

# Islam and the Limits of the State

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# Islam and the Limits of the State

*Reconfigurations of Practice,  
Community and Authority in Contemporary Aceh*

*Edited by*

R. Michael Feener  
David Kloos  
Annemarie Samuels



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Cover illustration: Girls snacking on Aceh's west coast. Photo by Michael Feener.

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# Preface

During the past decade, the Indonesian province of Aceh has experienced dramatic political, socio-economic, and cultural transformations. Tightly interwoven with this atmosphere of change is an ongoing debate about the role and meaning of Islam in Acehese society. The state, both as an actor and as an arena for contestation, has taken an increasingly central stage in this debate. This volume deals with relationships between the state and lived realities in Acehese society. Its central premise, informing the ways in which individual contributions have been assembled and edited, is that the state is both a formative and a limited force with regard to religious and social transformation. It is formative, in the sense that it has actively engaged in the formulation and enforcement of Islamic rules and regulations. The state is limited, in the sense that a large part of religious life and experience in Aceh takes place outside the limits of the state, and because the boundaries between 'state' and 'society' are contingent and subject to continuous re-negotiation. As a result, diverse local actors have affected state Shari'a as much as state Shari'a has affected them.

Central in this regard has been the gradual implementation of an Islamic legal system. A new 'special autonomy' law passed in 1999 made provisions for Aceh's provincial government to exercise control over aspects of religious life that were previously beyond the domain of state law. This allowed for the creation of a state Shari'a system in which new government institutions and legislation were created to regulate such issues as Islamic creed, religious symbolism, and public behaviour. However, the impact of Shari'a on contemporary society in Aceh cannot be reduced to laws and policies. In addition to developing concrete measures (which vary greatly in terms of range and effectiveness), state agents have engaged in an advanced discourse of 'state Islam' directed at improving local governance, public behaviour, 'bad' or socially disruptive practices, and social deviance. At the same time, the implementation of Shari'a, or aspects of it, has been the subject of passionate resistance. Efforts to advance an official standard of Islamic morality across the province have led to diverse outcomes dependent on local contexts. Absolutely crucial in this respect is that Shari'a implementation in Aceh, both as an idea and as a functioning legal system, has been part of a complex political environment, marked by a fragile peace and the consequences of a cataclysmic natural disaster.

The complex political situation in which state Shari'a was introduced was the result of decades of armed conflict. In 1976, Hasan di Tiro, an Acehese diplomat, businessman, and grandson of a famous religious teacher from Pidie

district (on the Acehese North coast) founded the Free Aceh Movement (Gerakan Aceh Merdeka/ GAM), an organization of armed insurgents fighting for a separate Acehese state. Driven by a combination of ethno-nationalist ideology and control over natural resources (including large quantities of oil and gas), the Aceh conflict caused more than 28,000 deaths. Besides these casualties (most of which were innocent civilians), people in Aceh, especially those living in rural areas, were subjected to widespread acts of intimidation, displacement and torture, committed both by the Indonesian military and by GAM. On 26 December 2004, shortly after a period of martial law had seemed to dash all hopes to end the conflict, a 9.1 magnitude earthquake and resulting tidal wave—commonly known as the ‘Indian Ocean tsunami’—destroyed much of the provincial capital Banda Aceh and Aceh’s West coast, claiming an estimated 170,000 lives across the province (and ten thousands more in other parts of Asia). The disaster accelerated developments in what had been a halting peace process as both sides agreed to a ceasefire. At the same time, domestic as well as foreign relief workers in one of the largest humanitarian interventions in human history acted as informal observers of the truce. In August 2005, a peace treaty was signed in Helsinki, following on negotiations between the Indonesian government and the GAM leadership in exile. As a consequence, GAM was formally disbanded, disarmed—transforming into a political party, Partai Aceh (PA), which took control of Aceh’s provincial government by winning local elections in April 2009. At present, the political situation is stable but fragile, with tensions rising especially around election times.

Aceh’s Islamic legal system was thus established in contexts of dramatic political and social upheaval. At the same time, Shari’a implementation has to be understood in relation to the deeper and complex history of Islam in Aceh. Aceh has long been regarded as a place where Islam has a pronounced role in society. Its long traditions of Islamic religious scholarship and the prominence of religious leadership have made Aceh an important field for the study of Muslim societies for over a century. In contrast to Java and many other parts of the Indonesian archipelago where, until recently, works of international scholarship have tended to downplay the role of Islam in society, scholars working on Aceh have tended to place considerable emphasis on the social and political roles of Islam. This tradition of scholarship has produced important work covering areas ranging from epigraphy to ethnography, providing a rich background for understanding the historical contexts for contemporary developments. At the same time, the dominant historical and political narrative of Islam in Aceh, and the associated focus on politics and normative Islam, continues to be a source of stereotypes. Images of ‘fanatical’ Acehese are fed by a history of violent conflicts, going back to the Acehese resistance against



Dutch colonial domination in the nineteenth and early twentieth century. Such stereotypes have worked to disguise regional differences, local variations, and significant cultural change.

The role of Shari'a and its representation in scholarly and non-scholarly reports is a case in point. Often, the 'rebellious nature' of Aceh is stated as a causal factor in a seemingly self-evident, unidirectional, or unambiguous process of state-directed 'Islamization.' This volume challenges such simplistic views of Acehnese exceptionalism as it focuses on the question of how the implementation of Islamic law and its pronounced agenda of state-directed social change has both influenced, and been shaped by, the complex cultural contexts of a society undergoing dramatic social transformations in the post-disaster, post-conflict period. Together, the chapters in this volume show that, rather than the 'simple' result of a pre-ordained cultural identity, Shari'a law both draws upon, and opens up, a number of complex questions and debates around issues of Acehnese ethnic and political identity, including local contestations about the rights, duties, and moral responsibilities of everyone—ethnically Acehnese or not—who claims to be part of this place and its history.

One side effect of post-tsunami reconstruction and the peace building process was a revival of multi-disciplinary academic research about Aceh. Over the past decade, Indonesian and international researchers flocked to the province in unprecedented numbers to study social and political developments there. At the same time, foreign donors worked together with local universities in projects of academic capacity building. While many of the authors—and all of the editors—have been a part of this development in one way or another, one aspect should be particularly emphasized here. During the conflict, and especially since the 1990s, conducting fieldwork in Aceh was difficult. Thus, while the recent history and politics of Aceh have been relatively well analyzed, grounded ethnographic studies have been extremely rare up until the ending of the conflict. This also explains, at least partly, why the dominant narrative of Acehnese history and society has long been characterized by a focus on formal politics (including the relations between Aceh and Jakarta), the views and experiences of political and religious leaders, and conflict. In contrast, little attention has been given to the ways in which different segments of Acehnese society have dealt with, and tried to influence, the religious norms and regulations established by formal institutions. This volume is part of a much larger effort to address this imbalance.

