AN INTRODUCTION TO
THE GOVERNMENT OF
ACHEH'S SULTANATE

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THE GOVERNMENT OF ACHEH’S SULTANATE

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PREFACE

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Some book consulted.
It is difficult to fix the precise date of the introduction of Islam into the Indonesian Archipelago. Perhaps it had been carried to this Archipelago in the early centuries of the Hijrah. At the beginning of the seventh century A.D. trade between the Arabs and China, through Ceylon, received a great impulse, so that in the middle of the eight century Arab traders were to be found in great numbers in Canton; while from the tenth to the fifteenth century, until the arrival of the Portugese, they were undisputed masters of the trade with the East. 1

In the Chinese annals, under the date 674 A.D. an account is given of an Arab chief, who from later notices is conjectured to have been the head of an Arab settlement on the west coast of Sumatra. 2

Haji Agus Salim in his book Riawat kedatangan Islam di Indonesia maintains that according to an Arab historian, the Arab vessels used to sail along the sea-shore of South India to Gujerat (Malabar), then to Ceylon, across the open sea (Indian Ocean) down to the Nicobars islands. From here they entered the Strait of Malacca, through the northern part of Sumatra to Kedah. When they came to the latter place, their route branched into two directions: either to the east, then northwards to China, or to the east, to Palembang (Sumatra) or Java. But usually they went eastwards first, then to the north, through Camboja, Cochinchina, to China. It was no wonder that the Arabs, Persians, Indians, those Muslims from the

west, knew Indonesia and its people from the early time when they
carried their merchandise to the east. Al Mas'udi who died in 957
A.D. in his Muruj al-Dhahab mentioned the kingdom of Java
under King Erlangga (928-1049). Thus Agus Salim draws the con-
clusion that by the tenth century A.D. the relationship between
Indonesia and the Muslims had been established, as at that time
no ships but those of the Muslims carried maritime commerce
through the Indian Ocean. 3

Marco Polo who visited Sumatra in 1292 says that the inhab-
itants were idolaters, except the petty kingdom of Parlak on the
north-east corner of the island, where the townspeople were Mus-
lims. 4

Ibn Battuta 5 who came to Sumatera in 1345 speaks of the
kindness the Sultan Al-Malik al-Zahir had done him. He says that
the Sultan "is a most illustrious and open-handed ruler, and a lover
of theologians", and that he entered into friendly relation with
the court of Delhi. 6

In the 13th century Acheh became important in the East, hav-
ning commercial and political relation with Egypt, Europa and
Japan.

The Malay chronicle gives 1205 as the date of the accession
of Juhan Shah, the traditional founder of the Muslim Dynasty. 7

By 1526 the Sultanate had assimilated all the other states of
northern Sumatera, and in 1568 the Portugese in Malacca were
awed by the attack of its fleet of 300 ships with 15,000 soldiers,
among them 480 Turkish artillerists. 8

Acheh enjoyed the greatest prosperity and lustre during the
reign of Sultan 'Ala'udin al-Qahar (1540-1567), and its power
reached its zenith in the time of Sultan Iskandar Muda (1607-
1641). At that period the territory extended from Aru opposite

4) Ibid., p. 113; Arnold, Op. cit., p. 367; J. Paulus, Encyclopaedie van Nederlands-
Indie, I, Art. "Atjeh" p. 72 (cited hereafter as "ENI").
5) Ibn Battuta, Travels in Asia and Africa, p. 274.
Malacca around the north of Benkulen on the west, 1,100 miles of seaboard; the island of Nias with the continental States of Johor, Pahang, Kedah and Perak were subject states. 9

In the 17th century four queens successively reigned over Acheh, and in the 18th century Sultans of Arab blood (Sayyid) came on the throne. 10

In the middle of 16th century traders from the West came to the Indonesian Archipelago. The first Dutch (1592) and first English (1602) commercial venture to these islands were to Acheh. Letters were sent from Queen Elizabeth and King James I to the Sultans of Acheh, and an emissary was sent by the Acheh Sultans to Prince Maurits of Holland, 11 as well as to the Sultan of Turkey. 12

Acheh, besides having attracted traders from East and West for its pepper and several kinds of spices, its Sultan’s patronage for religious knowledge caused the court to be surrounded by learned scholars. In 1582 there arrived at Acheh two scholars from Makkah, and about the same time there came from Gujerat a Shaykh Muhammad Jaylani, who was a popular teacher of logic, rhetoric, and jurisprudence, until to meet the demand for tuition in mysticism he had to go to Makkah to study it, returning later to Acheh. Soon after 1600 there came to Acheh an Egyptian teacher of meta-


11) Two men were sent, one of them died in Holland and the other came back to Acheh in 1604 (Graaf, Op. cit., p. 300).

