Index

Aaronovitch, D. 410
Abady, M. 436
Abbas, A. 14, 18, 29, 32, 43, 46
Abdal-Haqq, I. 407
Abdalla, M. 42
Abdul Rahman, N. 28–9
Abdullah, A. 224, 231–2
Abdullah, N. 235, 238
Abiad, N. 147
ablution (tayammum) (dry ritual ablution) 303
see also health issues
abortion 282–5
and ensoulment 283
see also contraception use; genetic engineering and ethics; women
Aboulgar, M. 281
Accounting and Auditing Organization for Islamic Finance Institutions (AAOIFI) 173, 175, 176
see also banking practices, Bangladesh
ad-Diyyah (compensation), and restorative justice 257, 263, 266, 267
Adhar, R. 75
Admad, H. 147
adoption (kafala)
colonial legacies and family laws, Singapore 29–30
prohibition of formal 279
see also children
adoption (kafala) application in the West 48–76
change, adaptation and recognition 70–74
Convention on the Rights of the Child (CROC) see Convention on the Rights of the Child (CROC)
equality of access to orphans for care 76
fraudulent activity and trafficking concerns 75–6
future solutions 74–6
Hague Convention on Intercountry Adoption 52, 66, 68–9
inheritance issues 58, 60, 61, 74, 76 and international law 68–9
Islamic countries 55–67
Islamic countries, post-colonial pragmatists and international migration 60–64, 76
Islamic countries, strict compliance 56–9
kafala definition 49–51
migration and permanence 72–4
naming considerations 74
open and ethical adoption 70, 74, 75
permanency issues 50–51
permitting adoption via a purposive approach and influence of urf (custom) 64–6, 76
Western constructs 51–5
Western constructs, Australia 51–2, 71
Western constructs, Canada 54–5
Western constructs, France 53–4
ADR see alternative dispute resolution (ADR) and family law
adultery (zina) 274, 275, 281
see also genetic engineering and ethics
Afary, J. 416–17
Afghanistan
Bamiyan Buddhas 342, see also Islamic art
kafala (adoption) interpretation 57–8, 59

Nadirsyah Hosen - 9781781003060
Downloaded from Elgar Online at 07/28/2019 03:01:23PM via free access
454 Research handbook on Islamic law and society

African Charter on the Rights and Welfare of the Child 78, 79
Afzam, M. 267
Aghababaei, E. 181
Aghānān Miniatures 337–8
see also Islamic art
Ahmad, F. 163
Ahmed, F. 137
Ahmed, H. 168
Ahmed, M. 167, 174, 175
Ahmed, N. 149, 150, 151
Ahmed, W. 151
Ahmetasevic, N. 414
AIDS 302
see also health issues
Aisha, N. 16
Akub, A. 361
al-‘Afw (pardon), Malaysia 256
Al-‘Alim, A. 86, 88
Al-Alwani, T. 334, 335, 336, 345
Al-Attas, S. 260
Al-Bassam, I. 378
Al-din, A. 181
Al-Fārūqī, I. 334, 338, 343, 344
Al Faruqi, I. and L. 244
Al-Jawziyya, I. 246
Al-Julaydi, S. 84, 88
Al-Khalifa, H. 385
Al-Qaradawi, Y. 241, 296, 298
Al-Ramahi, A. 121
Al Sabiq, S. 191
Al-Sagoff, S. 255, 256
Al-Sheha, A. 372, 386
Al Tamimi, J. 387
Al-‘Umari, N. 299
Al-Zahiriy, A. 108
Al-Zuhaily, W. 84, 91, 108, 116
Albanese, J. 208
Albertini, T. 342
Alexander, N. 201
Ali, A. 252
Ali, M. 8, 428–51
Ali, S. 242
Alibasić, A. 419, 422, 423, 425, 426
Alic, A. 382
Allam, H. 248
Allen, R. 436
Almihdar, Z. 275, 276, 280, 285, 286
Alsharif, A. 385
Alsubaie, M. 6, 201–16
alternative dispute resolution (ADR)
and family law 120–38
classical Islamic thought and theory
120–23
personal autonomy 137
private arrangement concerns 137–8
alternative dispute resolution (ADR)
and family law, Singapore
128–36
Administration of Muslim Law Act
(AMLA) 129–30, 131, 132–3,
134, 135
Arbitration Act 134
fatawa opinions 129
Majlis Ugama Islam Singapura
(MUIS) 129, 130, 133, 135
minorities and special position of
Malays 128–9
Shari’ah Court 130–36
sulh-based practice 134–5
alternative dispute resolution (ADR)
and family law, UK 123–8
Arbitration Act 123–4, 127
community-based Shari’ah courts
126–8
mediation and Shari’ah Law 124–8
Altorki, S. 378
Aman, A. 247
‘American Quran’ (Birk) 348
Amin, S. 188
Amir, D. 430, 439
An-Na‘im, A. 80, 81, 219
Anderson, J. 275
aniconism (geometry and linear
patterns) 337, 343–5
see also Islamic art
Antúnez, J. 408, 415
Anwar, R. 436
apostasy see blasphemy and apostasy
Araeen, R. 344
Arafa, M. 210
Ardic, N. 70
Aron, N. 75
Arouri, M. 211
art see Islamic art
Arthur, J. 168
Aščerić-Todd, I. 407
Atighetchi, D. 275, 279, 280, 282
Atjeh, A. 430
Auda, J. 184
Australia
Australian Competition and Consumer Commission v Turi Foods 313
colonial legacies and family laws see colonial legacies and family laws, Australia
Concord MD v Coles 190
corporate crime 215
food regulation see food regulation and religion, Australia
H v H 21
kafala (adoption) application 51–2, 71
kafala (adoption) and migration 72–4
Mabo v Queensland 16
Mohamed v Mohamed 44–5
Mohammed Salah & Gastana 40
Olton & Harper 22
R v Wattle Gilly Gold Mines 213
Tahiri 73–4, 75
Wold v Kleppier 21, 23
Yanner v Eaton 180, 181
Ayman, S. 64
Ayub, M. 170
Azhari, R. 257–8
Aziz, N. 258
Babić, M. 426
Babuna, A. 410, 411
Badawi, B. and G. 154
Badawi, J. 243, 245
Baer, E. 340
Bahçeçik, Ş. 249
Baiz, K. 165
Baldwin, F. 204
Bamiyan Buddhas 342
see also Islamic art
Bangladesh
Ain O Salish Kendra (ASK) v Government of Bangladesh 152
banking practices see banking practices, Bangladesh
corporate social responsibility and workplace see corporate social responsibility and workplace casualties, Bangladesh
Islamic Investment Company of the Gulf (Bahamas) Ltd. v Symphony Gems 168
banking practices 159–77
business in Islam 160–62
economic development focus 161–2
interest-based transactions, prohibition of 161, 162
ownership-oriented selling 162
profit-loss sharing (PLS) strategies 162, 164–73
banking practices, Bangladesh 163–73
Accounting and Auditing
Organization for Islamic Finance Institutions (AAOIFI) standards 173, 175, 176
Banking Companies Act and Shari’ah principles 163
debt-based sale-lease transactions (DST) 164–73
equity based profit-and-loss-sharing (PLS) 164–73
failure of delivery and burden of proof 168–9
financing modes 164–5
implementing mechanism 173–6
interest rate utilisation 166, 167, 170–72
mark-up practice 166–7, 169–72
Musharakah and Mudarabah (partnerships or joint ventures) 164–5
price determination 169–70
risk-taking issues 167–9
Shari’ah Councils (SCS) 174–5
Shari’ah Supervisory Board (SSB) 173–6
Bano, S. 125
Bargach, J. 49, 56
Barkow, A. and R. 209, 216
Barratt, A. 78
Bartels, E. 420, 423
Barton, G. 359
Becker, J. 352, 356
Begum, A. 5, 159–77
Benjamin, H. 312
Bennett, C. 425
Bentham, J. 182
Berg, B. 363–4
Berkovic, N. 45
Berry, S. 221
Bhatia, A. 155
Bhuian, S. 205
Birk, S., ‘American Quran’ 348
Birnbaum, M. 419
Bisri, C. 367
Black, A. 4, 13–47, 52, 75, 122, 280, 285, 286, 289, 417, 420
blasphemy and apostasy 217–49
blasphemy and apostasy, future directions 243–9
education about role of human agency 244–5
international initiative to combat Islamophobia and promotion of hate 246–9
Organization of Islamic Cooperation (OIC) and free speech issues 248–9
blasphemy and apostasy, in Islamic tradition 224–7, 235–8, 242
dead penalty support 227–9, 230, 232, 236–7
divine law as product of human juristic agency 244–5
interpretation differences 230–33, 235–9, 242, 243
rulings of pre-modern thinkers (taqlid) and undiluted imitation 240, 242, 243, 245–6
blasphemy and apostasy, Malaysian apostasy laws 233–5, 238–42
apostasy differentiation issues 239–40, 242
dead penalty 234, 238, 240–41
Hudud Bill and apostasy definition 233–5, 238, 239, 241–2
and treason 240–41, 242
blasphemy and apostasy, Pakistan blasphemy laws 219–24
dead penalty moratorium 223–4
expansion of blasphemy laws and political motives 221–3
Human Rights Commission of Pakistan 223
Indian Penal Code effects 220–21
opponents as victims 223–4
Blumi, I. 407
Boone, J. 248
Bosnia and Herzegovina and progressive Islam 405–27
Fatwa Council 414
Hanafi School of jurisprudence 407, 413
history of Balkan Islam 406–10
history of Balkan Islam, communism effects 408–9
history of Balkan Islam, institutionalisation of religious education for Islamic minorities, effects of 409–10
intra-religious relations 412–16
rationality and practicality focus 413–14, 415–16
religious public holidays and ceremonies 424–5
Salafism 410–12, 414–16, 417
Saudi financial aid 411
secular state and religious diversity 422–6
Sufism 406–7
vandalism of religious sites 425
Bosnia and Herzegovina and progressive Islam, women and Islam 416–22
domestic violence programs and women’s shelters 421
higher education 421
marriage 419–21
and niqab 417–19, 420
religious education 421–2
Bouchard, G. 321–2
Bougarel, X. 423
Bourdieu, P. 321
Bowen, D. 282
Bowen, J. 127
Brady, M. 287, 288
Braidotti, R. 309
Index 457

