‘SHARI‘A FROM BELOW’ IN ACEH (1930s–1960s):
ISLAMIC IDENTITY AND THE RIGHT TO
SELF-DETERMINATION WITH COMPARATIVE
REFERENCE TO THE MORO ISLAMIC LIBERATION
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Introduction
Discussions of shari‘a and politics have often proposed that the former is manipulated
by the latter. It has been argued that Muslim rulers have employed shari‘a as a symbol
to acquire political legitimacy from their Muslim citizens and political influence with
other Muslim countries (Schumann, 1999). In addition, it has been argued that the
codification of shari‘a by Muslim regimes is intended in the interests of legal unification
in order to produce political stability (Mawardi, 2003). All of this suggests that the
implementation of shari‘a by a Muslim state is more of a political issue than a religious
one. With regard to the state’s interests which commonly underlie the implementation of
shari‘a, this sort of argument is generally acceptable. Yet how do we account for the
current rising demand for the implementation of shari‘a among Muslim groups? Are
they politically motivated as well?

Bassam Tibi (2001:147,166) has argued that this demand is:

a product of the mind of the exponents of contemporary political
Islam; a product of the more recent oscillation in Islam between culture
and politics; a new political ideology of an unprecedented Islamic
state; and an ideological weapon of political Islam. In short, it serves
as a means of politicisation.

In my view, the claim that the particular phenomenon of calls for shari‘a stems merely
from the political activism of Muslim groups seems superficial and even spurious.
Likewise, the perception that the calls for shari‘a are mainly driven by political motives
seems to be an arbitrary generalization. One should distinguish between the use of
shari‘a by a Muslim regime and calls for shari‘a by Muslim groups, which can be
termed shari‘a from above’ and shari‘a from below’ respectively. In the latter case, one
must go beyond this political approach to examine what the shari‘a really means to
Muslim people and how they use it as a means of politicisation.

In what ways has the shari‘a been politicised by Muslim groups? In what follows, I
would like to show the process of how the shari‘a can be politicised. To this end, I will
examine the relationship between calls for shari‘a by a Muslim group and its politicisa-
tion in Muslim society in Aceh, with a view to exploring the possible implications of a
reassertion of an Islamic identity based on the desire for self-determination. The need to
reassert an Islamic identity has been consistently observable in this region. It is
manifested in the demands of local Muslim groups for the implementation of *shari’a*, as well as the desire for self-determination. This paper will argue that the calls for *shari’a* by Muslim groups are not driven simply by politicisation itself, but are a result of a reassertion of self-identity which has inevitably led to a resurgence of the demand for self-determination. In this case, Islamic identity has been the medium for politicising the *shari’a* through making calls for its implementation a legitimate expression of the right of Muslim peoples to political self-determination. In order to argue this case, the struggle of the Acehnese ulama (religious scholars) or PUSA (Persatuan Ulama Seluruh Aceh or All-Aceh Association of Ulama) under the leadership of the renowned Acehnese figure, Teungku Muhammad Daud Beureueh, over almost four decades (from the 1930s to the 1960s) will be a major part of this paper.

*Shari’a* and Islamic identity: a conceptual framework

Apart from theories about political motives, there are other theories regarding the reasons for Muslim aspirations for the implementation of *shari’a*. One explanation is that important shifts in the meaning of *shari’a* have been the key factor in the current widespread calls for its implementation in a great number of Muslim countries (Brown, 1997). Brown argues that there has been a major shift in the meaning of *shari’a* in the history of Islam over the centuries. He points out that the original broad meaning of *shari’a* has been narrowed down and restricted to denote only a set of legal rules. The reform of both *shari’a*-based education and courts inadvertently resulted in a narrowing of the meaning of *shari’a* itself. With the passage of time, the initial meaning of *shari’a*, which encompassed its institutions, practices and legal rules, became diminished to cover only a set of rules. This sort of understanding of *shari’a*, according to Brown, is what has led to the growing political demands for the application of *shari’a* in almost every country in the Middle East. However, Brown’s account of the process by which the original broad meaning of *shari’a* was transformed into a narrower one is inadequate. How could and why should the reform of *shari’a*-based institutions (for example, schools and courts) produce a narrow legal view of *shari’a*? Brown’s explanation does not sufficiently answer this question.

Muhammad Sa’id Ashmawi, a former chief justice of the Supreme Court of Egypt, shares Brown’s opinion and he probably explains more clearly the transformation of the meaning of *shari’a*. Ashmawi (1998) mentions four phases in the evolution of the meaning of *shari’a*. First of all, the original meaning of *shari’a* in the Arabic language can be traced to the meanings of ‘the path’, ‘the method’ or ‘the way’. He points out that the term *shari’a*, which is used only once in the Qur’an, ‘refers not to legal rules but rather to the path of Islam consisting of three streams: (1) worship, (2) ethical code, (3) social intercourse’ (Ashmawi, 1998:97). This original meaning of *shari’a* was what was initially applied by the first generation of Muslims. Secondly, over time the meaning of *shari’a* was expanded to include the legal rules found in the Qur’an. Thirdly, after some time the meaning of *shari’a* was extended to incorporate more legal rules, either derived from those in the Qur’an or in the Prophetic traditions. Finally, the concept of *shari’a* came to include the whole body of legal rules developed in Islamic history, including all the interpretations and opinions of the legal scholars (Ashmawi, 1998:97–98).

It is interesting to note here that although there was an expansion in the meaning of *shari’a* to include ultimately legal rules, the original meaning has been put aside while the expanded meaning became more prevalent, thus resulting in an effective narrowing of the meaning of *shari’a*. The expansion did not result in a widened connotation of
shari’a, but rather generated a shift in the meaning of shari’a from the broad sense of the principal values of Islam, to a narrower one referring exclusively to Islamic jurisprudence. If nothing else this indicates that the way the term shari’a is used today is not the way the word was used in the Qur’an and does not correspond to its original meaning in the Arabic language.

Although Ashmawi goes further than Brown in explaining the shift in the meaning of shari’a, Ashmawi’s account is still vague on the question of when exactly each phase of the change in the meaning of shari’a began and ended. Additionally and more importantly with regard to the politicisation of shari’a, the argument that the narrow legal view of shari’a has been translated into political affairs is hard to pin down. Or put differently, how does the restricted conception of shari’a imply its politicisation? How does it motivate Muslims to employ the issue of the implementation of shari’a for their political purposes?

