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The Issue of Justice and Injustice in Malacca Sultanate, 1400 – 1511 AD

ABSTRACT: *Studying the issue of justice and injustice among the rulers of the sultanate of Malacca is somewhat important in order to measure the government's stability and efficiency. This study believes that a well-maintained justice system plays an essential role in keeping the country's administration safe and stable. It could also help to reflect the different traits and characters of the governing authorities in carrying out justice. By applying the historical method, this research will be focusing mainly on the issue of social and political justice. The issue will be analysed through the selected case studies. This article also elaborated and analysed the background of the Malacca sultanate; the issue of injustice with some cases; and the issue of justice pertaining the Malacca sultanate in 15th to 16th century. Based on the analysis, it appears that not all rulers mentioned here, in the sultanate of Malacca, had practiced injustice during their time in power. There were some rulers that had taken a serious responsibility on practising and maintaining justice in their administration, such as Sultan Muzaffar Syah (1446-1456) and Sultan Alaudin Riayat Syah (1477-1488).*

KEY WORD: *Issue of Justice and Injustice; Sultanate of Malacca; Social and Political Stability; Muslim Rulers.*

IKHTISAR: *"Isu Keadilan dan Ketidakadilan dalam Kesultanan Melaka, 1400 – 1511 Masihi". Mempelajari isu keadilan dan ketidakadilan di kalangan penguasa kesultanan Melaka adalah penting untuk mengukur kestabilan dan kecekapan kerajaan. Kajian ini mempercayai bahawa sistem keadilan yang dipelihara dengan baik memainkan peranan penting dalam memastikan pentadbiran negara selamat dan stabil. Ia juga dapat membantu dalam merefleksikan ciri-ciri dan watak-watak pihak berkuasa yang mentadbir dalam menjalankan keadilan. Dengan mengguna-pakai kaedah sejarah, penyelidikan ini memberi tumpuan, terutamanya kepada isu keadilan sosial dan politik. Isu-isu berkenaan dianalisis melalui kajian kes terpilih. Artikel ini juga menghuraikan dan menganalisis latar belakang kesultanan Melaka; isu ketidakadilan dengan beberapa kes; dan isu keadilan mengenai kesultanan Melaka pada abad ke-15 hingga 16 Masihi. Berdasarkan analisis, nampaknya tidak semua pemerintah yang disebutkan di sini, dalam kesultanan Melaka, telah mengamalkan ketidakadilan selama masa mereka berkuasa. Terdapat beberapa penguasa yang telah mengambil tanggungjawab serius dalam mengamalkan dan mengekalkan keadilan dalam pentadbiran mereka, seperti Sultan Muzaffar Syah (1446-1456) dan Sultan Alaudin Riayat Syah (1477-1488).*

KATA KUNCI: *Isu Keadilan dan Ketidakadilan; Kesultanan Melaka; Kestabilan Sosial dan Politik; Raja-raja Islam.*

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INTRODUCTION

Malacca sultanate is one of the most notable sultanates in Malay recorded history in the 15th century. Its fame piqued interests of scholars, both inside and outside the country, which led them to conduct research on various aspects of the sultanate, especially political matters (*cf* Adil, 1974; Samad, 1979; Andaya & Andaya, 1983 and 2015; Hooker, 2003; Ismail, Ghazali & Rahman, 2011; and Lobato, 2012). Thus, this article will also extract a small piece of the research by discussing the issue of justice and injustice in the Malacca sultanate. Such issue is not out of the norm in any traditional Malay government. More often than not, they involve multiple parties, namely the Sultan, who holds the absolute power in the country; nobility; women; and even common citizens. This, in turn, leaves a lasting impression on a government's integrity, when such issue is used against them.

In general, "justice" is often defined in terms of equality. That is to say, it is an ethical principle of being just or impartial in dealing with any matters regardless of the social, economical, and political background of a particular individual or organization. This includes the fair distribution of benefits or burdens to specific people. For example, in the criminal penal code, if a person commits an offensive act, then, the punishment should be proportional to the offense (Rawls, 2001; Barzilai, 2003; and Summers & Smith, 2014).

The practice of justice, however, may vary from one culture to another, for example, between Islamic culture and the Western. The justice system in some parts of Muslim countries is commonly based on the *shari'a* law and is, therefore, quite different from the Western justice system. The Westerners might see it as an alien custom comparing it with theirs (*cf* Mazrui, 1997; Kelly, 2010; and Esmaeili, 2015).

Nonetheless, the administrative perception of justice generally refers to the concept of equality in carrying out responsibility. This highlights their administration of law and civil rights in the country, in accordance to the prescribed and accepted principles (CRC, 1998; and Gilman, 2005).

The concept of justice covers every social, economical, and political matters of a particular country. Social justice is normally associated with matters concerning the distribution of equality in communal matters, including civil rights – for example, the rights to property, education, etc.; equal treatment and opportunities without looking at individuals' background, for instance, their gender, religion, ethnicity, sexual orientation, and any related issues that could cause discrimination and prejudice (Folger, Sheppard & Buttram, 1995; and Maiese, 2017).

Meanwhile, economic justice relates to the equal opportunities in carrying out economic activities and distribution of wealth. For example, the leader of each country and his government are both responsible for distributing the country's wealth equally to the fellow country folk. Such wealth could be in the form of government welfare, specific allowances like pension, and other related matters that are needed by the people to be economically benefitted. Economic justice is an important step for the government to alleviate the issue of poverty – if it is being practiced accordingly (Argy, 2006; Wilkinson & Pickett, 2010; and Scanlon, 2014).

The issue of equal taxation is also included, where everyone in a particular society or country requires paying taxes in the same amount to the government. Apart from that, economic justice also implies the equal opportunity in carrying out economic activities – regulate equal laws, taxes and tariff policies, and so forth

(Burgess & Stern, 1993; and Hibbs & Piculescu, 2010).

Political justice, on the other hand, is concerned with the equal distribution of power as well as civil rights. In the political perspective, this kind of justice seeks to give everyone the equal rights to voice out their political opinion, rights to decide and vote when in an election. The concept of political justice normally needs the freedom from oppression and suppression of the authority. To some extent, when the political justice is well maintained, the government could achieve stability since everyone is satisfied with their administration and freedom (Clark, 1991; and Banai, Ronzoni & Schemmel, 2011).

From the Islamic perspective, justice has been instilled in every socio-cultural, economical, and political aspect of its society. One of the important teachings of Islam is emphasizing the importance of justice as a moral obligation towards its followers regardless of their background (Ayoob, 2007; and Hallaq, 2009). In this context, the perception of justice focuses on the role of a Sultan in operating the country's law and order in a rightful way, and not in accordance with his personal desire or favor (Fang, 1976; and Viktor, 2005).

The holy book of *Al-Qur'an* had stressed the importance of being impartial to all mankind, especially the Sultans and any leaders who have the power to govern their people (cited in Ibrahim, Siddique & Hussain eds., 1985; Viktor, 2005; and Yakub, 2005). In legal cases, Islam prohibits the governing authorities from allowing their personal favors or desires to influence the court's decisions against the defendant, even if he is the enemy. The process of judgment should be impartial (Hallaq, 2009; and Hamid, 2013). Ibn Kathir (n.y.) cited the *Al-Qur'an, surah (chapter) An-Nisa*, verse 58, as following here:

Verily! Allah commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allah) gives you! Allah is Ever All-Hearer, All-Seer (in Kathir, n.y.).

The above excerpt shows how God commands His followers to do justice as it is the best way to bring harmony and peaceful society. Again, according to the *Al-Qur'an, surah (chapter) An-Nisa*, verse 135, stated as follows:

O you who believe! Stand out firmly for justice, as witness to Allah, even though it be against yourselves, or your parents, or your kin, be he 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 witness or refuse to give it, verily, Allah is Ever Well-Acquainted with what you do (cited in Kathir, n.y.).

In accordance with the above excerpt, God commands every Muslim follower to be fair in all cases regardless of their personal feelings. It is not permissible to oppress any people, even if they are different in any way, enemies or literally hate one another (Yakub, 2005; and Hallaq, 2009).

According to Al-Bukhārī (n.y.), as cited also by W.M. Abdul Hadi (2004) and H. Mujar Ibnu Syarif (2014), a Sultan who does his state duty fairly would lead his country to stability, harmony, and prosperity (Al-Bukhārī, n.y.; Hadi, 2004; and Syarif, 2014). It would make him well respected and remembered by the people. In addition, the practice of justice would lead the country's administration to run efficiently; and it would prevent any political insurrections or any attempts of usurpation to take place during his reign. This is partly due to the satisfaction of the people being governed (Hadi, 2004; Suwirta, 2007; and Syarif, 2014).

