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Conflict Resolution, Political Decentralization, Disaster Risk Management and the Practice of Sharia Law: The Case of Aceh, Indonesia

Hans Ferdinand Illy (Arnold Bergstraesser Institute for Socio-Cultural Research, University of Freiburg)

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Abstract

"The Aceh peace process was kick-started by the tsunami of December 26, 2004." This is a frequently made statement, but it is one which definitely requires further scrutiny. Could it be that a natural disaster has the capacity to bring something positive about, in this case sustainable conflict-resolution and the forging of a viable socio-political system? Perhaps this is true for Aceh, the northernmost province of Indonesia, though the reality of today is ambiguous and irritating to observers and analysts.

This paper will explore several closely intertwined questions: First, the emergence of the special political status of Aceh which is utterly asymmetric to the general Indonesian constitutional order and decentralization policy. Second, the (relatively) successful transformation of the Gerakan Aceh Merdeka (GAM), a rebel movement striving for independence, into a responsible key political player. Third, considering the case of the 2004 tsunami and the subsequent international relief and reconstruction mission, the question of which is the optimal system of disaster risk management for the region. And, fourth, the irritating factor of the (re-)introduction of sharia law in Aceh during the last decade which runs against the national ideology of Pancasila. Who propagated it, what is its impact on society, and does it risk to isolate Aceh again? The paper argues that the tsunami indeed triggered off the resolution of a decades long and most violent conflict between the central government of Indonesia and a regional rebel movement. Nevertheless, this positive effect is counterbalanced by a controversial practice of sharia law in the province which may produce disruptive effects on the country's politico-constitutional order.

Key words

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* Professor of Political Science and Development Administration (ret.), free-lance research fellow and consultant, Arnold Bergstraesser Institute. Email: hans.illy@abi.uni-freiburg.de

Introduction

Aceh, Indonesia's northernmost province with 55.400 km[2] and a population of only 4.3 million is, within the context of the extensive literature on the country, usually treated as an untypical case. This is due to its special history as a zone of combat in a decades-long struggle against the Dutch colonizers in the late nineteenth century (Ricklefs 2001) and throughout much of independent Indonesia which made the region nearly inaccessible for researchers and other visitors. Nevertheless, there is a well-documented literature on the Aceh separatist rebellion which came to an end in 2005.[1] The second focus of interest directed towards Aceh was not of a scientific nature but of a humanitarian one: the relief and rehabilitation efforts after the tsunami which so tragically hit Aceh on 26 December 2004. This disaster abruptly opened up the region to the outside world and, at the same time, created a theatre of intercultural communication and cooperation fraught with misperceptions and misunderstandings whose effects are worth being analyzed more systematically.[2]

One outcome of the catastrophe is that the tsunami miraculously opened the door to a positive conflict resolution process and brought to the fore a special autonomy arrangement for Aceh. While some provisions of the Aceh Law No. 11/2006 were strongly contested in the Indonesian political public, the law helped to avoid a secession as in East Timor in 1999. This is reason enough for not excluding Aceh from comparative analyses of Indonesia's regional governance reforms in the post-Suharto era.[3] Nevertheless, Aceh is and will be for a long time a definite challenge for the stability and coherence of Indonesia's political system. It is the purpose of this paper to bring together the factors that facilitated Aceh's negotiated autonomy status and explore their interrelationship and dynamics.

The Aceh Conflict

The separatist Free Aceh Movement, Gerakan Aceh Merdeka (GAM), formed in 1976 by Mohammed Hasan di Tiro, claimed that Aceh was a powerful independent sultanate prior to the Dutch aggression which started in 1873. It was there that Islam first arrived in the present Indonesia and built an intimate fusion with the distinct Acehnese culture and tradition.[4] Aceh is therefore frequently called the "Verandah of Mecca." Aceh's integration into independent Indonesia after World War II was in the eyes of GAM a historical mishap which needed to be corrected as quickly as possible (Ricklefs 2001). Although the ideological foundation of the GAM insurgency vacillitated in intensity

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1   See, for instance, Kell (1995), Schulze (2004), Reid (2006), Aspinall (2009), International Crisis Group (2001a,b), Heiduk (2009), together with a number of Indonesian scholars such as Tiwon (2000) and Sulistoyanto (2001).

