



## Sharia as a New Culture System of Identity in the Post-Conflict Aceh, Indonesia

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### Abstract

The research on Aceh in various fields has been conducted by many scholars so far. What is felt less of concern in academic studies is on current period of post-conflict Aceh after peace process between Free Aceh Movement and Indonesian Army since 2005. This article would like to discuss about contemporary situation, especially in the post-conflict Aceh, on what has been shifted dealing with socio-cultural in Acehnese society. However, it has been a big change and shifting within society in Aceh, particularly after sharia religious law stipulated as the main legal formal that is objected as social engineering. Why sharia is important to be studied here could be not separated from Aceh's long history and its deep role of Islamization process to South East Asia. Beside it is used as an identity, sharia currently in Aceh has also chosen as the new culture system and as the way out of prolonged armed conflict in Aceh that has taken place for more than three decades (1976-2005). By using theory religion as a culture system, this article would like to discuss and analyze about how does sharia now in Aceh become a new culture system of identity that broadly changed Aceh and its society, not only in socio-cultural, but also any other dimensions of life in contemporary time. The findings show that sharia religious law which has been institutionalized and stipulated as the main legal formal is more being objected as social engineering projects for future oriented social transformation and being a new culture system of identity.

**Keywords:** Sharia, Religious Identity, Post-Conflict Aceh, Sosio-Cultural



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## Abstrak

Penelitian tentang Aceh di berbagai kajian telah banyak dilakukan oleh para sarjana sejauh ini. Yang kurang mendapat perhatian dalam kajian akademis adalah periode terkini Aceh pasca konflik setelah perdamaian antara Gerakan Aceh Merdeka dan Tentara Nasional Indonesia sejak tahun 2005. Tulisan ini ingin membahas tentang situasi kontemporer, khususnya di Aceh pasca konflik, tentang apa yang telah bergeser dalam hal sosial budaya masyarakat Aceh. Bagaimanapun, telah terjadi pergeseran besar dalam masyarakat di Aceh, khususnya setelah hukum agama syariah ditetapkan sebagai formulasi hukum utama yang ditujukan sebagai rekayasa sosial. Mengapa syariah penting untuk dikaji di sini, tidak dapat dilepaskan dari sejarah panjang Aceh dan perannya yang mendalam dalam proses Islamisasi di Asia Tenggara. Selain sebagai identitas, syariat Islam yang berlaku di Aceh saat ini juga dipilih sebagai sistem budaya baru sekaligus jalan keluar dari konflik bersenjata berkepanjangan di Aceh yang telah berlangsung selama lebih dari tiga dekade (1976-2005). Dengan menggunakan teori agama sebagai sistem budaya, artikel ini menganalisis tentang bagaimana syariat Islam di Aceh saat ini menjadi sistem budaya identitas baru yang secara luas mengubah Aceh dan masyarakatnya, tidak hanya dalam hal sosial budaya, tetapi juga dimensi kehidupan lainnya di masa kini. Temuan penelitian menunjukkan bahwa hukum agama syariat Islam yang telah dilembagakan dan ditetapkan sebagai formulasi hukum utama lebih banyak ditujukan sebagai proyek rekayasa sosial untuk transformasi sosial ke masa depan serta menjadi sistem budaya identitas baru.

**Kata Kunci:** Syariah, Identitas Keagamaan, Pasca Konflik Aceh, Sosio-Budaya

## Introduction

Aceh's history is a story full of struggle and resistance. As a strategic region located in the western part of Sumatera, Indonesia, which previously known as a part of "the lands below the winds",<sup>1</sup> Aceh has long its glorious past and history since the Sultanate independence era around 16<sup>th</sup> and 17<sup>th</sup> century; followed by colonial era when the Dutch initially came to the archipelago for trading purpose and then proclaimed war towards Aceh in 1873; during the pre-independence era of Indonesia against Japanese occupation; until Indonesia has gained its independence in 1945 and Aceh then has been becoming a province of Indonesia. This long history is still being added by some important accidents and conflicts to show the resistance after independence that has taken place in Aceh, such as social revolution in 1946 and the emergence of rebellion against the Central Government of Indonesia following dissatisfaction of political policy has been made in 1953, known as Darul Islam - Tentara Islam Indonesia (DI-TII), as could be traced back through the history.<sup>2</sup>

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<sup>1</sup> Anthony Reid, *Southeast Asia in the Age of Commerce, 1450 - 1680. 1: The Lands below the Winds*, vol. 1 (New Haven: Yale University Press, 1988).

