunan* known as *diyat* as agreed by the parties to conflict.
2. LAUG (murder). This refers to intentional killing of a person for unjustified reason. The penalty is also *bangunan*.
3. LAPAY (accidentally killed or accidentally injured). This refers to a non-partisan who happens to be killed or injured by any party to the conflict. The penalty for *lapay* is *bangunan* or payment of *diyat*. Usually, the amount of *diyat* is lesser for minor injury.
4. TAKAW (theft). This refers to stealing of property. The penalty is *aynan* or giving payment to the victim equivalent to the value of the stolen property. In case the stolen property is not yet disposed by the stealer, he is asked to return the said property together with *kasaan* as determined by the *taumaas*. For second offense, the penalty is cutting the hand.<sup>9</sup>
5. PAGLANGPAS (robbery). This is an act of taking one's property by force. The penalty is to pay *kasaan* to the victim. If in the course of robbery, the victim is injured or killed the offender must also pay *diyat*.
6. UTANG (debt). If the debtor does not pay his debt, the creditor may complain to the *taumaas* who is duty bound to find ways until the case is solved.
7. KIDJIB (fraud or deception). This refers to taking of one's property by force or by fraud. The penalty for the offender is to pay *kasaan* as determined by the *taumaas*.
8. LINIS (land grabbing). This is an act of altering the boundary with an intention to grab a portion of land of a person by illegal way. The penalty of this offense is to restore the ownership of the land to the original owner plus payment of *kasaan* as determined by the *taumaas*.
9. SUMBANG (incest). This refers to sexual intercourse within members of one family. The penalty of this crime is death by *lintangan* or throwing the offender to the sea with his body tied to big stone.
10. KAPKAP (rape). This is an act of molestation against woman or sexual harassment. *Kapkap* is classified into two: *kapkap* by day and *kapkap* by night. *Kapkap* by day is an act done during broad daylight. The penalty of the offender is either to marry the victim or to pay *kasaan* as stipulated in the *adat* law.<sup>10</sup> *Kapkap* by night is an act done during night time. The penalty of the offender is either to marry the victim or to pay higher *kasaan* as stipulated in the *adat* law.
  - a. The consideration to buy peace or *tapan maru* shall be P1,000.00
  - b. If at the time the man was attempting to rape the woman, he happened to touch the woman's breast the consideration to buy peace is P2,000.00
  - c. If it be the woman's *awrat* that he happens to touch is P3,000.00
11. MANAGGAW (act of lasciviousness). If a man who reached the age of puberty (*aqil baligh*) or above may touch a woman against her will the offender is subject to *kasaan*. The following is the penalty<sup>11</sup> for *managgaw*:
  - a. From hands up to the head is P500.00

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<sup>9</sup> Under *Shari'ah* the condition of imposition of cutting hand is that the value of the stolen property must reach *nisab* or minimum value. The *nisab* of the stolen property is P25,000.00. Below this *nisab* the penalty is based on *ta'zir* or discretion of the judge.

<sup>10</sup> Under *adat* law, victim of the sexual harassment is given the option to marry and the offender is advised to marry his victim. This arrangement is part of the amicable settlement. In case the victim refuses the offer for marriage the offender should pay *kasaan* as determined by the *taumaas*.

<sup>11</sup> These penalties are based in the early 1950s. This is no longer applicable to present situation.

- b. From foot up to the knee is P500.00
  - c. From above the knee up to the navel is P1,000.00
  - d. From above the navel to the neck is P1,500.00
  - e. Touching the woman's breast is P1,500.00
  - f. Touching the woman's *awrat* is P2,500.00
12. MAG-USUG-USUG (extramarital act). This is an act of the wife who engages in extramarital act. The penalty is death. The husband and his family have the right to kill both the man and woman who are caught in the act. Under the Tausug culture, a man whose wife is abused by other is guilty of being *dayyus* if he cannot kill the offender in the most appropriate time. *Dayyus* means disgrace. It is a social stigma and can only be removed by killing the offender.
13. PAGGUYUD (kidnapping of a woman). This refers to taking a woman by force with the intention of marrying. This action is unlawful under *adat* law. The penalty for this crime is death. But if amicable settlement is reached the offender must pay dowry and *mahar* as required by the *adat* law.
14. SAKNA (defamation). This is to accuse a person without evidence with the intention to malign his/her personality. The penalty of this *sakna* is to pay *kasaan* as determined by the *taumaas*.
15. PALIAN (injury). This refers to injuring a person. The offender is liable to pay *diyat* as determined by the *taumaas*.
16. HAYUP BU'LUY (straying animal). The owner of the animal is liable to pay damages to the owner of the farm as determined by the *taumaas*.
17. PANGANTUP (insulting). If a person insults other person the penalty is payment of *kasaan*. In some cases, the offender may only ask forgiveness depending on the facilitation of the *taumaas*.
18. PAGBAGA (slapping). If a person slaps other person the penalty is payment of *kasaan*. In some cases, the offender may only ask forgiveness depending on the facilitation of the *taumaas*.