2   See the report on the workshop on "Humanitarian Emergencies and Human Society: Lessons from Aceh" held on Banda Aceh 3-4 September, 2007.

3   Which is still the case with a volume such as Holtzappel & Ramstedt (2009).

4   For more details, see Aspinall (2009) and Crouch (2010, chapter 8.

throughout the decades, it constituted a permanent threat to the integrity of the Unitary State of the Republic of Indonesia (NKRI). GAM activities could not be tolerated by Jakarta, particularly not by the armed forces (TNI) who consider themselves as the prime defenders of national unity. Another important factor is the economic value of Aceh although it only comprises about 2 percent of the entire Indonesian population. Its natural resources, however, are extremely important as about 30 percent of Indonesia's oil and gas exports come from this area. Up to 1999 at least, nearly all profits went to Jakarta (Tiwon 2000: 98; International Crisis Group 2001: 3). This explains why so much was at stake in this prolonged armed struggle.

GAM was not only a relatively well organized guerrilla force deeply rooted in the villages, it also succeeded in establishing an international support basis. This was achieved through its leaders in exile (based particularly in Sweden) and their political propaganda gaining thereby considerable material support, e.g. from Malaysia and Libya. GAM leaders even appeared before the United Nations (UN), hoping to increase pressure on the "Javanese colonizers" who would then finally "deliver independence" (Schulze 2004: 52). In fact, internationally GAM projected the image of a movement fighting for human rights against the oppressive Indonesian military forces.[5] They appeared as a secular movement downplaying the importance of Islam in their struggle.

Although TNI deployed much energy and resources to deal with the rebels, they did not succeed in completely suppressing them. Nevertheless, "Aceh was not perceived (by Jakarta, HFI) as a national disaster that would compel the government ... to achieve a settlement" (Crouch 2010: 281). So the prospects for GAM's separatist cause were bleak in spite of all the concessions already made by Jakarta in the post-Suharto period since 1999. Which were these concessions?

The fall of the Suharto regime in May 1998 set free a wave of nationalism in Aceh, demanding a referendum such as President Habibie had offered to East Timor in early 1999. This move turned out to be a real nightmare for Jakarta, and it was overshadowed by a re-strengthening of GAM and a new outbreak of violence. Yet, GAM was less supportive towards a referendum because it argued that Aceh had always been independent and would continue to be so provided the "Javanese colonizers" left.[6]

Due to general insecurity, the laws no. 22 and 25 of 1999 on decentralization could not be fully implemented and could therefore not help bringing peace to the Aceh region. The same applies to a separate law of September 23, 1999, on the implementation of a special status for Aceh and to the law no. 18 of 2001 that again granted special autonomy and was signed by President Megawati Soekarnoputri. Although the latter provided for the strengthening of *sharia* law and increased Acehnese control of natural resources, it had no pacifying effect on a movement determined to gain independence. This raised the question of how to get out of this stalemate?

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[5]   This is Schulze's central argument.
[6]   For details, see Aspinall (2009), chapter 5.

The tsunami and its pacifying effect

To be historically correct, one has to mention that steps towards peace had already started before the tsunami hit Aceh. This is due to the fact that Indonesian counter-insurgency operations had become more and more effective in using force to give GAM leaders no better option than to give up independence for a settlement of autonomy as provided in the aforementioned Acts.[7] In addition to that, virtually no nation in the world actively supported the option of independence for Aceh. Whatever the intentions of GAM were at that time, international NGOs appeared on the scene and offered their services of mediation and conflict resolution. Their first initiative – through the Henri Dunant Centre based in Geneva – failed in 2000. Meanwhile, after September 11, 2001, the international climate changed for GAM, because there was no more justification for a violent separatist struggle striving for a complete independence. It should also be noted that there was another cease fire in late 2002, the Framework Agreement on the Cessation of Hostilities, signed on 9 December 2002. The agreement collapsed a few months later and led to the resumption of Indonesian military operations, the largest ever in the country's history, with the deployment of nearly 40,000 soldiers. It goes without saying that this has led to major human rights abuses and raised international concerns.

