

Panglima Laot

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like to do in this article is tracing the history of 3DQJOLPD [D]XW and their role in Acehese 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 Acehese 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 Acehese 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,” *ORGHUQ [D]LDQ [6WXG35H]*, no. 3 (2001): pp. 645-76; Ratno Lukito, “Islamic Law and the Colonial Encounters: The Experience of India and Indonesia,” in *7KH [QDPLFVRI [VODPLF [& LYLOL]DWLRQ [6DWX [DVDZDUVD [BURJUDP [3HREYEdidhDQ [Judi (Yogyakarta: Titian Ilahi Press: Forum Komunikasi Alumni Program Pembibitan Calon Dosen IAIN se-Indonesia, 1998)*, pp. 209-30; Ratno Lukito, *3HUJXPXODQ [DQWDUD [+XNXP [VODP [GDQ [GDW [QGRQHVINDS*, 1998); Abdul Ghoffir Muhaimin, *7KH [VODPLF [UDGLWLRQVRI [& LUHERQ [EDGDW [DQGG [GDW [DPRQ [DNDQHVH [XVOLPV* Press, 2006); John F. McCarthy, “Between Adat and State: Institutional Arrangements on Sumatra’s Forest Frontier,” *+XPDQ [FRORJ]* 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,” *\$PHULFDQ [WKQROR [5LVW [no. 2 (1988): pp. 274-93; John R. Bowen, OXVOLPV [WKURXJK [VFRXUVH [SHOLJLRQ [DQGG [L *DIRORFL [PWI* (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, *\$HZ [QWKURSRORJ [RI [QADDP* (Cambridge: Cambridge University Press, 2012).

⁶ Joel S. Kahn, “Sumatran Politics and Poetics: Gayo History, 1900-1989. JOHN R. BOWEN,” *\$PHULFDQ [WKQROR [5LVW [no. 2 (1988): 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 *\$/& [FFDVLRQDO [H [Melbourne Law School, University of Melbourne, 18 Aug 2009)*, p. 9.

UDQW D Kaye 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 Achehese 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 (XQG DQJ X QGD OJ customary law. While for customary law Achehese is called as UHX V D Prouck and other anthropologists argued that UHX V Di PA Achehese society as *adat*.¹⁵ This argument has been used by scholars to describe Achehese living tradition as *adat* which later named as K X NX PD G ADat Law).¹⁶ By examining the

⁹ James T. Siegel, *7KH 5RSHR* (Berkeley: University of California Press, 1969).

¹⁰ See generally Clifford Geertz, "Ritual and Social Change: A Javanese Example", *\$PHULFDQ \$QWKURORJ* (1957), pp. 32-54; Clifford Geertz, *7KH 5HOLJLRQ* (New York: Free Press, 1964); Clifford Geertz, *7KH QWHUSUHWDWLRQRI & XOWXUHV* (New York: Basic Books, 1973).

¹¹ Hanneman Samuel, **HQHDORJL HN XD VDDQ DPX BRVLDO QGRQHVLDPULRQ %HODQGD HLOJJDQRGHUQL* (Pekalongan: Ujung, 2010).

¹² On Geertz see Fred Inglis, *& OLIIRUG *HHUWJ & XOWXUH & XVWRP DQG* (Cambridge: Polity, 2000); Richard Handler, "An Interview with Clifford Geertz", *& XUUHQW \$QWKURORJ* (1991), pp. 603-13.

¹³ On Snouck, see Jan Just Witkam, "Christiaan Snouck Hurgronje: A Tour D'horizon of His Life and Work", in *& KUL VWLDDQ QRXFN X UJURQM HUL HQWDOLVW & DWDORJXHRIDQ [KLELWLRQRQWKH HV TXLFHQWHQD*, ed. by A. M. UWKHEUXDL Vrolijk and Hans van de Velde (Leiden: Leiden University Library, 2007), pp. 11-31.

¹⁴ 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.), *A dat Aceh* (Jakarta: Departemen Pendidikan dan Kebudayaan, Proyek Penerbitan Buku Sastra Indonesia dan Daerah, 1985); Darni M. Daud (ed.), *4DQXQH XNXWD \$ODPD DODPD DUDK D GKNLUDK DEDT DW JN D X C .RPHQWD* (Banda Aceh: Syiah Kuala University Press, 2010).

