

***Khalwat* Marriage Adat and Practices in Aceh: A Study on Adat Sanctions and Settlement Process of *Khalwat* Case**

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Abstract: The study analyzes one of the traditions still underway in Aceh province, *khalwat* marriage. A *khalwat* marriage is a form of forced marriage as for *khalwat* offenders (those who are dating in a secluded place). The *khalwat* marriage itself is known to lead to some negative effects because many *khalwat* marriage couples were underage. Moreover, *khalwat* marriages are also not officially registered, and many couples decide to divorce soon after the wedding takes place. The paper attempts to investigate the reasons why adat law is still upheld vigorously in Aceh and why marriage is applied as a adat sanction for *khalwat* offenders. To analyze and answer these questions, the researcher studied some essential works related to the application of adat law in Aceh and conducted some field observations and interview with some key informants. Using the sociological-anthropological approach, this research made the following conclusions: *first*, there has been a strict adat law enforcement in Aceh given the juridical support, sociological, and philosophical foundations. *Second*, some arguments to support the enforcement of forced marriage as adat sanction for *khalwat* offenders are: (1) the sanction is a form of tradition applied for a long time, (2) the sanction is applied as a way to preserve women's *marwah* or dignity and her family, (3) the sanction is applied to uphold religious orders and this is the most fundamental sanction applied for *khalwat* offenders, and (4) the sanction serves as the extension of *Qanun* (Aceh Sharia Law) which applies only in certain regions.

Keywords: *Aceh; adat law; adat sanction; khalwat marriage*

Abstract: Tulisan ini mengkaji salah satu tradisi yang hingga kini masih terus berlangsung di Aceh, yakni pernikahan Khalwat. Pernikahan Khalwat merupakan bentuk sanksi adat bagi pelaku tindakan khalwat. Pernikahan khalwat itu sendiri memiliki sejumlah sisi negatif karena banyak di antara pasangan pernikahan Khalwat tersebut masih berada di bawah umur. Selain itu, pernikahan Khalwat juga sering tidak dicatatkan dan bahwa tidak sedikit dari pasangan pernikahan Khalwat yang memutuskan untuk bercerai tidak lama setelah proses pernikahan dilangsungkan. Tulisan ini

berupaya menyelidiki penyebab mengapa hukum adat ini masih begitu kuat diberlakukan di Aceh dan mengapa pernikahan dijadikan sebagai sanksi bagi pelaku khalwat. Untuk mengkaji, menganalisis dan menjawab pertanyaan tersebut, peneliti telah menelaah sejumlah karya penting terkait pemberlakuan hukum adat di Aceh dan juga terjun langsung ke lapangan guna melakukan observasi dan mewawancarai sejumlah informan kunci. Dengan menggunakan pendekatan sosiologi-antropologi, diperoleh kesimpulan: *pertama*, kuatnya hukum adat di Aceh karena ia didukung dan memiliki dasar yuridis, sosiologis, dan juga filosofis. *Kedua*, ada sejumlah argumen yang mendasari dijadikannya pernikahan sebagai sanksi Khalwat: (1) pemberian sanksi tersebut merupakan suatu tradisi yang telah diberlakukan sejak lama di Aceh; (2) untuk menjaga *marwah* atau kehormatan perempuan dan keluarganya, (3) menjalankan perintah agama dan ini merupakan faktor paling mendasar atas berlakunya sanksi Khalwat, dan (4) sebagai perpanjangan pelaksanaan Qanun Aceh yang keberlakuannya masih terbatas hanya pada wilayah tertentu saja.

Kata Kunci: *Aceh; hukum adat; sanksi adat; pernikahan khalwat*

Introduction

The article wants to examine one of the customary law practices in Aceh concerning sanctions for khalwat offenders. In Aceh, the customary provisions stipulate that "everyone who is proven commit Khalwat,¹ will be married by Pemangku Adat (traditional authority),"

¹ Khalwat is regarded as seclusion, covered, or a secret place. The word has both positive and negative connotations. A Positive connotation is comprehended as calming the mind or secluding oneself to a site, i.e., secluding inside a cave, a place far away from the crowd, for praying to God as long as it takes. Meanwhile, the second connotation leads to seclusion in pairs between men and women without a marriage bond between them in a secluded and covered place. Hence, Khalwat, meaning referred to in this study, is the second meaning. The word is often mentioned by the same Khalwat, which leads to adultery. Acehnese Perda Syari'at (Perda No. 6 of 2014 on Jinayat Law) distinguishes both terms (*khalwat* and *ikhtilat*). Khalwat is more inclined to be together alone in a covered place and away from the crowd. Meanwhile, *ikhtilat* leads to both of the actions covered and open space (public places). In terms of sanctions are also distinguished, sanctions for Khalwat are lighter than that of *ikhtilat*. Article 23 mentions that "everyone who intentionally commit jarimah Khalwat is threatened with 'Uqubat Ta'zir lashing punishment by maximum 10 (ten) lashes or a fine with maximum 100 (a hundred) grams of gold or prison punishment at maximum 10 (ten) months."

aside also they must pay customary *diat*. Marriage as the result of Khawat, in this writing, hereinafter called "Khalwat marriage."

Marriage as a sanction for Khalwat offender is a tradition which has been around and practiced for a long time by the Acehnese, particularly in Batu Bedulang. In recent years, the number of khalwat marriages is increasing compared to the years before that. In 2016, for instance, a couple of teenagers was proven to commit Khalwat, and then they were married by Pemangku Adat. In 2017 and 2018, there were three Khalwat marriage events, and in 2019, it adds up to four teenage couples who were married for Khalwat.² Thus, it can be recorded that in 2016-2019, there are eleven Khalwat marriage practices. On one side, during those years, there were only two couples who married not because of Khalwat. The couples who were undertaken Khalwat marriage practice were generally underage (19 years old)—most of them were still in Junior High or Senior High School (SMP/SMA)—meanwhile, there were only a few of them who were above 19 years old, that is, three couples.³

Generally, Khalwat marriage practices are based on compulsory and their un-readiness to be married. Consequently, the Khalwat marriage's seemed only for formality to obey the prevailing customary law. Therefore, some of them (three couples) decided to divorce right after being married by Pemangku Adat. Nevertheless, some of them (four of the Khalwat marriage numbers) continue their marriage. Even though their marriage was carried out based on compulsion, their lives were quite harmonious, just like common marriage, which did not cause by Khalwat. It can be seen from their domestic

Meanwhile, Article 25 mentions that everyone who intentionally commits jarimah *ikhtilath* is threatened with 'Uqubat by lashing punishment at a maximum of 30 (thirty) lashes or a fine at maximum of 300 (three hundred) grams of gold or prison punishment at maximum of 30 (thirty) months. Look at Al Yasa' Abubakar, *Paradigma Kebijakan dan Kegiatan*, Revision Edition (Banda Aceh: Dinas Syariat Islam, 2015). p. 275.; Wahyu Fahrul Rizki, "Pernikahan sebagai Sanksi Khalwat: Studi Kasus Desa Batu Bedulang, Bandar Pusaka, Aceh Tamiang'," *Al-Ahwal: Hukum Keluarga Islam*, Vol. 1, No.10 (2018): pp. 69-70.