Another theory is that the increased emphasis on the implementation of shari’a in recent decades has been an antithetical reaction to secularism or a movement towards de-secularisation (Zebiri, 1998). As European secular law penetrated legal systems in most Muslim countries and marginalized shari’a from the nineteenth century onwards, many Muslims reacted by rejecting any legal application which is considered not divine. In this regard, the dictum that ‘God is the only legislator and man has no power to make laws’ has been repeatedly expressed (Zebiri, 1998:52). This sort of explanation however is only partial since it characterizes the calls for shari’a merely as an opposing reaction to an external threat, that is, secularisation. It overlooks the internal fact that shari’a provides a reassertion of self-identity for Muslims as well as serving as a response to the threat of secularisation to their religious identity.

An-Na’im’s accounts (1990, 1999) seem to fill the gaps left by Zebiri. An-Na’im emphasizes that the recent rise of political Islam with an agenda of shari’a enforcement is due to the failure of secularisation projects in many Muslim countries. This failure provided an opportunity for those who wish to launch political Islam in order to ‘assert their Islamic identity and to implement shari’a as the divinely ordained way of life’ (An-Na’im, 1999:106). One of the important ingredients of Islamic identity is the call for the implementation of Islamic law. As a result, the current growing reassertion of an Islamic identity has ushered in the rising issue of shari’a enforcement. In fact, it has been observed that the calls for shari’a have been regarded as [the] legitimate collective right of Muslims to self-determination in terms of an Islamic identity (An-Na’im, 1990:1). In short, perhaps it is sufficient to say that it is the reassertion of an Islamic identity that mobilizes shari’a for a variety of political purposes.

The question then is how has an Islamic identity been shaped and what are the elements of Islamic identity formation? Schwedler (2001:2–5) mentions that there are at least three elements of Islamic identity formation. First of all, there are historical processes and experiences through which Muslim individuals and groups come to see themselves. Second, the relationship between Muslims and those around them may possibly allow or deny a mutual recognition. And finally, the location where Muslims live contributes to the construction of their identity. Given that Islamic identity is the product of varied historical, political and social processes, Schwedler further suggests that to understand particular instances of Islamic identity, one should investigate ‘discrete political, social, and economic contexts through which particular Islamic identities have been forged’. Thus, Schwedler’s suggestion reveals that from the very beginning Islamic identity did not only originate from Islamic doctrines, but also emerged as a result of Islam’s responses to social and political challenges.
The last question that we have to deal with for the formulation of an analytical framework is why Islamic identity has been presented in the particular terms of *shari’a* enforcement. Pratt (1999:7–11) presents six factors that make up the basic Islamic identity. These are (1) *ummah* as a united community, (2) Sunni or Shi’a as a tradition and history, (3) Qur’an and Sunna as the ultimate sources and inspiration for personal piety, (4) belief in and practice of the Five Pillars of Islam in daily life, (5) geographic location where identification of ethnic with religious identity occurs, and (6) the *shari’a* or divine law which structures relationships within Muslim life. Although Pratt arranges all these factors in a series that cumulatively leads to the development of a fuller identity, *shari’a* may be regarded as the critical factor of Islamic identity because it encompasses all six factors of Islamic identity mentioned above. This is not surprising given that the essence of Islam is conveyed in both belief and law, and in fact the term *shari’a* frequently is meant to cover both. Moreover, a sharp distinction between Islam and *shari’a* is hardly ever identified. This helps explain further why the implementation of *shari’a* is central to the agenda of the Islamic political movement in many Muslim countries today. The implementation of *shari’a* becomes a part of the Muslim identity because it offers a distinct way of life, which is believed to be a divine blueprint.

**Islamic identity in the history of Aceh**

There are several historical reasons why the Acehnese strongly view their identity as Islamic. First of all, Aceh, located on the northern tip of Sumatra, was the first region in Indonesia to embrace Islam. The earliest historical mention of Islam in Indonesia refers to the town of Perlak (now in the regency of East Aceh). This is in the record of the voyage of the famous Venetian traveller Marco Polo, who passed through Perlak on his way home from China in 1292, and noted that it was a Muslim town (Ricklefs, 1993). Secondly, the first Muslim kingdom in Indonesia was established in Aceh. The grave-stone of the first Muslim ruler of Samudra, Sultan Malik as-Salih, is dated 1297, and according to Ricklefs (1993) is the earliest clear evidence of the existence of a Muslim dynasty in Indonesia. Thirdly, the history of *shari’a* implementation in Aceh is very clear compared to other areas in Indonesia. *Shari’a* in Aceh has a long pedigree. It can be traced back to the late sixteenth or early seventeenth centuries of the Sultanate of Aceh. The historical implementation of *shari’a* is recorded in the Bustan as-Salatin by Nuruddin al-Raniri and various journals of European travellers such as Francois Martin, Wybrandt van Warwijck, Augustin de Beaulieu, Thomas Bowrey, Peter Mundy and William Dampier, all of whom visited Aceh during the seventeenth century. All of these are primary sources referred to by Anthony Reid (1988:142–144; 1993:176–179) to describe the implementation of *shari’a* with particular reference to an Islamic court and *shari’a* punishments, which were applied for theft, drunkenness and offences against royalty, under the sultans and the queens of Aceh in the seventeenth century. All these historical processes have remained in the memory of a proud Muslim society and hence have constructed a strong sense of identity amongst the Muslim Acehnese.

Additionally, Islamic identity has played an important role in providing the Acehnese with a rallying point to resist the colonial power of the Dutch (1873–1903). The idea of *Perang Sabil* or ‘war in the way [of God]’ was clearly expressed by the ulama as a justification for resistance. The religious concept of *jihad* definitely gave a spiritual fervour to the Acehnese struggle. And, in fact, the war in Aceh, which lasted for more than thirty years, was the toughest and the longest war fought by the colonial Dutch in the East Indies. Christie (1996) points out that the idea of *Perang Sabil* was a major
propaganda success in the resistance to colonial rule, and hence it gave added significance to the Acehnese struggle as an Islamic struggle against a non-Muslim power within the Muslim world. The crucial position of Islam in the Aceh war, indeed, has deepened what might be called a sense of intertwined regional and religious identity among the Acehnese.

The rise of a new generation of *ulama* (Islamic scholars) in Aceh in the 1930s brought with it a particular struggle to restore Islamic identity into the social life of the Acehnese. Initially, the reformist *ulama*, who later in 1939 were organised under the umbrella of PUSA, attempted to reinvigorate religious education by replacing the traditional religious schools (*dayah*) with new schools called *madrasah*, which fused traditional religious education with modern methods and an extended curriculum (Morris, 1985:86–87). Apart from this, in order to gain wide support for their idea of an Islamic society, the *ulama* often held rallies throughout Aceh at which they called for people to be united under the banner of Islam and to be alert to their religious duties, mainly in regard to obedience to Islamic rules. These efforts of the *ulama*, according to Christie (1996:144), may be seen as a continuation, but in different form, of their *jihad* during the Aceh war against colonial rule ‘to encourage people to look beyond their local communities to the wider world of Islam.’ The result was, to use Morris’s (1985:87) words, ‘a heightened consciousness of their identity as Acehnese Moslems that transcended kinship, village, and territorial identities.’ Indeed, it was the *ulama* who became the agents of the translation of Islamic identity into socio-political action in Muslim society.