<sup>2</sup> C. Snouck Hurgronje, *The Acehnese*, trans. A. W. S. O'Sullivan (Mansfield Center, CT: Martino Pub, 2007); Denys Lombard, *Kerajaan Aceh: Zaman Sultan Iskandar Muda (1607-1636)*, trans. Winarsih Arifin (Jakarta: Kepustakaan Populer Gramedia, 2006); Petter Riddell, "Aceh in the Sixteenth and Seventeenth Centuries: 'Serambi Mekkah' and Identity," in *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press in association with University of Washington Press, 2006), 38-51; Nazaruddin Sjamsuddin, *The Republican Revolt: A Study of the Acehnese Rebellion* (Singapore: Institute of Southeast Asian Studies, 1985); M Alkaf et al., "Islamism In Aceh: Genealogy, Shari'atization, and Politics," *Analisa: Journal*

This kind of struggle and resistance in Aceh, however, is still continuing, even in the contemporary era. Such tension of vertical conflict and friction between Aceh and Central Government is still happening, although it is more caused by injustice case between central and peripheral as well as any other imbalance political and economic factor. Preceded by the emergence of Aceh Free Movement by taking up the gun demanding the independence from Indonesia in 1976, this armed conflict, however, should be ceased by a comprehensive solve as the way out from prolong armed conflict in the region. Interestingly, among the solutions offered to end to an armed separatist revolt is by granting Aceh a broader autonomous for Aceh people to perform in various religious life and aspects by stipulating *sharia* law through a series of rules and laws.

Why Aceh is important to be seriously studied here, at least has two reasons. Among others, the pattern used to end the armed conflict is by engaging religious reason by implementing *sharia* to solve and to end the conflict. Despite Aceh has long history and deep role of Islamization process to South East Asia<sup>3</sup> as well as has ever demanded application of *sharia* law as shown by the struggle of DI-TII in 1953, but the enforcement of *sharia* in Aceh currently more reflects and represents "the *sharia* from above" rather than "sharia from below".<sup>4</sup> Secondly, peace process of Aceh to end the conflict which has eventually happened in 2005 mediated by Martti Ahtisaari from Finland with DDR framework (Disarmament, Demobilization and Reintegration) has been becoming the role model for conflict resolution in other regions in South East Asia and Africa which are still involved in conflict, such as Mindanao in the Philippine.

I argue that stipulating of *sharia* that has been chosen as a part to solve the armed conflict in Aceh which has taken place for more than three decades (1976-2005), has broadly changed Aceh and its society, not only in socio-cultural, but also any other dimensions of life in contemporary time. To somehow, the enforcement of *sharia* in the post-conflict Aceh has also contributed in shifting the conflict from vertical (between Aceh and Jakarta) to horizontal among Acehnese people.<sup>5</sup> By using mix method literature studies and empirical investigations, this article would like to use synthesis approach for analysis by putting

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of Social Science and Religion 7, no. 2 (December 30, 2022): 165-82, <https://doi.org/10.18784/analisa.v7i2.1647>.

<sup>3</sup> Anthony Reid, "The Islamization of Southeast Asia," in *Historia: Essays in Commemoration of the 25th Anniversary of the Department of History*, ed. Muhammad Abu Bakar, Amarjit Kaur, and Abdullah Zakaria Ghazali, 1st ed (Kuala Lumpur: Malaysian Historical Society, 1984), 13-33.

<sup>4</sup> Arskal Salim, "'Sharia from below' in ACEH (1930s-1960s): Islamic Identity and the Right to Self-determination with Comparative Reference to the Moro Islamic Liberation Front (MILF)," *Indonesia and the Malay World* 32, no. 92 (March 2004): 80-99, <https://doi.org/10.1080/1363981042000263471>.

<sup>5</sup> HA Latief and Husni Mubarak, "Sengkarut Hukuman Rajam Dalam Rancangan Qanun Jinayat Aceh," *Sosio Religia* 9, no. 3 (2010): 839; Muhammad Amin Suma, Ridwan Nurdin, and Irfan Khairul Umam, "The Implementation of Shari'a in Aceh: Between the Ideal and Factual Achievements," *AHKAM: Jurnal Ilmu Syariah* 20, no. 1 (June 30, 2020): 19-46, <https://doi.org/10.15408/ajis.v20i1.14704>; Khamami Zada et al., "Muslim Youth Under Sharia Regime in Aceh: From Accommodation to Resistance," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 412-33, <https://doi.org/10.19105/al-lhkam.v17i2.7262>.

theory religion as a culture system<sup>6</sup> to examine how does *sharia* now in Aceh become a new culture system of identity in the post-conflict Aceh.

To this end, this article would like to discuss about the contemporary situation, especially in the post-conflict Aceh, on what has been shifted dealing with socio-cultural in Acehnese society. However, it has been a big change and shifting within society in Aceh, particularly after *sharia* religious law stipulated as the main legal formal that is objected as social engineering.<sup>7</sup> The next part in result and discussion will provide historical account on long term armed conflict in Aceh by figuring out the cause and factor. Then followed by the section talking about peace process between Central (Jakarta) and Peripheral (Aceh) to end to the conflict, while the third section will present historical background and rationale d'être of stipulating *sharia* law as an offer to end the conflict and followed by analysis of *sharia* as a new culture system in Aceh after conflict, and at the last will be closed by some important conclusions.