12) In the course of the 16th century, one of the Sultans of Acheh deemed it highly necessary to bring his kingdom to the notice of the lord of the believers, the Raja Rom, i.e., the Sultan of Turkey. He caused one of his biggest ships to be laden with pepper, the principle product of the country, as an offering expressive of homage to the supreme lord. Some say that he made the journey himself; according to others he sent an embassy of wealthy chiefs. The ambassadors remained at Istanbul a year or two. The Sultan of Turkey ordered a great canon to be given them as a return present, and in compliance with their request he also gave them a number of skilled artisans from his kingdom to instruct their fellow-countrymen in various arts hitherto unknown to them. (See The Achehnese, I, Op cit., pp. 208-209). And when in 1873, Acheh was blockaded by the Dutch, its Sultan requested military help from the Turkish Sultan also (Lekkerkerker, Op. cit., p. 333).
physics and a Syrian teacher of jurisprudence. There were also several famous teachers from Indonesia itself, the best known among them being Shykh Shamsuddin Pasé (Sumatera) who enjoyed much consideration at the court of the great Sultan Iskandar Muda; and his forerunner Hamzah Pansuri, both were great mystics, and 'Abd al-Ra'uf of Singkal who dedicated his book on Islamic jurisprudence to one of Aceh's Queen.13

During the early 17th century many Acehners went to Makkah both to perform the Hajj and to study.14

In the 19th century Aceh had been engaged in defending its rights and freedom for more than thirty years against the Dutch invasion. The war started in 1873. The last Sultan was captured in 1903 and exiled to Java in 1907. The real war may be said to have ended in 1904, but battles and encounters on a small scale, in the form of geurilya (guerrilla) continued till 1913.

The Aceh war has a unique place in the history of Dutch colonization; the long duration and its cruciality, its influence on the character of the people, the heavy loss of money and men, and its having a religious character.15

In 1786 Captain Francis Light pointed out to the Governor-General of Bengal that a settlement at Pulau Pinang possessed greater advantages than one on the Acehnese coast; „Aceh is a good road but no place of security against an enemy there. The country is fertile beyond description and very populous. The inhabitants rigid and superstitious Mohammedans, sullen, fickle and treacherous. To form a settlement there of safety and advantage, a force sufficient to subdue all the chiefs would be necessary”.16 In the same spirit wrote James Price to the Chairman of the Company in London: „I prefer Penang to the Port of Acheen as being more healthy and entirely free from that oppression, war and confusion which have ever distressed and at length driven out every European nation who has attempted to settle there”.17

14) C. Snouck Hurgronje; Verspreide Geschriften, IV-ii, p. 364.
In the present paper two topics are introduced:

I. The form and the administration of the government.

II. The Shari'at and Adat Law.

THE FORM AND THE ADMINISTRATION
OF THE GOVERNMENT.

The smallest social unit is the kawom (from Arabic qaum = people, tribe); a group of kawoms forms the gampong (village); gampongs form the mukim (like district); mukims form ulèebalangship; ulèebalangships federated into sagi (like province); and the confederation of the three sagis, and the actual territory of the Sultan form the Sultanate.

1. The kawom is composed of families, taken from, and including, all the descendants of a common ancestor in the male line, however far apart from one another they happen to reside. Even where the line cannot be clearly traced, they still hail one another as fellow-tribesmen as long as the feeling survives that they are connected in the manner indicated, with a common ancestor. Thus the kawom as the smallest unit of the political institution is based on a patriarchal genealogical pattern. 18 But still we may suppose that the kawoms were more or less territorially distinguished from one another by position, like the tribes of the Badouins of Arabia. 19

Indeed the instinct of mutual support that was unquestionably the weightiest factor in the formation of the kawoms, was most intimately connected with community of the place of abode.

From among members of kawom is chosen the chief or leader, called Panglima Kawom, the duty of whom is to uphold the

18) But a remnant of matriarch still survived. The child never ceased to regard the house and gampong of his mother as his own. The daughters continue after marriage to reside in the mother's house or obtain another house in its immediate neighbourhood. The sons when married are said to "go home" to their wives, yet they remain, except when visiting their wives, citizens of the mother's gampong. (See The Acehnese, I, Op. cit., p. 44).

interests of his kawom, and especially those which relate to blood feuds, \textit{bila}. \textsuperscript{20} This office is hereditary and the newly-appointed Panglima Kawom gets his official investiture (as official appointment) from the ulëebalang. \textsuperscript{21}

2. Taking for granted the hypothesis with regard to the kawoms, namely that they were originally separate in a territorial as well as in a tribal sense, we may then assume that in former times each gampong comprised a kawom or a subdivision of one, which added to its members only by marriages within its own enclosure, or at most with the women of neighbouring fellow-tribesmen. The former headmen of the gampongs would in this case have been the Panglimas of the kawoms.

The gampong is administered by three offices:

a. the \textit{Keuchi}' with one or two Wakis at his disposal:
b. the \textit{Teungku}; and
c. the \textit{Ureueng Tuha}.

The \textit{Keuchi}' is the headman, and the Achehnese used to call him „the father of the gampong”. He is appointed by the Ulëebalang, \textsuperscript{22} and his office, like that of Panglima Kawom, is hereditary. Though the \textit{Keuchi}' is appointed by the Ulëebalang, yet he is not much dependent on the latter, since being the representative of the interests, and as far as possible, the wishes, of the whole gampong against the Ulëebalang himself as well as against other gampongs, he exercises the support of his subjects. The inhabitants of the gampong are convinced of the necessity of having one person act on behalf of them all; moreover the Achehnese treat sundry family matters, such as marriage, divorce, the bringing up of orphans etc. as matters affecting the whole gampong. Equally convinced are they that this representative of their common interests should be someone who finds favour in the eyes of the Ulëebalang. At the same time, he is not likely to become too willingly a tool in the latter’s hands, for he too is a member of the gampong.

