



THE VISION OF EQUALITY IN THE ACEH QANUN ON ADAT: AN APPROACH FROM THE LENS OF SHARI'A¹

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Abstract

The philosophy of the Acehnese is Islam, the one which also becomes the cornerstone of landasan traditional life. History has never raised any opposition to women in public activities. Custom-ary law as a cultural product is likely eroded by the times and the internal and external influ- ences as well. In the present context, the achievement of the past related to the role of women in the traditional sectors is still doubtful. The doubt is shown in the policy paradigm about cus- tomery law that apparently ignores the role of women and that seemingly restricts the roles of women in the development tasks. Some of the important indicators that concern are the legal basis used in the law, the use of certain words referred to women, women's participation in the formation of customary law and analysis of the substance in relation to the implementation. Custom is the foundation of nation building. The reconstruction efforts to rearrange the cultural life and customs that have been eroded for the order of the society and state are some of the things to do. Indeed the customary laws have opened up a partnership, but is still very limited and inconsistent, and is considered to be technical problems at the level of application. Reality is commonly used as a measure in measuring the application of a rule; when the social reality doesn't show the existence of such partnership, this suggests the absence of the role of women as a development partner. Restoring the Acehnese living philosophy, i.e. Islamic teachings as a pillar of traditional life comprehensively at the level of policy application in the development of the nation is still absolutely necessary.

Key Word: *Qanun, Adat, Equality, Aceh, Islam*

Introduction

Women's roles have been acknowledged as an important variable in the history of Aceh society. Aceh women's identities as well as their positions within the society have gained a significant attention as a research subject on Aceh society and culture. Some in the society have viewed that in the history, women's participation has importantly contributed to the development of equal and peaceful Aceh society. Since Aceh society has declared religion (Islam) as the

foundation of its local culture (*adat*), many people in the area view that there is no space for discrimination against women; women have an equal position to contribute toward a better condition of Aceh society.

Islam has been viewed as religion voicing the principles of justice and equality; Islam has been assigned as the most important pillar in the lives of Aceh society. The history of Aceh and Indonesia has placed Aceh also popular as the Veranda of Mecca-- in a unique position by giving Aceh society an 'authority' to apply and follow Islamic teachings in their lives. Islamic identities therefore become an essential element, source of norms, within Aceh society; Islamic teachings have been constructed as the standard of social-cultural order in the area, even in its daily life. Interestingly, in such historical context of Aceh, generally, there has never been heard a situation where people in the area showed their rejection to women's roles in public spaces. It can be concluded, from the historical lens, Aceh society has provided important fact about the glory of women's roles and participations in public domains.

The leadership of four *sultanat* (queens) in the history of Aceh and its close connection to the context of Islam appeared to be a rare historical case both in Indonesian and global context; yet, such female leaderships were found in Aceh. Looking at the situation, it is very important to elaborate how Islamic teachings and traditions that have been lively followed by Aceh society really influence people in the area in viewing women's roles and participations in political, social and cultural (*adat*) contexts.

Adat -can be translated as local culture, tradition, or customs is another fundamental foundation for social and cultural lives of Aceh people. In Aceh, people are used to showing personal and social characteristics, attitudes, and proverbs that are based on the *adat* construction. *Adat* 'rules' unite diverse social-cultural elements alive within the Aceh society and facilitate members of the society in achieving its vision of civilization. *Adat* is developed and exists along with the society's living their lives. *Adat* 'rules' are maintained and sustained as long as they provide values of justice, wealth, and security for the people there. Nevertheless, as a product of cultural and social processes, it is possible that *adat* 'rules' would also be positioned in a peripheral 'location' within the society as a result of 'modernization' or other influential factors, from both within and outside Aceh society.

In a more contemporary context, the glory of women's roles and participations in public domains in the history of Aceh has been seen as a 'doubtful' realm. It is evident that in the formulation of policies related to *adat*, such a historical glory of women's leaderships is not considered significant and 'real.' In this situation, policy makers prefer to describe *adat* within Aceh society as something that restricts women's participation in public spheres, including in development processes. In fact, this point of view is a result of misunderstanding in the way people approach the *adat* 'values.'

Based on the above hypothetical assumption, it is very important to elaborate and study some policies, particularly at provincial level of Aceh and how these position women in the society. While it is understood that women's roles and participation play an important role in developing a civilization in a society that acknowledges and believes gender equality and equity, in the reality, actions and efforts to enforce gender equality in Aceh based on the *adat* values through some policy formulations are still rarely conducted. Some policy makers assume that based on the *adat*, public spheres, including political arenas, are not a space provided for women in Aceh. They view that men must be prioritized in a leadership position in public spaces and it is enough for men to represent women's voices. Women's roles are limited in domestic domains; when they need to express their opinion in public areas, they can give their authority to men, their husbands, their fathers in the family. This point of view is mentioned to be based on cultural roots alive within Aceh society that give legitimacy and justification to male

policy makers to transform them into the policies they made. Therefore, it can be concluded that these policies have contributed to subordinating women's roles in various development processes in public spheres in Aceh.

Aceh now consists of 23 districts; each district appears to showing and performing its unique *adat* and tradition, even though the major population is predominantly Aceh ethnic group. The Provincial Government of Aceh has seriously worked on reawakening the spirit to integrate the *adat* 'rules' into governance system in Aceh province. The formulation of Law of Government of Aceh (LoGA) or Undang-Undang Pemerintahan Aceh (UUPA) is an entry point toward the vision and it has been followed by several provincial regulations including Qanun No. 9/2008 on organizing and Managing Adat Life and Adat Practices and Qanun No. 10/ 2008 on the *Adat* Institutions. It is ruled in both the LoGa and the provincial regulations that district governments in Aceh have to give their support and the effort of reawakening the *adat* 'rules' and *adat* institutions and have to issue a district regulation on sub-district (*mukim*) *adat* and village (*gampong*) *adat* in their areas.

In the context of gender equality, this study uncovered, from juridical aspect, both provincial and district regulations related to *adat* do not put into their consideration Presidential Instruction No. 9/2000 on Gender Mainstreaming in Development Programs and National Law No. 7/1984 on the Ratification of CEDAW.