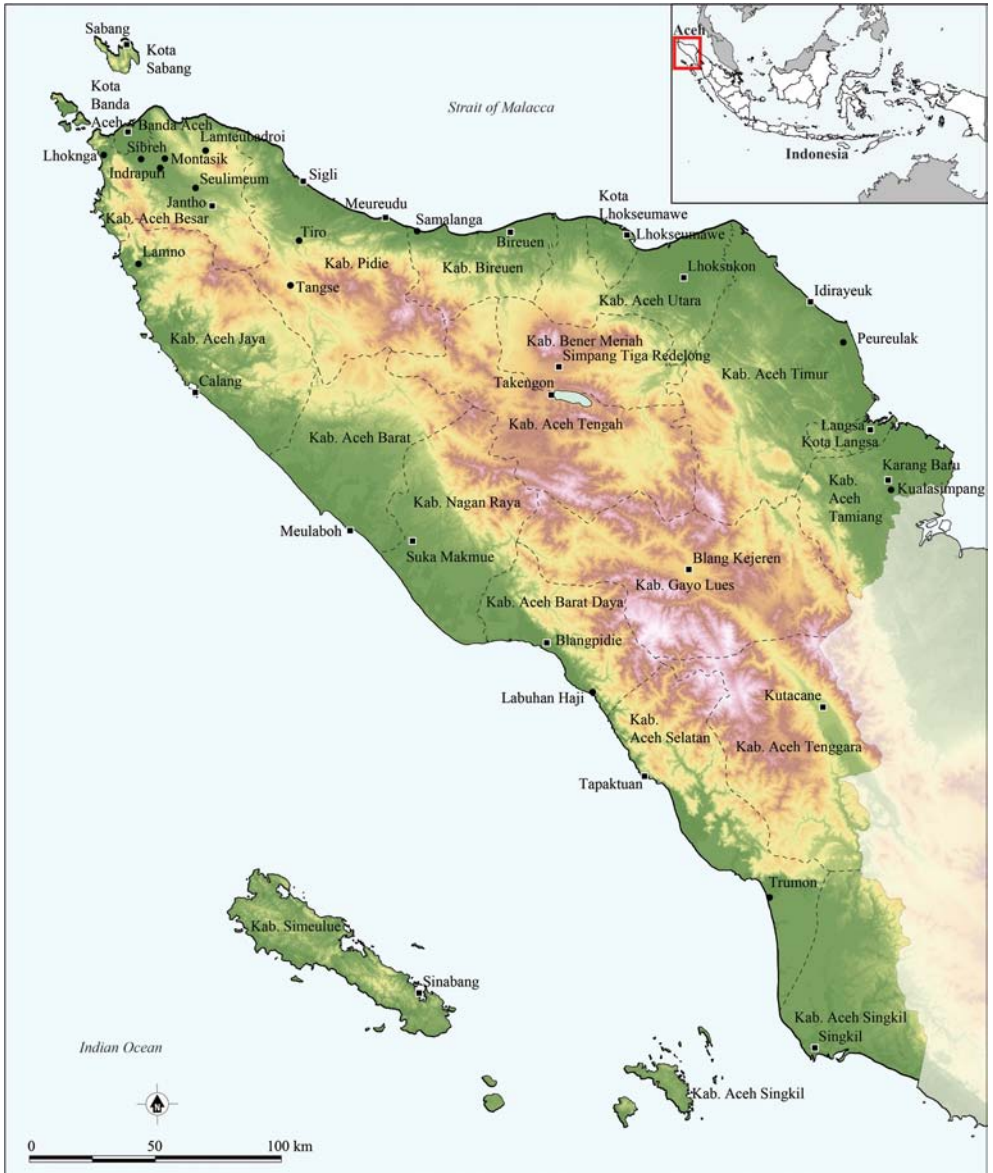
Many recent publications about Aceh have focused on political institutions, the humanitarian effort, and state-civil society relations. Together they have produced a more complex picture of Aceh than the one that is usually presented in (international and domestic) media. The unprecedented openness

of Aceh has also facilitated the work of a new generation of scholars working on diverse aspects of Islam and society. Exciting new lines of investigation have been directed at the complex ways in which Islamic belief and practice are configured within the everyday experiences of Muslims as they navigate the diverse transformations of society. This volume brings together an international group of researchers who have recently conducted extensive fieldwork on various aspects of Muslim religious life in Aceh, and among different social groups. This work presents insight into diverse expressions and interpretations of Islam all across the province that can help us to better understand the range and extent of ways in which Islam both informs and reflects dynamics of political and cultural change in contemporary Aceh.

Most of the chapters are adaptations of papers presented at the international conference “Islam in Contemporary Aceh: Reconfigurations of Ritual, Doctrine, Community and Authority” which was held in Leiden in September 2011. They help us to understand how diverse expressions and interpretations of Islam in relation to the current state Shari’a project have come to inform and reflect broader dynamics of political and cultural change across the province. Given Aceh’s iconic position in the history of Islam in Indonesia, and taking into account the broader field of the anthropology of Muslim societies, this volume aims to contribute to discussions about patterns of continuity and change in the fields of lived experience, the officialization of religious thought and practice, and the role of Shari’a and the state in contemporary Muslim societies. It starts out with an overview of the process of Shari’a implementation, and a further elaboration of the central theme of the volume. Subsequent chapters focus on such issues as gender relations, the role of civil society, the drafting of religious laws, leadership dynamics, public morality, punishment, public space, the remaking of everyday life in post-conflict, post-tsunami contexts, and changing ideas about community and individuality. As such, we hope that this book will invite further debate, and help propel and sustain the flowering of Aceh scholarship into a wider field of academic and non-academic discussion.

The editors are grateful to all those whose work and generous support made the 2011 conference possible. In particular, we would like to thank LUCIS (Leiden University Centre for the Study of Islam and Society), who funded the event and the Leiden University faculty who participated, including Léon Buskens, Kees van Dijk and Nico Kaptein. Our discussions there were also significantly enriched by the contributions of Arskal Salim and Daniel Birchok. We are grateful to Jaap Fokkema of VU University Amsterdam, who produced the Aceh administrative map printed here. We would also like to acknowledge all of the encouragement and assistance of Nienke Brien-Moolenaar, Teddi Dols and Kathy van Vliet at Brill in helping us bring this book to publication, as well as

the editorial assistance of Hongyan Li and Wajihah Hamid at the National University of Singapore's Asia Research Institute, and an anonymous reviewer for his/her helpful comments.



MAP 1 *Administrative map of Aceh*

# Glossary and Abbreviations

The terms appearing below in *italics* are from Indonesian/Malay, except where otherwise specifically noted as Arabic (Ar.), Acehnese (Ac.), or Javanese (Jv.).

ABRI	(Angkatan Bersenjata Republik Indonesia) The Indonesian Armed Forces
<i>adat</i> (Ar.)	Local custom
<i>akhirat</i> (Ar.)	Afterlife
<i>aurat</i> (Ar.)	Parts of the body to be covered as required by Islam
<i>azan</i> (Ar.)	Call to prayer
<i>balai</i>	Simple wooden structure used for community gatherings and for religious study
BRR	(Badan Rehabilitasi dan Rekonstruksi) Rehabilitation and Reconstruction Agency
<i>bupati</i>	District head
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
<i>dakwah</i> (Ar. <i>da'wa</i> )	Islamic religious propagation
Darul Islam (DI)	Armed insurrection against the Indonesian Republic to establish an Islamic state
<i>dayah</i> (Ac.)	Acehnese traditionalist religious school
<i>dhikr</i> (Ar.)	Sufi ritual 'remembrance' of God
DPRA	(Dewan Perwakilan Rakyat Aceh) Aceh Provincial Legislative Assembly
DSI	(Dinas Syariat Islam) Aceh's State Shari'a Agency
<i>fatwa</i> (Ar.)	Legal opinion issued by a Muslim jurist
<i>fikih</i> (Ar. <i>fiqh</i> )	Islamic jurisprudence
GAM	(Gerakan Aceh Merdeka) Free Aceh Movement
<i>geuchik</i> (Ac.)	Village head
<i>hadith</i> (Ar.)	Report of the words and deeds of the Prophet Muhammad
<i>hajj</i> (Ar.)	Muslim pilgrimage to Mecca
<i>hikmah</i> (Ar.)	Wisdom, often with religious connotations
HMI	(Himpunan Mahasiswa Islam) Islamic Students' Association
HRW	Human Rights Watch
HTI	(Hizbut Tahrir Indonesia) The Indonesian national organization of the trans-national movement Hizb ut-Tahrir
HUDA	(Himpunan Ulama Dayah Aceh) An association of traditionalist ulama in Aceh

<i>hudud</i> (Ar.)	Stipulated Quranic punishments for particular offenses against Islamic law
IAIN	(Institut Agama Islam Negeri) State Islamic Studies Institute
<i>ibadat</i> (Ar.)	Ritual practice; worship
ICAIOS	International Center for Aceh and Indian Ocean Studies (Banda Aceh)
ICG	International Crisis Group
ICMI	(Ikatan Cendekiawan Muslim Indonesia) Indonesian Association of Muslim Intellectuals
<i>ijtihad</i> (Ar.)	Independent jurisprudential reasoning in Islamic law
<i>ilmu</i> (Ar.)	Literally ‘knowledge,’ referring in different contexts to religious learning, modern science, or esoteric/magical knowledge
<i>iman</i> (Ar.)	Faith
<i>imeum meunasah</i> (Ac.)	Village-level religious leader
<i>ihad</i> (Ar.)	Literally ‘struggle,’ used popularly in the sense of ‘holy war’
<i>jilbab</i>	Muslim women’s headscarf
JMSPS	(Jaringan Masyarakat Sipil Peduli Syariah) An Islamic NGO in Aceh
JPUK	(Jaringan Perempuan Untuk Kebijakan) A women’s NGO in Aceh
<i>kabupaten</i>	District
<i>kafir</i> (Ar.)	Unbeliever; infidel
<i>kecamatan</i>	Sub-district
KAMMI	(Kesatuan Aksi Mahasiswa Muslim Indonesia) Indonesian Union for Muslim Student Action
<i>kampung</i> (Ac. <i>gampong</i> )	Village, or neighbourhood
<i>kenduri</i>	Religious meal, or celebration
<i>khalwat</i> (Ar.)	Inappropriate association between marriageable men and women
<i>khamar</i> (Ar.)	Wine, or intoxicating drink
Kiai (Jv.)	Title for the leader of a <i>pesantren</i>
( <i>Hari</i> ) <i>Kiamat</i> (Ar.)	Judgment Day
<i>kitab kuning</i>	Literally ‘yellow books,’ referring to the religious texts used in traditional institutions of Islamic learning in Southeast Asia ( <i>pesantren</i> , <i>dayah</i> , etc.)
KOHATI	(Korps HMI-Wati) Women’s wing of the Islamic Students’ Association (HMI)
KPU	(Komisi Pemilihan Umum) Election Commission
KTP	(Kartu Tanda Penduduk) Indonesian state-issued identity card
LOGA	Law on the Governing of Aceh
<i>madrasah</i> (Ar.)	A ‘modern-style’ Islamic religious school in Indonesia
Mahkamah Syariah	Shari’a Court
<i>maisir</i> (Ar.)	Gambling