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\textsuperscript{20} \textit{The Achehnese, I, Op. cit., p. 46.}

\textsuperscript{21} the head of province.

\textsuperscript{22} Occasionally the appointment of \textit{Keuchi}'s rest in the hands of the \textit{Imam} (the head of mukim), when the latter exercises a great personal influence. (See \textit{The Achehnese, I, Op. cit., p. 64}). \textit{Keuchi}' generally abbreviated to \textit{Chi}, signifies „old”.
The inheritance of the Keuchi' 's office is also regarded as natural and right, not only because other offices are hereditary, but also because there is in the nature of things stored up in an ancient family of Keuchi' 's a collection of traditional knowledge with regard to the laws and usages of the country that might in vain be sought for among others.

As the office of a gampong headman is an honorary one, the sources of his income are worth only brief mention. They are in fact confined to the fees for his indispensable help in the arrangement of the marriage of a woman of his gampong.23 Also the Keuchi' gets presents for referring the problems of his gampong to the administration of justice of the Ulèebalang, as he himself has no judicial power. At the same time, he draws a certain percentage levied by the Ulèebalang on the division of inheritances and other similar sources of income. But it is not rare that his people are contented with his mediation, as they consider him as their "father" in solving disputed matters — as the collection of debt, for example — and in this case they would give him for his trouble a small share of what they would otherwise undoubtedly lose, if the matters were brought to the Ulèebalang. The suitors prefer — in most cases — there arbitrative decisions, since they know too well that the judgements they would obtain by resorting to chiefs who have less sympathy for their interests, would be more costly but not with more favourable than these of the Keuchi'.

At all gampong-festivals — and these include the most important family feast as well — the place of honour is allotted to the Keuchi'.

Thus we may say on the whole that the office of Keuchi', "the father of the gampong" is held in high esteem chiefly for nonmaterialistic reasons, but also because of the more solid advantages connected with it.

Every Keuchi' has at least one Waki (from Arabic Wakil = agent) at his disposal, and where he exercises control over more than one gampong,24 one for each gampong. The position taken by the Wakis greatly depends on their personal character. Some of them

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23) According to adat 1/4 of a dollar, and it is called ha' katib or ha' chupeng (The Achehnese I, Op. cit., p. 66).

24) Most of the Keuchi's exercise control over a single gampong only.
are not much more than the messengers of their Keuchi's, while others actually take the place of the "father of the community" through their greater strong of character. The profits enjoyed by them may be described as the gleanings of those which the Keuchi" reaps from his office.

The authority of the Keuchi* is to maintain to the best of his ability the order and safety, and also the material prosperity, of his demain. Of this prosperity, abundance of population is regarded as an important factor; and thus a close supervision over the comings and goings of his people, so far as these might tend to disperse the united body, is considered as amply justified. Change of residence of a family to another gampong does not take place without the consent of the Keuchi', and no marriage can be concluded without the consent of the Keuchi'.

If the Keuchi' is considered the "father of the gampong", the Teungku is the "gampong's mother".

Just as the Keuchi' devotes himself more especially to maintaining the adat, though, the promotion of godly living among his people is also regarded as a part of his duty, so the upholding of the hukom (shari'at) is the special province of the Teungku, though a knowledge of and regard for the adat is in his case also regarded as indispensable.

The most certain sources of income of the Teungku are:

a. The pitrah (Arabic fitrah), paid by every household (who is taxable according to the shari'at) for himself and his family at the conclusion of the fast (Ramadan).


26) The words teungku and teuku appear to have been originally contractions of tuanku (my lord). The title teungku is applied also to the leube (the Javanese santri) who, even though to be no scholar, observes his religious obligations faithfully, the malem (from Arabic mu'allim = theacher master) who has some knowledge of religion, the alem (from Arabic 'alim) who has brought his studies to perfection, the ulama (the plural of 'alim, but used as singular), who is looked upon as an authority on the subject of religious law and doctrine, and the sayyid, the descendant of the Prophet. It is also applied to both men and women who give elementary instruction and to the kali (Arabic qadi) who acts as ecclesiastical judge in a uleebalanjsip (See The Achehnese, I, Cp. cit., p. 71).
b. A portion of zakat from rice, cattle, gold, silver or merchandise. But usually the pitrah and zakat go into the hands of the Ulæebalangs, while the Teungku only gets the share elsewhere allotted to the „poor and needy“ (faqir and miskin).

c. Money presents for the arrangement of marriages. 27

d. Money presents for the arrangement of the bathing, the burial, etc. of the deceased.

e. Various gleanings from the fees of the Keuchi’ when the Teungku accompanies the latter on his visits to the Ulæebalang for the settlement of profitable suits.

The Ureuerg Tuha, which is the exact equivalent of „Elders“ are the men of experience, worldly wisdom, good manners and knowledge of adat in the gampong. They are generally persons who have reached a certain age, but if a younger man is distinguished by the above characteristics, he is equally eligible as an „Ureueng Tuha“, and is reckoned as one of the body of Elders, which lends an indispensable support to the Keuchi‘ and the Teungku.

The number of the members of this body is indefinite; they are neither appointed nor regularly chosen but so to speak tacitly acknowledged by common assent. When the Teungku and Keuchi‘ meet to discuss important gampong affairs (including most family matters), the Elders are also to be found whether summoned or not.

