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A STUDY OF PANGLIMA LA'ŌT An 'Adat Institution in Aceh

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Abstract

This article is about a brief history of Panglima La'ot Aceh and its current position along with Adat La'ot (customary law) among Acehnese community. It will look at relationship between Adat and presence of Panglima La'ot (the Commanders of the Sea). To what extent we could say that there is a strong connection between the adat laot and Panglima La'ot? It is argued that this institution has been established for more than 400 hundred years by the Kingdom of Aceh. It is also said that adat laot is one of the oldest customary law in Aceh. This article consists three sections. After the introduction, it will discuss the history of Panglima La'ot in Aceh. The next section is about the current position of Panglima La'ot in Acehnese society. Here, the data will be focussed on the dynamics of fisher and their perception toward the Panglima La'ot in different setting of research area. Finally, the examination of the revitalization of Panglima La'ot as formal institution in, especially the overlapping of the authority of adat institution, will be provided in final section. [Tulisan ini merupakan penjelasan mengenai hubungan Panglima La'ot dengan hukum adat La'ot ditengah masyarakat Aceh dewasa ini yang secara resmi pemerintah daerahnya menegakkan syari'ah Islam. Sebagai salah satu institusi adat yang tertua sejak berdirinya kerajaan Aceh, Panglima La'ot dan adat La'ot mengalami dinamika yang luar biasa. Dengan mengambil studi kasus di beberapa tempat yang berbeda, penulis menunjukkan bahwa formalisasi kembali institusi ini bukan hanya menjadi cara melestarikan warisan budaya, melainkan juga menjadi aparatus pemerintahan lokal yang

mewakili masyarakat nelayan Aceh ditengah dinamika ekonomi politik lokal, regional dan internasional.]

Key words: *Panglima La'ot*, Aceh, Islamic law, *adat*

A. Introduction

This article examines the role of *Panglima La'ot* (the Comander of the Sea), as an *adat* institution in Aceh. They have played important role in re-establishing customary law of sea. Indeed, there have many studies on *Panglima La'ot* done by local scholars.¹ However, John Kurien said that “there are not known to have been any studies published on how the *Panglima La'ot* see their role, or how they view the changes that are occurring”.² I involved in this institution when I was asked to conduct a research on the future of *Panglima La'ot*. I then visited several areas in Aceh to conduct field research, started from Banda Aceh to Aceh Tamiang and South Aceh. Thus, this article is part of a field report during my trip as a consultant for a UN-FAO programme in Aceh. I utilized ethnographic method to understand inner way of life among fishermen in Aceh. As my back ground in Islamic studies, who are not familiar with fishermen communities, at the beginning I did not understand what and how role of *Panglima La'ot* in coastal areas. However, after I travelled to some coastal areas I have a better understanding on how the religious ritual and cultural reproduction among Acehnese society.³ What I would

¹ On *Panglima La'ot*, see generally Muhammad Adli Abdullah, Sulaiman Tripa, and Teuku Muttaqin, *Selama Kearifan adalah Kekayaan: Eksistensi Panglima La'ot dan Hukôm Adat La'ot di Aceh* (Banda Aceh: Panglima La'ot Aceh, 2006); Sanusi, *Kearifan Lokal dan Peranan Panglima La'ot dalam Proses Pemukiman dan Penataan Kembali Kawasan Pesisir Aceh Pasca Tsunami: Laporan Hasil Penelitian* (Banda Aceh: Pusat Penelitian Ilmu Sosial dan Budaya, Universitas Syiah Kuala, 2005); Samuel Agustinus Patty, *Modernisasi dan Dua Masyarakat Nelayan di Aceh: Laporan Hasil Penelitian* (Banda Aceh: Pusat Latihan Penelitian Ilmu-Ilmu Sosial Aceh, 1975); Anwar M Daud, *Transformasi Nelayan Tradisional: Studi Kasus di Kecamatan Susoh dan Sawang, Kabupaten Aceh Selatan* (Banda Aceh: Pusat Penelitian Ilmu Sosial dan Budaya, Universitas Syiah Kuala, 1995).

² John Kurien, *Voice of Panglima Laot: Analysis of an Opinion Survey and Its Implications for Co-Management Interventions* (Banda Aceh: FAO, 2008), p. iii.

³ Kamaruzzaman Bustamam-Ahmad, *Acehnologi* (Banda Aceh: Bandar Publishing, 2012); Kamaruzzaman Bustamam-Ahmad, *Acehnologi*, vol. 1–6 (Banda Aceh: Bandar Publishing, 2017).

like to do in this article is tracing the history of *Panglima La'ot* and their role in Acehnese society.

There have been many studies on *adat* institution in Indonesia.⁴ In Aceh, John R. Bowen has done extensive studies on *adat* in Gayo Highland, Central Aceh.⁵ Kahn said that “It is our first modern anthropological account of the culture and society of a people previously documented in detail only in the work of the Dutch Islamicist Snouck Hurgronje in 1903.”⁶ In Aceh, studying *adat* is seen as a key concept to understand the way of life of Acehnese society.⁷ However, Arskal Salim said that “resurgence of *adat* in Aceh has still received relatively little attention.”⁸ Siegel’s anthropological studies in Pidie also has shown how *adat* had been practiced in Acehnese society related to family, trade, and

⁴ Taufik Abdullah, “Adat and Islam: An Examination of Conflict in Minangkabau,” *Indonesia*, no. 2 (1966): pp. 1–24; Tania Murray Li, “Masyarakat Adat, Difference, and the Limits of Recognition in Indonesia’s Forest Zone,” *Modern Asian Studies* 35, no. 3 (2001): pp. 645–76; Ratno Lukito, “Islamic Law and the Colonial Encounters: The Experience of India and Indonesia,” in *The Dynamics of Islamic Civilization: Satu Dasawarsa Program Pembibitan (1988-1998)*, ed. Yudian Wahyudi (Yogyakarta: Titian Ilahi Press: Forum Komunikasi Alumni Program Pembibitan Calon Dosen IAIN se-Indonesia, 1998), pp. 209–30; Ratno Lukito, *Pergumulan antara Hukum Islam dan Adat Indonesia* (Jakarta: INIS, 1998); Abdul Ghoffir Muhaimin, *The Islamic Traditions of Cirebon: Ibadat and Adat among Javanese Muslims* (Canberra: ANU E Press, 2006); John F. McCarthy, “Between Adat and State: Institutional Arrangements on Sumatra’s Forest Frontier,” *Human Ecology* 33, no. 1 (2005): pp. 57–82.

⁵ See John R. Bowen, “The Transformation of an Indonesian Property System: ‘Adat,’ Islam, and Social Change in the Gayo Highlands,” *American Ethnologist*, vol 15, no. 2 (1988): pp. 274–93; John R. Bowen, *Muslims through Discourse: Religion and Ritual in Gayo Society* (Princeton: Princeton University Press, 1993); John R. Bowen, “Elaborating Scriptures: Cain and Abel in Gayo Society,” *Man* 27, no. 3 (1992): pp. 495–516; John R. Bowen, *A New Anthropology of Islam* (Cambridge: Cambridge University Press, 2012).

⁶ Joel S. Kahn, “Sumatran Politics and Poetics: Gayo History, 1900–1989. JOHN R. BOWEN,” *American Ethnologist*, vol 19, no. 4 (1992): p. 842.

⁷ Daniel Andrew Birchok, “Sojourning on Mecca’s Verandah: Place, Temporality, and Islam in an Indonesian Province,” Ph.D. Dissertation (Michigan: University of Michigan, 2013), p. 244.

