

# Aceh, Syariah

*by* Reza Idria

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## <CT>Aceh, Syari'ah

<CA>Reza Idria<sup>1</sup>

On December 26, 2023, as Aceh remembered the ~~19th~~ nineteenth anniversary of the Tsunami, I found myself at Cek Yukee, a coffee shop where Jim Siegel and I often met between 2007 and 2015. We often spent our time there transcribing notes and contemplating our field trip data. In those years, Aceh was just recovering from the tsunami, and there was also a euphoric moment with the peace agreement between ~~t~~The Free Aceh Movement (GAM) and the Indonesian ~~g~~Government. Yet, there was worry about more *Syari'ah* (Sharia) laws being enforced in Aceh.

Sharia was introduced to Aceh in 1999 by the central government as a political idea. The proposal aimed to garner support from the Acehnese and laid the groundwork for the central government's response to, or intentional mischaracterization of, the GAM rebellion. After the establishment of peace, the political aspect of Sharia intensified. The criminalization of certain moral behaviors and the application of corporal punishment in the form of public caning set Aceh apart from the rest of the provinces in the country. Against this backdrop, my connection with Jim Siegel began in 2007 when, as the editor-in-chief, I was planning the new edition of *Gelombang Baru* journal with the theme "Mesin Syari'at" (Sharia Machine).<sup>2</sup> I sought one or two contributors who could offer a historical perspective on Syari'ah and politics in Aceh,

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<sup>1</sup> Reza Idria is an assistant professor of anthropology at State Islamic University Ar-Raniry, Banda Aceh.

<sup>2</sup> In 2002, while I was still a student at State Islamic Institute of Ar-Raniry, I co-founded a cultural organization named Komunitas Tikar Pandan. With donor support in post-tsunami Aceh, the organization expanded to include a research institute, a book store, a creative writing school, a cultural journal and a small corner dedicated as Aceh peace museum. Some parts of the organization have been inactive, but Komunitas Tikar Pandan continues to organize various activities like writing workshops, film screenings and book discussions.

particularly understanding the type of Syari'ah the Acehnese desired in the 1950s during the Darul Islam revolt.

I first heard about Jim Siegel from my former lecturer at IAIN Ar-Raniry. He often called him Jim Sigli, named after the town of Sigli in the Pidie district where Jim conducted research in the 1960s. The pronunciation of Siegel and Sigli in Acehnese tongue sounded almost similar. Jim was known to be close to Daud Beureueh, the last charismatic leader of Aceh, who declared Aceh's association with the Darul Islam movement.

I found Jim's email on the Cornell University website and decided to reach out to him about my journal plans. On May 15, 2007, I wrote to him in Bahasa. Back then, I was young, naive, and didn't know English. I didn't expect a reply from a Cornell professor, but I thought it was worth a try. Surprisingly, less than ~~24~~twenty-four hours later, I saw his reply in my inbox. Jim not only agreed to contribute but also mentioned he'd be in Aceh in December 2007.

We eventually met at Cakra Donya, an old hotel in a small Chinatown of Banda Aceh. Jim was easily identifiable waiting in the lobby. While many foreigners came to Aceh during the post-tsunami reconstruction, only a few chose to stay in Cakra Donya—a building marked by eerie remnants of the tsunami's wrath. It bore clear signs of water levels once submerging the hotel and carried a distinct scent left by the tsunami on its carpet. After introducing myself, which he seemed doubtful about, perhaps expecting another Reza, maybe the middle-aged editor-in-chief of the journal he had envisioned, I took him to meet my Komunitas Tikar Pandan co-founder, Azhari. This meeting marked the beginning of a journey that shaped where I am today.