After the disastrous tsunami, peace initiatives gained a new momentum. One new initiative was carried out under the strong influence of the former Finnish President Martti Ahtisaari, an experienced international mediator. Although the process of peace talks was by no means easy[8] and although the Memorandum of Understanding (MoU) signed by both parties on 15 August 2005 was not clear in all points, it opened up the path for a peaceful settlement of the conflict.

The MoU led to the disarmament of GAM and subsequently to the Law on the Governing of Aceh (LoGA) passed by the national parliament (Dewan Perwakilan Rakyat, DPR) in Jakarta. The latter paved the way for the foundation of "Nanggroe Aceh Darussalam," the official name of the province, a name already used in 2001.

In order to explain the dramatic change from a movement fighting for secession to a movement accepting a peaceful solution which would provide Aceh with more autonomy but keep it within the Indonesian state (Aspinall 2009: 221), the impact of the tsunami plays an important role. The tsunami of 26 December 2004 claimed more than 160,000 lives along the coast of Aceh and devastated nearly all physical infrastructure.

A sentiment emerged that again Indonesia was punished by God. This is not a new socio-cultural phenomenon in Indonesia,[9] but this time, the upcoming "tsunami poetry" (Wieringa 2010) is impressive. The general shock, however, opened an opportunity for both sides to reduce hostility without losing face.[10] GAM saved its face without having to

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7   For details, see Braithwaite et al. (2010), chapter 6.
8   For details, see Kingsbury (2010), who was a consultant to the GAM delegation.
9   For Java and the Merapi volcanoe region, see Hidajat (2001).
10   This is the major explanation given by interviewees in a series of interviews carried out by the author in Banda Aceh in November 2009.

admit that the struggle could not be won through fighting and the army which had lost a large amount of its logistical basis by the tsunami (more than GAM which had been based in the mountains) was given a chance to (miraculously) turn to relief and rescue operations instead of suppressing violence. Aspinall put it this way: "The disaster had an accelerating effect, however, not so much because of the moral pressure it exercised ... but because of the way it altered the international dynamics surrounding the conflict" (Aspinall 2009: 232). By this, he certainly meant that the tsunami opened up Aceh to the international community, and the Indonesian government did not hesitate to call upon the world to come in and help. Thousands of relief personnel flew into Aceh and in their wake hundreds of journalists arrived who started to keep the world informed. Hundreds of millions of dollars were collected and dispensed for humanitarian assistance, and the world made it clear to both the rebels and the government that reconstruction could only work in a climate of peace. Another author suspects that "the massive destruction brought by the tsunami had persuaded GAM that they could not just reject the talks without risking the loss of sympathy among ordinary Acehnese" (Crouch 2010: 304). In retrospect, one must state that the impact of the disaster was so enormous and destructive that there was no energy left for continuing the path of violence.

Disaster management and lessons learnt

As mentioned before, the 2004 earthquake and tsunami had caused the death of 160,000 people on the 800 km coastal strip of Sumatra and on the islands of Nias and Simeulue and left over 500,000 people homeless with some 100,000 homes in need of rebuilding. Damages and losses in sectors such as agriculture, fishery, infrastructure and the natural environment amounted to several billions of US dollars. Mostly hit were the cities of Banda Aceh where one quarter of its 400,000 inhabitants were killed and Meulaboh where also one quarter of its 120,000 people died.[11]

Aceh was not prepared at all for the tsunami due to its geographical isolation, political marginality, the GAM rebellion and generally low level of administrative efficiency. Nevertheless, this low level of preparedness cannot be attributed to the fact that "tsunamis only hit once in a century" (a general supposition quoted in this context): according to Indonesian historical tsunami records, 163 tsunamis hit the country's coastal regions from 1801 to 2006.[12] Definitely, preparedness was and still is higher in other parts of Indonesia, e.g. on Java.