⁸ Arskal Salim, “Politics, Criminal Justice and Islamisation in Aceh”, presented at the *ALC Occasional Seminar* (Melbourne Law School, University of Melbourne, 18 Aug 2009), p. 9.

rantau (to leave one's home area).⁹ Siegel's ethnographic studies is another portrait of what Clifford Geertz has done in Java.¹⁰ Thus, it can be said that Snouck's approach in his study of Acehese society is more likely to be related to Durkheim's theory,¹¹ while Geertz's studies on Javanese society was to test Weberian theory.¹²

This study will construct the meaning of *adat* in contemporary of Aceh. Snouck has differentiated between *adat* and Islamic law.¹³ Historically *adat* in Aceh was seen as law (*undang-undang*),¹⁴ not customary law. While for customary law Acehese is called as *reusam*. Snouck and other anthropologists argued that *reusam* ini Acehese society as *adat*.¹⁵ This argument has been used by scholars to describe Acehese living tradition as *adat* which later named as *hukum adat* (Adat Law).¹⁶ By examining the

⁹ James T. Siegel, *The Rope of God* (Berkeley: University of California Press, 1969).

¹⁰ See generally Clifford Geertz, "Ritual and Social Change: A Javanese Example", *American Anthropologist*, vol. 59, no. 1 (1957), pp. 32–54; Clifford Geertz, *The Religion of Java* (New York: Free Press, 1964); Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973).

¹¹ Hanneman Samuel, *Genealogi Kekuasaan Ilmu Sosial Indonesia: Dari Kolonialisme Belanda Hingga Modernisme Amerika* (Depok: Kepik Ungu, 2010).

¹² On Geertz see Fred Inglis, *Clifford Geertz: Culture, Custom and Ethics* (Cambridge: Polity, 2000); Richard Handler, "An Interview with Clifford Geertz", *Current Anthropology*, vol. 32, no. 5 (1991), pp. 603–13.

¹³ On Snouck, see Jan Just Witkam, "Christiaan Snouck Hurgronje: A Tour D'horizon of His Life and Work", in *Christiaan Snouck Hurgronje (1857-1936) Orientalist: Catalogue of an Exhibition on the Sesquicentenary of His Birth, 8 February 2007*, ed. by Arnoud Vrolijk and Hans van de Velde (Leiden: Leiden University Library, 2007), pp. 11–31.

¹⁴ Ito Takeshi, "The World of the Adat Aceh: A Historical Study of the Sultanate of Aceh", Ph.D. Dissertation (Canberra: Australian National University, 1984); Ramli Harun and Rahma M.A. Gani (Tjut.) (eds.), *Adat Aceh* (Jakarta: Departemen Pendidikan dan Kebudayaan, Proyek Penerbitan Buku Sastra Indonesia dan Daerah, 1985); Darni M. Daud (ed.), *Qanun Menkenta Alam dalam Syarah Tadhkirah Tabaqat Tgk. Di Mulek dan Komentarnya*, trans. by Mohd. Kalam Daud and T.A. Sakti, (Banda Aceh: Syiah Kuala University Press, 2010).

¹⁵ See C. Snouck Hurgronje, *The Achehnese*, vol. 1, trans. by A.W.S. O'Sullivan (Leiden: E.J. Brill, 1906); C. Snouck Hurgronje, *The Achehnese*, vol. 2, trans. by A.W.S. O'Sullivan (Leiden: E.J. Brill, 1906); Hasan R. Mustapa, *Adat Istiadat Sunda*, trans. by Maryati Sastrawijaya (Bandung: Alumni, 2010).

¹⁶ J.F. Holleman (ed.), *Van Vollenhoven on Indonesian Adat Law: Selections from Het Adatrecht van Nederlandsch-Indië* (The Hague: M. Nijhoff, 1981).

role of *Panglima La'ot* socio-historically and socio-antropologically, the author argues that there is no structural hirarchy between the function of *adat* and *reusam* in Acehnese society. Historically, the sources of power for *Panglima La'ot* was coming from King to work together with *Syabbandar*. However, the presence of *Wali Nanggroe* (guardian of state) in contemporary Aceh has no authority and power in managing of the administration of governance as well as *adat* in the province.

The article consists four parts. After the introduction, the history of *Panglima La'ot* will be described in next section. After that, this issue of cultural landcapes where the role of *Panglima La'ot* in society will be examined. Then, this study will highlight some issues on the contestation of power and role of *Panglima La'ot* in Aceh after the signing of MoU Helsinki in 2005. Finally, the section of conclusion provides some findings from this study.

B. The History of *Panglima La'ot*

Many studies on the *Panglima La'ot* (the Comander of the Sea) and *Adat La'ot* (Customary law of Sea) in Aceh argued that the Comander of the sea aims to maintain *Adat La'ot* and the right of fisher community. Historically, this institution had been recognized as the *adat* institution. Van Vollenhoven writes:

There is a great deal of variety in Acehnese official dom. Next to the chief one may find a relative called his *banta* or helper, being more less what, before 1900. There are *mukim* headmen and the tetrarchs and *waki* or deputies in the dependencies. At the ports, those 'centres of relative civilization and wealth in all Malay countries', are the *syabbandar* [toll-collectors]; at the estuaries a *ke[e]pala krueng* to keep the waterway room open, and a *paving krueng* to maintain a ferry service from which the headman shared the remuneration; at market places on the east coast *baria* to collect dues, and *panglima la'ot* for export and import; *panglima prang* [military commanders] to collect *nase* and taxes in peace time.¹⁷

It is clear that the job of a *Panglima* was to monitor the activities at the ports and had nothing to do with fishing activities as many scholars argued. Historically, the ports in Aceh were 'meeting points' of many

¹⁷ *Ibid.*, p. 67.

activities (economic, political, religious, and culture).¹⁸ Lee Kam Hing maintains that:

[A]t the beginning of the nineteenth century, [Aceh] was estimated to have about 300,000 inhabitants. Its produce attracted traders who sought camphor, sappanwood, dammar, rattan, and beeswax. Pepper and betel-nut were by far the most significant items of trade during this period. Some rice, as well as horses, was exported from the [Pidie] coasts while a small quantity of gold was mined in the interior. Items imported into Aceh were opium, cloth, iron, muskets, gunpowder, various Indian piece-goods, and an assortment of Chinese articles.¹⁹

Furthermore, Bernard H.M. Vlekke adds: “The [Acehnese] ports at the island’s northern point were natural halting places for the European coming from the west. This fact helped the princes of [Aceh] to concentrate the pepper trade of most of Sumatra in their country and allowed them to organize monopoly which the Europeans merchants could not ignore.”²⁰ Regarding religious affairs, Yusny Saby records that “personal contact played the role in the Islamization process. The early sailors or travelers, on their business in the region, often had to stay for long periods of time for some reason.”²¹

Thus, it can be said that *Panglima La’ot* was part of the administration system at port who works under *Syabbandar* which were only four *syabbandars*.²² Pierre-Yves Manguin maintains that village and city-port were built along all of river that flowed into the Straits of Malacca and

¹⁸ See also Nordin Hussin, *Trade and Society in the Straits of Melaka: Dutch Melaka and English Penang, 1780-1830* (Copenhagen: NIAS Press, 2007); Salina Hj Zainol, *Hubungan Perdagangan Aceh dengan Pulau Pinang* (Kuala Lumpur: Penerbit Universiti Malaya, 2005).

¹⁹ Kam Hing Lee, *The Sultanate of Aceh: Relations with the British, 1760-1824* (New York: Oxford University Press, 1995), p. 8.

²⁰ Bernard H.M. Vlekke, *Nusantara: A History of Indonesia* (The Hague: W. van Hoeve, 1959), p. 121.

²¹ Yusny. Saby, *Islam and Social Change: The Role of the Ulama in Acehnese Society* (Bangi: Penerbit Universiti Kebangsaan Malaysia, 2005), p. 18.

²² Denys Lombard, *Kerajaan Aceh Zaman Sultan Iskandar Muda (1607-1636)*, trans. by Winarsih Arifin (Jakarta: Kepustakaan Populer Gramedia-Forum Jakarta-Paris : Ecole française d’Extreme-Orient, 2006), pp. 114–5.

