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**THE RESPONSE OF THE 'ULAMĀ' DAYAH TO THE  
MODERNIZATION OF ISLAMIC LAW  
IN ACEH**

by

**M. Hasbi Amiruddin**

A Thesis Submitted to the  
Faculty of Graduate Studies and Research  
in partial fulfilment of the requirements  
for the degree of Master of Arts

**Institute of Islamic Studies McGill University  
Montreal**

July, 1994

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*To my children,  
Rahiel,  
Khairunnisak,  
and Baiquni*

## ABSTRACT

Author : M. Hasbi Amiruddin  
Title : The Response of the '*Ulamā'* *Dayah* to the Modernization of Islamic Law in Aceh.  
Department : Institute of Islamic Studies, McGill University  
Degree : Master of Arts

This thesis studies the attitudes of the religious scholars associated with the *dayah*, the traditional institution of religious learning in Aceh, Indonesia, towards issues of the modernization of Islamic law. In the history of Islamic society in Aceh, these scholars, the '*ulamā'* *dayah*, have shown great initiative in guiding their society as it sought solutions to various problems. Their response was not confined merely to religious matters but also extended to the economic, political and social problems.

The impact of modern science and technology has led to many changes in economics, agriculture, medicine, and other fields. All these changes have to be evaluated in terms of their status in Islamic law, because Muslims have always sought to lead their lives in accordance with Islamic teachings. The '*ulamā'* *dayah*, have contributed to meeting the challenge of resolving such problems. In formulating their decisions, the '*ulamā'* *dayah* usually refer to the standard texts of the four classical schools of Islamic law. The reliance on classical texts is justified by their conviction that present-day '*ulamā'* are unable to exercise *ijtihād* independently since they lack the qualifications which have been traditionally demanded of a *mujtahid*.

## RÉSUMÉ

Auteur : M. Hasbi Amiruddin  
Titre de la thèse : Les Réponses des *‘Ulamā’ Dayah* vis-à-vis la modernisation de la loi islamique dans le territoire d’Aceh  
Département : Institut d’études Islamiques, Université McGill  
Titre académique : Maîtrise en Arts

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Cette thèse porte sur l’attitude des érudits musulmans qui oeuvrent au sein du *dayah*, une institution traditionnelle pour l’apprentissage de la religion chez les Acehs Indonésiens, vis-à-vis la modernisation de la loi Islamique. Tout au long de l’histoire de l’Islam dans le territoire d’Aceh, ces érudits, les *‘ulamā’ dayah*, ont déjà fait preuve d’initiative dans la façon de guider leur communauté dans la recherche de solutions à des problèmes différents. Au delà des questions de religion, ils abordent aussi des problèmes de nature économique, politique et sociale.

La science et la technologie modernes son à l’origine de nombreux changements en économie, en agriculture, en médecine, etc. Tous ces changements doivent maintenant être évalués à la lumière de la loi Islamique; en effet, les musulmans doivent toujours chercher à harmoniser leur existence avec les enseignements de la religion. Les *‘ulamā’ dayah* ont contribué à la résolution de problèmes de ce genre. Généralement, en rendant leurs décisions, les *‘ulamā’ dayah* s’appuient sur les textes reconnus par les quatre écoles classiques de la loi Islamique. Ce recours aux textes classiques s’explique par le fait qu’ils sont convaincus qu’à notre époque les *‘ulamā’* sont incapables d’exercer leur *ijtihād* de façon indépendante à cause de lacunes parmi les qualités exigées traditionnellement des *mujtahid*.

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and for interviewing several people in Aceh whose reflections and recollections are among the primary sources used in this thesis.

M. H. A

Montreal, 1994.

## NOTE ON transliteration

In this study, Arabic names and religious terms are romanized according to the scheme employed by the Institute of Islamic Studies, McGill University. Indonesian names and terms are written according to the new Indonesian spelling adopted by the government of Indonesia since 1972. However, certain names of persons and the names of organizations are spelt in accordance with the way they themselves spell them, such as Jakub or Yacob, instead of Ya'cub, Muhammad instead of Muḥammad, Inshafuddin instead of Inṣaf al-Dīn, Darussa'adah instead of Dar al-Sa'adah; the spellings also remain unchanged in the titles of works published before 1972, e.g., Atjeh instead of Aceh, Koetaradja instead of Kutaraja, Djajadiningrat instead of Jayadiningrat.

The main differences in transliterations from Arabic are as follows:

Arabic	English	Indonesian
ث	th	ts
ح	ḥ	h
خ	kh	ch/kh
ذ	dh	dz
ش	sh	sy
ص	ṣ	sh
ط	ṭ	dl
ظ	ẓ	th
	ز	dh

The tāʾ marbuta (ة) is omitted unless it occurs within an iḍafa, in which case it is written “t”.

## Introduction

This thesis studies the attitudes of a group of *'ulamā'* towards the modernization of Islamic law. It seeks to analyze their response to the question of the development of Islamic law in the face of changes in the modern world. The study will focus on the *'ulamā' dayah*, a group of *'ulamā'* found in Aceh, Indonesia.

Aceh is one of the provinces of the Indonesian Republic that occupies the northern part of the island of Sumatra. Historically, Aceh consisted of various small independent segmentary states such as Perlak, Samudra Pasai, Pidie and Daya. By the early sixteenth century, Aceh became a single powerful empire after unifying all the former kingdoms under the empire of Aceh Darussalam. The greatest territorial expansion came during the reign of Iskandar Muda (1607-1636) when the Acehnese controlled the east coast of Sumatra down to Deli, and the west coast all the way down to Padang, as well as parts of the Malay peninsula across the straits of Malacca. However, when Aceh came to be governed by a succession of four *sulṭānahs* (queens) and subsequent *sulṭāns* (kings), the kingdom of Aceh was reduced to the northern most part of the island of Sumatra. At the time of Indonesian Independence, August 17, 1945, the Acehnese leaders decided to join the Indonesian Republic.

The Acehnese, even today, are still proud of the fact that Aceh was the first region in the Indonesian archipelago to accept Islam. From the time of that initial Islamization, all the native Acehnese have remained Muslims. Understandably, therefore, the *'ulamā'* have always been particularly honored in the Acehnese community.

The word "*ulamā*" is the plural of *ʿalim*, meaning one who possesses the quality of *ʿilm*, knowledge, learning, science in the widest sense, and in a high degree.<sup>1</sup> In this context, whoever has knowledge to a high degree might be called one of the *ʿulamā*. If we consider the question further, however, the term *ʿilm* initially referred, in the first instance, to knowledge of the traditions of the Prophet and of the resultant canon law and theology. Thus the *ʿulamā*, in whatever form their function has come to hold, became the sole decision-makers in the fields of constitution, law and theology.<sup>2</sup> In other words, the *ʿulamā* are those who possess an erudite knowledge of the roots of Islamic teaching.

Prior to 1945, Acehnese society comprised four social groups: the *tuanku*, the *uleebalang*, the *ʿulamā* and the common people. The *tuanku* group was the highest social class, consisting of the sultān's family and heirs. The *uleebalangs* were of aristocratic descent and were rulers of the regions within the Acehnese sultānate called *nanggrow*, which in turn were comprised of several *mukim*<sup>3</sup> and *gampongs* (villages). The *uleebalangs* were powerful rulers in their regions. Basically, power lay in their hands during the sultānate period, because structurally, the heads of *mukims*, the heads of *gampongs*, the *ʿulamā* and the common people were all under the control of the *uleebalangs*. However, every *uleebalang* needed a *sarakata*, a letter of legitimacy, from the sultān.

The *ʿulamā*, on the other hand, have remained a distinct group in Aceh until the present. They may come from among the *tuanku*, the *uleebalang* or the common people. Unlike the *uleebalangs* who had to maintain a cordial political and

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<sup>1</sup>D. B. Macdonald, "Ulama" in *First Encyclopedia of Islam 1913-1936*, eds., M. Th. Houtma, et al. (Leiden: E. J. Brill, 1987), 994.

<sup>2</sup>*Ibid.*

<sup>3</sup>Mukim is an area which consists of seven *gampongs* (village), and at least three *gampongs*.

economic relationship with the sultān because they were appointed by him, the 'ulamā' always relied upon the community's acknowledgment rather than official confirmation. Socially, they were very close to the people because the relationship between the 'ulamā' and the people was more personal than bureaucratic system. The people needed the 'ulamā' to guide them on the right way in all matters pertaining to religion. In addition, the sultān and the *uleebalang* sought their advice in their policies, in solving various problems, and in winning the sympathy of the people, particularly in religious issues.

The 'ulamā' in Aceh are called *teungku*<sup>4</sup> and occupy different ranks, depending on the knowledge they possess. The great 'ulamā' are usually called *Teungku Chik* or *Sheikh*. Sometimes too, a *laqab*<sup>5</sup> was added to their name, for example *Tgk Chik Di Tiro*, *Tgk Kuta Karang*, *Tgk Ujong Rimba*, *Tgk Beureueh*. If a *teungku* is merely able to read the Malay language (written in the Arabic script), and perhaps Arabic to some extent, he will be called *Tgk Leubee*, but will not be allowed to lead a *dayah* or to teach in such an institution. Some of them are given the name which denotes the work they perform, for example *Tgk Meunasah*, i.e. an 'alim who teaches recitation of the Qur'ān in a *meunasah*,<sup>6</sup> *Tgk Khatib*, who is in charge of giving the Jum'at sermon, or *Tgk Imuem*, who usually leads a *ṣalat jama'ah* (community prayer).

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<sup>4</sup>Sometimes common Acehnese people are also called by that name as a mark of respect. The *uleebalang* was called *teuku* and was abbreviated as T, while *teungku* was abbreviated as Tgk. For further discussion see B. J. Boland, *The Struggle of Islam in Modern Indonesia* (The Hague: Martinus Nijhoff, 1971), 69.

<sup>5</sup>*Laqab* is a title given later, usually indicating the scholar's place of birth or dwelling.

<sup>6</sup>*Meunasah* is a place for praying and also used for the study of Islam at the level of elementary school including beginner's recitation of the Qur'ān.

The *'ulamā'* *dayah* are a particular group among the Acehnese *'ulamā'*. They are the graduates of a *dayah*, and are, therefore, to be distinguished from those who have studied in other institutions such as *madrassa*, *sekolah* (secular school) and *da'wah* foundations. Those who have attended these latter institutions and who have been able to acquire a deep knowledge of Islam are known simply as *'ulamā'*, or sometimes as "*ulama modern*" (modern *'ulamā'*), even though this distinction is not always clear.

The character of the *'ulamā'* *dayah* can be seen from the character of the institution in which they study. The *dayah*, called *pesantren* in Java and Madura, and *surau* in Minangkabau (west Sumatra), is a boarding school where young men study together under a renowned *'alim*.<sup>7</sup> Until the Dutch introduced the secular school system in Aceh in 1907, the only available educational institution at the time was the *dayah*. The *dayah* has recently tended to focus on traditional Islamic disciplines alone, such as *tawhid*, *fiqh* and *tasawwuf*. Arabic is also taught as a tool for understanding the texts written in classical Arabic. Most subjects are taught through works written by the great *'ulamā'* of the Shafi'i school of law. The student who studies in the *dayah* has to reside on the campus of the *dayah*, which usually consists of a teacher's house, a student's residence, a mosque and the rooms in which the students have their lessons. The students are required to observe all their religious duties alongside their academic work. The *'ulamā'* discussed in this thesis are, therefore, the *'ulamā'* who have spent their lives in this atmosphere. Recently most of them have become part of an organization called *Persatuan Dayah Inshafuddin*. Another organization of the *'ulamā'* *dayah* in Aceh is the *Darussa'adah*, but its membership is still limited in number, and it does not issue

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<sup>7</sup>For further discussion regarding *dayah* see Chapter Two.

*fatwās*. Membership in such groups is another characteristic which helps to distinguish the *‘ulamā’ dayah* from other *‘ulamā’*.

In this thesis I do not single out merely one or a few *‘ulamā’*, but discuss rather the *‘ulamā’ dayah* as a group, because it is difficult to study the *‘ulamā’*s response to the modernization of Islamic law in any other way. A personal decision by one *dayah* scholar is not representative of the *‘ulamā’ dayah* as a whole, because each *‘alim* usually specializes in a particular field, whereas charges in Islamic law are usually arrived at collectively and comprehensively. This was also realized by the *‘ulamā’ dayah*; hence, they always held a meeting, for instance when they wanted to discuss matters of wider significance.

It would also be helpful to add that some of the *‘ulamā’ dayah* who are discussed here have often received additional degrees either from Islamic or from secular universities and that some work for the government either as civil servants or teachers. I have decided to classify them as *‘ulamā’ dayah* because they still associate themselves with organizations of the *‘ulamā’ dayah* and have a deep concern for the *dayahs*. Moreover, their opinions are usually similar to those of the *‘ulamā’ dayah*.

In addition to the introduction and conclusion this thesis is divided into three chapters. The first chapter summarizes the role of the *‘ulamā’* in Acehnese society in a historical perspective and gives a sketch of their activity in the fields of politics and social life. It will highlight their major functions during the course of Acehnese history, i.e. during the period of the sultānate, the Dutch-Aceh war, the Dutch and Japanese occupations and, finally, the period of Indonesian Independence.

The second chapter focuses on the *dayah* and its *‘ulamā’*. It will discuss in detail the historical beginnings of the *dayah* and will compare that institution to the



*pesantren* in Java and the *surau* in West Sumatra. The *dayah* has played a very significant role not only in Acehnese history, in the spread of literacy for example, but also for Muslims in Southeast Asia as a whole, particularly as a center of religious-intellectual training. During the Dutch-Aceh war, it became the most important institution for the Acehnese, because it served to rally support against the colonial penetration. Historically the *'ulamā'* in Aceh have remained inseparable from the *dayah*. From the time of the Islamic sultānate, the *'ulamā'* have always studied at the *dayah* and worked for the *dayah*. The commitment of the *'ulamā'* to the socio-political well-being of the Acehnese is also described in this chapter.

The last chapter will examine the response of the *'ulamā' dayah* to the modernization of Islamic law. Their views on such modern problems of Islamic law such as *zakat jasa* (religious taxes from professional workers) *bayi tabung* (test-tube babies), and *pencangkokan tubuh* (organ transplantation) will be discussed here. The modernists' point of view will also be treated in this chapter and a comparison will be made between the *'ulamā' dayah* and the modernist *'ulamā'* in their respective attitudes toward the modernization of Islamic law.

To base this study on authentic and reliable data, a careful selection of sources has been made. As far as possible, primary sources have been used. For example, in providing the historical data, priority is given to the notes or writing of the people directly involved in the events, whether European or Malay. European sources have been used very critically because sometimes they lack sufficient knowledge of the indigenous culture which could have biased their author's interpretation of the data. Likewise, the Malay sources, although very useful, have also been utilized with extreme caution because some of them are full of myths and legends.

In discussing the attitudes of the *‘ulamā’ dayah* towards the development of Islamic law, reference will be made to their own writings and to the proceedings of their workshops. Due to the lack of data in some instances, I have conducted interviews, either in person or by correspondence, with some of those *‘ulamā’ dayah* whom I considered to be representative of the group as a whole.

## CHAPTER ONE

### THE ROLE OF THE 'ULAMĀ' IN ACEHNESE SOCIETY: A HISTORICAL PERSPECTIVE

#### A. The Islamic Empire Period

With the establishment of the Islamic Sultānate in Pasai (1270) the 'ulamā' of Aceh began to play a major role in the kingdom. They were employed as the king's advisors and were concerned mainly with religious matters. Because of the involvement of the 'ulamā' as advisors on religious affairs the Pasai sultānate came to have a central importance among the Islamic kingdoms. Every case which was unclear or upon which there were different points of view about Islamic teachings or practice, was referred for a decision to Pasai. In the Malay Annals it is mentioned that although Malaka had become a great empire, its rulers contacted Pasai when they needed a decision concerning Islamic teachings and practice.<sup>1</sup> Mālik al-Zāhir (d. 1326), ruler of Pasai and son of Mālik al-Salih, who founded of the Pasai kingdom, once requested the presence of several 'ulamā' from Mecca and other places to meet the community's need for Islamic teachers. He himself often held discussions with the 'ulamā' concerning the Islamic teachings. In his court he assembled a number of 'ulamā' from Mecca, Persia, and India, and appointed one of them as a royal advisor.<sup>2</sup>

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<sup>1</sup>Malaya Publishing House Limited, *The Malay Annals*, ninth edition (Singapore: 1960), 128.

<sup>2</sup>Ahmad Daudy, *Allah dan Manusia Dalam Konsepsi Syeikh Nuruddin Ar-Raniry* (Jakarta: C. V. Rajawali, 1983), 27; H. Overbeck, "The Answer of Pasai," *Journal of Malayan Branch of the Royal Asiatic Society (JMBRAS)*, Vol. 11. Part II (December, 1933), 255.