² Wahyu Fahrul Rizki, "Hukum Adat di Aceh: Dialektika Praktik Pernikahan dan Khalwat," *Ulūmuna: Jurnal Studi Keislaman*, Vol. 6, No. 1 (2020): pp. 127–129.

³ *Ibid.*

harmony, which can be maintained with their hopes and dreams until now.⁴

On the other hand, some Khalwat marriage couples (four couples) undertake marriage based on voluntarily and intentionally taking advantage of the customary law as their marriage justification. It was committed because their parents or one of them disapproved. Hence, for some people, committing Khalwat is a shortcut to get married and gain parents' blessing. They are aware and ready to accept the consequences by paying *diat* which the amount is not much. If the matter has been carried out, both parents have no other option except to support Pemangku Adat's decision to marry their children.⁵

Khalwat marriage problems will be much complex when the offender is still bound to another marriage. It might lead to a divorce. In some instances, it is common for them to have polygamy because of Khalwat. However, many of them have to divorce because of unpreparedness to life in polygamy. While Their husbands often divorced women who were still under a marriage after being proven to commit Khalwat with other men and married.

Khalwat marriage widely occurs in Aceh. A Friday prayer *khatib* who was also committed to Khalwat, in an interview without hesitation, said, "In Aceh, marriage is commonly carried out as result of Khalwat, and only a few married couples not because of Khalwat."⁶

The Khalwat marriage is carried out without legal marriage registration. Even though in 2004 post-tsunami, the Aceh government and Ulama have agreed to make the campaign about the importance of registering a marriage to ensure wife and children's rights, it gets less attention in the previous years.⁷ Until now, there are

⁴ *Ibid.*, p. 130.

⁵ *Ibid.*

⁶ Interview with Rijalul Amri on September 2019.

⁷ Look at Christine G. Schenk, "Islamic Leaders and the Legal Geography of Family Law in Aceh, Indonesia," *The Geographical Journal* Vol. 184, No. 1 (2018): pp. 8–18; Christine G. Schenk, "Legal and Spatial Ordering in Aceh, Indonesia: Inscribing The Security of Female Bodies Into Law," *The Geographical Journal* Vol. 51, No. 5 (2019): pp. 1128–1244.

many unregistered marriages, especially for those who conduct polygamy marriage and marriage due to Khalwat.

Based on the phenomenon and fact from the Khalwat marriage, as explained above, the article tries to analyze deeper the Pemangku Adat's reason which still imposes marriage as Khalwat's sanction. Even though, Khalwat's action did not always prove they have done severe violations (adultery). Aceh Sharia Law No. 6 of 2014 on Aceh Qanun Jinayat did not mention sanction on the obligation to be married for Khalwat offender, except sanctions of *ta'zir* (fine or prison) or lashing punishment for those who are proven commit adultery.⁸ Therefore, analyzing tradition prevailed in Acehnese society, especially regarding Khalwat sanctions becoming exciting and essential.

The study on customary law in Indonesia,⁹ especially in Aceh, is not something new. On many occasions, James T. Siegel, a West anthropologist, undertake a study in Aceh, particularly in Aceh Pidie, which showed how customary law had influenced every aspect in Acehnese society significantly, mainly toward family and trade.¹⁰ An ethnographic study on customary law in Aceh was also had been conducted by John Bowen. He conducts a thorough study on customs in the Gayo community. Bowen's study was also documented in numerous essential works, either in books or articles.¹¹

⁸ Aceh Qanun Number 6 of 2014 on Jinayat Law Article 23 Paragraph 1.

⁹ Lihat B. Ter Haar, *Adat Law In Indonesia* (Jakarta: Bhratara, 1962); Taufik Abdullah, "Adat and Islam: An Examination of Conflict in Minangkabau," *Indonesia*, No. 2 (1966), pp. 1–24; M.B. Hooker, *Adat Law In Modern Indonesia* (Kuala Lumpur: Oxford University Press, 1978), p. 96; Ratno Lukito, *Legal Pluralism in Indonesia: Bridging The Unbridgeable* (London: Routledge, 2013); Murdan, "Harmonisasi Hukum Adat, Agama, dan Negara dalam Budaya Perkawinan Masyarakat Islam Indonesia," *Ayy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* Vol. 50, No. 2 (2016): pp. 505-535.

¹⁰ James T. Siegel, *The Rope of God* (California: University of California Press, 1969), p. 138. James T. Siegel study on customary law in Aceh, more or less, was inspired by Clifford Geertz who studies in Javanese community and creates some phenomenon works, such as "Ritual and Social Change: A Javanese Example," *American Anthropologist* Vol. 59, No. 1 (1957): pp. 32–54; *The Religion of Java* (New York: Free Press, 1964); dan *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973).

¹¹ Among important works of John R. Bowen was: "The Transformation of an Indonesian Property System: Adat, Islam, and Social Change in the Gayo

According to Joel S. Kahn, Bowen's narration is the first modern anthropological treasure that is the most authoritative on culture and society previously had been documented neatly in a work of a Dutch Islamist Snouck Hurgronje, in 1903.¹²

Related to the crucial position of customary law in the Muslim community, Joseph Schacht once had stressed that studying customary law is similar to studying Islamic law. A man cannot understand (people) Islam without studying Islamic law.¹³ Likewise, studying and analyzing customary law in Aceh is essential to understand the life of Acehnese society. Nevertheless, to re-examine the customary law, as Arskal Salim said, is still not getting enough attention.¹⁴ Kamaruzzaman, in one of his research, also shows that now the customary institution is starting to erode amid the Sharia law and local political dynamics in Aceh. According to him, discussing traditional institutions is one way to re-preserve Acehnese local culture heritage starting to extinct.¹⁵ It can be said that only a few of the village-community still preserve their customary law. Thus, it is vital to conduct a study on customary law in Aceh, especially on Khalwat and its legal sanctions, which have not attended adequately yet. Even if it was, as conducted by Benjamin Otto and Jan Michiel Otto, the studies only focus on solving Khalwat cases, and it more

Highlands," *American Ethnologist* Vol. 15, No. 2 (1988): pp. 193–274; "Elaborating Scriptures: Cain and Abel in Gayo Society", *Man* Vol. 27, No. 3 (1992): pp. 495–516; *Muslims through Discourse: Religion and Ritual in Gayo Society* (New Jersey: Princeton University Press, 1993), p. 3; *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003); and *A New Anthropology of Islam* (Cambridge: Cambridge University Press, 2012).