Braine, M. 202
Brenner, A. 323–4
Brockopp, J. 282
Brooke, C. 322–3
Brown, C. 430
Bryan, M. 196
Bucy, P. 204
Bull, P. 430
Burchhardt, T. 332
Burgess, R. 8, 405–27
Burman, S. 78
Bustān (Fruit Orchard) (Sa’di) 338
see also Islamic art
Butt, P. 185, 188
Caeiro, A. 41
Cairo Declaration of Human Rights in Islam 156
Calamur, K. 217
Calder, N. 292
Calderini, S. 414
calligraphic styles 345–6
see also Islamic art, Qur’anic verse
Campbell, K. 382
Canada
Kaddoura v Hammoud 44
kafala (adoption) application 54–5
‘limping’ marriages 28
Marcovitz v Bruker 44
minority cultural practices,
accommodation of 321–2
Carey, G. 377
Carroll, L. 61
Cavia, B. 311
censorship, Islamic art 341, 347–8
Cerić, M. 413–14, 415–16, 427
Chan, S. 13, 15, 30
Chan, W. 18
Chapra, M. 147, 161
children
child marriage 22, 285–6
childcare centres 396–8
Convention on the Rights of the Child (CROC) see Convention on the Rights of the Child (CROC)
and guardianship see Libya, ‘best interests of the child’ concept
and guardianship
trafficking 75–6
World Declaration on the Survival, Protection and Development of Children 77–8
see also adoption; guardianship; women
Chowdhury, A. 160, 163, 174
Chowdhury, S. 150
Chowdhury, Z. 150
Clemons, R. 314
Coelho, P. 146
cohabitation 24
see also marriage
colonial legacies and family laws 13–47
common legal heritage 13–14
community acceptance versus community concerns 32–4
consistency versus diversity 39–42
courts working together versus separately 42–5
divorce 25–30
historical context 15–18
homogeneity versus heterogeneity 35
indigenous peoples versus immigrants 31
khuluk/khula (no-fault) divorce 25, 27, 28, 38–9
mahr (dowry) provisions 19, 27, 44
mandatory versus voluntary jurisdiction 36–9
marriage 19–25
unofficial versus professional 45–6
colonial legacies and family laws,
Australia
cohabitation 24
divorce and Family Law Act 25–7, 37–8, 44–5
fatwas, sources of 41–2
‘forced’ or ‘servile’ marriages 23
‘limping’ marriages 27–8, 38
Marriage Act 21–2