Indian Ocean.²³ According to Lee Kam Hing, “in theory the Sultan was the recipient of revenues of a whole range of taxes and duties. There were collected by his *syabbandar* at the capital and in all the outlying ports. However, in practice, the collection was farmed out to the *ulebalang* because he did not have an elaborate administration and politically he still had to rely on the powerful *orang kaya* and *ulebalang*.”²⁴

Due to the fact that the Islamic Kingdom of Aceh was established around the coastal areas, thus it is also interesting to see the status of *Panglima La'ot*. Mukti Ali describes the structure and administration of the government²⁵ as follows:

The smallest social unit is the *kawom* (from Arabic *qaum* = people, tribe): a group of *kawoms* forms the *gampong* (village); *gampongs* from the *mukim* (like districts); *mukims* from *ulebalang*-ship; *ulebalang* ships federated into *sagi* (like province); and the confederation of the three *sagis*, and the actual territory of the *Sultan* from the *Sultanate*.²⁶

In every *kawoms* there was a *Panglima* called *Panglima Kawom*. His main duty was “to uphold the interests of his *kawom*, and especially those which relate to blood feuds, *bila*.”²⁷ During the reign of Nur al-Alam Naqiyat ad-Din, *mukim* was separated into three federations. Each federation was headed by *Panglima Sagi*, who was usually identified by the original number of *mukim* placed under him.²⁸

Meanwhile, the *Panglima La'ot* as a product of the *adat* concept had many functions in Aceh during the sultanate era. Lee Kam Hing,

²³ Pierre-Yves Manguin, “Demografi dan Tata Perkotaan di Aceh pada Abad 16: Data Baru Menurut Sebuah Buku Pedoman Portugis Tahun 1548”, in *Panggung Sejarah: Persembahan kepada Prof. Dr. Denys Lombard*, ed. by Henri Chambert-Loir and Hasan Muarif Ambary (Jakarta: Yayasan Obor Indonesia, 1999), p. 228.

²⁴ Lee, *The Sultanate of Aceh*, p. 10.

²⁵ For a brief history on the authority of Kerajaan Aceh, see for example Amirul Hadi, *Islam and State in Sumatra: A Study of Seventeenth-Century Aceh* (Leiden: Brill, 2004), pp. 37–93; R. Michael. Feener, Patrick T. Daly, and Anthony Reid (eds.), *Mapping the Acehnese Past* (Leiden: KITLV Press, 2011).

²⁶ A. Mukti. Ali, *An Introduction to the Government of Aceh's Sultanate* (Jogjakarta: Jajasan Nida, 1970), p. 9.

²⁷ *Ibid.*, p. 10

²⁸ On study of mukim, see Taqwaddin Husin, *Kapita Selektia Hukum Adat Aceh dan Qanun Wali Nanggroe* (Banda Aceh: Bandar Publishing, 2016).

for example, maintains that:

During the last dynasty, successive sultans tried to exercise more effective power at the capital and along the coast. Against the coastal chiefs, rulers decreed that all trade be conducted through the capital port in Banda Aceh. Early his reign, Sultan Mahmud Syah appointed a *Panglima La'ot* to enforce surveillance of the coast and collect revenue from the outlying settlements.²⁹

It seems that the *Panglima La'ot* was not only the guardian of *adat La'ot* but also a government official. He worked closely with the *Syabbandar* and *ulebalang* at the coastal area. During the Islamic kingdom all of the *adat* institutions, including that of *Panglima La'ot's*, were unified under a system that formed part of a hierarchy under a territory of the sultanate. This leads us to see that the nature of *adat* institution among the Acehnese society.

The *Adat La'ot* was controlled by the *Panglima La'ot* who worked with the *Ule Balang* or *keudjrueu kuala* (a head of river mouth) as government staff. However, there was no among authority among *Ule Balangs* after the independence.³⁰ Thus, the *Panglima La'ot* did not work with *ulebalang*. In other words, *Panglima La'ot* became an Islamic kingdom heritage that had a very strategic position in the coastal areas which were only seen as a “ship’s captain” for Acehnese fisher. As result, the role of *Panglima La'ot* as government apparatus has been changed into as symbol of *Adat La'ot* and as cultural heritage.

Thus, it is not mistaken when some scholars argued that the *Panglima La'ot* is like as guardian of *Adat La'ot*. His job is only to be a problem solver when conflict occurred between *Pawang*s in coastal areas and he is appointed by the several *pawang*s and the representative of community.³¹ Some also said that his job to sustain *Adat La'ot* and to run a *Khanduri*

²⁹ Lee Kam Hing, “Aceh at the Time of the 1824 Treaty”, in *Verandah of Violence: The Background to the Aceh Problem*, ed. by Anthony Reid (Singapore: Singapore University Press, 2006), p. 82.

³⁰ On study of *Ule Balang*, see M. Isa Sulaiman, “Les Ulèebalang, Les Ulémas, et Les Enseignants de Madrasah: La Lutte Pour Le Pouvoir Local En Aceh de 1942 a 1951”, Ph.D. Dissertation (Paris: Ecole Des Hautes Etudes en Sciences Sociales, 1985).

³¹ C. Snouck Hurgronje, *Aceh: Rakyat dan Adat Istiadatnya*, trans. by Sutan Maimoen (Jakarta: INIS, 1996), p. 222.

La'ot for his community.³² This means that the *Panglima La'ot* is only work for his community, not for system of Acehne government.

One of Acehne axiom for the sustainability of customary law is *adat bak poteumeureuhom, bukom bak syiah kualala. Qanūn bak putroe phang, reusam bak bak bintara*. We would prefer to explore the *adat bak poteumureuhom* which means customary based from the ruler/king (*sultan*). With this cabinet established all of law in his kingdom which was called as *Adat Meukuta Alam (AMA)*.³³ To control his territory, the *sultan* disseminated rule of law which was later called *adat* law or *adat Aceh* for the administrative purpose.³⁴ Amirul Hadi in his *Islam and State in Sumatra* gives us a portrait of royal power which was later named as *Adat Aceh*:

The shrinking of royal power and the rise of the power of *orang kaya*, especially during the period after the death of Iskandar Muda (1636), resulted in a more decentralized system of government. This was evidence by the formation of an executive council of four senior *orang kayas* shortly after the enthronement of Saḥīyat al-Dīn in 1641. The members of the council were the *qadīmalik al-'ādīl*, the *orang kaya maharaja seri maharaja*, the *laksamana*, and the *panglima Bandar orang kaya maharaja lela*. A few years later, the executive body still considered of four main councilors, each of whom held specific responsibilities. The first in rank was the *qadī malik al-'ādīl*, who was responsible for the administration of law and justice. The second was the *orang kaya maharaja seri maharaja*, who was responsible for matters pertaining to political administration. The third was the *panglima dalam*, like the *laksamana*, was in the charge of the security of the capital city and the military. Finally, there was the *panglima bandar*, who was responsible for the administration of foreign trade in the port and the security of foreign merchants and their properties. This form of government was to last until the end of the seventeenth century, with only minor changes to the titles borne by the official involved.³⁵

Thus, *adat* it is not about cultural heritage, but more so as a form of government system. Abdullah argues that the term has two overlapping

³² *Ibid.*, p. 223.

³³ H.M. Zainuddin, *Tarich Atjeh dan Nusantara* (Medan: Pustaka Iskandar Muda, 1961), p. 333.

³⁴ The best study on Adat Aceh, see Takeshi, "The World of the Adat Aceh". On text of Adat Aceh, see Harun and Gani (Tjut.) (eds.), *Adat Aceh*.