¹² Joel S. Kahn, 'Sumatran Politics and Poetics: Gayo History: Gayo History, 1900–1989. John R. Bowen', *AnthroSource: American Ethnologist*, Vol. 19, No. 4 (1992), p. 842.

¹³ Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1982), hlm. 1.; Bassam Tibi, *Islamism and Islam* (London: Yale University Press, 2012), p. 158.

¹⁴ Arskal Salim, "Politics, Criminal Justice and Islamisation in Aceh", *Presented at the ALC Occasional* (Melbourne Law School: University of Melbourne, 2009), p. 9.

¹⁵ Kamaruzzaman Bustamam-Ahmad, "A Study of Panglima La'ot: An Adat Institution in Aceh," *Al-Jami'ah: Journal of Islamic Studies* Vol. 55, No. 1 (2017): pp. 155–188.

inclines toward Qanun Jinayat Perspective (Islamic Sharia).¹⁶ Therefore, the study will give an adequate description of how adat law is determined in Acehnese society, particularly for those who commit Khalwat.

The study is based on empirical investigation. The investigation was undertaken in one of the remote villages, Batu Bedulang Village, located in Bandar Pusaka, Aceh Tamiang.¹⁷ The village is one of the regions that still imposes customary law. Indeed, the focus of the study does not represent many districts in Aceh. However, just as the study conducted by Clifford Geertz in Mojokuto, East Java also did not require the entire Java community to understand the local social conflict and political dynamics that occurred.¹⁸ The same thing also occurred in the study, which its research only focuses on the community in a village: Batu Bedulang Village. Nevertheless, the village is representative enough to describe adat law validity in Acehnese society amid modernity and local politics which tries to undermine local cultural heritage prevailed for a long time.

The primary research data was taken directly through field study. There were seventeen informants has been interviewed. They are the villagers and village's civil officers who are competent in providing information related to the study's focus on the research, that is, regarding sanction for Khalwat offender. The interview was

¹⁶ Benjamin Otto dan Jan Michiel Otto, *Shari'a Police in Banda Aceh: Enforcement of Islam-Based Regulations and People's Perceptions*, ed. by R. Michael Feener, Annemarie Kloos, David dan Samuels. Vol. 3 (Leiden: Brill, 2016), p. 200.

¹⁷ Batu Bedulang is one of the 15 villages in Bandar Pusaka, Aceh Tamiang, and also the place when the writer once had been assigned by IAIN Langsa Aceh (in 2016) campus to serve the community in a program "Community Service Course" (KPM), for 45 days. The village is very isolated from other villages, and it requires more than 6 hours to travel from the district city. It is undoubtedly related to the infrastructure that is less from adequate located in the most remote area. Even though the population is nearly 800 people, it did not discourage children's interest in studying. It can be seen with the educational institution facility such as Kindergarten until Junior High School, despite having to bother crossing other villages, especially for High School Education, because their village does not have any of the facility. Look at Rizki, *Pernikahan Sebagai Sanksi Khalwat*, p. 72.

¹⁸ Geertz, *The Religion of Java*; Martin Van Bruinessen: *Agama dan Masyarakat Modjokuto* in the introduction Amanah Nurish, *Agama Jawa: Setengah Abad Pasca-Clifford Geertz* (Yogyakarta: LKiS, 2019), p. 10.

designed to derive a thorough understanding of why they take marriage as a sanction for Khalwat.

Adat Law in Aceh

Before Indonesia was formed as a nation today, its communities were quite strong in holding onto their customs as their primary legal source when it still became an Archipelago. Nevertheless, when many foreigners came into Indonesia with different faiths, and the Dutch Colonial government started to colonize Indonesia, the law that prevailed in the Archipelago was not singular, but varied, e.g., customary law, religious law (especially Islam), and Western law. Customary law and religious law applied for indigenous people in this country (native group) and Eastern foreign group. Meanwhile, Western law prevailed for European people or those regarded as similar to Europeans, e.g., local Christian followers.¹⁹

Although customary law is the law instilled deep down and has been practiced by its country's population, it is not exclusive in the sense that it rejects every change. On the contrary, it is an open legal system that allows exchange and cooperation with other legal systems: especially Islamic laws. During Islamic Kingdoms, customary law has been entirely accepted and prevailed for all Muslims. L.W.C. Van Den Berg states it through his famous theory, known as the term *reception in complexu*.²⁰ The theory states that "each resident applies their respective religious laws. If someone believes in Islam, then Islamic law prevailed for him, so does for other religious believers."²¹

The application of Islamic law for the Muslims was valid from the emergence of Islamic kingdoms in the Archipelago at the beginning of the twelfth century until the arrival of the Dutch Colonial government, which is when they have not yet interfered legal

¹⁹ Z. Ansori Ahmad, *Sejarah dan Kedudukan BW di Indonesia*, Cet. 1 (Jakarta: CV. Rajawali, 1986), p. 28.

²⁰ J. F. Holleman (ed.) *VAn Vollenhoven on Indonesian Adat Law* (Berlin: Springer Science + Business Media, 1981), p. 24.; Hazairin, *Demokrasi Pancasila* (Jakarta: Tinta Mas, 1973), p. 13.