<i>majelis taklim</i>	An assembly for purposes of Islamic learning, often used today for public preaching events
Majelis Ulama	Council of Ulama
<i>merantau</i>	Long-term sojourn away from home for purposes of work or education
<i>meunasah</i> (Ac.)	Traditional village institution, used for basic Islamic education, prayer and other communal functions
MISPI	(Mitra Sejati Perempuan Indonesia) A prominent women's NGO in Aceh
MPU	(Majelis Permusyawaratan Ulama) Aceh's provincial-level Ulama Council
MUDA	(Majelis Ulama Daerah Aceh) A provincial-level association of ulama
Muhammadiyah	Indonesian modernist Islamic mass organization
MUNA	(Majelis Ulama Nanggroe Aceh) A provincial-level association of ulama
MUI	(Majelis Ulama Indonesia) Indonesian National Ulama Council
New Order	The authoritarian developmentalist state under Suharto (1965–1998)
NGO	Non-Governmental Organization
NU (Nadhlatul Ulama)	Indonesian traditionalist Islamic mass organization
Nyai (Jv.)	Wife or daughter of <i>pesantren</i> leader (Java)
PA	(Partai Aceh) Aceh Party
<i>pemuda</i>	'Youth'
Perda	(Peraturan Daerah) Regional level regulations
Perti	(Persatuan Tarbijah Islamijah) Islamic Educational Movement
<i>pesantren</i> (Jv.)	Islamic boarding school
PKS	(Partai Keadilan Sejahtera) Prosperity and Justice Party
PII	Pelajar Islam Indonesia, a national association of Muslim students
PNS	(Pegawai Negeri Sipil) Civil servant
PPP	(Partai Persatuan Pembangunan) United Development Party
PUSA	(Persatuan Ulama Seluruh Aceh) All Aceh Union of Ulama
<i>qanun</i> (Ar.)	Term used for regional regulations, including Islamic legislation in contemporary Aceh
Qanun Jinayat	Aceh's Islamic criminal law code
<i>rajam</i> (Ar.)	Punishment of death by stoning
<i>razia</i>	'Raid' by the police or WH
<i>Reformasi</i>	The post-New Order period of 'Reform' in Indonesia
RPUK	(Relawan Perempuan untuk Kemanusiaan) Women's Volunteers for Humanity
RTA	Rabitah Taliban Aceh, an organization of students and alumni of traditional Islamic boarding schools ( <i>dayah</i> ) in Aceh

<i>santri dayah</i> (Ac.)	Students from Aceh's traditional Islamic schools
Satpol PP	(Satuan Polisi Pamong Praja) Civilian police force
SIRA	(Sentral Informasi Referendum Aceh) Aceh Referendum Information Center
<i>sosialisasi</i>	Term commonly used in connection with projects for the public promotion of state Shari'a
Shari'a	Literally 'path' or 'way,' commonly translated as 'Islamic law'
<i>syiar</i> (Ar. <i>shī'ār</i> )	'Symbolism' of Islam
<i>tarekat</i> (Ar.)	Sufi order
Teuku (Ac.)	Title used by the traditional Acehnese landed nobility ( <i>uleebalang</i> )
Teungku (Ac.)	Title used for Acehnese ulama
<i>ulama</i> (Ar.)	Islamic religious scholar; in Indonesia, this plural form is also used for an individual scholar (Ar. <i>alim</i> )
<i>uleebalang</i> (Ac.)	The traditional Acehnese landed nobility
<i>umat</i> (Ar. <i>umma</i> )	Islamic community
UNIFEM	United Nations Development Fund for Women
<i>wali nanggroe</i>	Symbolic 'head of state'
WH	(Wilayatul Hisbah) Aceh's 'Shari'a police'
YICM	Yayasan Insan Cita Madani, an Acehnese NGO
<i>zina</i> (Ar.)	Fornication, or adultery

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in Indonesia: The Pondok Pesantren Experience,” *Asia Pacific Journal of Education* (2007); “Pesantren Seblak of Jombang East Java: Women’s Educational Leadership,” *Review of Indonesian and Malaysian Affairs* (2008); “Negotiating Public Space: Three Nyai Generations in a Jombang Pesantren,” in: *Indonesian Islam in a New Era: How Women Negotiate their Muslim Identities*, edited by Susan Blackburn, Bianca Smith and Siti Syamsiyatun, Monash Asia Institute (2008); and “Gender in Contemporary Acehese Dayah: Moving Beyond Docile Agency?” in: *Gender and Power in Indonesian Islam: Leaders, Feminists, Sufis and Pesantren Selves*, edited by Bianca J. Smith and Mark Woodward, Routledge (2014).

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# Local Women's NGOs and the Reform of Islamic Law in Aceh: The Case of MISPI

*Dina Afrianty*

## Introduction

When Islamic law was introduced in 1999, many Acehnese saw this as a way to return Aceh to its past glory and to restore people's sense of morality. However, as the state Shari'a system took shape, some were disappointed to find that the enforcement of Islamic law was largely focused on regulating women's behaviour, with women being apprehended and/or publicly humiliated for offenses such as wearing tight jeans or not wearing a headscarf. Some women have even been subjected to caning as a form of punishment for infractions against local legislations regulating public morality. Recently, some local leaders have introduced new local regulations that aim to limit women's freedom and mobility even further, including regulations banning women from performing traditional dances, and from straddling motorbikes (Pasandaran 2013; Saragih and Hotli Simanjuntak 2013). These regulations make Acehnese women the subject of an unprecedented amount of attention at both national and international levels. In the face of such developments, Acehnese women's movements have challenged the local government and demanded law reform. Women's organizations call upon religious leaders and local authorities to revise current Shari'a legislation, arguing that the 'true teaching' of Islam does not discriminate against women.

In general, since the turn of the twenty-first century, opportunities for Acehnese women's wider participation in public policy-making have increased. Law No. 44/1999 on Acehnese autonomy granted the province the right to organize and manage its own religious, cultural and educational affairs, giving religious leaders a larger role in policy-making (Miller 2004, 333). The 2001 Special Autonomy law, moreover, allowed the Acehnese to directly elect their local leaders. These political reforms provided Acehnese men and women with much broader opportunities to take part in local politics. In addition, the signing of the Helsinki Peace Agreement in 2005 and the subsequent passing of the Law on Governing Aceh in 2006 also increased opportunities for Acehnese women to participate in local politics.

During my ethnographic fieldwork in 2007–2009, MISPI (Mitra Sejati Perempuan Indonesia, ‘The True Partner of Indonesian Women’) was one of the local women’s NGOs that played a leading role in working with government and religious leaders in attempts to reform Islamic law (Afrianty 2015).<sup>1</sup> As will be elaborated below, MISPI worked together with offices of the local government, even as it criticized the enforcement of Islamic law. MISPI was founded in 1998 by a group of former student activists from Syiah Kuala University in Banda Aceh. At the time of my fieldwork, the organization was led by one of its founders, Syarifah Rahmatillah. In pursuing its mission, MISPI chose to skillfully frame its criticisms and call for a law reform by negotiating its demands with the state and local religious leaders, instead of confronting and opposing them. The leaders and members of MISPI believe that Aceh’s customs (*adat*) and culture are strongly Islamic. While rejecting some of the ways in which Islamic law has been implemented in Aceh, particularly where it discriminates against women and the poor, MISPI members also maintain that Shari’a is not in itself problematic. Rather, in ways that echo the voices of other critics of state Shari’a in Aceh, they argue that the problems result from particular modes of implementation.