## VI. CONCLUSION

*Sara adat* is the way of life of the Tausug and the interpretation of the Tausug about Islam. The documentation of the Tausug *sara adat* is initiated with the view that the Tausug can be best governed by their own traditional laws in order to exercise their right to self-determination. The desire to preserve the *adat* is indispensable to unity of the Tausug society. *Adat* is the social fabric that holds the Tausug society together. Destroying *adat* means destroying the Tausug society.

The system of the Tausug leadership is the key factor to preserve and implement the *sara adat*. The traditional leadership principles such as the concept of *kaadilan* and the concept of *pagnakura* are strong expression of the *sara adat*. This includes the method of conflict resolution as still practiced and further reinforced with the barangay government policy enjoining people to settle their conflict by amicable settlement. Very seldom local conflict will reach the court as it is settled on the barangay level.

*Pagtiyaun* is a practice which is highly honored by *sara adat* because it provides continuity of the preservation and growth of culture. No marriage union is recognized outside the principles and laws of *sara adat*. The conduct of marriage should be legal and must follow the four requirements such as offer and acceptance, payment of *mahar* to the bride, two witnesses and the conduct of *khutba niqah*.

Society cannot survive under anarchy. To prevent anarchy, the *sara adat* provides thoroughly the *sara tungbas* as the means to secure justice and harmony in the society. There are only five types of *sara tungbas* under the *sara adat*. These are 1). the *diyat* applicable to killing, murder and injury, 2). *ayn* 3). death in the case of incest and murder,

and 4). flogging<sup>12</sup> for adultery and fornication, and 5). *pag-amahan* or reprimand by the *taumaas*. Our conclusion is that the *sara adat* plays important role in the attainment of peace and harmony and is still relevant basis for the Tausug way of life.

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## GLOSSARY

adat	culture
aqil baligh	age of puberty
amanat	trust
awrat	private part
ayn	compensation
bangun	blood money
bawgbug	principle
bayyinat	evidence
bilal	prayer caller
binaybayan	province
da'wah	Islamic propagation
dayyus	disgraced
diyat	blood money
dusa	crime
guru	teacher
haylaya	festival
hukum sara	judicial body
hula	country, state

<sup>12</sup> Flogging is conducted against the offender using the *giyagay niyug* (dried branch of the coconut fruits which consists 15 to 20 branches). One strike of *giyagay niyug* is equivalent to 20 strikes.

ibadat	worship, devotion
ijab	offer
imam	leader, prayer leader
iman	Islamic faith
kaadilan	justice
kababaihan	relatives of the girl
Kabul	acceptance
kabuntulan	justice, straight
kaguruhan	teachers
kamattiyan	death celebration
kapala	representative
kapkap	rape
kasaan	fine
kausugan	relatives of the boy
kawazilan	executive body
khatib	religious lecturer
khutba	sermon
kura	horse
langgal	small masjid
laug	murder
lungan	barrio
mag-usug-usug	extramarital affair
mahar	bridal gift
majlis as-shura	consultative assembly
nagmasukkal	complainant, plaintiff
nakura	leader
niqah	marriage
pag-amahan	reprimand
pagbugit	divorce
pagdakup	elopement
pagguyud	kidnap
paghatud	marriage reconciliation
pagkawin	solemnization
paglangpas	robbery
pagluppus	renouncement royalty title
pagnakura	leadership
pagpangasawa	formal marriage offer
pagtammam	graduation
pagtiyaun	marriage
pali	injury
pamunu	killing
panday	midwife, female teacher
panulak bala	prayer preventing the wrath of Allah
pasisil	municipality
sagkaw adlaw	rape by day
sagkaw dum	rape by night
sakna	defamation
sapa	oath, pledge
sara tungbas	penal laws
saski	witness
sukkal	complaint

tampan maru	preventing violence
taumaas	authority, leader
turul tayma	marriage acceptance
tutulakan	honor money
usba	relatives from the father side
utang	debt
wali	consent of the <i>usba</i>
waris	relative from the mother side