Nadirsyah Hosen - 9781781003060
Downloaded from Elgar Online at 07/28/2019 03:01:23PM via free access
Muslim Community Reference Group (MCRG) 37
Muslim ethnicities 355
‘one law for all’ 14, 24, 33–4, 35, 36
opt-in system concerns 37–8
same-sex marriage 24
Shari’ah adherence, voluntary 17
Shari’ah law experts 40
talak/talaq (pronouncement) divorce 23–4, 25, 26
terra nullus concept 16
underage and polygamous marriages 22
colonial legacies and family laws, Singapore
Administration of Muslim Law Act (AMLA) 17–18, 19–20, 24–5, 28–9, 32, 37, 39–40, 43
adoption 29–30
cohabitation 24
divorce 28–9, 38
divorce and maintenance and custody issues 29–30, 43
gross indecency acts and homosexuality 24
khuluk/khula (no-fault) divorce 38–9
legal aid 46
legal dualism and Shari’ah Court system 14, 15–16, 17–18, 31–2, 34, 36–7, 39
Majlis Ugama Islam Singapura (MUIS) 18, 32, 35, 36, 39–40
Majlis Ugama Islam Singapura (MUIS), fatwas 40, 41
Muslim Advisory Board 18
polygamous marriages 20
registration system (ROMM) for Muslim births, conversions and marriages 20, 24, 36
Registry of Muslim Marriages (ROMM) 20–21
Shari’ah Court’s lack of powers of enforcement 42–3
talak/talaq (pronouncement) divorce 28
transparency and appellate review 45–6
wali position in marriage 20, 24
Women’s Charter 18, 19, 24, 31
colonialism, sermon (khutbahs) and edict (fatwas), Indonesia and Malaya 428–51
contextual dimension 438–42
continuity and change, evidence of 440–42
fatwa sources 433–5
Friday sermon, functions of 436–8, 439–40
lack of legal enforcement 437–8
languages used 432–3
local traditions, attitudes towards 441
Muslim diversity and local norms, attitudes towards 442–5
other religions, attitudes towards 445–50
performative aspect of sermon 430, 436
political aspect 438
preacher’s communication skills 439–40
and preacher’s education and performance 430
preacher’s individual interpretation 436
preacher’s sources 431–2
and religious space 429–38
sermons published for wider circulation 435–6
unbelievers (kafir) types 446–8
see also fatwas
communication languages used 432–3
preacher’s communication skills 439–40
sermons published for wider circulation 435–6
see also colonialism, sermon (khutbahs) and edict (fatwas), Indonesia and Malaya; interpretation
community as stakeholder, and restorative justice 254–6

458  Research handbook on Islamic law and society
compensation *(ad-Diyyah)*, and
restorative justice 257, 263, 266, 267
consumer requirements and demands, and
food regulation 319–20
contraception use 284, 305–6
sterilisation for birth control 302–3
see also abortion; genetic
engineering and ethics; health
issues; women
Convention on the Elimination of All
Forms of Discrimination against
Women (CEDAW)
educational rights for women 371–2, 375, 377, 386, 388, 391, 393, 399, 400
genetic engineering and ethics
274–5, 276, 286
Convention on the Rights of the Child
(CROC) 58, 66, 69, 276, 398–9
Libya, and ‘best interests of the
child’ concept 77, 78, 79, 82–3, 87, 101–2
Conyon, M. 146
Corbett, M. 7–8, 331–49
cornea transplant 303–4
see also health issues
corporate criminal liability, Saudi
Arabia 201–16
companies responsible for criminal
act by employee 206–7
corporate crime and lack of
transparency 205–9
crime rate 207–8
criticisms 209–13
economic liberalisation effects 203–4
Gulf Cooperation Council (GCC)
202, 213
individual liability 212
judicial proceedings’ delays 214
outdatedness 212
penalties 206–7, 208–9, 212, 215
sanctions, ineffective 213
Tamimi Global Company Ltd
(TAFGA) 208
trust, lack of 212
corporate social responsibility and
workplace casualties, Bangladesh
141–58
Cairo Declaration of Human Rights
in Islam 156
corporate social responsibility
definition 146–7
corporation, legal definition 145–6
employment levels and exploitation
141–2
Generalised System of Preferences
(GSP) program suspension 151
hierarchies in corporate
management 153–4, 155
International Covenant on
Economic, Social and Cultural
Rights 156
legal system 143–4
occupational health and safety
148–57
Rana Plaza collapse 142, 149, 150, 155
right to life as fundamental right
152–3, 156
Shari’ah law, rights and obligations
143–5, 147–8, 151–6
stakeholder theory of the
corporation 146, 152
Tazreen Fashions 142, 149–50, 155
Universal Declaration of Human
Rights (UDHR) 157
see also employment levels
Coulson, N. 58
Cox, H. 325
criminal justice system research,
Malaysia 251–2
criminal liability, corporate see
corporate criminal liability, Saudi
Arabia
Criminal Procedure Code, Malaysia
266–8
cryopreservation of embryos 282
see also genetic engineering and
ethics
custody issues and divorce 29–30, 43
see also divorce

Index

Nadirsyah Hosen - 9781781003060
Downloaded from Elgar Online at 07/28/2019 03:01:23PM
via free access
Dajlerup, D. 418
Daniels, T. 355
Davies, M. 309, 325–6
Davis, J. 145
death penalty 234, 238, 240–41
moratorium 223–4
support 227–9, 230, 232, 236–7
debt-based sale-lease transactions
(DST) 164–73

see also banking practices,
Bangladesh

Dhofier, Z. 356
Dickens, B. 282
Diskant, E. 204
diversity, Muslim diversity and local
norms, attitudes towards,
Indonesia and Malaya 442–5
divorce
colonial legacies and family laws
25–30, 38
and Family Law Act, Australia
25–7, 37–8, 44–5
khuluk/khula (no-fault) divorce 25,
27, 28, 38–9
maintenance and custody issues
29–30, 43
parental separation issues 104–5
polygyny, divorce and gender
inequality 20, 22, 279–80, 281
talak/talaq (pronouncement) divorce
23–4, 25, 26, 28

see also marriage

Doi, A. 252
domestic violence 268, 421

see also women

Donaldson, T. 146
Donboli, J. 145, 211
Donohue, J. 169
Doumato, A. 382
dowry (mahr) provisions 19, 27, 44
Drenik, S. 371
driving rights, women’s 277–8, 395–6
Duderija, A. 411, 412, 417, 418, 419
Dunn, N. 274, 283