The provincial and district regulations also use neutral terms with no emphasis on the importance of women's participation. This can be found, for instance, in the use of terms such as community leaders, scholars, ulama, etc, even though we can understand these terms also include both male and female. In this context, these regulations therefore do not have strong gender perspective to support female leaderships within the society. In addition, these regulations do not include principle of equality and egalitarianism as an important foundation in integrating gender equality perspective in their implementation.² Furthermore, it is clear in these regulations on *adat* that women are not placed in the position of decision makers in the *adat* structures.³

Based on the above observation, it can be seen that some regulations on *adat* both at provincial and district level reflect the policy makers' perspective that does not support women's participation in public and social processes and this is a form of manifestation of patriarchal hegemonic masculinity in the formulation of the regulations on *adat* in Aceh. Looking at these facts and indicators described from various aspects of the regulations including juridical, philosophical and sociological as well as technical issues in the use of terms, it is very important to further study the regulations on *adat* based on gender equality lens.

Gender equality needs to reflect in a regulation. For example, Declaration of Human Rights consists of general principles of equality in many aspects of life. There are also some specific regulations that speak about specific issues on gender equality and women's rights. The celebration of International Women's Day as well as Mother's Day and the Day of RA Kartini to commemorate the pioneer of Indonesian women's liberation in the context of Indonesia should reflect gender equality vision in the formulation of law and regulation.

The development of human civilization has strategically influenced to changing many aspects of human lives. Many progressive achievements of a society have significantly contributed to transforming ways of life and ways of thinking of its members; this situation reflects in the society's written laws and regulations as well as its unwritten conventions which provide strong rules to control its members' behaviors. As part of human civilization, Aceh society has been demonstrating the same situation on how members of society produced both verbal and non-verbal 'rules' and 'convention' to manage its social order. *Hadih maja* and *narit maja*⁴

that mean compilation of wisdoms are examples of verbal 'convention' which all members of society must follow.

Some quotations in *hadih maja* and *narit maja* are oftentimes used as important consideration in making a decisions or policies. As part of local wisdoms, these become vital and popular reference for members of society in searching for problem solutions. Therefore *hadih maja* and *narit maja* have gained significant position in Aceh society. In the context of egalitarianism and equality, *narit maja* contains important values that indicate the principles of equality, such as "*Adat bak Poe Temeureuhoom, Hukom bak Syiah Kuala, Qanun bak Putroe Phang, Reusam bak Lakseumana*" that becomes key philosophical foundation in the lives of Aceh society. In a more systematical form, such *narit maja* popularly manifests in the so-called *adat* alive in daily lives of the Aceh society.⁵

In this study, we will begin the elaboration of the *adat*, including regulation on *adat* in Aceh, by describing local cultural and social situation of Aceh society to build deeper understanding about the area, including how the *adat* 'rules' and Islamic teachings are placed at the same level as essential social, cultural, and political elements within the society.

Local Wisdoms, the Richness of Aceh Adat

First of all, it is very important to build insight about the term *adat*⁶ and *adat* based legal system to avoid misunderstanding that will lead to misinterpretation of the *adat* and the *adat* law. In Aceh, even human behaviors, attitudes and practices in daily lives are oftentimes viewed as important values that must be maintained in the society, as manifestation of the *adat*. Such practices if all members of the society agree they will become the *adat* 'rules' which all of them need to follow the order. Some people assume that traditional ceremonies like *paesijuk* (can be translated as thanksgiving), wedding ceremony, and *kenduri treun u blang* (in farming) as part of the *adat* 'rules.' In fact, if we refer to Teuku Juned's opinion quoted by T. Muttaqin Mansur, "The *adat* 'rules' differ from the *adat* itself. *Adat* is tradition, customs, convention that have been maintained from, and voluntarily practiced by, generations to generations in the society, while the *adat* 'rules' are legal system derived from the *adat* practices and customs that consist of certain sanctions and punishments to those who are against them."⁷

In its application, the *adat* 'rules' (or can also be translated as the *adat* law or customary law) in Aceh do not address sanction and punishment both criminal and civil cases; indeed, it focuses more on prevention. Even the rule on sanction is meant as prevention, for instance, it is forbidden for a member of society who breaks the *adat*/customary law to stay in the village or community. This is a form of local wisdom agreed, practiced, and followed by all members of society to prevent someone from the society break the *adat*/customary law.⁸

Meanwhile, as mentioned above, the development of civilization in a society always works in a linear way following the existing political system and social life of the society. In the history of Aceh, *adat* 'laws' were positioned only as tradition and convention among members of the society; now, along with political changes, there an effort to transform the *adat* and customary law into formal legal regulation. In Aceh, this process produced the so-called *Qanun Adat* (the Local Law on *Adat*). The *Qanun* does not include regulation to 'control' social life under the *adat* 'laws;' instead, the *Qanun* focuses on the *adat* institutions and structures.

Looking at its focuses, conclusion can be withdrawn that the *Qanun Adat* cannot be viewed as the *adat*/customary law for the Aceh society. It is clear that the *Qanun* does not consist of sanction and punishment for any action against the law. The *Qanun* displays regulation on the governance of *adat*, how the *adat* structures can be assigned to govern society and to apply the *adat* rules. Therefore, from its scope of regulation, with this *Qanun Adat*, the Aceh society still does not have any 'formal' *adat* or customary law as the existing *Qanun Adat* does not address any regulation about sanction and punishment. It is important to underline that this situation

may reflect an understanding that such *qanun* on *adat* cannot regulate sanction and punishment as each area in Aceh has different *adat* 'rule,' so general sanction and punishment in one *qanun* cannot be formulated and implemented for all members of the society. This is the uniqueness of local *adat* in Aceh as the nature of *adat* is usually unwritten conventions and practices and it is difficult to transform into a written legal document.⁹ "*Hukum adat hana meutuleh tapi meunan na pelanggaran pasti na hukum (The customary law is unwritten but any time transgression happened, surely there is punishment)*"¹⁰ The existing social order, security, and wealth of the society are a reflection and manifestation of how the *adat* and customary are applied justly. The value of justice, equality, prosperity, and safety in a society will manifest in its social order and harmony among the members of society.