MISPI is a particularly interesting example of women’s activism in relation to Shari’a implementation, because of its combination of strong Islamic credentials, its roots in the national-level Islamic organization HMI (Himpunan Mahasiswa Indonesia, Indonesian Students Organization), its collaboration with the Indonesian state, and its appeal to international women’s rights and Islamic feminism. In this chapter, I will explore how MISPI navigated between these

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1 This chapter is based on ethnographic research conducted from 2007 to 2009 in Banda Aceh, as part of my PhD research on Acehnese women’s responses to the introduction of Islamic law. Fieldwork was conducted during a total period of six months, divided into three visits. My fieldwork primarily involved participant observation. During my visits, I stayed in three different places: the central town of the provincial capital Banda Aceh, a village, and a student dormitory located in the university campus area. All are in the district of Banda Aceh. However, I also travelled occasionally to Pidie and Lhokseumawe, on the Acehnese North coast, to observe the implementation of Islamic law there. During my stay, Banda Aceh was inundated by seminars, workshops and public discussions on issues pertaining to Shari’a implementation. I attended many of these events that were organized by NGOs or by campuses and I listened to what people said about the by-laws, about particular institutions such as the Shari’a Police (WH), and about particular issues such as the discrimination against women. I spent most of my time sitting at MISPI’s office, where I became friends with the staff, and attending the workshops they organized with their stakeholders, male and female religious leaders, members of district legislatures, and women’s Qur’anic reading groups (*majelis taklim*).

different spheres of influence by defending women's rights from an Islamic perspective, in the midst of debates about Shari'a implementation. The chapter begins with a discussion of the background and the establishment of MISPI, drawing attention to the central role of its leader, Syarifah Rahmatillah. From there, I move on to examine MISPI's strategic position and role within the wider local women's movements between 2004 and 2009. The chapter concludes with a discussion of the ways in which MISPI responded to the state Shari'a system, explaining how it managed to work within a markedly Islamic framework, while at the same time challenging the conservative practices and viewpoints of the state and religious leadership.

### MISPI's Background

MISPI was founded just three months after the fall of President Suharto in 1998. The founding of MISPI was triggered by the dramatically transformed political situation in Indonesia after the fall of the New Order regime, which sparked the emergence and growth of a number of civil society movements, both in Aceh and elsewhere in Indonesia (Afrianty 2015; Daly, Feener and Reid 2012). The organization was formed by former members of the Acehnese branch of KOHATI (Korps HMI-wati), the women's wing of HMI. MISPI's leader Syarifah Rahmatillah had formerly been a leader of KOHATI. In order to understand the particular position of MISPI, it is therefore important to provide some insight into the background of HMI first.

HMI is a national-level Islamic student organization known to be both strongly Islamic and supportive of Indonesian nationalism. It was established in Yogyakarta in 1947. At that time, Indonesia was in the midst of its struggle for independence and had to fight against the Dutch colonial government, which sought to resume its control over the country after the Second World War and the Japanese occupation (Azra 2004, cited in Muhktar 2006, 2). Ever since its founding, HMI has been one of the most important student organizations in the country. Many former HMI members have reached high positions within the national government and politics. Usually based at university campuses, the organization has branches in almost all Indonesian provinces.

During the New Order period, HMI was one of the Muslim groups that "took a less pessimistic view" of the government, and one of its prominent leaders, Nurcholish Madjid, argued that Indonesia needed an organization that could win the moral sympathies of all Indonesian Muslims (Hefner 1997, 79; see also Hefner 1993, 5). In the first years of its existence, HMI maintained close ties to the Islamic political party Masjumi, sharing its orientation of both

reformist Islam and a strong commitment to Indonesian nationalism (Feener 2007, 82–133). With regard to Aceh, it concurred with the view that “Islam was a point of commonality, not difference, between Aceh and Indonesia” (Aspinall 2007, 247). The Acehese branch of HMI has therefore not been keen on seeing Aceh separate from Indonesia.

Considering its HMI background, it is not surprising that from the beginning MISPI's programs have been characterized by a strong Indonesian nationalist and Islamic character. According to former HMI activists and other civil society activists involved in the founding of MISPI, the creation of a strong nationalist orientation was very important in the context of growing demands for a referendum and independence from Indonesia after 1998. At the time, HMI activists were afraid that, if not handled cautiously, the situation could lead to a disruptive civil war within Acehese society and that this would, again, adversely affect women. Former HMI activists I talked with acknowledged the injustices and human rights violations perpetrated by the Indonesian military, but at the same time the idea of independence, with Aceh ruled by the ‘Free Aceh Movement’ (Gerakan Aceh Merdeka/GAM), frightened them even more. They argued that people in Aceh did not want civil war and that many still preferred Aceh to remain part of the Republic of Indonesia.

At the time of MISPI's foundation, political reform at the national level was directed toward the goal of ending the state of military emergency in Aceh. Local organizations started to demand justice and investigation of the gross human rights violations committed by both GAM and the Indonesian military (TNI). However, these demands for justice did not receive an immediate response from Jakarta and fueled further resentment among Acehese (Bertrand 2004, 175). GAM perceived this situation as a political opportunity to generate more support for their cause of Acehese independence. However, there were also Acehese who did not support GAM's cause for independence. Some Acehese elders, for example, wanted Aceh to become a ‘federation’ so that its rights were better guaranteed (Siegel 2000, 337). Yet the public support for independence was huge and those opposed were reluctant to express their opinion (*ibid.*). MISPI is an example of a local organization that did not support the cause for independence, yet it chose not to express its views openly.

The development of MISPI has been closely linked with the personality of its leader, Syarifah Rahmatillah. Daughter of a civil servant, born and raised in Banda Aceh, Syarifah started her activism while she was taking a law degree at Syiah Kuala University. While at university, she became involved in the Student Association (Badan Executive Mahasiswa/BEM), the Faculty of Law Student Senate and the University Student Senate. Later, she joined KOHATI and was elected as the head of the organization. Her experience as a KOHATI leader



during her time at the university equipped Syarifah with negotiating skills that she would later use in her work for MISPI.

After graduating in 1997, Syarifah continued her activism by joining ICMI (Indonesian Union of Muslim Intellectuals).<sup>2</sup> She then married the former leader of HMI Banda Aceh who, in 2004, was elected as a member of the local legislature representing Partai Bulan Bintang (PBB), an Islamic political party. In the meantime, she had become a civil servant at the National Land Agency (Badan Pertanahan Nasional) in Banda Aceh. During the time leading to the 2004 general elections, she became a member of the General Election Commission (Komisi Pemilihan Umum/KPU). Although she was a public official, her enthusiasm for social activism did not stop, since, apart from her activism at MISPI, she became active in the Aceh Women's Congress (Duek Pakat Inong Aceh), being first elected to its Steering Committee, and later to its Board.

Many former members of HMI hold important positions in government, and Syarifah's connections to these circles were useful in facilitating MISPI's work. She used her HMI and KOHATI networks to develop the organization, for which she recruited only women with KOHATI backgrounds. Her position at the General Election Commission further enhanced her access to government officials at different levels. All these links added to Syarifah's credentials, and advanced her leverage among other local women activists. Certainly, all of these connections have further enhanced her effectiveness and she is well known for her ability to work with various parties in Aceh, including government officials, members of the local legislature and ulama. Few other women activists in Aceh enjoy such a central position within these networks.

Syarifah told me that it was the political situation that inspired her and her colleagues to organize themselves to work for the needs and concerns of Acehnese women. They considered it a crucial time for Acehnese women to express their views within broader civil movements and they aimed to represent the voices of women who did not want to see Aceh separated from Indonesia. The name 'MISPI' was carefully chosen to express this view. Syarifah and her colleagues called their organization Mitra Sejati Perempuan Indonesia

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2 ICMI was established in Malang in December 1990 by Muslim members of the urban Muslim middle class partly as a response to what they perceived as the continuing social and economic marginalization of *pribumi* ('indigenous') Muslims. They argued that Islam provided an alternative ideal in becoming a modern nation (Hefner 1993). Hefner has argued that the creation of ICMI, which received the support of President Suharto in 1990, was a sign of a 'deepening Islamisation of Indonesian State and Ideology' (Hefner 1993). For more discussions of the background of ICMI, see Azra (2004); Hefner (1993; 1997, 75–77); Ricklefs (2001, 393).

('The True Partner of Indonesian Women') to show to the rest of Indonesia that many Acehnese women were committed to having Aceh remain part of Indonesia in the future, and that it was too simple to label all Acehnese as 'rebellious.' By naming their organization 'MISPI,' they hoped that Indonesian women would perceive them as 'their true friends' and not question Acehnese women's 'Indonesian-ness' (*ke-Indonesiaan*).

While some women, like the members of the women's wing of GAM (*Inong Balee*),<sup>3</sup> were eager to see Aceh become an independent state, many others disagreed. According to Syarifah, many Acehnese women were actually forced to support one view over the other, even though, in fact, many women felt that both sides, the Indonesian military and GAM, perpetrated violence against women. Yet it was very difficult to publicly express such views at that time. Many women were targeted by both parties. Siegel (2000, 388–389), for example, observed that some Acehnese women were targeted by GAM only because their physical appearance closely resembled that of the Javanese, the ethnic group associated most strongly with the Indonesian military. Siapno showed that women were exploited by both the Indonesian military and GAM (Siapno 2002).