Eadie, K. 4–5, 48–76
Eagleton, T. 308

Eck, D. 445–6
economic development focus, banking
practices 161–2
economic liberalisation effects,
corporate criminal liability, Saudi
Arabia 203–4
edicts see fatwas
education
higher 383–4, 385, 421
human agency role, and blasphemy
and apostasy 244–5
preacher’s education and
performance, Indonesia and
Malaya 430
religious 409–10, 421–2
educational rights for women in Saudi
Arabia 371–402
Basic Law of Governance and
human rights 372–6
Basic Law of Governance and
Shari’ah law 375–7
childcare centres 396–8
Constitution on the Elimination of
All Forms of Discrimination
against Women (CEDAW)
371–2, 375, 377, 386, 388,
391, 393, 399, 400
driving restrictions 395–6
ever marriage issues 398–9
guardians’ dominance 388–9
ignorance of rights 399–401
international organisations, women’s
involvement in 387
leadership positions 386–7
reform recommendations 386–401
Saudisation employment policy
393–4
specialisations, lack of available
390–93, 394, 400–401
unemployment issues 392–4
unemployment issues, job market
fund proposal 394
vocational guidance, need for 392
women’s rights as focus, need for
387
women’s rights overview 372–7
educational rights for women in Saudi
Arabia, history 378–86
Dar Al-Hanan school 379–80
gender segregation issues 384–5
General Presidency of Female
Education (GPFE) 380, 382–3, 384
higher education programme 383–4, 385
intermediate and secondary school
examinations as external
students 378–9
non-religious education 381–2
puberty, seclusion and veiling 378
public opposition 381
royal family support 381–2, 383
supervision 384
Egypt
collective *ijtihad* and fatwas 300
foster parents and child name
changes 59
inheritance rights 58
*kafala* (adoption) interpretation
58–9
Ekadjati, E. 351
El Matrah, J. 31, 34
El-Dakkak, M. 259
El-Gamal, M. 148, 159, 164, 165, 170
El-Ghanim, W. 201
El-Ghattis, N. 159
El-Sanabary, N. 378
Elizur, Y. 208
Elkhatib, D. 161–2
Elsaman, R. 143, 145
employment levels
and duties of guardian 100, 102–3
Saudisation of employment policy
393–4
and workplace provisions, Saudi
Arabia 277
see also corporate social
responsibility and workplace
casualties, Bangladesh
Engelen, P.-J. 208
ensoulment, and abortion 283
Entoy, A. 360
Ernst, C. 224, 225
Esposito, J. 1
Esq, U. 159, 168
Essof, I. 28, 37, 38
ethics
adoption, open and ethical 70, 74, 75
food regulation and demands for
humane treatment of animals, Australia 316–17
and genetic engineering see genetic
engineering and ethics
European Court of Human Rights,
*Harroudy v France* 49, 52–4, 64, 70, 75
euthanasia 303
see also health issues
Evans, M. 194
Fakeeh, M. 395
family laws
and alternative dispute resolution
(ADR) see alternative dispute
resolution (ADR) and family
law
colonial legacies see colonial
legacies and family laws
Fang, L. 261, 262
fatwas
alternative dispute resolution (ADR)
and family law, Singapore 129
and collective *ijtihad* 299, 300
colonial legacies and family laws
40, 41–2
Fatwa Council, Bosnia and
Hercegovina and progressive
Islam 414
and sermons see colonialism,
sermon (*khutbahs*) and edict
(*fatwas*), Indonesia and Malaya
female genital mutilation (FGM)
287–8
see also genetic engineering and
ethics
Ferdausi, F. 141, 142
figurative representations of the
Prophet, evolution of 338, 339
see also Islamic art
fiqh (Islamic jurisprudence) 57, 243,
276, 413
cornea implants 304
as divine word of God 244
Hanafi school, Bosnia 426
_hudud_ offences 235
impact of education on 261
and music 361–2
property law and trusts, Iran 181–2
Flood, F. 336, 341, 342
Focho, E. 413
Fontes, A. 58
food regulation and religion 307–27
consumer requirements and
demands 319–20
and Enlightenment values 322–4
legal rights and rules 320–22
philosophy of science, and rules
and reason 322–4
regulation and values 319–20
religion as repository of values
324–6
research project 310–12
and secularism 308–9, 322–3,
324–6
food regulation and religion, Australia
ethical demands for humane
treatment of animals 316–17
food safety 317–19
food safety, traditional practices
318–19
free range certification in egg and
poultry production 313–14
see also food regulation and
religion, Australia
free speech issues 248–9
see also blasphemy and apostasy,
future directions
Friday sermon, functions of 436–8,
439–40
Friedman, M. 146
Gaffaney, K. 176
gambus Arabic music 363–4
see also music in contemporary
Indonesia
Gbadamosi, O. 274, 276, 280, 285
gender inequality, polygyny and
divorce 20, 22, 279–80, 281
see also divorce; genetic
engineering and ethics
gender segregation issues, Saudi
Arabia 384–5
Generalised System of Preferences
(GSP) program suspension,
Bangladesh 151
genetic engineering and ethics 273–88
abortion 282–5
abortion, and ensoulment 283
adoption, prohibition of formal 279
adultery (zina) 274, 275, 281
child marriage 285–6
contraception use 284
Convention on the Elimination of
All Forms of Discrimination
against Women (CEDAW)
274–5, 286
cryopreservation of embryos 282
female genital mutilation (FGM)
287–8
medically assisted reproduction
(MAR) 280–82
polygyny, divorce and gender
inequality 279–80, 281
sex selection technologies 282
sperm banks 281
women in Islamic world 274–9

462  Research handbook on Islamic law and society
Index 463

genetic engineering and ethics, Saudi Arabia
abortion 283–4
child marriage 286
contraception use 284
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) reservations 276, 286
Convention on the Rights of the Child (CRC) reservations 276 employment and workplace provisions 277
families and male authority (guardianship) 277
female genital mutilation (FGM) 288
Hanbali School of legal governance 275–6, 286
human rights protection 277
medically assisted reproduction (MAR) 281
strict separation of the sexes 276
voting rights 277
Wahhabi tradition and Shari’ah interpretation 276
women’s driving rights 277–8
genetic engineering and ethics, Tunisia
abortion 283, 284–5
child marriage 286
Code of Personal Status and equality 278–9
contraception use 284
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 274–5, 286
cryopreservation of embryos 282
discipline and disobedient women 279
Malikis and Hanafi schools of law 278
medically assisted reproduction (MAR) 281–2
polygyny criminalisation 280
sperm banks 281
Genn, C. 406
go geometry and linear patterns (aniconism) 337, 343–5
see also Islamic art
George, K. 346, 347, 348, 349
Ghâmidî, J. 232, 245
Ghena, K. 26
Ghosh, P. 141, 142
Gibb, H. 432
Gigler, F. 158
Gillani, W. 224
Gillard, J. 13
Gleave, R. 2
Gocer, A. 332, 338
Golomb, L. 450
Grabar, O. 333–4, 337, 345
gross indecency acts and homosexuality, Singapore 24
Gruber, C. 338, 339, 340, 341
guardianship and children see Libya, and ‘best interests of the child’ concept and guardianship
dominance, and educational rights for women in Saudi Arabia 388–9
families and male authority, Saudi Arabia 277
see also children
Gulf Cooperation Council (GCC) 202, 213
Habermas, J. 309
Habib, N. 223
Hachemi, S. 187
Hafizović, R. 414
Hague Convention on Intercountry Adoption 52, 66, 68–9
Hak, N. 132
halal certification 314–17
see also food regulation and religion, Australia
Hallaq, W. 122, 293, 294
Hammado, N. 7, 273–88
Hamoudi, H. 159, 162, 173
Handayani, I. 354, 356, 365
Hansen, L. 216
Harnish, D. 352, 355, 363, 366
Hasan, A. 292–3
Hasan, J. 141
Hascall, S. 253
Hashim, A. 217, 218, 223
Hasnas, J. 204
Hassan, M. 162, 167, 173
Hayat, Z. 221, 222

**health issues**

and **fatwas see ijtihad** (Islamic legal reasoning), health issues and **fatwas**, Indonesia
guardian’s health considerations and ‘best interests of the child’ 98–9, 101, 104