Between 2010 and 2015, the winter months set the stage for our fieldwork. Jim traveled from Paris, and in 2014 and 2015, as I had already started my PhD program at Harvard, I flew

from Boston to join him and Azhari in Banda Aceh. Our planning process involved exchanging emails to sort ideas on topics to explore and listing potential people and places to visit. We explored a diverse range, from mental health hospitals and “conflict red-zone” villages to Islamic boarding schools, sometimes influenced by current events. On some occasions, our path led us to unexpected places, like a police camp in the mountains of Seulawah. This happened when the authorities in Banda Aceh cracked down on ~~65~~<sup>sixty-five</sup> punk musicians, placing them in the camp for re-education and to align them with Syari’ah principles.

We usually drove along the coastal areas, staying in a motel in each town for a couple of days and connecting with diverse individuals, including tsunami survivors, beggars, former combatants, punks, Sharia police, and many more. Our last week in Banda Aceh was often spent at Cek Yukee, where we transcribed interview recordings, sometimes arranging meetings with new informants. Jim mostly listened and let people talk. He listened to Azhari and me in a similar way he listened to people during our field trips. He took any repetitive words and terms seriously when people were trying to make sense of events, whether historical or current. Jim would follow them with questions to uncover more of what they meant. After our field trips, Jim would ask Azhari and me to write our reflections. He would then provide his commentaries on our reports or share his own notes about the people we had just interviewed or the events we had observed. I was always fascinated by how his insights went beyond my way of looking and understanding. Jim often encouraged me to disagree with his view on Aceh.

One important lesson I learned from Jim Siegel was his encouragement to accept any invitation, even for events we initially hesitated to attend.<sup>3</sup> Whether it was a *kenduri*, a meal festival, or an invitation to deliver a talk at a university, his belief was that by showing up, we

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<sup>3</sup> Later I found he articulates this way of thinking, on invitation and bewilderment, in *Objects and Objections of Ethnography*, (Fordham University Press, 2011), 1-2.

would open ourselves to discovering something new. Somehow, I related this to why he accepted my invitation to contribute to *Gelombang Baru*. I was still curious about why he agreed to write for a local journal with no credible reputation—something almost unimaginable, even more so today. Perhaps, he applied that way of thinking. Regardless, I continue to find benefit from the “liking what I dislike” method. This approach significantly shaped my research, especially on public caning—an area I initially avoided in my study of Sharia in Aceh. A public caning ceremony usually comes with an invitation from the authorities to encourage people to watch the punishment. I used to refuse such invitations to express my disagreement with that form of punishment.

I attended a public caning ceremony for the first time with Jim and Azhari on December 10, 2010, in Jantho, Aceh Besar, immediately following the Friday prayer. Despite (in addition to?) practicing Siegel’s way of thinking regarding invitations, I had a personal motivation to show Jim and Azhari that many people in Aceh shared my feelings and practices by simply <sup>1</sup> leaving the mosque after the Friday prayer. And indeed, I <sup>2</sup> was able to demonstrate just that. As an official began calling for the offenders to be brought to the stage, a number of people hurriedly exited the mosque yard. There was opposition to Syari’ah, as I wanted to show, though resisting laws named after one’s own belief and identity was not easy. However, a significant number of people, all male—teenagers and adult men—remained, as women typically did not attend the mosque on Fridays.

Joining the crowd gathered in front of the caning stage, I began to witness the ceremony. The punishment rites commenced with an imam delivering a short *nasehat* (reprimand), followed by an officer from the Syari’ah court reading the verdict. Sharia police then took the first offender, a woman, onto the stage, accompanied by two medical doctors and several *algojo*

(flagellator) wearing <sup>1</sup>ninja-like masks. The prosecutor with a microphone gave instructions to the flagellator, who proceeded to strike the woman in accordance with the given instructions, counting from one to eight. During this unsettling scene, <sup>2</sup>a person beside me mumbled “ka peulaku lom singoh mangat keunong lom.”<sup>4</sup> When the male offender was brought on stage, many in the audience shouted out. The mumbler beside me also joined in, ordering the flagellator to strike as hard as he could and more than eight times. Another person in the crowd demanded the male “sinner” be struck with a bigger rattan cane. The flagellator, however, paid no attention to the calls for additional punishment, delivering the same number of strokes—eight in total. The ceremony was then declared over, and everyone left. Jim and Azhari were as shaken as I was.