³⁵ Hadi, *Islam and State in Sumatra*, p. 104.

meanings: “First, *adat* is perceived as an all-embracing term for the rules of behavior and social institutions that the society holds to be legitimate and true. The second meaning of *adat* refers to local tradition, ruler and regulations, and institutional remnants from pre-Islamic times.”³⁶ However, the whole Acehese government system should be based on Islamic teaching. That was why the role of the ‘*ulama* was very important.³⁷ In this context, most of the product of *ulama*’s opinion or justification was referred to as *bukom* (law). It is said that “*bukom* and *adat* are like the pupil and the white of the eye: the *bukom* is Allah’s *bukom* and the *adat* Allah’s *adat*.”³⁸ This is a result of the collaboration between the rulers and the *ulama* during the Islamic kingdoms in Aceh. Yusny Saby writes that “*ulama* always collaborated with the rulers, both males and females. That is why most of the works done by the ‘*ulama* were commissioned by the kings or the queen.”³⁹

However, during the colonial period, there was a question about this system (the harmonization between *adat* and *bukom*) called “reception theory” which was proposed by Christian Snouck Hurgronje. According to this theory:

Islamic law could only be effective and binding upon Indonesian if it were consistent with or derived from the customary law, the *adat*. The living law for Indonesia people, was, therefore, seen as being rooted not in religious law but rather in customary law. In the case Minangkabau, Hurgronje acknowledged that fact that Islam had been dominant in the region for a long period, but insisted that the domestic institutions of that “are in many respects in conflict with the religious law.” This phenomenon he also found to be the case in other regions of Indonesia, and Aceh, the region where Islam is most deeply rooted, was in his view no exception

³⁶ Taufik Abdullah, “Adat”, *The Oxford Encyclopedia of the Modern Islamic World*, ed. by John L. Esposito (Oxford: Oxford University Press, 1995), p. 20.

³⁷ See for example Azyumardi Azra, *The Origins of Islamic Reformism in Southeast Asia: Networks of Malay-Indonesian and Middle Eastern “Ulamā” in the Seventeenth and Eighteenth Centuries* (Honolulu: University of Hawaii Press, 2004).

³⁸ Ali, *An Introduction to the Government of Aceh’s Sultanate*, p. 20.

³⁹ Yusny Saby, “The Ulama in Aceh: A Brief Historical Survey”, *Studia Islamika*, vol. 8, no. 1 (2001), p. 21.

in this respect.⁴⁰

It is clear that in the case of Aceh there is a separation of *adat* and Islamic law, with regards to this theory. Daniel S. Lev records:

Snouck's criticism of the reorganization on 1882 had had some influence in official circles. But more important, the *adat* law scholars were successfully battling efforts either to codify *adat* law or to impose European codes on all population groups, and they were about to take on more delicate programs. In 1922 the colonial government created a commission to look again in the question of the *priesterraden* [priest council]. It was not a commission likely to delight Islamic groups. This commission adopted some of Snouck's proposal. The incorrectly labeled *priesterraden* [priest council] was now named *penghulu-gerecht* (penghulu court). It would consist *penghulu* as judge, assisted by not more than two assessors and a clerk. Judicial and clerical staff, moreover, would be paid regular salaries, which it was supposed would eliminate the often exorbitant extraction of fees from which religious-court employees made their living.⁴¹

The meaning and authority of *adat* have been changed due to the socio historical facts, namely, after the Dutch implemented this theory. Article 129 of Law of Establishment of the Netherland Indies which was passed in 1929 states that in all cases of civil law between Indonesian Muslims, Islamic law would be used only if *adat* law demanded it. This, according to Ratno Lukito:

The role of Islamic law in the colony was diminished since it was ignored by every law enacted by the colonial government. The Dutch benefited from a pluralism of law as pathway to impede Islamic law while local customary law was revitalized in the native society.⁴²

From the beginning, Acehnese have used *adat* as their main instrument of the government which recently has become their cultural

⁴⁰ Akh. Minhaji, *Ahmad Hassan and Islamic Legal Reform in Indonesia, 1887-1958* (Yogyakarta: Kurnia Kalam Semesta Press, 2001), p. 43.

⁴¹ Daniel S. Lev, *Islamic Courts in Indonesia: A Study in the Political Bases of Legal Institutions* (Berkeley: University of California Press, 1972), pp. 17–8.

⁴² Ratno Lukito, "Islamic Law and the Colonial Encounters: The Experience of India and Indonesia", in *The Dynamics of Islamic Civilization: Satu Dasawarsa Program Pembibitan (1988-1998)*, ed. by Yudian Wahyudi (Yogyakarta: Titian Ilahi Press: Forum Komunikasi Alumni Program Pembibitan Calon Dosen IAIN se-Indonesia, 1998), pp. 224–5.

heritage. It is a fact that *adat* was changed into customary law by Snouck. In this situation, we could say the real ‘cultural heritage’ is *qanūn* (canon) and *reusam* (tradition) which was not understood as *adat* during the Islamic kingdoms in Aceh. In Aceh *Qanūn* is likely an approval for such tradition from the royal family, while *reusam* is tradition as ‘living culture’ that was established by the *ulebalang* or *orang kaya* for the society. It is said that *qanūn* or *qanūn al-asyī* is tradition and culture for the women folk in any social ceremonies that were implemented and authorized by the queen.⁴³ Literally, the term *qanun* (pl. *qawanin*) is an Arabic derivative from the Greek, which means: “any straight rod,” “a measure or rule,” “assessment for taxation,” “imperial taxes,” and “tariff.” In Islamic studies, the term *qanun* can be defined as “code of regulation,” and “state-law.”⁴⁴ Thus, the meaning of *qanūn* and *reusam* can be also defined as follows:

Qanūn is women authority in order to creating the cultural objects and setting the etiquette of the various of indoor forms and formations for the needs of daily live and special occasion of ceremonies, such as the design of the bridal dais and costumes. *Reusam* is men authority in order to setting and creating the various outdoor ceremonies, form example in the procedure in one of the phases of marriage ceremonies when the groom visiting the bridge house, and the creativity in the performing arts.⁴⁵

However, now all of these concepts are interchangeable, due the some factor, including the position of *Panglima La’ot*. First, the *adat Aceh* as the rules of the government rwere substituted to its position as *reusam* (living tradition). Second, some of ‘*adat* institutions for the sultan and his staffs were not considered as government apparatus after the colonial period and independence era. Third, many government rules which were called *Adat Meukuta Alam* (AMA) were regarded as a legacy of Aceh in

⁴³ Kaoy Muhammad Syah and Lukman Hakiem, *Keistimewaan Aceh dalam Lintasan Sejarah: Proses Pembentukan UU No. 44/1999* (Jakarta: Pengurus Besar Al Jam’iyatul Washliyah, 2000), p. 145; Daud (ed.), *Qanun Meukuta Alam dalam Syarah Tadbkirah Tabaqat Tgk. Di Mulek dan Komentarnya*.

⁴⁴ Akh Minhaji, “Islamic Law Under The Ottoman Empire”, in *The Dynamics of Islamic Civilization: Satu Dasawarsa Program Pembibitan (1988-1998)*, ed. by Yudian Wahyudi (Yogyakarta: Titian Ilahi Press-Forum Komunikasi Alumni Program Pembibitan Calon Dosen IAIN se-Indonesia, 1998), p. 189.

⁴⁵ Ari Palawi, “Music in the Achehnese Wedding Ceremony”, presented at *Southeast Asian Culture* (Manoa: University of Hawaii, Spring 2007), p. 14.

terms of culture and indigenous law.⁴⁶

In 1883, when Tuanku Muhammad Dauh Syah became Sultan, he was selected as the leader to combat the Dutch. Tgk Chik Di Tirowas his *qadhi malikul adil*, and Teuku Umar was *amirul babri* or *Panglima La'ot* in West Aceh.⁴⁷ In this situation, Teuku Umar was not known as *Panglima La'ot*, but rather as a national hero until today. The naming of *amirul babri* for the position of *Panglima La'ot* could also be found when Ibn Battutah arrived in Aceh in 1345. Azra recorded the arrival of Ibn Battutah as follows:

When he anchored in Pasai's harbor on his way to the Far East, Ibn Battutah was warmly welcomed by the deputy of the Shahbandar or in Arabic text has it, "*naib sahib al-babri*", who granted him permission to land. He led him to the wooden-walled town of Pasai, located a few miles upriver from the harbor settlement. There he was introduced to several Muslim legal scholars (*fuqaha*) coming from other part of the Muslim world such as al-qadhi al-Shari Amir al-Shirazi (from Shiraz, Persia), and Taj al-Din al-Isfahani (from Isfahan) and several others.⁴⁸

In sum, the institution of *Panglima La'ot* was likely a maritime power for the kingdoms since 13 Century until the war between Aceh and the Dutch in 19th Century. It began four hundred years, as many scholars have argued. The naming of *amir al-babri* or *naib sahib al-babri* in 13th Century shows that the *Panglima La'ot* job was most likely as an immigration official for the *Syabbandar*. This can be traced from the history of the coming of the great Islamic scholars, Syaikh Abdur Ra'uf al-Singkili, to Kuala Aceh, near Aceh Darussalam, as *pawang pukat*, before approaching the palace in the city. It was said that the *ulama* acted as *pawang* and granted the permission for *Panglima La'ot* to settle in one of the prostitution areas which was called as *Gampong Biduen*. He studied morality of the society, near the palace, in coastal areas (*Kuala Aceh*)

⁴⁶ On Adat Meukuta Alam, see Takeshi, "The world of the adat Aceh"; Daud (ed.), *Qanun Meukuta Alam dalam Syarah Tadbkirah Tabaqat Tgk. Di Mulek dan Komentarnya*.