Syarifah's views on this issue were formed through direct experience. For example, she described how both GAM and the Indonesian military physically targeted her after the Humanitarian Pause was agreed in 2000. Both sides were suspicious that she supported one side over the other. She recalled that she had to hide many times to avoid being kidnapped by either one of the warring parties and she imagined that other Acehnese women had similar experiences, especially after the declaration of martial law in 2003. Despite these threats, Syarifah continued to develop her new organization, during a period in which issues of women's rights did not figure prominently in public discourse.

Rather than choose sides, then, MISPI looked for other ways to garner support from the community. Syarifah believed that all Acehnese women were victims of the political situation, and therefore she and her colleagues argued that they should be able to work with the conflicting parties in order to advance Acehnese women's rights and to gain national recognition. Crucial in this respect was MISPI's approach to the implementation of Shari'a law. If the former women's wing of GAM strongly rejected the idea of Shari'a being formally

3 *Inong Balee* was the name first given to female warriors who took up arms against the Portuguese, during the reign of Sultan Alauddin (1596–1604), after being widowed in an earlier battle against the Portuguese in 1511. Laksamana Malahayati is known as the first leader of *Inong Balee*, and has been claimed to lead as many as 2,000 women (Aceh Magazine, June 2007).

implemented in Aceh by arguing that it was another form of Jakarta's oppression of the Acehnese, MISPI along with other civil society activists chose not to show a strong rejection of Shari'a. According to MISPI, there were indeed Acehnese women who wanted to see Shari'a introduced in Aceh. Their point then was not to reject the idea of state Shari'a implementation per se, but to critique and advocate reform of some of the particular ways in which it was being applied and enforced. The widening opportunities for political participation in the post-tsunami/post-conflict period enabled MISPI to use democratic means to voice these criticisms.

By the time the 2004 tsunami struck Aceh, MISPI was considered one of the most established local women's organizations among a rapidly growing number of NGOs.<sup>4</sup> Both national and international donor institutions that worked in Aceh valued MISPI for its efforts in promoting women's rights in the context of the implementation of Islamic law and their support for individual women who struggled to achieve their social and political rights. For example, MISPI employed a lawyer and paralegals to help women who experienced violence to bring their cases to the civil and religious courts. At the same time, MISPI was a leading organization in terms of promoting law reform and influencing policy making through its activities in women's networks or its lobby to both the local bureaucracy and local parliaments.

Since 2004, MISPI along with other local women's organizations such as Balai Syura Inong Aceh, Flower Aceh, LBH Apik Aceh, Putro Kande, RPUK, An-Nisa and the Center for Women's Studies at the IAIN (State Institute for Islamic Studies, presently UIN) Ar-Raniry, has advocated the need to reform the *qanun* (by-laws) as well as the implementation of these laws in a gender-sensitive way. In 2004, several local women's organizations, including MISPI, created the Women's Policy Network or JPUK (Afrianty 2011). Women activists from these organizations emphasized the importance of cooperation in demanding reform. MISPI played a central coordinating role in the establishment and the activities of this network.

Along with these other organizations, MISPI expressed the concern that the limited number of women in both the local bureaucracy and the local legisla-

4 MISPI was established around the same time as several other women's organizations in Aceh, including Yayasan Pengembangan Wanita, KKTGA (Kelompok Kerja Transformasi Gender Aceh, Aceh's Working Group on Gender Transformation in Aceh), LBH-APIK (Legal Aid of APIK), and RPUK (Relawan Perempuan untuk Kemanusiaan/Women's Volunteers for Humanities). While these organizations focused mainly on human rights violations during the military conflict between GAM and the Indonesian army, MISPI concentrated on broader issues of women's empowerment and policy.

ture was a significant contributing factor to the discrimination against women in Aceh. In one of the initial attempts to support women's political participation, MISPI organized legal drafting and gender awareness workshops for policy makers at district and provincial levels. The significance of MISPI's work with JPUK became apparent during several events. First, JPUK played a significant role during the process of drafting the *qanun* on the election of local leaders in 2005, by demanding that the word *perempuan* or 'women' be deliberately mentioned. The draft *qanun* used only non-gender specific words (*setiap orang*, everyone) which JPUK considered as too vague, and therefore it demanded the article to deliberately mention both women and men (*perempuan dan laki-laki*) (Afrianty 2011, 48). Eventually this became Qanun No. 7/2006 on the Election of Local Leaders. The JPUK further demanded that the requirement for local political parties to have a female membership of at least 30 percent would be guaranteed in the Law on Governing Aceh (LOGA/Law No. 11/2006). The demand was met and currently local political parties are obliged to meet this requirement. JPUK also played a role in the preparation of the drafting of a by-law on women's empowerment and the protection of children, which resulted in Qanun No. 5/2007 as well as the creation of the Bureau of Women's Empowerment and the Protection of Children in 2008. The fact that these measures were successfully integrated into the legislation is evidence of the accomplishments of MISPI and its networks in promoting women's rights in the province.

Until 2009, MISPI's office was located at Banda Aceh's central roundabout (Simpang Lima), at a walking distance from the landmark Baiturrahman Grand Mosque and close to the central market of Banda Aceh. Its previous office had been destroyed by the tsunami. At the time, MISPI employed seven professional staff members. Three of them performed administrative functions, while three others were responsible for running MISPI's programs. One staff member was a lawyer who provided legal aid and advice to women who were seeking justice. MISPI also employed four part-time staff members who provided litigation advice and support for women facing legal problems. Most of the staff at MISPI had undergraduate degrees in law. Some were graduates of the Law Faculty of Syiah Kuala University, and some of the Shari'a (Islamic law) Faculty of IAIN Ar-Raniry. At that time, MISPI experienced steady growth in its professional capacity, and compared to other local women's organizations it employed more local volunteers and professional staff.

Consistent with MISPI's KOHATI-HMI background, the atmosphere of its office and its routine activities were infused with an air of Islamic piety. All staff members performed the mandatory prayers. Like most other Acehnese women, they dressed in a modest Muslim fashion—wearing a skirt, blouse,

tunic, and headscarf (*jilbab*). MISPI officers were aware that their choice of dress could affect their organization's reputation, especially since they regularly worked with religiously conservative people in Acehese society, such as the ulama and the *dayah* community (the traditional Islamic educational institutions over which the ulama preside).

During my fieldwork, public discussions of Shari'a often focused on the need for women to cover their bodies, referring to specific regional regulations (*qanun*) related to acceptable forms of modest dress. The dominant discourse was that good women were those who wore proper Muslim dress and covered their hair. Therefore, a failure to dress properly could make it difficult for MISPI to engage with their intended constituencies and collaborators. According to Syarifah, while advocating for the needs of Muslims in Aceh, her team should maintain an image of wearing what she considered 'proper' Muslim dress and head covering. This, she argued, meant that they should not just drape a shawl over their shoulders without covering their hair, because this was something the 'Shari'a Police' (Wilayatul Hisbah/WH) would disapprove of. One staff member told me that Syarifah often spoke with staff members who did not wear proper Muslim dress. This attention to proper ways of dressing was not merely a 'strategic' choice on the part of MISPI. It also reflected Syarifah's personal and professional view. The strict adherence to Muslim dress set her apart from most other women activists at that time.

It was in this particular context that MISPI carried out its work of advocating women's rights. Before I move on to discuss some of MISPI's activities in advocating the reform of Shari'a implementation, I would like to briefly elaborate on the implementation of Islamic law itself and the women's movement's response to this process.

### **The Implementation of Islamic Law and Women Activists' Responses**

The major players in the development of Aceh's state Shari'a system have been the ulama and the provincial government. Since 1999, several bylaws have been implemented that aim to enforce Islamic law. Two of these, namely Qanun No. 11/2002 that regulates (among other things) Muslim dress, and No. 14/2003 on *khalwat* or close proximity between unrelated members of the opposite sex, have been of particular concern among many Acehese activists. The activists especially resented the discriminatory ways in which these regulations have been applied, as enforcement has primarily targeted women and the poor. Article 1 (20) of Qanun No. 14/2003 defines *khalwat* as: "Any activity

carried out by two or more individuals of opposite sex who are not related by family nor legally bound under marriage.”

Ever since this *qanun* has been enacted, there have been stories of couples apprehended by the WH and/or attacked by vigilantes for being in close proximity or for having sexual relations outside marriage (see Otto and Otto, this volume). At the time of my research, stories about couples caught being in close proximity and accused of violating the *qanun* and community standards of Shari'a morality, often reached the headlines of local newspapers (see, e.g., Heryanto 2008). In both urban and rural areas across Aceh, different kinds of people, including villagers, students, government officials and even members of the local legislature were accused of offenses against modesty and sexual immorality.