Anyhow, this research will be focusing mainly on the issue of social

and political justice. The issue will be studied through the selected case studies (George & Bennett, 2005; and Bartlett & Vavrus, 2017). By applying the historical method (Sjamsuddin, 2007; Russel & Pellegrino, 2008; and Kuntowijoyo, 2013), this article will elaborate and analysis: (1) Background of the Malacca Sultanate; (2) the Issue of Injustice with Some Cases; and (3) the Issue of Justice Pertaining the Malacca Sultanate in 15th to 16th Century.

Meanwhile, the concept of “injustice”, according to B.R. Boxill (1980) and Eric Heinze (2013), is seen as a form of negative behavior that exploits the advantages of people in general; and, thus, it is forbidden to all mankind (Boxill, 1980; and Heinze, 2013). Even, B.R. Boxill (1980) also argued that the unjust action of a person is his/her admission that he/her “*does not recognize the rights of others*” (Boxill, 1980).

The consequence of such act could encourage the people to protest against the unjust ruler. To make the situation worse, protest is often associated with violence. This can be traced back in the event of French revolution in 18th century, where civil unrests constantly occurred against the king, Louis XVI, who was believed to reign France with prejudice. Mob violence in the streets demonstrated an official sign of disobedience against the absolute monarchy. In the end, the worsened condition had dragged France into political instability, which eventually led to the execution of their king (Schama, 1989; McPhee, 2002; and Andress, 2005). Here, illustrates how injustice, as B.R. Boxill (1980) puts it, is an unprofitable action that only brings “self-destruction” (Boxill, 1980:359-360).

For Khalifa Ezzat (2009), the practice of injustice by every ruler or leader towards his subjects is similar to the implication of oppression

and suppression to his own people (Ezzat, 2009). It is the opposite of justice, where unequal treatment is being practiced. The duties and responsibilities are influenced by personal desire; and, thus, lead to prejudice and discrimination of the people (*cf* Ezzat, 2009; and Dovidio *et al.*, 2010).

The consequence of injustice in the government could result in animosity and political tensions between the ruler and his people. It is no surprise that the country would face disunity and instability. Thus, it can be said that injustice would open the gateway to political revolution. When this happens, the country would be in a vulnerable state, and prone to fall (Ezzat, 2009; and Heinze, 2013).

When looking at the religious perspective, individuals who practice injustice acts, either in the government or elsewhere, would receive severe punishment by God on the Day of Judgment. Some *Al-Qur’anic* verses had repeatedly warned the mankind to avoid unjust practice as it leads them to the torment of Hell fire. Some of the verses in the *Al-Qur’an*, for example *surah* (chapter) *As-Shura*, verse 42, and *surah Al-Araf*, verse 44, stated as following here:

The cause is only against the ones, who wrong the people and tyrannize upon the earth without right. Those will have a painful punishment. [...] the curse of Allah be on the unjust (cited in Kathir, n.y.).

The above shows how injustice pays in a severe manner, not only would it morally destruct “the practitioners”, but receive a heavy punishment in the afterlife. To relate with the Malacca sultanate, the issue of justice and injustice is a bit ambiguous. Note that Malacca had been an official Islamic sultanate as soon as its foundation in the 15th century (de Jong & van Wijk, 1960; Wake, 1983; and Leyden ed., 2001). Thus, the rulers were expected

to comply with the Islamic rules of governance. However, there were rulers who failed to follow the prescribed rules. The next will examines how the issue of justice and injustice are closely linked with the government.

FINDINGS AND DISCUSSION

Background of the Malacca Sultanate. According to *Sejarah Melayu*¹ (the Malay Annals), Malacca was seen as an important empire in the development of Malay civilization. Due to its strategic location – in the middle of the straits between Malaya and Indonesia – it was able to build a diplomatic relation with its neighbors by signing friendship and trade treaties, and even by bonding through marriage (cf Brown ed., 1970; Samad, 1979; Shellabear ed., 1984; Daud, 1989; and Leyden ed., 2001). Apart from that, the sultanate's opened-door policy had contributed largely to its development (Iskandar & Kaeh, 1977:170).

The sultanate reached its golden age during the reign of Sultan Mansur Shah in 1456-1477 AD (*Anno Domini*), where many foreign traders, travelers, and even missionaries came to Malacca to build closer ties (Brown ed., 1970; Samad, 1979; Shellabear ed., 1984; Daud, 1989; Thomaz, 2000; and Leyden ed., 2001). Due to the circumstances, foreign influence had slowly infiltrated into some of the local socio-cultural values. The most obvious example from this was the infiltration of Islam and its immediate acceptance; it became Malacca's official religion. The religion was influenced extensively by the Arab traders and other

newcomers, like Cantonese-Muslims, Persians, and Indians (Fatimi, 1963:62; and Thomaz, 2000).

According to Mohd Jamil Mukmin (1994), the strategic location had contributed to the sultanate's economic development as later it became an important *entrepôt* in Asia. With the accumulated wealth, Malacca was able to maintain its stability and strengthened its power by organizing stronger and well-equipped army. Its strong position in the Malay world, at that time, gave Malacca the opportunity to stretch its influence over much of Malay peninsula territories and eastern Sumatra (Mukmin, 1994:42-44).

Malacca was founded by Parameswara, a Prince of Palembang, who fled to Temasik, a territory under the Siamese control, when Palembang was in a riot (Samad, 1979; Daud, 1989; and Wang, 2005). According to Tomé Pires (1944), in his account entitled *The Suma Oriental and the Book of Francisco Rodrigues*, Parameswara had reigned Temasik for about five years after he killed Temagi, or also known as Sang Aji, the Governor of Temasik. As a consequence of his action, he was attacked and driven out by the Siamese. He, then, retreated to Muar in 1390 AD and moved to Malacca around 1399-1400 AD, where he established an empire (cf Pires, 1944; and Wang, 2005).

It was believed that the name of "Malacca" was taken from a tree called *Amalaka*, where Parameswara rested following his arrival. The Indian defined *Amalaka* as wealth, prosperity, and health; while the Arabs referred the name as *Mulaqah*, which means a place for trade (Winstedt, 1948:727).

There were contradicting views on who was the first Muslim ruler of Malacca sultanate. But, literally, Islam was introduced around the 15th century in the Malacca sultanate. It was brought in by Arab traders and missionaries, who came with them (Johns, 1981;

¹*Sejarah Melayu* is considered a masterpiece in Malay traditional historiography. It contains various stories, including the history and development of Malacca from its foundation until its downfall in the hands of the Portuguese in 15th to 16th century. The exact author and date of publication is yet to be identified. R.O. Winstedt (1948 and 1981), for example, believes it was written in Malacca during the reign of Sultan Mahmud Shah (1488-1511) and after its downfall, the writing of *Sejarah Melayu* was continued in Johor (1511-1779).

Alves, 1998; and Andaya, 2000).

According to *Sejarah Melayu*, Islam was brought into Malacca around 1414 AD not long after its establishment by its first ruler, Parameswara, who was also known as *Raja Kecil Besar*. He was believed to be the first Muslim Sultan of Malacca. He embraced Islam following his dream meeting the Prophet Muhammad SAW (*Salallahu Alaihi Wassalam* or peace be upon him), who as well taught him the *Syhadat* or the profession of faith (Samad, 1979; Daud, 1989; and Wang, 2005). Accordingly, A. Ahmad Samad (1979) explains as following here:

Setelah berapa lamanya baginda di atas kerajaan, maka baginda bermimpi pada suatu malam, berpandangan dengan keelokkan hadirat Nabi Muhammad Rasul Allah Salla'llahu 'Alaihi wa Salam. Maka sabda Rasul Allah pada Raja Kecil Besar, "Ucap olehmu: *Asyhadu alla ilaha i'l Allah wa 'asyhadu anna Muhammadar-rasul Allah*". Maka oleh Raja Kecil Besar seperti Sabda Rasul Allah Salla'llahu 'Alaihi wa Salam itu diturutnya. Maka sabda Rasul Allah kepada Raja Kecil Besar, "Adapun namamu Sultan Muhammad Syah" (Samad, 1979:68).²

Translation:

After a considerable time has passed in his reign, he dreamt one night of being approached by the Prophet Muhammad Rasul Allah Salla'llahu 'Alaihi wa Salam. Rasul Allah then said to Raja Kecil Besar, "Bear witness: *Asyhadu alla ilaha i'l Allah wa 'asyhadu anna Muhammadar-rasul Allah*". Thus, Raja Kecil Besar obliged, and Rasul Allah decreed, "Henceforth, your name shall be Sultan Muhammad Syah".

Though for some people the above statement was a myth, the author of *Sejarah Melayu* (Malay Annals) was convinced that the incident did inspire Parameswara to embrace Islam (Brown ed., 1970; Samad, 1979; Shellabear ed., 1984; Daud, 1989; and Leyden ed., 2001). There were also those who

believed that the dream was real, because it was believed that no devil nor *djinn* (genie) could impersonate the Prophet as they would burn if they tried (Lings, 1983; and Ahmedi, 2007). Thus, said people believed that it, in fact, was the real Prophet that Parameswara met in his dream. The impressive statement was simply aimed to uplift the Sultan's dignity or status from the people below him (Samad, 1979).