⁴⁷ Teuku Alfian Ibrahim, *Perang di Jalan Allah: Perang Aceh 1873-1912* (Jakarta: Pustaka Sinar Harapan, 1987), p. 106.

⁴⁸ Azyumardi Azra, "Education, Law, Mysticism: Constructing Sosial Realities", in *Islamic Civilization in the Malay World*, ed. by Mohd. Taib Osman (Kuala Lumpur: Dewan Bahasa dan Pustaka and the Research Centre for Islamic History, Art and Culture, Istanbul, 1997), p. 149.

before he was elected as special advisor for the King as *qādbi mālik al-‘adīl* in 1665. In this case, he was granted by the *Panglima La‘ōt* to carry out his Islamic missionary work in the coastal area.⁴⁹ Finally, *Panglima La‘ōt* is not reproduction of Acehnese culture which was always seen not to be a part of the government system. However, with it is still part of the centralized government system under the royal commands.

C. Cultural landscapes of *Panglima La‘ōt*

This section provides the current position of *Panglima La‘ōt* in Acehnese society. It covers from different setting areas where the data were collected for this study. There is no a clear answer on role of *Panglima La‘ōt*. Mostly there is a common perception on this institution is a heritage from the Kingdom of Aceh. After tsunami in 2004, people would add by saying that the job of *Panglima La‘ōt* was only to distribute donation and to solve problems among the fisher. Then, if there is a regional meeting of *Panglima La‘ōt Lhok*, all of them would travel to Banda Aceh (capital city of Aceh province) to attend the meeting where they would discuss the problems of fisher community. One of the issue that raised the role of *Panglima La‘ōt* in community and how to sustain the *Adat La‘ōt*.

While in other part of the fisher community we found that there is a *kampung nelayan* which always has the same atmosphere: a) some fishermen who take trip to the sea for several hours or days; b) a group of children who play around the coast with local tourists; c) women who stay at their house and chatting with their neighbours or looking for lice; d) a group of people enjoying their coffee or tea in *warung kopi* or coffee stalls while they enjoy watching the television or cinema. These are type of setting that we see since 1980s. In one *kampung*, for example, after their primary school the young boys' next job is to clean boats or collect fish. Finally, their last jobs are *muge* (a man who sell fish to remote areas by motorcycle) or *toke bangku* (a man who set the price of fish near the sea). In fact, this is a higher position that he could achieve in their life due to their lack of education. However, for those *nelayan* who have their own boats, he could send his children to school until the university level.

A fisherman told us that their income was like '*raseuki rimueng*' (tiger

⁴⁹ Muhammad Junus Djamil, *Gerak Kebangkitan Aceh: Kumpulan Karya Sejarah*, ed. by Anas M. Yunus (Bandung: Jaya Mukti, 2005), p. 150.

livelihood) which means, he can not predict his income monthly or yearly. This is because if plenty of fish is caught, their income is likely to be lower. The most important thing for his family is to be able to buy rice and give pocket money to their children. Thus, if there is any extra '*raseunki rimung*', they must save it for the day when they could not get plenty of fish. An informant in Lhokseumawe (North Aceh) said that *toke bangku* sets the price of the fish by calling some of his friends in the same district to check if he could give a good price according to the current situation in his territory. Thus, many of *pawang*s sell their fish from the boat at sea to increase their income. A fisherman said that in this business, only two persons who can be rich are the *toke bangku* and boat owners. In Meulaboh (West Aceh), a *nelayan* said that the *pawang* only sell after he has taken for food which he would report to the owner of boat later.

Furthermore, some fishermen mentioned about the use of black magic (*eleume*) among their community. It is well known that many *pawang*s or even *Panglima La'ot Lhok* have utilized black magic (*eleume*) which is not only for their fishing activities, but also for their social life.⁵⁰ Some of *pawang* knows how to 'call' fish to their boat. Then, other *pawang* would see this is unfair. Usually after they arrive the *kuala* or river mouth, he would go to cast a spell on some boat equipment with *sibir* (shaman). Most of the target of the magic is the net or some places on a boat. The *nelayan* informed that this is old Acehnese tradition. Many of *Pawang* must learn about this knowledge as well. It does relate to the career of *Panglima La'ot* which began with a *Pawang* position. Thus, it is a must for *Panglima La'ot* to know about this problem. Many of the *nelayan* in the East coast of Aceh know where there is black magic or witchcraft in their territory. For example, in Sungai Payau, Aceh Tamiang, black magic is a common tradition.

A top *Panglima La'ot* leader is known for this tradition even though Islam prohibits black magic. However, he turned our discussion about a problem in *Adat La'ot* regarding the social change in the Acehnese community. Although black magic is not a real problem it is still an internal problem within the fishing community. A senior fisherman in his 70s in

⁵⁰ Sulaiman Lubis, *Panglima Laot dan Pawang: Perananja dalam Masyarakat Nelayan Aceh (Studi Kasus Banda Aceh dan Aceh Timur)* (Banda Aceh: Pusat Latihan Penelitian Ilmu-Ilmu Sosial, Aceh], 1978), pp. 29–40, 47.

Lhok Kreng, near Banda Aceh city said that the requirement of being *nelayan* is, not only black magic but bravery. He said that the old generation was very brave, because they did not have good fishing equipment. They could read the cycle of the moon and the signs of the stars when they need to go back to their home base. He tended to compare his generation with the new-generation in terms of technology. He explained that using black magic was not important anymore, but some of old-generation did utilize this power during their activities on the sea.

After understanding the tradition, the discussion turned to the career of *Panglima La'ot*. An candidate for the position should understand the tradition and *Adat La'ot*. They can start as *anekitek* (a person who works under the *pawang*), deputy *pawang*, *pawang*, and then, the community would conduct an election to select the *Panglima La'ot Lhok*. It seems that this is against the history of *Panglima La'ot* in which the appointment was by the Sultan or his deputy such as *syahbandar* or *Ulebalang*. After the election, the *Panglima La'ot* is seen as the guardian of fisher society.

To see their role in society, this study will show how the society organizes a yearly festival which called *Khanduri La'ot*. There are two groups of society which hold the *Khanduri La'ot* (Sea Festival). The first is community is the *Khanduri* which is not considered to be against the religious teaching. The second society claims that the *khanduri* is a *bid'ab* (innovation) in Islamic teaching. An informant explains the reason of the abolition:

We do not know about the origin of this tradition, some even said this is part of Hinduism. However, after several years, we could not get plenty offish in our area due to the fact that we didnot hold any *khanduri la'ot*. This is because we did not make any thanks for the owner of the sea, so the sea would not give us plenty offish. Our *nelayan* went to other areas instead of doing any activity in our territory.

In one sub-district the community still continues the old tradition as a symbol of thanking to the sea. They hold the *khanduri* every two years for this ritual. This tradition would be under the coordination of *Panglima La'ot*. It starts with a meeting for this purpose. They would hold the *khanduri* if all of the *nelayan* give donations to buy a carabao. Then, every household would cook into a curry to be feasted by all *nelayan* living by the sea.