¹⁵ See C. Snouck Hurgronje, *7KH \$FKHK QH V H* (trans. by A.W.S. O'Sullivan (Leiden: E.J. Brill, 1906); C. Snouck Hurgronje, *7KH \$FKHK QH V H* (trans. by A.W.S. O'Sullivan (Leiden: E.J. Brill, 1906); Hasan R. Mustapa, *\$GDW VWLDGD W & QGD* Maryati Sawijaya (Bandung: Alumni, 2010).

¹⁶ J.F. Holleman (ed.), *9DQR OOHQKRYHQRQ QGRQHVLDPQ \$GDW D ZHOHFWLRQ \$GDWUHFKW D QD HGHU* (The Hague: M. G. Lijhoff, 1981).

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 significance 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 the system of the administration at port who works under the village and city-port were built along all of river that flowed into the Straits of Malacca and

¹⁸ See also Nordin Hussin, *Sejarah Aceh* (Copenhagen: NIAS Press, 2007); Salina Hj Zainol, *Sejarah Aceh* (Kuala Lumpur: Penerbit Universiti Malaya, 2015).

¹⁹ Kam Hing Lee, *Sumatra: A History* (New York: Oxford University Press, 1995), p. 8.

²⁰ Bernard H.M. Vlekke, *De Rijk van Acheh* (The Hague: Van Hoeve, 1959), p. 121.

²¹ Yusny Saby, *Sejarah Aceh* (Bangai: Penerbit Universiti Kebangsaan Malaysia, 2005), p. 18.

²² Denys Lombard, *La civilisation de l'Indonésie* (Jakarta-Paris: Ecole française d'Extreme-Orient, 2006), pp. 114–5.

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 in his reign, Sultan Mahmud Syah appointed a *3DQJOLPD/DGGW* to enforce surveillance of the coast and collect revenue from the outlying settlements.²⁹

It seems that the *3DQJOLPD/DGGW* is not only the guardian of *DGDW/DGGW* but also a government official. He worked closely with the *6DKEDQ and UXOHED* in the coastal area. During the Islamic kingdom all of the *adat* institutions, including that of *3DQJOLPD/DGGW*, 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 *\$GDW/DGGW* is controlled by the *3DQJOLPD/DGGW* worked with the *8OH/DODQHXGMUXH* (at the head of river mouth) as government staff. However, there was no authority among *8OH/Balang* after the independence.³⁰ Thus, the *3DQJOLPD/DGGW* work with *XOHED*. In other words, *3DQJOLPD/DGGW* is 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 a result, the role of *3DQJOLPD/DGGW* government apparatus has been changed into a symbol of *\$GDW/DGGW* as cultural heritage.

Thus, it is not mistaken when some scholars argued that the *Panglima/DGGW* like as guardian of *\$GDW/DGGW* 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 is to sustain *\$GDW/DGGW* to run a *.KDQGXUL*

²⁹ Lee Kam Hing, “Aceh at the Time of the 1824 Treaty”, in *9HUDQGDKRI 9LROHQFH/KH%DFNJURXQGWR* (Singapore: Singapore University Press, 2006), p. 82.

³⁰ On study of Ule Balang, see M. Isa Sulaiman, “Les Ulebalang, Les Ulemas, 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, *\$FHK 5DN/DW/GDQ/\$GDW/V, WraB.GdyBQaD* Maimoen (Jakarta: INIS, 1996), p. 222.

/DXW]his community.³² This means that the 3DQJOLPD/DXW]work for his community, not for system of Acehese government.

One of Acehese axiom for the sustainability of customary law is DGDWEDNSRWHPXNRRKDPV\LDK.40QVQEDNSXWURH] SKDQJ]HXVDPEDNEEDNVEQWUDU] defer to explore the *adat bak SRWHXHPXWHIKRan* customary based from the ruler/ king (VXOWDQ] With this cabinet established all of law in his kingdom which was called as \$GDW]OHXNXWD]SODAP] ³³ To control his territory, the VXOWDQ] disseminated rule of law which was later called *adat law* or *adat Aceh* for the administrative purpose.³⁴ A mirul Hadi in his, VODPDQGG]WDWH]Q]XPDWU] 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 RUDQJ]ND]D] 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 RUDQJ]ND]D] shortly after the enthronement of Safiyat al-Din in 1641. The members of the council were the TDG]PDOLND]D]SDQJOLPD]ND]DPDKDUDMD]VHUL]DPDKDUD] the *laksamana*, and the SDQJOLPD]D]DQGDUR]RUDQJ]ND]D]DPDKDUDMD]D]HOD] years later, the executive body still considered of four main councilors, each of whom held specific responsibilities. The first in rank was the TDG]PDOLND]D]D] responsible for the administration of law and justice. The second was the RUDQJ]ND]D]DPDKDUDMD]V]HUL]DPDKDUDMD] 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 SDQJOLPD]D]DQGDUR] 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 *Id.*, p. 223.