**Ulama and ulebalang: the contest between different identities**

Having said that Islamic identity has long been embedded in the minds of the Muslim Acehnese and that it was the *ulama* who played an important role in planting such an identity, it is necessary then to describe the relationship between the *ulama* and their communities in the light of Islamic identity. In connection with this, the existence of the *ulebalang* (aristocrats or self-governing rulers) is worth mentioning in relation to the position of *ulama* during the early period covered by this study.

For the above purpose, the historical backdrop of the competing major socio-political forces (the Sultan, *ulebalang* and *ulama*) in Aceh during the war against the colonial Dutch is important. Syamsuddin (1985:16) relates that with the purpose of defeating the Acehnese, the Dutch applied the familiar tactics of co-option and divide and rule. In 1874 the Dutch introduced a policy which allowed the *ulebalang* to have self-governing authority in their respective territories. Later, in 1898, the Dutch amended this policy by claiming that the territories of the *ulebalang* belonged to the Netherlands Indies, and they pressured the *ulebalang* to participate on their side in the battle against the resisters. As a result, there was a fault line within the Acehnese forces and a long conflict between the pro-Sultan (which included the *ulama*) and pro-*ulebalang* groups. When the Dutch successfully ousted the Sultan in 1903, conflict between the remaining forces became inevitable. In this respect, the Dutch played their hand very skilfully in the last decades of colonial rule by siding with the *ulebalang*. Syamsuddin described the situation as follows:

While [the Dutch] did not replace the Sultans as a balance to these two elements of the Acehnese power structure, they discouraged any open conflict between the *ulebalangs* and the *ulama*. In carrying out this strategy, the Dutch befriended the *ulebalangs*, the weaker group in the
conflict, and protected them from the ulama simply by strengthening their power in their territories, but without lessening control over them. Simultaneously, the Dutch minimized the influence of the ulama in the society (Syamsuddin, 1985:17).

Because of this situation the ulebalang not only had socio-political protection but also acquired judicial authority in the administration of law. During colonial rule, according to Angelino (1931:178), the legal system in Aceh was known as the musapat system. This system had a double structure in which there were tribunals (musapat) as well as single judges. The ulebalang had a crucial role in both structures. The ulebalang were actively involved in the tribunals together with other members appointed by the Dutch. The musapat tribunals were assisted by an indigenous public prosecutor, whose task was to investigate and prosecute all offences. For minor cases, the ulebalang, in their own administrative territories, sat alone to settle them. As for the ulama, although they might appear in every case examined in the tribunal, they merely functioned as advisors without involvement in sentencing. Additionally, the ulama did not have the right to examine cases on their own as the ulebalang could (Angelino, 1931:178). In short, it was the ulebalang who operated the colonial system of justice under the control of the Dutch. Given this unbalanced status between the ulama and the ulebalang, the emergence of reformist ulama who later gathered under the PUSA structure in the late 1930s could be seen as an effort to challenge the power of the ulebalang within the Acehnese social structure.

The ulama’s opposition to the ulebalang was mostly rooted in their divergent visions of Acehnese Islam. According to Morris (1985:86), there were two reasons as to why the ulama took an antagonistic stance towards the ulebalangs. First, the ulebalang demonstrated their territorial particularism at the expense of religion. Secondly, some ulebalang were acculturating Islam instead of applying uncorrupted Islam. What the ulama wanted was a unified Muslim community (ummah) that embraced fundamental doctrines. The ulama opposition to the ulebalang, therefore, was not based on political motives but on a commitment to religion. What they wanted from the ulebalang was neither their office nor their revenues, but as Snouck Hurgronje pointed out: ‘The ulama say in effect, “I do not want an inch of your territory, but I want from you submission to God” ’.4 Siegel (1969:49–50) shared Hurgronje’s opinion, citing the fact that certain ulebalang committed ‘personal immoralities such as cock fighting, gambling, opium smoking, and other illicit intercourse’, which were condemned by the ulama.

If this opposition was not political, why then was there a bloody clash between the ulama and the ulebalang during Indonesia’s revolution of independence? Was it not because of the ulebalang’s political influence and their social status? An early indication that the ulama wanted power is seen in the fact that they sent a delegation to contact the Japanese in Malaya to help the Acehnese remove the Dutch from their homeland, thus eliminating the power of the ulebalang as tools of colonial authority. So, as the Japanese began invading Aceh, PUSA (the ulama’s organization) activists immediately occupied a great number of local administrative offices. However, this did not last long. Suspicious of the PUSA, the Japanese dramatically changed their policy by replacing PUSA activists with the ulebalang (Reid, 1975:58). It seemed to the Japanese that the ulebalang posed fewer potential problems than did the ulama. The shift of power from the Dutch to the Japanese made the contest for power between both groups an extremely harsh one. This situation became worse during the political transition toward the end of
the Japanese occupation (1945–1946), and thousands of people died in the controversially named social revolution in Aceh.

Given the above description, the question that is relevant here is: if the commitment to religion was the main objective, what motivated the ulama to destroy the authority of the *ulebalang* and grab political power from their hands? A variety of interpretations have been made. The first major interpretation is that since the *ulebalang* were deemed a tool of colonial rule, the ulama simply wanted to abolish the elements of colonial power, and thus defend the independence of Indonesia which had been recently proclaimed (Reid, 1979; Syamsuddin, 1985; El-Ibrahimy, 2001). This line of interpretation is greatly influenced by the fact that towards the end of the Japanese occupation the Dutch attempted to re-colonise Indonesia. The second approach views the efforts of the ulama as taking advantage of an opportunity to avenge themselves against the *ulebalang* who had outmanoeuvred them in the colonial period (Wertheim, 1969). This approach bases its assumptions on the prolonged conflict between the ulama and the *ulebalang* which had been ongoing since early colonial times. A third explanation posits that power was the ultimate goal of the ulama and the religion of Islam was manipulated merely to gain political support from the people to reach their goals (Amin, 1978). This latter explanation is related to the fact that there had been a political contest between both groups since the period of the Acehnese Sultanate.

Each of the above-mentioned interpretations identifies one factor in the larger picture, all of which contributed to the rise of the ulama as the dominant group in Aceh in the context of the newly independent Indonesia. Although each of these approaches stresses one factor at the expense of others, they each contain their own truths. However in my opinion Amin’s explanation is somewhat more pertinent to the major issue that is being discussed in this paper, though I do have some reservations towards it. In my view, the ulama’s involvement in politics can be regarded with suspicion, as a politicisation of religion. But such involvements can be also considered in a positive way, as a spiritualization of politics. The former assessment is frequently that of the outside observer, while the latter view is usually that from within (that of the players, i.e. the ulama themselves). Due to the particular approach employed in this study, the latter assessment will be preferred and briefly discussed below.