It has been mentioned somewhere that various family matters are treated by the Achehnese as matters affecting the whole gampong. Whenever those matters arise, the three authorities of the gampong discuss them amongst themselves. The deliberation of such matters which the Achehnese call murakat (from Arabic muwafqat, meaning literally: come to agreement) became a very important institution under the Sultanate, so that when a chief neglects the deliberation of mufakat in solving a common problem, he will quickly lose his influence. At the same time the murakat forms the strongest factor in the statecraft of an administrator among the Achehnese, as an instrument by which he ensures the carrying out of many a scheme.

27) The theoretical adat fixes the ha’ katib 1/4 of a dollar (vide supra, note 23), but in practice the Keuchi‘ gets more and the Teungku hardly ever less than a dollar (see The Achehnese, i, Op. cit., p. 74)

28) From Arabic madrasah, meaning originally a teaching institute. Sometimes it is called degh, derived from the Arabic zawiyah.
In the gampong or in its immediate neighbourhood there is always to be found the meunasah. The meunasah serves as a sleeping place for man, a resthouse for strangers and a house of prayer. Besides these functions, it serves also as a place of assembly on various special occasions. The affairs of the gampong are there debated, village festivals held, contracts of marriage concluded etc. A person of rank who comes from elsewhere to pay an unexpected visit to the people of the gampong, usually goes in the first place to the meunasah, and from there sends someone to announce his arrival. In the neighbourhood of the meunasah there often stands a balé (public meeting house) which serves as auxiliary to the former.

The Teungku is also in charge of this meunasah, and so is he usually called Teungku Meunasah.

3. Between the gampong-authorities and the Uleebalang, or the territorial ruler, stands the imeums (imams) the chief of the mukims. The original intention for this subdivision may at once be seen from the names. „Mukim” is an Arabic word, the proper meaning of which is the inhabitants of a place. The Islamic Law, as interpreted by the Shafi’ite school which is dominant in Aceh, teaches that in order to form a quorum for a Friday service the presence of at least forty male mukims of full age is required.

Thus, where a number of gampongs lay sufficiently close to one another to admit of their being united into a single „Friday association” in accordance with the above-mentioned behest of the religious law, they contructed a mosque (Aceh meuseugit), choosing for the purpose the most central possible site.

At first the chiefs of the mukims had without doubt a wholly or largely religious task to fulfil, namely to provide that the shari’at should be enforced and especially that the prescribed rites should not be neglected. Their official title of imeum brings them into close connection with the meuseugit, which forms the centre of their sphere of action, and with the religious worship held therein. They should be for the mosque what the Teungku is for the meunasah.

29) Vide Supra, note 26.
The Imeum owed their election to the Ulèebalangs, and so they are subordinates to the latter, but they stood superior in some respects at least to the authorities of the gampongs. This office also is generally hereditary, subject to the power of appointment and dismissal vested in the Ulèebalang.

The personnel of the mosque in Acheh when complete, consists of three: the Imeum, who leads the daily prayers as well as the Friday service; the Hatib (Arabic Khatib) who delivers the Friday sermon; and the Bileue (Arabic Bilal) who intones the call to prayer (adhan) and keeps the furniture of the mosque in order.

The Imeum is regarded by the gampongs subject to him as a sort of acting Ulèebalang, and the latter employs him as his deputy in making known and helping to carry out his commands and decisions within his (the Imeum’s) jurisdiction. In some mukims which are situated too far from the headquarters of the Ulèebalang to admit of all matters of importance being subjected to his decision, the adat has assigned a measure of juridical authority to a special board of Imeums. Groups of three or four mukims are united for this purpose, and the decision of the three or four Imeums has the same force as that of the Ulèebalang.

This is however exceptional; as a rule the Imeum has just as little juridical authority as the heads of the gampongs, but in the quality of arbitrator he can deal with questions that lie outside the reach of the village authorities, in as much as more than one gampong is concerned in them. As his income depends entirely on chance profits, he naturally makes it his object to bring as many such questions as possible within his own scope, always on the pretext of acting as mediator, so that his clients may avoid the heavy fines and costs exacted by the Ulèebalang.

4. The Ulèebalang are actually the lords of the country, the territorial chiefs par excellence. They are thus called the Rajas (in Achehnese parlance = chiefs) of their territories in writings as well as in the spoken language. The word Ulèebalang signifies military

31) But during the war we find the Imeums appearing as military leaders among whom the Uleebalangs seek their support. In being so, their influence increases and trouble themselves little about the Uleebalangs, to whom they are nominally subordinate. Some of them have attained to the independence of Uleebalangs and lack the name only (c.f. The Achehnese, I, Op. cit., p. 85),

32) Imeum here does not of course mean the chief of the mukim.
leader, and originally this name had been given by the Sultan, who
endeavoured to render them subordinate and allowed them the
command over the fighting men in their districts, while he tried
gradually to monopolize the supreme power for himself. This effort,
however, was unsuccessful, for the Ulèebalangs have always con-
tinued governors, judges and military leaders in their own country,
in which as a matter of fact they admit no higher authority.

The territory of an Ulèebalang has no distinctive name in
Acheh, like „mukim” and „gampong” and for the sake of convenience
the Dutch used the word „Ulèebalangschap” (English uléebalangship)
to indicate the Uléebalang’s territory. 33

Although the title born by these chiefs may have been derived
from the court of the Sultans, their authority is beyond all doubt
of more ancient origin and dependent on no letters-patent. Their
position was confirmed, not created, by the Sultans. Moreover the
Sultans consider that the Ulèebalangs received their office as an
inheritance from their forefather.