²¹ Sayuti Thalib, *Receptio A Contrario* (Jakarta: Bina Aksara, 1980), p. 15.; Masruhan, "Positivisasi Hukum Islam pada Masa Penjajahan hingga Masa Orde Baru," *Al-Hukama: The Indonesian Journal of Islamic Family Law* Vol. 1, No. 1 (2011): pp. 111-133.

affair applied in this country.²² Nonetheless, Islamic law accepted and applied for the people is limited only to civil law. Nevertheless, on its development, the Dutch Colonial government starts to interfere with legal affairs applied in this country, particularly the one destined for Native and East Foreigner groups. In this era, the Dutch Colonial government attempts to apply conflict policy to muffle Islamic law application in the society. In achieving this objective, the Dutch colonial government uses a "conflict approach" on the relation between Islamic law and customary law.²³ It is carried out by limiting Islamic law application until it ultimately applies that Islamic law will prevail if accepted by customary law. Since this point, the reception theory in complexu was replaced by Receptie theory proposed by Van Volehoven and C.S. Hurgronje.²⁴

In Indonesia, the limitation of Islamic law application during Dutch colonial was conducted by issuing Indische Staatsregeling (I.S) and outright canceling Regeerring Reglement (RR) in 1885. In the I.S, it was enacted Stbl. 1929: 212, which stated that Islamic law was revoked from Dutch East Indies legal system environment. In Article 134 Paragraph (2), it was stated that in case of civil disputes among Muslims, then it will be resolved by a Muslim judge if their customary law so wishes, as far as they extend it did not set otherwise by an ordinance.²⁵ Consequently, Islamic law never is applied in the archipelago community when customary law is still so firmly instilled.²⁶

Aceh in the 17th century looks slightly different from other regions in applying customary law and imposing a harsh sanction for

²² Sayuti Thalib, *Receptio A Contrario*, p. 15. Rahmat Djatmika, "Jalan Mencari Hukum Islam: Upaya ke Arah Pemahaman Metodologi Ijtihad," *Prospek Hukum Islam dalam Kerangka Pembangunan Hukum Nasional di Indonesia* (Jakarta: PP-ICAKA, 1994), p. 231. See also Zaelani, "Hukum Islam di Indonesia pada Masa Penjajahan Belanda: Kebijakan Pemerintahan Kolonial, Teori Receptie in Complexu, Teori Receptie dan Teori Receptie a Contrario atau Teori Receptie Exit", *Komunike* Vol. 11, No. 1 (2019): p. 153.

²³ Ratno Lukito, *Islamic Law and Adat Encounter: The Experience of Indonesia* (Canada: McGill University, 1997), p. 43; Sayuti Thalib, *Receptio A Contrario*, p. 15.

²⁴ Sayuti Thalib, *Receptio A Contrario*, hlm. 15-17. Rahmat Djatmika, "Jalan Mencari Hukum Islam ...", p. 231.; Zaelani, "Hukum Islam di Indonesia ...", p. 153.

²⁵ Zaelani, "Hukum Islam di Indonesia ...", p. 153.

²⁶ Lukito, *Islamic Law and Adat Encounter ...*, p. 60.

customary offenders. Amirul Hadi stated that the sanction was given to the customary law offender often exceeds Islamic law (fiqh) limitation. In the case of Khamar, e.g., the threat is cutting off hands applied for those who produce Khamar without a license from the royal side. Much severe punishment will be given to Muslims who are proven to consume Khamar. They are threatened with severe punishment; their throat will be poured with melted hot tin.²⁷ Meanwhile, the threat of lashing punishment by thirty times imposed for those who are peeping at women taking a bath. The punishment will be much severe if the women peeping at is the royal family by gouging one of their eyes. The punishment for the thieves was the death penalty.²⁸

Until the 19th century, customary law was still preserved and prevailed for Acehnese society.²⁹ Snouck Hurgronje, in one of his monumental works, emphasizes that Acehnese society firmly held onto their customs, and it was often taken as the source and legal foundation in solving various social affairs compared to Islamic law.³⁰ Hurgronje's statement was re-stressed by one of the current modern anthropologists, John Bowen. He states that almost the entire Gayo-Acehnese society life still prioritizes customary law over Islamic law, especially in applying and solving various economic, political, trading, and farming affairs.³¹ However, in the past several decades, Acehnese

²⁷ According to Amirul Hadi, the provision of cutting the hand off once was applied to two European workers who were proven producing khamar without a license from the royal party at the time: Sri Sultatanah Ratu Safiyyatuddin. Meanwhile, the punishment by pouring liquefied hot tin into one's throat was also once applied to the two Acehnese Muslim who were proven consuming Khamar. Look at Amirul Hadi, *Islam and State in Sumatra: A Study of Seventeenth-Century Aceh*, ed. by Wadad Kadi and Rotraud Wielandt (Leiden: Brill, 2004), p. 172.; Amirul Hadi, *Aceh: Sejarah, Budaya dan Tradisi* (Jakarta: Yayasan Obor Indonesia, 2010), p. 179 and 185.; Amirul Hadi, *Aceh and The Portuguese: A Study of The Struggle of Islam In Southeast Asia 1500-1579* (Canada: McGill University, 1992), p. 9; Annabel Teh Gallop, *Gold, Silver and Lapis Lazuli: Royal Letters from Aceh in the Seventeenth Century*, ed. by Patrick Daly and Anthony Reid R. Michael Feener (Leiden: KITLV Press, 2011), p. 105.

²⁸ Hadi, *Islam and State In Sumatra ...*, p. 182 and 187.

²⁹ *Ibid.*, p. 168.

³⁰ C. Snouck Hurgronje, *The Acehnese*, trans. by A.W.S. O'Sullivan, Vol. I (Leiden: E.J. Brill, 1906), p. 72 and 95.

³¹ Bowen, *Muslims Through Discourse ...*, p. 3.

local culture heritage started to be eroded and gradually unseen.³² It indeed related to the rapid development of Perda Syariat and local politics. Therefore, it can be said that only a few of Acehnese society preserve customary law amid contemporary modernity.³³

Islamic Law and Adat Encounter in Aceh

From an occupied nation status into a sovereign nation, Indonesia's changes have gradually brought along its transformation, particularly its legal aspect. In the beginning, Islamic law is difficult to be applied in the region which its customary law is still too strong. Nevertheless, Islamic law starts to be imposed widely and even becoming national law, although Islamic law imposed is only limited to civil law. On the other hand, customary law, which was initially widely applied and imposed by Indonesian society, is starting abandoned. Some people consider customary law an un-Islamic law because many customary law provisions are regarded as out of tune with Islamic teaching and law. Thus, both pre and post-independence, clashes between customary law and Islamic law still ongoing.