³³ H.M. Zainuddin, 7DULFK]SWMHKGDQ]ND]D]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, VODPDQGG]WDWH]Q]XPDWU] gives us a portrait of royal power which was later named as *Adat Aceh*:

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 *XODWA* very important.³⁷ In this context, most of the product of *XODWA* opinion or justification was referred to as *KXNR* (Law). It is said that "*KXNR* and *adat* are like the pupil and the white of the eye: the *KXNR* is Allah's *KXNR* and the *adat* Allah's *adat*."³⁸ This is a result of the collaboration between the rulers and the *XODWA* during the Islamic kingdoms in Aceh. Yusny Saby writes that "*XODWA* always collaborated with the rulers, both males and females. That is why most of the works done by the *XODWA* 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 *KXNR* 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", *7KHQIRUGIQF\FORSHGLDRI WKHQRGHUQVODPLFER* ed. by John L. Esposito (Oxford: Oxford University Press, 1995), p. 20.

³⁷ See for example Azyumardi Azra, *7KHQULJLQVRI VODPLFHIRUPLVPPQQRXWKI \$VLDIHWZRUNVRI DDODIQGRQHVLDDQDQGDLGGOHIDVWHUQ3ODPS3 QWKH (LJKWHHQKQWMIU:UHW* University of Hawaii Press, 2004).

³⁸ Ali, *\$QDQWURGXFWRQWRWKHRYHUQPHQW3J3K3XOWDQDWH*

³⁹ Yusny Saby, "The Ulama in Aceh: A Brief Historical Survey", *6WXGLDQVODPLND* 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 *SULHVW* [Hukum Adat]. It was not a commission likely to delight Islamic groups. This commission adopted some of Snouck's proposal. The incorrectly labeled *SULHVW* [Hukum Adat] council] was now named *SHQJKXOX* [Pengadilan]. It would consist *SHQJKXOX* as a 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, *ḥ*dyof (Yogyakarta: Kurnia Kalam Semesta Press, 2001), p. 43.

⁴¹ Daniel S. Lev, *ḥ*dyof (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 *ḥ*dyof (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 *TDQW* (Canon) and *UHXVDP* (Tradition) which was not understood as *adat* during the Islamic kingdoms in Aceh. In Aceh *4DQW* (likely an approval for such tradition from the royal family, while *UHXVDP* is established by the *XOHEDORPUDQJND* the society. It is said that *TDQW* is tradition and culture for the women folk in any social ceremonies that were implemented and authorized by the queen.⁴³ Literally, the term *TDQXQ* 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 *TDQXQ* can be defined as "code of regulation," and "state-law."⁴⁴ Thus, the meaning of *TDQW* and *UHXVDP* can be also defined as follows:

4DQW 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. *5HXVDP* 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 bride 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 *3DQJOLPD* (the *adat* Aceh as the rules of the government were substituted to its position as *UHXVDP* (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 *\$GDWQHXXWD* were regarded as a legacy of Aceh in

⁴³ K aoy M uhammad Syah and L ukman H akiem, *K eistimewaan A ceh dalam L intasan* (HMDUDK BURVHVHPE WXNDQ Jakarta: Pengurus Besar Al Jam'iyatul Washliyah, 2000), p. 145; D aud (ed.), *4DQXQHXXWD* (DODPDUDK DDKNLUDKDED JNLOXOHNGDQRP HQW.DUQID

⁴⁴ Akh Minhaji, "Islamic Law Under The Ottoman Empire", in *7KHQDPLFVRI* , *VODPLFLYLOLJDWLRQD* (DWDZDUVDURJUD, HBYULAWDUDI (Yogyakarta: Titian I lahi Press-Forum K omunikasi Alumni Program Pembibitan Calon D osen IAIN se-Indonesia, 1998), p. 189.