When Iskandar Muda governed the Islamic kingdom of Aceh Darussalam (1607-1636), he appointed Sheikh Shams al-Dīn al Sumatrānī as his advisor and *mufti* (called *sheikh al-Islam*) to be responsible for administering religious affairs.<sup>3</sup> Al-Sumatrānī, however, not only advised in religious affairs, but was sometimes also involved in political affairs. Al-Sumatrānī had already worked for Sulṭān Alī Mughayat Shah (1589-1602), the great king before Iskandar Muda. James Lancaster, the British special envoy to Aceh in 1602, describes in his memoir that the nobleman was the "chief bishop", which assumes that al-Sumatrānī, was involved in negotiating a treaty of peace and friendship between England and Aceh.<sup>4</sup>

Nur al-Dīn al-Rānirī was appointed Qaḍī al-Malik al-Adil and Mufti Muaddam in the period of Sulṭān Iskandar Tsani and for several years under the latter's successor, Safiat al-Dīn.<sup>5</sup> Al-Rānirī was described as a distinguished man. He was primarily a sufi, a theologian and a *faqih* (jurist), but he was also a man of letters, a preacher and a politician. Under Iskandar Tsani he often played an important role in economic and political affairs besides being responsible for religious matters.<sup>6</sup>

Sheikh Abd al-Rauf al-Singkilī was appointed Mufti and Qaḍī Mālik al-Adil of the Islamic Kingdom of Aceh during the period when four sulṭānahs

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<sup>3</sup>Teuku Iskandar, *De Hikajat Atjeh* (S-Gravenhage: N.V. De Nederlandsche Boek-en Steendrukkerij. V. H. H. L. Smits, 1959), 137, 153, 168.

<sup>4</sup>James Lancaster, *The Voyage of Sir James Lancaster to Brazil and the East Indies*, ed. Sir William Foster (London: The Hakluyt Society, 1940), 96.

<sup>5</sup>Daudy, *Allah Dan Manusia*, 39.

<sup>6</sup>Azyumardi Azra, "The Transmission of Islamic Reform to Indonesia: Networks of Middle Eastern and Malay Indonesian 'Ulamā' in the Seventeenth and Eighteenth Centuries," Ph.D Dissertation, Columbia University, New York, 1992, 351.

(queens) (1641-1699) ruled the kingdom in succession.<sup>7</sup> The Sulṭānah who originally appointed him as *mufti* was Taj al-Alam Safiat al-Dīn (1641-1675), the wife and successor of Iskandar Thani and the first in this series of rulers. The next sulṭānah, Nur al-Alam Naqiyyat al-Dīn, reigned for only three years, passing away on January 23, 1678. She was then succeeded by another sulṭānah, her daughter, Inayah Shah Zakkiyyat al-Dīn. This sulṭānah sat on the throne of Aceh for about ten years. After she died in 1688, she was replaced by Keumalat Shah as the fourth and last sulṭānah of the Islamic Kingdom. After ruling for a further ten years Keumalat Shah was deposed in 1699.

Al-Singkili was very often involved in political affairs, particularly in an effort to stabilize the internal political situation. He played an important role, for example, during the visit of the official delegation sent by the Sharif of Mecca to Aceh, during the rule of Sulṭānah Zakkiyyat al-Din. The coming of this delegation provided an opportunity for some Acehnese to debate the question of whether it was permissible according to Islamic law for a woman to be a ruler.<sup>8</sup> The question had long been an unresolved problem among the Acehnese. Al-Singkili himself appears to have had no explicit answer to the problem. This has been interpreted as an indication that al-Singkili supported the sulṭānah's authority. In fact, no single group opposed to the sulṭānahs was able to depose them from their throne during al-Singkili's life. He worked for about fifty years under them and, on these grounds, his name became a symbol of the authority of the *'ulamā'* in Aceh. As the Acehnese *Hadih Maja* states: "*Adat bak Po teumeureuhom, Hukom bak Syiah Kuala*" (Custom is under the jurisdiction of the

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<sup>7</sup>A. Hasjmy, *59 Tahun Aceh Merdeka Dibawah Pemerintahan Ratu* (Jakarta: Bulan Bintang, 1977), 32-40.

<sup>8</sup>C. Snouck Hurgronje, "Een Mekkaansh Gezantschap Naar Atjeh in 1683," *BKI* 65, (1991), 144.

king, Religion is under the jurisdiction of the *'ulamā'*). Shortly after al-Singkili died the last sultānah was deposed on the basis of a *fatwā* from the chief *mufti* of Mecca declaring that it was contrary to the *shari'ah* for an Islamic kingdom to be ruled by a woman.<sup>9</sup>

After the period of the four queens the Islamic Kingdom of Aceh was not well governed, however, every king who ruled the kingdom had at least one religious scholar serving as Qāḍi Mālik al-Adil. What is more, not only did the king appoint a religious scholar as Qāḍi Mālik al-Adil to advise him, every state official and even every head of a village was also assisted by a local religious scholar. From the time of Sultān Iskandar Muda, the civil government was territorially organized into three levels. The first level, the lowest, was the *gampong* (village), led by a *gampong* leader, *Keuchik* (secular leader), and *Tgk Imum Meunasah* (religious leader). The second and next higher level was the *mukim* (district) which was a federation of several *gampongs* (at least eight in number). This federation was led by the *Imuem Mukim* and Qāḍi Mukim. The third and highest level was called the *nanggrow* (state) led by an *uleebalang* and *nanggrow Qāḍi*.<sup>10</sup>

The *'ulamā'* in Aceh, besides serving as advisors to the king also functioned as facilitators of cultural communication.<sup>11</sup> Though the *'ulamā'* had to accompany the ruler they were not tied to local politics and could communicate

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<sup>9</sup>Husein Djajadiningrat, *Kesultanan Aceh: Suatu Pembahasan Tentang Sejarah Kesultanan Aceh Berdasarkan Bahan-Bahan Yang Terdapat Dalam Karya Melayu*, trans. Teuku Hamid (Banda Aceh: Departemen Pendidikan dan Kebudayaan Daerah Istimewa Aceh, 1983), 60.

<sup>10</sup>A. Mukti Ali, *An Introduction to Government of Aceh's Sultanate* (Jogjakarta: Nida, 1970), 12. Rusdi Sufi, "Sultān Iskandar Muda," in *Dari Sini Ia Bersemi* (Banda Aceh: Panitia Musbaqah Tilawatil Quran Tingkat Nasional Ke 12, 1981), 71.

<sup>11</sup>Taufik Abdullah, *Islam dan Masyarakat; Pantulan Sejarah Indonesia* (Jakarta: LP3ES, 1987), 169.

freely with various levels of people. Whereas the *uleebalang*, who was appointed formally by the king to be a mediator between the people and the king, always had to maintain a cordial relationship concerning politics or the economy with the sultān, the '*ulamā*'s status for its part was based on the people's acknowledgment. On the one hand, the *uleebalangs* needed the '*ulamā*' to administer justice in order to win respect from the people, while on the other hand, the people needed the '*ulamā*' to provide guidance as to what they had to do. The *uleebalangs* usually made a great effort to run their administration assertively and solidly, but did show a certain regard for justice so as to win respect for their programs. To avoid making or administering unjust decisions the *uleebalangs* always involved the '*ulamā*' in formulating their programs and regulations.

The '*ulamā*' as a group, contributed greatly to the spread of knowledge in the archipelago. During the golden age of the Islamic Kingdom of Aceh, several prominent '*ulamā*' produced scholarly works of great significance which influenced Islamic thought in the Indonesian archipelago in particular and in Southeast Asia in general. For example, *Mir 'at al-Tullab*, one of Al-Singkili's works, was the standard work for the study of Islamic law in Mangindano in the Philippines.<sup>12</sup> Their works covered quite a large area of studies and included such subjects as *tawḥīd* (unity God), *fiqh* (Islamic law), *akḥlaq* (ethics), *tafsīr* (Qur'ān exegesis), history, literature and *tasawwuf* (mysticism). The '*ulamā*' wrote a large number of books in Arabic and Malay, and some of them even in the Acehnese language. The Acehnese '*ulamā*' also produced a large number of translations of religious works from Arabic into Malay or Acehnese.

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<sup>12</sup>M. B. Hooker, *Islamic Law in South-East Asia* (Singapore: Oxford University Press, 1984), 20, 32.

In the second half of the sixteenth century, the great *‘ulamā* Hamzah al-Fansurī authored many books. He wrote the books that dwelled on *fiqh* and *shari‘a*, and even discussed philosophy in such a manner that it became a subject of study for many scholars. However, because almost all his books were written in verse, many scholars regarded him as a sufi and an author of Malay treatises and poetry.<sup>13</sup> Although he lived in the time of Sulṭān Mukammal (1589-1604), as he mentions in his poetry, he did not work for the court. He preferred to spend his life in the study and propagation of Islamic teachings.

Shams al-Dīn al-Sumatrānī, who is considered to have been a student of Hamzah al-Fansurī, was like his teacher, a prolific writer and a master of several languages. He wrote twenty books,<sup>14</sup> both in Malay and Arabic, most of them dealing with *kalam* (theology) and sufism, but unlike Hamzah he never wrote any mystical poetry. The extensiveness of his knowledge has been acknowledged by al-Rānirī, who states in his *Bustan al-Salatin* that al-Sumatrānī was a great scholar in various subjects but especially in sufism.<sup>15</sup>

Nur al-Dīn al-Rānirī, besides being a *mufti*, was a prolific author who wrote on various subjects, including a book of history entitled *Bustan al-Salatin* (The Garden of Kings). This book has become an important source for historians, primarily for those interested in Islam in Southeast Asia. However, very little attention is paid to the wider context of his scholarly milieu and to his

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<sup>13</sup>P. Voorhoeve, "Hamzah Fansuri," in *Encyclopedia of Islam*, B. Lewis, et al. eds. (Leiden: E. J. Brill, 1971), Vol. 3, 155; Syed Muhammad Naguib al-Attas, *The Mysticism of Hamzah Fansuri* (Kuala Lumpur: University of Malaya Press, 1970), xiii.

<sup>14</sup>Alyasa Abubakar and Wamad Abdullah, "Manuskrib Dayah Tanoh Abec: Kajian Keislaman di Aceh Pada Masa Kesultanan," *Kajian Islam*, No. 2 (1992), 39.

<sup>15</sup>Nuruddin Ar-Raniry, *Bustanus Salatin: Bab II, Pasal 13*, ed. Teuku Iskandar (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1966), 9.



contribution to the Islamic discourse in the Malay world. Al-Rānirī is usually considered to have been a sufi rather than a "renewer of religion" (*mujaddid*), whereas in fact he was obviously one of the most important early *mujaddids* in the archipelago. His role as a *mujaddid* is evidenced by his insistence on the importance of the *shari'ah* in mystical practices.<sup>16</sup> A prolific author with wide knowledge of Islam, he wrote twenty-nine books on various aspects of Islamic thought including *fiqh* (Islamic law), *ḥadīth* (tradition), *tasawwuf*, history and comparative religion.<sup>17</sup>

Abd al-Rauf al-Singkili, known in Aceh as *Tgk Syiah Kuala* (Sheikh of the mouth of the river), was another important writer. He too wrote extensively on Islamic subjects. Wan Mohd. Saghir Abdullah has collected twenty-five books written by Abd al-Rauf al-Singkili<sup>18</sup> on *fiqh*, *tafsir*, *ḥadīth*, *ilm kalam* and *tasawwuf*. Recently it has been shown that al-Singkili's works total thirty-six.<sup>19</sup> His importance was recognized in 1844 when A. Meusinge, a professor at the Koninklijke Institute in Leiden, compiled a handbook for his students based on al-Singkili's work, *Cermin Segala Mereka Yang Menuntut Ilmu Fiqh Pada Memudahkan Syari'at Allah* (Mirror for those who seek the knowledge of *fiqh* to easily understand Allah's law).<sup>20</sup> Some other works may still exist but as yet remain unidentified. The Islamic library of Dayah Selimum, Aceh Besar (Aceh Proper), has some books which bear the name Abd al-Rauf; however, there is a

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<sup>16</sup>Azra, *The Transmission*, 351.

<sup>17</sup>Daudy, *Allah dan Manusia*, 49.

<sup>18</sup>Wan Mohd. Saghir Abdullah, *Khazanah Karya Pustaka Asia Tenggara*, Vol. 1, (Kuala Lumpur: Khazanah Fathimiyah, 1991), pp. 128-131.

<sup>19</sup>Alya' Abubakar and Wamad Abdullah, "Manuskrib Dayah Tanoh Abec", 35.

<sup>20</sup>Muhammad Said, *Aceh Sepanjang Abad* (Medan: Waspada, 1961), 415.

debate as to whether or not they were written by Abd al-Rauf al-Singkili.<sup>21</sup> One of his works which was very helpful for the development of Islamic knowledge among Malay people was his translation of the Qurʾān into that language with a concise commentary based on various Arabic exegetical works. This important work was printed in Constantinople for the first time and later editions were printed in Cairo and Mecca.

One of the ways in which Islam was spread in Southeast Asia was through the agency of the holy man or *muballigh* who propagated Islam wherever he lived. Since the founding of the Pasai Sultānate, Acehnese *ʿulamāʾ* were sent to other places, such as Java, Sunda, Sulawesi,<sup>22</sup> Malaka and Pattani to spread the teachings of Islam.<sup>23</sup> Afterwards many of them continued on their own initiative to spread the Islamic faith. Hamzah al-Fansurī spent much time in places such as Johor, Malaka (now Malaysia) and Ayuthia, the ancient capital of Siam (now Thailand).<sup>24</sup>

The more important function performed by the *ʿulamāʾ* was that of teaching in *dayah*. In doing so the *ʿulamāʾ* helped spread education among the Acehnese people. In the period of the sultānates no other educational institution except the *dayah* was available in Aceh. All teachers of that time, therefore, were *ʿulamāʾ*, and every educated person, whether a king or a military commander, graduated from the *dayah*. For example Iskandar Muda, the great king in the

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<sup>21</sup>Alyasaʾ Abubakar, "Abdurrauf SyiahKuala: Riwayat Hidup dan Warisan Ilmiah," *Kajian Islam*, No. 1 (1991), 19-21.

<sup>22</sup>S. M. Amin, "Sejenak Meninjau Aceh Serambi Mekkah," in *Bunga Rampai Tentang Aceh*, Ismail Sunni, ed. (Jakarta: Bhatara Karya Aksara, 1980), pp. 54-55.

<sup>23</sup>A. Teeuw and D. K. Wyatt, *Hikayat Pattani* (Bibliotheca Indonesia, 1970), 175.

<sup>24</sup>G. W. J. Drewes and L. F. Brakel, *The Poems of Hamzah Fansurī* (Dordrecht, Holland: Foris Publications, 1986), 4.

golden age of the Islamic Kingdom of Aceh, had been a student of Shams al-Dīn al-Sumatrānī.<sup>25</sup>

The *dayah* with its *teungku* or its '*ulamā*' was obviously a center for the development of knowledge in Islamic subjects. However, it was also an institution of social communications and sometimes it had the potential even of controlling the ruling powers as well. Therefore, since the seventeenth century, the '*ulamā*' appeared to lead social and religious reforms when they recognized that religious practices had weakened and the religious teaching deviated from their interpretation.

During the period of the Islamic kingdom the '*ulamā*' continued to exercise the function of moral guardians and religious counselors, while the political authority remained in the sultān's hands. The '*ulamā*'s function can be seen in Nur al-Dīn al-Rānirī's rejection of Hamzah Fansurī's teachings in the seventeenth century because, according to al-Rānirī, Hamzah's teachings had led people up the wrong path.<sup>26</sup> Abd al-Rahman al-Zāhir is a more recent example of the '*ulamā*'s moral control. In 1870, he made vigorous efforts to wipe out drugs, and to abolish cock fighting and gambling in Acehnese society.<sup>27</sup>

In looking at the role of the '*ulamā*' in Aceh during the period of the sultānate we find that there were occasions when the '*ulamā*'s authority was greater than the sovereign's. The fourth queen, Keumalatsyah, was, for instance, deposed from the throne on the basis of a *fatwā* saying that a woman could not be

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<sup>25</sup>Iskandar, *De Hikayat Atjeh*, 137, 153, 168.

<sup>26</sup>Daudy, *Allah dan Manusia*, 202. Further see Al-Raniri's works: 1). *Tibyan fi Ma'rifah al-Adyan*. 2). *Hujjah al-Shiddiqi lil dafi al-Zindiq*.