The philosophical foundation of way of life of people in Aceh is that "happiness in recent life and hereafter." This fundamental principle becomes a pattern and way of life to deal with the dynamics of social lives. As the *adat* in Aceh society appears to be 'in line' with the principles of Islamic teachings, the philosophical foundation in the formulation of the Qanun Adat is originated from the Qur'an, chapter al-Qashash [28]: 77. Both men and women have equal opportunity in social life. Human beings have two forms of life, their recent life and the afterward; all their behaviors in the recent life have to facilitate their achieving happiness in their afterward. In Aceh, it is popularly stated, "*Adat ngon hukom lagei zat ngon sifeut,*" meaning that the application of the *adat* and customary practices and laws have to be based on the principles of Sharia. *Ta'aruf* and *ta'awun* (simply translated as interaction and collaboration), two words derived from the Qur'an, happen to be key element in the application of the *adat* rules in Aceh. The *Adat Qanun* is implied to maintain the *adat* and traditional values alive within the society based on the principle that each member of society does not live individually; they are social beings who need to build *ta'aruf* and *ta'awun*, interaction and collaboration among them, and to hand in hand work on maintaining the social harmony. This principle from the Qur'an is viewed as having the ultimate position within the *adat* system in Aceh, and only those who really have adequate knowledge on the local *adat* will have understanding about this principle.¹¹

Narit maja in Aceh society states that "*Adat ngon hukom lagei zat ngon sifeut. han jeut creibri. Geu pageu lampoeh ngon kawat, geu pageu nanggroe ngon adat. Ureung majeulih hantom kanjai, ureung tawakal hantom binasa. Taduk ta muproe ta mupakat, pat-pat nyang silap tawoe bak punca.*" This *narit maja* indicates that the *adat* system in Aceh always refers to Islamic teachings and traditions. *Narit maja* is a symbol that reflects the belief within Aceh society that to manage social order, Aceh society has to integrate fundamental Islamic teachings, foundational reference in making decisions democratically within the society. Islam unites any differences in the society; when disputes occur, the society has to return to Islamic teachings.

With its influential values, *hadih maja* and *narit maja* play important role in the development of social life in Aceh. *Hadih maja* is constructed as a source of inspiration, criticism, and control for all members of the society in Aceh. For instance, *hadih maja* reminds us not to speak irresponsibly, "*Leupah langkah jeut tariwang, nariet koh reupang rugoe lagoina*" meaning that the newly built house does need pillars, the right words are undeniable. Another example is "*Leupah langkah jeut tariwang, nariet koh reupang rugoe lagoina:*" Unclear statements with no logics are useless. In other word, "*Su nyang ka tamariet, tapeuguda han meutumei le:*" any statements expressed cannot be withdrawn, and "*Nariet sikrak sikatoe, dua lhei krak jeut bloe nanggroe,*" signifying one or two good words have more meanings and values.¹² *Adat* itself is convention or practice that is performed repeatedly and is agreed as being 'tradition' and 'custom.' The word *adat* is originated from an Arabic term '*adad*' that means repetition. *Adat* is also meant as norms and principles that have legal values. In this context, *adat* can also be positioned as the

adat/customary law that regulates social life to which members of society have to follow and obey.

Harmony, peace and prosperity for all members of the society are the highest objective and the ultimate goal of the *adat* rules and the customary law. Sanction and punishment are applied to those who break the *adat* law. The *adat* leader will lead the application of sanction and punishment after an intensive discussion and consultation with other members of the *adat* council. Harmony and peace seen as foundation of social justice are again put in a priority consideration in making the decision. For instance, disputes on land and other asset or in a criminal case like murder or physical violence must be processed under the *adat* legal mechanisms by considering social harmony and peace. The *adat* courts exist in both *gampong* (village) and *mukim* (sub-district) levels.

In the *adat* system, peace is the main principle to be considered in finding a solution for any dispute. Peace is viewed as a very important aspect to the preserved social balance and equilibrium within the society. *Narit maja* in the *adat* of Aceh states, "*Luka ta sipat darah ta sukat,*" "*Kiwing ateung beuneung peuteupat, kiwing ureung adat peuteupat,*" and "*Kiwing ureung peudeung peuteupat.*" *Pedeung* is a symbol of power. The sentence means that any conflict related to power needs to be approach based on the peaceful *adat* mechanism. As a justice system, *adat* is assigned as a informal mechanism in searching for win-win solution for any dispute and conflict within the society; the *adat* structure and institution plays a role as a informal court, including in deciding a sanction for the parties involved. The informal *adat* court has some characteristics, including 'fast, cheap, and simple.' With these characteristics, the *adat* system becomes the pillar of social-cultural lives of the society in Aceh that symbolizes in the belief of "*Peukong Pageu Gampong.*"

There are four classifications of *adat* in the Aceh society:

1. *Adatullah*, that all of the *adat* rules and customary laws are based on the Divine's Law (the Qur'an and the Prophet Muhammad's traditions called *hadith*).
2. *Adat Tunnah*, *adat* and traditional practices are manifestation of Qanun and *Reusam* that administer social life of the society.
3. *Adat Muhakamah*, the *adat* rules that reflect in the principle of democracy and consensus.
4. *Adat Jahiliyah*, the *adat* practices popular within the society that appears to be contrary against Islamic teachings.¹³

The *adat* system within Aceh society has some important and unique fundamental principles placed in the highest position in the legal structure of the society. It can be stated that the *adat* legal system in Aceh acknowledges some principles 'acceptable' by other legal systems. There are at least 12 principles recognized in the *adat* justice system in Aceh that include:

1. Truth: the *adat* justice system is a truthful legal system within the Aceh society
2. Accountability: accountability and responsibility in the application of the *adat* justice mechanism in solving a dispute or conflict is not only to members of the society but also to God.
3. Equality before the law (non discrimination): the principle of non discrimination based on sex, social status, age, etc must be applied in implementation of the *adat* justice system and the *adat* court; each member of society has equal position before the *adat* law.
4. Accessibility: all services in the *adat* legal system must be accessible to all members of the society, including cost, procedure, and information. The process must consider fast, cheap and simple.
5. Voluntarism: The *adat* legal institution has to work on the basis of voluntarism; it cannot insist and force members of the society to follow the *adat* legal system.
6. Peaceful resolution: The main goal of the *adat* legal system is to build harmony and peace. In a *narit maja*, it is stated, "*Uleu beu matee ranteng bek patah.*"

7. Consensus: any decision made in the adat court must be based on democratic consensus among the members of the adat council.
8. Transparency: all process and procedure in the adat justice system (except to some very specific cases), whether at the level of reporting, witness, court and decision must be open for public monitoring.
9. Authority: the authority of the adat legal system is limited only to cases that occur in the area of village (gampong) and sub-district (mukim).
10. Pluralism and diversity: the adat legal system acknowledges and respects heterogeneity within the adat system and recognizes that certain adat rules only apply in specific area.
11. Principle of innocence: It is strongly forbidden in the adat justice system to apply popular violence.
12. Equal and just: Any decision made in the adat court must be based on equality, fairness and justice and must consider economic situation of parties involved.¹⁴