For the exercise of his authority the Uléebalang has the folo-
wing attendants.

a. The Bantas, i.e. the younger brothers of more distant next-
of-kin. One (banta) among them is chosen as the Uléebalang’s
right hand.

b. The Rakans, i.e. the followers who live in the Uléebalang’s
house or its immediate neighbourhood and receive from him
food and clothing for themselves and their families.

c. The Panglima Prang (Panglima = commandant; Prang = war).
Anyone who has distinguished himself on some occasions as
a warrior might be raised to the rank of Panglima Prang,
who received from the Uléebalang symbolic weapons on his
appointment.

d. A further measure of help is derived from the Imeums and
Keuchi’s within his jurisdiction.

e. The Kali (Qadi) whom the Uléebalang himself nominate, for
the administration of justice.

5. The uléebalangships are federated into sagi (literally, angle). Outside the actual limits of the Sultan's territory, Acheh is divided into three sagis, each of which is composed of a certain number of mukims whence they derive their names viz. the XXII mukims, the XXVI mukims, and the XXV mukims. Each federation choose the most powerful and influential Uléebalang as its head, and has the name of Panglima Sagi. The authority of such a Panglima Sagi is extended however only to matters of general interest. For the rest the remaining Uléebalangs governed their own territories just as though there were no sagi in existence.

The principal revenues and profits of the Uléebalang are:

a. The three chief Uléebalangs of Panglima Sagi used to receive a present from the Sultan on the latter's accession to the throne.

b. Fines imposed on his subjects for sundry offences.

c. Fees for the verificiation of thieves.

d. In some districts, one or more per cent of the value of ricefields sold under supervision of the Uléebalang. Where the sale takes place without his mediation, these profits fall to the Imeums or to the Teungkus and Keuchi's, while all witnesses of the sale are treated to a feast by the vendor.

e. 10% of all inheritances distributed by the intervention of the Uléebalang (it is called ha' pra'e), a small share being reserved for the Teungku or Kali who prepares the accounts and for the Keuchi' of the gampong.

f. A share of all fish caught by means of drag-net.

g. Where there are navigable rivers, a tall of 1 dollar on every vessel that sails up the river, 5% on all goods imported by foreigners, and 2 to 2½% on those imported by natives of the country.

34) Later on these names do not always correspond with its actual proportions, since the increase of population here and there give rise to the formation of new mukims within the limits of such a sagi, yet the traditional name of the sagi survives (The Achehnese I, Op. cit., pp. 90 91; Lekkerkerker, Op. cit., pp. 91-92).


36) This amounted to $ 500, but a newly constituted Panglima Sagi has to pay at least an equal sum to the Sultan for the letter-patent by which he confirms his appointment. (See The Achehnese, I, Op. cit., p. 116).
h. A portion, often very considerable, of the debts recovered by the Uléebalang's help.

i. The market tax, levied by the Rakans, or other separate officials, of the Uléebalang on the frequenters of all markets.

j. Houses declared forfeit by reason of change of residence on the part of the owners owing to continual quarrels with their fellowvillagers.

k. Untenanted rice-fields or gardens whose owners have long since left the neighbourhood and have not since been heard of; also the heritages of strangers who have formed no household in Acheh and of natives of the country who have died without leaving any lawful heirs.

There are still many sources of incomes which vary with the locality and depend more or less on the character and influence of the Uléebalang. 37

If the Panglima Sagi is the chief of the Uléebalangs of the sagi, the Kali Rabon Jalé (Arabic Qadi Rabbu-I Jalil = Judge of the Almighty Lord) is the chief of the sagi's Kalis. He receives his appointment direct from the Sultan.

Both the ranks of Panglima Sagi and Kali Rabon Jalé are hereditary, though the principle of inheritance could not of course be applied to the kali-ship in the same degree as in the case of offices controlled by adat.

6. In the official document the head of the sultanate is called Sultan and the Achehnese, however, term him Raja Acheh.

It has been said elsewhere that the Uléebalangs are the real rulers of the country. Even when Acheh was ruled by the most powerful sultans, they did not interfere, and touched the Uléebalangs with much circumspection. This shows that the Sultans, while endeavouring to establish a kind of hegemony, understood that they would do better to respect the powerful position of these potentates of the interior. While this was the position of the Uléebalangs under the most powerful Sultans, we might imagine how far the rest of the petty rulers of both sexes dealt with these chiefs. So far from

lording over them, these Sultans were compelled to seek their favour so as not to lose their position as the Rajas of Acheh. At this junction, the problem of succession to a Sultan depends on the will of the Ulèebalangs. They elected the new Sultan, and decided who will reign over the country.

But it must be considered that though the territorial chiefs might have gained some increase of prestige from the establishment of their authority in the interior, still this was not of sufficient importance to induce them to make great sacrifices to win it. It is the Sultan, the Raja of Acheh, that constitutes the wealth and strength of states such as these. 38

Though the Sultan is de jure the supreme Lord of the country, his actual domain may be considered as the small territory where the dalam (palace) and the capital exist. 39 This territory has the priority of being not included into one of the three sagis.