### **Long Term Armed Conflict at a Glance**

Aceh is a province, located in the northern tip of Sumatera, Indonesia. There are around 5.4 million people living now in Aceh which is currently divided into 23 regencies. Ethnic Acehnese account for 90% of the total province population, mostly embrace Islam as their religion and faith, and they are characterized by their Islamic background and sharp Acehnese language dialects.

There were some prolonged historical conflicts between Acehnese people and the Central Government of Indonesia after the independence of 1945. This section will concisely portray the armed conflict that has happened in Aceh. It is not easy to find the main cause of problem because it was not happened by a single factor, but the beginning of conflict in Aceh after Indonesia independence could be traced back to dissatisfaction of Acehnese people to the Central Government's policy of Jakarta by merging Aceh being a part of Sumatera Timur province in 1949 which leads to the emergence of rebellion DI-TII in Aceh in 1953.

The insurgency of Darul Islam<sup>8</sup> that perceived and taken into account as the demand of *sharia* application in Aceh region, if it could be fairly looked further, is not caused by the only desire to implement *sharia* itself, but it is more cultivated by cheated feeling and

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<sup>6</sup> Clifford Geertz, *Religion as a Cultural System in The Interpretation of Cultures: Selected Essays* (US: Fontana Press, 1993).

<sup>7</sup> R. Michael Feener, "Social Engineering through Shari'a: Islamic Law and State-Directed Da'wa in Contemporary Aceh," *Islamic Law and Society* 19, no. 3 (2012): 275-311, <https://doi.org/10.1163/156851911X612581>. ; Arskal Salim, "Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (December 25, 2021): 529, <https://doi.org/10.22373/sjhk.v5i2.11082>; Zuly Qodir et al., "The Formalization of Sharia in Aceh to Discipline the Female Body," *Al-Jami'ah: Journal of Islamic Studies* 60, no. 1 (June 3, 2022): 63-90, <https://doi.org/10.14421/ajis.2022.601.63-90>; Zulkarnaini Zulkarnaini, Muhammad Ansor, and Laila Sari Masyhur, "Sharia in Power: Non-Muslims and the Performance of Islamic Politics in Aceh Public Sphere, Indonesia," *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (December 17, 2022): 257-83, <https://doi.org/10.18326/ijims.v12i2.257-283>.

<sup>8</sup> For further about Darul Islam in Indonesia, kindly see Chiara Formichi, *Islam and the Making of the Nation – Kartosuwiryo and Political Islam in Twentieth-Century Indonesia*, Leiden: KITLV Press, 2012.

dissatisfaction on what has been promised by the Central Government of Jakarta to Aceh that previously considered as "Daerah Modal" (Capital Region) during the Dutch colonial era. The emergence of Darul Islam rebellion, however, meets with those interests to stir up the resistance and mobilize the people in Aceh against Jakarta, until the struggle of DI-TII defeats and ends with the Perjanjian Lamteh in 1959.<sup>9</sup>

Meanwhile another recent type of armed conflict in the post-independence Indonesia is more ignited by the desire of independence from Indonesia as represented by Free Aceh Movement (GAM) in 1976 that has been caused by many factors, i.e. imbalance of political power, injustice of economy, natural resources exploitation, torture and crimes against humanity during the conflict, and so on. The defeat of DI-TII previously had caused Aceh's Islamic leaders to focus on what they could achieve in Aceh alone, ultimately giving rise to Acehnese nationalism and the secessionist goal. Turning from this point, it could be cited here that the emergence of DI-TII and GAM as the respond is not alike, although it was claimed by many as a successor movement.

Moreover, by seeing historical trajectory from DI-TII era to GAM as a whole can give us more understanding on how a dramatic political transformation in Indonesia's Aceh province taken place. In the 1950s, DI-TII aimed not to separate Aceh from Indonesia, but rather to make Indonesia an Islamic state by implementing *sharia*, meanwhile GAM was essentially secular-nationalist in orientation, sought Aceh's complete independence and did not espouse formal Islamic goals.<sup>10</sup>

Interestingly, among the proposals that offered by Indonesian Central Government to end the prolonged armed conflict lastly is by granting Aceh a broader autonomous to implement *sharia* in many aspects of life. The reason of granting so is more caused by a historical background of what happened during DI-TII rebellion in the 1950's. From here, it could be considered that such offer of *sharia* has caused a kind of rupture of history, because the cause of the emergence of both movements is different. Although the key argument by both concerns the relationship between Islam and nationalism, however, the logic of nationalist identity construction of GAM and differentiation thus caused Aceh's separatist leaders, despite being personally devout, to increasingly downplay Islamic symbols and ideology through their struggle.<sup>11</sup>

Hence, the cause of the conflict between the former and the later is not alike. Although both conflicts have similarities emerged and caused by dissatisfaction of political and economic policy by the Central Government of Indonesia, but the choice of granting *sharia* as "a panacea" to end the long term of conflict seems improper, besides it hides a new scale potency of conflict among the people and citizens in Aceh itself (horizontal) as can be seen later of explanation in the next section.