When Parameswara embraced Islam, he changed his name to Sultan Muhammad Syah. Most of the local people, then, gradually converted to Islam and began learning the Islamic way of life. As a result of the mass-conversion, Islam was made the Malacca sultanate's official religion. Thus, Malacca became a Malay-Muslim sultanate in the 15th century (Brown ed., 1970; Samad, 1979; Shellabear ed., 1984; Daud, 1989; Leyden ed., 2001; and Andaya & Andaya, 1983, 2000 and 2015).

However, according to Alfonso Albuquerque (1884) and Tome Pires (1944), Islam was made the official religion of Malacca when the "second ruler" named Sultan Iskandar Syah was enthroned. It was Sultan Iskandar Syah (known as *Xaquem Darxa* by Tome Pires; and *Xaquem Derxa* by Alfonso Albuquerque), who was believed to be the "first-Muslim Sultan of Malacca", not Parameswara. Alfonso Albuquerque and Tome Pires believed that Sultan Iskandar Syah converted to Islam when he married the Princess of Pasai. Pasai in North Sumatera was known to be the first Malay state that accepted Islam before Malacca; unfortunately, it did not manage to spread Islam further, due to its short rule and defeat by the Portuguese (cf Lubis, n.y.; Albuquerque, 1884; Pires, 1944; and Daud, 1989:43).

Alfonso Albuquerque (1884) and Tome Pires (1944), further, argued that even though many Muslims resided in Malacca, Parameswara himself was

²The excerpt also found in W.G. Shellabear ed. (1984) on *Sejarah Melayu*, pp.54-55, but the *Syhadat* verses were not included.

not a Muslim. For this reason, they claimed that Parameswara died before embracing Islam. Thus, Parameswara could not be the first Muslim Sultan of Malacca (Lubis, n.y.; Albuquerque, 1884; Pires, 1944; Daud, 1989:44; and Ismail, Ghazali & Rahman, 2011).

R.O. Winstedt (1948), however, believed that Parameswara did convert to Islam, but later changed his name to *Megat Iskandar Syah*, when he married the Princess of Pasai. *Megat* was a typical title given to the nobility in Pasai. He believed that the title must have been given to him after his marriage with the Princess. R.O. Winstedt (1948) also believed that Sultan Iskandar Syah was not the second Sultan of Malacca, as claimed by Alfonso Albuquerque (1884) and Tome Pires (1944), but the same person as Parameswara, who was the first Ruler of Malacca (Albuquerque, 1884; Pires, 1944; and Winstedt, 1948:727-728).

The contradicting views shown above had led to the ambiguity of which Sultan first accepted Islam. Though, it was no doubt that Islam had reached Malacca sultanate in the 15th century. In fact, it became a center of Islamic teaching for Malays from different states. This era was, then, believed to be a golden age when the newly accepted religion had largely contributed to the social and intellectual development. Such development had brought Malacca into a higher and respected level. It also marked the transition from the period of Malay-Hindu to Malay-Islamic, where almost every aspect of the social, economical, and political system was inspired by Islamic principles (Winstedt, 1953; Wake, 1983; Daud, 1989; Mukmin, 1994; and Andaya & Andaya, 1983, 2000 and 2015).

The issue of justice and injustice could be traced through the process of exercising the country's penal code by the concerned authority as means to seek justice (Rawls, 2001; Ezzat, 2009;

and Heinze, 2013). In this specific area, the writing will be focusing on some historic events that involved the Sultan, as the main character, who was responsible for legal decision-making. The following would, then, hope to conceptualize how justice and injustice intermingle with the whole situation through the analysis of Malacca historic events.

Before going further, it is worth tracing back at how the justice system was practiced, specifically by looking at the criminal penal code, during the reign of Sultan Hussain. One brilliant example was about the accused offender who was charged by the Policeman (*Temenggong*) and put under his custody. Under the Sultan Hussain's law, the accused offender would not be penalized hastily – not without evidence or a proper trial. He believed in the importance of conducting the trial in court before making any judgment or penalty. For him, this approach was one way to find out the truth through its wide investigation to prove, whether the person who was held in the Police (*Temenggong*) custody was guilty of a crime or the other way around (Adil, 1974; and Yusoff & Tate, 1992).

The final verdict or outcome from this trial would, then, be determined if justice had been attained or vice versa; although, it was normal that such verdict would first be referred to the Sultan, so he could reckon before approving any penalization to the offender. For example, if he thought the penalty was harsh or perhaps in any way does not serve justice, he still had the authority to change the court decision at the last minute as he wished it to be (Adil, 1974; Fang, 1976; and Yusoff & Tate, 1992).

It had been mentioned earlier that it was important for all Sultans or leaders of a particular country to operate justice in a rightful way. Especially when exercising penal

code, they should not allow personal feelings influence their decisions in the court of law. The process of judgment nevertheless should be impartial, even if the defendant is their kin or their enemy. Such practice would be the ideal way to attain a just ruling (Hadi, 2004).

According to R.O. Winstedt (1981), Malacca had been accepting Islamic teachings since its foundation, but only during the reign of Sultan Muzaffar Shah, 1446-1456 AD (*Anno Domini*), that it had emphasized the Islamic laws – adding the *Shari'a* law into their customary law. The Malacca Laws or *Undang-Undang Melaka* and a Tract on Customary Law or *Risalat Hukum Kanun*, which be believed were previously based on Hindu ideology had been modified and improved by following the Islamic doctrine (Fang, 1976; Winstedt, 1981; Wake, 1983; and Yusoff & Tate, 1992).

Criminal law was one example that the Malacca government attempted to deal with following the Islamic principle. For example, under the law of Shafi'i, the case of robbery which involved the death of a person would be punishable equally by death. The concept implied here is the same as “an eye for an eye”, where life should be paid with life, whereas property with the property (Fang, 1976; and Hallaq, 2009).

However, this idea depends on its occasion. For example, it was common in Malacca criminal penal code that if a person committed robbery of a large sum of property, without involving the death of his victims, he would likely have had his hands amputated. If only a small sum of the property is involved, the exemption could be considered, but he would have to pay fines. The penalty was expected to be implied using the prescribed code – no more and no less (Winstedt, 1981:102; Wake, 1983; and Yusoff & Tate, 1992).

Having said earlier, Malacca, under the influence of Islamic laws, had highlighted the importance of equality

and impartiality in conducting law regardless of gender, age, and class differences. In other words, the law would cover everyone in the society, including aristocratic families. This means, if the aristocrats had committed any crime, they should also be penalized accordingly – no exceptions should be made (Fang, 1976; Winstedt, 1981; Wake, 1983; and Yusoff & Tate, 1992).

However, R.O. Winstedt (1981) argues that despite the infiltration of Islamic law, which highlighted so-called impartiality in conducting justice, there were still traces that demonstrated the inequality in terms of implementing penalties depending on the caste system. As he quoted “*the greater the person offended the greater the offense*” (cited in Winstedt, 1981:99-100), this could be referring to highest authority in the country – the Sultan.

In a traditional Malay culture, a Sultan with an absolute authority could not be offended, and it was very uncommon to press charges against him, even if he committed any wrongdoing. Ideologically, he was exempted from being penalized since he owned the country and took full charge of it, including the people who dwelled in it. Therefore, the people were expected to be obedient and respectful to the Sultan. If a person pointed a finger at him, challenged his authority or give him false information, heavy punishment could be enforced on him/her – death penalty or mutilation (Daud, 1989:99; and Yusoff & Tate, 1992).

One example was during the reign of Sultan Mahmud, where he ordered one of his *Laksamana* (Admiral) to be castrated for making false charges that led to the execution of someone innocent, named *Bendahara* Mutahir. Another example of heavy punishment for challenging his royal commands was either scalped or had his/her tongue cut off. Thus, these examples best described what R.O. Winstedt (1981) said, “*the greater the person offended*

the greater the offense” – despite the “Islamic-tolerance” law that stressed justice, there were still something that proved otherwise (Winstedt, 1981).

It can be said that the aristocratic rule, hence, still had the power to influence or manipulate the justice system, in terms of implementing penalty, following their desire or favor. Nevertheless, it was not quite right to say that all of the rulers were entitled to such blame. For example, Sultan Alaudin Riayat Syah was known to be cautious in upholding the justice system (Winstedt, 1981:100; Wake, 1983; Daud, 1989; and Yusoff & Tate, 1992).

Following the above brief description, the next part will be touching on several cases that help to demonstrate how far the “expected notion of justice” had been maintained through the implementation of penalty by certain authority.