Hearn, B. 159
Helfand, M. 128, 137
Helli, M. 182, 191, 195
Hermawan, D. 364–5
Hessini, L. 283, 285
Higgins, D. 51
Hinillos, J. 406
Hirvon, H. 57
Holden, K. 164, 173

**homosexuality and gross indecency**
acts, Singapore 24

Homoud, S. 172
Hooker, M. 438
Hooker, V. 345, 347
Hosen, N. 1–9, 41, 42, 289–306, 316, 326
Hourani, A. 241

**human rights**

Basic Law of Governance and human rights, Saudi Arabia 372–6

Human Rights Commission of Pakistan 223
right to life as fundamental right, Bangladesh 152–3, 156

Hunter, M. 160
Hussain, J. 87
Hussin, N. 6, 250–69
Huynh, D. 215
Hye, H. 149

Ibrahim, A. 148

**iconoclasm** 334, 341–3

see also Islamic art

**ijtihad** (Islamic legal reasoning)
interpretation process 291–6
**Majma’ al-Buhuts al-Islamiyah** conference 296–8
**Qur’an** as undisputed word of God 289–90

**ijtihad** (Islamic legal reasoning),
collective 296–301
at organisational level 300–301
international level and Fiqh Academy 299
national level and **fatwas** 299, 300

**ijtihad** (Islamic legal reasoning),
health issues and **fatwas**, Indonesia 301–6

AIDS 302
cornea transplant 303–4
euthanasia 303
IUD (intra-uterine device) 305–6
mixed marriage 303
organ transplant and donation 303
pills for preventing menstruation 304–5
sterilisation for birth control 302–3
tayammum (dry ritual ablution) 303
vasectomy and tubectomy 303
images and Islamic art 334–6, 338–9

Imamović, S. 415

Indonesia

Chanel dress protest 346–7
collective **ijtihad** at organisational level 300–301

colonialism, sermon (**khutbahs**) and edict (**fatwas**) see colonialism, sermon (**khutbahs**) and edict (**fatwas**), Indonesia and Malaya

health issues and **fatwas see ijtihad** (Islamic legal reasoning),
health issues and **fatwas**, Indonesia

music see music in contemporary Indonesia

inheritance issues and adoption 58, 60, 61, 74, 76
instruments, use of 354, 357, 358–9
see also music in contemporary Indonesia
intellectual property, Iran 193
interest-based transactions 161, 162, 166, 167, 170–72
see also banking practices
International Covenant on Economic, Social and Cultural Rights 156
international initiative to combat
Islamophobia and promotion of hate 246–9
see also blasphemy and apostasy, future directions
international organisations, women’s involvement in, Saudi Arabia 387
interpretation
differences, blasphemy and apostasy 230–33, 235–9, 242, 243
ijtihad interpretation process 291–6
preacher’s individual interpretation, Indonesia and Malaya 436
Wahhabi tradition and Shari’ah interpretation, Saudi Arabia 276
see also communication
intra-religious relations, Bosnia and Hercegovina 412–16
Iran, property law see property law and trusts, Iran
Isabel, F. 229
Ismail, M. 149, 150
Islamic art 331–49
Aghānī Minā′āt Mīrā′ 337–8
Bamiyan Buddhas, Afghanistan 342
censorship 341
definition problems 332–4
diverse qualities and widespread populations 332–3
figurative representations of the Prophet, evolution of 338, 339
finding Islam in 332–4
geometry and linear patterns (aniconism) and representation of Divine presence 337, 343–5
iconoclasm 341–3
iconoclasm, expressive and fundamentalism 341–2
iconoclasm, instrumental 341
iconophobia fallacy 334
images and hadith 334–6
images that rival God’s creation 336, 338–9
Islamic law engagement 333–4
kings, heroes and princes 340
legal misconception 334–7
portraiture 337–40
portraiture, and early interpretations of Islamic law 337–8
power of images to distract the mind from object of devotion 336–7
Sa’di’s Bustan (Fruit Orchard) 338
Shāma’īl al-Rasûl (Features of the Prophet) manual 338
symbolism use 339–40
Islamic art, Qur’anic verse 345–8
appropriateness concerns 346–7
Birk’s ‘American Quran’ 348
calligraphic styles 345–6
religious censorship 347–8
self-censorship 347
Islamophobia, international initiative to combat 246–9
see also blasphemy and apostasy, future directions
Ismail, M. 450
IUD (intra-uterine device) and contraception 305–6
see also contraception use; genetic engineering and ethics; health issues
Izutsu, T. 121
Jabiri, M. 258
Jackson, S. 242
Jacquot, N. 160, 161
Jahja, T. 353–4
jaipong dance 350, 367
see also music in contemporary Indonesia
Jamal, A. 4, 120–38
Jasimuddin, S. 201
Jefferson, M. 209
Jentz, G. 208
joint ventures 164–5
see also banking practices, Bangladesh
Jones-Pauly, C. 278, 280, 283, 284, 285
Jordan, D. 237

kafala see adoption (kafala)
kafalah (sponsorship), and
guardianship 84–5
Kamali, M. 218, 232, 233, 234, 237, 238, 239, 241, 243, 244, 245, 291
Kaptein, N. 430
Karčić, F. 408, 409, 411, 419, 422–3
Karčić, H. 407, 408, 409, 411, 412, 414
Kartomi, M. 366
Kashefi, F. 145, 211
Katouzian, N. 190
Katsetos, C. 287
Kay, J. 148
Kennedy, C. 221
Keung, N. 54, 55
Kevin, C. 162
Khadduri, M. 182
Khan, H. 264, 265
Khan, L. 3
Khan, Maulana 232, 245
Khan, Muhammad 154
Khan, S. 218–19
Khayat, M. 381
khuluk/khula (no-fault) divorce 25, 27, 28, 28, 38–9
see also divorce
Khutani, M. 8, 371–402
khutbahs (sermon) see colonialism,
sermon (khutbahs) and edict
(fatwas), Indonesia and Malaya
Khyeda, S. 202
King, G. 341
Kontoyannis, M. 287
Kuhn, T. 324
Kutty, F. 6, 49, 54, 70, 71, 217–49