My interpretation of the ulama’s aspirations to power is based on an attempt to emphasize their significant role in influencing society and in asserting the discrete identity of the Acehnese. Concerning the role of the ulama in Aceh, it is clear that in order to achieve their goals, political power was necessary. Effectively, this means that power itself was not their ultimate concern, but only a technique by which *shari‘a* could be implemented and its fundamental objectives realized. This interpretation is grounded on the notion of inseparability of the sacred and secular, of Islam and politics, which has been advocated by Muslim thinkers both ancient and modern (see Black, 2001). With power in their hands, the ulama then could without impediment define and shape the Acehnese Muslims in compliance with the doctrines of Islam. Perhaps it is fair to say that the rivalry between the ulama and the *ulebalang* was in reality a contest for influence in the development of the identity of the Acehnese and the shaping of the local political scene. Thus, the success of the ulama in securing positions in the regional government implied a reassertion of Islamic identity in steering the revolutionary process of Indonesia’s independence in Aceh in particular.

**Centre and periphery: toward divergent identities**

As Schwedler (2001) points out, identity is largely based on location within complex sets
of social relations. The following pages will therefore seek to show how Islamic identity has been conceived of in particular places in relation to others within certain periods. This section will accordingly present the dynamics of the relationship between Aceh and the central government during the formative years of Indonesia within the framework as set out by Benda (1970): ‘[u]nder the banner of a distinctly Islamic local and ethnic patriotism, Aceh thus entered independent Indonesia as a virtually autonomous imperium in imperio’.

In order to ascertain the nature of this relationship, it is necessary to examine the political interactions between the ulama under the leadership of Teungku Muhammad Daud Beureueh—the chairman of PUSA, the first governor of the Indonesian province of Aceh and later the leader of the Darul Islam rebellion—and the Central Government in the negotiations of a distinctly Acehnese Islamic identity, where the demand for the implementation of shari’a was central. As can be seen in the subsequent pages, the relationship between them was marked by rising dissatisfaction, if not frustration, on the part of the ulama. There are at least five important episodes between the Acehnese on the one side and the central government on the other that merit attention in this paper. The first was the meeting between the ulama and Soekarno, the first president of Indonesia, in 1948, in which the ulama demanded in strong terms a wide autonomy to apply shari’a law. The second was the meeting between the ulama and Syafruddin Prawiranegara, leader of the PDRI (Pemerintah Darurat Republik Indonesia or Emergency Government of the Republic of Indonesia), which took place in 1949, at which the ulama insisted on the establishment of the province of Aceh. The third was the rebellion led by Daud Beureueh that broke out throughout Aceh in September 1953 following the integration of the region of Aceh into the province of North Sumatra. The fourth was the visit of the First Deputy Prime Minister, Hardi, to Aceh in May 1959, during which he granted on behalf of the Central Government special provincial status to Aceh. And the last was the negotiations between Daud Beureueh and Colonel Muhammad Jasin, the Commander of the KDMA (Komando Daerah Militer Aceh or Regional Military Command of Aceh). The negotiations lasted almost one year (1961–1962) and successfully ended the war. In all these episodes, the argument for distinctive identity based on the implementation of shari’a within Aceh was given great emphasis.

The first years after the independence of Indonesia in 1945 found the ulama, after the defeat of the ulebalang, controlling political positions in the Acehnese regional government. For the ulama, it was now time to realize ‘their primary aim [which] was to apply as much Islamic law as possible in Acehnese society. The national revolution was, therefore, seen by [the] ulama as an opportunity to restore the validity of Islamic law in the region’ (Syamsuddin, 1985:111). As the first step, in 1946 the ulama demanded the establishment of an autonomous Mahkamah Syariah (Islamic court). Because of their continuous insistence, the new Indonesian Republic’s governor in Sumatra eventually issued instructions via telegram allowing the Acehnese regional governments to institute independent Mahkamah Syariah. Although these courts held ‘jurisdiction over a wider subject matter than Islamic courts anywhere else in the archipelago’, the central government did not recognize their authority or pay them. It was not until 1957 that the Mahkamah Syariah in Aceh finally had a clear legal basis (Lev, 1972:81–83).

The willingness of the Acehnese ulama to support the independence of Indonesia was very much determined by their belief that an independent Indonesian state would allow them to officially uphold Islamic law in their region. In fact, their enthusiasm to fight the Dutch attempts to reoccupy Indonesia was connected to central government’s acquies-
ence to the formal implementation of shari’a in Aceh. For this reason, when President Soekarno visited Aceh in August 1948 and entered into dialogue with the ulama, Daud Beureueh stressed that in order for the fight for Indonesia’s independence to be a religious struggle, the country’s legal system must be based on Islamic law. Otherwise, the sacrifices incurred would be meaningless. Therefore, Daud Beureueh required that once the war was over, the Acehnese would be granted autonomy to apply Islamic law comprehensively. In his reply, Soekarno responded to this by referring to the fact that ninety per cent of the Indonesian population was Muslim. However, it seemed Soekarno’s answer did not satisfy Daud Beureuh and he asked the President to give him something in writing as a warranty of his promise. According to an account of this moment, the President suddenly shed tears and then spontaneously pronounced an oath that ‘the Acehnese would be granted the right to autonomously manage their home affairs in accordance with Islamic shari’a’, and in his capacity as President, Soekarno would ‘employ [his] influence to endorse the Acehnese implementing Islamic law in their own territory’ (El-Ibrahimy, 2001:77–79; Syamsuddin, 1985:30). Based on Soekarno’s vow, the ulama subsequently made efforts to realize their goals by proposing the establishment of a province of Aceh.

The establishment of Aceh as a province, for the ulama, was not only a basis of authority but also a means of protection of the entrenched identity of the Islamic Acehnese. It had been realized earlier that provincial status for Aceh was necessary in order to realize the promise President Soekarno had made to the Acehnese. Allowing Aceh to be incorporated into the province of North Sumatra, with Medan as the capital, would inevitably lead to it being absorbed by and subsumed into North Sumatra, a region with a quite different socio-cultural life. This situation would upset the plans of the ulama to apply Islamic law in Aceh. Thus, provincial status for Aceh was necessary for the ulama’s objective of maintaining Islamic domination in the region.