*Khalwat* is most generally understood as illicit relations outside marriage. The reality in Aceh is that *khalwat* is interpreted to mean anything from sexual activities outside marriage to a situation where a man and a woman who are not kin are in close proximity, whether in public or private space. Some of the violators of this particular *qanun* have been tried and punished by caning, but in other cases, perpetrators have managed to negotiate with the authorities to effect a different outcome. Most often, cases are not brought to court at all, but settled more informally by the community (often after calling in family members and sometimes after publication of the couple's names and pictures in the newspaper) according to custom (*adat*), which can cover a wide range of responses, from reprimand to violence and public shaming (see Feener 2013, 219–250; Kloos 2014; Otto and Otto, this volume). In the case of unmarried couples, religious leaders often encourage their parents to have them married. However, there have also been cases in which couples caught by villagers have been paraded through the village to humiliate them in public. This practice is believed to be a form of punishment as they will feel humiliated (see Kloos 2014).

Despite particular definitions of *khalwat*, there is an ongoing discussion and contestation in Aceh about what behaviour exactly falls under *khalwat* and *zina* (fornication). During my research, many people in Aceh felt that the laws discriminated against the poor. For example, they would say that an Acehnese man and woman riding a motorbike together could become an easy target of the WH, while a man and woman who sit in the car probably would not be harassed or get caught. The head of the WH field office in Banda Aceh explained this discrepancy to me in a way that had less to do with relative wealth but more with the interpretation of the categories of *khalwat* and *zina*. He said that when a man and a woman ride together on a motorbike, with the woman sitting on the back of the bike with her arms around his waist, they could easily

commit *zina* (illicit sexual activities outside of marriage) as their bodies touch.<sup>5</sup> He further explained that when two people of the opposite sex are in physical contact they could easily fall under the influence of the devil (*syaitan*) and commit unlawful acts of fornication (*zina*). Therefore, men and women sitting together on a motorbike may be considered by the WH as committing *khalwat*, a state in which they may be tempted to commit sins. On the other hand, the head of the WH said that those who were sitting together inside a car were not considered as engaging in behaviour tempted by *syaitan* because there is no physical closeness. The issue advanced by critics of the law, then, was that it was easier to target poor people (using motorcycles) than rich people (driving cars).

Another controversial regulation is Qanun No. 11/2002, which regulates, among other things, specific standards of modest Muslim dress and the mandatory attendance of Friday communal prayer for men.<sup>6</sup> When I visited the WH office in Banda Aceh in 2009, I was shown a list of 593 incidents in 2006 and 2,034 incidents in 2007, in the district of Banda Aceh alone. Although there are no reports of women who have been caned for failing to comply with Qanun No. 11/2002 on Muslim dress, activists consider this *qanun* to be the most unpopular of the Shari'a regulations. For an important part, this has to do with the raids carried out by the WH in the streets of Banda Aceh and near the beach, during which alleged wrongdoers (most of whom are women) are lectured in public.

Activists and women's NGOs voiced their concerns to the ulama, the legislature, and the local government, and took care to thereby work within the Islamic framework. To do so, they faced the challenge of combining Islamic teachings and Aceh's cultural values with international norms, in particular women's rights. Many of the Acehnese women I talked to viewed the official definition of modest Muslim dress, and in particular the mandated form of head covering (*jilbab*), as something that was actually rather new to Aceh.

5 Interview, Banda Aceh, 9 July 2009.

6 According to officials at the WH and the State Shari'a Agency (Dinas Syariat Islam/DSI), women must cover their hair by wearing a certain kind of veiling popularly known as *jilbab*. The rest of their dress should consist of a long skirt and a loose dress or tunic or a type of *baju kurung* that will not show a woman's 'body shape.' Hence, the WH consider women who wear tight pants, jeans and t-shirts as violating the *qanun* on Muslim dress. In terms of formal legislation, Article 13 (1) provides that: "All Muslims are obliged to wear Islamic dress" (defined as "clothes that cover one's *aurat* and may not shine through, and which do not show the shape of the body") and article 21 (1) stipulates an obligation for men to perform the Friday prayer.

Some even claimed that the *jilbab* is an 'Arabic' way of covering the hair of women, arguing that in their understanding it is enough for women to just cover their hair with a shawl.<sup>7</sup> Syarifah and many of the activists at MISPI shared these views, saying that while in the past Acehese women already dressed modestly and covered their heads, they did so in a variety of local styles. Thus, wearing a traditional *selendang* (scarf or thin veil) to cover one's hair and wearing trousers was considered appropriate for women.

Such forms of Islamic dress can be seen in popular images of historical figures. Siapno (2002, 26) observed that the most popular representation of Cut Nyak Dhien, an Acehese heroine in the war against the Dutch, "portrays her wearing [...] a *selendang* (a thin veil) half-covering her head (in the Muslim fashion)." Other popular images include pictures of Aceh's seventeenth century queens, as shown in the Aceh Museum in Banda Aceh, wearing only a *selendang* or a shawl draped loosely over the head and shoulders. While, as Siapno notes, many of these images are idealized, we know that, traditionally, Acehese women wore "black trousers called *luweu tham asee* or 'dog chasing trousers'" with a traditional loose type of long sleeve top that goes to the knees (Siapno 2002, 26). This tradition can still be seen in wedding rituals as brides often wear trousers as part of their traditional wedding costumes. One reason for this type of clothing is that Acehese women have always worked their paddy field together with their husbands, or performed other jobs that require them to move easily. Syarifah explained that the way Qanun No. 11/2002 has been enforced, therefore, has changed the meaning of appropriate women's clothing and head covering, which, to her, differed in many ways from past cultural practices.

Many women's activists argued that the specific text of the *qanun* was problematic. According to Soraya Devy,<sup>8</sup> the explanation in the *qanun* about covering one's *aurat* and concealing the shape of the body was confusing. How, for example, could women be sure that their body shapes would not be visible if their clothes were pushed by the wind? Other arguments focused on women's freedom of movement. In the post-conflict context, women in Aceh have enjoyed greater mobility. Yet according to many activists, the sort of clothing the WH officials envisioned as in keeping with state Shari'a regulations would only limit their movements. They argued that forcing women to always wear skirts would be difficult, because motorbikes are one of the main forms of transportation for women in Aceh. As one of my interlocutors told me, "wear-

7 Interview, Suraiya Kamaruzzaman, Banda Aceh, 24 December 2007.

8 Interview, Banda Aceh, 5 March 2007.



ing long and big skirts on motorbikes is not only ineffective but most of all it is not safe, as the skirts can get caught in the bike's machinery."<sup>9</sup> Interestingly, in other Muslim societies, Muslim dress and especially head covering is often seen as enabling women's mobility rather than restricting it. This difference exemplifies the local variety of understandings of Shari'a and the effects of its implementation on local gender relations.

Although the phrase 'Muslim clothing' in the *qanun* pertains to both men and women, during my fieldwork public discussions of 'Muslim clothing' mainly focused on women's dress. This might be because, at the time, the WH did not focus on men's clothing in their raids. Activists and female students in Banda Aceh thus asked why men who wore short pants were not targeted by the WH, even though the *qanun* requires men to cover their *aurat* by wearing trousers that cover their knees. There were lots of jokes circulating among activists and in society at large addressing the question of what the appropriate uniform for Aceh's male soccer team would be if they were required to be consistent with the *qanun*.

According to women activists, Qanun No. 11/2002 on Muslim dress has been used by some conservative Acehnese men to justify their control over women's dress and bodies. Some male students from traditional *pesantren* or *dayah*, for example, believe that they have the right to check on women's clothing, and to approve or condemn it. Authorities such as security guards at mosques judge a woman's religiosity from her dress. For example, when I visited the Baiturrahman mosque on 30 January 2008, a male guard stopped me and my female Acehnese friend from entering through the gate by pointing his rattan cane to my knee. He did not say anything but instead waved his cane to me, moving it up and down, indicating that my loose tunic blouse should have covered my knees. Although I told him that I brought my prayer clothing, he insisted that I should leave the mosque.