la-dharar (no harm principle),
property law and trusts, Iran 180
Lacey, R. 381

Laessing, U. 385
Lahpan, N. 8, 350–70
Lambton, A. 183
language see under communication
Lau, M. 220
leadership positions, educational
rights for women in Saudi Arabia 386–7
Lean, N. 246
Lederer, G. 412
legal aid, Singapore 46
legal dualism and Shari’ah Court
system, Singapore 14, 15–16, 17–18, 31–2, 34, 36–7, 39
general misconception, Islamic art 334–7
general reasoning see ijtihad (Islamic
general reasoning)
Leigh, I. 220
Leong, W. 15, 32
Lewis, M. 147, 151
Lewis, S. 316
Libya, ‘best interests of the child’
concept and guardianship 77–119
African Charter on the Rights and
Welfare of the Child 78, 79
child definition 82–3
child versus guardian rights 88–92
Convention on the Rights of the
Child (CROC) 77, 78, 79, 82–3, 87, 101–2
cultural effects 82
employment duties of guardian 100, 102–3
female assisting the male guardian 92, 96, 103
guardian’s accommodation 117–18
guardian’s health considerations 98–9, 101, 104
guardianship conditions 92–7
guardianship definition 83–8
kafalah (sponsorship) 84–5
lapse of guardianship 92
legal system 80–82
Libyan High Court (LHC) decisions 82, 83–5, 87, 89–106, 107, 110
Libyan High Court (LHC) discretion 111–14
maintenance expenses 82, 108, 111, 112, 115–17
mother’s remarriage to stranger 104, 111–14
moving with the child inside the country 106–9
new-born babies 91
non-Muslim guardians 91, 92
ordering preference 87–8
parental rights 84
parental separation/divorce issues 104–5
reinstating guardianship right 114–15
Shari‘ah law effects 81, 82
silence of prospective guardians 99–100, 105
trustworthiness considerations 107
upholding guardianship 106–9
visitation rights 109–10
World Declaration on the Survival, Protection and Development of Children 77–8
Lim, H. 185
‘limping’ marriages, Australia 27–8, 38
see also marriage
Lindsey, T. 129
local traditions, attitudes towards, Indonesia and Malaya 441
Luban, D. 246
Luckin, O. 415
Luhmann, N. 320
Luk, S. 137
McBride, S. 387
McDowall, A. 394
Macfarlane, J. 19, 28
Madden, E. 343, 344, 346
Maddox, M. 312
Mags, P. 169
mahr (dowry) provisions 19, 27, 44
maintenance expenses, children and guardianship 82, 108, 111, 112, 115–17
Malaya, sermon (khutbahs) and edict (fatwas) see colonialism, sermon (khutbahs) and edict (fatwas), Indonesia and Malaya
Malaysia
apostasy laws see blasphemy and apostasy, Malaysian apostasy laws
PP v Jessica Lim Lu Ping 268
Ramah binti Ta’at v Laton binti Malim Sultan 261
restorative justice see restorative justice in Islamic law, Malaysia
Shaik Abdul Latiff v Shaik Elias Bux 261
Maldonado, D. 33
Malekian, F. 254
Malik, J. 406, 409
Malkin, L. 208
Mandhour, I. 180
Mannan, M. 184
Mannheim, K. 32
mark-up practice 166–7, 169–72
see also banking practices, Bangladesh
Marmura, M. 434
marriage
Bosnia and Herzegovina and progressive Islam 419–21
child marriage 285–6
colonial legacies and family laws 19–25
early marriage issues, Saudi Arabia 398–9
‘limping’ marriages, Australia 27–8, 38
Marriage Act, Australia 21–2
mixed marriage, Indonesia 303
mother’s remarriage to stranger, Libya, and ‘best interests of the child’ concept 104, 111–14
polygyny 20, 22, 279–80, 281
registration system, Singapore 20, 24, 36
same-sex marriage, Australia 24
wali position, Singapore 20, 24
see also cohabitation; divorce; women
Ma’shum, S. 359
Masood, S. 224
Masud, M. 2
Masyhuri, A. 303, 304, 435, 440, 447
Masykur, S. 357, 358
Mattson, I. 70–71
Maududi, A. 234–5, 240
Mayer, A. 221
mediation (sulh) 124–8, 134–5, 264–5
medically assisted reproduction (MAR) 280–82
see also genetic engineering and ethics
Menski, W. 62
menstruation, pill for preventing 304–5
see also health issues
Merdjanova, I. 408, 420
Merritt, C. 28, 34
Mesarič, A. 414, 415
Mesrati, A. 5, 77–119
Metz, H. 382
Meyer, H. 377
migration and permanence, and adoption 72–4
Miller, R. 208
Min, C. 233
minorities and special position of Malays, Singapore 128–9
minority cultural practices, accommodation of, Canada 321–2
Mirdha, R. 150
mixed marriage, Indonesia 303
see also marriage
Moattari, A. 383
Modarres, M. 195, 196
Mohamad, Maznah 20
Mohamad, Mohd 252
Mohamed, A. 159, 261, 262, 263
Mohr, R. 7, 307–27
Möhrenschlager, M. 215
Mokhiber, R. 209
Mønnesland, S. 424
Moradi, H. 184
Morocco
adoption and care arrangements 53
kafala (adoption) interpretation and guardianship 63–4, 72, 75
Morrison, K. 410, 417
Mortuza, G 149
Mudzhar, M. 301, 305
Muhammad, R. 257
Mulia, M. 443
Mulinge, M. 77, 78
Mullin Marta, J. 201
Munni, M. 149
Music, Z. 412
music in contemporary Indonesia 350–70
and cultural development 353–4
gambus Arabic music 363–4
instruments, use of 354, 357, 358–9
and Islamic symbols 352, 355, 366, 367, 368
jaipong dance 350, 367
lawfulness issues 351–5, 359–62
musik etnik Islami (ethnic music) 368–9
musik Islam (Islamic music) and musik Islami definitions and distinctions 362–6
pesantren communities 351, 352, 354, 356–62, 365
pesantren communities, and local culture, relationship with 357–9, 360–61
pesantren communities, traditional 356–8
Ramadhan and musik Islami 355
and religion 352
secular music and love songs 364–6
social and political aspects 363, 366–9
Sufism 359–60, 361–2
Syafi’i school 353–4
West Java and musik Islami 366–9
Muslim, A. 244
Naraghi, A. 180
Naseef, F. 382
Nasir, J. 279
Nasution, H. 299
Nayak, N. 220
Neighbour, S. 22, 26
Nettl, B. 352
New Zealand, adoption law changes 71–2

niqab wearing see veiling

Nizami, S. 164, 170

no harm principle (la-dharar), property law and trusts, Iran 180

Noman, O. 221

Noor, A. 261

occupational health and safety 148–57
see also corporate social responsibility and workplace casualties, Bangladesh

O’Halloran, K. 50, 55, 58, 60–61, 62, 64

Okin, E. 408
‘one law for all’, Australia 14, 24, 33–4, 35, 36

Onsman, A. 211

opt-in system concerns, Australia 37–8

organ transplant and donation 303
see also health issues

Organization of Islamic Cooperation (OIC) and free speech issues 248–9

Othman, A. 121

Otto, J. 201

Oudah, A. 256

ownership-oriented selling 162
see also banking practices

Pakistan
blasphemy laws see blasphemy and apostasy, Pakistan blasphemy laws

inheritance rights 60, 61

kafala (adoption) interpretation and guardianship 60–63, 64, 72, 75
Mst. Irfana Shuheen v Abid Waheed 61, 62

pardon (al-‘Afw), Malaysia 256

parental separation/divorce issues, Libya, and ‘best interests of the child’ concept 104–5