When Jim inquired about my feelings, I described the experience as theatrical, a term I used spontaneously. Though I didn’t dig into the details, Jim agreed with my response. Precisely with the word I was using, theater. During our conversation, I revisited the question of whether Daud Beureueh, if alive and in a similar position as he held in the 1950s, would implement Sharia in the manner we had just witnessed. Jim referred to the point he made in his article for *Gelombang Baru*,<sup>5</sup> that Beureueh didn’t envision the enforcement of Islamic law or advocate for the expansion of Sharia courts. For Beureueh, as for many people in Aceh at that time, Syariah simply means worship, *ibadah*. Jim speculated that perhaps, just after his descent from the mountains in 1962, Beureueh lacked the means to go further. However, Jim didn’t believe this was the primary reason; instead, he suggested that Abu Beureueh still had confidence in Acehnese society.

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<sup>4</sup> A phrase ~~which that~~ translates loosely as “Do the same again, expect the same punishment.”

<sup>5</sup> James T. Siegel, “Syariat Islam di Aceh,” *Jurnal Gelombang Baru* 4 (2009): 101–9.

Now the certainty of that confidence has been shaken. The diminished authority of the ulama in Aceh in the post-Daud Beureueh era,<sup>6</sup> as a result of their cooptation by Golkar under Suharto, played a role. The ulama in Aceh today required <sup>1</sup> political institutions to compensate for their lack of popularity among Acehnese. Due to the inability of individual ulama to command the allegiance of most Acehnese, they became plural and institutional. With the implementation of Syari'ah the term belonged to them not because they were experts, but because legally they were designated as such.<sup>2</sup> Old institutions were renamed, and Syari'ah became part of regional law. Its authority stemmed not primarily from its sacred origin but, in the first place, from its secular legality. The ulama and the provincial government mutually supported each other, giving substance to Sharia and providing it with a police force. That is how I understood Jim's reflection on the growing inclination towards Syari'ah among many people in Aceh today.

Clearly, understanding Aceh now requires an examination of its connection with Syari'ah.

As mentioned earlier, Jakarta granted Aceh the right to implement Sharia in 1999, followed by the enactment of the Special Autonomy Law in 2001. Initially, there was immense optimism that Syari'ah law would bring justice to a region ravaged by decades of a brutal armed conflict. The conflict era was marked by profound lawlessness, with Acehnese people experiencing killings, torture, and rape, yet the perpetrators remained unaccountable. Consequently, the offer <sup>1</sup> of Syari'ah law by the central government was met with enthusiasm by many in Aceh, seeking a remedy for the prevailing injustice. However, the gradual implementation has given rise to its own set of issues, contributing to various forms of injustice and violence. Two primary factors have played pivotal roles in shaping the negative perception

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<sup>6</sup> On PUSA (Persatuan Ulama Seluruh Aceh) and Daud Beureueh, see James T. Siegel, *The Rope of God*, (1969; repr., Ann Arbor: University of Michigan Press, 2000 [+1969]).

of the current Sharia implementation in the province: first, the moral policing conducted by the special unit known as the Sharia police or WH; and second, the enactment of spectacles of punishment. However, the latter was a gradual process unfolding over several years.

Until 2004, the provincial government focused on establishing several new institutions to oversee Sharia implementation. These included *Majelis Permusyawaratan Ulama* (Consultative Assembly of Ulama), Dinas Syariat Islam (State Sharia Office), Wilayatul Hisbah (Sharia Police), and Mahkamah Syariah (Sharia Courts). Additionally, a series of bylaws based on Sharia principles, known officially as *qanuns*, were promulgated. These *qanuns* covered various areas, including dress codes, alcohol consumption, and gambling. Notably, these *qanuns* also authorized a new form of punishment for acts deemed in violation of Sharia laws; public caning. But the public caning never took place due to the lack of regulations governing how to carry the punishment; and also security issues in the region as the armed conflict intensified.