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<sup>9</sup> Sjamsuddin, *The Republican Revolt*.

<sup>10</sup> Michelle Ann Miller, *Rebellion and Reform in Indonesia: Jakarta's Security and Autonomy Policies in Aceh*, Routledge Contemporary Southeast Asia Series 23 (London ; New York: Routledge, 2009); Matthew N. Davies, *Indonesia's War over Aceh: Last Stand on Mecca's Porch*, Politics in Asia Series (London: Routledge, 2006).

<sup>11</sup> Edward Aspinall, "From Islamism to Nationalism in Aceh, Indonesia," *Nations and Nationalism* 13, no. 2 (April 2007): 245–63, <https://doi.org/10.1111/j.1469-8129.2007.00277.x>.

## **Peace Process between Central and Peripheral**

Based on what has been described above, it is clearly that the root of conflict in Aceh—if it could be simply summed up—more caused by the imbalance power and political economy injustice between central and peripheral which has taken place since long time ago and got its momentum in Aceh around 1970's, especially after the discovery of natural resources, such as exploration of gas and oil in Aron, Aceh. In addition, some accidents against humanity like sexual harassment, torture, kidnapping, enforced disappearance by the army which happened in Aceh around 1980's also contributed in igniting anger of the people to the government. However, dissatisfaction goes further and gets its peak after the fall of Soeharto in 1998. The problem of disintegration became the main problem of the Republic which lastly, willy-nilly, the Central Government should propose some peace process roadmap in order to keep and preserve integrity of nation as a sovereign state.

Some peace process has been undergone, so far, initially by granting Aceh Law (*Undang-undang*) on the Privileges of the Special Province of Aceh Number 44 in the year 1999. This law, actually, was issued in order to revive what has been granted for Aceh after Perjanjian Lamteh 1959 of DI-TII Rebellion that Aceh is a special province (*Daerah Istimewa*) including in education aspect, custom and religion of *sharia*.<sup>12</sup>

Meanwhile high tension of anger and shootings between Indonesian Army and combatants of Free Aceh Movement are still happening and taking place in the field, following the issuance of the mentioned law of 1999, made both parties, Indonesian Army and Free Aceh Movement respectively, should take a pause which known as “humanitarian pause” in June 2000, facilitated by Henry Dunant Center, in order to help civilians who are mostly being the victims and casualties of the conflict. The condition of Acehnese civilians at that time is well described by a Malay proverb: “bagai pelanduk di antara dua gajah” (*like a deer (being victim) between two great elephants*). The Law of Special Region for Aceh of 1999 then revised by the issuance of Law on Special Autonomy for Aceh Number 18 of 2001.

The recent law of 2001 on special autonomy for Aceh, strengthen the previous granted political standing for Aceh in many aspects of provincial government, including the right and chance for Aceh to stipulate *sharia* law within its *qanun* (provincial regulation). Furthermore, the Law of 2001, also emphasize that Aceh is granted the right to stipulate *sharia* law, including Islamic penal law (*jinayat*) through its *qanun* after Islamic *sharia* law formally applied in Aceh on March 2002. This law and proposal for a broader implementation of *sharia* in Aceh, however, more politically motivated rather than Islamic *sharia* reason and purpose.

A year after The Law of 2001, both armed parties (Indonesian Army and Free Aceh Movement) engaged on a negotiation to resolve the conflict, mediated by a Danish NGO, named Henry Dunant Center in 2002, known as Cessation of Hostilities Agreement (CoHA) in Geneva, Swiss. Unfortunately, the CoHA did not long live because there were accusations that the agreements were violated. On May 2003, the Central Government of Indonesia enforced the Martial Law I and II in Aceh following the failure of CoHA. Surprisingly,

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<sup>12</sup> Sjamsuddin, *The Republican Revolt*.

Islamic *sharia* law for the Acehnese people is still being enforced after it was launched in 2002, even during the enforcement of the Martial Law in Aceh.

The major earthquake and tsunami at the end of year 2004 which strongly stroke the Indian Ocean and the mostly coastal part of Aceh has broadly changed the conflict geographically and politically. As a common will and humanity desire to end the prolonged armed conflict in Aceh, mediated by CMI (Crisis Management Initiative) from Finland, chaired by the former President, Martti Ahtisaari, both parties (Indonesian Army and Free Aceh Movement) were invited through series of meeting to make "Helsinki Agreement" on August 2005 in order to end the conflict that has caused many casualties in Aceh.