Parvin, M. 371

penalties, corporate criminal liability, Saudi Arabia 206–7, 208–9, 212, 215

Penzer, M. 161

performative aspect of sermon 430, 436

see also colonialism, sermon (khutbahs) and edict (fatwas), Indonesia and Malaya

personal autonomy, alternative dispute resolution (ADR) and family law 137

pesantren communities see under music in contemporary Indonesia

Petrova, D. 222

Petry, R. 430

Pippenger, M. 211

Pirous, A. 347

plea bargaining, Malaysia 267–8

Pleys, G. 319

donative aspects
music in contemporary Indonesia 363, 366–9

sermon (khutbahs) and edict (fatwas), Indonesia and Malaya 438

Pollard, D. 202

Pollard, R. 395

polygyny 20, 22, 279–80, 281
see also marriage

portraiture 337–40
see also Islamic art

Possamai, A. 17

Preston, L. 146

price determination 169–70
see also banking practices

Prodip, M. 141, 142

profit-loss sharing (PLS) strategies 162, 164–73
see also banking practices

progressive Islam see Bosnia and Herzegovina and progressive Islam

property law and trusts, Iran 178–98

absolute ownership of land and property by God 184–5

Constitution 186–7

cooperative ownership 187
470  Research handbook on Islamic law and society

Department of Hajj, Trusts and Charities 197

fiqh (Islamic jurisprudence) 181–2
industrial privatisation effects 187
intellectual property 193
la-dharar (no harm principle) 180
mal (property concept) 180–81
milk (relationship with a thing) 181
minerals ownership 192–3
public versus private ownership 183–5
Registration of Deeds and Properties Act 192
taslit (control) principle 180
Urban Land Act 192
waqf (trust) 194–7
property law and trusts, Iran, Civil Code 187–91
ahya mawat (working and cultivating the land) 191
hagh entefa (right to use) 189
hagh ertfagh (limited rights over another’s land) 190
property classification 188
property interests 189–90
property ownership sources 190–91
public property 188–9
waqf 195–7
water ownership 191
puberty, seclusion and veiling, Saudi Arabia 378
see also veiling

Qafisheh, M. 253, 256
Qasaymeh, K. 162, 164, 172
gisas (laws of retaliation) 253–4, 262–3
see also restorative justice in Islamic law, Malaysia
Quartly, M. 51
Qudamah al-Maqdisiy, I. 90
Quraishi, A. 69
Qur’anic verse see Islamic art, Qur’anic verse

Rabb, I. 231
Rafiq, M. 211
Rahman, A. 16, 32, 43, 47
Rahman, N. 129
Rahman, R. 153
Rahman, S. 235
Ramadan, H. 3
Ramadhan and musik Islami 355
see also music in contemporary Indonesia
Rana Plaza collapse, Bangladesh 142, 149, 150, 155
Rane, H. 34
Rasmussen, A. 352, 355, 363, 366
Raudvere, C. 418, 421
Rehman, J. 221, 242
religion as repository of values, and food regulation 324–6
religious education, Bosnia and Herzegovina 421–2
religious public holidays and ceremonies, Bosnia and Herzegovina 424–5
religious space, sermon (khutbahs) and edict (fatwas), Indonesia and Malaya 429–38
repentance, Malaysia 259–60, 265–6
restorative justice in Islamic law, Malaysia 250–69
community as stakeholder 254–6
compensation (ad-Diyyah) 257, 263, 266, 267
criminal justice system research 251–2
Criminal Procedure Code 266–8
current practices 265–8
current practices, repentance 265–6
Domestic Violence Act 268
justice in Islam, significance of 252–3
legal history 260–65
mediation 264–5
pardon (al-‘Afw) 256
plea bargaining 267–8
punishment seen as appropriate response for crimes 250–51
punishment of shaming 263–4
gisas (laws of retaliation) 253–4, 262–3
reconciliation, negotiation and mediation (as-Sulh) 257–9, 264–5, 267–8
repentance (at-Tawbah) 259–60, 265–6
Undang-undang Melaka manuscript 261–5
victim impact statement 266–7
victim as stakeholder 253–4, 266, 268
Reynolds, D. 211
Rezai-Rashti, G. 386
Rice, D. 338
Rida, R. 240–41
risk-taking issues 167–9
see also banking practices
Rizvi, K. 340
Roovink, R. 432
Rouzi, A. 287, 288
royal family support, educational rights for women in Saudi Arabia 381–2, 383
Rozario, P. 80, 81
Rubin, U. 228
Ruggie, J. 209
Sabeeq, S. 194
Sa`di, Bustān (Fruit Orchard) 338
see also Islamic art
Sadiq, K. 45, 47, 52
Saeed, A. 2, 3, 34, 224, 233, 235, 237, 240, 383
Saeed, H. 224, 233, 235, 237, 240
Safaei, S. 190
Sahbeq, S. 195, 196
Sait, S. 185
Salafism, Bosnia and Herzegovina 410–12, 414–16, 417
Salama, H. 217
Salasal, S. 185
Salinger, L. 205, 207, 208
Salvatore, A. 348
same-sex marriage, Australia 24
see also marriage
Samuelson, P. 151
sanctions, ineffective, corporate criminal liability, Saudi Arabia 213
Sarker, A. 165, 166, 174, 175
Saudi Arabia
 collective iththad and fatwas 300
 corporate criminal liability see corporate criminal liability, Saudi Arabia
 educational rights for women see educational rights for women in Saudi Arabia
 genetic engineering and ethics see genetic engineering and ethics, Saudi Arabia
 kafala (adoption) interpretation 57, 59
 Saudi financial aid, Bosnia and Herzegovina 411
Schacht, J. 290
Schauer, F. 321
Schoenblum, J. 194
Schwartz, M. 146
Schwartz, R. 158
Schwartz, S. 416, 426
secular music and love songs 364–6
see also music in contemporary Indonesia
secularism
 food regulation and religion 308–9, 322–3, 324–6
 and religious diversity, Bosnia and Herzegovina 422–6
Serajuddin, A. 49–50, 61
sermon (khutbahs) see colonialism, sermon (khutbahs) and edict (fatwas), Indonesia and Malaya
Serour, G. 282
sex selection technologies 282
see also genetic engineering and ethics
sexual segregation, Saudi Arabia 276
see also women
Shabbir, M. 256
Shachar, A. 138
Shaltut, M. 296
shaming, punishment of, Malaysia 263–4
Shari’ah Councils (SCS), banking practices, Bangladesh 174–5
Shari’ah courts
alternative dispute resolution (ADR) and family law, Singapore 130–36
community-based, UK 126–8
lack of powers of enforcement, Singapore 42–3
and legal dualism, Singapore 14, 15–16, 17–18, 31–2, 34, 36–7, 39
Shari’ah principles, Banking
Companies Act, Bangladesh 163
Shari’ah Supervisory Board (SSB), Bangladesh 173–6
Shaw, W. 342, 343, 349
Shibli, A. 141
Shiddieg, T. 354
Shiloah, A. 351
Shklar, J. 321
Siddiq, K. 359–60
Siddiq, M. 431, 432
Siddique, O. 221, 222
Siddiqui, H. 246
Siddiqui, S. 164, 167, 169, 170–71
Silbertson, A. 148
silence of prospective guardians, Libya, and ‘best interests of the child’ concept 99–100, 105
Simon, A. 356
Singapore
alternative dispute resolution (ADR) see alternative dispute resolution (ADR) and family law, Singapore
colonial legacies and family laws see colonial legacies and family laws, Singapore
Mohamed Yusoff bin Mohd Haniff v Umi Kalsom bte Abas (Attorney-General) 131
Noor Azizan bte Colony v Tan Lip Chin 25
Saniah Binte Ali & Anors v Abdullah Bin Ali 40, 129
Shafeeg bin Salim Talib v Fatimah bte Abud bin Talib 129
TMO v TMP 131–2
Singer, P. 314
Smith, E. 308, 326
Smith, S. 309, 310, 325
Sobarna, C. 350
social aspects, music in contemporary Indonesia 363, 366–9
Soganci, I. 331, 333
Solaiman, S. 5, 141–58, 204
Solomon, J. and A. 146
specialisations, lack of available, and educational rights for women in Saudi Arabia 390–93, 394, 400–401
sperm banks 281
see also genetic engineering and ethics
stakeholder
community as, Malaysia 254–6
victim as, Malaysia 253–4, 266, 268
stakeholder theory of the corporation, Bangladesh 146, 152
Steiner, K. 129
sterilisation for birth control 302–3
see also contraception use; health issues
Stillman, N. 227, 228, 229
Stringer, D. 247
Sufism
Bosnia and Hercegovina 406–7
music in contemporary Indonesia 359–60, 361–2
sulh (mediation) 124–8, 134–5, 264–5
Suryadinata, L. 350
Syafi’i school, music in contemporary Indonesia 353–4
symbolism use
Islamic art 339–40
music in contemporary Indonesia 352, 355, 366, 367, 368
Tajuddin, H. 6, 250–69
Takim, L. 229
talak/talaq (pronouncement) divorce 23–4, 25, 26, 28
see also divorce
Index 473