For instance, J.N.D Anderson, in one of his lectures in 1956 entitled "Reflection on Law Natural: Divine and Positive," giving a narration showing that conflict between Islamic law and customary law was widely seen in many Muslim majority populated counties, particularly Indonesia.³⁴ It is a clear indication for this matter, as shown by Taufik Abdullah. In his research, Taufik gives a case study related to inheritance, in which Minangkabau customary law that the family can own inheritance from the mother side. It is indeed different from the inheritance distribution model in the Islamic law

³² Bustamam-Ahmad, "A Study of Panglima La'ot ...", p. 155.

³³ Najmu L. Sopian, "Informal Dispute Resolution Based on Adat Law: A Case Study of Land Dispute in Flores, East Nusa Tenggara, Indonesia", *Indonesia Law Review*, Vol. 5, No. 2 (2015): pp. 106–122.

³⁴ J.N.D Anderson, "Reflection on Law Natural: Divine dan Positive", 940th *Ordinary General Meeting of the Victoria Institute*, Caxton Hall, Westminster, 10 Desember 1956 (1956): pp. 1-123. See too Lukito, *Islamic Law and Adat Encounter ...*, p. 1.

system.³⁵ The exciting part is that the customary law system is often regarded as a law based on syari'at Islam.³⁶

It is different from the previous scholars; Ratno Lukito, in his thesis in McGill University Ratno tries to describe the correlation between Islamic law and customary law differently. He says the correlation between both laws is not always conflictual. The conflict approach used widely by Western scholars in viewing the relationship between Islamic law, and customary law was not reflecting Indonesian community reality, which full of diversity in cultural, lingual, and legal pluralism does not have to be opposed to each other. Indeed, the diversity itself occurred in customary law domains, as acknowledged and stated himself by Western scholar Van Vollenhoven, who divides customary law in the Archipelago region (before formed as a united nation) into 19 (nineteen) different "customary law regions" based on culture, language, and custom which is rarely found in other places.³⁷

Hence, based on his research in 1997 in Canada, Ratno concludes that the relation between Islamic law and customary law is no longer conflictual. However, both relation is, as is Ratno terms, as a harmonious "encounter." Thus, both system relations should be seen as a dialogue relationship, not a confrontation-conflictual. He adds, Islamic law can accept customary law in its legislation process; meanwhile, customary law can accept Islamic law as a culmination point and perfection from the local legal system existing in the society.³⁸

³⁵ Taufik Abdullah, "Adat and Islam ...", p. 22.

³⁶ Adri Wanto, "Sharia, Two Sides of The Same Coin: The Contradictions Between Sharia and Adat: Case Studies of Minangkabau's Matrilineal and Land Tenure System", *Walisongo: Jurnal Penelitian Sosial Keagamaan*, Vol. 25, No. 1 (2017): pp. 1-40.

³⁷ The nineteen customary law (before becoming Indonesia county) was consisted of Aceh; Gayo and the land of Batak with Nias; Minangkabau territory with Mentawi Islands; South Sumatra and Enggano; Malaya territory; Bangka and Belitung; Borneo and Philippines Islands; Minahasa with Sangai and Talaud Islands; Gorontalo Region; Toraja Territory; South Sulawesi; Ternate Islands; Maluku Ambon and West Nusa Tenggara Islands; Irian; Timor Island; Bali and Lombok; Central Java and East Java with Madura; and Java Capital (Betawi) and East Java. Iloot at Lukito, *Islamic Law and Adat Encounter: The Experience Of Indonesia ...*, p. 1-2, 55-56.

³⁸ *Ibid.*, p. 4 and 130.

Islamic law encounter with customary law also occurs in Aceh, a region where the people hold firm onto Islamic law and adat law. Based on reality, many Acehnese next-generation scholars try to advocate the previous study related to the strong relationship between Islamic law and customary law and attempt to explore Islamic values in customary law further. Hence, for Acehnese society, applying adat law is the same as upholding Islamic law. It is because Islamic law and adat law have a solid and inseparable relationship. Thus, emerges a famous slogan in Acehnese life regarding the relationship between the two: *bukom ngoen adat lage zat ngoen sifent* (Islamic law with custom is like a substance and a trait). Therefore, it can be said that performing customary law is essentially upholding Islamic law, or it can also be said that applying *Syari'at Islam* will perfect if it is supported by customary law, and so does vice versa. Both laws always apply side by side and inseparable.³⁹ For Acehnese society, Islamic law and adat laws are the living and prevailing rules within Acehnese society (*living law*).⁴⁰

Adat Law Sanction and Khalwat Case Settlement in Aceh

Khalwat marriage is a form of sanction for those who commit Khalwat. A Khalwat is understood as an act committed in a secluded or covered place between men and women without marriage bond, and the matter leads to adultery. A Khalwat itself is a prohibited action and included offending customary stipulation that prevails in society.

Marriage as Khalwat sanctions is a adat rule that is vigorous and unnegotiable. In one of his interviews, Johan Alamsyah, a Pemangku Adat in Batu Bedulang, says that everyone who is proven to violate customary rules ought to be punished as determined by the local

³⁹ See at Rusjdi Ali Muhammad, *Revitalisasi Syariat Islam di Aceh: Problem, Solusi dan Implementasi* (Jakarta: Logos, 2003); Al Yasa' Abubakar & Marah Halim, *Hukum Pidana Islam di Aceh: Penafsiran dan Pedoman Pelaksanaan Qanun tentang Perbuatan Pidana*, 2nd (Banda Aceh: Dinas Syariat Islam, 2011), p. 176.; Syahrizal Abbas, *Persepsi Masyarakat terhadap Pelaksanaan Syari'at Islam di Aceh* (Banda Aceh: Dinas Syari'at Islam, 2014), p. 65.