Below are some of the legal foundations that regulate the *adat* application in Aceh:

1. National Law No. 44/1999 on The Implementation of the Governance of Aceh, chapter 6 and 7 that state, "Local government has authority to apply its *adat* that is in compliant with Islamic sharia."
2. National Law No. 11/2006 on the Government of Aceh, chapter XIII about the Adat Institution, that states, "The *adat* institution functions and plays a role as a medium for public participation in the provincial governance of Aceh and the district governance in the aspect of social security, harmony, and order (chapter 98 article1). Resolution for any social disputes within the society is processed under the adat mechanism (verse 2).
3. Provincial Law No. 7/2000 on the Implementation of the Adat Life that states, "The *adat* institution functions to control social security, harmony, and order within the society. The Law was amended with the Provincial Law No. 9/2008 on the organization of the *Adat* Life, chapter V on "The Implementation of the organization and the Development of the Adat Life" (article 1) that states, "The organization of the *adat* life is led by provincial government, district government and all members of the society."

Legal Foundations on the Application of Adat and Customary 'Laws' in Aceh

The national law No. 44/1999 on the Application of the Aceh Special Authority article 1 states that Aceh is Special Region (*Daerah Istimewa*) that has special authority to apply religious and *adat* 'rule' and include them in educations and to work with ulama. Islamic sharia is an obligation to implement Islamic teachings in all aspects of life. *Adat* is both 'rule' and practice that has a basis in Islamic sharia and must be obeyed and respected as the way of life. Article 3 mentions that the application of this policy of special region includes religious aspect, adat life, education and the roles of ulama in the makings of local policies. Article 6 related to the application of the adat 'rule' states the local government formulates policies to empower, maintain, and develop adat and the adat institutions based on Islamic teachings.

National Law No. 11/ 2006 of Government of Aceh (LoGA) article 1 states that Provincial Regulation (Qanun) of Aceh is regulations that are equal to *peraturan daerah provinsi* (provincial local regulation) that administer the application of the governance and social life of the Aceh society. In article 5, it is mentioned as part of the implementation of self-autonomy policy that the Government of Aceh also has authority on governing religious issues to implement Islamic sharia law for its believers and to govern the *adat* life based on Islamic teachings. Article 20 mentions the Aceh governance at provincial and district levels is applied based on basic principles of Islam, legal certainty, public interest, manageable governance, transparency, proportionality, professionalism, accountability, efficiency, and equality. In article 14, it is

mentioned that among the responsibilities of a vice governor (of Aceh) include women's and youth's empowerment as well as *adat* empowerment.

Below are some of regional regulations (*qanun*) of Aceh Province as the legal foundation of the implementation of the policies on *adat*:

1. Provincial Qanun No. 4/2003 on The Governance of Sub-District (*Mukim* –governance level consisting of a number of villages) in Aceh Province
2. Provincial Qanun No. 5/2003 on the Governance of Village (Gampong) in Aceh Province
3. Provincial Qanun No. 3/2004 on the Establishment, organizational Structure and Job Description of the Adat council of Aceh
4. Provincial Qanun No. 9/2008 on the organization and Management of the Adat and customary Life
5. Provincial Qanun No. 10/2008 on the Adat Institutions
6. Provincial Qanun No. 3/2009 on Mechanisms of the Election and Disqualification of Sub-District Leader (*Imam Mukim*) in Aceh.
7. Qanun Aceh Nomor 4 Tahun 2009 tentang Tata Cara Pemilihan dan Pemberhentian Keuchik di Aceh. Provincial Qanun No. 4/2009 on the Mechanism of the Election and Disqualification of Village Leader (*Keuchik*) in Aceh

Manifestation of Equality Principle in the Qanun of Aceh Adat

In social life, all human beings have equal position with different functions and roles. The division of labors is to construct a social balance when all of us can share and exchange. Nevertheless, this division of labor can also create gap and inequality when a person view him/herself as more valuable than others and claim to have authority to dominate others. Such a perspective will lead to causing certain harmful behaviors against those positioned in an inferior and subordinate place. Furthermore, this point of view will also be basis for discrimination and violence. Indeed, such perspective is alive within our society particularly in constructing the relationship between men and women that leads to discrimination and inequality. This situation is among our agendas of transformation and development to bring gender equality in the reality within Aceh society to create equality in diversity.

This study will elaborate women's social roles and women's position within Aceh society by examining the local policies on *adat*. This will observe how gender equality within Aceh society appears in the context of the *adat* construction, a social aspect that is very popular within the society.

Aceh is an agricultural area with some unique constructions of the relationship between men and women. In general, the existing construction can be described as below:

1. Men and women are "different but equal." In this construction, men and women have different roles by which each of them can complete and share toward "common interests." this also views that sex based segregation of roles is meant as complementary purpose so men and women can hand-in-hand achieve common goal of the society which is social and family welfare. This point of view is commonly 'believed' by social scientists, majority of the society, is applied as a fundamental theory in development implementation and is articulated in social norms. Nevertheless, in the reality of the development programs, even though it is said that the development programs are meant to give benefits for both men and women, in the reality these benefit only for one group.
2. Men and women are "different and unequal." This view acknowledges that "women have real but hidden power" and "women's subordination is real but hidden."

Gender equality and equity is a condition in which women and men are in the circle of equality, harmony, and balance. This situation can only be achieved with equal treatment for men and men. In equality and equality, women and men can have equal opportunities for par-

ticipation in decision making processes, for instance, participation in the formulation of policies and regulations on developments and participation in various government institutions.

The principle of equality within Aceh society is strongly found in a *narit maja* popular within the society, "*Adat bak Poe Temeureuhoom, Hukom bak Syiah Kuala, Qanun bak Putroe Phang, Reusam bak Lakseumana.*"¹⁵ This is the foundation for the realization of gender equality based on the *adat* construction within the Aceh society.