<sup>27</sup>Anthony Reid, "Habib Abd al-Rahman al-Zahir (1833-1896)," *INDONESIA*, no. 13, (April 1972), 40.

the ruler.<sup>28</sup> A similar phenomenon is to be observed in the Ottoman Empire; and although there the *mufti* was outside of the state structure<sup>29</sup> and could be dismissed at the ruler's will, sometimes his authority was greater than that of the sovereign. Although extremely rare, by his *fatwā* he could depose the sultān,<sup>30</sup> as Mustafa I was deposed in 1618 from his throne by the Mufti's legal sanction.<sup>31</sup>

It is interesting to compare Aceh with the Ottoman Empire because both Islamic kingdoms reached their peak of development at the same time in the sixteenth century and were two of the most powerful and wealthy Muslim countries of the time.<sup>32</sup> Furthermore both countries had a good and close relationship. The relationship between Aceh and the Ottomans was considered important for many centuries. Until late 1873 the Acehnese still requested Ottoman military assistance to repel the Dutch. The Turks were held in high regard by the Acehnese. Many high-ranking Acehnese visited the Caliph and hundreds of men were sent from Turkey to Aceh.<sup>33</sup> The great religious scholar who was appointed as the grand *mufti* in Turkey was called *Sheikh al-Islam*.<sup>34</sup>

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<sup>28</sup>Thomas Braddle, "Translation of Annals of Acheen," *The Journal of Indian Archipelago and Eastern Asia (JIEA)*, Vol. 4 (1850), 599

<sup>29</sup>Jenning, "Kadi Court in 17th C Ottoman Kayseri," *Studia Islamica* 48 . (1978), 134.

<sup>30</sup>Niyazi Berkes, *The Development of Secularism in Turkey* (Montreal: McGill University Press, 1964), 16.

<sup>31</sup>J. H. Kramers, "Ottoman" in *First Encyclopedia Islam 1913-1936*, eds. M.Th. Houtma, et. al (Leiden, E.J.Brill, 1987), 1007.

<sup>32</sup>Wilfred Cantwell Smith, *Islam in Modern History* (Princeton, New Jersey: Princeton University Press, 1977), 38.

<sup>33</sup>Barbara Leigh, "Design Motifs in Aceh: Indian and Islamic Influences," in *The Malay-Islamic World of Sumatra: Studies in Politics and Culture*, ed. John Maxwell (Melbourne: Monash University Press, 1982), 5.

<sup>34</sup>R. C. Repp, *The Mufti of Istanbul: A Study in the Development of The Ottoman Learned Hierarchy* (London: Ithaca Press, 1986), XIX; Michell M. Pixley, "The development and Role of the Seyhulislam in Early Ottoman History," *Journal of the American Oriental Society*, No. 1 (1976), 89.

Aceh too had a similar institution.<sup>35</sup> Both societies were very respectful towards the *'ulamā'*. Lybyer has pointed out that Beyazid II (1481-1512) was accustomed to stand when receiving the *mufti*, and to give him a seat above his own.<sup>36</sup> In Aceh even today the society shows great respect towards the *'ulamā'*.<sup>37</sup>

## B. The Dutch Aceh War

Many historians tend to agree that the second half of the nineteenth century saw the rise of colonialism and the beginning of the period of modern imperialism. This period was a time of geographic expansion and colonial competition, when the modern capitalist system, under political protection, began to incorporate various regions of the world. One example of colonialist efforts in Southeast Asia is the aggression of the Dutch in Aceh, an independent country at the northern tip of the island of Sumatra.

In an endeavor to extend their colony, the Dutch government sent several delegates to Aceh at the end of August 1872 to force the Acehnese to recognize Dutch sovereignty over their territory.<sup>38</sup> The Acehnese strongly opposed this;<sup>39</sup> as a result the Dutch declared war and attacked Aceh in April 1873. This first attack was repulsed by the Acehnese.<sup>40</sup> In 1874 the Dutch attacked Aceh for the

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<sup>35</sup>T. Iskandar, *De Hikajat Atjeh*, 137.

<sup>36</sup>Albert Howe Lybyer, *The Government of the Ottoman Empire in the Time of Sulaiman the Magnificent* (Boston: Harvard University Press, 1913), 208.

<sup>37</sup>Ismuha, *Laporan Penelitian Pengaruh PUSA Terhadap Reformasi Di Aceh* (Banda Aceh: Lembaga Riset dan Survey IAIN Ar-Raniry, 1978), 18.

<sup>38</sup>Anthony Reid, *The Contest for North Sumatra: Aceh, The Netherlands and Britain 1858-1898* (Kuala Lumpur: Oxford University Press, 1969), 58.

<sup>39</sup>Ismail Yakub, *Tgk Tjhik Di Tiro* (Jakarta: Bulan Bintang, 1952), 13.

<sup>40</sup>The Dutch were not only defeated by the Acehnese on this occasion, they also lost a general named Kohler.

second time with tremendous power.<sup>41</sup> On this occasion, the Dutch were able to occupy the *dalam* (royal enclosure), but this did not bring an end to the war. Even though many leaders, including a number of the *'ulamā'* were killed, Aceh was never entirely subdued.<sup>42</sup> Perhaps on that account some historians claim that the war continued until the Dutch left Aceh, and that in fact the Acehnese were never completely subjugated.<sup>43</sup>

The *uleebalangs* responded to the Dutch invasion in various ways. Some emerged as steadfast resistance leaders of the Acehnese forces; some hurriedly went over to the Dutch side; many others, for years on end, moved back and forth between the two sides. When the sultān was not in a position to coordinate the resistance, and when most *uleebalangs* were incapable of united action, the *'ulamā'* emerged from their *dayah* to lead the war against the infidel invaders. The *'ulamā'* declared at that time: "it is on us that the duty rests of regulating the conduct of the *jihād*." <sup>44</sup> On that ground, the *'ulamā'* also became an instrument in turning this conflict into a holy war. Through spreading the ideology of *prang sabi* (religious war),<sup>45</sup> the *'ulamā'* influenced the people to be more dynamic in their fight against the enemy.

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<sup>41</sup>The Dutch brought 60 ships with 206 pieces of artillery (heavy guns), 22 mortars, 389 senior military officers, 7888 officers of lower ranks, 32 military physicians, 3565 male forced labor, 243 female forced labor, 4 senior officers for 75 cavalry, even a number of technicians, trolley-tracks, iron rafts and boat rafts and rowboats. They also had a pastor, an Islamic teacher and a number of spies who spoke Acehnese fluently. This attack was led by General Van Swieten as commander and a number of high ranking officers. See Paul Van't Veer, *Perang Belanda di Aceh*, trans. by Aboebakar (Banda Aceh: Depdkbud, Daerah Istimewa Aceh, 1977), pp. 65-76.

<sup>42</sup>James Mossman, *Rebels in Paradise: Indonesia's Civil War* (London: Jonathan Cape, 1961), 104

<sup>43</sup>Paul Van't Veer has divided the Dutch-Aceh conflict into four periods: (1) 1873, (2) 1874-1880, (3) 1884-1896, (4) 1896-1942. See his book, *Perang Belanda-Aceh*, trans. by Aboe Bakar (Banda Aceh: Dinas P&K Propinsi Daerah Istimewa Aceh, 1987).

<sup>44</sup>C. Snouck Hurgronje, *The Acehnese*, trans. A. W. S O'Sullivan (Leiden: E. J. Brill, 1906), Vol. 1, 177.

<sup>45</sup>Ibrahim Alfian, *Perang di Jalan Allah* (Jakarta: Pustaka Sinar Harapan, 1987), 151.

In order to make the legal status of the war clear to the Acehnese the *'ulamā'* had recourse to the Islamic theory of holy war: they called the Dutch colonialists *kāfir al-harb*<sup>46</sup> (unbeliever at war); the territories occupied by the Dutch were declared *dar al-harb* (house of war). According to the *'ulamā'*, it was, therefore, incumbent on Muslims to fight the Dutch. To wage war against the colonialists was *Jihād fi Sabilillah* (war in the path of Allah). Anyone who died on the battlefield was a *shahid* (pl. *shuhadā'*) and would go to paradise. Furthermore, it was recommended that the properties which were held by the *kāfir al-harb* be taken by force, thus becoming war spoils (*ghanimah*).<sup>47</sup> This strategy encouraged the people to wage war based on God's decree and Islamic tradition.

Bernhard Dahm argues that the conflict between the 'secular' *'uleebalang'* and 'spiritual' *'teungku'* continued to rage during their common war against the colonial power.<sup>48</sup> It is difficult to accept this idea, however. In fact, although the *'ulamā'* were able at that time to liberate areas in Aceh Besar (Aceh Proper) through their holy war they did not govern by themselves. All the areas which

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<sup>46</sup>E. Gobee and Adriaanse, *Nasihat-Nasihat C. S. Hurgronje Semasa Kepegawaiannya Kepada Pemerintah Hindia Belanda, 1889-1936*, trans. Sukarsi (Jakarta: INIS, 1991), 111. This statement was issued by Tgk Kuta Karang, one of the advisors of Tgk Muhammad Saman and his successor. The statement was issued through a number of politico-religious leaflets written by Tgk Kuta Karang, under the Arabic title *Taḍkirat al-Rakidin*. Although these leaflets were written by an Acehnese, we could not find the originals in Indonesia. Several such leaflets were collected by C. Snouck Hurgronje and brought to Leiden and the rest may have been destroyed during the war. Up to now, the originals are available in the library of Leiden University under code Or. 8037, and Or 8038. See Ibrahim Alfian, *Perang di Jalan Allah*, 244. In this study I use the translation of several of these leaflets printed in the book of E. Gobee and Adriaanse and translated into the Indonesian language by Sukarsi entitled *Nasihat-Nasihat C. S. Hurgronje Semasa Kepegawaiannya Kepada Pemerintah Hindia Belanda, 1889-1936*. Publicize by INIS, in 1991.

<sup>47</sup>*Ghanimah* means the weapons, horses and all movable possessions taken in battle from the conquered unbeliever.

<sup>48</sup>Bernhard Dahm, *History of Indonesia in the 19th Century*, trans. P. S. Falla (London: Praeger Publishers, 1971), 20.

they had liberated were returned by them to the *uleebalangs*.<sup>49</sup> The conflict between the '*ulamā*' and *uleebalangs* began once the Dutch occupied several territories in Aceh and launched their policy of separating the *uleebalangs* from the '*ulamā*', giving certain advantages to the *uleebalangs* while at the same time suppressing the '*ulamā*'. This policy was initiated in the light of C. Snouck Hurgronje's suggestions to weaken the Acehnese resistance. In fact there were many *uleebalangs* still cooperating with '*ulamā*' until the time '*ulamā*' became powerless.<sup>50</sup>

One of the most famous religious scholars who led the war against the Dutch was Tgk Chik Di Tiro. His original name was Tgk Muhammad Saman. He was at that time seen by the Dutch as an important figure in the socio-political life of Aceh.<sup>51</sup> By his sermons, which fired the zeal for holy war, he not only invigorated the Muslim spirit to wage the war but also strengthened the '*ulamā*'s influence over the Acehnese. This provoked a great deal of concern on the part of the Dutch army. The Dutch general, therefore, sent a secret letter to the Dutch governor for Aceh, recommending that he offer a reward of 1000 dollars for the capture of Tgk Chik Di Tiro, dead or alive.<sup>52</sup>

Tgk Chik Pante Kulu, one of Tgk Chik Di Tiro's close friends and a literary man, wrote an epic poem about the holy war entitled *Hikayat Prang*

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<sup>49</sup>James T. Siegel, *The Rope Of God* (Los Angeles: University of California Press, 1969), 71.

<sup>50</sup>For example, T. Nanta, *uleebalang* Mukim VI, continued the struggle along with the '*ulamā*' until the Sultān was surrounded. See Alfian, *Perang Di Jalan Allah*, 233.

<sup>51</sup>Hurgronje, *The Atjehnese*, Vol. 1, 135.

<sup>52</sup>Alfian, *Perang Di Jalan Allah*, 152



*Sabi*.<sup>53</sup> *Hikayat Prang Sabi* proved to be very popular and became an effective tool in inspiring the Acehnese troops. This *hikayat* contains a general exhortation to wage war in the path of Allah and describes the rewards for those who die as martyrs (*shuhadā'*) in battle. A. H. Philips, the Dutch Governor in Aceh, wrote in his memoirs that the recitation of *Hikayat Prang Sabi* in public could stimulate the reciter and hearer and encourage them in many cases to seek martyrdom in fighting the infidel.<sup>54</sup>

Tgk Chik Kuta Karang was one of those chosen to lead the guerrilla troops after the death of Tgk Chik di Tiro.<sup>55</sup> To acquire power and to inspire the Acehnese, he wrote a number of politico-religious leaflets collectively entitled *Tazkirat al-Rakidīn* (Exhortation to the inactive).<sup>56</sup> It seems that these efforts bore fruit. Not only were laymen influenced by these leaflets but also several *uleebalangs*, who had originally worked for the Dutch, now came to help the Acehnese guerrilla fighters, openly or secretly. With a new zest the Acehnese bravely attacked the Dutch. This can be seen in the episode when Tgk Chik Kuta Karang instructed his troops to fight the Dutch with the same weapons that the Dutch used and the Acehnese attacked the Dutch army posts to obtain them.<sup>57</sup>

Since the sultānate period, in Aceh, men and women have been equal in status, with the only limitations being those imposed by their own physical power and Islamic teaching. As the history of Aceh shows, four of the sultāns who

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<sup>53</sup>A. Hasjmy, *Hikayat Prang Sabi Menjiwai Perang Aceh Lawan Belanda* (Banda Aceh: Pustaka Faraby, 1971), 37.

<sup>54</sup>Alfian, *Perang di Jalan Allah*, 136.

<sup>55</sup>Tgk Chik di Tiro died on January 25, 1891.

<sup>56</sup>Hurgronje, *The Acehnese*, Vol. 1, 186.

<sup>57</sup>Alfian, *Perang di Jalan Allah*, 162.

ruled the Acehese Islamic Kingdom were women. During the Dutch-Aceh war, many women also played a heroic role; these include Cut Nyak Dhien, Cut Meutia and Malahayati. Some of them were in fact religious scholars themselves. One such woman, who became involved in this war almost from its inception was Tgk Fakinah. At the peak of her leadership, she became the commander in chief of a division which consisted of many troops, both female and male.<sup>58</sup>

The foregoing are only some examples of *'ulamā'* who were active in resisting the Dutch occupation. Actually, many other *'ulamā'* also participated in the war to protect their faith and their country from the Dutch colonialists by leading troops or exhorting their people to wage war. Some of them were active in collecting funds, while others remained in the *dayah* to provide Islamic teaching to children or looked after orphans in the jungle.<sup>59</sup> The involvement of *'ulamā'* in the Dutch-Aceh War, the longest and the most costly colonial conflict waged by the Dutch in the East Indies,<sup>60</sup> gained them the respect of the Acehese people.

### C. The Dutch and Japanese Occupation

Before I discuss the role of the *'ulamā'* during the Dutch and Japanese occupation, it is necessary to explain why I use the term "occupation". Generally, historians use the term "colonization period" because the Dutch and the Japanese came to Southeast Asia to colonize the people. However some historians do not

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<sup>58</sup>A. Hasjmy, *Sejarah Kebudayaan Islam di Indonesia* (Jakarta: Bulan Bintang, 1991), 222.

<sup>59</sup>Ismail Yakub, "Gambaran Pendidikan di Aceh Sesudah Perang Aceh-Belanda Sampai Sekarang," in *Bunga Rampai Tentang Aceh*, ed., Ismail Suny, (Jakarta: Bhatara Karya Aksara, 1980), 327. According to Ismail Yakub, several Acehese became *'ulamā'* by studying while living in the jungle. These include Tgk H. Hasballah Indrapuri and Tgk Abdullah Lam U.

<sup>60</sup>Brian May, *The Indonesia Tragedy* (London: Routledge & Kegan Paul, 1978), 20.

agree with this term because, historically, the Acehnese never surrendered the territory to the Dutch and never recognized Dutch sovereignty over Aceh. Although Sultān Muḥammad Daud surrendered in 1903, in order to redeem his family captured by the Dutch, he authorized Tgk Chik Di Tiro to continue waging the war in defending the country.<sup>61</sup> The term occupation is also employed to describe the Japanese presence in Aceh, Eric Eugene Morrice being among the authors who use this term.<sup>62</sup>

The Dutch-Aceh war apparently destroyed most of the *dayahs*. Many *dayahs* were closed down or were burned to the ground. At the same time, large collections of books were lost to the flames, as happened for instance at Dayah Lambada.<sup>63</sup> Other books which had been hidden in the jungle were ruined,<sup>64</sup> and some of them were taken by the Dutch.<sup>65</sup> This affected the Acehnese youth, many of them were thus denied opportunities for education. This problem was perceived

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<sup>61</sup>Said, *Aceh Sepanjang Abad*, 634. For a more detailed discussion see Anas Mahmud, *Kedaulatan Aceh Yang Tidak Pernah Diserahkan Kepada Belanda Adalah Bahagian Dari Kedaulatan Indonesia* (Jakarta: Bulan Bintang 1988). Ismail Yakub states that the Sultān handed over the authority to Teuku Panglima Polem and the 'ulamā' Tiro. See Ismail Yakub, *Gambaran Pendidikan*, 234. The complete foreign source on the Acehnese action during this war is *Perang Aceh Lawan Belanda*, written by Van't Veer. He suggests that the Dutch-Aceh War ended in 1942, the year of the Japanese's coming. This book is considered to be a comprehensive account by Ibrahim Alfian even though he himself tends to believe that the war ended in 1913 after the posterity of the 'ulamā' Tiro were all killed. He follows J. Jongejean's point of view, the latter, who had been a resident in Aceh, stated that 1912 symbolizes of the breakdown of the Acehnese fighting against the Dutch. Two great events took place in that year. 1) A great Acehnese arsenal in Bengga, near to Tiro, was seized by the Dutch in this year. 2) Besides all the 'ulamā' Tiro were killed, one other prominent 'alim, Tgk di Barat, who often appears strikingly in the war and whom the Dutch could not capture for nine years, was killed together his wife by the Dutch in the same year. See Ibrahim Alfian, *Perang di Jalan Allah*, 24.