⁴⁰ See at Rusjdi Ali Muhammad & Khairizzaman, *Konstelasi Syariat Islam di Era Global* (Banda Aceh: Dinas Syariat Islam, 2012), p. 21; Abbas, *Persepsi Masyarakat terhadap Pelaksanaan Syariat Islam di Aceh*; Abubakar, *Paradigma Kebijakan dan Kegiatan*.

community, it had been applied for years. The punishment or sanction verdict for Khalwat offenders is by marrying them off and paying dowry and money, and also they have to pay customary *diyat*.⁴¹ The punishment is convicted if a community or youth villager acted as customary police report on someone who commits Khalwat. If the offenders were proven to have committed Khalwat, they would be taken into the customary house—also functions as a customary court—to be interrogated and trial. The tribal court process was conducted full of formality and closed-door—only certain people can talk, particularly by the judge's permission. The verdict sentenced by the customary judge in which the offender is proven to commit Khalwat was generally accepted without requesting a plea because the existing proofs were hard to refute.⁴²

After the offenders accepted the customary verdict, they were married off by Pemangku Adat, who acted as customary judge. Before they were married off, the male offender was obliged to give dowry in advance to his partner which amount has been determined by custom, that is, two *Mayam* of gold.⁴³ Not just it, he was also burdened with the obligation to provide a certain amount of money⁴⁴ to the Pemangku Adat to held the wedding reception.⁴⁵

Besides being married and given a chance to provide a sum of money to the Pemangku Adat in organizing the wedding, the offenders also sanctioned by paying a fine (*diat*), that is, "a male goat." That is another form of sanctions for Khalwat offenders. The fine or *diat* has mystical and economic values. On the one hand, Acehese society believes that imposing *diat* was meant to erase sins and all

⁴¹ Interview with Johan Alamsyah, Pemangku Adat, Batu Bedulang, Mei 2019.

⁴² Generally, the customary house as the court is homely has a wooden wall and without tile floors but covered with a mat. The writer was fortunate enough for being permitted to participate and observe the trial at the time. Generally, the trial process lasted for 2 hours and led directly by Pemangku Adat as the judge. The trial was attended by Khalwat offenders, their parents, some witnesses, customary polices, and civil officers.

⁴³ In Aceh, it is called *mayam*. One *mayam* = 3.33 grams of gold.

⁴⁴ In general, this amount of money is 2 (two) million rupiah.

⁴⁵ The wedding reception was held in Pemangku Adat house and generally it was simply organized. Interview with Batu Bedulang's Pemangku Adat, Johan Alamsyah.

together to resist disaster which the land had been tainted by those who commit Khalwat. On the other hand, the *diat* was also categorized as high economic value in the society⁴⁶, and it was used by the customary cops (youth) for eating together. It was as their reward in supervising and escorting the customary law existence.⁴⁷

The phenomena were responded to by one of the villagers. Dewi Sartika, who works as a teacher, openly criticizes *diat* distribution, which only benefits one side and harms the other. She adds, customary *diat* actually can be distributed for the public interest, especially in village development.⁴⁸ Nevertheless, her suggestion barely became Pemangku Adat's consideration under the pretext that customary *diat* can be given to the villagers' youth to appreciate their work performance, particularly in their vital role in escorting and preserving customary law's existence.⁴⁹ In one of the village head interviews, he explains that the customary law cannot be upheld without youth villagers.⁵⁰ For the customary cops (youth villagers), the *diat* also has a vital position. Without *diat*, they would not be willing to become customary police. As Ibrahim once said, villagers' youth chief cannot carry out their duty as customary police without the *diat*.⁵¹

A Khawat marriage as sanctions for Khalwat perpetrator has underway for a long time in Batu Bedulang Aceh, and it applies to all people without exception. However, Khalwat, like other complaint offenses, in the sense that the offender will only be punished by customary sanction if they were proven to commit Khalwat and reported to the Pemangku Adat. Hence, if someone were not proven committing Khalwat or proof verifying he committed Khalwat but

⁴⁶ A male goat value reaches 800 thousand until 1 million rupiahs. The exciting part is that the *diat*, in a male goat, was not distributed for a public interest, but it was dedicated to a particular group of society, that is, the customary police who were the villagers' youth.

⁴⁷ *Diat* in a male goat often cooked at the river banks and was ate together by youth villagers. On several occasions, aside participated, the writer also enjoys the *diat* as a strategy to observe *diat* execution and keep the phenomena that unlikely be existed in other regions.

⁴⁸ Interview with Dewi Sartika, on Febuary 2019.

⁴⁹ Interview with Johan Alamsyah, on May 2019.

⁵⁰ Interview with Suhardi, Batu Bedulang Village head, on June 2019.

⁵¹ Interview with Ibrahim, villagers youth chief and all together as customary police, on August 2019.

did not report to the Pemangku Adat, the concerned person would not be getting any sanction. The case once occurred to the former head village who had committed Khalwat, but he did not get any trial nor sanction whatsoever because no one reports him to the Pemangku Adat.⁵²

The Argument for Making Marriage as Khalwat Sanctions

Pemangku Adat, or so-called tribal elders, is a community member who has broad insight into the local customs where he lives. The Pemangku Adat has a vital position and role within the community. Besides the position as a customary judge in deciding various customary affairs, his words also become people's standard. His position as Pemangku Adat is irreplaceable, even if there were changes in the village head. The village head also does not have the right to replace Pemangku Adat with other people, except the Pemangku Adat has resigned voluntarily. The irreplaceable position of Pemangku Adat is caused by it was selected by the people, and he was given the authority to hold the position until he dies (lifetime) or until he was considered unable to perform his task as Pemangku Adat.

Pemangku Adat has a vital and strategic position, especially in escorting, performing, and ensuring adat law continuity in a community. The Khalwat case occurred in Batu Bedulang; the Pemangku Adat has given the authority to determine and give a sanction. As for the sanction punished to Khalwat, offenders are being married off, paying off a sum of money, and paying off a *diat* or fine.

Related to the sanction convicted to the Khalwat offender in an "ought to be married," Pemangku Adat in Betu Bedulang village once

⁵² The case occurred when the person was still as the village head. Some people in Batu Bedulang once saw the village head commit Khalwat, but they reluctantly told the truth. They did not dare enough to bring up the case or bring him to customary trial, even if the concerned person was no longer the village head. It was because the village head, during his term, has contributed significantly to building the village. Besides, the concerned person also had a good personality and very generous, so that the community did not see his negative side any longer. On the contrary, they were in awe of his character and also immensely respect him. He is taken as a role model or "Elders" (people who are elders, respected, and accepted as a role model) in the society.

had told his reasons. In an interview, the Pemangku Adat stated three reasons for imposing marriage as Khalwat sanctions, e.g., legal tradition, *Marwah* or women's dignity, and religion.⁵³