Qanun consists of rules based on social-cultural construction within the society and a social consensus to which all members of the society are committed to obey and follow as foundations to building equal, prosperous, harmonious and peaceful society. This needs a collaborative action among all social elements within the society. In a *narit maja*, it is mentioned, "*Toi ngon rhok bak ureung nanggroe. Rukon bajoe bak ureung tuha; Tameih binteih bak uleebalang, Beuneung arang bak ulama.*" "*Salah bak hukom raya akibat, salah bak adat malee bak donya.*" "*Ta peuturot nafsu, malee pih tanlee, peu turot hatee nyawong teuhila.*"

Based on this social principle, the Aceh society constructs social values of gender equality as a basis to accomplish social welfare. In a more academic and theoretical analysis, E.B Taylor (1871) describes, "*Culture or Civilization is that complex whole which includes knowledge, belief, art, morals, law, customs and any other capabilities, acquired by man as a member of society.*"¹⁶

Culture and *adat* are essential part of social life within the society and play a role to unite its members. This is a social consensus and becomes a 'law' that must be followed and obeyed by all members of the society as mentioned in a principle of Islamic jurisprudence, *al-'adatu muhakkamah*. It is interesting to find the fact in Aceh each area has its own and unique *adat*.

Within Aceh society, gender equality seems to be a popular concept with less controversy. The problem rests in the aspect of how the idea of gender equality is being applied in the real life. Abdurrahman Kaoy explains that equality concept voiced by women's groups is not a debatable topic; in this regard, it is more important to empower women as member of society who have equal values and dignity that must get respect from other members. He continues, "Women's identities are not the most important issue in gender discussion; it is more crucial to empower women so they can be vital partners who can 'proportionally' play many roles within their society."¹⁷ The application of gender equality concept within Aceh society, Koey mentions, needs to consider religious, cultural and social values. Women's groups have to refer to these values as foundation in making decisions on strategic policies when they are involved in the process.¹⁸ In a *hadih maja*, it is stated, "*Udeep beusaree, maté beusaban, saboeh kafan dalam keurenda*" meaning that the philosophy of equality and balance among all members of society is a basis in making a decision and policy.

As mentioned above, cultural construction –including that reflect in practical forms of *adat* within Aceh society strongly refers to Islamic values. In a *hadih maja*, it is mentioned, "*Hukom (agama) ngon adat, lagei zat ngon sifeut, han jeut crei-brei;*" "*Geu pageu lampoeh ngon kawat, geu pageu nanggroe ngon adat;*" "*Ureung majeulih hantom kanjai, ureung tawakal hantom binasa;*" "*Taduk ta muproe ta mupakat, pat-pat nyang silap tawoe bak punca.*" The conclusion can be taken that based on the saying in the *narit maja*, the development of equality within Aceh culture must refer to a comprehensive integration of government policies, religious teachings, legislation, and *adat* values. The provincial government of Aceh has issued 7 provincial regulations (*qanun*) on *adat* as mentioned earlier.

The formulation of these *qanun* is a way to explore and elaborate the living *adat* values within the society in order to awaken, maintain and expand cultural values in Aceh. It is clear that the Aceh *qanun* on *adat* in our contemporary time are different with the ones in historical period. In history, the *qanun* was a product of individual intellectual process (*ijtihad*) by a jurist (*qadhi*) as legal foundation of governing kingdom.

In the past period, the *qanun* was made based on the existing governance system at that time; the process referred a lot to classical Islamic books on governance, including *al-Ahkam al-Sulthaniyah* and *Ghiyas al-Umam fi Taiyas fi al-Dhalam* by al-Juwaini. The books introduce that a governance system must accommodate two essential aspects: *harasat al-din* (constitution and sharia) and *siyasat al-dunya* (social-political harmony). In the history, kings used decrees of ulama and judges as basis to managing their government.

In the recent political system, *qanun* is also called local regulation or *peraturan daerah (perda)*. *Qanun* is legislation similar to local regulation (*perda*) that regulates the application of governance and social lives in Aceh. *Qanun* is composed of *Qanun Aceh* (Provincial *Qanun*) and *Qanun Kabupaten/Kota* (District *Qanun*). *Qanun Aceh* includes regulation that covers in all areas in Aceh province. *Qanun Aceh* is signed by Governor of Aceh after gaining agreement from Aceh Legislative Body. *Qanun Kabupaten/Kota* is applied in district levels, is signed by district leader (mayor) after getting agreement from district legislative body.¹⁹

This study has found some indicators to elaborate gender equality values in the *qanun*. The main structure of regulation consists of consideration (preamble), contents, and decision. Women's participation in all steps of the *qanun* formulation would guarantee its accommodation of their interests. Nevertheless, in the reality, the makings of the *qanun* rarely engaged women's participation. It was assumed that lack participation of women was due to weak capacity and knowledge on *adat* issues in Aceh. Indeed, in fact, women's lives cannot be segregated from *adat*, even it was said that responsibility to maintain *adat* is in the hands of women.²⁰

Based on this review, it is found that none of the *qanuns* on *adat* that include Presidential Decree No. 9/2000 on Gender Mainstreaming or National Law No, 7/1984 on the Ratification of CEDAW as their legal consideration. Head of the Aceh *Adat* council states that it is not an obligation to refer to both the Presidential Decree and the National Law in the makings of the *adat qanuns*. "Indeed, I don't mind if they are included," he says. Similar response was mentioned by a key member of the Aceh *Adat* community Network.²¹

Policy makers from both executive and legislative bodies in Aceh do not hesitate to accommodate these above regulations as juridical foundation in the formulation of the *adat qanuns*. Nevertheless, in their minds, Law of the Government of Aceh (LoGA) must be prioritized as legal consideration in formulating all *qanun* in Aceh. In addition, they agree that to eliminate discrimination against women in development programs, the formulation of *qanuns* need to refer to the Presidential Law and the National Law. As philosophical reason of the formulation of the *qanuns* on *adat* is to create equal and just society that strongly considers the Aceh *adat* responsive to all needs of the society members.²²

Members of the society appear to be enthusiastic in responding to the existing *qanuns* on *adat*. In their minds, it is better to have the *qanun* so the *adat* of Aceh will be maintained and can be inherited to younger generations. A women's rights activist, Khairani Arifin asserts that in general people positively respond to the formulation of the *qanun* as long as this process does not maintain *adat* that disadvantages certain groups, especially women. She explains that women's groups were not actively involved in the process; while policy makers did not give enough space for women's participation, women's groups were not really well-informed as well.²³

This review also found lack of attention of policy makers to involved women's groups in the *adat* development in Aceh. Some indicators prove this situation. In the first *adat qanun* issued by the Provincial Government of Aceh, the Aceh *Qanun* No. 4/2003 on the Governance of Mukim in Aceh Province, in its technical direction of the implementation of the governance of mukim, the word women is only mentioned in the Additional Document of the Government of

Aceh No. 20, the Aceh Qanun on the Governance of Village (*Gampong*) in Aceh, article 28 on the *gampong* government structure. Head of Women's Affairs is included in the structure; in the qanun, it is stated a secretary of *gampong* government has some assistants including head of women's empowerment. The 3rd chapter of technical direction of the qanun also mentions that in the *mukim* structure, Position, Assignment, and Function of women's empowerment division are:

1. Empowering women's organizations in *mukim* area.
2. Empowering love, peace and compassion (*sakinah, mawaddah, warahmah*) family within *mukim* area.
3. coordinating potential villages in the program of enhancing women's participation toward family welfare (P2WKSS).
4. Empowering female sex workers.