To breakdown the Helsinki Peace Agreement, the Central Government of Indonesia then issued the Law Number 11 of 2006 on Acehnese Government that granted Aceh more concessions on economic and political matters. More than that, Aceh is also provided a broader autonomy in enacting and formulating *sharia* law within its regional regulation in Aceh (*qanun*), although it still has some remaining legal matters to the Indonesian constitutional framework. This Law of 2006, however, equips a broader autonomy that has been granted to Aceh since 1999, but in reality, the process of Islamic *sharia* legislation in Aceh encounters many obstacles where the *sharia* law that is to be applied must be "in line and consistent" with the national legal system within Indonesian constitutional framework as the modern nation state system. Even though the mention of some words, i.e. "sharia", "in line" and "consistent" as stated in the constitution has never been given an agreed definitive meaning.<sup>13</sup>

In short, *sharia* in Aceh that has been granted by the Central Government of Indonesia since 1999 is the fruit of "political compromise" and has never been established. In addition, the implementation and formalization of *sharia* law that should be built must be within the scope of "the national legal and judicial system" as in Indonesia.<sup>14</sup> Although the historical background (*Darul Islam* in the 1950s) and the socio-cultural conditions of the Acehnese people that are mostly Moslem could not be separated as the rationale background and reason, but the current choice of formalization and authority of *sharia* implementation, in fact, could be read within the framework as an effort to "alleviate disharmony between Central-Peripheral" that has occurred during the last three decades. The immature of *sharia* formalization in Aceh, in turn and by the time, being a new culture of identity in the post-conflict Aceh as can be seen its explanation in the further section.

Table 1. The Indonesian Law containing *Sharia* implementation in Aceh

No.	The Law	Content
1.	The Law Number 44/1999	Reviving specialty province for Aceh in education, custom and religion (Islamic <i>sharia</i> )

<sup>13</sup> Husni Mubarak and A Latief, *Syariat Islam Di Aceh Pasca UUPA: Dari Disonansi Qanun Hingga Radikalisme Gerakan Massa*. Proceeding Aceh Development International Conference (ADIC) (Kuala Lumpur: UKM Press, 2011).

<sup>14</sup> Michael B. Hooker, *Indonesian Syariah: Defining a National School of Islamic Law*, 1st ed. (Singapore: Institute of Southeast Asian Studies, 2008).

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2. The Law Number 18/2001	Special autonomy for Aceh, including <i>sharia</i> implementation
3. The Law Number 11/2006	Broader autonomous for Aceh in implementing <i>sharia</i> , including <i>jinayat</i> (Islamic penal law)

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### To End the Conflict: Stipulating *Sharia* as a New Offer

Stipulating *sharia* has been chosen as a way to end the prolonged armed conflict in Aceh as could be seen through enactment of three types of laws (1999, 2001 and 2006 respectively) stating specialty granted to Aceh with a broader autonomy to implement *sharia* in whole aspects of life. To get a comprehensive understanding and precise meaning, it is better to firstly define what *sharia* means literally and in terminology.

The term *sharia* derives from Arabic word, literally means “the straight path” (*al-thariq al-mustaqimi*) and “the source of water” (*manba’ al-ma’*). Those both meanings, however, strongly associated with religious order and teaching as the guidance for human life. Meanwhile in terminology, *sharia* is variously identified, although it is interrelated one to another. At least there are three different views on *sharia*. Firstly, the term *sharia* refers to Islamic law that based on Al-Qur'an and *Sunnah* (The Prophet tradition) as the main source and religious spirit. Secondly, the term means all-embracing body of religious duties, consists of ordinances regarding worship and ritual as well as political and legal rules. Thirdly, what meant by *sharia* is the system of law which based on Islamic religious teaching.<sup>15</sup> In very simply, it could be understood that implementation of *sharia* means the application of *sharia* law legal-formal through some codified rule and law within its constitution (*qanun*).

What went wrong when *sharia* is formalized and applied through some rules and laws? Such question has emerged long time ago among many scholars and need to be well answered. As can be seen above that all terminology meanings of *sharia* have positive impacts and understandings, either as sets of belief, system of law or the law itself. The problem is when *sharia* formalized and institutionalized by the state to be implemented, it might also involve the meanings of power, strategy for gaining people consent and accomplishing political agendas. Furthermore, *sharia* implemented in Aceh in contemporary time is as the way out to end the armed conflict, so it could not deny this side of interest and agenda at all.

Because *sharia* formalization in Aceh currently as a “political compromise”, “being institutionalized” and has never been established before, it faces many challenges and obstacles when it is tried to be implemented in the real current socio-cultural life of Acehnese people. To mention some, as warned by a well-known Australian scholar,<sup>16</sup> stated that the main challenge of current *sharia* formalization in Aceh that should be built must be within

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<sup>15</sup> Arskal Salim, *Challenging the Secular State the Islamization of Law in Modern Indonesia* (Honolulu: University of Hawai'i Press, 2008); Kamaruzzaman Bustamam-Ahmad, “The Application of Islamic Law in Indonesia: The Case Study in Aceh,” *Journal of Indonesian Islam* 1, no. 1 (June 1, 2007): 135, <https://doi.org/10.15642/JIIS.2007.1.1.135-180>.

<sup>16</sup> Hooker, *Indonesian Syariah*.

the scope of "the national legal and judicial system" as in Indonesia. Widely known that legal constitutional framework of Indonesia has differences with the concept and legal reasoning as it has in *sharia* law.