The Issue of Injustice. The issue of injustice in Malacca sultanate involves discussing several aspects of the sultanate, namely: the fight over the throne or *coup d’etat*; jealousy; non-attendance at a Sultan’s ceremony; and the women.

First, **Enthronization.** The issue of injustice in the usurpation of throne during the Malacca sultanate can be observed in the fight between Raja Kassim and Raja Ibrahim. Enthronization is the ceremony in which a new monarch is formally crowned as the next ruler of a particular country. It is common for some royal traditions to carry the ceremony several months after the death of the previous monarch, as it would be inappropriate to host the ceremony during mourning. The ceremony, however, is not necessarily held after the death of the previous monarch, it still can be done when the present monarch has the intention to officially retire from his reign, and has prepared his decision for the enthronement to take place (Iskandar &

Kaeh, 1977; Daud, 1989; and Yusoff & Tate, 1992; and Mitrasing, 2014).

In the Malay enthronement system, the legitimate heir to the throne is commonly given the title Crown Prince, who is the eldest son of the King or Sultan. It is, however, very important for him to come from the direct royal bloodline of the King or Sultan and his chief royal wife, known as *Raja Permaisuri*. The royal bloodline can be indicated by the term *Gahara*. This is to ensure the preservation of the same bloodline that dominates the country for centuries (Adil, 1974; Iskandar & Kaeh, 1977; Daud, 1989; and Yusoff & Tate, 1992).

However, there is a trace where the process of enthronization becomes a complicated issue in the Malacca sultanate. Thus, the issue of enthronization can be traced back in the historic usurpation of the throne between two Princes of Malacca. Hence, the following case study will be focusing on this controversy, between Raja Kasim and Raja Ibrahim (Iskandar & Kaeh, 1977; Daud, 1989; and Yusoff & Tate, 1992).

One of the rules of succession, or coronation, is that the new monarch has to be male primogeniture. This means the inheritance was exclusively for the eldest son of the King. The son, however, must be from the bloodline of the chief royal wife, known as *Raja Permaisuri*, and not from a junior royal wife which could originate from a non-aristocratic background (Daud, 1989:100; and Yusoff & Tate, 1992).

However, the issue of coronation occurred right after the death of Sultan Iskandar Syah, 1414-1424 AD (*Anno Domini*). The issue begins when the “supposedly” legitimate heir of the throne was exiled from Malacca and disgraced, rather the throne was taken by someone else who claimed to have authority over his action (Daud, 1989; and Yusoff & Tate, 1992).

The case involves Sultan Iskandar

Syah's two sons, who happened to be half-brothers; in other words, they were born with different mothers – one is *Gahara* and the other is from a noble bloodline. Raja Ibrahim was the *Gahara* son of Puteri Rokan – the Chief Royal wife, but not the eldest son of the King. But, Raja Kasim was considered as non-*Gahara*, because he was the son of Sultan Iskandar Syah with his non-*Gahara* noble wife, Tun Wati – the Junior Royal wife (Adil, 1974; Iskandar & Kaeh, 1977; Daud, 1989; and Yusoff & Tate, 1992).

Although the rule of succession favored the eldest son of Chief Royal wife or *Ratu Permaisuri* to be the heir of throne – which in this case, was Raja Ibrahim (*Gahara* son) who should be the legitimate heir, but during the reign of Sultan Iskandar Syah, with his absolute authority, he had personally changed the rule of succession, in which he had decided (before his death) to appoint his “eldest son from the secondary wife” – who was Raja Kasim, to be the next King or Sultan of Malacca rather than Raja Ibrahim, who was still a baby at the time (Iskandar & Kaeh, 1977; Daud, 1989; and Hashim, 1996).

However, after the death of Sultan Iskandar Syah in 1424, his previous decision was not realized. According to HAMKA (1994), it was the King's Chief Royal wife, Puteri Rokan, who refused to let Raja Kasim (a son from a secondary wife) succeed his father, Sultan Iskandar Syah. She believed that her son, Raja Ibrahim, was the legitimate heir and should be enthroned since he came purely from a royal bloodline or *Gahara*, even though he was not the eldest son (HAMKA, 1994).

In greed of power, Puteri Rokan and her cousin, known as Raja Rokan, planned to usurp the throne of Raja Kasim, who was at that time the legitimate heir to the throne. Her son, Raja Ibrahim, who was only five months old at that time was, then, enthroned as a new Sultan, who was

later known as Sultan Abu Syahid. Since Raja Ibrahim (Sultan Abu Syahid) was still young to carry out his duty as a ruler of Malacca, his uncle, Raja Rokan, proudly took charge of the government under the Sultan's name (Sultan Abu Syahid). Due to the above circumstances, Raja Rokan exiled Raja Kasim. Raja Kasim was stripped of royal privileges. This measure was taken by Raja Rokan to ensure Raja Kasim lost his influence in the palace, which left him with no support to take over the throne. It was believed that Raja Kasim had lived in disgrace, where he later became a fisherman to support his own living (HAMKA, 1994:721-723).

Upon hearing what had happened to Raja Kasim, some palace officials showed their sympathy and decided to offer some help to regain the throne. *Bendahara* was one of the officials, who were quite uncomfortable with the immoral act done by Raja Rokan to Raja Kasim. *Bendahara* believed that Raja Kasim was the real legitimate heir of the throne which the father, Sultan Iskandar Syah, had willed. *Bendahara* demanded justice and summoned most of his loyal followers, including his noble friend, Seri Nara Diraja, to help Raja Kasim regain his rights (Iskandar & Kaeh, 1977; Daud, 1989; and HAMKA, 1994).

Their plan was to take back the throne and eliminate Raja Rokan who took advantage from the innocent Sultan Abu Syahid, who was a five-months-old King. Raja Kasim and his loyal followers, then, attacked the palace and demanded justice. Raja Kasim did not intend to hurt his half-brother, but the uncontrollable situation had made his followers act unexpectedly. As a result, both Raja Rokan and the young Sultan, Raja Ibrahim or Abu Syahid, were accidentally killed in the attack, and that marked the end of their rule (HAMKA, 1994:723).

Raja Rokan and Sultan Abu Syahid

were killed in 1426 AD. Thus, finally, Raja Kasim recovered what was his – the throne. He was enthroned following the tragic event that had led to his half brother's death. Later, Raja Kasim was known as Sultan Muzaffar Syah or Raja Besar Muda. He ruled Malacca for twenty years (Lubis, n.y.; Andaya & Andaya, 1983; HAMKA, 1994; and Ismail, Ghazali & Rahman, 2011).

HAMKA (1994) claimed again that Sultan Muzaffar Syah had managed to keep Malacca in stable. He ruled justly and brought prosperity and harmony to Malacca during his reign. The reason for the successful reign was likely because the new king had learned from the mistakes of the previous ruler (Raja Rokan) – which include taking something from the others illegally, only to be killed in the end by the very people he oppressed (HAMKA, 1994:724).

From the above circumstances, the presence of the concept of justice and injustice can be seen. By looking at the first event, it obviously shows the character of Puteri Rokan and her cousin, Raja Rokan. Both were practising injustice act. The example of injustice in the event was projected by Puteri Rokan, who manipulated the throne at the first place. She convinced the palace officials that her son, Raja Ibrahim, was the legitimate heir to the throne since he was *Gahara* child instead of Raja Kasim, even though he was already willed by his father, Sultan Iskandar Syah, to succeed him (Iskandar & Kaeh, 1977; Daud, 1989; and HAMKA, 1994).

Due to greed and personal desire, Puteri Rokan, with the help of her cousin, Raja Rokan, usurped the throne which was meant for Raja Kasim. Here, lies the concept of injustice done in a sultanate. Besides, it was believed that if they were still in charge of the government and pursued it unjustly, undoubtedly, internal problems would have occurred.

As a result, the political revolution would take place against the unjust government and lead to its downfall. Thus, they needed to be stopped. The concept of justice, however, was projected when Raja Kasim, together with his followers, fought to regain the throne. Their attack on the palace was a symbol to end the unjust rule of Raja Rokan (Iskandar & Kaeh, 1977; Daud, 1989; and HAMKA, 1994).

Second, Envy. The issue of injustice stemming from envy can be observed in the case of *Laksamana*, or Admiral, Hang Tuah. *Laksamana* Hang Tuah was known to be courageous and undoubtedly loyal to the Sultan. His charismatic character made him well known in the palace; and for that reason, he was favored by Sultan Mansur Syah, 1456-1477, over any other officials. His duty concerned the country's maintenance of security against both internal and external threats. But, due to his unquestionable loyalty to the Sultan, *Laksamana* Hang Tuah was, then, appointed personally by the Sultan as his private bodyguard (Ahmad ed., 1968; Khoo, 1999; Maier, 1999; and Adam, 2016).