It is important to highlight that women's position as head of women's empowerment affairs means that women are included in the structure of the *gampong* government. In the contrary, if the position does not exist, women are positioned as member of society who need special attention and empowerment. Unlike men who are always viewed as capable groups, women are valued as group who always need empowerment programs and have not been seen as partners in development programs. Such point of view seems to follow the so-called Women in Development (WID) that was already left behind and changed with a more recent Gender and Development (GAD) concept and gender mainstreaming as its strategy. It was found that WID did not really help women's independence; with WID, development programs did not provide equal opportunity to women, even though their participation was unlimited. Khairani Arifin says that many policy makers in the makings of the qanun on *adat* viewed that there are no women in Aceh who have capacity as a leader of the society; *adat* leaders are always described as men and male dominance.

chapter 31 article 1 of the Aceh Qanun No. 5/2003 on the Governance of Gampong in Aceh Province states that the elements of *Tuha Peut* (Village Legislative Body) include ulama, informal leaders from youth, women, *adat* leader, and scholar. The qanun explicitly mentions that women must be included as key element in the structure of the *gampong* governance.

In fact, such an explicit statement about women's role in the structure is really needed to avoid women's marginalization and subordination. Literally, it is not a problem that such legal document does not specifically mention women's role. Nevertheless, based on gender perspective, the absence of women in the document oftentimes use as a 'polite' way to marginalize and subordinate against women. Therefore, as affirmative action, women must be clearly stated in the legal documents like the Aceh qanun on *adat*, as in the reality, women are not in equal and fair position within the existing *adat* system.²⁴ This is evident that women are often-times excluded from steering committee, *adat* council, *tuha peut*, mediator committee, etc.

In the implementation level, this formal guarantee of women's involvement in the qanun does not always apply in the real life to certify equal access, role, participation, and control in the *adat* developments. Based on this study, it was found different situations of the implementation of the qanun within different village contexts. A number of villages applied this regulation by pointing out a woman as a member of *tuha peut*. other villages did not follow the regulation based on some reasons: lack of knowledge, incapable women, or indifferent women. Differences were also discovered in villages that authorize a woman as a member of *tuha peut*. Some female members of *tuha peut* are actively implicated in all *adat* activities, including meeting and *adat* court. Yet, this situation rarely exists. Some are involved in all *adat* activities yet do not play key roles. A female member of *tuha peut* from a village was taken a part in the *adat* court in the area of providing food and beverage with the wife of *gampong* leader. Later, she came out to be marginalized in the *adat* activities, including *adat* courts. It was also detected that

some female members of *tuha peut* from a village have not been involved in the *adat* activities since the beginning. They did not really understand their roles. Some activities conducted at evening and night were also a problem that hampers their active engagement. Some of them thought that they were not capable to play their roles as a member of *tuha peut*. Based on this observation, it was uncovered that there was a social-cultural space that needs a serious attention in the makings of local regulation related to qanun. In the reality, as illustrated above, the implementation of the qanun on *adat* has not really open opportunities for women's participation. The affirmative action in the qanun seems to be a camouflage. Therefore, it is necessary to formulate qanuns on *adat* that do not only regulate quota for women, but also highlights the importance of opening *adat* system for women's participation. For instance, it is necessary to provide clear elucidation on the point about "women's representation;" the explication must incorporate logical framework on the importance of women's representation, obstacles and challenges related to social-cultural contexts and strategies to reeducate the problems.

Aceh Qanun No. 3/2004 on the Formulation, organizational Structure and Job Description of the Aceh Adat council (MAA) states that the Aceh Adat council is council working on the area of *adat*. In the section of job description, the qanun mentions that the Aceh Adat council has special division on women's empowerment called "Putroe Phang," respectful, wise, and influential women in the history of Aceh. Unlike in other qanun, the words are used to reflect cultural symbol that states "*Adat bak Poe Temeureuhoom, Hukom bak Syiah Kuala, Qanun bak Putroe Phang, Reusam bak Lakseumana.*" Nevertheless, as it is not easy to interpret these words to support women's role, position, and function in the recent *adat* system, the regulation is viewed only as a way to appreciate and respect historical inheritance on women's important role in legislation in the past period of Aceh.

In the Aceh Qanun No. 9/2008 on the organization of the Adat Life and Adat Practice,²⁵ in BAB III chapter 3 it is mentioned that organization and development of *adat* life and *adat* practice is based on 13 principles, (a) Islam, (b) equality, (c) truth, (d) humanity, (e) harmony, (f) security, (g) welfare, (h) kinship and family (i) benefit, (j) collaboration, (k) peace, (l), consensus, and (m) public safety.

Compared to the LoGA that includes principle of equity, the absence of this principle in the Qanun No. 9/2008 needs a specific elaboration to understand the reason. Some involved in the making of the regulation point out that the principle of equity is included in other principles appearing in the qanun. In fact, there is no clear explanation of these principles to avoid misinterpretations. Therefore, as Khairani suggested, the principle of equity must be explicitly revealed in the qanun.

Furthermore, the part IV chapter 10 article 1 letter g states the Qanun No. 9/2008 that as a result of the absence of capable women who can contribute in the development of *adat*, the regulation highlights the need for providing capacity building programs for women and youths on the issues of *adat*. The qanun indicates that the capacity building programs is an obligation as an objective of the formulation of the *adat*. Khairani mentions that the fact that some policy makers viewed that there was no proficient women as *adat* leader reflecting patriarchal masculinity perspectives in the making of the qanun.

BAB V chapter 9 article 1 of the qanun mentions the implementation of *adat* life and *adat* practices organization and development is conducted by provincial and district government and all elements of the society. In the article 2 it is mentioned that organization and development of *adat* life and *adat* practices is conducted through family, education, community, workplace and mass organizations.