First, legal tradition. Regarding the first factor, Pemangku Adat in Batu Bedulang Village Aceh fluently explains that Khalwat marriage is a legal practice applied for a long time in Aceh, long before the region gets special autonomy from the central government. The practice also has vigorously instilled in the life of Acehnese society. He continues the argument, the people's agreement to impose Khalwat marriage is an unnegotiable matter. Such practice believed has corresponded to *Syari'at Islam*.⁵⁴ During the interview between the writer and Pemangku Adat, he never debating and opposing between adat law and Islamic law. for him, adat law and Islamic law complete each other, side by side, and cooperate in organizing people's life. Hence, for Pemangku Adat, taking marriage as a sanction for Khalwat, aside from to continue ongoing tradition since a long time ago, also as an application of *Syari'at Islam*. According to him, someone who violates customary provision is the same as deviates from *Syari'at Islam*. Customs is regarded as a sacred matter for Acehnese, and it is also a symbol of piety for those who obey and disgrace breaching it. Therefore, one way to re-purify the custom by married those who were proven committing Khalwat and paying a fine (*diat*) as determined by the custom.⁵⁵

Second, *Marwah* or women's dignity. The second factor resulting in marriage taken as a sanction for Khawat is *Marwah* or women's dignity who has a high position for the Acehnese community. In guarding and protecting women's dignity and their family, the Khalwat marriage law was imposed. It was intended to constrict direct communication between men and women without any marriage bond, especially in a secluded place (Khalwat). The matter, according to Pemangku Adat, was related to the Acehnese people's point of view. For Acehnese society, Khalwat is a very disgracing action, and the women who commit it were regarded as no-good

⁵³ Interview with Johan Alamsyah, Batu Bedulang Village's Pemangku Adat, on May 2019.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

women, and with the action, her dignity was considered has gone.⁵⁶ Consequently, there will be no other men who are willing to marry a woman who has proven to commit Khalwat, except the one committing the action with her. Therefore, according to Pemangku Adat, taking marriage as a sanction for Khwalwat is the most appropriate way to preserve and protect women's *Mamwah* and cover people's perceptions of Khalwat.⁵⁷

Third, religion. The Quran's statement about the prohibition to approach adultery (Chapter al-Israa [17]: 32) is the initial warning for everyone not to commit Khalwat. Referring to Pemangku Adat, Khalwat is the entrance towards adultery, so that Khalwat prohibition is the most appropriate way to avoid adultery, as mention firmly in the Quran. The reason was often used as the argument to deny the opinion and point of view of those who disagree by imposing marriage as Khalwat sanction the two previous reasons. The postulate was also often campaigned as socialization agenda that Khalwat is an action forbidden in religion. The socialization was conducted in certain places, such as the taklim assembly and other da'wa places, particularly in the customary court to strengthen people's awareness on prohibition to commit Khalwat.⁵⁸

Besides the three reasons above, the Aceh local regulation (Perda) has given each region the autonomous right to apply and impose their customary law. on the Article 3 and 4 of the Local Regulation/Qanun Adat No. 10 of 2008, it is said that "every region has its autonomous right to solve various breaches in Syari'at Islam based on the adat law in subdistrict/city (called as Acehnese Customary Assembly Majelis Adat Aceh/MAA) or in the village level (the customary institutional name is flexible conforming the village rules)." Nevertheless, the regulation was not much understood by the society because there was no specific socialization from the Acehnese government.⁵⁹

⁵⁶ Khalwat was not the same with adultery. Thus, Khalwat does not necessarily prove to have committed adultery. However, a person who commits Khwalwat was regarded by society as women who have lost her dignity.

⁵⁷ Interview with Johan Alamsyah on May 2019.

⁵⁸ *Ibid.*

⁵⁹ Rizki, 'Hukum Adat di Aceh ...', p. 143.

It should be noted that in Aceh, adat law's position is complementary and the extension in applying Qanun Syari'at Islam. The Acehnese Syari'at Islam department is only located in the province and sub-district/city so that it was hard to apply Qanun Syari'at Islam thoroughly in the entire Aceh region.⁶⁰ Moreover, Aceh adat law enforceability was a robust juridical, sociological, and philosophical foundation. Juridically, the legal foundation backing up Acehnese adat law existence was Qanun Aceh No. 10 of 2008 on Customary Institution. Sociologically, society acknowledges adat law so that the adat law application can be practical. While philosophically, there are legal values and justice, which become the highest ideas in the concerned community. As long as it can bring justice and does not against *Syari'at Islam*, solving Qanun breaching through adat law is not an issue.⁶¹

Conclusion

Through the above explanation, it was derived some conclusions. *First*, generally customary law in Indonesia and particularly in Aceh has existed and applied since the emergence of Islamic kingdoms, or longer before the time, and continues to exist until today. In its long history, customary law enforceability has its ups and downs. Nevertheless, it has a strong position because it was established based on a juridical, sociological, and philosophical foundation.

Second, one of the customary provisions that still applied today in the Aceh region, although its nature is limited, e.g., a prohibition against committing Khalwat, is together in a couple in covered place or secluded between men and women, who is not muhrim, without marriage bond. The sanction for Khalwat offenders were being married off, obliged to pay off a sum of money to hold the wedding ceremony, and pay off a customary fine (diat).

Third, some arguments were taken as Khalwat sanction, i.e.: (1) Sentencing Khalwat sanction has existed and applied by Acehnese people for a long time ago and carried out hereditary; (2) marriage as

⁶⁰ Interview with Samsul Umar, 7 December 2017. The Head of Sharia Department in Aceh Tamiang.

⁶¹ Rizki, "Pernikahan Sebagai Sanksi Khalwat ...", p. 77.

Khalwat sanction was intended to protect and preserve women's dignity and her family; (3) Khalwat is a prohibited action in Islam, and it leads to adultery, it is a very naïve in religious' perspective and also the Acehnese point of view, so that every Khalwat offender must be married off as a sanction for their violation; (4) customary law application in Aceh simultaneously as the extension of Qanun Aceh which its application was still limited only in certain regions.

Bibliography

- Abbas, Syahrizal. *Persepsi Masyarakat terhadap Pelaksanaan Syari'at Islam di Aceh*. Banda Aceh: Dinas Syariat Islam, 2014.
- Abdullah, Taufik. 'Adat and Islam: An Examination of Conflict in Minangkabau', *Indonesia* No. 2 (1966).
- Abubakar, Al Yasa'. *Paradigma Kebijakan dan Kegiatan*. Edisi Revisi. Banda Aceh: Dinas Syari'at Islam, 2015.
- Bowen, John R. "Elaborating Scriptures: Cain and Abel in Gayo Society". *Man*, Vol. 27, No. 3 (1992).
- _____. *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press, 2003.
- _____. *Muslims through Discourse: Religion and Ritual in Gayo Society*. New Jersey: Princeton University Press, 1993.
- _____. "The Transformation of an Indonesian Property System: Adat, Islam, and Social Change in the Gayo Highlands." *American Ethnologist*, Vol. 15, No. 2 (1988).
- _____. *A New Anthropology of Islam*. Cambridge: Cambridge University Press, 2012.
- Bustamam-Ahmad, Kamaruzzaman. 'A Study of Panglima La'ot: An Adat Institution in Aceh'. *Al-Jami'ah: Journal of Islamic Studies*, Vol. 55, No. 1 (2017).
- Djarmika, Rahmat. "Jalan Mencari Hukum Islam: Upaya ke Arah Pemahaman Metodologi Ijtihad", dalam *Prospek Hukum Islam dalam Kerangka Pembangunan Hukum Nasional di Indonesia*.