Besides this special territory, the early Sultans adopted another means for strengthening their internal authority, namely the institution of wakeueh land. "Wakeueh", the Arabic waqf signifies property withdrawn in perpetuity by its owner from all alienation, and devoted to some object permitted by the Muslim Law.

But wakeueh is better known in the sense of a territory of a piece of land which has been placed in a peculiar legal position by the Sultans. This applies also to the strip of ground seven great fathoms on each side of the Acheh river, reserved from ancient times to the Sultan. Subjects might build or plant within this reserve but the land never became their property, and the Sultans could always withdraw the right of use. 40

In the capital of the Sultanate stands the principal mosque, called the meuseugit raya, and its head is the Panglima Meuseugit Raya. This office is also hereditary.

39) The name of the capital is Kutaraja (the town of the raja).
40) The name tanoh-raja (the land of the raja) is indeed more commonly used than wakeueh to describe this reservation (See The Achehnese, I, Op. cit., pp. 121-122).
The supreme hereditary judge bears the title of Kali Malikon Adé (Qadi Maliku-I 'Adi, i.e. "Judge of the Righteous King") who acts as the President of the Royal Court of Justice. 41

Among the principal court officials is the royal secretary, with the title of Keureukon Katibulmuluk, and his subordinates called Krani Poteu (writers to our supreme Lord). 42

Besides these officials, there are Ulèebalang Poteu = Ulèebralang of our Lord (the Sultan), who either hold a position of trust within the Sultan's own territory, or fill a high post at court, or else owe their titles simply to the royal favour.

In the last part of the 19th century, in the war against the Dutch, a position of commander-in-chief was created. This post was held by the famous Teungku Tiro. And Teungku Umar, the celebrated chief who during the war obtained supremacy over the whole of the west coast, was made Amiru-I Bahr, i.e. chief of the sea. 43

THE SHARI'AT AND THE ADAT LAW.

1. The term "adat" has long been accepted by the Indonesians, as it has become familiar to Dutch jurists and ethnologists.

The present writer does not know whether or not it is correct to translate it into "customary law", which the West commonly used. The Indonesians having for many centuries lived under the humanitarian impress of Hinduism and Islam, their law is part of a civilized heritage.

"Primitive law" is not practical either, particularly in the present instance. Because within Indonesian society one must distinguish between the adat of the great majority and that of relatively small and unimportant tribes which really are primitive in the usual meaning of that word. To call "primitive" the law of a people which for more than a thousands years has lived under the influence

43) The Achehnese, I, Op. cit., pp. 148-149. The present writer does not know whether or not these two posts were created during the time of the powerful Sultans.
of world religions and was able to build several kingdoms and empires, a people with a literate intelligentsia and official class, where representatives sit at international council tables, would be an error.

The Indonesian jurists will never use the word "native law" as a translation of adat. Because the word "native" (Dutch: Inlander) carries overtones of colonial snobishness and is distasteful to the resurgent feelings of Indonesians consciousness of their national identity.

Since customary practices among most of the people of the archipelago were dominated by the Arabic word "'adat" or custom, it would be better to speak of "adat that has legal consequences", "adat recht" in Dutch or "adat law" in English. 44

There are, indeed, important local differences in the adat which can be traced both to historical tribal experiences and to the environments. As among all island peoples, and peoples occupying regions broken up by mountains and marshes into separate areas of settlement, the ethnographic differences are often striking. The extraordinary fertility of parts of Java, and of other islands, due to the age-long deposit of volcanic materials, in itself must make for different degree of intensity of occupation and of social cohesion.

Another natural factor, the unusual extent of coast line in proportion to surface area, has given rise to a high degree of skill in navigation and, hence, much intercommunication has helped to lift the beliefs and usages out of the narrow grooves of immediate experience to consciousness of higher, all-embracing laws. Nor have the Indonesians been isolated from the influence of cultural trends which have cast off the limitations of their origin and become universal in their response to common human needs. At least two of the great religions. Hinduism and Islam, have caught the imagination of the island people and, in the course of time, greatly modified, even transformed, the indigenous attitudes and beliefs. Buddhism and Christianity, though they have not penetrated as deeply, also have influenced Indonesian society — if only through

contact with the Chinese and European settlements in every part of the archipelago. International trade, though marginal to the Indonesian economy before modern time, has enlarged the outlook.

All of these impacts inevitably have effected the adat and have complicated it. The surprising thing, unless one pays attention to historical circumstances, is not the contribution of outside contacts to the diversification of the culture traits, including the adat, but the fact that so much of the original, indigenous culture has survived. The explanation is that, of the foreign rules, only those imbued with the missionary zeal of Islam have persistently tried to take over Indonesian society. Hindu rule, in previous centuries, had transformed the ruling group but had left village life much as it found it. Western rule brought millions of Indonesians under the discipline of foreign enterprise in plantations, mines, and urban industries, but left nearly three-fourths of all working Indonesians to toil in their own fields and to live in their own village communities, subject to their own inherited laws and customs.