In the book entitled *The Guidance of the Adat Life in the Aceh Society* it is described that adat life is developed based on the pillar of the culture of Aceh that has religious, economic, environmental, legal, competitive, and identity benefits and values. chapter 10 article 1 states that application and development of the adat life and adat practices can be performed in 7 ways including, as stated in the letter g, capacity building of adat figures both from youths and women's groups.

Part VI "Dispute/conflict Resolution" chapter 14 article 2 states that dispute/conflict resolution is mediated by adat figures consisting of village leader (*keuchik*), religious leaders, *tuha peut*, secretary of village government, ulama, scholar, and other adat leaders at village. This mechanism also applies in the level of *mukim* (sub-district).

Based on the observation toward chapter 9 article 1 and 2 as well as chapter 14 article 2, it is found that responsibility to organize and empower the adat life and practices is not only in hand of government, but also all elements of the society without exception. In other words, both men and women have equal position to get involved in this process. This 'rule' also applies in mediating any adat disputes and conflicts within the community.

It seems undeniable that many neutral gender statements in a legal document are often-times interpreted that it is not really necessary to specifically pay attention to women's needs. In this situation, it is possible in the reality men dominate the existing processes. This further affects to subordination of female appearance in the government structure even though their inclusion is guaranteed in the Aceh Qanun No. 5/2003 on the Governance of Gampong in Aceh Province chapter 31 article 1 that mentions *tuha peut* at gampong level includes ulama, community leaders from both youth and women's groups, adat leaders, and scholar. It possibly occurs in the implementation that women are marginalized from the structure under patriarchal public view that this governmental space is male's public domain. As a result, it is not easy for women to actively engage in the adat matters, including in mediating a community dispute.

Many cases within the society such as family dispute involve both men and women. Examples of disputes as mentioned in part VI chapter 13 include family dispute, *khalwat* (non marital intimate activities), theft in a family, asset dispute, many others. Men cannot exactly understand women's psychological experience; therefore, as a result, it oftentimes happens that many decisions made by men without women's participation, exclude women's needs and interests.

Closing

The Aceh society in fact has historical background to prove its support to women's participations in public spheres. It can also be in the history how women in the society freely expressed their identities, had equal position in the adat system and in political arenas. The intention to develop more equal Aceh society has started since its first historical development when women's participation was acknowledged. The philosophy of the Aceh society is that religion is the basis of adat and culture, so, in this principle, equality and justice must be presented as the highest standard in the makings of public policies.

The adat life and practices within Aceh society is a reflection and manifestation of public internalization of Islamic teachings and traditions. Islam is 'authorized' as the fundamental pillar of social-cultural structure in Aceh. Hence, almost all social-cultural aspects within the Aceh society have strong reference to Islamic teachings. Qanun as legal foundation of development implementation, social life, and adat practices needs to be signified as a way to attain justice and equality.

In reviewing principles of gender justice and equality in these qanun, it is important to explore at least two important aspects. First is, on the one hand, the explicit and textual state-

ments on the principle of gender equality in the qanun and the second is, on the other hand, the fact that there has been less serious attention from the implementer of the qanun to apply this principle in the real life by providing equal space for women's participations in various development programs. This situation is indicated by certain dimensions including juridical aspect, principle of the qanun and the ignorance toward social and cultural context in the makings of the qanun.

Looking at the juridical aspect, it is found that the qanuns made at both pre and post LoGA No. 11/2006 do not explicitly include Presidential Decree No. 9/2000 on Gender Mainstreaming and National Law No. 7/1984 on the Ratification of CEDAW as two fundamental consideration toward gender perspective policies and regulations, including on adat in Aceh.

From the aspect of text, the word women is found explicitly twice in the regulation on the adat structures as head of women's empowerment and a member of *tuha peut* at village level. Neutral gender terms that are assumed to include both men and women in the qanuns are not an effective way to bring gender equality. In the reality, at the implementation level, men are prioritized to hold a public position, for instance, as a member of community council, the adat council, *tuha peut*, mediator team of a community dispute, scholar, ulama, etc. It is undeniable that such 'general term' is oftentimes interpreted that women should not be involved in these public positions.

In the aspect of legal principles, generally, the Aceh qanuns on adat do not always include principles of equality except Qanun No. 9/2009 on the Adat Life and Practices mentioning organization and development of the adat life and practices must be implemented based on 13 principles. Nevertheless, the Qanun does not integrate the principle of equality; therefore, it seems that this principle is abandoned in the qanun formulation. If LoGA is really referred as the legal consideration in the making of the qanun on adat, the principle of equality must always be included as it is also included in LoGA. Indeed, the qanun excludes the principle of equality under the reason that this principle is inclusive in other principles in the qanun. Unfortunately, such explanation is not found either in the qanun. Even though this seems to be a normative issue, the explicit integration of the principle of equality is important to maintain public awareness about this principle in the implementation of the qanun on adat. Therefore, it is strongly suggested that the principle of equality and equity is explicitly included in the qanun.

To some extent, it can be concluded that the Aceh qanuns on adat have opened an opportunity for strengthening partnership between women and women in public domains. Nevertheless, there have been a lot of cultural obstacles and challenges in their implementation. It is more evident that in the real life within Aceh society, it is not easy to find a factual partnership as meant by the qanuns.

Misinterpretation of the qanuns has led to controlling women's movements to get engaged in public roles. This factors the failure in achieving the universal vision of Islamic teachings as the main reference of the adat life within Aceh society. Different opinions on women's spaces and capacity in public services are still found within the society. This occurs as a result of misinterpretation of Islamic texts that is mainly based on textual and partial approaches.

Understanding women's position in the contextual dialectics between religion and culture needs a process of interpretation of religious texts. on the one hand, the dialectics will possibly produce cultural construction colored by universal humanitarian values of religion; on the other hand, it can also be uncovered that the process marginalizing universal religious principles; as a consequence, 'human' interpretation becomes more dominant and influential reference within the society than the sacred religious texts.

Adat is a fundamental aspect within Aceh society. Leaving the fundamental aspect will lose social identity and character of a society or a nation. Adat is viewed as foundation for nation

building. Efforts are needed to reconstruct and awaken the adat life that seems to be subordinated within our contemporary development processes. The reconstruction will be expected to transforming patriarchal masculinity within the existing adat systems in Aceh. Within patriarchal cultural system, it is impossible for women in the society to be a leading adat figure even though they are qualified for being so.

Endnote

¹ This article is the Research Result on Gender and Policy in Aceh 2011 as a Research Activity of Women Study centre (PSW) IAIN Ar-Raniry Supported by UN Women and Partner for Prevention (P4P), We would like to thank for this important support.