Relief operations commenced immediately and about 300 international and non-governmental organizations offered their help and sent thousands of personnel. Not only the tsunami and the following hardships were a shock for the Acehnese, equally shocking was the sudden presence of so many foreigners. Cultural sensitivity was not always prevailing ("immodestly dressed aid workers" are still vividly remembered many years later) in a thoroughly conservative and nearly 100 percent Muslim environment. The presence of so many different organizations with all their diverging strategies and

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[11]   For the figures, see Leitmann (2007).
[12]   See Goyder et al. (2009), Appendix 1, p. 6.

types of aid management put the Indonesian government under enormous stress and severely limited its capacity of coordination: "Indonesian government officials in particular were shocked about the tendency of some international actors to ignore local capacities and structures of authority."[13] Local organizations were often simply treated as subcontractors and not as partners.

The Indonesian central government reacted to this by establishing a specialized central reconstruction agency (Badan Rehabilitasi dan Rekonstruksi, BRR) in order to improve centralized coordination and reassert its authority. The negative side to this approach is that the building up of provincial and local capacities was postponed until later.

By the end of 2009, most relief organizations had left the province and their departure was justified by impressive physical achievements despite unfavorable conditions: 50,000 houses had been built and more than 500 schools and over a hundred health centers had been constructed.[14] But still the needs are considerable after decades of civil strife, and the economy is by far not yet back to normal. Banda Aceh looks like a new city and is now, strange to say, better prepared for the next disaster to come.[15] Syiah Kuala, the largest university of the province, has built up disaster knowledge systems throughout most of its departments, the most prominent ones are the "Center for Peace and Conflict Resolution Studies" and the "Tsunami and Disaster Risk Management Center."[16] The university itself has to deal with the loss of more than 100 members of its staff through the tsunami.

Despite the still ongoing rehabilitation and reconstruction process one can draw some lessons[17] from the Aceh experience so far:

Lesson 1: Integrate relief and development

Humanitarian assistance is indispensable but its effectiveness and sustainability depend on the government's capacity to have a developmental perspective taking into account already existing regional and local development plans. This means that only such international institutions should be favored which are experienced to work along these specifications and are ready to stay at least for 3-5 years in the country.

Lesson 2: Needs assessment and targeting

After having implemented rapid relief responses based on minimal information, more efforts should be devoted to systematically identify the real needs of the target groups affected (with the respective cultural and gender specific awareness). Only then, a fitting reconstruction and rehabilitation program can be designed. Key roles should be given to local authorities.

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13 See Willitts-King (2009: 23) and Hedman (2008) on provisional housing.
14 Figures based on Leitmann (2007); they should be considerably higher today.
15 Ironically, one of the best restored sites in Banda Aceh is the Dutch colonial cemetery.
16 Every year, this Centre organizes an international conference on the subject of disaster risk management.
17 For a worldwide perspective, see Illy 2011.

Lesson 3: Reconstruction strategies

Direct assistance should not mean to restore exclusively the physical *status quo ante*, e.g. housing, schools, roads etc., but to build up people's productive capacities and intra-regional markets. Assistance should be given in cash wherever possible, e.g. for work schemes, rather than through flying or shipping in food.

Lesson 4: Coping strategies and community participation

Reconstruction should follow a community-based development approach. Though external agencies pretend to have the expertise how to intervene, they should consult the community on how to proceed. One example: it is better to support progressive self-construction than deliver ready-made houses (as done in Aceh where the consequences are a mix up of all sorts of different types of houses).

Lesson 5: Good governance and coordination

This is a key problem in most disaster hit countries as the established public institutions are mostly also severely hit. Public employees are then more concerned about their private needs than about public needs. Although the Indonesian response system displayed much capacity, "the disconnections which existed within the system created asymmetries of information, resources and personnel throughout the system" (Haase 2009: 22).