However, the Sultan's admiration of Hang Tuah would later change, when some of the (palace) officials became envious and accused Hang Tuah of having an affair with one of the Sultan's concubines. Considering this as an issue for the Sultan, who believed Hang Tuah was intimate with his concubine, he was enraged and immediately demanded Hang Tuah's execution without prior investigation to prove the legitimacy of the accusation (Adil, 1974; Ahmad ed., 1968; Khoo, 1999; Maier, 1999; and Adam, 2016).

At some point, the Sultan could logically rationalize that Hang Tuah would never have done anything treacherous to him, since he knew how loyal he was. But the Sultan was a hot-headed man, he refused to reason and instead instantly believed the rumor

and decided that Hang Tuah should be penalized. *Bendahara* Seri Nara Diraja was ordered by the Sultan to perform death penalty to Hang Tuah as a consequence (Adil, 1974; Ahmad ed., 1968; Maier, 1999; and Adam, 2016).

Fortunately, *Bendahara* Seri Nara Diraja, unlike the Sultan, did not believe the accusation was true since he knew Hang Tuah was indeed a loyal man and would never disobey or in any way show disloyalty to the Sultan. In this context, W.G. Shellabear ed. (1984), then, explained as follows:

“Belum patut dosanya Hang Tuah ini dibunuh, kerana Hang Tuah ini pada penglihatanku bukan barang-barang orang, sukar Dipertuan mendapat hamba setara Hang Tuah ini” (Shellabear ed., 1984:93).

Translation:

“Hang Tuah should not be executed. I believe he isn't like most people, it would be difficult for you to find someone like him”.

Bendahara Seri Nara Diraja also knew most of the palace officials envied Hang Tuah, when he became close to and a favorite of the Sultan. So, instead of sentencing him to death, *Bendahara* Seri Nara Diraja secretly let Hang Tuah go in hiding somewhere in the outskirts of Malacca to prevent the hasty and unjust punishment (Ahmad ed., 1968; Sutrisno, 1983:193-195; Shellabear ed., 1984; Maier, 1999; and Adam, 2016).

Upon hearing of Hang Tuah's alleged execution, his close friends were enraged but could not protest the Sultan's decision as it would only jeopardize their lives. There was, however, one man who risked his life for Hang Tuah, his loyal friend, Hang Jebat. He was enraged when he thought Hang Tuah was dead. He thought the penalty was unequal as the Sultan did not actually lead an investigation to prove the allegation. Hang Jebat demanded justice and as a

sign of protest and revenge, he attacked the palace and injured several people. This incident had frightened the Sultan, believing that his life was at great risk. He eventually fled with his wife into hiding to avoid Hang Jebat's retaliation (Ahmad ed., 1968; Sutrisno, 1983:193-195; Shellabear ed., 1984; Maier, 1999; and Adam, 2016).

Hang Jebat was known to be as good a warrior as Hang Tuah, especially when it came to their brilliant fighting skills. It was believed that no other men could fight and win against him. From this frightening moment, the Sultan then realized his fault. He expressed his regret for executing his best warrior, Hang Tuah, as he knew that Hang Tuah would do anything to protect him against any threats or danger, which in this case caused by Hang Jebat, the traitor. No one at that moment was willing to fight to the death for the Sultan (Maier, 1999; and Adam, 2016).

At least not until *Bendahara* Seri Nara Diraja confessed to the Sultan that Hang Tuah was still alive and he did not actually execute him, rather set him free. Upon hearing this great news, the Sultan was relieved and offered both *Bendahara* Seri Nara Diraja and Hang Tuah his royal pardon, if Hang Tuah agreed to serve him again and defeat the treacherous Hang Jebat (Ahmad ed., 1968; Sutrisno, 1983; Maier, 1999; and Adam, 2016).

Hang Tuah, who desperately needed the royal pardon, had agreed to the terms – to defeat his loyal friend, Hang Jebat, for the Sultan's sake. It was stated in *Sejarah Melayu* (Malay Annals), the moment Hang Jebat was stunned as he saw Hang Tuah coming to his place as he thought Hang Tuah was already dead. Hang Tuah, however, came with the distressing news that he was going to kill Hang Jebat as he had performed treason that threatened the life of a monarch. He warned Hang Jebat that the punishment for treason was death and, therefore, he deserved

to die. In the end, Hang Tuah managed to stab Hang Jebat to his death (Sutrisno, 1983; Maier, 1999; and Adam, 2016).

When analyzing this event, the first point that needed to be reflected on was the issue of implementing the sudden death penalty to Hang Tuah without investigation. But, in this case, not only the Sultan was to be blamed for practising injustice, but some of his officials too. Touching on the issue of Sultan's officials, there was corruption among them but not all were involved, for example *Bendahara*. The corrupt palace officials were to be blamed for starting a controversy in the first place by accusing Hang Tuah of treason that involved an affair with one of the Sultan's concubines. The main objective of such allegation was to destroy Hang Tuah's reputation, since most of the palace officials envied his special treatment by the Sultan. Therefore, such allegation would have caused Hang Tuah to be gone for good and only, then, they believed the Sultan would appreciate them well (Iskandar & Kaeh, 1977:142).

The Sultan, however, entwined with injustice, especially when he hastily implemented harsh penalty to the accused Hang Tuah. It was already advised by the previous Sultan of Malacca, Sultan Hussain, to all his inheritance – that it was important to further investigate a legal case, before making any judgment – to avoid injustice. The Sultan refused to do so as he let his personal feelings involved in making a legal decision – to execute Hang Tuah. In fact, he knew how loyal and obedient Hang Tuah was and most importantly he would have done anything to satisfy him. Unfortunately, his anger had managed to slip that kind of thought through his mind as he immediately ordered for Hang Tuah's execution (Ahmad ed., 1968; Adil, 1974; Maier, 1999; and Adam, 2016).

There was no justice in this kind of

penalization (Buss-Tjen, 1958; Iskandar & Kaeh, 1977; and Nor, Abdullah & Ali, 2016). Firstly, the accusation was not yet legally proved through thorough investigation. Therefore, such penalty was not legitimate unless proven true. Secondly, the Sultan had let his personal feelings influence his decision-making and, thus, manipulated the justice system – the penal code. Thirdly, he did not question the witnesses and most importantly, his concubine who was believed to have an affair with Hang Tuah to prove whether the accusation was true or simply a ridiculous rumor intended to destroy Hang Tuah's reputation. The failure of the Sultan to reason and rationalize the event had led him to unjustly conduct his duties – in terms of implementing hasty penalization to the alleged offender. Thus, it was no doubt that his action was considered injustice (Buss-Tjen, 1958; Fang, 1976; Iskandar & Kaeh, 1977; and Nor, Abdullah & Ali, 2016).

In the case of Hang Jebat, on one hand, it was understandable that what he had done to the Sultan was considered as over-reacting and treacherous; but, on the other hand, it could be argued that his action was intended solely to seek justice. Justice in this context could be referring to his protest against the unjust penalization to Hang Tuah by the Sultan (Sutrisno, 1983; Maier, 1999; and Adam, 2016). Note that in the *Al-Qur'an*, *surah* (chapter) *Ash-Shura*, verse 39, it had mentioned a specific verse that allows revenge:

And those who, when an oppressive wrong is done to them, take revenge (cited in Kathir, Ibn. (n.y.).

To some extent, it can be said that what Hang Jebat did to the Sultan was inspired by his religious belief – to take revenge to the one who oppressed his own people. Oppressed in this sense could be referring to the use of authoritative force unjustly to put down

a person's life and not to mention, without proven guilty. Thus, it was reasonable enough to argue that Hang Jebat's action was provoked by the desire to attain justice. In addition, it also became an important symbol of protest towards the unjust ruler. From here, it clearly supports the perception of which "the unjust ruler is equal to self-destruction" – injustice brought in serious internal problems that could provoke his subjects to revolt against the government (Boxill, 1980:359-360).

Even though the reaction of Hang Jebat was considered as justified, but in the Malay custom, he was considered wrong and treacherous. In the Malay custom, the people could not offend the Sultan or commit any treacherous actions towards him, even if the Sultan was guilty of a crime. Nevertheless, in this case, it is indisputable that the Sultan had practiced injustice. Not only judging from his penalty towards the innocent Hang Tuah, but by looking at how he decided to punish Hang Jebat but exempted *Bendahara* (Sutrisno, 1983; Maier, 1999; and Adam, 2016).

Hang Jebat, no doubt, had over-reacted and deserved to be punished. But, in this circumstance, *Bendahara* too had committed the offense to the Sultan. In the beginning, the *Bendahara* was ordered by the Sultan to execute Hang Tuah; but instead, he set him free and lied to the Sultan. Here, *Bendahara* had committed two offenses: firstly, secretly rejecting the Sultan's command; and secondly, lying to the Sultan, telling him that Hang Tuah was gone. Considering these offenses, *Bendahara* should be penalized by the Sultan together with Hang Jebat. However, the Sultan did not take any actions against him, instead he was determined to execute Hang Jebat alone. Here lies the issue of injustice (Sutrisno, 1983; Shellabear ed., 1984; Maier, 1999; and Adam, 2016).