Driven by such motives, in August 1949, Daud Beureueh came together with several other ulama to meet Syafruddin Prawiranegara, the Deputy Prime Minister who at that time acted as the leader of the PDRI Emergency Government in Kutaraja to request provincial status for Aceh. This request was positively received and Daud Beureueh was appointed the first governor of the province of Aceh, having served as the military governor of Aceh, Langkat and Tanah Karo for various periods from 1946 to 1949 (El-Ibrahimy, 2001:58; Syamsuddin, 1985:35). Aceh’s provincial status did not last long, however, due to a lack of the recognition from the central government, which regarded the establishment of Aceh as a province as not being founded on any legal enactment or recognized legal procedure, only a decision of the Deputy Prime Minister (Van Dijk, 1981:288–289).

It is worth questioning here why the Deputy Prime Minister’s decision could not be endorsed by the Parliament by simply enacting a law declaring Aceh to be a separate province. Several reasons for why Parliament did not act have been put forward. The first and official explanation is that the formation of the province of Aceh contradicted the agreement between the Republic of Indonesia (RI) and the United Republic of Indonesia (Republik Indonesia Serikat or RIS) which divided Indonesia into ten provinces, with only three in Sumatra (Amin, 1978). The second explanation was that Parliament was motivated by a need for efficiency. The reorganization of the provinces was the highest priority item on the agenda of almost all the political parties that formed the central government. An increase in the number of provincial administrations would boost the government’s financial burdens (Feith, 1962). The third explanation is politically grounded. As the Acehnese were mainly supporters of the Islamic party Masyumi, some
Masyumi leaders were anxious about losing votes in North Sumatra, were Aceh to be broken off into a new province. Masyumi activists in the Parliament failed to persuade other political parties to accept the notion of a separate province of Aceh (El-Ibrahimy, 2001).

Although the three explanations above have some truth, they overlook one crucial factor propounded by Morris (1985:83–110): that there was a conflict of conceptualisation between the Acehnese and the central government regarding the regional identity of Aceh. The ‘integration’ policy that the central government had undertaken in Aceh, many felt inappropriately, which attempted to melt diverse ethnic groups and different people with multivariate backgrounds into a provincial unity, had already disappointed the Acehnese. The presence of non-Acehnese officials in Aceh, as a result of the incorporation of Aceh into the province of North Sumatra, was seen as a serious danger to Acehnese religious values, as they brought habits which were prohibited by Islam, such as drinking, gambling and other forms of moral laxity (Syamsuddin, 1985:113). Syamsuddin’s comparative analysis of the Acehnese and the Balinese experiences illustrates the situation. Unlike Aceh, which became peripheral to North Sumatra and whose religious characteristics were not thoroughly preserved by the central government, Bali was made the centre of the province of the Lesser Sundas and ‘the Central Government of the 1950s continued protecting the Balinese religion and tradition especially from the influence of Islamic and Christian missionaries’ (Syamsuddin, 1985:101).

The dissatisfaction among the Acehnese ulama about the dissolution of the province of Aceh by the central government was an aspect of the belated realization of the divergence of identities between the periphery and the centre. Initially, the ulama wanted to join the Indonesian unitary state in part because of the fact that the majority of the population in the other regions of Indonesia was Muslim. Hence, the Republic of Indonesia was considered a unified ummah, and to merge with other Muslims was an expression of Islamic solidarity. However, this was no longer the case. Now that the ulama were challenged and had to make a choice between national integration under a concept of Islamic solidarity and religious expression within regional identity, they chose the latter. Accordingly, it is no wonder that only eight years after the independence of Indonesia, on 21 September 1953, the Acehnese under the leadership of Daud Beureueh proclaimed that Aceh was separate from the Republic of Indonesia and was part of the Negara Islam Indonesia (Indonesian Islamic State) of Sekarmadji Maridjan Kartosuwiryo, which two years later would be called Negara Bagian Aceh/Negara Islam Indonesia (NBA/NII, The State of Aceh/Indonesian Islamic State).

The primary cause of the Acehnese rebellion was discontent over the central government’s policies in regard to religious autonomy for the Acehnese. Therefore, the resolution to the problem that was proposed by the central government was the restoration of Aceh’s provincial status with a special autonomy in the sphere of religion. In discussing the central government’s offer, however, there was internal friction within the camp of Daud Beureueh.

From the perspective of the distinction between the ulama and the zuama,5 Syamsuddin (1985:220–221) found that the friction was caused by the different concepts of a peaceful settlement with the central government. On the one hand, there were the ulama, who required that the settlement must formally recognize the Acehnese’s right to apply shari’a law in the region. Needless to say, Daud Beureueh was on this side of the split. On the other hand, there were the zuama, under the direction of Hasan Saleh, who
preferred to end the rebellion if the central government would restore Aceh’s provincial status, and would strive for *shari’ah* at a later stage.

For the *ulama*, the implementation of *shari’ah* was a high priority. Therefore, armed means would be preferred to political means if the central government did not pay adequate attention to their demands. By contrast, the willingness of the *zuama* to negotiate with the central government was based on their pragmatic view of political benefits, and regarded the *shari’ah* as a secondary concern. Illustrating this difference of outlook, Syamsuddin writes:

> [This was] a conflict between the pragmatists and the ideologues, between the belief that the rebellion should end when the best possible bargain could be obtained, and the counter-argument that it should never cease unless it had achieved its main aim: the legitimisation of Islamic law (Syamsuddin, 1985:225).

A repercussion of the conflict of views between the pragmatists and the ideologues was the secession of the former camp from Daud Beureueh’s group. The secession was led by Hasan Saleh and Ayah Gani, and in December 1958 negotiations with the central government were held in Kutaraja without Daud Beureueh’s permission (Syamsuddin, 1985:276–277). Three months later, in March 1959, the pragmatists launched a coup d’état in which they removed Daud Beureueh from his position as Head of State, and replaced him with a *Dewan Revolusi* (Revolutionary Council) which was chaired by Ayah Gani (El-Ibrahimy, 2001:199). No longer constrained by the ideologues, the *Dewan Revolusi* in May 1959 were able to pursue negotiations with a mission from the central government headed by the First Deputy Prime Minister, Hardi. In these negotiations, a provisional agreement was finally reached under which the central government issued a resolution (Decision of the Prime Minister No. 1/Missi/1959) to the effect that Aceh was determined as a *Daerah Istimewa* (Special Region) and was granted the widest possible autonomy, in particular, in the fields of religion, education, and customs (Van Dijk, 1981:335; Syamsuddin, 1985:289–294).

Unlike Syamsuddin (1985:194) who saw the result of the negotiations as a clear victory for the Acehnese, Van Dijk (1981:335) saw the concession of religious autonomy to the Acehnese as still vague, as the application of Islamic law was not explicitly mentioned in the resolution. Van Dijk further states that it was Prime Minister Djuanda who had earlier arranged that autonomy would not be interpreted in such a way that any new regulations introduced as bylaws would contravene existing legislation. In addition, Deputy Prime Minister Hardi issued a statement that his mission could not officially grant any provision making the implementation of Islamic law compulsory for the Acehnese, since this was a matter for the Constituent Assembly, which, at that time, was busy discussing a return to the 1945 Constitution (Van Dijk, 1981:335).