A few weeks before the 2004 tsunami, Aceh's governor, Abdullah Puteh, faced corruption allegations and was detained, awaiting trial in Jakarta. The Jakarta prison, over 1000 one thousand miles away from Aceh, spared him from the tsunami. Puteh, an advocate for expanding the implementation of Syari'ah into a total (kaffah) and comprehensive system, became the first high-profile politician arrested by Indonesia's Corruption Eradication Commission (KPK) since its inception in 2003. The fact that Puteh was not prosecuted in the Syari'ah court fueled the popular belief that "playing with Syari'ah" (*main-main dengan Syari'ah*) was the reason Aceh was struck by the tsunami.<sup>7</sup>

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<sup>7</sup> On 18 November 18, 2009, Puteh was released from prison. He returned to Banda Aceh for the first time after serving in jail on 14 January 14, 2010. Puteh was greeted and welcomed like a hero. A prayer and feast were held for him by a group of Dayah Ulama. See, *Tempo*, 14 January 14, 2010.



However, it was only after the devastating tsunami in 2004 that the Indonesian government and the GAM were able to negotiate a peace agreement, which ended decades of conflict. With the signing of a peace agreement on August 15, 2005, Aceh enjoyed a period of relative peace and stability, and it has made significant progress in rebuilding its infrastructure. The peace agreement also brought significant political change to the province, allowing Aceh to establish its own government and political system. The establishment of a new provincial government, local political parties, and the integration of former combatants into civilian life all contributed to a new era of “self-government” for the people of Aceh. Syari’ah, which was once rejected by GAM and was not a central point during the peace negotiations, still persists in the region.

Amid the discussions of the tsunami’s cause and the push for complete-<sup>1</sup>the implementation of Syari’ah, the Indonesian government endorsed the notion that the recovery of Aceh post-tsunami should involve plans for religious reform, especially through its reconstruction and rehabilitation agency (BRR). On June 10, 2005, just six months after the tsunami, Acting Governor Azwar Abubakar, likely signaling the provincial government’s recovery from the tsunami, issued a new gubernatorial decree<sup>1</sup> outlining the instructions, methods, and procedures for public caning.<sup>8</sup> The executive order was officially signed by Abubakar in a ceremony witnessed by Colonel Zahari Siregar, commander of Teuku Umar District Military 012, and Nasruddin,<sup>1</sup> the regent of West Aceh. Azwar Abubakar, addressing the

<sup>8</sup> “Peraturan Gubernur Aceh Nomor 10 Tahun 2005 Tentang Petunjuk Teknis dan Tata Cara Pelaksanaan Hukum Cambuk,” Available online at 2005, [https://dsi.acehprov.go.id/media/2023.07/peraturan\\_gubernur\\_provinsi\\_nanggroe\\_aceh\\_darussalam\\_nomor\\_10\\_tahun\\_2005\\_tentang\\_petunjuk\\_teknis\\_pelaksanaan\\_uqubat\\_cambuk1.pdf](https://dsi.acehprov.go.id/media/2023.07/peraturan_gubernur_provinsi_nanggroe_aceh_darussalam_nomor_10_tahun_2005_tentang_petunjuk_teknis_pelaksanaan_uqubat_cambuk1.pdf), re-accessed on 26 December 2023.

press, stated, “we are very committed to implementing Syari’ah. We will comprehensively enforce Syari’ah.”<sup>9</sup>

Governor’s Decree Number 10/2005 thus provides detailed instructions for the implementation of the caning law. In paragraph 11, it specifies that the flogger (*algojo*) is an officer of the Wilayatul Hisbah (WH), appointed by the prosecutor. Members of WH undergo training to use a rattan cane and follow a technical procedure to administer the whipping in accordance with Syari’ah law. Floggers are given distinctive uniforms and masks to conceal their faces while carrying out the punishment.