Third, Non-Attendance at a Sultan's Ceremony. Apart from envy, there was

also the case of non-attendance at a Sultan's event, which led to an issue of injustice in the Malacca sultanate. As mentioned by Sultan Mansur Syah, it was very important for every ruler to be fair in conducting laws and implementing penalization. It had been advised that the ruler should extend his collaboration with his officials to further investigate the suspicious case before making any penalty to the alleged offender. This was designed to achieve a fair verdict (Adil, 1974; Iskandar & Kaeh, 1977; Daud, 1989; and Yusoff & Tate, 1992).

However, during the reign of Sultan Mahmud, such advice was not realized. Not only famous for being a womanizer, he also quite known for being unjust in exercising laws and implementing penalties to alleged offenders. According to Abdullah Haji Musa Lubis (n.y.), Sultan Mahmud was the kind of person who did not like to think much. It was very common for him to accept or believe every story he was being told without inquiring if it was true or false. He was also believed to be a pessimist – always had a negative thought or suspicion of someone. To a great extent, this kind of trait had led him to unjustly exercising the law (Lubis, n.y.:81).

One good example of the above statement was the execution of Tun Bija Diraja. The incident began on the day of *Aidil Adha's* celebration, where the Sultan usually invited all his officials to the palace. Their attendance was compulsory. If they failed to show up, they would be regarded as disrespectful and disobedient. Thus, they were punishable. In Tun Bija Diraja's case, he unintentionally failed to show up at the special occasion, due to his late arrival from Singapore. When Sultan Mahmud realized his absence, he became furious. The Sultan disliked men of excuses. He, then, regarded Tun Bija Diraja as disrespectful – "a man of no honor" or treasonous, because

disobedience to the king is considered treason. Tun Bija Diraja, following that event, humbly apologized to the Sultan as he had no intention to disappoint him. However, the Sultan who was previously offended had made a hasty decision to punish Tun Bija Diraja by imposing the death penalty. Tun Bija Diraja was executed following that day (Lubis, n.y.; Brown ed., 1970; and Shellabear ed., 1984).

Here, it shows how the Sultan had abused his power, as a decision-maker, by implementing the death penalty hastily to his official without leading further investigations. Not to mention his personal feelings that led him to decide the kind of punishment instead of rationalizing the whole situation. From this event, it is obvious that the Sultan had practised unjust decision during his reign of power (Lubis, n.y.:82).

In this case, nobody among the officials had the rights to criticize Sultan Mahmud's decision. It was possible that these men were afraid of him, since he was of the highest rank in the society; and, therefore, had control of the country's law. He could do anything and nobody dared to challenge his authority, even though Tun Bija Diraja's offense was too small to receive such a heavy punishment (Lubis, n.y.; Brown ed., 1970; and Shellabear ed., 1984).

Fourth, The Women. Women were far from excluded from the issue of injustice in Malacca sultanate. Not only was this the case in Malacca sultanate, but also in other Malay sultanates. In some countries, the issue of injustice involving women, even led to uprisings and wars. Thus, investigating their role in this issue is crucial (Reid, 1988; Hashim, 1996; Hasan, 2015; and Saraswati, 2016).

The position of women in traditional Malacca society was best illustrated in *Sejarah Melayu* (the Malay Annals). Through analyzing various historical events, it can be argued that women

were commonly projected as the less powerful members of society. In the Malay traditional society, women were exclusively dependent on men for daily support. Political rights were limited as their voices remained un-prioritized. However, not all women lacked such rights. There were some who had the power, although these women commonly belonged to the noble class background (Reid, 1988; Kheng, 1993; and Hasan, 2015).

According to Haron Daud (1989), it seems that women in the traditional Malaccan society had their own gender roles, where less aggressive tasks like cooking and childbearing became norms for women, and vice versa for men. He, further, added that women were not only seen as weak, but they were also constantly treated as property, especially by the upper-class men – the aristocrats. From his analysis, he claimed that men from the upper class often used women as “a gift” to someone, for instance, diplomats, renowned merchants, their kin, and others, who were considered important to them. Such practice was believed to be a symbol of their friendly relationship or might as well mean eco-political bonding (Daud, 1989).

Apart from that, it was also common for the aristocrats to marry more than one woman, although this was approved by the Islamic religion (men could marry at the maximum of four women), but their intentions were slightly different that was either to satisfy their desire or to symbolize their manliness, which often related to their physical strength (Daud, 1989:220). From here, it was obvious that some women at that era suffered gender discrimination that, to some extent, had led to their unequal treatment in the society, due to their weak nature (Brown ed., 1970; and Shellabear ed., 1984; and Halimi, 2008).

It can be said that the value of women at that time was unsatisfying,

especially the married ones. Once women were married, they could be divorced at any time, even if there were no apparent reasons provided by men (Daud, 1989:220). The idea here suggests that women were like property, which could be taken and discarded at any time, when it was no longer relevant. This, however, was quite common for the upper class's lifestyle, although such fate did not necessarily happen to every man and woman in the society (Reid, 1988; Daud, 1989; Kheng, 1993; and Hasan, 2015).

One example that expresses the typical mindset of women in this era was the words of Tun Teja to *Laksamana* (Admiral) Hang Tuah, as following here:

"Beta ini perempuan, dibawa menurut, ditinggal tinggal" (cited in Daud, 1989:77).

Translation:

"I am a woman, I come when asked for, and stay when left behind".

From that expression, it was clear how submissive women were at that time. Note that Tun Teja was from a noble class, but in this case, it clearly demonstrated that her social background did not give her power to refuse or defy a man of honor – the *Laksamana* or Admiral. So, literally, the point mentioned above suggests that gender inequality existed in the traditional Malacca system of government (Reid, 1988; Daud, 1989; Kheng, 1993; Akbarizan, 2012; and Hasan, 2015).

Nonetheless, this writing would only focus on the issue women faced during the specific reign of Sultan Mahmud Syah, 1488-1511 AD (*Anno Domini*). It was at this point where gender discrimination became widely evident, where women were constantly used or treated poorly as they became private property for a man of power (Lubis, n.y.; Brown ed., 1970; Shellabear ed.,

1984; and Daud, 1989).

According to HAMKA (1994), Sultan Mahmud Syah was well-known for being a womanizer. As a young man who lacked the experience of governing a country, he let his official named *Bendahara* run it for him, while he was busy with the worldly lifestyle. One of his infamous acts was his scandalous affairs with someone else's wives – these would include the officials' wives. His strong lust for women also led to the murder of his own brother under his command, due to jealousy (HAMKA, 1994:732-733).

Fifth, The Case of Tun Fatimah.

The issue of injustice that concerned the women could be seen in the case of Tun Fatimah. Tun Fatimah is the daughter of *Bendahara* Seri Maharaja Tun Mutahir. She was famous for her beauty as any man was believed to be infatuated by her. Tun Fatimah was married to Tun Ali by her father. During her wedding ceremony, Sultan Mahmud met her for the first time and fell in love with her. Instead of being happy for the newlywed, the Sultan Mahmud had expressed his disappointment towards the *Bendahara* Seri Maharaja Tun Mutahir. The Sultan was furious that the *Bendahara* did not mention that he had such a beautiful daughter in the beginning (Mukmin, 1994:70). He wished to be the first person to marry the beautiful daughter before someone else did. This situation had contributed to their bitter relationship (Shellabear ed., 1984; Daud, 1989; Musa, 2000; and Hasan, 2015).

Nina Sura Dewana, Raja Mandaliar, and Si Kitul, the enemies of *Bendahara* Seri Maharaja Tun Mutahir, used this bitter situation as an opportunity to destroy *Bendahara*. They knew the Sultan held a grudge on the *Bendahara*, due to the above circumstance. So, they bribed *Laksamana* (Admiral) Khoja Hassan to notify the Sultan Mahmud about the

rumor that *Bendahara* Seri Maharaja Tun Mutahir's attempted to usurp his throne. Sultan Mahmud was enraged with the sudden news. Without prior investigation, he ordered death penalty to be implemented to all Tun Mutahir's family members, including Tun Ali, Tun Fatimah's husband. All were executed, except Tun Fatimah whom the Sultan was still attracted to. The Sultan soon after took her as his wife (Mukmin, 1994:70).

The three men, Nina Sura Dewana, Raja Mandaliar, and Si Kitul, were soon executed by the Sultan after his new wife, Tun Fatimah, led an investigation to avenge her father's death. The investigation led to the findings that the three men were involved in bribery and conspiracy to eliminate the *Bendahara* Seri Maharaja Tun Mutahir (Mukmin, 1994; and Akbarizan, 2012).