With the lack of any clear provision on Islamic law for the Acehnese, one could come to the conclusion that the religious autonomy concessions in Djuanda’s resolution were only given half-heartedly by the central government. In fact, if we look further to the content of the resolution, it appears that the special status granted to Aceh in the fields of religion, education and customs was meaningless given that there was a clause which provided that Law No. 1 of 1957 on Fundamental Rules of Regional Government was still applicable to Aceh. This meant that there was no real substantial difference between the rights of the regional government in Aceh and those of other provincial governments.

It was because of this result and, no less importantly, the perception of betrayal by the
Dewan Revolusi, that Daud Beureueh never accepted the peace offer. In fact, he showed great enthusiasm for continuing the rebellion unless the central government agreed to his terms: the unambiguous implementation of Islamic law in Aceh. Despite the fact that the restoration of the province of Aceh with its nominally special status had been achieved, Daud Beureueh was still dissatisfied, since there was no clarity about this special status. For Daud Beureueh, any special status could only be the realization of Islamic shari’a in Aceh. This meant that there had to be specific laws enacted by the Parliament that clearly regulated all aspects of Muslim life in Aceh (El-Ibrahimy, 2001: 221).

It was Colonel Jasin, the regional military commander, who sought to have communications with Daud Beureueh concerning the special status of Aceh in terms of the implementation of shari’a. After several exchanges of correspondence, Jasin sent M. Nur El-Ibrahimy, a former secretary of PUSA, as an envoy to negotiate with Daud Beureueh in January 1962.

During the negotiation process, there was neither a demand for the establishment of an independent Islamic state nor a discussion of the State of Aceh. What Daud Beureueh now wanted was a Special Region of Aceh supported not by Law No. 1 of 1957 as mentioned above but by a Law that would be specifically designed to deal with all aspects of the Acehnese situation. In addition, Daud Beureueh also pressed for the inclusion of a law enforcement formula in the proposed special law, as follows:

*Di Daerah Istimewa Aceh akan dilaksanakan unsur-unsur Syariat Islam dalam batas-batas yang dimungkinkan oleh peraturan perundang-undangan negara* [In the Special Region of Aceh certain aspects of Islamic shari’a will be implemented within the limits that are permitted by the laws of the State] (El-Ibrahimy, 2001:249–250).

Again, it appears that some Acehnese needed a clear or unambiguous legal enactment (hitam di atas putih—black on white) regarding the implementation of shari’a. As Soekarno’s oral pledge about shari’a to Daud Beureueh in 1948 still had not been fulfilled, he wanted an assurance that the result of the current negotiations would not be a second empty promise.

There is no peaceful settlement without compromise, and Jasin’s response was to accommodate the requests of Daud Beureueh but in slightly different form. Instead of agreeing to the enactment of specific legislation to deal with Aceh, Jasin issued a decree in his capacity as the regional military commander. Similarly, the law enforcement formula proposed by Daud Beureueh was accepted with considerable modification in form from a process focus to a result focus, stated in the following way:

*Terlaksananya secara tertib dan seksama unsur-unsur syariat agama Islam bagi pemeluk-pemeluknya di Daerah Istimewa Aceh, dengan mengindahkan peraturan perundangan negara.* [The orderly and detailed implementation of the elements of shari’a for the followers of Islam in the Special Region of Aceh, with appropriate respect for the laws and regulations of the State] (El-Ibrahimy, 2001:252).

It seems remarkable that Daud Beureueh did not resist these changes. Was this merely because they seemed minor and what he had demanded had in fact been substantially accommodated? In my view, two factors could perhaps account for Daud Beureueh’s acquiescence. First, the sense of a religiously situated atmosphere was pervasive
following President Soekarno’s decree in July 1959 to return to the 1945 Constitution in which the Jakarta Charter (a withdrawn clause in the Constitution that makes it obligatory for Muslim citizens to observe the shari‘a) was declared to be ‘inspiring’ the Constitution. Second, it seemed that Beureueh realized that his goal was unlikely to be attained in view of the fact that sufficient military strength could no longer be mustered. In fact, as a great number of his loyalists had surrendered to the central government by the early 1960s, Beureueh thought that he was left alone and that there was no choice for him except to end the struggle without losing face.

By 1962 there was a decree by the military authorities in Aceh which recognized the applicability of Islamic law in Aceh. Did this mean that the shari‘a was now being implemented? It seemed that once again the central government’s promises would go unfulfilled. Although the regional parliament in Aceh had passed Regulation No. 6 of 1968 on the Realization of Elements of Islamic Law, the central government (by now under General Soeharto) refused to validate it, without giving any clear reason why. In fact, the refusal was conveyed only orally through the Ministry of the Interior to the governor of Aceh and the chairman of the regional parliament at a dinner party (Ibrahim, 2001:39).

According to Boland (1982:185), the central government was afraid that any special treatment for Aceh could create a precedent by which other regions would be tempted to push for concessions. The central government held the view that permitting such regional endeavours would lead to the end of the unitary Indonesian state. Thus, it was not surprising that, on the grounds of ‘unity and the unitary nation’, the New Order regime would later issue Law No. 5 of 1974 on Regional Government which effectively abolished the special status of the province of Aceh, though the ‘Special Region’ label remained on paper. This development only served to disappoint the Acehnese yet again.

Islamic identity and self-determination

The story of shari‘a and its relationship with politics in Aceh in the conflict between the local ruling ulama and the central government during the periods discussed in this study reflects the contest for the role of principal agent in the definition of the situation. Having secured the administrative offices from the ulabang and established religious authority during the Indonesian war of independence, the next challenge for the ulama was to continue the social revolution they had begun, that is, to put the commandments of Islam into practice in the lives of the Acehnese. For the ulama, the social revolution in Aceh was as yet unfinished and hence was considered an important part of the Indonesian national revolutionary heritage. This social revolution in Aceh was regarded as a struggle for the reassertion of an Islamic identity. The same is surely true of the rebellion undertaken by Daud Beureueh against the central government from 1953 to 1962.