⁴⁵ Ari Palawi, "Music in the A chehnese Wedding Ceremony", presented at *6RXWKHDVW* (The University of Hawaii, Spring 2007), p. 14.

before he was elected as special advisor for the King as *TSGKLP SOLND OGDGO* in 1665. In this case, he was granted by the *3DQJOLPD* to carry out his Islamic missionary work in the coastal area.⁴⁹ Finally, *3DQJOLPD* is not reproduction of Acehese 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'ot*

This section provides the current position of *Panglima La'ot* in Acehese 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'ot*. 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 *3DQJOLPD* is only to distribute donation and to solve problems among the fisher. Then, if there is a regional meeting of *3DQJOLPD* and *WAK* 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 *3DQJOLPD* is to sustain the *A dat La'ot*.

While in other part of the fisher community we found that there is a *NDPSRQJ QHOD* 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 *ZDUXQJ* coffee stalls while they enjoy watching the television or cinema. These are type of setting that we see since 1980s. In one *NDPSRQJ* example, after their primary school the young boys' next job is to clean boats or collect fish. Finally, their last jobs are *PXJH* (a man who sell fish to remote areas by motorcycle) or *WRNHEDQJMX* (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 *QHOD* have their own boats, he could send his children to school until the university level.

A fisherman told us that their income was like *UDVHXNLU* (like *HQJ*)

⁴⁹ Muhammad Junus Djamil, **HUDN HEDQJNLWDQ FHK XPSXODQ DU D HM DU* 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 'UDVHXNL □ ULPX'Q, they must save it for the day when they could not get plenty of fish. An informant in Lhokseumawe (North Aceh) said that WRNHED □ 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 WRNHED □ boat owners. In Meulaboh (West Aceh), a QHOD □ 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 (HOHX) among their community. It is well known that many *pawang*s or even 3DQJOLPD □ utilized black magic (HOHX) 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 NXD □ driver mouth, he would go to cast a spell on some boat equipment with VLK □ (man). Most of the target of the magic is the net or some places on a boat. The QHOD □ informed that this is old Acehese tradition. Many of *Pawang* must learn about this knowledge as well. It does relate to the career of 3DQJOLPD □ which began with a *Pawang* position. Thus, it is a must for 3DQJOLPD □ to know about this problem. Many of the QHOD □ on 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 3DQJOLPD □ is known for this tradition even though Islam prohibits black magic. However, he turned our discussion about a problem in *A dat La'öt* regarding the social change in the Acehese 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, 3DQJOLPD □ DRWGD □ DZDQJ □ HUDQDQQM DGDOD □ PDV □ DUDND □ FHK □ WXGL □ DVXV □ DQGD □ FHK □ GDQ □ (Panda Leka □ Usat Latihan Penelitian Ilmu-Ilmu Sosial, Aceh), 1978), pp. 29-40, 47.

Lhok K reng, near Banda Aceh city said that the requirement of being *QHODI* 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 *3DQJOL PD*. A candidate for the position should understand the tradition and *\$GDW*. We can start as *DQH X N* (a person who works under the *pawang*), deputy *pawang*, *pawang*, and then, the community would conduct an election to select the *3DQJOL PD*. It seems that this is against the history of *3DQJOL PD* which the appointment was by the Sultan or his deputy such as *sDKEDQ*. For the election, the *3DQJOL PD* 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 *.KDQGX UL* (are two groups of society which hold the *.KDQGX UL* festival). The first is community is the *.KDQGX* which is not considered to be against the religious teaching. The second society claims that the *NKDQGX* (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 of fish in our area due to the fact that we did not hold any *NKDQGX*. This is because we did not make any thanks for the owner of the sea, so the sea would not give us plenty of fish. Our *QHODI* 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 *NKDQGX* every two years for this ritual. This tradition would be under the coordination of *3DQJOL PD*. It starts with a meeting for this purpose. They would hold the *NKDQGX* of the *QHODI* donations to buy a carabao. Then, every household would cook into a curry to be feasted by all *QHODI* by the sea.