<sup>62</sup>See his dissertation, "Islam and Politics in Aceh: A Study of Center Periphery Relation in Indonesia" (Cornell University, 1983), 54.

<sup>63</sup>T. Ibrahim Alfian and Darwis A. Sulaiman, *Pendidikan di Aceh dan Perjuangan Kemerdekaan Indonesia*. Unpublished paper presented at seminar on Perjuangan Aceh Tahun 1873 sampai dengan Kemerdekaan Indonesia, held in Medan, March 22, 1976, 3.

<sup>64</sup>Alyasa' Abubakar and Wamad Abdullah, "Manuskrip Dayah Tanoh Abec," 12.

<sup>65</sup>Safwan Idris, "Signifikansi Keistimewaan Aceh Bagi Kesenambungan Kebudayaan Aceh yang bernafaskan Islam," *Kajian Islam*, no. 1 (1991), 31.

by the *'ulamā'*. After 1903, therefore, the Acehnese abandoned the policy of open confrontation with the Dutch, and several *'ulamā'* returned to their villages where they established new *dayahs* or reopened the *dayahs* which they had left during the war. They realized that the next generation would be illiterate if they did not rebuild their educational institutions. At that time the problem of illiteracy was faced not only by Aceh but Indonesia as a whole. The fact that in 1930, ninety-three percent of the sixty million Indonesian people were illiterate is evidence of the inadequacy of the Dutch policy for education.<sup>66</sup>

The Dutch, who occupied most of the urban area of Aceh, only established a simple three-year *volkschool* (elementary school) in 1907 for the masses.<sup>67</sup> This school was designed to teach reading and writing in romanized Malay. The Acehnese were not enthusiastic about this arrangement because they suspected something else behind it. The Dutch wanted to train the Acehnese to be loyal to the Dutch, because in their view the *dayah* had taught the Acehnese youth nothing but hatred and scorn for "*kāfirs*" and the ability to drone a few incomprehensible Qur'ānic texts.<sup>68</sup> The *'ulamā'* of Aceh, therefore, issued a *fatwā* that it was forbidden (*harām*) to attend the Dutch school.<sup>69</sup>

The *'ulamā'* were determined to save their children from the influence of the *kāfir's* faith by building their own schools. Many *dayahs* were built all over Aceh at that time. The number of the *dayahs* built might have approached the number that existed before the Dutch-Aceh war, but in quality they were different.

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<sup>66</sup>Aqib Suminto, *Politik Islam Hindia Belanda* (Jakarta: LP3ES, 1986), 48.

<sup>67</sup>Anthony Reid, *The Blood of the People* (Kuala Lumpur, Oxford University Press, 1979), 21.

<sup>68</sup>*Ibid.*

<sup>69</sup>Ismail Yakub, "Gambaran Pendidikan", 333.

The first problem was the dearth of qualified teachers, as many great '*ulamā*' and their students were killed in action against the Dutch. Secondly, the people did not have sufficient funds to build the institutions because for years they had been involved in waging and materially supporting the war. The books used in the *dayahs* <sup>70</sup> had also been burned when the Dutch burned the *dayahs*. Yet, another problem worsening the appearance of the *dayah* was the Dutch control of the *dayah*'s curriculum. The *dayah* was not allowed to teach subjects relating to politics. Furthermore the Dutch carefully monitored the *dayahs*' activities.<sup>71</sup>

The Acehnese, and especially the '*ulamā*', never accepted the existence of the Dutch colonialists in Aceh. The Acehnese always wanted to get rid of the Dutch. To gain this ambition some of the Acehnese '*ulamā*' also became involved in politics. This activity was seen as pernicious by the Dutch and consequently they captured and exiled many '*ulamā*'. Some were able to escape to other countries, even as far as to Mecca.<sup>72</sup> They, however, kept in contact with the '*ulamā*' in Aceh inspiring them with the ideas they were exposed to in other countries, especially what they learned from the political situation in the Middle East.

From this time onward the Dutch watched the Acehnese's activities more closely, mainly in political matters. The Dutch intervened further, limited the curriculum of the *dayahs* and controlled information on the activities of Muslims outside Aceh. If a teacher tried to introduce new ideas in the *dayah* especially

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<sup>70</sup>The books usually belonged to the Teungku, the head of the *dayah*.

<sup>71</sup>A.Hasjmy, "Pendidikan Islam di Aceh dalam Perjalanan Sejarah," *Sinar Darussalam*, No. 63, Suminto, *Politik Islam Hindia Belanda*, pp.51-63. Tgk Sulaiman Jalil, *Fluktuasi Pendidikan di Aceh* (Banda Aceh: Lebaga Riset dan Survey IAIN Ar-Raniry, 1972), 8.

<sup>72</sup>Abdullah Ujong Rimba, *Private Historical Note* (written in Arabic script, unpublished, n.d.), 81.

regarding the nation or the state, the Dutch would accuse him of Communist leanings and imprison him. On the other hand, the Dutch also prevented the Muslim youth from going on to the Dutch high school. They allowed only the descendants of the *uleebalangs* to continue their studies at the high school level and even to the university. The Dutch believed that the children of the '*ulamā*' would not be loyal to them, hence, they preferred to leave them ignorant. The children of the *uleebalangs* were provided with a good education, even though later it would prove that not all *uleebalangs* were loyal to the Dutch. The other Dutch policy which adversely affected the Acehnese was the limitation on the communications between one region and another. These policies contributed to unawareness and disunity among the Acehnese. This was clearly recognized by the '*ulamā*' both within and outside Aceh. The '*ulamā*', therefore, began to appeal to the people for unity through organizations.

Prior to 1930 some '*ulamā*' began to build organizations to unite the Muslims and to solve problems together. The real purpose of these organizations was to serve as a channel for the people's aspirations and to purge their lands of the colonialists. It was felt that the most important preparation against the colonialist was to have an educated population. Accordingly, these organizations took the shape of a movement aimed at reforming the educational system, in order to help it adjust to the situation. This was in a state of occupation by a well-organized enemy with modern weapons and technology. The Acehnese, therefore, had to have access to the same kinds of knowledge in order to balance the enemy's power.

These initiatives began to show some results. Various organizations built *madrasas* with a new curriculum and a new methodology of teaching and management which were thought to be in accordance with the needs of the

modern world. These *madrasas* initiated the teaching of history, geography and politics as well as several courses which were related to modern science, such as arithmetic, mathematics, and physics. To be skilled in managing popular organizations, the students were trained to lead their own internal student bodies. More importantly, in these educational institutions the students were taught the Latin alphabet in order to enable them to write and read the Malay language in a script other than that of Arabic, which alone was taught in the *dayah*. Among the most famous of these organizations were: the progressive "Perguruan Islam" of Tgk Abd al-Wahab Seulimum, the beginnings of which took shape in 1926; Syed Husein's "Madrasah Ahlu's Sunnah wa al-Jamaah" established in Idi in 1928;<sup>73</sup> the Jam'iyah al-Diniyah established by Tgk Muhammad Daud Beureueh at Garot, near Sigli in June 1928;<sup>74</sup> Tgk Abd al-Rahman's "al-Muslim Peusangan," which opened in 1930; and "DJADAM" in Montasiek, established by Tgk Sheik Ibrahim in late 1931.<sup>75</sup>

The climax of this reformist enthusiasm was the establishment of PUSA (Persatuan 'Ulamā' Seluruh Aceh -- All Aceh 'ulamā' Association) in 1939. The association emerged from a carefully organized conference convened in May 1938 by Tgk Abdurrahman Menasah Meucap and Tgk Ismail Yakub.<sup>76</sup> Soon after its foundation PUSA had branches all over Aceh. In some villages in Pidie (a region in the Aceh province), nearly every adult joined. In addition a youth

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<sup>73</sup> Reid, *The Blood*, 23.

<sup>74</sup> Ujong Rimba, *Private Historical Note*, 82. Other dates are also given, but I prefer the testimony of Abdullah Ujong Rimba because he was one of those who attended this meeting and was chosen a member of this organization. After Tgk M. Daud Beureueh became a chairman of PUSA (Persatuan 'Ulamā' Seluruh Aceh--All Aceh 'Ulamā' Association), the chief of Jam'iyah al-Diniyah was replaced by Tgk Abdullah Ujong Rimba.

<sup>75</sup> Muhammadiyah Haji and Hasballah Haji, "Pemberontakan Bangsa Indonesia Tahun 1942 terhadap Pemerintahan Belanda di Aceh," *Santunan*, No.56 (1981), 11.

<sup>76</sup> Ismuha, *Pengaruh Pusa*, 24.

organization, the *Pemuda PUSA*, was established, as was a scout group, the *Kasyafa al-Islam*.<sup>77</sup>

The establishment of PUSA was the result of a growing self consciousness and awareness among the Acehnese, particularly on the part of the *'ulamā'*, of their condition under Dutch colonialism. Without judging all *uleebalangs* the same -- there were several *uleebalangs* still concerned about their people -- there were many *uleebalangs* under the protection of the Dutch often acted arbitrarily towards the people. Their attitudes sometimes contradicted the religious teaching. The *'ulamā'* were concerned about this situation but they had no power. The *'ulamā'* needed a powerful organization to perform their function of *al-amr bil ma'ruf wa al-nahy munkr* (enjoining the good and prohibiting evil). Another factor that brought about the establishment of PUSA was the inability of the *'ulamā'* to work collectively, particularly in the field of education. Through this association, they wanted to rearrange and standardize the curriculum of all *madrasas* built anywhere in Aceh.<sup>78</sup> Most importantly, however, the *'ulamā'* wanted to renew Islamic teachings and to defend the Islamic religion from every kind of assault.<sup>79</sup> In order to achieve this, PUSA and the Acehnese *'ulamā'* decided to send three representative *'ulamā'* to join a Japanese fifth-column group called *Fujiwarakikan* at Penang, Malaya (now Malaysia) for the purpose of trying to drive out the Dutch.<sup>80</sup> Through this alliance, the Acehnese hoped to expel the

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<sup>77</sup>Siegel, *The Rope Of God*, 96.

<sup>78</sup>Anggaran Dasar dan Rumah Tangga dari Persatuan Ulama Seluruh Aceh (PUSA), 1940, p. 3 (typescript).

<sup>79</sup>*Ibid.*

<sup>80</sup>According to Nur El-Ibrahimi, it is not true that Said Abubakar went to the Japanese in Malaya on PUSA's instruction, as Paul Van't Veer mentions in his book, *Perang Belanda di Aceh*, p. 374. The Acehnese *'ulamā'* sent by PUSA were Tgk Abd Hamid Samalanga, H. Ahmad Batee, Tgk Abd al-Samad Seuncubok Rambong and Peutua Husein. See Nur El-Ibrahimi, *Tgk Muhammad Daud Beureueh* (Jakarta: Gunung Agung, 1990), 32.



Dutch from Acehese lands,<sup>81</sup> even though the disturbances preceding the Dutch collapse in Aceh were attributable to two large-scale uprisings during the apocalyptic months of early 1942.

The first uprising in the sub-district of Seulimuem, Aceh Besar (Great Aceh),<sup>82</sup> began in the latter half of February 1942, then died down for a couple of weeks, but was rekindled in the last few days before the Japanese landing. The Seulimuem uprising was made possible by collaboration among prominent '*ulamā*' such as Tgk Abdul Wahab Seulimuem and Tgk Hasballah Indrapuri. *Pemuda Pusa* (Pusa's Youth), A. Hasjmy and Tgk Ahmad Abdullah and several *uleebalangs*, the most important being Teuku Muḥammad Ali Panglima Polem.<sup>83</sup> In early March 1942, the second large-scale uprising broke out in the sub-district of Calang, Aceh Barat (West Aceh). Finally, Dutch rule was brought to a sudden and dramatic end by the Japanese invasion of the entire Indonesian archipelago.

Actually, the Japanese interregnum lasted only three and a-half years. The main purpose of the alliance formed by the '*ulamā*' with the Japanese was to oust the Dutch from Aceh in order to be able to practice their religion freely. The Japanese initially promised the Acehese '*ulamā*' that the Islamic shari'a would be put into effect.<sup>84</sup> The Acehese were, however, forced to accept a Japanese occupation of Aceh though they did win some privileges. The Japanese did not establish their own schools nor did they limit the curriculum of the *dayahs* and *madrasas*. The other advantage of the Japanese presence was the opportunity it

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<sup>81</sup>A. J. Piekar, *Atjeh en de Oorlog met Japan* (S-Gravenhage: W. Van Hoeve, 1949), 305.

<sup>82</sup>It was sometimes called Aceh Proper.

<sup>83</sup>Morrice, *Islam and Politics*, 98.

<sup>84</sup>S. M. Amin, *Sejenak Meninjau Aceh*, 64.

offered to the Acehnese to acquire military training. This opportunity was welcomed by the Acehnese '*ulamā*' who encouraged the youth to enter the *Giyu Gun* in order to learn from Japanese officers. The *Giyu Gun* established in Aceh was composed of an estimated 5,000 soldiers, and the overwhelming majority of these soldiers were PUSA youth.<sup>85</sup> The '*ulamā*' were to play their trump card when in 1945 these highly trained soldiers drove out the Japanese and later defended Acehnese territory against the Dutch attempt to re-colonize it.

The Acehnese '*ulamā*' had never imagined that the Japanese would attempt to colonize Aceh. Therefore, when they realized that they were being treated as a colony, for instance when the Japanese forced the people to perform the bow of homage (*keirei*), unrest erupted once again. At least two rebellions were led by '*ulamā*' against the Japanese. The first rebellion, *Perang Bayu* (Bayu Rebellion), in Aceh Utara (North Aceh) was led by a *dayah* scholar named Tgk Abdul Jalil.<sup>86</sup> He had had his doubts about the Japanese ever since the first landed in Aceh. Realizing how Japanese actions could destroy the Muslim faith, he organized a rebellion along with his disciples in his *dayah*. The second rebellion called Prang Pandrah (Pandrah Rebellion), also took place in Aceh Utara. Although this rebellion was led by a local leader it had its origins in a *fatwā* by a religious scholar who also went by the name of Tgk Abdul Jalil.<sup>87</sup>

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<sup>85</sup>Morrice, *Islam and Politics*, 112.

<sup>86</sup>Nouruzzaman, "The Role of '*Ulamā*' During the Japanese Occupation of Indonesia 1942-1945" M.A. thesis, McGill University, Montreal, 1975, 112-117. Reid, *The Blood of The People*, 113.

<sup>87</sup>*Ibid.*, 132.

#### D. The Period Since Indonesian Independence

On August 24, 1945 the Japanese military authorities in Aceh announced publicly that the war was over.<sup>88</sup> Two days after this event, an aircraft dropped leaflets over Aceh with the message: "*Perang telah selesai. Jepang sudah mengaku tunduk tidak dengan perjanjian.*" (The war is over. Japan has unconditionally accepted defeat). At the bottom of these leaflets were written the following words: *Hidup Indonesia!! " Hidup Seri Ratu!!* (Victory to the queen!! Victory to Indonesia!!).<sup>89</sup> In view of such leaflets, the Acehnese leaders predicted the return of the Dutch.

Several weeks passed, however, and news of the August 17 declaration of independence in Jakarta became widespread in Aceh. Rumors of independence led to the periodic raising of Indonesian flags during September. The Acehnese *'ulamā'* still expected the Dutch to be alarmed at the declaration of Indonesian independence, and warned that they would try to recolonize Indonesia. The Dutch began to exert military pressure, and by September 1945 they had already established their presence in Medan.<sup>90</sup> The British Navy occupied the Weh island and port of Sabang on 7 September.<sup>91</sup> This situation forced the *'ulamā'* to hold a meeting in which it was decided to support the Indonesian Republic which had just declared its independence. The *'ulamā'* issued a declaration entitled

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<sup>88</sup>The news of Indonesian independence was received late by the Acehnese. It was publicly announced by Japanese on August 24, 1945.

<sup>89</sup>Ismuha, "Ulama Dalam Perspektif Sejarah", 79.

<sup>90</sup>Anthony Reid, *The Blood of People*, pp. 151-152.

<sup>91</sup>*Ibid.*, 187.