From this event, it is obvious how the Sultan was involved in the issue of injustice. The Sultan had decided to carry out the death penalty to *Bendahara* Seri Maharaja Tun Mutahir and his family without investigating the alleged rumor on them. Not to mention, the Sultan was driven by vengeance and personal desire to eradicate the whole family, including Tun Ali, Tun Fatimah's husband; so he could have Tun Fatimah as his wife. This event had shown how the sense of humanity could be manipulated by uncontrollable lust and power (Iskandar & Kaeh, 1977:111-112; Mukmin, 1994; and Akbarizan, 2012).

Sixth, to Satisfy Personal Lust: The Case of Sultan's Affair. As noted before, women in a traditional Malacca era were commonly known to be under male subjugation, especially of those with high honor. R.O. Winstedt (1981), who studied Malay traditional cultural history, had claimed that normally in the palace, it was no surprise beautiful women from any rank were either taken as concubines or wives of the Sultan. He, however, argued that these women

would only enjoy liberty and social prestige after their "bonding" with the Sultan (Winstedt, 1981:51).

To some extent, this could be the reason why many women were willing to *give themselves* to the Sultan, or perhaps were *being forced*, because of the absolute authority of the Sultan, where all his wishes or demands must be satisfied, otherwise penalization would be inflicted to the disobedient. In the history of Malacca sultanate, under the reign of Sultan Mahmud Syah, women were constantly used as sexual property. This can be proved through some events that demonstrate the Sultan's scandalous affairs with some local women (Winstedt, 1981; and Hashim, 1996).

With the absolute power, the Sultan could take advantage of having any women with him to satisfy his lust without anyone's objections. One time, the Sultan was caught by Tun Bayazid, *Laksamana* (Admiral) Hang Tuah's son, sleeping with his wife in their own house. By being a humble subject of the Sultan, Tun Bayazid could not do anything that could harm or intimidate the Sultan, on account of fearing execution. Tun Bayazid could only divorce his wife following the scandal (HAMKA, 1994:733-734).

In this matter, it is clear that the Sultan was acting unjustly towards Tun Bayazid. If Tun Bayazid was instead sleeping with the Sultan's concubines, as his father, *Laksamana* Hang Tuah, was accused of doing, he would have been executed. Here, the injustice is without a doubt (Ahmad ed., 1968; HAMKA, 1994; Khoo, 1999; Maier, 1999; and Adam, 2016).

Tun Dewi was also one of the Sultan's mistresses. The Sultan usually set his own rules, when it comes to his affair with women. One of them was that the woman, usually referring to his mistress, could never be disturbed, spoiled or even seduced by other male counterparts. Having

said that, the woman was solely meant for him and he alone should own her. But unfortunately, in Tun Dewi's case, the Sultan's rule was violated. Tun Dewi was caught having an affair with another guy named Tun Ali (Shellabear ed., 1984; Daud, 1989; and HAMKA, 1994).

Not long after, the news reached the Sultan. As a result, Tun Ali was ordered by the Sultan to be executed. The Sultan considered Tun Ali's affair as a challenge towards his authority (HAMKA, 1994:734). The issue here is the unequal judgment. The Sultan considered the man who was believed to have an affair with his mistress as a wrongdoer and deserved to be punished; but when it comes to him, the exemption was given. The Sultan's law or code of conduct in this situation was unequal (Shellabear ed., 1984; Daud, 1989; and HAMKA, 1994).

The above points have demonstrated how Sultan Mahmud Syah had abused his power. He used it to subjugate women in order to satisfy the personal desire and created an unequal law that exempted him from being punished (HAMKA, 1994). Moreover, the events discussed above had clearly shown that what the Sultan had done to those women was not only considered as displeasing, but unfair. It shows the issue of gender inequality since the Sultan had indirectly inflicted the nature of women as inferior – that was easily being manipulated and prone to be a sexual property.

Raja Zainal was the Sultan's brother, who was believed to have a good looking and charming appearance that made him famous among women in Malacca. It was reported that when Raja Zainal rode his horse at night, many women would open their window from their houses, just to sneak a look at his beautiful face. Because of his impressive character, Raja Zainal always received gifts from his admirers in the form of perfumes, flowers, and

as such. His brother, however, resented him since he believed Raja Zainal had stolen his popularity, especially among women (Lubis, n.y.:111-112; and HAMKA, 1994).

After observing Raja Zainal for a while, the Sultan became more envious and furious. He thought that if his brother was still around, his reign could weaken, since most people at that time favored his brother than the Sultan himself. To restore his fame as well as securing the throne, Sultan Mahmud Syah secretly ordered one of his officials, named Hang Berkat, to murder Raja Zainal. In return, Hang Berkat would receive special treatment and would be considered as the Sultan's "new brother". Thus, Raja Zainal was murdered the following night during his sleep (Lubis, n.y.:113-114; and HAMKA, 1994).

So, the story of Raja Zainal's murder had proven that "women" was the prime factor that encouraged it to happen. From this event, it also proved that Sultan Mahmud Syah had unjustly murdered his own brother without rational explanation other than his jealousy towards him on the issue of women. Thus, showing how women became a gender issue at that time, where the concept of injustice was often demonstrated. But, of course, it cannot be assumed that all women were oppressed and treated unjustly by the Sultan. For example, his wives were given liberty, social prestige, and also rights to voice out their personal opinion. But, such privileges would only be given to them after their official marriage, and uncommonly given to the mistresses or concubines (Winstedt, 1981; Yusoff & Tate, 1992; and Leyden ed., 2001).

Sultan Mahmud Syah, who was easily attracted to and desiring beautiful women, was clearly depicted in history, when he insisted to marry Puteri Gunung Ledang, a princess of the elves (*bunian*) of Gunung Ledang.

The author of *Sejarah Melayu* (Malay Annals) illustrated a subtle criticism of Sultan Mahmud's boundless sexual desire, not only towards a human being, but also elves and genies. There was attempt to fulfil his plea to marry Puteri Gunung Ledang by accomplishing her ludicrous requests, including building a golden bridge, collecting virgin's tears, and mosquito's heart. The Sultan's desire was only stunted when the princess was asking for a bowl of Raja Ahmad's blood in order to complete the requests for the Sultan to be qualified to marry the princess (Samad, 1979; Yusoff & Tate, 1992; Maier, 1999; and Leyden ed., 2001).

The Issue of Justice. Throughout this writing, it has been focused mostly on the insight of injustice among rulers. The mentioned names throughout the writing, especially the ones that have been used as a case study to demonstrate injustice in a sense, did not necessarily mean they were being malevolent or immoral throughout their time in power. But, it was by judging (through various reading) by the numbers of their so-called negative performances during their domination, the *trait scale*, therefore would show the same result – negativity (Daud, 1989; Yusoff & Tate, 1992; Halimi, 2008; and Andaya & Andaya, 2015).

Unlike the rulers, who only committed one or two mistakes but contributed largely to the country and its people, they could not be labeled as inefficient per se, as it was a common principle for human beings to make mistakes except, such mistakes had affected many lives or perhaps resulted in the downfall of a government in a way; thus, opening a possibility for them to be treated the same way as “the labeled” inefficient rulers, as mentioned earlier in the paragraph.

However, not all Sultans within the history of Malay sultanate, who were portraying injustice during their reigns. There are some with notable criteria

of being just, which among them are: (1) Sultan Muzaffar Syah; (2) Sultan Mansur Syah; and (3) Sultan Alaudin Riayat Syah.

First, Sultan Muzaffar Syah, 1446-1456. Besides the above example, Sultan Muzaffar Syah, 1446-1456 AD (*Anno Domini*), was another Sultan that could be considered a just ruler. Malacca during his time in power was believed to be stable – politically, economically, and socially. Perhaps this was due to its relationship with China, which at that time was in a powerful condition and was willing to offer protection in regards to safeguard their trading activities. Such privileges had enabled him to spread his sphere of influence from Malay peninsula to some parts of Sumatera island (Lubis, n.y.; Marrison, 1949; Yusoff & Tate, 1992; and Mukmin, 1994:48-49).

The occupied lands were believed to be Islamized under his command. He had encouraged his people to further study about Islamic religion in Mecca; and welcomed foreign scholars to preach and teach the Islamic principles and any other related knowledge. He was also responsible for modifying the Malacca Custom Law, which he then added the newly accepted law that was based on Islamic principle. The legal code was one example that Malacca had adapted, so justice could be attained accordingly (Lubis, n.y.; Winstedt, 1953; Buss-Tjen, 1958; Fang, 1976; Wake, 1983; Shellabear ed., 1984; and Mukmin, 1994).