Such examples of enforcing Islamic law have made women activists argue that the religious *qanun* and their implementation provided opportunities for conservative religious leaders to return society, and women in particular, to patriarchal interpretations of Islam. They showed that the way in which the *qanun* has been implemented has promoted authoritarian control over what women wear, how women behave, and how women observe their religion more than it has for Acehnese men. Finally, apart from the discriminatory implementation of these *qanuns*, MISPI was highly concerned about the corporal punishment of caning, which has been practiced in Aceh since

9 Interview, Banda Aceh, 20 March 2007.

2006, and which, along with other civil society organizations, it considered to be a violation of human rights.<sup>10</sup>

Another target of MISPI's criticisms was the WH. Like many other NGOs in Aceh, it has called attention to what it perceives as the WH's lack of adequate knowledge of Islamic law and current legislation, as well as of proper professional training—leading to incidents in which basic rights were violated (Afrianty 2015). Women's activists told me that, as a result of this, in the initial years of implementation there had been cases in which WH officers cut women's hair if they did not wear proper headscarves, as they did not know the proper procedures of handling such cases. More recently, WH officers have been accused of even more serious abuse. In January 2010, three officers in the district of Langsa raped a woman they caught and detained in their office for a *khalwat* offense (Mardira 2010). It has been argued that the lack of support from the local government for the work of the WH, including the poor recruitment process, has contributed to their poor performance and flawed legitimacy (Feener 2013, Otto and Otto, this volume). It is not only the work of the WH that shapes public perceptions of Shari'a implementation in Aceh, however. The sometimes brutal punishments under *adat* (customary law) also influence popular and media perceptions of the enforcement of Islamic law in contemporary Aceh. As Kloos (2014) points out, these village level outbreaks of vigilante violence "in the name of Shari'a" are indicative of the deeply contested nature of moral and political authority in contemporary Aceh.

In negotiating the combination of these sets of norms and values, some organizations have followed the example of women's movements in other Muslim societies, such as Sisters in Islam (SIS) in Malaysia and Fahmina Institute in Cirebon, West Java, that have promoted the rereading and interpretation of Islamic texts to further equality. As I will show in the next section, translocal and transnational connections have also been important for MISPI, which has framed its strategies to reform the *qanun* and to demand justice in the implementation of Islamic law in part through its networking with national and international NGOs such as UNIFEM and The Asia Foundation. Thus, I will argue that the activities of MISPI cannot be seen apart from developments at the national level and in other parts of the Muslim world.

10 On the specifics of the implementation of caning, see Feener (2013; this volume) and Großmann (this volume).

### MISPI and the Reform of Islamic Law

As I have argued in the previous sections, MISPI was one of the organizations that tried to influence government policies relating to women. According to Syarifah, the problems and disputes that emerged upon the implementation of Islamic law were the result of a number of factors. Firstly, there are different perspectives among the Acehnese on how the primary sources of Islamic law (the Qur'an and the Sunna) should be interpreted and translated to specific *qanun*. Secondly, *qanun* that regulate Acehnese religiosity are almost exclusively based on the interpretation of those sources by male political leaders, legal authorities and the ulama whom she views as having been insufficiently sensitive to gender issues.<sup>11</sup> Thirdly, the implementation of the *qanun* has not been adequately supported by effective government institutions.<sup>12</sup>

Against this background, MISPI has offered several approaches to address the shortcomings in the implementation of Shari'a law. Firstly, MISPI argued that there was a serious need for Acehnese ulama, academics, policy makers, and civil society activists to go back to the sources of Islamic law, to reread and reinterpret Shari'a in the context of Aceh, and to use democratic means in drafting the law. According to MISPI, in this process of rereading the Islamic texts, women should be included, so that women from all segments of society would come to have a better understanding of the message of the Qur'an. MISPI expected that these approaches would generate a new form of religious interpretation, which later could be formalized into *qanun* that would be more gender-sensitive and promote justice and equality. Secondly, although at the time of my research the implementation of Islamic law was still in an early stage, MISPI argued that the government had to support the implementation of Shari'a by providing adequate facilities and resources to the institutions responsible for overseeing the implementation.

To reach these goals MISPI employed various strategies. For example, Syarifah, in her capacity as MISPI leader and prominent women's rights activist, was regularly invited by the local legislature to sit in on their meetings. In those meetings, she advocated the need for reformulation of the *qanun* among local members of the local legislature and government bureaucrats. MISPI emphasized the importance for women activists to work with religious communities, most importantly with the *dayah* and the ulama, in particular the female

11 An exception concerns the initial drafting of the *Qanun Jinayat*, in which women were included (Großmann, this volume).

12 Interview, 8 March 2007.

ulama, and with academics. One key strategy concerned the rereading of the sources of Islamic law to uncover the egalitarian messages of Islam that MISPI members saw as contained in the Qur'an and the Sunna. In carrying out its programs, MISPI worked together with both national and international partners. While advocating the importance of considering local context, MISPI also acknowledged the need for women's NGOs and women activists to collaborate with Muslim intellectuals.

As I have explained, maintaining Islamic credentials and solidarity with the local community has been one of the key means utilized by MISPI in pursuit of its agenda of responding to the implementation of Islamic law. Even though Syarifah disagreed with the way in which Qanun No. 11/2002 on Muslim dress was enforced, she chose to adhere to the regulations of the WH (see below). It is important to point out, however, that this appeal to Islam was not merely a 'strategy' to advance women's interests. The HMI background of MISPI as well as Syarifah's personal views attest to a strong commitment to an Islamic way of life as well as to the implementation of Shari'a in Aceh. What makes the case of MISPI so interesting, is exactly that it is from within this Islamic framework that the organization tried to advocate women's rights. MISPI's Islamic credentials proved important in gaining support from the male-dominated government institutions and the ulama. Syarifah explained that she could call key people in these institutions and discuss any issue with them and she expected that this would enable her to influence legal reform and policy-making. Indeed, while ulama and members of the local legislature often saw other activists as being corrupted by foreign influences, some of them told me that they would rather listen to Syarifah's views on issues pertaining to women and Shari'a (Afrianty 2015).

One of MISPI's central goals was to raise awareness of what it understood to be Islam's teachings on gender equality. Before giving some examples of the activities that MISPI was involved in, it is important to clarify MISPI's views in relation to gender equality, for its position shows a complex navigation of values inspired by Islam, feminism and gender equality discourses. Interestingly, MISPI activists tried to avoid using the term 'gender equality' (i. *kesetaraan gender*) in disseminating its ideas about equality to women's Qur'anic reading groups. Instead, they used the Indonesian phrase 'relational equality between men and women' (*kesetaraan hubungan antara laki-laki dan perempuan*) and stressed that this was mainly about 'relations' (*hubungan*) of equality. MISPI activists were careful with these phrases because they were aware that female members of Qur'anic reading groups might be suspicious of, or even hostile to, foreign terms. In fact, ulama and government officials were also hostile toward the term 'gender equality' (Afrianty 2015). MISPI was careful not to make the

Qur'anic reading groups feel that they were being taught 'foreign' values. To many Acehese women, the word '*kesetaraan*' or 'equality' implies a situation in which men and women become the same, so that women, for example, must be able to do men's jobs and vice versa. Such a position is considered highly problematic since it is opposed to deeply-held notions that the woman is tasked to be a wife, daughter, and mother, while men must be husbands, fathers, and brothers.

To deal with this sensitive issue, MISPI carefully explained that while Islam requires women to fulfill particular social roles, it does not prohibit them from doing other things outside the home, such as obtaining an education and working. To underscore this, MISPI made references to the lives of the Prophet's wives, such as Khadija, who was a successful businesswoman, and Aishah, who led the Muslim forces to war and became an important political figure after the death of the Prophet. As a result, it is argued, women actually carry a burden that is heavier than that of men, because if they take up public roles they are also still responsible for the care for their children and husband. In explaining this to their female audiences, Syarifah used herself as an example of someone brought up in a family where she was allowed to be active outside the home, while at the same time learning to be responsible for the household. As women activists at MISPI refer to the Qur'an for arguments that support gender equality, it is clear that they engage to some extent with Islamic feminist discourses. However, MISPI activists themselves are reluctant to acknowledge that their activism is inspired by 'feminism,' as they consider this a foreign concept. The reluctance to acknowledge that their work is inspired by feminism can be understood as a part of a broader Acehese resistance to ideas coming from the West.

In their efforts to reach Acehese women, MISPI activists specifically targeted groups at two levels: women policy-makers (such as female members of the local legislature, women in the bureaucracy, female academics, and female ulama), and women at the grassroots level, whose voices are rarely heard by policy-makers. Apart from advocating an Islam-inspired view of gender equality among these women, Syarifah also hoped that MISPI's program would create links between these two groups. This was important, she argued, because existing democratic mechanisms had not been able to bring these two elements of society together, thus contributing to the failure of the government to produce gender-sensitive policies. MISPI organized two programs; one for women in villages and another for female Islamic leaders who regularly attended workshops at MISPI's office or other locations.