taqlid (pre-modern thinkers), and blasphemy and apostasy 240, 242, 243, 245–6

tayammum (dry ritual ablution) 303

see also health issues

Taylor, C. 321–2, 327

Taylor, J. 143

Taylor, M. 159, 165

Tayob, A. 451

Tazreen Fashions, Bangladesh 142, 149–50, 155

terra nullius concept, Australia 16

Teubner, G. 320

Theodorou, A. 218

Thio, L. 30

Thomsen, S. 146

Tierney, B. 309

Towler, R. 32

tradition, attitudes towards local, Indonesia and Malaya 441

transparency and appellate review, Singapore 45–6

corporate crime and lack of transparency, Saudi Arabia 205–9

treason 240–41, 242

see also blasphemy and apostasy, Malaysian apostasy laws

trust, lack of, corporate criminal liability, Saudi Arabia 212

trustworthiness considerations, Libya, and ‘best interests of the child’ concept 107

Tunisia

adoption and care arrangements 53

genetic engineering and ethics see genetic engineering and ethics, Tunisia

inheritance rights 74

kafala (adoption) interpretation and urf (custom) 64–6, 71, 72, 75

Tuqan, A. 278

Turkey

adoption and care arrangements 53

kafala (adoption) interpretation and urf (custom) 66–7, 71, 72

Tyser, C. 258

UK

alternative dispute resolution (ADR) see alternative dispute resolution (ADR) and family law, UK

Beximco 125

Bury v Pope 189

Case of Mines 189

Jivraj v Haswani 124

Knight v Knight 197

‘limping’ marriages 27

Salomon v Salomon 145

unbelievers (kafir) 225, 230, 239, 241–2, 358, 420

sermon (khutbahs) and edict (fatwas), Indonesia and Malaya 446–8

Undang-undang Melaka manuscript, restorative justice in Islamic law, Malaysia 261–5

underage marriage 22, 285–6 see also children; marriage

unemployment issues, educational rights for women in Saudi Arabia 392–4

Universal Declaration of Human Rights (UDHR) 156

Universal Islamic Declaration of Human Rights (UIDHR) 157

US

Prophet Muhammad in sculptural frieze in Supreme Court 335

US v Tamimi Global Co. 208

Valiani, Z. 50, 74

Van Dijk, K. 359

Van Dijk, M. 420, 423

Van Essen, M. 208

Van Zanten, W. 352

vandalism of religious sites, Bosnia and Hercegovina 425

Vann, V. 196

vasectomy and tubectomy 303

see also contraception use; health issues
veiling
niqab wearing, Bosnia and Hercegovina 417–19, 420
puberty, seclusion and veiling, Saudi Arabia 378
see also women
Vericat, G. 63
victim impact statement, Malaysia 266–7
victim as stakeholder, Malaysia 253–4, 266, 268
visitation rights, Libya, and ‘best interests of the child’ concept 109–10
vocational guidance, need for, Saudi Arabia 392
Vogel, F. 57, 123, 275, 276, 277
voting rights, Saudi Arabia 277
Voyce, M. 17
Wahed, H. 257–8
Wahhabi tradition, Saudi Arabia 276
Wahid, A. 351
wali position in marriage, Singapore 20, 24
Walsh, D. 232
Wanchic, F. 58
Waseem, M. 221
water ownership, Iran 191
Watt, M. 227, 228
Wehr, H. 291
Weintraub, A. 355, 366
Welchman, L. 67, 69
Wettstein, F. 209
Wheelwright, K. 205
Wiederhold, L. 224
Williams, G. 143, 152, 153, 155, 158
Williams, S. 368
Wiradireja, Y. 368–9
women
Bosnia and Hercegovina see Bosnia and Hercegovina and progressive Islam, women and Islam
contraception use 284, 305–6
domestic violence 268, 421
driving rights, women’s 277–8, 395–6
educational rights, Saudi Arabia see educational rights for women in Saudi Arabia
genetic engineering and ethics 274–9
Women’s Charter, Singapore 18, 19, 24, 31
see also abortion; children; marriage; veiling
workplace casualties, Bangladesh see corporate social responsibility and workplace casualties, Bangladesh
World Declaration on the Survival, Protection and Development of Children 77–8
Yaquby, N. 173
Yılmaz, I. 27
Yousuf, S. 163
Yusuf, A. 182
Zahraa, M. 132
Zaidan, A. 256, 257
Zakaria, M. 430
Zawawi, M. 6, 250–69
Zibakalam, S. 183–4, 192
zina (adultery) 274, 275, 281
see also genetic engineering and ethics
Zinkin, J. 143, 152, 153, 155, 157, 158