"Declaration of 'ulamā' throughout Aceh" signed by four eminent 'ulamā', Tgk M. Daud Beureueh, Tgk Ahmad Hasballah Indrapuri, Tgk Ja'far Siddiq and Tgk Hasan Krueng Kale. The declaration urged the people to unite behind "our great leader Sukarno" in resisting a Dutch return to "our fatherland Indonesia". Since the Dutch would once again "try to destroy our pure religion as well as repress and hamper the glory and prosperity of the Indonesian people," the four 'ulamā' stated that the struggle for independence was a sacred cause, properly known as a *perang sabil*.<sup>92</sup>

The news of the battle of November 10, 1945 at Surabaya (East Java) convinced the Acehnese 'ulamā' that the declaration of the 'ulamā' throughout Aceh was not enough to face the situation in the country at that time. What was needed was to gather the people and to inform them that the appropriate conditions for a *jihād* (holy war) now applied. On 17 November a number of 'ulamā' gathered in the Baiturrahman Mosque and formed an Islamic army the *Lasykar Mujahidin*, to pursue the holy war. This *lasykar* was led by Tgk M. Daud Beureueh, one of 'ulamā' who had signed the aforementioned declaration of 'ulamā'. This volunteer military organization in a short time set up branches in each region and district. Later the *Lasykar Mujahidin* changed its name to *Devisi Tgk Chik Di Tiro* and in East Aceh named *Devisi Tgk Chik Paya Bakong*. *Devisi Tgk Chik Di Tiro* was continued under Tgk M. Daud Beureueh and *Devisi Tgk Chik Paya Bakong* was led by Tgk Amir Husein Mujahid.<sup>93</sup>

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<sup>92</sup>Osman Raliby, *Documenta Historica* (Djakarta: Bulan Bintang, 1953), 57-58. Seksi Penerangan/Dokumentasi Komite Musyawarah Angkatan 45 Daerah Istimewa Atjeh, *Atjeh Modal Evolusi 45* (Kutaradja: n. p., 1960), 61.

<sup>93</sup>Jarahdam I, *Dua Windu Kodam I/Iskandar Muda* (Banda Aceh: Kodam I/Iskandar Muda, 1972), 1-8.

Motivated by the spirit of holy war, the Acehnese struggled vigorously to achieve their aims. They believed that through fighting a holy war they would win either way; if they died they would go to paradise and if they lived they would free their country from the Dutch occupation. Seeing the Acehnese defend their country so passionately Dutch troops did not enter Aceh, even though the Dutch had strong headquarters in Medan as did the British Navy on Sabang island. The first Dutch aggression on July 21, 1947 failed to proceed to Aceh. In recognition of the importance of the role of *'ulamā'* in Aceh, the central government appointed Tgk M. Daud Beureueh as Military Governor of Aceh, Langkat and Tanah Karo,<sup>94</sup> along with several assistants among them *'ulamā'* such as Tgk Abdul Wahab Seulimum.

The second Dutch aggression was launched on 19 December 1948. The Dutch were able to occupy the capital city of the Indonesian Republic, Yogyakarta, and to capture the president (Sukarno), vice president (Moh. Hatta) and several ministers. The only region which the Dutch did not enter at that time was Aceh. To preserve Indonesian independence, the government formed an emergency government under Syafruddin Prawiranegara, which governed from the jungle in West Sumatra,<sup>95</sup> and later in Aceh.<sup>96</sup> Prawiranegara faced serious problems in ruling this emerging country. One of the most crucial being the lack

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<sup>94</sup>Eric Morris, in his "Aceh: Social Revolution and The Islamic vision" writes that Tgk M.Daud Beureueh was appointed as military Governor for Aceh. See Eric Morris, "Aceh: Social Revolution and the Islamic vision" in *Regional Dynamics of the Indonesian Revolution*, ed., Andrew R. Kahin (Honolulu: University of Hawaii Press, 1985), 98. In fact he was military governor of Aceh, Langkat and Tanah Karo. This appointment was made through the Vice President's decree of August 26, 1947 no. 4/wkp/U/47. See Kementrian Penerangan, "Republik Indonesia: Propinsi Sumatra Utara" (Jakarta:1953), 144. Nazaruddin Syamsuddin, *The Republican Revolt: A Study of the Acehnese Rebellion* (Singapore: ISAS, 1985), 27. El-Ibrahimi, *Tgk Muhammad Daud Beureueh*, 43.

<sup>95</sup>Ajip Rosidi, *Syafruddin Prawira Negara Lebih Takut Kepada Allah: Sebuah Biografi* (Jakarta: Inti Idayu Press, 1966), 113-119.

<sup>96</sup>Hasan Saleh, *Mengapa Aceh Bergolak* (Jakarta: Grafiti Press, 1992), 114.

of adequate financial resources to run the government. He, thus, asked Aceh, the only region which could help. The Acehnese *'ulamā'*, together with other leaders, persuaded the people on religious grounds to give away their money as contributions. These funds were spent on the government's needs, at home or abroad and some even went toward the purchase of two aircrafts,<sup>97</sup> the first ever owned by the Indonesian government. In appreciation of the Acehnese contribution, the central government named these aircrafts "Seulawah",<sup>98</sup> the name of a mountain in Aceh.

From these events it is clear that, through the efforts of Tgk M. Daud Beureueh and the other *'ulamā'* who stressed that Islam was the basis of the national struggle, Aceh was able to prevent Dutch reoccupation. It was a matter of great importance for the republican leaders to be able show to the world that the Indonesian Republic still survived in Aceh despite the fact that other major regions, including the capital of the republic, had been recaptured by the Dutch.

Serious differences of opinion between the Acehnese leadership and the Indonesian central government on the development of Aceh led the Acehnese to rebel, in 1953, against the central government. The Acehnese demanded that their region become a province enjoying special treatment. The justification for this demand was, first, that the Acehnese were, for the longest time, involved in the war to defend the country from the Dutch. For nearly a hundred year no development work had been done, and the economy and education had not expanded in Aceh. The Acehnese also wanted to have their rulers chosen from

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<sup>97</sup>Syamaun Gaharu, "Membangun Manusia Yang Utuh dan Integralistik," in *Aceh: Wawasan Nasional Dan Terobosan Pembangunan*, ed. Syarief Harries (Banda Aceh: Pemda Aceh, 1991), 67.

<sup>98</sup>Gerald Dick, "The Story of Garuda Indonesia," *Garuda* (July 1993), 44.

among themselves because, according to them, only a native leader could understand the people's real needs and appreciate the character of the Acehese people, which was rather different, especially in religious and cultural aspects, from that of other Indonesians. The central government, however, adopted a rather different viewpoint. Aceh was united with North Sumatra to make one province. In 1950, Syafruddin Prawiranegara, as caretaker Prime Minister, took a sympathetic view of the Acehese demand for special status, but this demand was denied by the central government when the national policy was re-defined by Sukarno and Hatta as president and vice president. Without judging who was wrong, it can be said that this rebellion involved most Acehese people because it was led by a number of *'ulamā'* who were highly respected.<sup>99</sup> The central government was unable to suppress the rebellion, which lasted nine years, from 1953 to 1962. It came to an end after the central government accepted a special autonomous status (*Daerah Istimewa*) for the Aceh region. The Acehese were given virtual autonomy in matters of religion, customary law (*adat*) and education.<sup>100</sup>

Recently, the role of the *'ulamā'* in Acehese society has undergone several changes, as it has throughout Indonesia, with the modern school system now able to produce *muballighs* (preachers) and Islamic teachers.<sup>101</sup> However, the *'ulamā'* are still in a unique position to interpret the two basic sources of

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<sup>99</sup>Syamsuddin, *The Republican Revolt*, 7; Saleh, *Mengapa Aceh Bergolak*, 346.

<sup>100</sup>See Surat Keputusan Perdana Menteri Republik Indonesia No. 1/Missi/1959; M.C. Ricklefs, *A History of Modern Indonesia: C. 1300 to the Present* (Bloomington: Indiana University Press, 1981), 253; Saleh, *Mengapa Aceh bergolak*, pp. 357-365.

<sup>101</sup>Abd. Munir Mulkan, *Perubahan Prilaku Politik dan Polarisasi Ummat Islam 1965-1987 Dalam Perspektif Sosiologis* (Jakarta: C.V.Rajawali, 1989), 19.

Islamic teachings, the Qurʾān and the hadith.<sup>102</sup> Moreover, the Acehnese *ʿulamāʾ* no longer occupy such important posts in the government structure as governor or *bupati* (district head), which they did in the early stages of Indonesian independence. Many young Acehnese studying outside Aceh, even abroad in secular schools, have returned to form the new intellectual elite which has replaced the *ʿulamāʾ* in these and government posts. Besides, some *ʿulamāʾ* were involved in the 1953 movement and were, therefore, forced to leave their positions in government, only to be replaced in later decades by graduates of the secular schools and the university.

However, Acehnese society is still quite tied to the *ʿulamāʾ*, mainly in religious life. For example, in every Acehnese village there are two leaders, the *keuchik* and the *imum*. The *keuchik* is a secular leader who is responsible for village administration while the *imum* is a religious leader who is responsible for religious services. The *keuchik* and *imum* are regarded as father and mother.<sup>103</sup> The *ʿulamāʾ* also continue to serve at high levels of government, as in the sub-district, district, and provincial governments, with the Majelis *ʿUlamāʾ* (*ʿulamāʾ* council), advising the government on religious matters. The latter institution was established for the first time in Aceh in 1965, and later became a model for the central government of Indonesia and for other provinces.<sup>104</sup> The *ʿulamāʾ* occupy such important positions because the Acehnese are deeply committed to the Islamic religion. The Acehnese have a strong tradition of depending upon the

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<sup>102</sup>Abdurrahman Wahid, "Paradigma Pengembangan Masyarakat Melalui Pesantren," *Pesantren*, Vol. 5, (1988), 8.

<sup>103</sup>Hurgronje, *The Atjehnese*, Vol. 1, 72; Abdullah, *Islam dan Masyarakat*, 89.

<sup>104</sup>Alfian, "Arus Nilai Baru Masyarakat Aceh Dalam Konsep Pembangunan Berwawasan Nusantara" in *Aceh: Wawasan Nasional dan Terobosan Pembangunan*, ed. Syarif Harris (Banda Aceh: Pemda Aceh, 1991), 19.



'*ulamā*' not only in religious matters but also in socio-political issues. Usually the villagers, who do not have higher education, do not have the ability to cope with complicated issues and prefer to follow the '*ulamā*'s point of view in various matters of life, including politics.<sup>105</sup> To follow the '*ulamā*'s guidance is, for them, better in the world and for the hereafter because the '*ulamā*' are regarded as sincere and honest men. Therefore, the government always encourages the '*ulamā*'s support in its programs and political activities.

An example of the '*ulamā*'s political assistance relates to the abortive coup of September 1965 on the part of the Indonesian Communist Party (*Partai Komunis Indonesia*), which resulted in the killing of a number of elite army officers. It was predicted that if the Communist Party were to gain the hegemony in Indonesia, Islam would be endangered, but the government did not yet have the power to ban it. The chief military commander in Aceh, Ishak Juarsa, then asked the '*ulamā*'s point of view.<sup>106</sup> The Acehnese '*ulamā*' then held a meeting and issued a *fatwā* stating that communism was *harām* (prohibited by Islam) and that whoever became a member of this party would be a *kāfir* (unbeliever).<sup>107</sup> Supported by this *fatwā*, the military, together with the Muslim youth, launched its anti-communist action. This action began in Aceh even before it did in Java.<sup>108</sup>

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<sup>105</sup>Interview with Safwan Idris, August 19, 1993. Safwan Idris is chairman of MDI (*Majlis Dakwah Islam*—Islamic Da'wa Council) Aceh Province, an organization allied with Golkar. He is also vice president of Persatuan Dayah Inshafuddin.

<sup>106</sup>Ismuha, "Ulama Aceh Dalam Perspektif Sejarah," 97.

<sup>107</sup>Tgk Abdullah Ujong Rimba, "Prasaran Pada Musyawarah Alim Ulama Se-Daerah Istimewa Atjeh tgl 17-18, Desember, 1965."

<sup>108</sup>Hamish McDonald, *Suharto's Indonesia* (Honolulu: The University Press of Hawaii, 1981), 63.

The influence of the *'ulamā'* can also be seen in the relative success of Indonesia's three political parties: the PPP (Partai Persatuan Pembangunan-Development Unity Party), Golkar, and the PDI (Partai Demokrasi Indonesia-Indonesian Democratic Party). Of all these parties, only the PPP is regarded as an Islamic party by most Indonesians because it has its roots in four previous Islamic parties ( P. I. Perti, N. U, Muslimin and PSII). Golkar is regarded as the government party and occupies itself with national issues. The PDI is regarded as representative of nationalist interest and also leans to the left. Because the PPP is seen as an Islamic party, most of the *'ulamā'* have supported it. In the two general elections (1976, 1982 ) in Indonesia since the fusion of the Islamic parties, the PPP<sup>109</sup> always won in Aceh, while other provinces were taken by Golkar. Only — recently, in the fourth election in 1987 and the fifth in 1992, has Golkar become a minor winner in Aceh<sup>110</sup> and only after Golkar, together with the government, spent a long time and much effort in persuading the *'ulamā'* to offer it their support.<sup>111</sup>

Another example may illustrate how closely the Acehnese are tied to the *'ulamā'*. Birth control was introduced in Indonesia, and especially in Java, in 1963. In the 1970s, it was decided to extend the program to the whole of the Indonesian archipelago, including Aceh province. This program was strongly opposed by the *'ulamā'* because most of them at that time regarded it as *harām*; hence the Acehnese were reluctant to participate in this program. In the early stages of this campaign the government had hardly any success in achieving its

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<sup>109</sup>In 1971 the components of this party were still separate as the PI Party, the NU, Muslimin and the PSII.

<sup>110</sup>Dwight Y. King and M. Riyaas Rasjid, "The Golkar Landslide in the 1987 Indonesian Elections: The case of Aceh," *Asian Survey*, No. 9 (September 1988), 921.

<sup>111</sup>*Ibid.*, 917.

aim. Realizing this problem, the government later asked the *‘ulamā’* for a *fatwā* on whether birth control was permissible. *Majlis ‘Ulamā’* then scrutinized the matter case-by-case indepth and summed up that the program is permissible under conditions: (a) the purpose of the program is to be welfare of human being, (b) the procedures are not contradictory to Islamic principle. After it was recognized as a permissible program by *Majlis ‘Ulamā’* (*‘Ulamā’* Council of Aceh Province) in 1974 <sup>112</sup> the society gradually accepted it and now applies it in family life.

From these examples it can be seen how close the relationship has been and still is between the *‘ulamā’* and the Muslims of Aceh. It is not difficult to imagine how important the *‘ulamā’s* role can be in persuading the community to support development initiatives. Almost all new programs introduced among the people have to be examined by the *‘ulamā’* in order to determine whether they are in accordance with religious doctrine or not. It would hardly be possible to implement any new regulation or program if it were not in accordance with the *‘ulamā’s* point of view.

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<sup>112</sup>Ismuha, "Peranan Ulama Dalam Program KB di Aceh" *Sinar Darussalam*, No. 162/163 (1987), 304.

## Chapter Two

### THE DAYAH AND THE ULAMA

The traditional Acehnese term for the institution known as *pesantren* in Java and throughout Indonesia is *dayah*.<sup>1</sup> The word *dayah*, also pronounced *deyah* by the people of Aceh Besar (Aceh Proper), is derived from the Arabic, *zawiyah*.<sup>2</sup> The term *zawiyah*, which literally means a corner, was believed by the Acehnese to have been first used for the corner of the mosque of Medina where the Prophet Muhammad taught the people in early Islam.<sup>3</sup> These people, the companions of the Prophet, then spread Islam to other places. In the middle ages, this term was understood to refer to those centers of religious and mystic life from where *tasawwuf*, hitherto the domain solely of urban scholars, was brought nearer to the masses.<sup>4</sup> Sometimes this institution developed into a religious school and to some extent a free hostel for travelers in search of spiritual perfection.<sup>5</sup> It is possible that Islam was spread to Aceh both by traditional Arab preachers and also by sufis; this is probably how the *zawiyah* was introduced to Aceh.

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<sup>1</sup>James Siegel, *The Rope of God* (Los Angeles: University of California Press, 1969), 48.

<sup>2</sup>C. Snouck Hurgronje, *The Atjehnese*, translated by A.W.S. O'Sullivan, Vol. 1 (Leiden: E. J. Brill, 1906), 63.

<sup>3</sup>Tgk Mohd. Basyah Haspy, *Appresiasi Terhadap Tradisi Dayah: Suatu Tinjauan Terhadap Tata Krama dan Kehidupan Dayah* (Banda Aceh: Panitia Seminar Appresiasi Pesantren di Aceh Persatuan Dayah Inshafuddin, 1987), 7.

<sup>4</sup>H. A. R. Gibb and J. H. Kramers, *Shorter Encyclopaedia of Islam* (Leiden: E. J. Brill, 1961), 657.