A few days after the governor’s decree was issued, Mustafa Glanggang, the regent of Bireuen, announced that Bireuen, located 218 km from Banda Aceh, was prepared to be the first district to officially implement public caning. On June 14, 2005, he conducted a meeting with journalists to discuss Bireuen’s plan to promptly carry out caning punishments. Similar to Azwar Abubakar, Mustafa Glanggang pledged that under his administration, Bireuen would serve as a pilot project zone for the comprehensive implementation of Syari’ah. Mustafa Glanggang stated, “Gambling is now rampant (*marak*) and uncontrollable in Bireuen; we need Syari’ah law.”<sup>10</sup>

During that period, the Syari’ah court in Bireuen was already handling several criminal cases violating *Qanun* Number 13/2003, particularly related to gambling (*maisir*). Mustafa informed the journalists that a total of 26 twenty-six convicts would undergo public caning as punishment in front of the public. The date set for the execution of the caning sentence was Friday, June 24, 2005.

As this would be the first official public caning, officials in Bireuen busied themselves with preparations for the ceremony. With 26 twenty-six convicts in detention, Mustafa

<sup>9</sup> *Serambi Indonesia*, June 11, 2005.

<sup>10</sup> *Antara*, 14 June 14, 2005. Mustafa Glanggang was arrested in 2008 on charges of corruption.

Glanggang considered conducting the punishments in separate locations rather than all at once. As the day of caning approached, Mustafa Glanggang remained uncertain about who would carry out the flogging, as Bireuen had not yet established the Wilayatul Hisbah (Syari'ah Police) or WH institution. Consequently, no one in Bireuen had been trained for caning, although they had a manual to follow based on the governor's decree.

Eventually, the Bireuen Syari'ah court, through public announcements, declared that the punishment would take place in the courtyard of the Great Mosque of Bireuen. The Syari'ah apparatus set up the caning stage, arranging colorful and beautifully decorated tents in front of the mosque, and printed announcements to invite people to attend the "eksekusi cambuk" (from English "execution," but *eksekusi cambuk* here means to carry out whipping). It was a significant public event for the people of Bireuen at that time. The Bireuen hotel was filled with journalists and visitors eager to observe the Syari'ah punishment.<sup>11</sup>

On June 24, after the Friday prayer, thousands of people gathered to witness the first public spectacle of punishment in the courtyard of the Bireuen Great Mosque. It was reported that only twenty~~20~~ out of the ~~26~~ twenty-six Syari'ah convicts were brought to the mosque courtyard. Officials from the Syari'ah Court informed the audience that one person was sick, and five others had fled Bireuen on the day before the "eksekusi." A journalist from *DetikNews* (now *detik.com*), a well-known Jakarta-based online media outlet, reported detailed accounts of the ceremony:

<EXT>One! Two! Three! Four! Five! Six! That is the sound of the officers counting as the executioner whipping his rattan cane to 15 prisoners in front of the Great Mosque of

<sup>11</sup> See "Hotel di Bireuen Penuh, Di-Booking Peliput Hukuman Cambuk," *DetikNews*, 24 June 24, 2005, <https://news.detik.com/berita/d-388154/hotel-di-bireuen-penuh-di-bookings-peliput-hukuman-cambuk>, accessed 26 December 2023.