This difference and gap, however, causes another obstacle dealing with legal matters of implementation, i.e. jurisdiction. In one side, Aceh has been granted a broader authority to stipulate and enact *sharia* law within its *qanun* after the issuance of Law number 11/2006, but on the other side, it faces the restricted jurisdiction of *sharia* regional regulation (*qanun*) that has been made should be under the hierarchy of legal structure and constitutional framework of Indonesia. While Aceh is granted to legislate and incorporate *sharia* law within its *qanun*, even in terms of *jinayat* (Islamic penal law), but it also faces some kinds of dissonance, either the contents of law, or even jurisdiction.<sup>17</sup>

Turning from this point, granting *sharia* formalization in one side, to somehow, quite enough reasonable. Beside Aceh previously was the Muslim-Malay cultural center around 14<sup>th</sup>-19<sup>th</sup> Century and had ever been Islamic glorious past civilization history of 17<sup>th</sup> century,<sup>18</sup> additionally, the historical background of *Darul Islam* of 1950s which demand *sharia*, all those mainly become the reason of why *sharia* has been stipulated to Aceh to end the conflict. But it could not be denied here, as well, that the enforcement of *sharia* in the post-conflict Aceh has also contributed in shifting the conflict from vertical (between Aceh and Jakarta) to horizontal among Acehnese people itself, as can be seen through some various violence that has occurred during the implementation of *sharia* within the last two decades, and broadly has changed Aceh and its society, not only in socio-cultural, but also any other dimensions of life, including an equal relation between man and woman in contemporary time.<sup>19</sup>

Among the forms of violence that has happened, is in terms of religious interpretation (authoritative *vis a vis* authoritarian) or power struggle to grab authority to interpret and enforce the law while *sharia* is being implemented.<sup>20</sup> Besides, the role model of *sharia*

<sup>17</sup> Moch Nur Ichwan, "The Politics of Shari'atization: Central Governmental And Regional Discourses of Shari'a Implementation In Aceh," in *Islamic Law in Contemporary Indonesia: Ideas and Institutions*, ed. Michael Feener and Mark Cammack (Boston: Harvard University Press, 2007), 96-124; Salim, *Challenging the Secular State the Islamization of Law in Modern Indonesia*; Husni Mubarak and A Latief, *Sengkarut Syariat Atas-Bawah. Gelombang Baru*, 4th ed. (Banda Aceh: Komunitas Tikar Pandan, 2009),113.

<sup>18</sup> Amirul Hadi, *Islam and State in Sumatra - A Study of Seventeenth-Century Aceh* (Leiden: Brill, 2004); Teuku Iskandar, "Aceh as a Muslim-Malay Cultural Centre (14th-19th Century)," in *International Conference of Aceh and Indian Ocean Studies in Banda Aceh* (Banda Aceh, 2007), 1-23.

<sup>19</sup> Mubarak and Latief, *Syariat Islam Di Aceh Pasca UUPA: Dari Disonansi Qanun Hingga Radikalisme Gerakan Massa. Proceeding Aceh Development International Conference (ADIC)* ;Husni Mubarak and Faisal Yahya, "Women in the Public Sphere and Religious Discourse Interpretation in the Post-Conflict Aceh," *Mazahib*, December 16, 2020, 195-218, <https://doi.org/10.21093/mj.v19i2.2204>; Mahdi Syihab, "Penegakan Syariat: Etnografi Aksi Razia Santri Dayah Di Aceh Utara," in *Serambi Mekkah Yang Berubah*, ed. Arskal Salim and Adlin Sila (Jakarta: Pustaka Alvabet dan ARTI),58; Danial Danial, Mahamatayuding Samah, and Munawar Rizki Jailani, "Quo Vadis Acehnese Shari'a: A Critical Approach to the Construction and Scope of Islamic Legislation," *Al-Jami'ah: Journal of Islamic Studies* 60, no. 2 (December 29, 2022): 621-54, <https://doi.org/10.14421/ajis.2022.602.621-654>.

<sup>20</sup> Arskal Salim and Adlin Sila, eds., *Serambi Mekkah Yang Berubah* (Jakarta: Pustaka Alvabet dan ARTI, 2010).

application is also being contested among elite on which rule should be prioritized to solve socio-political problems within Acehnese society. This thing is what has been argued of this article that *sharia* in the post-conflict Aceh muffles the armed vertical conflict between central and peripheral, but it hides—in turn—a new broad scale potency of conflict horizontally among Acehnese people.