<sup>5</sup>*Ibid.*

Sheikh Ishaq al-Makarani al-Pasī mentioned in his book *Idār al-Haq*, that a band of Muslims, led by Nakhoda Khalifah and consisting of Persians and Arabs, reached Bandar Perlak on the north coast of Sumatra in about 800 A.D and established a settlement there.<sup>6</sup> Indeed, other sources written by non-indigenous people claim that the first Muslim visits to Indonesia were presumably in the seventh century when Arab traders stopped at Sumatra en-route to China.<sup>7</sup> It is very possible that these traders introduced Islam there, as was the case in the other places where Islam was spread by Muslim traders. It is highly probable that the term *zawiyah*, which was so much used in Arabia, thereby came to be introduced into Aceh through this connection.

Even though the *dayah* is considered similar to the *pesantren* in Java and the *surau* in West Sumatra, they are not precisely the same -- at least in their historical background. The *pesantren* existed long before Islam came to Indonesia.<sup>8</sup> Indeed, as Sugarda Poerbakawatja observes, the *pesantren* is more like a Hindu educational institution than an Arab one, despite its Islamic characteristics.<sup>9</sup> The word *pesantren* is derived from *santri* by the addition of "pe" in front and "an" at the end, which in Indonesian means the residence of *santri*, the place where students pursue religious studies. The word *santri* derives from *shastri* (çastri=India), which in Sanskrit means the person who knows the

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<sup>6</sup>Junus Djamil, *Silsilah Tawarikh Raja-Raja Kerajaan Atjeh* (Banda Atjeh: Diterbitkan dengan usaha Adjudan Djenderal Kodam I Iskandar Muda, 1968), 4.

<sup>7</sup>Harry W. Hazard, *Atlas of Islamic History* (Princeton: Princeton University Press, 1952), 45.

<sup>8</sup>Sudirman Tebba, "Dilemma Pesantren Belenggu Politik dan Pembaharuan Sosial " in *Pergulatan Dunia Pesantren Membangun Dari Bawah*, ed., M. Dawam Rahardjo (Jakarta:P3M, 1985), 268.

<sup>9</sup>Soegarda Poerbakawatja, *Pendidikan Dalam Alam Indonesia Merdeka* (Jakarta: Gunung Agung, 1970), 17-18.

Hindu holy book.<sup>10</sup> With the coming of Islam the purpose of this institution shifted from teaching Hinduism to Islam. Another difference between the *pesantren* and the *dayah* is that the former offers classes for children while the latter in Aceh offers education only to adults. The minimum standard for acceptance into the *dayah* is completion of elementary school or mastering the basics of Qur'anic recitation and the ability to write Arabic script.<sup>11</sup>

The *surau*, in Minangkabau, West Sumatra, is an institution indigenous to the region and developed prior to the coming of Islam to Minangkabau. The *surau* belonged to a tribe or *indu*,<sup>12</sup> and was built to complement the *rumah gadang* (the *adat* house) in which several families (known as *separuik* or one womb) lived under the leadership of a *datuk* (chief of the tribe). The *surau* seems to have been used as a place for Hindu-Buddhist rituals as well. It is believed that in 1356, King Adityawarman established a Buddhist *surau* complex in the vicinity of Bukit Gombak, and it seems to have served as a place for young men to gather to learn sacred lore.<sup>13</sup> The *surau*, at that time, also functioned as a gathering or meeting-place and a place to sleep for those male members of the family who had reached adulthood, or and for senile men. This function was related to the Minangkabau custom that the sons did not have rooms in the *rumah gadang* -- their parent's house. Only girls could live in the *rumah gadang* in a room which

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<sup>10</sup>C. C. Berg, "Indonesia," in *Whither Islam? A Survey of Modern Movement in the Muslim world*, ed. H. A. R. Gibb (London: Victor Gollancz & Ltd., 1932), 257.

<sup>11</sup>Muhammad Hakim Nyak Pha, *Appresiasi Terhadap Tradisi Dayah Suatu Tinjauan Tatakrama Kehidupan Dayah*, paper presented in seminar Appresiasi Dayah Persatuan Dayah Inshafuddin at Banda Aceh, in 1987, 8.

<sup>12</sup>Sidi Gazalba, *Mesjid Pusat Ibadat dan Kebudayaan Islam* (Jakarta: Pustaka Antara, 1983), 291.

<sup>13</sup>Christine Dobbin, *Islamic Revivalism in Changing Peasant Economy: Central Sumatra, 1784-1847* (London: Curzon Press, 1983), pp. 120-121.

was built by their parents.<sup>14</sup> With the coming of Islam the *surau* was Islamized. Besides being a place to meet and sleep, the *surau* became a place for the teaching of Islamic principles, for learning Qur'ānic recitation, and a house of prayer. In being a house for prayer at this early stage of Islam in Minangkabau, the *surau* came to function as a small mosque.

With the passage of time, however, a clear separation developed between the *surau* and the mosque. The mosque was considered as essentially a place for acts of devotion in the narrow sense, and was used for instance for the five daily prayers, the *Jum'a* prayer and the two *'id* prayers. On the other hand, the *surau* functioned as a dormitory for the youth, and a place for the teaching of Qur'ānic recitation and the religious sciences, for the practice of various religious rituals, for *suluk*, and as a place of assemblage on various special occasions.

The *dayah*, *pesantren* and *surau* thus have different histories, though they came to have a similar function. It should be noted, however, that the *dayah*, like the *pesantren*, may also have evolved from a Hindu educational institution; Hinduism had existed in Aceh before the coming of Islam<sup>15</sup> even though it was not as strong as in Java. It is possible that Islam influenced the Acehnese so strongly in many aspects of their life that Acehnese society lost all its Hindu coloring. In any case, these institutions resembled each other in that the student had to reside on the campus, which had houses for a teacher and his assistants, a student residence, a mosque or *musalla* (small mosque) and the lecture rooms in

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<sup>14</sup>Azyumardi Azra, "Surau di Tengah Krisis: Pesantren dalam Perspektif Masyarakat", in *Pergulatan Dunia Pesantren: Membangun Dari Bawah*, ed. M. Dawam Rahardjo (Jakarta: P3M, 1985), 156.

<sup>15</sup>P. A. Hoesein Djaja dininggrat, "Islam in Indonesia," in *Islam the Straight Path: Islam Interpreted by Muslims*, ed. Kenneth W. Morgan (New Delhi: Motilal Nanarsidass, 1958), 375.

which the students had their lessons.<sup>16</sup> This campus was administered by one or more persons called *teungku*.

While the Javanese *pesantren* has attracted much scholarly attention, the Acehnese *dayah* has not been studied to the same extent. Anthony Reid has briefly discussed about the institution in his *The Rope of God*, but his work is devoted to its form in the later nineteenth and the first half of the twentieth century. I have not been able to find any study of the history of the development of this institution. Although C. Snouck Hurgronje mentions *deah* (*dayah*) and *rangkang*<sup>17</sup> several times in his *The Atjehnese*, he does not treat it comprehensively or contribute to our understanding of it. The incompleteness of Hurgronje's explanation is understandable because of the short time he spent in Aceh and the limited information which he was able to collect since he could not move about outside of the *linie* (the area under Dutch control). Moreover, the *dayah* was not the main concern of his study.<sup>18</sup> Several studies on the *dayah* in various regions of Aceh have been conducted since the 1970s by researchers from PLPIIS (Pusat Latihan Penelitian Ilmu-Ilmu Sosial -- The Social Science Research Training Center) in Aceh, but these studies are partial, not comprehensive, in that they disregard the history of the *dayah* before the nineteenth century.

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<sup>16</sup>In the *dayah* the lecture room called *bale*.

<sup>17</sup>Another name for the *dayah*..

<sup>18</sup>According to L. F. Brakel, to understand Snouck's point of view, it is important that two factors should be considered. In the first place Snouck was restricted in his movement to the territory under direct Dutch control at the time. Secondly, it should not be overlooked that the purpose of Snouck's book was highly polemical; it was a plea to finish the war once and for all in the only possible way: by occupying the whole of Aceh. See L. F. Brakel, "State and Statecraft in 17th Century Aceh," in *Pre-colonial State System in Southeast Asia: The Malay Peninsula, Sumatra, Bali-Lombok, South Celebes*, eds. Anthony Reid and Lance Castles MBRAS (1979), 57.



According to A. Hasjmy, the prominent local historian, after the Islamic Kingdom of Perlak came into being for the first time in Muharram in 225 A. H. (840 A. D.), the sultān established several Islamic educational institutions. The sultān requested the presence of several '*ulamā*' from Arabia, Persia, and Gujarat to teach in these educational institutions. In order to produce Islamic scholars who would be expected to propagate Islam throughout Aceh, the sultān established a *dayah* named Dayah Cot Kala. This *dayah* was run by Tgk Muhammad Anin, better known as Tgk Chik Cot Kala. This was the earliest Islamic institution of higher education in the archipelago. The '*ulamā*' who graduated from this institution then preached Islam in other regions in Aceh and built other *dayahs* (e.g. Dayah Seureuleu, Dayah Blangpria, etc.)<sup>19</sup> However, there is not enough data available to calculate how many *dayahs* in all were established during the sultānate period. There also is little data to determine when the various *dayahs* came into being. A. Hasjmy who has given much attention to the subject, does not give the precise dates of their establishment. He estimates that Dayah Seureuleu in Aceh Tengah (Central Aceh) was established between 1012-1059, Dayah Blang Pria in Samudra Pase, Aceh Utara (North Aceh) between 1155-1233, Dayah Batu Karang in Tamiang, Aceh Timur (East Aceh), between 1353-1398, Dayah Lamkeuneeuen Aceh Besar (Great Aceh or Aceh Proper) between 1196-1225, Dayah Tanoh Abee, also in Aceh Besar, between 1823-1836, and Dayah Tiro, in Aceh Pidie, between 1781-1795.<sup>20</sup> Snouck Hurgronje mentions the names of several *dayahs* which were in existence before the coming of the Dutch, such as Dayah Ie Leubeue, and Dayah Tiro, both in Aceh Pidie, and Dayah Lamnyong, Dayah Krueng Kale, Dayah Lamseunong, Dayah Tanoh Abee,

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<sup>19</sup>A. Hasjmy, "Pendidikan Islam di Aceh Dalam Perjalanan Sejarah," *Sinar Darussalam*, No. 63 (1975), pp. 7-9.

<sup>20</sup>*Ibid.*, pp. 8-9.

all of the latter in Aceh Besar. Nevertheless he does not mention when these *dayahs* were established.<sup>21</sup>

The *Dayah* in the Sultanate period offered instruction at three levels, *rangkang* (junior), *bale* (senior) and *dayah manyang* (university).<sup>22</sup> In some *dayahs* only the junior and senior levels existed, while in other places only the university level was to be found. In certain places, however, all three levels existed, from the junior to the university. Before students entered the *dayah* they had already learned to recite the Qur'ān, either at home or from a *teungku* in the *meunasah*. Information regarding the curriculum is as scarce as that for the historical background of the *dayah*; no scholar has examined of this matter. Indeed A. Hasjmy has difficulty in showing what was taught in the *dayahs* of the time. He is only able to infer what subjects were taught through analyzing a legal document, the *Kanun Meukuta Alam*, which dates from the period of Iskandar Muda. In this document, it is mentioned that among the 21 requirements to be a sultān are adherence to the law of Allah and to that of the *Rasul* (Prophet Muḥammad) and the maintenance of all Islamic principles. Among the ten requirements to be a minister are knowledge of the religious and secular sciences, trustworthiness, and loyalty. Among the ten requirements to be a *Qadi* are justice, knowledge of the secular and religious sciences, and skill in judgment.<sup>23</sup> On the basis of these points in the *Kanun*, A. Hasjmy draws the conclusion that the aim of the educational institutions at the time was to produce the people who were fitted with the skills to be sultān, minister, *qaḍi* or some other kind of official. It

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<sup>21</sup>Hurgronje, *The Atjehnese*, 26-26.

<sup>22</sup>Using university term here is merely to give a general picture for the sake of comparison by modern Muslims, though this term is not a precise term to use in a pre-modern Muslim.

<sup>23</sup>Di Melek, *Kanun Meukuta Alam*, (np. nd.) Arabic Malay script. pp., 30-61.

follows that the *dayahs* in this period not only trained their students in religious matters -- in the narrow sense -- but also provided instruction in other subjects knowledge of which could enable people to administer the state in various capacities.<sup>24</sup>

However, there are other sources which give us some clues concerning the subjects taught in the *dayah* of that time. For example, during the reign of Sultan Husein (1571-1579), a Meccan scholar from Egypt named Sheikh Muhammad Azhari taught metaphysics.<sup>25</sup> In the time of Sultan Mansur Shah (1579-1585), a prominent scholar, Abu al-Kahar Ibn Sheikh Ibn Hajar, the author of *Şaif al-Qatî*<sup>26</sup> also went to Aceh to teach Islamic law in the *dayah*. At the same time Sheikh Yamani taught theology and Muhammad Jailani Ibn Hasan Ibn Hamid taught logic and *al-Usul al-Fiqh* in Aceh.<sup>26</sup> Furthermore, A. Hasjmy notes that in the period when Iskandar Muda governed the Aceh Islamic kingdom (1607-1636), there were 44 sheikhs who taught various sciences such as philosophy, politics, history, medicine, and agriculture, in addition to the religious matters.<sup>27</sup> As mentioned in chapter one, Iskandar Muda himself was told to obtain military training when he was young.<sup>28</sup>

According to Baihaqi, various religious and secular sciences were taught in the *dayah* prior to the Dutch - Aceh War; these included astronomy, medicine

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<sup>24</sup>A. Hasjmy, "Pendidikan Islam," 13.

<sup>25</sup>Nur al-Din al-Raniri, *Bustanû's-Salatin Bab II, Pasal 13*, ed. T. Iskandar (Kuala Lumpur, Dewan Pustaka, 1966), 33.

<sup>26</sup>Syed Muhammad Naguib al-Attas, *Raniry and the Wujudiyah of 17th century Aceh* (Singapore: MBRAS, 1966), 43.

<sup>27</sup>A. Hasjmy, "Pendidikan Islam," pp. 14-15.

<sup>28</sup>T. Iskandar, *De Hikajat Atjeh* (S-Gravenhage: N.V. De Nederlandsche Boek-En Steendrukkeryj, V.H. L. Smith), 153.

and agriculture.<sup>29</sup> His argument is supported by the fact that a certain Tgk Kuta Karang wrote a book entitled *Taj al-Mulk* concerning astronomy and agriculture. Printed at Cairo in 1891 and at Mecca in 1893, this book contains the modes of calculating favorable times and seasons, of prognostications, of medical arts and methods of reckoning time.<sup>30</sup>

The Dutch-Aceh war was disastrous for the *dayahs*. In many cases, they were burnt to the ground or deprived of their teaching staff through losses on the battlefield.<sup>31</sup> Entire libraries were destroyed, and where there were still books which covered secular sciences such as astronomy etc., there no longer were '*ulamā*' capable of teaching them.<sup>32</sup> Even though the '*ulamā*' rebuilt the *dayahs* during the Dutch occupation their activities and resources remained limited. Some additional *dayahs* were built in remote areas to escape the Dutch control. As a result, however, the *dayahs* were isolated and had only infrequent contact with new intellectuals. The range of subjects taught continued to be limited to those of a religious nature, such as *fiqh*, *tawhid* and *tasawwuf*, which were regarded as embodying the Islamic teachings.

In the 1930s, some of the '*ulama*' in the *dayahs* were influenced by reformist ideas especially insofar as these ideas concerned the educational system. This can be seen in their decision to switch from the *dayah* to the *madrasah*.

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<sup>29</sup>Baihaqi, AK's response to the seminar "Reformasi Pendidikan Dayah" in *Peningkatan Dajaguna Potensi Islam untuk Pembangunan* (Darussalam-Banda Atjeh: Seksi Seminar Panitia Dies Natalis Ke - VIII IAIN Djamiah Ar-Raniry, 1972), 9.

<sup>30</sup>Hurgronje. *The Atjehnese*, 33.

<sup>31</sup>For example, see Mannan Nur, *Studi Tentang Dayah Di Samalanga* (Banda Aceh: PLPIIS, 1975). In his study, he found that nine *dayahs* established during nineteenth century in Samalanga (now a subdistrict in kabupaten Aceh Utara) were closed on account of the situation caused by the war against the Dutch.

<sup>32</sup>Baihaqi, A.K's respon," 9.

Several *madrasahs* were built around that time which sought to adjust the curriculum and teaching methods to changes in the society's needs especially as regards modern science. However, the adjustments were not wholesale because the political atmosphere in Aceh was always unstable and not all '*ulama*' agreed that there was need for such adjustments. The Acehnese leaders and '*ulama*' were often involved in political activity, such as the effort to oust the Dutch and Japanese from Aceh. During the first three years of Indonesian independence (1945-1948) the Acehnese leaders and '*ulama*' were also involved in mobilizing the people to defend their country from Dutch attempts at reoccupation. Likewise during this early period of independence, all the *madrasahs* were brought under state control, while the *dayahs* remained in the hands of private '*ulama*'. Since that time the *dayahs* and the *madrasahs* have existed separately.