The adat, like other worldly things, changes with every successive generation. The slowly but surely changing institutions of society are thus revered as fixed and unchangeable by its individual units. 45

In classifying Indonesia into law-areas, Ter Haar divided it into 19, and Aceh is one of them. 46

2. Speaking of Aceh only, the people believe that adat and shari'at (Aceh hukom) should take their places side by side in their country. "Hukom and adat are inseparable, even as God’s essence and his attributes” says the Achehnese proverb "Hukum and adat are like the pupil and the white of the eye; the hukom is Allah’s hukom and the adat Allah’s adat” says another one. 47

Laws dealing with commercial and port regulations as affecting different nationalities and different kinds of merchandise, and the collection and distribution of taxes, the customs-tariffs, the regulation

of court ceremonies and solemnities at festivals had been written by the Sultans, in documents known as Sarakatas. The most important Sarakata is that ascribed to Sultan Iskandar Muda (1607–1727) known as Adat Meukuta Alam. 48

But laws which control the relation of chief to subject, of man to wife and children, laws which everyone in Acheh observes and every village headman has at his finger-tips, all these living laws, no single written document testifies.

3. The laws the shari'at prescribes possess, of course, a religious character. The prescription of the shari'at may be classed in two main groups according to their subject:

(1) regulations relating to worship and ritual duties (‘ibâdât);
(2) regulations of a juridical and political nature (‘uqu-bât, mu‘âmâlât).

In every Muslim community, however, a distinction is drawn in practice between what is religious (‘ibâdât) in the strict sense and therefore inviolable, and what is of a more secular nature (‘uqubât, mu‘âmâlât) and may accordingly be modified to suit the requirements of the state and of society.

All that belong to the first of these two categories must be accepted unconditionally by every good Muslim. Divergence from such laws is in many cases looked upon as a more serious transgression than actual neglect of them. The sole concession that is made to the sinfulness of mankind is that, he who neglects or transgresses the law is not thereby made an unbeliever, but only an imperfect believer provided he entertains no doubt of the validity of any of its commands.

In regard to matters that are included in the second category, much more latitude is permitted. Here we find admitted system of rules both customary and written, which for all practical purposes supply the place of the sacred law.

If we know that the adat which prevails in the Acheh Sultanate — also throughout Indonesia — has not only the religious

character, we might explain that this adat is "non-shari'atic". Such an adat can be met also in other Muslim countries, though it has different names.

The adats which control the lives of the Bedouins of Arabia, the Egyptian, the Syrian and other Arab countries, or the Turks, for example, are for the most part different from those of the Acehnese, Indonesian, Malays, but the relation of these adats to the law of Islam, and the tenacity with which they maintain themselves despite that law, is everywhere the same. The customary law of the Arabs and the Qanun (mundane code) of the Turks differ from the written and unwritten adat law of Indonesians, but they are equally "non-shari'atic", although they are equally loud in their recognition of the divine origin of the shari'at.

Though we take for granted the classification that the adat, due to lack of religious character, is non-shari'atic, we can not always say that this adat is entirely un-Islamic; most of the adat in Aceh and Indonesia controls judicial and political matters which have a secular nature, which the rule may modify, according to the different circumstances, to meet the interests of the people. Moreover we should remember that the basis of the Islamic law is "indifference" (mubah). There are some of the adats which fill the gaps where the shari'at is silent.

4. It is not the intention here to furnish all the details about how the shari'at and adat are carried out in Aceh, but a few examples are necessary for the sake of clarification. The people of Aceh is one of the most religious minded among the Indonesians.

Snouck Hurgronje says that the great majority of the people overlook the duty or prayer (salât), but at the same time he adds; "There are however many exceptions, local and otherwise, to the prevailing lukewarmness. Whenever an influential ulama resides there arises of its own accord a religious revival, wherein some take part

49) The present writer does not ignore the existing numerous adat practices in Indonesia which are entirely un-Islamic, like the adat in Minangkabau, where the children do not inherit from their fathers. This practice and the like are the main concern of Muslim leaders since the first decade of the 20th century.
through conviction and others from shame or fear. The piety of a chief, be the keuchi', imeum or ulèebalang produces a like result which often long survives after his decease". 50

As regards the Hajj, there is superabundant zeal for performing it. Few parts of the Muslim world send so large a proportion of their population on this pilgrimage or bring as much wealth year by year to the holy cities of Arabia as Indonesia, of which Acheh is part, and that too although the distance and the difficulties of the journey are very much greater for the Indonesians than for the people of Egypt, Syria, Turkye or Arabia. It is true that most of the ceremonies connected with the Hajj are not always correctly understood by the ordinary pilgrim, but the Hajj has given rise to a brisk intercourse between Indonesia and Makkah, which has become more than ever the spiritual centre of Islam. The influence of Makkah over the Indonesians, especially the Achehnes, in resisting the Dutch interference, in the last part of 19th century, is remarkable and must not be under-estimated. 51

Regarding zakât, though its distribution is not so strict among the eight classes of people as the Shafi’ite school interpretes, most of it is strictly given, perhaps, except the zakat of cattle. 52

The same may be said of the fast (saum) in the month of Ramadân. The Achehnese are very strict in observing the fast. Nay, they esteem it more highly than is justified in theory, too highly indeed in comparison with other religious obligations. This is due to the popular notion that this month is one of atonement, which makes good the shortcomings of the rest of the year. 53

5. Among the Muslims, perhaps the building up of the domestic law is the most accesable to the influence of ethnological element with its local variations.