### ***Sharia as a New Culture System***

Preceding this section, this article would like to elaborate more and analyze to understand why religious things such as *sharia* usually chosen as an effective way to muffle any armed conflict? Apparently important here to quote some important ideas of Clifford Geertz on *Religion as a Culture System*, that, according to him, religion could be defined as follows: (1) a system of symbol which acts to; (2) establish powerful, pervasive and long lasting mood and motivation; (3) conceptions of general order of existence; (4) clothes these conceptions which such an aura of factuality that; (5) the moods and motivation seem uniquely realistic.<sup>21</sup>

What meant by Geertz that religion as “a system of symbol which acts to” is about anything that carries and conveys to people an idea: an object of sacred symbol. Because the function of sacred symbol is to synthesize a people’s ethos – the tone, character and quality of people life, its moral and aesthetic style and mood as well as their worldview and their most comprehensive ideas of order. Meanwhile “symbols to establish powerful, pervasive and long-lasting mood and motivation” means that religion makes people feel things and want to do things. Motivations have goals and they are guided by enduring set of values – what matters to people, what they think is good and right which could be considered as matter of morals, of choosing the good over the evil.

About “the conceptions of general order of existence”, religion tries to give ultimate explanation of the world which is intent to provide an ultimate meaning, a great ordering purpose to the world. Last but not the least, religion “clothes these conceptions which such an aura of factuality that”, and “the moods and motivation seem uniquely realistic” means that religion marks out sphere of life that has special status. What separates religion from other cultural systems where it symbols claim to put human in touch with what is “really real” – with things that matter to people more than anything else.<sup>22</sup>

However, the theory above helps a lot to understand how *sharia* which convinced as sets of religious order and teaching in Aceh currently become a culture system of identity to recognize Aceh as a Moslem majority inhabitant which has its historical background on it. When *sharia* formalized and institutionalized by the state to be implemented, it might also involve the meanings of power, strategy for gaining people consent and accomplishing political agendas. While the *sharia* means a set of religious duties and beliefs, which are constructed within historical moments, cultural events and certain accidents, it then signifies as “the cultural identity”. Moreover, if *sharia* is in play, and accompanied by using power

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<sup>21</sup> Geertz, *Religion as a Cultural System in The Interpretation of Cultures: Selected Essays*.

<sup>22</sup> Husnul Qodim, “Clifford Geertz on Defining Culture and Religion (Anthropology of Religion Study),” *Wawasan* 31, no. 1 (2009): 43–48.

and people consents for the purpose of politics, the term *sharia* signifies as an “ideology”.<sup>23</sup> Thus, in the Aceh context currently, *sharia* may function more as a cultural identity of the region which is now inhabited by the Moslem majority with a few restricted rules in the public sphere.

During the implementation of *sharia* within the last two decades, what has been stated above seems to find justification. The term *sharia* that generally understood as a set of Islamic law, Islamic legal institutions, and even Islamic legal system are inadequate, because *sharia* when it is formalized has been reduced in meaning, restricted to be “the cultural identity” or just “ideology”. What has been meant by the term “cultural identity” is what to be considered as the common or sameness in collective context of cultural practices and historical resources for which is necessary included discerning its difference from relation to the others.

Similarly, cultural identity could be understood as a collective or social consciousness, which is constructed by the people from one experience to the others based on different time and background. However, cultural identity mostly formed and shaped through a long dialectical and historical community development, because culture is created, while the people continuously develop it as the spirit of togetherness as well as the effort of making distinction and difference to the others.<sup>24</sup>

As insisted above that contemporary Aceh *sharia* formalization could not be separated of Islamization process which has impact to South East Asia, because it has long history and deep role of Islamization in the region. It cannot be denied that historically Aceh is the first place where Islam was introduced in South East Asia in the early of 8<sup>th</sup> century. Then Islam is being the outset of the Acehnese culture and the backbone of its civilization, even more known as “Verandah of Mecca”. Soon after that, spreading out Islam to all regions in Nusantara (the archipelago) being the first priority and collective awareness and interest of the Acehnese and it becomes the background of their existence. Through this collective interest, and acculturation process, the Acehnese people absorb Islamic values into their cultural practices and rituals as can be seen through the Acehnese art, like *kenduri*, *tarian* (dance) and *hikayat*.<sup>25</sup>

Therefore, the enforcement of *sharia* formalization in contemporary time which objected being the Acehnese cultural identity seems redundant, because Islamic values itself has absorbed and united within the culture of Acehnese people, either through the process of indigenous of *sharia* and contextual, or in syncretistic ways.<sup>26</sup>

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<sup>23</sup> Saifuddin Dhuhri, “Art As A Cultural Instrument: The Role of Acehnese Art in Resolving Horizontal Conflict,” *Jurnal Ilmiah Peuradeun* 4, no. 1 (January 28, 2016): 89, <https://doi.org/10.26811/peuradeun.v4i1.88>.

<sup>24</sup> Saifuddin Dhuhri, “Sharia as Local Theology: Reflection on Acehnese Culture and Identity,” *ULUMUNA* 19, no. 2 (May 16, 2016): 437, <https://doi.org/10.20414/ujis.v19i2.335>.

<sup>25</sup> Dhuhri.