² Aceh Qanun No. 9/2008 on the organization of the Adat Life and Practices, Bab III "Principles and Objectives"

³ See: Technical Directions of the Sub-District Governance, p. 21, 35.

⁴ Within the adat system in Aceh, local wisdoms popularly called *hadih maja* and *narit maja* influentially exist. This consists of sentences or phrases with deep and valuable meanings. Some of them are even in a very 'complicated' language with high philosophical notion difficult to understand. These philosophical sentences become important cultural identity of the Aceh society; they apply in various adat events and ceremonies, such as wedding. With this philosophical order, it happens sometimes that sentences and phrases in *hadih maja* cannot be understood literally; rather, it needs interpretation. For more information, see <http://www.acehforum.or.id/showthread.php/13061-Hadiah-Maja-atawa-Naritet-Maja>.

⁵ Badruzzaman Ismail, *Panduan Adat dalam Masyarakat Aceh*, (Banda Aceh: Majelis Adat Aceh, 2009), p.5.

⁶ Adat is a manifestation and reflection of identity of a nation transformed from generations to generations. Each nation has its own adat customs that differ from one another. These differences indeed lead adat customs to being unique identity of a nation. The dynamic modern development cannot really subordinate or even abrogate adat customs within a society or a nation; these even appear in that contemporary life. For more insight, see <http://www.scribd.com/doc/33895585/HUKUM-ADAT>.

⁷ "Hukum Adat di Persimpangan," *Serambi Indonesia*, Sunday, 5 June 2011, p.18.

⁸ Within this extensive context, the adat (customary) law is developed and maintained as a foundation to manage social-cultural order within the society. Members of the society believe that adat customs can protect and prevent them from any possible disasters and harms. For further information, see (<http://www.scribd.com/doc/33895585/HUKUM-ADAT>). Adat law is also defined as Indonesia's original legal system that is derived from unwritten conventions and is maintained from generations to generations based on their legal awareness. As unwritten conventions, the adat law easily adapts and adjusts in any contexts and situations. The adat community – sometimes it refers to indigenous people—is community group united under a specific adat law based on, for example, a geographical origin, kinship, etc. See http://id.wikipedia.org/wiki/Hukum_adat for more information.

⁹ Within the society, the adat law reflects in three dimensions. First and the biggest part is unwritten convention or rule (*jus non scriptum*). Second and the smaller part is written rule (*jus scriptum*), for instance, rules made by a king in the history. Third is written description of 'unwritten' rule usually based on a research. The adat law is popular and applied not only in Indonesia, but other Asian countries including Japan, India, and China. See for further information <http://www.scribd.com/doc/33895585/HUKUM-ADAT>.

¹⁰ Interview with Badruzzaman Ismail, Head of the Aceh Adat council, 15 June 2011.

¹¹ Interview with Badruzzaman Ismail, Head of the Aceh Adat council, 15 June 2011. Similar opinion is mentioned by an Aceh adat leader, Abdur Rahman Kaoy, interview, 16 June 2011.

¹² *Hadih maja* is oftentimes used as a medium to deliver messages of love. For instance, "Meunyoe na chen keu rakan sahat, reudok keu tungkat kilat keu sua" talks about love and friendship. Another example is "Meumet on kayei lon tupeu cicem, teuseunyom teukhem lon tupeu bahsa" about the importance of understanding the roots of an emerging problem, so, smile and laugh have a lot of meanings. In farming, to remember season of cultivation, it is mentioned in *hadih maja*, "Keunoeng siblah tabu jareung, keunoeng sikureung rata-rata, keunoeng tujoeh jeut chiet mantoeng, keunoeng limoeng ulat seuba" meaning that within the Aceh society it is believed that to get 'successful' result in farming cultivation

must be done in special time considering lunar months. It is also mention in hadih maja, “Kubeu pok Keunambam, leumoe pok taloe” (causality is natural so there is always result for any cause and action) and “Ban laku geupeh geundarng meunan tanari” (dance following the rhythm and instrument, that one needs to adjust with his/her environment). These examples indicate that hadih majah is a reflection and manifestation of way of life of the Aceh society. It contains meaningful values related to religion, dignity, friendship, harmony, security, awareness, ect. In this regard, observing hadih maja plays an important role in understanding social order of Aceh society. Nevertheless, unfortunately, it is not easy to find documented hadih maja in the recent time, particularly in the form of a book. For more discussion about hadih maja, see <http://www.acehforum.or.id/showthread.php/13061-Hadiah-Maja-atawa-Narinet-Maja>.

¹³ Badruzzaman Ismail, *Panduan Adat dalam Masyarakat Aceh*, (Banda Aceh :Majlis Adat Aceh , 2009), p. 5-8.

¹⁴ See *Pedoman Peradilan Adat di Aceh untuk Peradilan Adat yang Adil dan Akuntabel*,(Banda Aceh : Majelis Adat Aceh, 2008), page 7.

¹⁵ Adat =customary law, bak= on responsibility, Poe Temeureuhoom=eldery community leader, Hukom =syariah law, Syiah Kuala=the name of popular ulama in Aceh, Qanun=policy, Putroe Phang=the name of Sultan Aceh’s wife, Reusam= some strategy, laksamana=leader in military

¹⁶ Masinambau.... , p.1.

¹⁷ Interview with Abdurrahman Kaoy, 16 June 2011.

¹⁸ *Ibid*.

¹⁹ <http://id.wikipedia.org/wiki/Qanun>.

²⁰ Interview with Khairani Arifin, 17 June 2011.

²¹ Interview with Budi Arianto S.Pd, MA from Local NGo Jaringan Komunitas Masyarakat Adat (JKMA)

²² Interview with Khairani Arifin, 17 June 2011.

²³ *Ibid*

²⁴ Interview with Khairani Arifin, 17 June 2011.

²⁵ Adat is a rule of law which includes customs and practices within the Aceh society made as a guidance of social interactions among its members. The adat (customary) law is unwritten rules and provisions alive within the Aceh society that administers a moral sanction for its violators. Adat customs and practices (adat istiadat) are ‘eternal’ rules guiding social behaviors of members of society transferred and passed down from generations to generations as cultural inheritance derived from Islamic traditions. Custom is a repetitive attitude and action, alive within and practiced by the society. Adat bearer (pe-mangku adat) is a person authorized to lead a position in the adat structures and institutions. Reusam is instruction and direction based on adat customs existing within the society. Adat ceremony is a serial event conducted under the adat norms and rules within the society.