There are certainly many more points to be mentioned, e.g. the technical and engineering challenges, and the considerable readiness of Indonesians to learn from this disaster. Anyway, the tsunami set the pace for a complete overhaul of the national disaster risk management system now based on Law no. 24 of 2007 and a new structure emphasizing the building-up of resilience through the reduction of vulnerability at local and regional levels.[18]

Why is the new Disaster Management Law so important for Aceh? Because it simply marks a decisive step in the building-up of a national disaster management capacity. In the past, the institutional response to disasters was largely based on an *ad hoc* and top-down approach. People affected by a disaster had the expectation that they would be assisted by the central government, but the latter has traditionally acted in an authoritarian and patronage-based manner (Willitts-King 2009: 8). This caused a number of shortcomings in coordination and concrete action at the level of the victims of disasters. The 2004 tsunami is just one example amongst others. The new law is meant to change attitudes, from passively awaiting to being prepared for disaster mitigation. It provided for the establishment of a new and powerful National Disaster Management Agency (BNPD), but also for the replacement of *ad hoc* structures at the provincial and local levels by permanent ones. Seen from this angle, the new disaster response structures could be considered a forerunner in the efficient implementation of

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[18] There is an assumption that "every dollar spent on risk reduction saves $7 in relief and repairs" (Maxwell & Clay 2005).

decentralization in Indonesia, provided that the necessary funding is also made available. Another aspect will be most important for Aceh: This is the future role of the Indonesian military (TNI) in disaster response. Hitherto, TNI played a largely independent role from the civilian structures. This is to change through the new Disaster Management Law: the armed forces are to be put under civilian control as it is the norm at the international level. But whether this is possible in Indonesia, only the future practice will show. This is as well a test for the Acehnese people to what extent Jakarta will implement decentralization and respect local structures. It is definitely not enough to stipulate (as LoGA says in its article 202) that TNI, dealing with natural disasters, implements its humanitarian tasks "*after consultation* with the Governor of Aceh." Action and coordination should be placed in the hands of the latter. This example alone shows that there is still a long way to go.

Nevertheless, Law no. 24 of 2007 sets the pace for a decisive turn from a purely reactive response towards a proactive culture of safety among the people and institutions of Aceh. Both are proud to show the world what they have been able to achieve. The relief agencies have all left but there is still assistance offered at international (e.g. UNDP, World Bank) and bilateral levels (e.g. Japan, UK, Germany). The responsibility for establishing sustainability, however, lies in the hands of the provincial government of Aceh, the local councils, civil society, religious leaders and academic and educational institutions. Aceh has today become a laboratory for disaster risk management worthwhile to be visited.

Aceh's special autonomy status

The 2005 Helsinki Agreement was the beginning of a continuous but tortuous peace-building process which cannot yet be considered as completed. This is due to several factors.

The transformation of the Peace Agreement into the "Law on Governing Aceh" (LoGA 2006) was problematic because much of what seemed to be clearly defined in the GAM understanding of self-government was lost or partially reworded in the Jakarta law making process. The LoGA, though delegating "authority to regulate and implement government functions in all public sectors," counterbalances these functions by overriding "government functions of national character" beyond the classical exclusively central government functions such as foreign affairs, external defense, national security, monetary and fiscal matters and justice (quotes from May, n.d.). These questions will be subject to constitutional law analysts' scrutiny and more importantly to future legal quarrels which will inevitably arise between the Jakarta and Aceh governments.

Nevertheless, the most important point is that LoGA indeed provided a framework for a negotiated transition to peace. A closer look at the texts reveals that the Peace Agreement had provided for the establishing of a "Human Rights Court" and a "Truth and Reconciliation Commission" (following the South African model) which was then

dropped in the LoGA. So there was no legal or political resolution of the decade-long violent battle.

The pragmatically achieved status (see the pacifying effect of the tsunami) has created a win-win situation. GAM succeeded in getting the right that "local political parties" will be allowed to be constituted and to participate in elections to be held in the province. This provision is exceptional since the Indonesian Party Law stipulates that political parties must have a nationwide coverage. This concession made by Jakarta opened the path towards the transformation of the GAM rebel movement into a democratic actor in regional politics (Stange & Patock 2010). Indeed, GAM became the Partai Aceh (PA) which won the election for governorship in 2006 and for the regional parliament (Dewan Perwaklian Rakyat Aceh, DPRA) in 2009. Irwandi Yusuf, a former GAM strategist, became governor, and PA fell just short of absolute majority in the provincial legislature (not to speak of the district and local levels where PA is equally strong). This victory has largely been interpreted as a vote for peace backed by the conviction of the Acehnese people that this is the best way out of the protracted instability in the province. But the real challenge for the PA government is how to meet the material expectations of the citizens.