For the society that could not hold the *KDQG* the 3DQJOLPD\DXW could not do anything. Thus, this becomes a major problem for his community. A villager informed us that the problem of *KDQGXUL* DXW was about the thanking with the sea, but with *VKDU* the problem is with Allah. There is a dominant group of Muslim reformist. However, he said that after the abolition of *KDQGXUL* DXW did not get much fish on their territory. One local scholar said that *KDQGXUL* DXW 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 *QHOD* IDQ still hold *KDQGXUL* DXW as the symbol of thanking Allah.

After the independence of Indonesia, Aceh was granted to implement the *VKDU* *Laik* 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 *VXO* and the authority of *XOHED* IDQ dismissed. Even so, some 3DQJOLPD\DXW 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 NUXH* IDQ and *XOHED* IDQ staff under the *VXO* IDQ only as 'guardian of *\$GDW* IDQ *HXNXW* IDQ' 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 *XOD* IDQ 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 *\$GDW* IDQ *HXNXW* IDQ 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 *LQG* IDQ (ancestor) which was later named as local wisdom.

⁵¹ Harry J. Benda, "Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia", *7KH* ERXUQDORI IDQ *RGHU* IDQ 130 (1958), p. 346.

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

Now let us show the impact of transforming from *adat* as 'law' during the Islamic kingdom to '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 *adat* under the modern era. In MoU of Helsinki, it mentioned that:

"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 problem to the tradition of the women folk that is symbolized by the Queen of Pahang (Putroe Phang) that is termed as "*adat*" in Islamic studies, is defined as "code of regulation" and "state law."⁵² The purpose of *adat* strengthen and supplement of the *UUD* supersede it.⁵³ Thus, it can be argued that *adat* in Aceh is as part of the implementation of *UUD*. However, there is a problem with the term of *Daulat Aceh* which has not been considered as being the supremacy of many *Peraturan* issued by the Aceh government. In fact, this is higher institution in Aceh as proposed by the MoU. This term (*Daulat Aceh*) is a form of the head of state that is declared in 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 *Daulat Aceh* is designated as the title for Tgk. Hassan di Tiro who appointed himself as *Wali Aceh*. In fact, this is a title as a result of the Darul Islam rebellion which is not under the continuity of Acehese history. This is because

⁵² Ujang Tholib, "The Relationship Between the Kanun and the Shari'a in the Ottoman Empire (15th-17th Centuries)", in *Journal of Islamic Studies* (Yogyakarta: Permika-Montreal and LPMI, 1997), p. 46.

⁵³ *Ibid.*, p. 53.

⁵⁴ On Daud Beureueh, see Hasanuddin Yusuf Adan, *Wali Aceh* (Kebangsaan Malaysia, 2005).

The way of construction that mentioned in point (2) will be arranged by the :DOL IDQJJA Article 42, point 3).

As long as there is no re-establishment of :DOL IDQJJA arrangement will be performed by the MAA (Article 44).

It is clear how the adat institution overlaps, including the Panglima /D S and 6 DK ED Q G D W 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 Acehese society. For example, KDULD SHX N B Q collector during weekly market in village and 3DQJOLPD D S W work under the V DK ED Q W D W as staff for XOHED O D Q S 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 :DOL IDQJJA for the entire Acehese 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 :DOL IDQJJA as part of their rebellion to the Indonesian government. In this context, Tgk. Hasan di Tiro has claimed himself :DOL IDQJJA as he had established GAM as his V X F F H V V R U W D W H

Due to the 'ghost institution', some of the 'arrangements' of W ali IDQJJA 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 P X N L P W X K D S W X W D D S D as the umbrella of POLMAS (3 R O L V L Q D V D U D N D W Civil Police). Then, Leuser Foundation and perhaps Flora International have supported the traditional institution of 3 H X W X D H X Q H I X E R O N K with forest issues like S H X W X D H X 3 D H X E R A D B V S B X Q Q J L P and Q J other pawangs under the traditional of D G D W X W H X O E S adat). While UN -FAO, under the support of American Red Cross, works closely with D K P (Aceh Sea and Fisheries Agency) and the 3 D Q J O L P D D S W

⁵⁶ Hasan Tiro, "Konsep-Konsep Kunci Ideologi Aceh Merdeka", 6 X D U D S F K H K OHUGH, No VII (1996), p. 34.