While the Acehnese leaders were reorganizing their previously unstable political structure, a dispute unexpectedly arose between the central government (Jakarta) and Aceh (regional government). This disagreement resulted in Aceh's revolting against the central government in 1953, an unfortunate situation which lasted almost nine years. During this period neither the government nor the people made any progress because the situation was hardly conducive for development activity. The *dayah's* activities went on unreformed as they previously had. Until recently, therefore, the *dayah* has continued to focus on traditional Islamic disciplines alone, such as theology, *fiqh* and *tasawwuf*. Arabic is taught as a tool to read and understand the important texts. The teaching of all subjects is based on works by the great '*ulamā*' of the Shafī'ite school of law and are written in classical Arabic.<sup>33</sup>

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<sup>33</sup>For further information regarding curriculum see "Lampiran V. Kurikulum", in *Himpunan Hasil-Hasil Mubes III Persatuan Dayah Inshafuddin di Banda Aceh* (Banda Aceh: Pengurus Besar Inshafuddin, 1986), 33-38.

The method of teaching in a *dayah* is essentially oral and memorizing texts is insisted upon and is accomplished through repetition. The teacher and his students traditionally sit in a circle (*halaqah*), but since the 1960s most of them have used class rooms like those of the secular schools where the students sit on chairs. The teacher explains a religious text to the students who sit around or in front of him and listen to the discussion and participate in it. Another method is for students to go one by one to the teacher with a copy of a text (*kurah*) which they are studying, whereupon the teacher reads the text, gives his comments and annotations on it and then asks the student to read it again. In the most advanced classes, however, discussion is encouraged in all learning activities, and the class resembles a seminar. The teacher, who normally functions as a moderator, here takes on the role of arbitrator as well.<sup>34</sup>

Since the 1980s, efforts have begun to be made by some intellectuals either from the *dayahs* or other schools, to change both the system and curriculum of the *dayah* so as to bring this institution in accord with modern needs. These *dayahs*, however, are referred to as *dayah terpadu* (integrated *dayah*). In curriculum and the method of teaching, they follow the *madrasah's* system. The *madrasah* curriculum is taught in the morning, while for the rest of the day the traditional *dayah* curriculum and system of guidance are followed. These *dayahs* also require their students to take up residence on the campus, as is the case in the traditional *dayah*. However, unlike the traditional *dayahs*, the new integrated *dayahs* do not offer instruction in more advanced texts. Therefore, the quality of Islamic knowledge possessed by their graduate would not allow him to call himself an *'alim*. In the traditional *dayah*, such standard texts as *al-Bajuri*, *al-*

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<sup>34</sup>Correspondence with Tgk Ibrahim, the head of Dayah Darussalihin, Panton Labu, 20-10-1993. See also Rusdi Sufi, *Pandangan dan Sikap Hidup Ulama di Daerah Istimewa Aceh* (Jakarta: Proyek Penelitian Pandangan dan Sikap Hidup Ulama di Indonesia, LIPI, 1987), 29.

*Mahallī*, *Nihaya al-Muhtaj* and *al-fiqh ʿala al-mazāhib al-arbaʿah* in area of *fiqh*, *Ihyā ʿUlum al-dīn* in the area of *tasawwuf*, and *al-Sanūsī* in the area of theology are taught. These are not studied in the *dayah terpadu*. An additional disadvantage of the latter is that they are still new and not widespread.

According to Acehnese custom, study in the *dayah* -- a practice called "*meudagang*" (pursuing religious knowledge) -- normally takes a long time. There was no set period of study in the *dayah*. Basically the student comes to the *dayah* when he wishes and he leaves it when he wishes. Some students study in several *dayahs*, moving from one to another after studying at each for a couple of years. The number of years spent at a particular *dayah* depends on the student's perseverance or the teacher's acknowledgment that the student has terminated his studies. The student would continue his studies in the *dayah* until he is able to lead his own *dayah*. Many years of study in a *dayah* are needed -- a minimum of 12, sometimes even 14 years -- before a person can be considered a member of the *ʿulamāʾ*. The usual way a young student is able to do this is by acquiring the leadership of his group through his ability both to explain the daily *kitab* (text book) and to assist his fellow students when the teacher is absent. As he continues, more students would come to him for help and explanation until, by a rather informal process, he comes to be recognized as a scholar by his teacher, Tgk Chik. There is no awarding of diplomas.<sup>35</sup> Those who leave at certain stages are absorbed into the ordinary walks of life, or they may find employment as teachers in a *meunasah*. The more advanced would probably become preachers

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<sup>35</sup>Some *dayahs* now do issue the diploma only if the student needs it, for instance to continue his studies at IAIN (State Institute of Islamic Studies).

or *imams* of mosques. Some few would continue until they are recognized as '*ulama*' *dayah*.<sup>36</sup>

#### a. Significance of the Institution

The significance of the *dayah* for the Acehnese is four fold: as the center of religious training, as a stronghold of the struggle against colonial penetration, as an agent of development and as a school for society.

##### 1. The *dayah* as the center of religious and intellectual training.

Since Islam first came to Aceh, no other educational institution except the *dayah* has existed in Aceh, as already noted. This institution has produced many prominent religious scholars and prolific authors. In the seventeenth century, during the golden age of the Acehnese Islamic Kingdom, Aceh was a center of intellectual life. During this century, many scholars from other countries came to Aceh either to pursue knowledge, to be enlightened or to take advantage of the place to broaden their knowledge. The well known sheikh Muhammad Yusuf al-Makkasari (1626-1699), one of the most famous scholars of his time in the Malay archipelago, studied in Aceh.<sup>37</sup> Sheik Burhanuddin from Minangkabau, who later become a well-known scholar and helped spread Islam in Ulakan through the

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<sup>36</sup>Teaching in a *meunasah* and being an *imam* are voluntary activities. There is no payment except in the form of *sadaqa*. For their income most of the teachers work as traders or farmers; even some '*ulama*' who lead a *dayah* also work as farmers, and some others as carpenters or machine servicers, etc.

<sup>37</sup>Martin Bruinissen, "The Origins and Development of the Naqshbandi Order in Indonesia," *Der Islam*, No. 67 (1990), 157. Bruinissen mentions that Yusuf gives his *silsila* for the various *turuq* into which he was initiated in the *Risalah Safinat al-Najah*. One of *tariqas* he studied is *tariqa al-Qadiriya* which he learned in Aceh. Muhammad Yusuf, who came from Makasar and came to be known as Maulana Yusuf after he return from Mecca, worked with Sultan Agung Tirtajasa in the Muslim kingdom of Banten. Maulana Yusuf was appointed as the leader of the army of Banten when V. O. C. campaigned war to subdue the Banten Kingdom. Due to his involvement in this war, he was captured by the Dutch and, in 1683, sent into exile to Sri Lanka, and later to Cape Town in South Africa.



*surau* in Minangkabau,<sup>38</sup> also studied in Aceh under sheik Abd al-Rauf al-Singkili.

In spite of the economic and political decline of the Acehese sultānate in the next period, the concern of the Acehese *‘ulama’* with the religious sciences did not diminish.<sup>39</sup> The *dayah* continued to serve the intellectual needs of the people. Before the arrival of the Dutch, the *dayahs* in Aceh were still visited by many peoples from outside. Daud al-Fatani from Patani (now part of Thailand), who later became a great scholar, a prolific writer and a respected teacher for Southeast Asian Muslim students in Mecca, had also traveled to Aceh during the 1760s. He studied in Aceh for two years with Muhammad Zain bin Faqih Jalal al-Din al-Ashī.<sup>40</sup> The latter headed a *dayah* in Aceh and was the author of two well-known works, *Kashf al-Kiram fi bayan al-niyyat fi Takbirat al-Ihram* and *Talkhis al-Falah fi bayan Ahkam al-Ṭalaq wa al-Nikah*.<sup>41</sup>

Among the *‘ulama’ dayah* there were thirteen who wrote scholarly works in Aceh from Hamzah Fansuri until the coming of the Dutch; the works written by them totaled 114 books.<sup>42</sup> Many of these books were devoted to the subjects of *tasawwuf*, *kalam*, logic, philosophy, *fiqh*, *hadith tafsir*, *akhlaq*, history, *tawhid*,

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<sup>38</sup>Taufik Abdullah, "The Pesantren in Historical Perspective," in *Islam and Society in Southeast Asia*, eds. Taufik Abdullah and Sharon Siddiqui (Singapore: Institute of South East Asian Studies, 1988), 986.

<sup>39</sup>Hoesein Djayadiningrat, *Kesultanan Aceh Suatu Pembahasan Tentang Sejarah Kesultanan Aceh Berdasarkan Bahan-Bahan Yang Terdapat Dalam Karya Melayu*, trans. Teuku Hamid (Banda Aceh: Departemen Pendidikan dan Kebudayaan Proyek Pengembangan Permesiuman Daerah Istimewa Aceh, 1983), 62.

<sup>40</sup>H. W. M. Shaghir Abdullah, *Sheikh Daud bin Abdullah al-Fatani: Ulama dan Pengarang Terulung Asia Tenggara* (Kuala Lumpur: Hizbi, 1990), 32.

<sup>41</sup>Alyasa' Abubakar and Wamad Abdullah, "Manuskrip Dayah Tanoh Abec Kajian Keislaman Di Aceh Pada Masa Kesultanan," *Kajian Islam*, No. 2 (1992), 35.

<sup>42</sup>For details on the authors and their works, see Alyasa' Abubakar and Wamad Abdullah, "Manuskrip Dayah Tanoh Abec," pp. 35-40.

astronomy, medicine, and environmental matters. According to Al-Attas, the Malay language also developed in Aceh during these centuries. Hamzah Fansurī (1510-1580) was a pioneer in developing this language both rationally and systematically and he himself used it in the area of philosophy.<sup>43</sup> The works on *fiqh* covered such topics as *ibadah*, inheritance, marriage, economy, and politics. It is well known that the study of the laws of inheritance in *fiqh* demands an understanding of mathematics, even if of an elementary level. This means that, at that time, there must have been offered in *dayah* at least a basic course in mathematics. Works on political science offered in-depth discussions of the business of government and defined the requirements for the position of a sultān or of a minister. In his book entitled *Safinat al-Hukkam*, Jalaluddin al-Tursanī discusses, for example, the rights and the obligations of the sultān and the ministers.

Some of the books by '*ulamā'* *dayah* during sultānate period are still used by Islamic educational institutions in the Malay archipelago, and particularly in Aceh, for elementary students; these work include *Masailal Muhtadi* and *Kitab Lapan*. Both of these books are written in Malay and can, therefore, be readily understood by students who are not able to read Arabic fluently, but who are familiar, to a certain degree, with the structure of that language.

## 2. The *dayah*'s role in the struggle against colonial penetration.

At the time of the coming of the Dutch to Aceh, there were numerous *dayahs* throughout the region. When war broke out, the *dayah* played an important role in the Acehnese resistance. As was mentioned in chapter one, the

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<sup>43</sup>Syed M. Naquib al-Attas, *Islam Dalam Sejarah Dan Kebudayaan Melayu* (Bandung: Mizan, 1990), 68.

sultān and the *uleebalangs* were unable to provide leadership, so that the warriors who wished to continue the struggle to defend their land needed other leaders. At the outset, Teuku Panglima Polem persuaded Tgk Abdulwahab Tanoh Abee to kindle the people's zeal for the war effort. In a meeting which was attended by Teuku Panglima Polem, and some of those *uleebalangs* who still wanted to continue waging the war, Tgk Chik Tanoh Abee said that he would agree to support this movement if the *uleebalangs* first promised to be just in their own attitudes. If any of the *uleebalangs* had taken the people's wealth unjustly, he wanted them to return it; before waging a war against their enemy, they were to purify themselves from injustice. Otherwise, he said, he did not want to become involved in this war and he would not allow his students to do so either.<sup>44</sup>

Had this meeting been fruitless, the other warriors who wanted to continue to pursue the war had to seek other leaders. After much discussion, a group of warriors, called the envoy of *Gunong Biram*, went to a *dayah* at Tiro<sup>45</sup> to find a leader. This envoy was received by Tgk Chik Dayah Cut, the head of the *dayah* at that time. Tgk Chik Dayah Cut supported the views of the *Gunong Biram* envoy and a meeting was held among his students in the presence of the envoy to discuss the problem. Consequently, Tgk Muhammad Saman (who was later to become known as Tgk Chik Di-Tiro), one of the teachers of this *dayah* at that time, was chosen as military leader. To convince the people to follow Saman and to seek their moral and material support, Tgk Dayah Cut held two large meetings in two different *dayahs* at Tiro; the first meeting was at Dayah Krueng and the second in Dayah Lampoh Raya. To obtain weapons a "*teumpeun*" (traditional

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<sup>44</sup>Ismail Jakub, *Teungku Tjik Di-Tiro* (Jakarta: Bulan Bintang, 1960), 40.

<sup>45</sup>*Ibid.*, 42.

weapons *factory*) was built at Tiro which produced different kinds of traditional weapons, such as *rencong*s (Acehnese daggers) and swords.<sup>46</sup>

Before Tgk. Muhammad Saman was chosen as the commander, he had gained military experience attacking the Dutch garrison at Lamkrak, Aceh Besar, together with the students of Dayah Lamkrak. This experience was a great asset to Tgk Muhammad Saman and made it easier for him to win supporters in Aceh Besar. All his friends who had been involved in attacking the Dutch garrison on the previous occasion joined him in collecting funds and recruiting people. After a long period of preparation and consultations, members of all the *dayah*s in Aceh Besar became involved in the war and several heads of the *dayah*s, such as Tgk Chik Tanoh Abey and Tgk Chik Kuta Karang, joined the staff of Saman. Tgk Dayah Krueng Kalee sent his students to fight alongside Tgk Muhammad Saman's troops. Dayah Tiro itself continued to be the primary headquarters of Tgk Muhammad Saman. After the latter died, this *dayah* remained in use as a military headquarters by his descendants who went on fighting until 1910.

It is clear, therefore, that the *dayah*, whatever its name in other locations, often served as the center of resistance against colonial penetration. Likewise, in Pattani, Thailand, the *zawiyah* became a training center for warriors struggling for independence.<sup>47</sup> When Diponegoro waged the war against the Dutch, all the students of *pesantren* Pabelan in Central Java became involved. This *pesantren*

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<sup>46</sup>*Ibid.*, 45.

<sup>47</sup>A. Hasjmy, "Pokok-Pokok Pikiran Tentang Fungsi dan Eksistensi Dayah Dalam Sejarah Perjuangan Bangsa," in *Hasil-Hasil Mubes III PB Inshafuddin*, (Banda Aceh: P.B. Inshafuddin, 1986), 102.

was the headquarters of Kiyai Maja, one of the leading assistants of Diponogoro.<sup>48</sup>

The appearance of *Hikayat Prang Sabi*, which became a powerful vehicle exhorting people to join the holy war in defense of Aceh, is another indication of the involvement of the *'ulamā'* *dayah* in this war. The first indication of this is that the *Hikayat Prang Sabi* was composed in the Acehnese language, which was the language most commonly used by the *'ulama'* *dayah*. It was usual in a *dayah* for three languages to be used, Acehnese, Malay and Arabic. Most *kitab*s (books) in the high *dayah*s were written in Arabic, as were quotations of verses from the Qur'ān and Hadith. In explaining and interpreting the text of the *kitab*, however, Acehnese and Malay were used most often. This is precisely what is found in the *Hikayat Prang Sabi*. Most of words used are Acehnese, though some are Malay and others Arabic, especially in case of quotations from the Qur'ān and Hadith. One of the authors, Tgk Chik Pantekulu, who is known to have contributed to the work, was *dayah* scholar who had studied in the *dayah* Tgk Chik Dayah Cut.

### 3. The *dayah* as an agent of development.

The *dayah* has served Acehnese society by producing community leaders as well as intellectuals in the field of religion. These people have played an important role in guiding their communities on matters of religious belief and practice. However, the *dayah* has been criticized by some intellectuals for producing graduates who possess only religious knowledge and no other useful skills. According to these critics, the *dayah*s ought to produce graduates who have certain skills in addition to religious learning, especially for those who do not

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<sup>48</sup>Komaruddin Hidayat, "Pesantren dan Elit Desa," in *Pergulatan Dunia Pesantren*, ed. Dawam Raharjo (Jakarta: P3M, 1985), 78.

want to continue studying until they become an *'alim*. Because of the rapid development of science and technology there is now a need for skilled workers. It is seen as important that the *dayahs* equip their graduates with skills which would allow them to obtain good jobs. Otherwise, they will be unable to find work and will at best be limited to low-paying jobs, and entrance into the middle and upper classes of society will remain closed to them. This situation is a consequence of the rapid economic and social change in Indonesian society, in general a situation which equally applies to Aceh.

Some *dayahs* have tried to impart several skills to their students. At present these initiative are still limited in scope, however. Such programs are not well organized, rather they are ad hoc, and the kind of training which is offered depends on who is available to teach such skills. This is the case, for example, in Dayah Darussalihin Lam Ateuk Aceh Besar, where the students are trained to sew. The boys are trained to sew *kopiahs*<sup>49</sup> while the girls are trained to sew women's dresses. In some *dayahs* student corporations have also been organized though not professionally.