For the society that could not hold the *Khanduri*, the *Panglima La'ot* could not do anything. Thus, this becomes a major problem for his community. A villager informed us that the problem of *Khanduri La'ot* was about the thanking with the sea, but with *shari'ah* the problem is with Allah. There is a dominant group of Muslim reformist. However, he said that after the abolition of *Khanduri La'ot* villagers did not get much fish on their territory. One local scholar said that *Khanduri La'ot* is part of Islamic tradition, not as Hindu legacy as many Acehnese claimed. Some villagers who are Islamic reformists would see that such Acehnese tradition as part of Hinduism or Buddhism. In West Aceh, the *nelayan* still hold *Khanduri La'ot* as the symbol of thanking *Allah*.

After the independence of Indonesia, Aceh was granted to implement the *shari'ah* law and *adat* institution. Many laws have been passed until today. There have been many conflicts within its society and between Aceh and the state in Acehnese history. In fact, there is a hierarchy of power among the Acehnese. There is no *sultan* and the authority of *ulebalang* has been dismissed. Even so, some *Panglima La'ot* still work for their community and some said they could still control the fishing industry in their territory. It can be said that they do not have any authority above them. Before this they used to work with *panglima krueng*, *syahbandar*, and *ulebalang* as the staff under the *sultan* as not only as 'guardian of *Adat Meukuta 'Alam*' but also as 'custom and immigration staff', 'military and intelligence power,' and 'a part of religious missionary.'

Apart from this problem, after the implementation of Snouck's policy toward a 'separation between *adat* and Islamic law, there have been many internal conflicts among the Acehnese. As Benda writes: "In Aceh vigorous military actions against fanatical *ulama*, combined with Dutch support for *adat* chiefs, as long last brought about the termination of the war."⁵¹ Thus, it would not be surprising if after the independence era, all of the products of *Adat Meukutu Alam* would be regarded as a 'living tradition' under two categories: the Islamic law and national law. It is said that the 'living tradition' was not because of they had chiefs but due to the legacy of their *indatu* (ancestor) which was later named as local wisdom.

⁵¹ Harry J. Benda, "Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia", *The Journal of Modern History*, vol. 30, no. 4 (1958), p. 346.

D. *Panglima La'öt* and *Adat La'öt* in Socio-Political Life

Now let us show the impact of transforming from 'adat' institution as 'law' during the Islamic kingdom to 'qanūn' which is seen as a 'living tradition'. Here we will see how the problem of *adat* is being 'cut and paste' from the history of Aceh to a product which is called *qanūn* and under the *Wali Nanggroe* in modern era. In MoU of Helsinki, it mentioned that:

“*Qanūn* Aceh will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting legal requirements of Aceh” (Point 1.1.6).

“The Institution of *Wali Nanggroe* with all its ceremonial attributes and entitlements will be established” (1.1.7).

As mentioned above, that the *qanūn* is a problem to the tradition of the women folk that is symbolized by the Queen of Pahang (Putroe Phang) that is termed as “*Qanūn bak Putroe Phang*.” In Islamic studies, *qanūn* is defined as “code of regulation” and “state law.”⁵² The purpose of *qanūn* is to strengthen and supplement of the *shari'a*, not supersede it.⁵³ Thus, it can be argued that *qanūn* in Aceh is as part of the implementation of *shari'a*. However, there is a problem with the term of *Wali Nanggroe* which has not been considered as being the supremacy of many *qanūns* issued by the Aceh government. In fact, this is higher institution in Aceh as proposed by the MoU. This term (*wali nanggroe*) is a form of the head of state that is declared in the *Piagam Bate Kureng*, a charter on *Piagam Tentang Berdirinja Negara Babagian Atjeh dalam Lingkungan Negara Islam Indonesia* (The Charter on the Establishment of Aceh Federal State under State of Indonesian Islam) signed on 21 September 1953 by Daud Beureueh.⁵⁴

Historically, it seems that the term of *Wali Nanggroe* is designated as the title for Tgk. Hassan di Tiro who appointed himself as *Wali Nanggroe*. In fact, this is a title as a result of the Darul Islam rebellion which is not under the continuity of Acehnese history. This is because

⁵² Udjang Tholib, “The Relation Between the Kanun and the Shari'a in the Ottoman Empire (15th-17th Centuries)”, in *Islam & Development: A Politico-Religious Response* (Yogyakarta: Permika-Montreal and LPMI, 1997), p. 46.

⁵³ *Ibid.*, p. 53.

⁵⁴ On Daud Beureueh, see Hasanuddin Yusuf Adan, *Teungku Mubammad Dawud Beureueh: Ulama, Pemimpin dan Tokoh Pembaharuan* (Bangi: Penerbit Universiti Kebangsaan Malaysia, 2005).

the structure of *adat* is under the Sultan, not under *Wali Nanggroe*. Then, it is also vague why in the MoU both parties (GAM and the Government of Indonesia) agreed that “The Institution of *Wali Nanggroe* with all its ceremonial attributes and entitlements will be established.” (Point 1.1.7). In fact the ‘attributes’ of *Wali Nanggroe* is related to the head of Negara Islam Indonesia which was part of the struggle of NII (Islamic State of Indonesia). Thus, it seems that the title of *Wali Nanggroe* in the MoU which was not seen as ‘*adat* heritage.’ It can be claimed that this term is used because of the position of Tgk. Hasan di Tiro who claims to continue the spirit of Tgk. Daud Beureueh in his organization, GAM.

On 22 May 1977 in Halimon Mountain of Aceh Pidie, GAM which was called RIA (The Republic of Aceh Islam) used this title (*Wali Nanggroe*) for Tgk. Hasan di Tiro and his deputy (*Wakil Wali Nanggroe*), Tgk. Muchtar Yahya Hasbi Geudong. Surprisingly, RIA gave another new-title for Tgk. Daud Beureueh, that is, *Mufti Empat* (Fourth Islamic Jurist Council).⁵⁵ It can be assumed that the using of *Mufti Empat* is to relate position of *qādbi mālik al-‘adil* as practiced in the era of Islamic Kingdom in Aceh.

Lately, the revival of *adat* institutions is being exposed under the institution of MAA (*Majelis Adat Aceh*). Again, it is unclear about the re-positioning of *adat* institutions in Aceh. Recently, there have been *Qanūns* and Laws passed as part of exit point from the MoU to revive the *adat* institution in Aceh, including *Panglima La'ot*. In Qanūn No. 8 of the 2008 Development of Custom Chapter IV, Article 6 (1) mentions that: (The *Wali Nanggroe* is responsible to sustain, develop, protect, and to maintain *adat*, customs and cultures). Furthermore, in Qanūn No.10 of 2008 on Customary Institution states that:

The institution of *Wali Nanggroe* is *adat* leadership institution to unify society and to sustain custom and cultural lives (Article 1, point 11).

The *adat* institution that mentioned in Article 2 point (2) and point (3) are under the construction of *Wali Nanggroe* (Article 42, point 1).

The construction that mentioned in point (1) is implemented by the *Majelis Adat Aceh* (Article 42, point 2).

⁵⁵ Al-Chaidar, *Aceh Bersimbah Darah: Mengungkap Penerapan Daerah Operasi Militer (DOM) di Aceh 1989-1998*, (Jakarta: Pustaka Al-Kautsar, 1999), p. 150

The way of construction that mentioned in point (2) will be arranged by the *Wali Nanggroe* (Article 42, point 3).

As long as there is no re-establishment of *Wali Nanggroe*, so its arrangement will be performed by the MAA (Article 44).

It is clear how the *adat* institution overlaps, including the *Panglima La'ot* and *Syabbandar*. It even mentions 13 traditional institutions, but most of their tasks are being 'cut and paste' without reviewing the historical narrative of each institution, namely, their authority, responsibility, and demarcation of power in every Acehnese society. For example, *baria peukan* as collector during weekly market in village and *Panglima La'ot* work under the *syabbandar* who was staff for *ulebalang* or was directly under the Sultan. However, this institution only focuses on civil port.