- Jakarta: PP-IKAHA, 1994.
- Gallop, Annabel The. *Gold, Silver and Lapis Lazuli; Royal Letters from Aceh in the Seventeenth Century*, ed. by Patrick Daly and Anthony Reid R. Michael Feener. Leiden: KITLV Press, 2011.
- Geertz, Clifford. "Ritual and Social Change: A Javanese Example." *American Anthropologist*, Vol. 59, No. 1 (1957).
- _____. *The Interpretation of Cultures: Selected Essays*. New York: Basic Books, 1973.
- _____. *The Religion of Java*. New York: Free Press, 1964.
- Haar, B. Ter. *Adat Law In Indonesia*. Jakarta: Bhratara, 1962.
- Hadi, Amirul. *Aceh: Sejarah, Budaya Dan Tradisi*. Jakarta: Yayasan Obor Indonesia, 2010.
- _____. *Aceh and The Portuguese: A Study of The Struggle of Islam in Southeast Asia 1500-1579*. Canada: McGill University, 1992.
- _____. *Islam and State in Sumatra: A Study of Seventeenth-Century Aceh*, ed. by Wadad Kadi And and Rotraud Wielandt. Leiden: Brill, 2004.
- Halim, Al Yasa' Abubakar & Marah. *Hukum Pidana Islam di Aceh: Penafsiran dan Pedoman Pelaksanaan Qanun tentang Perbuatan Pidana*, 2nd edn. Banda Aceh: Dinas Syariat Islam, 2011.
- Holleman, J. F. (ed.). *VAn Vollenhoven on Indonesian Adat Law*. Berlin: Springer Science + Business Media, 1981.
- Hurgronje, C. Snouck. *The Achehnese*. Leiden: Brill, 1906.
- Kahn, Joel S. "Sumatran Politics and Poetics: Gayo History: Gayo History, 1900-1989. John R. Bowen (ed.). *Anthro.Source: American Ethnologist* Vol. 19, No. 4 (1992).
- Lukito, Ratno. *Islamic Law and Adat Encounter: The Experience Of Indonesia*. Canada: McGill University, 1997.
- _____. *Legal Pluralism in Indonesia: Bridging The Unbridgeable*. London: Routledge, 2013.
- Hooker, M.B. *Adat Law in Modern Indonesia*. Kuala Lumpur: Oxford

University Press, 1978.

Masruhan. "Positivisasi Hukum Islam pada Masa Penjajahan hingga Masa Orde Baru". *Al-Hukama: The Indonesian Journal of Islamic Family Law* Vol. 1, No. 1, Des, 2011.

Muhammad, Rusjdi Ali. *Revitalisasi Syariat Islam di Aceh: Problem, Solusi dan Implementasi*. Jakarta: Logos, 2003.

_____. & Khairizzaman. *Konstelasi Syariat Islam di Era Global*. Banda Aceh: Dinas Syariat Islam, 2012.

Murdan. "Harmonisasi Hukum Adat, Agama, dan Negara dalam Budaya Perkawinan Masyarakat Islam Indonesia". *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* Vol. 50. No. 2 (2016).

Nurish, Amanah. *Agama Jawa: Setengah Abad Pasca-Clifford Geertz*. Yogyakarta: LKiS, 2019.

Otto, Benjamin, and Jan Michiel Otto. *Shari'a Police in Banda Aceh: Enforcement of Islam-based Regulations and People's Perceptions*, ed. by R. Michael Feener and Annemarie Kloos, David dan Samuels. Leiden: Brill, 2016.

Rizki, Wahyu Fahrul. "Hukum Adat di Aceh: Dialektika Praktik Pernikahan dan Khalwat". *Ulimuna: Jurnal Studi Keislaman*, 6.1 (2020).

_____. "Pernikahan sebagai Sanksi Khalwat: Studi Kasus Desa Batu Bedulang, Bandar Pusaka, Aceh Tamiang", *Al-Ahwal: Hukum Keluarga Islam* Vol. 1, No. 10 (2018).

Salim, Arskal. "Politics, Criminal Justice and Islamisation in Aceh," *Presented at the ALC Occasional*. Melbourne Law School: University of Melbourne, 2009.

Schacht, Joseph. *An Introduction to Islamic Law*. Oxford: Clarendon Press, 1982.

Schenk, Christine G. "Islamic Leaders and the Legal Geography of Family Law in Aceh, Indonesia." *The Geographical Journal* Vol. 184, No. 1 (2018).

_____. "Legal and Spatial Ordering in Aceh, Indonesia: Inscribing the Security of Female Bodies Into Law." *The Geographical Journal* Vol. 51, No. 5 (2019).

- Siegel, James T. *The Rope of God*. California: University of California Press, 1969.
- Sopian, Najmu L., 'Informal Dispute Resolution Based On Adat Law: A Case Study of Land Dispute In Flores, East Nusa Tenggara, Indonesia'. *Indonesia Law Review* Vol. 5, No. 2 (2015).
- Thalib, Sayuti, *Reception A Contrario*. Jakarta: Bina Aksara. 1980.
- Tibi, Bassam. *Islamism and Islam*. London: Yale University Press, 2012.
- Wanto, Adri. "Sharia, Two Sides Of The Same Coin: The Contradictions Between Sharia and Adat: Case Studies of Minangkabau's Matrilineal and Land Tenure System. *Walisongo: Jurnal Penelitian Sosial Keagamaan* Vol. 25, No. 1 (2017).
- Zaelani. "Hukum Islam di Indonesia pada Masa Penjajahan Belanda: Kebijakan Pemerintahan Kolonial, Teori Receptie in Complexu, Teori Receptie dan Teori Receptie A Contrario atau Teori Receptie Exit". *Komunike* Vol. 11, No. 1 (Juni 2019).