Bireuen—five hours from Banda Aceh, Friday (6/24/2005). Beautifully decorated stage. Interestingly, the prisoners whose bodies were covered with special white uniforms were welcomed like heroes. They were immediately welcomed by hugs, kisses on both cheeks, and received gifts! The kiss hugs were half-hearted from officials in *Tanah Rencong*. The first kiss came from Acting Governor of Nanggroe Aceh Azwar Abubakar. Then followed by Bireun Regent Mustafa Glanggang, Aceh Provincial Chief Prosecutor Andi Amir Ahmad, Bireuen Chief Prosecutor M. Adnan and the Head of Aceh Syari'ah Office Alyasa' Abubakar. After the flogging, some neatly wrapped gifts are handed over to the convicts. It is told that the Quran is inside the present box. After being flogged, none of the convicts suffered injuries. Only Hasan Basri Thaib, who later complained of dizziness and is currently to be treated in an ambulance by the medical personnel. Indeed, at this moment a number of doctors and medical personnel were mobilized. There are at least four medical teams. How does it feel to be whipped? Unfortunately, until now journalists have not been able to approach the convicts. They are now free. But, judging from their reactions after being whipped one knows how the flogging feels. For example, there are convicts, getting whipped so quickly, smiling happily while waving their hands at the audience. There are also those who say takbir immediately "Allahu Akbar!" God is great!<sup>12</sup>

I provide these extensive details about the first official public caning not only to highlight the theatrical elements of the ceremony but also to draw a contrast with gripping stories of community policing. In many cases, vigilante violence, often encouraged by state apparatuses in

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<sup>12</sup> English translation is mine, for the original report, see, "*Setelah Dicambuk, Terhukum Dapat Sun & Bingkisan*," *Detik News*, 24 June 24, 2005, <https://news.detik.com/berita/d-388651/setelah-dicambuk-terhukum-dapat-sun-bingkisan-re-accessed-26-December-2023>.

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the name of Syariah, has resulted in brutal beatings and humiliations by mobs. The tone in the *Detik* report reveals a different dynamic in the Syari'ah punishment carried out by state officials in Bireuen. It resembled a carnival-like event. The crowd booed the criminals, clapped, and then welcomed them back like heroes.

In the aftermath of the caning, a study was conducted, and the findings revealed that many residents in Bireuen, while acknowledging that the convicts should be punished in line

with Syari'ah law, perceived the punishment as *pura-pura* (fake) and believed it was selectively applied to individuals from lower socioeconomic backgrounds.<sup>13</sup>

As explained by Alyasa' Abubakar, the head of the Aceh Syari'ah office, who was present at the ceremony, the Syari'ah punishment implemented in the Bireuen caning and in Aceh, in general, is a discretionary form known in Islamic law as *ta'zir*. In Islamic Penal Law, there are three types of sanctions: *hudud*, *qisas*, and *ta'zir*. *Hudud* is a punishment for offenses fixed in the Quran. *Qisas* is the Quranic concept of retributive justice for offenses involving intentional bodily injury and loss of life. *Ta'zir* is applied to offenses mentioned in the Quran but without specific prescribed punishments. Alyasa' argued that since the application of Islamic law in Aceh would be gradual (*perlahan-lahan*), *Hudud* and *Qisas* could not be applied until the populace became fully educated. Therefore, for Syari'ah law in Aceh at the current stage, the appropriate type of punishment is discretionary (*ta'zir*). Alyasa' claimed that the purpose of staging the spectacle of punishment was more about broadcasting to the world that Syari'ah law prevails in Aceh.<sup>14</sup>

In Jim's absence, on several occasions when attending a public caning, I was confronted with a classic example of the theater of punishment drawn in Foucault's work, *Discipline and Punish*, "where the criminal could say everything and the crowd cheered," creating moments when "rules were inverted, and authority mocked."<sup>15</sup> In 2014, for example, when a few men convicted of gambling were whipped on the stage, they tried to attack the *algojo* and received

<sup>13</sup> Bustami Abubakar, "Respon Masyarakat Bireuen terhadap Pelaksanaan Hukum Cambuk," in Syahrizal Abbas Abbas (Ed.), *Dimensi Pemikiran Hukum dalam Implementasi Syariat Islam di Aceh*, edited by Syahrizal Abbas Abbas (Aceh: Dinas Syariat Islam, 2007), 102-123.

<sup>14</sup> Alyasa' Abubakar, *Syari'at Islam di Propinsi Nanggroe Aceh Darussalam: Paradigma, Kebijakan, dan Kegiatan*, (Aceh: Dinas Syariat Islam, 2005).