<sup>26</sup> For further data and information about the Islamization process of Southeast Asia, kindly see Azyumardi Azra, “Indonesian Islam, Mainstream Muslims and Politics” in *Taiwanese and Indonesian Islamic Leaders Exchange Project*, The Asia Foundation in Taiwan, 2006; Martin van Bruinessen, “Traditionalist and Islamist Pesantren in Contemporary Indonesia” in Yongider

Another important thing should be paid regarding current *sharia* formalization in Aceh is when *sharia* religious law stipulated as the main legal formal that is objected as social engineering.<sup>27</sup> The idea, however, often repeated by the elite and the stakeholders of *sharia* implementation in Aceh to distinguish from idea “the law as social control”. By social engineering which rooted to the thought of American legal scholar, Roscoe Pound (1870-1964), *sharia* formalization is hoped being normative prescription of ideal values as projects for future oriented social transformation to maintain social order.

Actually, regarding Islamic *sharia* law, previously it has well known in Indonesia as “the living law” to describe how Islamic *sharia* law can intertwine with the local custom and tradition in peace and harmony. But the current *sharia* formalization which being strengthened cultural identity of Aceh is more objected to discipline people in accordance with what *sharia* should be as being interpreted by the elite and stakeholders. However, *sharia* as social engineering reveals a major shift in emphasis from understanding of law as a reflection of established social practice (living law) to law as a system for the normative prescription of ideal values as projects for future oriented social transformation.<sup>28</sup> In addition, *sharia* formalization currently reflects and strengthens cultural identity, there are also some kinds of cultural resistance to *sharia* implementation in Aceh, performed by the Acehnese people as a counterpart of an un-established *sharia*.<sup>29</sup>

To end this article, it is worthy to submit the last question here on *sharia* in Aceh as Wilmot<sup>30</sup> said: is *sharia* in Aceh being the problem or solution? Arskal Salim and Adlin Sila<sup>31</sup> who pay attention on Aceh gives the title of their book, *Serambi Mekkah yang Berubah* (The Changed Verandah of Mecca) to describe how is Aceh in the post-conflict and post-*sharia* has changed a lot, where *sharia* initially formalized in order to be a new culture system of identity in Aceh contemporary time.

## Conclusion

This article has tried so far providing deep discussion and historical account on how formalization of *sharia* emerges and happens in contemporary time to end a prolonged

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Sikand, Farish A. Noor, Martin van Bruinessen (ed.), *The Madrasa in Asia Political Activism and Transnational Linkages*, Amsterdam: ISIM, Amsterdam University Press, 2008.

<sup>27</sup> Feener, *Shari'a and Social Engineering The Implementation of Islamic Law in Contemporary Aceh, Indonesia*.

<sup>28</sup> Feener, “Social Engineering through Shari'a.”

<sup>29</sup> Reza Idria, “Cultural Resistance to Shariatism in Aceh,” in *Regime Change, Democracy and Islam the Case of Indonesia* (Leiden: Universiteit Leiden, 2013), 180-201; David Kloos, “Strengthening Local Leadership: Sharia, Customs, and the Dynamics of Vigilante Violence in Aceh,” in *Regime Change, Democracy and Islam the Case of Indonesia* (Leiden: Universiteit Leiden, 2013), 202-236; Sri Roviana, Wening Udasmoro, and Euis Nurlaelawati, “Women in Public Sphere after The Implementation of Islamic Sharia in Aceh,” *Al-Albab* 10, no. 1 (July 29, 2021): 93-114, <https://doi.org/10.24260/alalbab.v10i1.1970>; Khamami Zada, “Sharia and Islamic State in Indonesia Constitutional Democracy: An Aceh Experience,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (May 15, 2023): 1-18, <https://doi.org/10.18326/ijtihad.v23i1.1-18>.

<sup>30</sup> Willmot Fadhullah, *Syariah Di Aceh: Solusi Atau Masalah?*” In *Accord; Rekonfigurasi Politik: Proses Perdamaian Aceh*, ed. Aguswandi and Judith (London: Conciliation Resources, 2008), 88-84.

<sup>31</sup> Salim and Sila, *Serambi Mekkah Yang Berubah*.

armed conflict in Aceh, Indonesia, for almost the last three decades. As stated in the preamble of the article that Aceh's history is a story full of struggle and resistance. It's kind of insurgency and rebellion is not only against colonial power as it has happened in the past time, but also by re-asking and reexamining on what *sharia* proposed to be currently implemented in Aceh.

By the time of implementation, it could be seen that *sharia* formalization in Aceh has evolved from a set of religious duties and guidance to become a more cultural identity during two decades of application. Furthermore, *sharia* religious law that has been institutionalized and stipulated as the main legal formal is also being objected as social engineering projects for future oriented social transformation. In one side, it muffles the armed vertical conflict between central and peripheral, but in the other side, it hides a new broad scale potency of conflict horizontally among Acehnese people, either in terms of religious interpretation or power struggle to grab authority while implementing *sharia*. I suggest for further research in the future in terms of *sharia* in the post-conflict Aceh is about the authority of whose *sharia* and whom *sharia* as well as how *sharia* was shaped, pertaining definition of whether *sharia* or *un-sharia* in Aceh, following the process of social engineering that has taken place so far as it hoped for a better future of society.

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