The calling of Tgk. Hasan di Tiro among GAM members has not been recognized as the formal institution of *Wali Nanggroe* for the entire Acehnese people, including the re-formalization of customary law. It can be argued that this institution is a 'contested power or concept' to the authority of Indonesian government during the conflict since since 1950s until 2005, when the MoU of Helsinki was signed. Tgk. Daud Beureueh and Tgk. Hasan di Tiro declared themselves as *Wali Nanggroe* as part of their rebellion to the Indonesian government. In this context, Tgk. Hasan di Tiro has claimed himself *Wali Nanggroe* as he had established GAM as his *successor state*.⁵⁶

Due to the 'ghost institution', some of the 'arrangements' of *Wali Nanggroe* tasks are being assisted by international donor or UN agencies. IOM (International Organization for Migration), for example, works with Indonesian Police to revive the traditional institutions such as *mukim*, *tuba pent*, *tuba lapan*, under the umbrella of POLMAS (*Polisi Masyarakat*, Civil Police). Then, Leuser Foundation and perhaps Flora International have supported the traditional institution of *Peutua Seuneubok* which work with forest issues like *peutua seuneubok*, *Panglima Uteun*, *pawang rimueng*, and other *pawangs* under the traditional of *adat uteun* (the forest *adat*). While UN-FAO, under the support of American Red Cross, works closely with DKP (Aceh Sea and Fisheries Agency) and the *Panglima La'ot* to handle

⁵⁶ Hasan Tiro, "Konsep-Konsep Kunci Ideologi Aceh Merdeka", *Suara Aceh Merdeka*, no. VII (1996), p. 34.

the coastal areas under the program of Co-Management. David Curie, a former project coordinator, writes that “the project is working to support the sustainable development of Aceh’s fisheries, and aquaculture sector through training and capacity building, securing livelihoods and building dynamic communities”.⁵⁷ Thus, it is not surprising that all of international organizations acted as the ‘*Wali Nanggroe*’ in Aceh, while waiting to establish the ‘real’ *Wali Nanggroe*.

In 2001 when *Panglima La'ot* province was revived and established, they received local and national attention, especially after the case of Thailand boats. After the Indonesian government arrested the boats, many local scholars, ‘adat leaders and “their lobby” went to Jakarta. Finally, there were 14 billion Rupiah for the Acehnese people. Then, some of local people asked Sarwono Kusumaatmadja, former Minister of Maritime, to give the money to the Acehnese fishermen as ‘trust fund’.⁵⁸ To make this formal, a group of people invited all *Panglima La'ot Lhok* to Sabang to a *duek pakat* (meeting) to revive a *Panglima La'ot* province. At the end of this *duek pakat*, they agreed to allocate 3.5 billion rupiah as trust fund for scholarship to be managed by YPMAN.

However, in 2000 there was also provincial meeting of *Panglima La'ot* on 6-7 June 2000. It was regarded as a turning point of the idea the establishment of *Panglima La'ot* at the provincial level. The initiators of this *musyawarah* who were local scholars and activists, were successful in reconstructing the organization of *Panglima La'ot*. Finally, all members agreed to divide the structure of *Panglima La'ot* as follows:

- *Panglima La'ot Lhok* (PLL) at sub-district level
 - 3 advisory board
 - 1 chief
 - 1 deputy of chief
 - 1 secretary
 - 1 treasurer
- *Panglima La'ot Kabupaten* (PLK) at district level

⁵⁷ John Kurien, *Voice of Panglima Laot: Analysis of an Opinion Survey and Its Implications for Co-Management Interventions* (Banda Aceh: FAO, 2008), p. iii.

⁵⁸ Muhammad Adli Abdullah, Sulaiman Tripa, and Teuku Muttaqin, *Selama Kearifan adalah Kekayaan: Eksistensi Panglima Laot dan Hukôm Adat Laot di Aceh* (Banda Aceh: Panglima Laot Aceh, 2006), p. 17.

- 3 advisory board
- 1 chief
- 1 deputy
- 1 secretary
- 1 treasurer
- *Panglima La'ot Propinsi* (PLP) at province level
 - 3 advisory board
 - 1 chief
 - 4 deputy of chief
 - 1 secretary
 - 1 deputy secretary
 - 1 treasurer
 - 1 deputy of treasurer
 - Member

Through this structural organization, the *Musyawarah* agreed that the task of PLP was “to coordinate the implementation of *Adat La'ot* in the Aceh province and to facilitate the needs and interests of *nelayan* at provincial level.” However, the inauguration of PLP was announced in the *Duke Pakat* in Sabang. In addition, the participant concurred that at PLP level it is needed to add two more board: *devan meusapat* (meeting board) and *devan ahli* (expert board).

Under this ‘umbrella’ the money could be saved and the PLP could be revived. However, the words ‘to coordinate’ and ‘to facilitate’ were very interesting to describe. This is because PLP was given the authority to deal with the government at the provincial and national level. It is reported that since 2002, the YPMAN gave the scholarship to 350 children of *nelayan* 530 in 2003 while it increased to 700 in 2004. The total recipients of scholarship in 2005 was 1.225.⁵⁹ The PLP has played an important role in many areas with different setting. In Aceh, they have dealt with the local government and other state apparatus such as police, naval army, DKP, and MAA.⁶⁰

In the international arena, they have always worked with international organizations on fisher forum, Indonesian embassies abroad, UN agencies, etc. Currently, the PL of Aceh has been registered

⁵⁹ *Ibid.*, p. 31.

⁶⁰ *Ibid.*, p. 17.

as member of WFFP (World Forum of Fisher People) in October 2008. One of the staff, Mr. Adli Abdullah, former secretary of PLP, was selected as member of ICSF (International Collective in Support of Fishworkers) in 2007 and had been given the award of Building Better World from CHF (Community Habitat Finance) in December 2006 due to his role in this organization and other contributions in the reconstruction process after the Tsunami in Aceh.⁶¹

There are some factors that are being utilized by the PLP. After the re-establishment of PLP in 2001 it was changed in 2008 to *Panglima La'ot Aceh*, this organization have struggled in five areas. The first is to urge the recognition of this institution in front of the Aceh government. The second, to advocate the right of fishermen not only in *Adat La'ot*, but also when some fishermen were arrested in some countries like Thailand, Malaysia, Burma, and India⁶² and to combat the using of trawls for fishing activities.⁶³ The third is to empower the capacity of fishermen by encouraging them to cultivate crops so that they can depend more on 'the land.' The fourth is to be a mediator as the best representative of *adat* institution in dealing with the state apparatus. The fifth is to internationalize this organization.

Thus, there are some 'recipes' that we have seen in previous years. The main thing is the PLA lobbies many kinds of organization, from GAM, Indonesian military to the UN agencies. Thus, many of fisher rights and needs are always the priority of their lobby, especially during the conflict and reconstruction process. Thus, the PLA has been seen as an important 'adat institution that has bargaining power with many interests group. The other thing is how the PLA work with media, especially the daily of *Serambi Indonesia*. Many of PLA activities have been covered by the local and national media.⁶⁴ This would give public

⁶¹ See also A. Nurbaiti, "Aceh 'Sea Commanders' Now High Profile", *The Jakarta Post* (27 May 2005).

⁶² "Nelayan Aceh yang Ditahan di India Tiba Hari Ini", *Serambi Indonesia* (25 Aug 2008).

⁶³ "Selama Trawl Beroperasi Di Tepi: Penarik Pukat Darat Pilih Ubur-Ubur", *Serambi Indonesia* (25 Sep 2008); Helmi Hass, "Bagaimana Sumber Daya Perikanan Dikelola?", *Serambi Indonesia* (28 May 2008).