<sup>15</sup> Michel Foucault, *Discipline and Punish: The Birth of Prison*, (London: Vintage Books, 1977).

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much praise from the audience.<sup>16</sup> Another story comes from RN, a woman convicted of violating Sharia law who was sentenced to be whipped in public after the Friday sermon. In front of the public caning audience, she refused the humiliation by dancing on the stage right before the *algojo* hit her back.<sup>17</sup>

After 2014, however, the practice of public caning within the Syari'ah framework in Aceh underwent significant transformations, taking a more stringent turn with the introduction of ~~the~~ Islamic Criminal Law (*Qanun Jinayah*). This law, officially signed by Governor Zaini Abdullah on October 22, 2014, consists of ~~ten~~<sup>1</sup> chapters and ~~seventy-five~~<sup>75</sup> articles, outlining crucial aspects of criminal offenses, criminal acts, and criminal sanctions/punishments. The legislation lists Syari'ah criminal offenses, including violations related to alcohol, gambling, seclusion, attempted adultery, adultery, false accusations of adultery, sexual harassment, rape, and homosexuality, with the penalty potentially reaching up to ~~one hundred~~<sup>100</sup> strokes for these specific offenses. The Syari'ah authority's argument ~~that the application of Islamic law in Aceh would be~~ gradual, as expressed by Alyasa' Abubakar, underscores the direction it ~~has~~ taken~~s~~.

As Jim's health ~~condition~~ appeared to be declining, he decided to cancel his plans to be in Aceh in 2016 and the subsequent years. Despite the physical distance, his intellectual legacy and approach to exploration remain embedded in the essence of my study. He continues to inspire me to navigate the complexities of this subject. In addition to studying the state's behavior, I paid careful attention to the audience's attitudes towards the caning ceremony and collected stories

<sup>16</sup> "Penjudi Dihukum Cambuk Berontak dan Berusaha Serang Algojo," *detik.com*, 20-September 20, 2014, <https://20.detik.com/video-news/20140920-140920015/pejudi-dihukum-cambuk-berontak-dan-berusaha-serang-algojo-re-aecessed-on-26-December-2023>.

<sup>17</sup> "Eksekusi Cambuk di Aceh Ada Terhukum Bergaya Selfie," *Tempo*, 14 June 14, 2015, <https://nasional.tempo.co/read/674816/eksekusi-cambuk-di-aceh-ada-terhukum-bergaya-selfie-aecessed-on-26-December-2023>.

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from the offenders, exploring who they are and the lives they lead in the aftermath of such punishments.

Understanding the significance of historical context, I also scrutinized historical records of Aceh's past to gain a deeper insight into the modern practice of public caning.

Many people in Aceh, including academics, perceive the practice of publicly caning criminals as deeply rooted in local culture with Islamic influences. However, Takeshi Ito suggests that while Aceh's commitment to Islamic principles is emphasized, concerns arise about the execution of certain punishments. It indicated a departure from established legal procedures, including Islamic jurisprudence. During the sultanate era, he shows Acehnese people faced brutal



executions without trials, contradicting principles of due process and fair justice in Islamic

law.<sup>18</sup>

An illustrative case dates back to the ~~17th~~ seventeenth century, documented by French Admiral Augustin De Beaulieu in 1619. He recorded instances of nose-cutting, eye-digging, castrations, and other mutilations under the Sultan's rule. Despite the extreme acts of cruelty, De Beaulieu highlighted an intriguing aspect of Aceh's justice system: individuals punished in this manner faced no social disgrace, and retaliation against taunts was not penalized. The understanding was that the culprit had undergone judicial sentencing and fulfilled the appropriate penalty.<sup>19</sup> De Beaulieu writes:

<EX>No one who has been punished in this way (mutilated), whether by the King's order or the judge's, suffers any disgrace on this account, no matter what crime he has committed; and if anyone taunts him about it, and he kills him in retaliation, he will not be punished for this, since they consider that the culprit has been sentenced by a judge and has paid a sufficient penalty. He should not be blamed any further for this crime, as anyone can make a mistake.<sup>20</sup>

Anyone can make a mistake, and those who have been punished should not face further humiliation. However, contemporary public caning in Aceh lacks this element of reclaiming one's "dignity" after punishment. In the present day, public caning ceremonies have transformed into public spectacles marked by jeering, cursing, and the widespread capture of every moment

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<sup>18</sup> Ito Takeshi, "The World of the Adat Aceh: A Historical Study of the Sultanate of Aceh" Ph.D. dissertation (Canberra:PhD diss., Australian National University, 1984).

<sup>19</sup> Anthony Reid, *Witnesses to Sumatra: A Travellers' Anthology* (Kuala Lumpur: Oxford University Press, 1995).

<sup>20</sup> Reid, *Witnesses to Sumatra*, Ibid., p-68.

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through cameras and mobile phones. These events become viral content disseminated on social media and news outlets, sustaining the shame and stigma long after the punishment concludes.

Aware of this issue, Irwandi Yusuf, commencing <sup>1</sup> his second term as the Governor of Aceh for the 2017–2022 period, proposed a modification to the procedure for administering caning punishments. Irwandi suggested shifting the practice from public locations to closed facilities. During a <sup>1</sup> meeting with President Jokowi in Jakarta in early July 2017, Irwandi emphasized that the investment climate in Aceh might suffer if public caning continued. Despite facing strong objections from various Islamic organizations in Aceh, accusing him of prioritizing the economy over Islamic law, Irwandi proceeded to issue a new gubernatorial regulation. This regulation outlined that caning punishments would occur within prisons.<sup>21</sup> An agreement <sup>1</sup> between Irwandi and the Ministry of Law and Human Rights of the Republic of Indonesia solidified this decision. However, this progress was short-lived. Irwandi Yusuf was detained by the Corruption Eradication Commission (KPK) on July 3, 2018, on charges of receiving bribes related to the Aceh Special Autonomy Funds. Following his detention, the Gubernatorial Decree regarding caning in closed locations was subsequently revoked.

So far, any attempts to shift Aceh away from a narrow interpretation of Syari'ah seemed to only lead the province into a new state of uncertainty. In 2018, Aceh passed a new *qanun* regarding Syari'ah Financial Institutions, suggesting a potential move beyond merely public caning and moral policing, or at least a shift in focus. The legislation mandates all banks to operate based on Islamic principles. Enforced from January 2019, banks were given until January 2022 to transition to the Sharia system, resulting in a chaotic financial situation as all

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<sup>21</sup> "Peraturan Gubernur Aceh Nomor 5 Tahun 2018 Tentang Pelaksanaan Hukum Acara Jinayah."

conventional banks closinged their operations in Aceh. Once again, the ones most adversely affected by this legislation are the poor.

As Aceh recently marked the ~~19th~~nineteenth anniversary of the tsunami, the province continues to be odd. Aceh has consistently held the position of being the poorest in Sumatra for the past five years. <sup>4</sup> Despite receiving substantial financial assistance from international agencies during the post-tsunami recovery and significant funds from the central government (amounting to over \$8.1 billion), Aceh's economic growth lags behind that of other Sumatran provinces. As part of the Helsinki ~~P~~peace ~~A~~accord, the <sup>4</sup> province is entitled to special autonomy funds from the central government for ~~20~~twenty years, covering the period from 2008 to 2027. However, with <sup>4</sup> just a few years left and faced with widespread corruption and a lack of interest from investors, it appears challenging to anticipate significant improvements in Aceh's economic conditions. Unfortunately, under this situation the impoverished and marginalized Acehnese Muslims may continue to experience the implementation of perplexing regulations in the name of Syari'ah in the region.

# Aceh, Syariah

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