For women at the grassroots, MISPI developed a program through which they could gain a better understanding of the Qur'an and the Sunna. MISPI

sought out women who were members of Qur'anic reading groups or *majelis taklim*, since these groups were considered to have strong bases in the villages. MISPI hoped that, once *majelis taklim* members were introduced to issues of equality and women's rights, they would then share these understandings with their family members and broader society. MISPI focused on Qur'anic reading groups in Banda Aceh and its surrounding areas. Syarifah explained that the decision to work with women's Qur'anic reading groups was based on MISPI's perception that these groups were widely considered to be apolitical.<sup>13</sup> In most of the villages where MISPI worked, *majelis taklim* were held on a weekly basis, with attendees listening to a female preacher and reciting the Qur'an. In these sessions, MISPI introduced interpretations of the Qur'an and Sunna that highlight messages of gender justice.

The second program was for leaders of *majelis taklim*, who regularly participated in meetings organized by MISPI. These meetings took place in different places. Sometimes they were organized at MISPI's office or at one of the *majelis taklim* around Banda Aceh. Shari'a was explained in these meetings as a divine teaching derived from the Qur'an and the Sunna. At one of the workshops I attended, on 8 March 2007, one of the speakers argued that since Shari'a is divine law, it cannot limit women's freedom. This view was based on readings of particular verses of the Qur'an that emphasize the equality of men and women, in particular verse 2:228, which reads "... and women have the rights similar to those against them in a just manner." At this occasion, another verse was quoted, which emphasizes that God created men and women of different nations, but what differentiates them is only their good deeds for God, as written in the Qur'an (49:13).

Oh human kind, We created you from male and female and made you into nations and tribes so that you might know one another. Verily the most noble of you in the sight of God is the one with the most *taqwa*.<sup>14</sup>

During the meetings, participants of the women's Qur'anic reading groups also learned that God's revelation in the form of the Qur'an and the Sunna has been interpreted by ulama in their works of jurisprudence (*fiqh*).

At one point during my fieldwork, in 2008, MISPI organized a training session for *majelis taklim* leaders from around Banda Aceh and Aceh Besar, which

13 Indeed during the conflict, these groups had proved to be relatively safe from both warring parties, being able to continue regular meetings at local *meunasah* or village mosques.

14 This verse is quoted from Wadud (1999). *Taqwa* is a key Qur'anic term that refers to a person's moral integrity and commitment to the teachings of Islam (Wadud 1999).

was meant to help female members of *majelis taklim* better understand Islamic scripture and Shari'a as well as *fiqh* and the *qanun*. The material of this training covered several themes, such as the meaning of the verses in the Qur'an, preaching ethics (*akhlak*) within the family, understanding Islamic texts, Shari'a, and *fiqh*, and a discussion on women's and men's roles in family, as well as in society at large. More than 20 women from different *majelis taklim*, as well as the leaders of the women's wings of Muhammadiyah and Nahdhatul Ulama, participated in this event. Speakers included Nurjannah Ismail, a respected female lecturer of the Shari'a Faculty at IAIN in Aceh who has extensive knowledge of the subject of Islamic law and gender, and Roosmawardani, a female judge working for an Islamic Court (Mahkamah Syariah). There were also male leaders speaking at the event, most importantly the leader of the Ulama Consultative Assembly (Majelis Permusyawaratan Ulama/MPU).

MISPI considered *fiqh* to be a topic that needed to be better understood by women at the grassroots. In this meeting for *majelis taklim* members and leaders, Nurjannah Ismail argued that women should understand that if there is discrimination and oppression of women, this is not the result of Islam, but of patriarchal interpretations of Shari'a that can and must be challenged. She also mentioned that most of the problems with discrimination and oppression related to the fact that the ulama who interpret Shari'a are mostly men. She pointed out that throughout history, the work of interpreting the Qur'an and hadith has been dominated by men. Yet, she said, Aisha, the Prophet Muhammad's youngest wife, was an important transmitter of *hadith*. Thus, in her contribution to the training, she was saying that the interpretation of Islamic law had to some extent neglected women's interests.<sup>15</sup>

Having identified Qur'anic teachings about the basic equality of men and women, and the question of how to understand Shari'a and *fiqh*, female *majelis taklim* leaders were subsequently taught about the process of creating *qanun* in Aceh. This was important because the general understanding among Acehnese was that the *qanun* are the same as what is written in Islamic texts, including the Qur'an and *hadith*. Thus, it was explained that, unlike Shari'a, *qanun* can always be changed because they are not divine law but rather interpretations of Islamic law made by Acehnese ulama, political leaders and the government.

15 Her discussion at that training was similar to the explanation of scholars such as Ziba Mir-Hosseini (2006, 632): *Fiqh* is the science of jurisprudence which is part of the human endeavor to discern and extract legal rules from the sacred sources of Islam that include the Qur'an and the *Sunna*. If Shari'a is sacred, universal and eternal, *fiqh* is "human and like any other jurisprudence it may change over time" (Mir-Hosseini 2006, 632).

To emphasize this last point, a session in the *majelis taklim* gatherings led by MISPI was dedicated to explaining how the *qanun* were drafted and ratified.

The training discussed above equipped Acehese women not only with religious knowledge but also with knowledge about the relationship between Shari'a implementation and local politics in Aceh. The important positions of the speakers in Acehese politics show MISPI's attention to the political context in which Shari'a implementation took place. It also shows that MISPI worked together with government institutions, despite its criticisms of them, and that at least some elements in these institutions shared with MISPI particular goals in terms of educating women.

Through the grassroots activities and the workshops for *majelis taklim* leaders, MISPI not only provided opportunities to women from Qur'anic reading groups to obtain new knowledge, but also encouraged them to interact with other women in a new environment. Most importantly, women were taught how to express their own perspectives, and to raise their voices in a forum, even on occasions where men were also present. MISPI taught the female participants about the need to be critical of the constructed social values that were produced by male patriarchal authorities. While this was done by a range of NGOs that were active in Aceh at the time, what made MISPI special was its particular emphasis on the Islamic framework in which all these activities were situated.

## Conclusion

In response to the implementation of Islamic law, women's organizations in Aceh have demanded that regional regulations (*qanun*) be reformed to become more sensitive to gender concerns and the specific cultural contexts of Aceh. In their efforts to promote equality and women's rights, MISPI has worked within, not outside of, an Islamic framework. The organization has been highly critical of the way in which Shari'a law has been enforced. Yet, instead of opposing the authorities, it managed to work closely with government institutions such as the State Shari'a Agency, the Islamic Court system (Mahkamah Syariah), and the provincial legislature in advocating the reform of the *qanuns* that deal with Islamic law, so as to stop discrimination against women and the poor. In addition to their advocacy with government institutions, MISPI has engaged with local communities to increase their understanding of the teaching of Islam and the Islamic texts that are at the basis of Shari'a law in Aceh. Working with these different groups in society, those with political and religious authority and the people whose lives would be most strongly affected by the implementation



of Shari'a, MISPI tried to influence processes of policy-making that related to Islamic law. It did so by advocating the need for the reinterpretation of Islamic texts and doctrines.

From MISPI's work, it is clear that Acehese women have created a space to involve themselves in discussions of what Feener (2013) calls "Shari'a and social engineering." Women activists, including those at MISPI, invited both society and the government to engage in a discussion on the question of how Shari'a should be implemented in Aceh. More importantly, this movement was to a large extent enabled through the work of national and international organizations working in Aceh during the post-tsunami reconstruction period.

In this chapter, I have given an overview of the ways in which one particular organization, MISPI, responded to and acted upon the implementation of Shari'a in Aceh. The material presented here shows that MISPI was distinctive in three fields. First of all, in its activities it brought in considerations of local history and culture. Given its Islamic background and good relations to a wide range of prominent people and institutions in local politics and bureaucracies, MISPI was able to bring together women from various backgrounds and influence policy makers on different levels. Secondly, apart from having this strong local base, MISPI managed to appeal to broader national and international norms and networks in support of its causes. This was in part fostered by the influx of funds and international organizations after the tsunami. Yet, as I have argued in this chapter, MISPI's networks also had strong pre-tsunami roots. Finally, while advocating for change, MISPI was also involved in a close collaboration with the Indonesian state and with national-level Islamic organizations such as HMI. Its Indonesian nationalist roots as well as its Islamic background made MISPI stand out in a landscape of organizations that were perceived of as being sympathetic to the Free Aceh Movement (GAM).

MISPI collaborated with the state, even while criticizing some of its policies. The organization argued for the implementation of Shari'a in Aceh but demanded reforms that would guarantee women's rights and more equality between men and women, as well as between rich and poor, in the implementation of the law. As a civil society organization engaged with local women at the grassroots level as well as with important figures in Acehese society, MISPI worked both with the state and outside its limits. Therefore, MISPI gives us another view on the roles of civil society in demarcating the 'limits of the state' in the implementation of Shari'a in Aceh. Its advocacy of the reconciliation of Shari'a and women's rights, and the appeals it made to various sectors of state and society to reach these goals, demonstrate that these limits are fluid, contested and negotiated by civil society actors like Syarifah and her organization.

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