The reassertion of Islamic identity after the Daud Beureueh rebellion, however, began to be seen to be ineffective as a defining feature for the Acehnese struggle. Apart from Islamic identity, other discourses have been put forward in the years since. The other rebellion that broke out in December 1976 under the leadership of Teungku Hasan M. Tiro, the well-known Free Aceh Movement (GAM or Gerakan Aceh Merdeka), replaced this as the motive of struggle. According to Hasan Tiro, the discourse of Islamic identity would only obstruct international support for the struggle for self-determination in Aceh (Syamsuddin, 1984:125). In the late 1970s, owing to the fact that under the New Order regime much of Aceh’s natural resources, mostly oil and natural gas, had been drained by the central government in Jakarta with little redistributed back to Aceh, Hasan Tiro
developed a discourse of Javanese colonialism and economic deprivation to justify his demands for the right to self-determination (Kell, 1995:64). Above all, as a result of Aceh being made the target of direct military operations from 1989 to 1998 in which special army units engaged in the routine torture and murder of suspected rebels, the other discourse which has emerged after the fall of the Soeharto regime is that of human rights abuses (Aspinall, 2002). This latter discourse has been regarded as a much more viable means of gaining national sympathy and international concern, and hence the Islamic identity discourse has been even more marginalised.6 However, this marginalisation has by no means excluded demands for the implementation of shari'a from the current political stakes. In fact, although there has been an obvious shift in the arguments for self-determination from reasons of Islamic identity to economic inequalities and human right abuses, there is still an Islamic group (Republik Islam Aceh or RIA) which continues to see the call for shari’a as a legitimate expression of the right to self-determination. This group claims to be the authentic resumption of the Daud Beureueh rebellion and constantly calls for the full implementation of shari’a as the solution to the political crisis in Aceh. In addition, this group continues to distinguish itself from the movement of Hasan Tiro. While condemning Hasan Tiro as more secular and hence unacceptable to the Acehnese, RIA has tried to emphasise the Islamic identity of their own movement and demands the right of self-determination in order to fully implement Islamic law (Putra, 2001). However, there is insufficient information regarding how they intend to pursue their goals. It seems that owing to the current unpopularity of the Islamic discourse on the right of self-determination in Aceh, RIA has not been able to attract significant support from the Acehnese.

The recent unpopularity of the Islamic identity discourse is partly due to the fact that the issue of shari’a has been co-opted by the central government by offering two laws of autonomy to the Acehnese. These two laws (Law No. 44 of 1999 on the Administration of Aceh as a Special Province and Law No. 18 of 2001 on Extensive Autonomy for the Special Province of Aceh as Nanggroe Aceh Darussalam) essentially fulfil, though long afterwards, the demands of Daud Beureueh. By enacting these long overdue laws, which provide for greater regional authority over religious life, customs, and education and strengthen the role of the ulama, the central government hopes that the widespread resentment of it in Aceh may be overcome and the province of Aceh will remain happily within the fold of the unitary state of Indonesia (Salim, 2003). It seems now, however, that these concessions have had little actual impact, since the rebels (GAM) have always been driven more by aspirations for full independence rather than by an Islamic agenda. Furthermore, as pointed out by Schulze (2002) and Ishak (2002), the offer of shari’a has been alleged to be a manipulation by the central government to ‘turn a vertical conflict into a horizontal one’. Instead of directly confronting the resistance of GAM, which had had relative success in winning over the hearts and minds of the Acehnese people, the central government attempted to sow the seeds of internal conflict between the Acehnese themselves through the offer of shari’a.

The MILF of Mindanao: a similar case

Even though the discourse of Islamic identity now has a low priority on the Acehnese political agenda, it has received more attention elsewhere. Claims of Islamic identity, with a concomitant demand for the implementation of shari’a and the right to political self-determination, have been expressed in Mindanao in the southern Philippines by the Moro Islamic Liberation Front (MILF) under the leadership of Hashim Salamat. The
MILF was formally founded in 1980 as a splinter group of the MNLF (Moro National-Liberation Front) headed by Nur Misuari. The MILF movement deliberately made Islam their rallying point by underscoring ‘Islamic’ in their group’s name to emphasize that they are much more religiously oriented than the ‘national’ movement of MNLF. The MILF’s political objective, therefore, is to establish a system of government that upholds and applies shari’ a law in all aspects of daily life (Chalk, 2001: 247–48).

A clear indication of how the MILF have a highly Islamic commitment was their repudiation of the Peace Agreement for a new autonomy that was signed by the Government of the Republic of the Philippines (GRP) and Nur Misuari for the MNLF in 1996. Their repudiation was based on the vulnerability of the shari‘a as it was provided for in the Agreement. The Agreement merely offered the opportunity to institute shari‘a courts ‘in accordance with existing [Philippine] laws’ (Santos, 2001: 12, 49). Pursuant to this agreement, the new Organic Act has been passed, which gives legislative power to the Regional Assembly of Mindanao to articulate shari‘a, including penal law. However, in the eyes of MILF leaders, this directive seems to be too feeble to function effectively as the legal basis of shari‘a implementation as it includes the following conditions:

1. the application of shari‘a is acceptable only after consultation with the Supreme Court of the Philippines;
2. the application of shari‘a must not contradict the Philippine Constitution particularly certain provisions prohibiting cruel and unusual punishment;
3. the application of shari‘a must correspond to pertinent national legislation that promotes human rights and universally accepted legal principles and precepts;
4. in cases of conflict involving the Muslim code, the tribal code, and the national law, the latter shall prevail; and
5. the interpretation of Islamic law based on sources led by the Qur‘an is subject to the provisions of the Constitution of the Republic of Philippines (Santos, 2001:167–168).

It is apparent that the paradigm of the Philippine constitutional system, which subscribes to the notion that church and state must be separated, accounts for the weakening of the position of shari‘a, which assumes the integration of religion and politics, in the autonomous region of Mindanao.

Given these heavy restrictions on the implementation of shari‘a, it is no wonder that the MILF was not interested in the limited autonomy offered by the Philippine government, and elected to continue their revolutionary movement. Hashim Salamat, chairman of the MILF, stated that the Agreement could not fulfil the needs of the Muslim Moro people (Tan, 2000:275). It seemed that full Islamic independence was the only solution to the problem of the Bangsamoro (Moro people). This is so since only in such conditions could the implementation of shari‘a be completely guaranteed. As this sort of Islamic legal system cannot be accommodated by the Philippine constitutional framework, the MILF’s concerns about the implementation of shari‘a are in fact an implied means of realizing the right to self-determination for Muslims living in the islands of Mindanao, Sulu and Palawan. Thus, for the MILF, the struggle for Islamic governance with the implementation of shari‘a as the central agenda is certainly a legitimate aspiration to secure fully their identity and to rule themselves accordingly.

As far as the demands for the implementation of shari‘a are concerned, there are many similarities as well as differences between the political experiences of Daud Beureueh in
Aceh and the political situation faced by the MILF currently in Mindanao. There are at least three general features that are useful for comparative analysis. First, Muslims form an overwhelming majority of the population in Aceh as well as in Indonesia as a whole, whereas in Mindanao and in general in the Philippines the Muslims are a minority. Second, the Acehnese challenge the power of a majority Muslim country ruled by a nominally secular state, while the Muslim Moro struggle against a secular state that is majority Christian. Third, where the Acehnese face a threat to their religious values, the Moro confront a situation where they are threatened by a different religion.