- 3 advisory board
- 1 chief
- 1 deputy
- 1 secretary
- 1 treasurer
- 3DQJOLPD\T X W B (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 *OXVIDZDU* stated that the task of PLP was “to coordinate the implementation of *\$GDW\T X W* the Aceh province and to facilitate the needs and interests of *QHODaDQ* provincial level.” However, the inauguration of PLP was announced in the *'XHNBDNDV* Sabang. In addition, the participant concurred that at PLP level it is needed to add two more board: *GHZDQPHX* (board) and *dewan 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 *QHOD53Q* 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 ,EL G 31.

⁶⁰ *Ibid.*, p. 17.

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 *SGDW* is most similar with the *MDV* 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, *adab* is as *adab* which means local custom. I have elaborated the experience of *adab* of *adab* institution in Aceh, historically and socio-anthropologically. This study can be linked to Islamic studies, especially on Islamic law discourse. As *adab* 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 "most of time a preservation of pre-Ottoman practices, was the dominant

⁶⁵ "Nelayan Pertanyakan Boat Bantuan", *6HUPEL (QGR) 2008*.

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

⁶⁷ I. Novaczek et al., *QVWLWXWLRQDO QDOVLV RI QDVLWXWUQDOXNX* (Penang: IARM - The World Fish Center, 2001), p. 11.

⁶⁸ J. P. Rahail, *QDWQJLWURDYLWQDQJQDQDQDKGDQDXW* Kei (Jakarta: Yayasan Sejati, 1995).

factor in the application of law within the boundaries of the Empire.”⁶⁹ The implementation of *TDQW* in Aceh as part of the implementation and formalization of *adat* living tradition in Acehese 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 *TDQW* 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 *TDQW* is state product, but in society still attache their way of thinking from their traditions.⁷⁴

⁶⁹ Eugenia Kermeli, “Ebus Suuds Definitions of Church Vaks: Theory and Practice in Ottoman Law”, in *VODPLF/DZJKHRU/DQGGH/DY/W/DFHTG* leave and Eugenia Kermeli (New York: I.B.Tauris, 2001), p. 141.

⁷⁰ R. Michael Feener, *6KDUL/DQGGH/RFLDQ/QJLQHHULQJ/KH/PSOHPHQWDWLR/DZ/QG/RQWHPSRUDU/SFHK/DG/Br/Oxford University Press*, 2013).

⁷¹ R. Michael Feener, “Social Engineering Through Shari’a: Islamic Law and State-Directed *Dawain* in Contemporary Aceh”, *QGRQHVL/DZ/KH/BH/3* (2013), p. 296.

⁷² Noel James Coulson, “Muslim Custom and Case-Law”, *LH/HOW/GHV/VODPV* vol. 6, no. 1 (1959), p. 17.

⁷³ See generally Kamaruzzaman Bustaman-Ahmad, *VODPLF/DZ/QG/RXWK/HDVW/SVLD/ \$W/XG/RI/WV/SSOLF/DWLR/Q/Q/OW/DQ/DQ/SJKW/* (2009).

⁷⁴ See for example Abdullah, Tripa, and Muttaqin, *6HODPD/HDULIDQ/DGDODK/ND/DDQ/NVL/VWHQVL/3DQJOLPD/D/W/G/DQ/XN/PS/GAW/D/W/Gr/SFHK* and Aman Pinan AR. Hakim, *6DULDW/GDQ/GDW/TAKH/DG/DY/asan Maqaman Mahmuda*, 2010).

E. Concluding Remarks

Historically, there are three aspects to the role of *Panglima L a'ot* in Aceh. The first is the society still needs the *Panglima L a'ot* for sustaining the *Adat L a'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 *NKDQGXULI*.⁷⁵ 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 *3DQJOLPD* work closely with the local religious leaders or *XOD* organizations such as MPU.⁷⁵

The second aspect is *3DQJOLPD* 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 *3DQJOLPD*. 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 '*XU*' 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 L a'ot*. The major problem is that there is no Sultan in Aceh and it is rumoured to have revived the institution of *:DOL*. However, this is not part of the *DGDW*. Even though there have been many *4DQX* passed by the government, but there it not clear what the function of *:DOL* symbolizes the leader during the rebellion during the era of Dauh Beureueh 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*.

⁷⁵ On study of MPU, see Moch Nur Ichwan, "Official Ulama and the Politics of Re-Islamization: The Majelis Permusyawaratan Ulama, Shari'atization and Contested Authority in Post-New Order Aceh", *RXUQDORI* 6 (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 reformation 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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