Jakarta, too, after having suppressed the GAM idea of independence for the sake of the nation's unity showed acts of magnanimity: the Reconstruction Agency (BRR) offered generous jobs to former GAM fighters, while other commanders established themselves as entrepreneurs in the construction industry reaping important contracts in the "rehabilitation industry" after the tsunami. Thus, it can be concluded that GAM not only achieved political dominance in Aceh very quickly but also successfully reframed its patronage system and assured material benefits to its followers (Aspinall 2009: 211).[19]

The practice of *sharia* law

However, one irritating factor remains in this conflict-resolution process: the (re)strengthening of *sharia* law in Aceh. Many analysts maintain that GAM was a predominantly political movement and not a militant Islamic one. Proof is the fact that religion is not mentioned at all in the 2005 Peace Agreement. In sharp contrast to this, LoGA, Article 125 ff states that "Syar'at Islam as implemented in Aceh covers *'aquidah, syar'iyah* and *ashlak'* (belief, Islamic law and moral) comprising religious service, Islamic family law, Islamic civil law, Islamic criminal law, Islamic judiciary, education, Islamic religious proselytizing ..."

How is this apparent contradiction to be explained? One explanation is this: Though all GAM leaders were devout Muslims, they knew from the start that in order to gain international recognition, they should do all not to appear as an Islamist movement; all reasoning had to focus on "political independence." Scrupulous authors gave it a more complex wording: "This article argues that Islam forms a critical subcurrent in the

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[19] There is another strong economic factor which should be mentioned: LoGA provides for 70 percent shared revenues from oil (other regions 15.5 percent only) and gas (other regions 30.5 percent), but only the future will show if this will be truly respected by the centre.

ideology of GAM because it is a reflection of the Acehnese culture and identity, but not because the group maintains Islamic political aspirations" (Shaw 2008: 1). Kingsbury (wasn't he advisor to GAM in the Helsinki negotiations?) put it this way: "GAM promoted an Islamic-influenced but not an Islamic-determined political agenda" (Kingsbury: n.d.). And he hastens to add: "...this is the difference between a state that is imbued with Islamic values (an influenced state) and a state that is predicated upon *syariah* as such (a determined state)." This distinction sounds quite sophisticated but has already become meaningless by the course of political events in the meantime. Aspinall, on the contrary, is more outspoken: "*Sharia* was also intended to isolate GAM" (Aspinall 2009: 211; Uddin 2010: 626/627). Religion was actively used by Jakarta and the military (Tentara Nasional Indonesia, TNI) as a strategy to create a chasm between GAM and the more conservative Islamic groups in the Acehnese society.[20]

Seen from a Jakarta point of view, one could even argue that giving Aceh the right to practice *sharia* in all its extensions was something like a very logical concession to avoid political separatism. This is also the apparent logic in Jakarta's understanding of "autonomy" for Aceh: All the laws (1999, 2001, 2006) with a reference to Aceh's special status, consistently included the right to practice *sharia*. This was done to save national unity, irrespective of the dominant interpretation of *Pancasila* which would have to exclude such a privileged treatment (Hooker 2008: 6-8).

Thus all depends on the step by step implementation of *sharia* law. In Aceh since 2000, this was done by the *Quanuns*, the regional legislation. A legal analysis of the first batch of *Quanuns* (ibid.: 246-259) reveals that these are essentially specifications of the civil law and the practice of *sharia*, that is, doctrine and public expression as well as education. This is nothing really to attract international attention until in September 2009, one month before the new (by majority PA) legislators took office, the provincial parliament (DPRA) endorsed two new *Quanuns* which significantly amended the existing *sharia* law of Aceh. The amendments allowed for particularly harsh punishments such as stoning for adultery committed by a married person. This caused a tremendous uproar in the national media as well as in international human rights organizations: "*Shariah* in Aceh:" Eroding Indonesia's secular freedoms;"[21] "Bringing Aceh back in: Is *sharia* really needed?"[22] and "Indonesia: New Aceh law imposes torture" (Human Rights Watch 2010).