Having that change, Sultan Muzaffar Syah wished to implement a better administration system that could maintain the country's stability, prosperity, harmony, and security. The transformation did actually successfully hold his administration firmly as the sense of equality, integrity, and humanity were emphasized throughout his reign. His reign was glorified in *Sejarah Melayu*, or Malay Annals, that states as follow:

Syahdan, adalah Sultan Muzaffar Syah di atas kerajaan terlalu baik fiel baginda, dengan adil dan murah dan saksama pada memeriksa segala rakyat, dan ialah menyuruh membuat undang-undang supaya jangan bersalahan adat segala hukum menterinya (cited in Shellabear ed., 1984:65-66).

Translation:

Truly, Sultan Muzaffar Syah ruled his kingdom fairly and was thorough in the matters of his citizens, and he made sure the laws of his ministers did not go against custom.

From the above excerpt, it is clear how the local people viewed the Sultan's character during his reign in Malacca sultanate, as being a charismatic sovereign who was concerned mainly with the stability, prosperity, and harmony of his country (Lubis, n.y.; Winstedt, 1953; Buss-Tjen, 1958; Fang, 1976; Andaya & Andaya, 1983; Wake, 1983; Shellabear ed., 1984; and Mukmin, 1994).

Second, the Irony of Sultan Mansur Syah, 1459-1477. To relate the above statement, this writing would use Sultan Mansur Syah as a subject to understand the meaning of such statement. Sultan Mansur Syah, despite his injustice acts – through the case of implementing death penalty to *Laksamana* (Admiral) Hang Tuah and his dislikable treatment towards women, he was also viewed as a charismatic sovereign, instead of an inefficient. At some point, it was quite ironic when Mohd Jamil Mukmin (1994), in his book entitled *Melaka: Pusat Penyebaran Islam di Nusantara* or *Melaka: A Center of Islamic Preaching in Malay Archipelago*, stated that Sultan Mansur Syah was viewed as a charismatic ruler during his reign, as he was believed to be responsible for the wide spread of Islamic teachings in Malacca, and implementing Islamic style of the justice system (Mukmin, 1994).

Ironic as it seems, Sultan Mansur Syah also gave advice to his son, Sultan

Alauddin Riayat Syah, to be a better practitioner of Islam and its principles, and that would include governing with justice:

“Ketahui olehmu, hai anakku, bahawa yang dunia ini tiada akan kekal [...]. Jikalau kesukaran baginya, hendaklah engkau tolong, jikalau teraniaya ia hendaklah engkau periksa baik-baik, supaya di akhirat tiada diberatkan Allah ke atas lehermu” (cited in HAMKA, 1994:731).

Translation:

“Let it be known to you, my son, in this world nothing is permanent [...]. If he finds hardship, help him, if he is persecuted, investigate thoroughly, so that in the hereafter Allah does not put burden upon your neck”.

Although what has been stated above contradicts the Sultan previous actions, especially in the *Laksamana* (Admiral) Hang Tuah's execution case, it gives the right kind of passage or perhaps an aspiration to his son to be a better ruler than he was. Besides, such advice proves that Sultan Mansur Syah did have the heart to become a compliant Muslim-ruler, but like any other typical human being, it was a matter of personal desire that he could not resist that eventually influenced him to perform some dislikable actions (Samad, 1979; Sutrisno, 1983; Yusoff & Tate, 1992; Maier, 1999; Leyden ed., 2001; Hooker, 2003; and Adam, 2016).

Third, Sultan Alauddin Riayat Syah, 1477-1488. According to HAMKA (1994), Malacca's state of affairs during the reign of Sultan Alauddin Riayat Syah was much improved. As he adapted his father, Sultan Mansur Syah's advice – to rule justly, compassionately, and to promote integration and solidarity to the people – Sultan Alauddin Riayat Syah was able to create a better condition for the Malaccan society, where peace and security were guaranteed, especially right after he reinforced the Islamic criminal penal

code (cf Lubis, n.y.; HAMKA, 1994; Leyden ed., 2001; Halimi, 2008; and Hamid ed., 2015).

Under this code, bandits or robbers who steal from someone by threatening or committing violence would be liable to the death penalty. Whereas, thieves who only steal properties without intending to commit harm to someone, would be treated under *Hudud Law* – amputation of either one or both hands (Fang, 1976; Wake, 1983; HAMKA, 1994:731; and Yusof, 2014).

There was a controversial issue that claims that there were times Sultan Alaudin Riayat Syah would impose the death penalty to both the robbers, thieves who tend to threaten or harm the victim; and the common thieves, who tend to steal properties without threatening the victim. In religious perspective, this action was not in accordance with the Islamic penal code. The death penalty did not apply to the common thieves, in which their punishment usually involved the amputation of hands and not otherwise. Unless the investigation had found that the common thieves were as guilty of the robbery, only then were they liable to the death penalty (Lubis, n.y.; Fang, 1976; Wake, 1983; HAMKA, 1994; Leyden ed., 2001; and Halimi, 2008).

In any way, if someone had accidentally dropped their belongings on the street, the witness of that incident should have the responsibility to report and return the belongings to the Police Station or *Balai Temenggong*. If the witness failed to do so, he or she could be subjected to paying fines, or worse, if he stole it, possibly liable to heavy punishment. With such strict criminal penal code, it was believed that any immoral and criminal activities in Malacca at that period were almost inactive as people were scared of the severe punishment (Lubis, n.y.; Fang, 1976; HAMKA, 1994; and Leyden ed., 2001).

When it comes to the accused

offender's case, he or she would be put under special investigation until the accusation was proven. The Sultan had strictly imposed a new law, where every government official of Malacca was not allowed to perform any heavy penalization, like death sentences to the offenders without his permission. This was mainly to make sure that the official's personal reasons or feelings were not influencing them from making any unjust penalties to the person. Besides, by taking the case, it would give the Sultan much time to investigate it, in order to get a better judgment (Lubis, n.y.; Fang, 1976; Yusoff & Tate, 1992; HAMKA, 1994; Leyden ed., 2001; and Halimi, 2008).

From here, it can be concluded that in Malacca sultanate, 1400-1511 AD (*Anno Domini*), not all rulers had done terrible things where in this context could be related to things that involved injustice (Andaya & Andaya, 1983; Yusoff & Tate, 1992; and Halimi, 2008). As human beings, the Sultans were also liable to make mistakes, whether those mistakes were made consciously or unconsciously. It was a matter of perspective to regard these rulers or Sultans as a charismatic kind or vice versa through the provided evidence or written statement.

CONCLUSION

Studying the issue of justice and injustice among the rulers of the sultanate of Malacca is somewhat important in order to measure the government's stability and efficiency. This study believes that a well-maintained justice system plays an essential role in keeping the country's administration safe and stable. In addition, this study could help the readers to reflect the different traits and characters of the governing authorities in carrying out justice.

There are quite many research on the sultanate, but only a few has touched on the issue of justice and

injustice, especially among the rulers and nobilities. This issue is rather a taboo. The reason is, perhaps it could bring forth some dissatisfactory or dislikable perceptions towards the governing authorities and how they handled the government. Due to such circumstance, the study on this issue is commonly overlooked to avoid any controversial thoughts that could offend the royalties, or in any way spoil the sultanate's glorified and remarkable history.

This study, nevertheless, examines how far the rulers maintained justice during their administrations under the Islamic guidance considering at that time, the concept of Sultan was closely associated with the notion of *the shadow of God* – where the Sultan was believed to have the divine rights and ordained by God to govern his people accordingly. In addition, the Malay Sultan was also considered the same level as the Prophet of Islam.

Hence, with such claim, this study attempts to trace if there was a possibility that any of the so-called “divine rulers” could abuse their status and power for personal favors. Thus, several issues of justice and injustice have been examined and discussed through the outlined case studies to scale how far justice had been maintained. Based on the analysis, it appears that not all rulers mentioned above had practiced injustice during their time in power. There were some rulers that had taken a serious responsibility on practising and maintaining justice in their administration, such as Sultan Muzaffar Syah (1446-1456) and Sultan Alaudin Riayat Syah (1477-1488).

“How far did the authorities maintain justice in their administration?”. The direct answer is quite complex as there are many different interpretations and perceptions that could be raised through certain events. According to the research findings in this context,

however, sided that there are a number of case studies that demonstrate unjust ruling among the rulers mentioned above than justice. As a repercussion of these injustice actions, the gateway to political instability in most cases has opened wide during their administration leading towards revolution.

In a sense, it can be argued that injustice acts could lead the ruler and his governing bodies to chaos, especially when the oppressed people began to protest against their ruling. As a consequence, it would not be a surprise for the government to face its downfall, since it had lost the mass support. People's support, to a great extent, plays an important role in order for the government to be well-maintained – efficient and effective. For that matter, it is a great deal for rulers to take “justice” seriously, in order to secure their administration and for the people's wellbeing.³

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³**Statement:** Herewith, we have declared that this paper is our original work; so, it is not product of plagiarism and not yet to be reviewed as well as published by other scholarly journals.

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