⁶⁴ Nurbaiti, "Aceh 'Sea Commanders' Now High Profile"; Hass, "Bagaimana Sumber Daya Perikanan Dikelola?"

opinion and attention, especially when they have difficulties with their lobby. Furthermore, the PLA can be a 'third party' when the fishermen are not satisfied with many of the government programme.⁶⁵ Thus, the fishermen would report directly to the PLA if they have a problem, especially like the case of setting trawl boats on fire by fishermen in Kuala Simpang and Aceh Jaya. Then, the PLA through their 'connections' would solve the problem on behalf of the fishermen. However, the problem of boat registration becomes a critical, especially when the Police or Naval army arrested some boats.⁶⁶

It can be argued that the PLA can be a model of *adat* institution in Aceh. They do not only maintain their tradition, but also work with many groups of societies which indicates that they are not only a traditional but also a modern organization. The role of *PLA* together with the *Adat La'ot* is almost similar with the *Sasi* in Maluku. It is reported that "in Maluku, the *sasi* institution provides a useful model and basis for the development of modern institutions that could be integrated with provincial and national agencies in fisheries co-management".⁶⁷ Thus, it is safe to say that in term of preserving the coastal areas resources, the traditional institution could play an important role as we have seen in the contribution of PLA or *sasi* in Maluku.⁶⁸

It seems that there have been many changings in relation to concept of *adat* in Aceh. In Islamic studies, *adat* is seen as '*urf*' which means local custom. I have elaborated the experience of *Panglima La'ot* as part of '*adat*' institution in Aceh, historically and socio-anthropologically. This study can be linked to Islamic studies, especially on Islamic law discourse. As '*urf*' is a part of sources in Islamic legal system. This is because this case is also can be found in the era of Ottoman empire. It is reported that "'urf, most of time a preservation of pre-Ottoman practices, was the dominant

⁶⁵ "Nelayan Pertanyakan Boat Bantuan", *Serambi Indonesia* (12 Aug 2008).

⁶⁶ "Polisi Air Tangkap Satu Boat Nelayan", *Serambi Indonesia* (6 May 2008); "Terkait Penangkapan KM Sri Baginda: Kesalahan Pemerintah Jangan Dibebankan Ke Nelayan", *Serambi Indonesia* (3 Jul 2009).

⁶⁷ I. Novaczek et al., *An Institutional Analysis of Sasi Laut in Maluku, Indonesia* (Penang: ICLARM - The World Fish Center, 2001), p. 11.

⁶⁸ J. P; Rahail, *Bat Batang Fitroa Fitnangan: Tata Guna Tanah dan Laut Tradisional Kei* (Jakarta: Yayasan Sehati, 1995).

factor in the application of law within the boundaries of the Empire.”⁶⁹ The implementation of *qanun* in Aceh as part of the implementation and formalization of *urf* as living tradition in Acehnese society. Feener has argue that the implementation of Islamic law can be seen as a process of social engineering.⁷⁰ He said that “such an expansive view of the social dimension of legal change is something that is frequently echoed in the writings and everyday language of many of those directly involved with the design and operation of Aceh’s Islamic legal system.”⁷¹

Thus, the experience of *Panglima La'ot* in Aceh shows some aspects in Islamic studies. It seems that power and authority have played important role in establishing of adat institution in the province as part of implementation of Islamic law. The reviving of adat institution in modern era shows how customary law embedded in society level. This lesson learned is related of what N.J. Coulson’s statement: “the conflict between Shari’a and customary law in Islam often results, not in a sharp distinction between their relative spheres of influence, but in compromise between the two”.⁷² Since there is not conflict between adat and Shari’a as found in the system of implementation of Islam law in Aceh,⁷³ it can be argued that cultural heritage still seen as part of balancing between the two systems. It means that researcher still need to focuss in society level rather than to state level. In Aceh *qanun* is state product, but in society still attache their way of thingking from their traditions.⁷⁴

⁶⁹ Eugenia Kermeli, “Ebus Suuds Definitions of Church Vaks: Theory and Practice in Ottoman Law”, in *Islamic Law: Theory and Practice*, ed. by Robert Gleave and Eugenia Kermeli (New York: I.B.Tauris, 2001), p. 141.

⁷⁰ R. Michael Feener, *Shari’a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2013).

⁷¹ R. Michael Feener, “Social Engineering Through Shari’a: Islamic Law and State-Directed Da’wa in Contemporary Aceh”, *Indonesia Law Review*, vol. 3, no. 3 (2013), p. 296.

⁷² Noel James Coulson, “Muslim Custom and Case-Law”, *Die Welt des Islams*, vol. 6, no. 1 (1959), p. 17.

⁷³ See generally Kamaruzzaman Bustamam-Ahmad, *Islamic Law in Southeast Asia: A Study of Its Application in Kelantan and Aceh* (Chiang May: Silkworm, 2009).

⁷⁴ See for example Abdullah, Tripa, and Muttaqin, *Selama Kearifan adalah Kekayaan: Eksistensi Panglima La'ot dan Hukóm Adat La'ot di Aceh*; Mahmud Ibrahim and Aman Pinan AR. Hakim, *Syariat dan Adat Istiadat* (Takengon: Yayasan Maqaman Mahmuda, 2010).

E. Concluding Remarks

Historically, there are three aspects to the role of *Panglima La'ot* in Aceh. The first is the society still needs the *Panglima La'ot* for sustaining the *Adat La'ot*. However, this 'need' can be defined into several categories. The first is the *PL* could maintain the social relationship within the society where he could solve the conflict among the fishermen. The second is the *PL* could work as a 'traditional symbol' to follow their indigenous culture such as *kbanduri la'ot*. Even though there have many challenges against this indigenous culture as being non-Islamic, but it has been implemented for several decades since there are religious values such as 'thanking to Allah' when conducting the ceremony. Thus, the *Panglima La'ot* should work closely with the local religious leaders or *ulama* organizations such as MPU.⁷⁵

The second aspect is *Panglima La'ot Kabupaten* and *Panglima La'ot Lbok* should give their best effort for their community, not only for administrative and advocacy purposes, but also in term of sustaining the historical values of *Panglima La'ot*. In this article we have examined that this institution was not only as a 'cultural heritage' but also as part of the Kingdom apparatus. Thus, the society should be in order to revive the spirit of 'real *adat*' as decided by the government. In Islamic studies, this process can be seen as the transformation of '*urf*' from socio-legal-cultural heritage as living tradition.

This would lead to a crucial problem, especially about the higher status of the institution that acts as 'umbrella' for the *adat* institution such as *Panglima La'ot*. The major problem is that there is no Sultan in Aceh and it is rumoured to have revived the institution of *Wali Nanggroe*. However, this is not part of the *adat heritage*. Thus, even there have been many *Qanun* passed by the government, but there it not clear what the function of *Wali Nanggroe* is. It symbolizes the leader during the rebellion during the era of Dauh Beureu-eh and Hasan di Tiro. This problem would cause a problem among the '*adat*' institutions in Aceh. This is because the higher authority of *adat* institution is MAA (*Majelid Adat Aceh*) which

⁷⁵ On study of MPU, see Moch Nur Ichwan, "Official Ulema and the Politics of Re-Islamization: The Majelis Permusyawaratan Ulama, Shari'atization and Contested Authority in Post-New Order Aceh", *Journal of Islamic Studies*, vol. 22, no. 2 (2011), pp. 183–214.

is also not a part of 'adat institution. We have found that the revival of *adat* institution should be from the bottom-up.

The other problem is the overlapping of authorities in the field such as the role of the Police and Naval army. As they live among the fishing community this would cause many structural problems. The case in Aceh Tamiang and some *Panglima La'ot* which led to some deaths during the conflict can be an example of this problem, especially when the peace process has ended. In this context the government officials caused a problem in the distribution of donations to the fishermen. Many fishermen have rejected the donation from the government because it did not meet what the fishermen needed. This could also lead to the authority of *Panglima La'ot*, namely if there is a need for fishermen to go to the state for their daily affairs. The final aspect is the need of sustaining the role of *Panglima La'ot Aceh* in Banda Aceh. As this was revived due to large of money from the case of Thailand's boat and becoming an influential adat institution, so the next task of this institution is to sustain and to keep work with many agencies in Banda Aceh, Jakarta, and international arena. Thus, the reformalization of *Panglima La'ot* to be a success if they could not make a smooth of regeneration. Besides this, using *Panglima La'ot* as a political vehicle could be a problem in future when the regime is changed. In this situation, it is safe to say that that the *Panglima La'ot Aceh* should increase their internal capacity building rather than being involved in the political arena.

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