Given the facts of the current situations in both Aceh and Mindanao, the dichotomy of the legalists and the autonomists propounded by Pipes (1982) is somewhat vague and no longer tenable. According to Pipes (1982:37), the legalists are those who put pressure on Muslim governments to apply the shari’a, while the autonomists are those who struggle against non-Muslim governments without any aspirations for the implementation of shari’a. Legalists condemn non-Islamic customs and attitudes, whether traditional or from the West, whereas autonomists attack non–Muslim power in order to gain power for themselves. This dichotomy assumes that the legalists are found in predominantly Muslim regions where the issue of shari’a is central. Equally, the autonomists are found in non-Muslim areas where the problem of self-rule is fundamental. As a matter of fact, what can be seen in both Aceh and Mindanao proves otherwise. On the one hand, the significant legalists are absent and the forceful autonomists are the ones who are actively struggling in the majority Muslim country (Indonesia). On the other hand, influential legalists as well as autonomists are simultaneously evolving in the majority non-Muslim country (Philippines).

Concluding remarks

The aspirations of the periphery to self-determination initially appear to include only the right to self-identification within a limited autonomy under the larger political system of the centre. This sort of autonomy has been considered one form of recognition of the right of self-determination. However, it has been understood that this is not sufficient, particularly due to the fact that there are irreconcilably divergent identities between the centre and the periphery. The difficulty of reconciliation is partially rooted in the Constitution or national identity. As different senses of identity have led to different senses of law, politics and the state (Hughes, 1995), aspirations for self-determination have grown to include the possibility of secession, which is the expression of the desire of people in the periphery with distinct cultural and shared identities to determine their own form of government and legal system.

The foregoing discussions demonstrate how shari’a as the core identity of Islam is politically at stake here. The ulama’s ambition to apply shari’a was the dominant factor during the period covered by this study, while Daud Beureueh was an important actor in mobilizing Islamic identity to pursue concessions from the central government to formalize the implementation of Islamic law in Aceh. It is clear that the process of translating shari’a into politics, which generated popular action, made use of concepts of identity. The struggle for Islamic identity for the Aceh region, however, was not really successful, primarily because the Acehnese ulama failed to overcome the challenge of a concept of identity at the national level, namely Pancasila, a religiously neutral identity. This failure led the ulama to change their strategy by demanding their right to self-determination at the provincial level with full authority for self-government, including the implementation of Islamic law. It was believed that the expression of identity
would succeed only if applied to its own restricted location. This case shows that in reassertion of their identity, that is the implementation of shari’a, Muslims very often underscore the necessity of a particular political treatment in the form of self-determination.

Finally, the purpose of this study is not to reject the argument that shari’a was politically employed, but to rebut any arbitrary generalisation that does not acknowledge the differences between the calls for shari’a by Muslims (‘shari’a from below’) and government efforts to apply shari’a (‘shari’a from above’). Although both utilize political means to advance their goals, the former in most cases are genuinely inspired by a distinct Islamic identity while the latter very often use Islam merely as a symbolic legitimation for political agendas based on somewhat non-religious interests. While the government politicises shari’a primarily in the interests of political legitimacy, the politicisation of shari’a by Muslim groups is a response to a threat to their religious identity. Thus, shari’a becomes a symbol of the reassertion of self-identity, which in most cases opposes the penetration of a foreign element and its domination. As a result, notions of locality, decentralisation, autonomy, and even secession have been attributed to such kinds of legal political aspirations. The calls for shari’a may therefore be characterized as the mobilization of Islamic identity politics towards an assertion of the right to self-determination.

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Notes
1. An earlier version of this article was presented as part of the requirements for the course ‘Islam, Law and Politics in Asia’ at the Faculty of Law of the University of Melbourne. The author would like to thank Associate Professor Tim Lindsey of the Asian Law Centre, University of Melbourne, and an anonymous reviewer from Indonesia and Malay World for providing valuable comments on the draft. I am also grateful to Rowan Gould who assisted in the proofreading of this article. Any errors found therein, however, are entirely the author’s own.
2. Arskal Salim is a Ph.D. candidate at Melbourne Institute of Asian Languages and Societies (MIALS), The University of Melbourne, Australia.
3. Political Islam, as broadly defined by An-Na’im (1999:103), is ‘the mobilization of Islamic identity in pursuit of certain objectives of public policy both within an Islamic society and in its relations with other societies’. Given that identity is of central importance in the politics of most human societies, this definition of political Islam certainly has clearly explained the relationship between calls for shari’a by Muslim groups and the politicisation of shari’a, which is tied with Islamic identity.
4. These contradictory visions had been long observed by Snouck Hurgronje, the famous Dutch advisor on Islam during the Dutch colonial period, in his ethnographic work, The Achehnese (Leiden: Brill, 1906). According to Hurgronje, the tension between ubebalang and ulama was simply one more example of the conflict between Islamic law and adat (indigenous custom), which could be found in all areas of Netherlands East Indies. While the ulama were constantly urging the Aceh people to act in accordance with Islamic law,
the *ulebalang* who, though officers of the sultanate kingdom with the duty of administering Islamic law, were reluctant to fulfill such tasks. This portrait of conflict between the *ulebalang* and the *ulama* certainly was a historical record of what had happened in Aceh. Indeed, Hurgronje’s points were undoubtedly used by the colonial Dutch and led them to implement a particular policy of co-option, thus exacerbating the future relationship between both groups as could be observed when the Japanese occupied the region from 1942 to 1945.

5. The term *zuama* here refers to Muslim leaders who have significant religious knowledge but without the purpose of teaching or preaching Islam as their main occupation. Unlike the *ulama* who were usually engaged in government in dealing with religious affairs, the preoccupation of the *zuama* was often with non-religious matters. See Syamsuddin (1985:6–7).

6. This may be true, but if we look through the history of Aceh, there was nothing else except the discourse of Islamic identity that initially rendered itself to the emerging discrete identity among the Acehnese. The construction of Islamic identity in Aceh was indebted to a historical process of the past Aceh kingdoms, the antagonistic relationship between the Acehnese *ulama* and the colonial Dutch, the *ulebalang* and the Central Government respectively, and the current territory of Aceh itself. Indeed, it was religious discourse that later exposed openly the divergence between the Acehnese identity and the national identity of the Republic of Indonesia.

7. Unfortunately, the space of this paper does not allow me to elaborate further. Likewise, the comparison is only a complementary part of this study. What is most important to state here regarding the comparison is that both cases show how the *shari’a* has been a crucial factor in emphasizing the discrete identities for the right to self-determination, and has been turned into politicisation in their respective regions in almost similar ways.

References