To sum up: The way Aceh practiced its autonomy has become a "center-versus-periphery legal confrontation"[23] and was prompting leaders in other areas of Indonesia to also promote *sharia*. In addition to that, it was certainly no surprise that Islamist groups who were operating clandestinely elsewhere in Indonesia had set up a training camp in uphill Aceh, and that "a number of pro-*sharia* groups had taken root in Aceh after the tsunami" (International Crisis Group 2010: 7).

What does the practice of *sharia* implementation look like in Aceh? The LoGA of 2006 authorizes Aceh authorities to provide for the creation of "*sharia* police" *(Wilayatul*

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[20] Regarding the history of Islam in Aceh see Basri (2010).
[21] See The Jakarta Globe, 18 August 2010.
[22] See The Jakarta Post, 3 February 2011.
[23] See Asia Times Online, 24 September 2009.

Hisbah, WH) to enforce regulations related to public order and community tranquility. Up to the end of 2010, this force is made up of 6,300 officers (predominantly male) across Aceh (Human Rights Watch 2010: 19). WH officers have, since 2007, consistently enforced *sharia* law and recorded 800 – 1,000 violations each year in Banda Aceh, the capital, alone (ibid.: 21). These figures suggest that the Aceh *Quanuns* are not just "dead law"; they have become a fact of daily life.

The practice of *sharia* law concerns mainly two fields: "illicit relations between men and women" *(khalwat)* and the wearing of appropriate Islamic attire (the *jilbab,* head scarf and long garment). The HRW report and other means of information including videos on the internet strongly illustrate how these provisions are implemented: arbitrarily and selectively. There is much pressure on young couples which are often harassed even inside private houses. The major victims are women and the poorer strata of society. In addition to that, this practice "encourages citizens to report acts without verification, which breeds mistrust and degrades social solidarity" (Uddin 2010: 635). There are cases where the (male) WH conducted raids on young women near high schools and universities (Human Rights Watch 2010: 55). It seems that instead of promoting order in the society, such by-laws exacerbate disorder. There is no doubt that the practice of *sharia* in Aceh violates human rights conventions that the Republic of Indonesia has ratified at the international level. These are the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, the ASEAN Charter, and last but not least, the Indonesian Human Rights Act of 1999 (Law no. 39/1999). Apparently, all these commitments do not count for Aceh. The national government stays aside, the provincial government *de facto* backs the practice. Nevertheless, women's organizations are actively denouncing abuses but to no avail.[24] Women are underrepresented at the political level – there are only two women out of sixty-nine members in the provincial parliament – and if their organizations publicly criticize the existing "culture of oppression," they are labeled as "unislamic."[25]

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[24] See Grossmann (2008) & Schroeter (2011).
[25] "In Aceh, enforced Sharia Law has outsized impact," voanews, 9 November 2011.

Conclusion

We can draw the following conclusions from the Aceh case: The special autonomy status granted to the province has created a constellation one might call "asymmetric decentralization" when compared with the whole of the Republic. This formula has nevertheless preserved national unity. This is to be credited to both GAM and the Yudhoyono/Kalla government. The tsunami of 26 December 2004 in fact acted as an accelerating force to bring about peace. It opened up the province to the outside world, but the present situation is such that it might isolate Aceh again. Aceh has been rebuilt after all the losses and suffering and it is still building up its local and regional disaster management structures. Aceh deserves to become a haven of peace in Indonesia and not a source of disruption and disorder for the national constitutional system and the local population. The present practice of the implementation of *sharia* law is indeed irritating and preoccupying, not only for outside observers, but in its capacity to spill over to other regions of Indonesia. This is yet another facet of the country's tortuous path towards "decentralized governance in the post-Suharto era" (von Lübke 2011).

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Southeast Asian Studies at the University of Freiburg

Information & Contact

E-Mail: mail@southeastasianstudies.uni-freiburg.de
Web: www.southeastasianstudies.uni-freiburg.de

Participating Departments

Politics: www.politik.uni-freiburg.de
Anthropology: www.ethno.uni-freiburg.de
History: www.geschichte.uni-freiburg.de
Economics: www.vwl.uni-freiburg.de/iwipol/sopo.htm

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