A close study of the domestic law of Acheh teaches us that that country forms no exception to the rule in this respect. The ancient customs in connection with marriage are non-shari’atic. 54

52) Vide Supra, p. 11. The zakat of cattle is not strictly paid.
To quote an example, it was the custom in Acheh, that girls marry at an early ages. At the age of 8 to 10, they are united in wedlock in form only, but the actual consummation of their marriage is deferred to a maturer age.

The pride of the Achehnese also withholds them from marrying their daughters to foreigners, unless they are of Arab blood (sayyid), or have been long settled in the country and have attained some position. 55

Marriage which in by no means a family matter, the Achehnese treat it as an affair of the whole gampong. Thus the Keuchi has the power to prevent a proposed marriage, which he considers to be violating the adat. 56

But the legal action and legal relations connected with the married state are almost entirely governed by the religious law. The exceptions to his rule are few in number, and it may be said that in the case of marriage no deviation from the religious code would be tolerated. The laws both as to marriage and divorce and the circumstances arising out of both, as to the bringing up of children and even as to succession to property are Islamic in all main essentials. 57

6. In Acheh — perhaps no less than in other Muslim countries — laws relating to trade and business, laws regulating property, its acquisition, transfer and confiscation, are controlled by the adat. 58

7. Without expounding here the theory of Muslim constitution, we find that in Acheh Sultanate, from the autonomous gamponds up to the sagis, there is actual separation of temporal and spiritual authority.

The Keuchi’s and the Teungkus, the Uléebalangs and the Kalis are the upholders of adat and hukom respectively.

The office of religion, due to the hereditary nature, sometimes loses its importance, because it is not always that the heir is as learned as his predecessor.

56) Vide Supra p. 10.
Though theoretically the Sultan is chosen by the three principal chiefs (Panglima Sagis), practically the custom confines the choice as far as possible to the members of the reigning family.

Whatever relations may in past ages have existed between Acheh and Turkey, it is impossible to regard the Rajas of the former as in any sense delegates of the Turkish Sultans. They do not commit the folly of even laying claim to the titles of Caliph, although we find in their official roll the titles such as "Allah's shadow in the world" which testify a reverence for religious law.

In fact the Sultan of Acheh lacks de facto power over his Sultanate. He recognizes the hereditary Ulèebalang and the latter may rule his territory without the Sultan's interference. But for the sake of unity, prayers for the Sultan are carried out every Friday in the mosques throughout the whole land.

It seems that the ulamas did not object to female rule. Four female sovereigns in succession have occupied the throne of Acheh.

During the reign of the first Sultana (the feminine of Sultan), Sapiatodin Shah (1639-1641-1675), who was famed for her piety, and whose name is still extolled in the royal edicts, there came to Acheh the celebrated Malay teacher Abd-I Ra'uf, who since his death has been revered as a saint. He settled in her capital, wrote a book at her request, and in the dedication praised her in the most extravagant terms, and prayed for the long endurance of the reign.

When Inayat Shah, the third of the Achehnese Sultanas, ascended the throne, an embassy from the Grand Sherif of Makkah came to Acheh after an unsuccessful mission to India, and was received with every token of honour and sent home loaded with rich gifts. The Makkah chronicler who describes the adventure of the embassy takes no exception to the deminition of his generous woman, but praises her liberality, which afforded so favourable a contrast to the attitude adopted by her male fellow sovereign, the Great Mongul.

59) Vide Supra, p. 18. The Kalis and the influential ulamas take part also in choosing a Sultan.


The Achehnese lay the utmost stress on one duty which is imposed by the shari'at, namely the carrying on of the holy war. The conviction is universal amongst the people of this country, that this obligation is among the most important that their religion imposes, and that its fulfilment brings great gain while its neglect is attended by misfortune of all kinds. Nor are they lacking in zeal in the sacred course, as we know but too well. Whenever their energy abates it is roused afresh by the more ambitious among the ulamas, who have great influence not only among the masses but among the officials too.

THE END

SOME BOOKS CONSULTED:


, Verspreide Geschriften, IV-i, IV-ii, Kurt Schroeder-Bonn und Leipzig, 1924.

Kraemer, Prof. Dr. H., & Van Nieuwenhuijze, Dr. C. A. O., *Agama Islam*, Badan Penerbit Kristen, Djakarta, 1952.


Trends in Very High Pressure Research and Development of High Pressure Equipment and Processes in the United States and Overseas

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Comparison of the Thermal Treatment of Various Materials and the Effect of High Pressure on their Properties.

High Pressure, Low Temperature Chemical reactions.

The effects of high pressure on the properties of materials.

The role of high pressure in the synthesis of new materials.
Dr. A. Mukti Ali

Tulisan 2 yang sudah terbit:

1. Ilmu Perbandingan Agama. (tjetakan ke 2).
3. Asal Usul Agama. (tjetakan ke 2).
4. Etika Agama dalam Pembinaan Kepribadian Nasional;
   dan
   Pemberantasan Kema'siatan dari segi Agama Islam.
5. Bagaimana menghampiri Isra' Mi'raj Nabi Besar Muhammad s.a.w. atau Iman dan Ilmu Pengetahuan.
6. Pemberontakan Ahmad 'Urabi atau Perdjuangan Konstitusi di Mesir dan
   Gerakan Imam Mahdi di Sudan.
7. Alam Pikiran Islam Modern di Indonesia (tjetakan ke 2),
   dan
   Modern Islamic Thought in Indonesia (English).