There were *dayah* graduates who as formal leaders have occupied government positions at various times; there were also many *dayah* graduates who became informal leaders. They were usually active in community development. This tradition continues to the present day, even though many graduates from other schools (*madrasas* and secular school) are also active in public life. Before the coming of the Dutch to Aceh, several *'ulamā'* who had graduated from the *dayah* were active in the economic sphere, mainly in the area of agriculture. For example Tgk Chik di Pasi led the people in building irrigation

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<sup>49</sup> Kopiah is a black coloured cap used by most Indonesians, and particularly by Muslims during prayer.

systems, as did also Tgk Chik di Bambi and Tgk Chik di Rebee.<sup>50</sup> The *'ulamā'* participation in these activities was voluntary and no remuneration was accepted. Around 1963, Daud Beureueh was instrumental in having roads and bridges repaved, and in having a new irrigation channel constructed and the old one cleaned up.<sup>51</sup> It is well known that many of the mosque development project committees were led by the *'ulamā'* *dayah*, or the initiation of the projects motivated by them. For instance Tgk Abdullah Ujong Rimba led two mosque-building projects for his community in the region of Pidie. Tgk Keumala led the board of a mosque development project from a distance: himself living in Medan -- a distance of 500 km from his village and in a different province -- he, nevertheless, became the leader of this committee in his village, Seunuddon, Aceh Utara.

Why the *'ulamā'* *dayah* were often chosen as leaders and organizers is not hard to understand. First, they were themselves keen to get involved in volunteer activities if they considered such activities useful for the people and for religious purposes. This was true of almost every *dayah* graduate, just as it was of the graduates of the *pesantren*, as Habib Chirzin notes.<sup>52</sup> In contrast, the graduates of the secular schools or even the *madrasahs* are more materially oriented even though they are of the Muslim elite. As Ibrahim Husein<sup>53</sup> observes, the behavior of the contemporary Muslim elite who come from the *madrasah* and secular

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<sup>50</sup>Baihaki AK "Ulama dan Madrasah di Aceh," in *Agama dan Perubahan Sosial*, ed. Taufik Abdullah (Jakarta: Rajawali, 1983), 117.

<sup>51</sup>James T. Siegel, *The Rope of God* (Los Angeles: University of California Press, 1969), 61.

<sup>52</sup>M. Habib Chirzin, "Tradisi Pesantren: Dari Harmonitas Ke Emansipasi Sosial," *Pesantren*, Vol. 5, No.4 (1988), 30.

<sup>53</sup>Ibrahim Husein was Rektor of IAIN Ar-Raniry of the time and one of the members of MUI Aceh province.

schools suffers from a crisis in idealism. They are more self-serving and less concerned with the interests of society.<sup>54</sup> This crisis is actually a national one in Indonesia for, as Ali Audah says, the Muslim elite now is less than willing to struggle for the betterment of the youth. They are busy with their own material affairs. He notes, for example, how rare it is for university graduates to adopt teaching careers because of the low salaries.<sup>55</sup> Second, the attitude of the '*ulamā'* *dayah* is perceived and considered by the people more reliable than that of secular leaders. '*Ulamā'* *dayah* are regarded by the people as behaving in accordance with what they require and the way the society wants them to. Third, they also have the ability to encourage the people to participate in development projects which can increase human values. They are able to do this because they possess religious knowledge which they use in exhorting people to achieve these goals. Clearly religious symbols, considerations and purposes strongly influence and motivate the people of Aceh.

Great concern with the community and its interests is evinced by the *dayah* graduates. This is due to the fact that during *meudagang* in the *dayah*, they go through a new kind of personal experience which is distinctly different from their experience before leaving their native village. A *dayah* graduate eventually becomes a person with two cultural backgrounds, one based on the reality of the actual social life he had found in his village and the other something new that he has learnt in the *dayah*. Through the latter he discovers an ideal conception of how society ought to be, different from what was reflected in the actual daily behavior of the Acehnese. Consequently, he finds himself with a mission to

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<sup>54</sup>Arfendi, A. R., "Elit Baru Muslim Menuju Kesamaan Orientasi," *Panjiimas*, No. 443, (September 1984), 16.

<sup>55</sup>*Ibid.*



reform his society. Thus, the *dayah* graduates as a group have tended to see themselves as, and have played the role of, reformers. This explains why one of the most distinctive patterns of Acehnese history has been the periodic recurrence of the '*ulama*' -- led reform movements. Even though they never achieved their intended goal, these reform movements always had an enormous appeal in Acehnese society, especially among the peasants in the countryside.

As the agents of development, the graduates of the *dayah* seem to have played the role of intellectuals bringing new ideas into society. With Islam, they created a common bond among the Acehnese, based on the concept of equality of man in religion despite the differences in social identification separating them. As such, these leaders were able to offer a foundation for the unity of various groups in the village.

#### 4. The *dayah* as the school for society.

Studying at a *dayah* does not require much money. This is an important factor in a society where so many are economically disadvantaged. People may join the *dayah* no matter how poor they are. The *dayahs* generally do not burden students with tuition fees. As Kustadi Suhandang reports, 47 percent of *dayahs* do not charge tuition fees; 20 percent do, but do not require the exact amount.<sup>56</sup> For certain students who are really needy or indigent, the *dayah* itself provides funds, which come either from the Teungku (the head of *dayah*) himself or from the people, who are always ready to contribute.<sup>57</sup> If some *dayahs* nowadays

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<sup>56</sup>Kustadi Suhandang, *Laporan Hasil Penelitian Studi Tentang Dayah Propinsi Daerah Istimewa Aceh* (Banda Aceh:P3KI bekerjasama dengan BAPPEDA Propinsi Daerah Istimewa Aceh, 1992), 40; However, Dayah Darul Ulum MTI Tanoh Mirah does not burden the students with any kind of fee except for their private needs. See U.A. "Pesantren Darul Ulum MTI Tanoh Mirah Prihatin," *Waspada*, July 12, 1984.

<sup>57</sup>Anwar Yusuf and Hasbi Abdullah, *Laporan Tentang Perkembangan Dayah Darussalihin*, np. 1987, 4.

charge tuition fees these usually do not amount to very much. Students who are moneyless often cultivate a rice field or garden which belongs to the *dayah* itself or to those living in the *dayah*'s neighborhood.

The students do not have to pay fees to their teachers or to other administrators. The teachers are not very demanding as regards their own material needs. The needs of their daily life are very simple. The teachers, and especially the head of the *dayah*, usually have their own resources which provide for their daily needs. Some of them receive *sadaqa* (alms) from the people or *zakat* (religious taxes), or they are given money by the people when they give the Friday sermon (*Khutb Jum'at*) or a speech on the occasion of the prophet's birthday celebration. It is also customary for the parents of the students to bring something to the teacher of the *dayah* when they visit their son or daughter. The assistants of the teacher are usually chosen from among the students, and they work voluntarily without payment. Teaching their peers is one of the processes through which the students learn in the *dayah*, and it is also seen as an act *ibadah* (worship). These circumstances have made it easy for people to have a chance to attend the school.

Unlike the *dayah*, the *sekolah*, although not the *sekolah dasar* (elementary school), and the *madrasah* require their students to pay tuition fees.<sup>58</sup> These schools also require the students to wear a uniform which is difficult for the poor to afford, in addition to many other things (including books) which the student has to buy. These expenses are among the reasons why some young people choose the *dayah* as an educational institution. Additionally, study at a *dayah* can be more comprehensive than at other schools because, as mentioned earlier, the *dayah* offers not only various Islamic subjects but also spiritual guidance and physical education. The *tengku*, as a teacher, is not only responsible for providing

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<sup>58</sup>In a *madrasa*, even elementary-level students have to pay tuition fees.

instruction in certain subjects, but also functions as a guardian, trainer, guide and helper. The relationship between student and teacher is much more personal than bureaucratic regulations demand.

b. The Commitment of the 'Ulamā' to the Socio-Political world of the Acehnese.

The socio-political commitment of the 'ulamā' is closely related to the history of Aceh itself which for a long time has remained under Islamic influence. If we accept that the Perlak sultānate was established in the ninth century, Aceh had already been under Islamic influence for ten centuries when the Dutch invaded Aceh. From the time the Islamic Kingdom of Perlak (now a sub-district in East Aceh) came into being the authority was shared between sultān and 'ulamā',<sup>59</sup> secular authority resting with the sultān and spiritual or religious authority with the 'ulamā'. In the golden age of the Islamic Kingdom of Aceh, the complementary character of these two powerful institutions became even more significant: as the Acehnese *hadih maja* (proverb) says "*Adat Bak Po teumeureuhom, Hukom Bak Shiah Kuala*"<sup>60</sup> (the customary law is under the jurisdiction of the sultān and religion is under the jurisdiction of the 'ulamā').

The *uleebalang* constituted part of the ruling apparatus, and applied the sultān's decisions in their respective districts. However, the *uleebalangs* outside of Aceh Tiga Sagi (Aceh Triangle) had autonomy in governing their territory. These *uleebalang* were only obligated to pay tax to the sultān. Therefore, some writers contend that power in Aceh belonged to three groups: sultān, 'ulama'

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<sup>59</sup>A. Hasjmy, "Adakah Kerajaan Islam Perlak Negara Islam Pertama di Asia Tenggara" in *Sejarah Masuk dan Berkembangnya Islam di Indonesia*, ed. A. Hasjmy (Jakarta: PT. Al-Maarif, 1989), 143-172.

<sup>60</sup>See M. Junus Djamil, *Gajah Putih Iskandar Muda* (Kutaraja: Lembaga Kebudayaan Aceh), n.d., 118.

and *uleebalang*,<sup>61</sup> and in situations which threatened Acehese religious life, '*ulamā*' quickly stepped forward to lead the struggle.

When the sultān proved himself incapable of resisting the Dutch invasion, it was the '*ulama*' who wholeheartedly continued to wage the war in defense of their religion, nation and land. The '*ulama*' took turns leading the people in their struggle to protect the Acehese socio-political structure. The Dutch invasion, according to the '*ulamā*' threatened religion. To the Acehese, who were one hundred percent Muslim, Islam was a way of life and since the sultānate period had been the ideology of the state.<sup>62</sup> Islam, it was argued by the '*ulamā*', consists not only of matters of worship but it also encompasses political, social and economic life. A state is a set of institutions and a system; these are manned by the state's own personnel. The state also had to have clearly defined geographical territory. The aggression of the Dutch colonial government struck at the systems which were believed to be part of Islamic teaching.

The aggression has always been regarded as having been particularly violent.<sup>63</sup> The tactics of the Dutch consisted of forcing the Acehese to submit by brandishing weapons, killing many people who resisted and, more importantly executing '*ulamā*' who were reluctant to cooperate with them.<sup>64</sup> The execution of these '*ulamā*' was a particularly grave loss to Acehese society. Tgk Kuta Karang, one of the prominent Acehese '*ulamā*' very committed to the socio-political

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<sup>61</sup>See Siegel, *The Rope of God*, 9; Eric Eugene Morris, *Aceh and Politics*, pp. 24-42; Nazaruddin Syamsuddin, *The Republican Revolt*, 16.

<sup>62</sup>Siegel, *The Rope of God*, 39.

<sup>63</sup>Peter Marsh, "Aggression," in *The Blackwell Dictionary of Twentieth Century Social Thought*, chief eds. William Outwaith & Tome Batlmore (London: Blackwell Publishers, 1993), 9.

<sup>64</sup>Van't Veer, *Perang Belanda di Aceh*, 30.

welfare of the Acehnese, warned the people through his leaflets that the Dutch invasion would destroy welfare, peace and property. The people, he said, were being enslaved: young men were made to serve in the Dutch forces, older men were made to work as planters, young women as concubines and older women as domestic servants.<sup>65</sup> These opinions were probably exaggerated since Tgk Kuta Karang likely embellished details that would appeal to the emotions of the Acehnese. Nevertheless, ample evidence supported their trust in Tgk Kuta Karang's leaflets. For instance, the people who were called *kettingberen* (forced laborers) were sent to perform heavy tasks,<sup>66</sup> and the Dutch sometimes tortured them.<sup>67</sup>

The adverse effects of the Dutch aggression were shown in the history of the Dutch-Aceh war. In their endeavors to defeat Aceh, the Dutch tried to disturb the equilibrium between the traditional forces -- Sultan, *uleebalang* and '*ulamā*' -- by introducing "self-governing" authority for the *uleebalangs* through the *korte verklaring* (short declaration) of 1874. This measure resulted in bad relations between the *uleebalang* and the '*ulamā*', which finally led to a bloody conflict between them not long after Indonesia's independence in 1945. The origins of this clash seem to be traceable to the change in the Dutch colonial policy at the turn of this century in the light of Snouck Hurgronje's suggestion.<sup>68</sup>

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<sup>65</sup>E. Gobee and Adriaanse, *Nasihat-Nasihat C. Snouck Hurgronje Semasa Kepegawaiannya Kepada Pemerintah Hindia Belanda, 1889-1936*, trans. Sukarsih (Jakarta:INIS, 1991), 109.

<sup>66</sup>Alfian, *Perang di Jalan Allah*, 46-47.

<sup>67</sup>Paul Van't Veer, *Perang Belanda*, 199.

<sup>68</sup>Harry J. Benda, *The Crescent and the Rising Sun: Indonesian Islam under the Japanese Occupation 1942-1945* (The Hague and Bandung: Van Hoeve, 1958), Chapter 1. Snouck Hurgronje was a Dutch scholar and was employed in the Dutch Indies (Indonesia) as a counselor for native affairs from 1889 till 1906. After his return to the Netherlands until his death he continued to exercise influence on colonial politics as an adviser to the minister for the colonies, especially in the field of education and religion. See Karel Steenbrink *Dutch Colonialism and*

The Dutch eliminated the sultān, the symbolic figure head of Aceh, from his top position in the power structure. In keeping with Snouck Hurgronje's advice the role of the 'ulama' was to be significantly restricted by limiting their activities to strictly religious matters. The *uleebalang*, under the new colonial administration, were to govern the Acehnese through their Dutch-supported authority as *adat* chieftains. Aceh then was divided into two types of administration: the regions surrounding the capital city, Kuta Raja, with about 50 *uleebalangships*, were under the direct rule of the Dutch, while other regions, with about 100 *uleebalangships*, were under indirect rule or *zelfbestuur*.<sup>69</sup>

With this policy, the Dutch had successfully split the Acehnese forces, creating a continuing conflict between the pro-sultān and pro-*uleebalang* groups. Most of the *uleebalangs* had been prepared to adopt the *korte verklaring* and only a few remained faithful to the sultān. The sultān, however, was fervently supported by the 'ulamā', who were strongly anti-Dutch and who eventually took over the leadership in the struggle against them. Fighting together with those aristocrats who were supporting the sultān, the 'ulamā' gave the war a primarily religious character. Relying heavily on guerrilla tactics, they managed to sustain the struggle for many years and prevented the Dutch from bringing the religion fully under their control until approximately ten years after the sultān had surrendered. Even then, the Dutch were not able to introduce civilian administration in Aceh until the end of 1918, forty-five years after the outbreak of the war.<sup>70</sup>

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*Indonesian Islam: Contacts and Conflicts 1596-1950*, trans. by Jan Steenbrink and Henry Jansen (Amsterdam: Rodopi, 1993), 88.

<sup>69</sup>A. J. Piekaar, *Atjeh en de Oorlog met Japan* ('s-Gravenhage: Van Hoeve, 1949), 7.

<sup>70</sup>Nazaruddin, *The Republican Revolt*, 17.

The greatest impact of the Dutch pacification came, so far as the *‘ulamā’* were concerned, with policies which opened the door to secular education for the Acehnese. The *‘ulamā’* soon realized that the Dutch intended to draw young Acehnese away from their influence. Naturally, they were highly disturbed on witnessing many thousands of Acehnese children being enrolled in secular schools of various kinds and levels. Adding to their bitterness, many of these children, including some of their own, were compelled by the Dutch, through the local *uleebalangs*, to enter semi-modernized secular schools.

It is interesting to note how the Acehnese *‘ulamā’* expressed their deep concerns about the socio-political affairs of their country. In the 1920s, some *‘ulamā’* formed a branch of *Sarekat Islam* (SI) in Aceh. Their main purpose was to unify the Acehnese in their struggle to oust the colonialists and to develop the community especially through economic and intellectual reconstruction. However, the Dutch banned this organization, accused its members of being communists, and tried to arrest them. Tgk Sheikh Abd al-Hamid Samalanga, known as Ayah Hamid, one of the members of this organization, succeeded in escaping to Penang, whence he made his way to Mecca. Besides performing the *hajj* there, he met and talked with Muslims from many countries and became convinced that a process of awakening was under way in the Islamic world. He tried to communicate this sense of re-awakening to his countrymen in Aceh as well. To escape the Dutch censorship, he regularly mailed copies of a local Meccan paper, written in Arabic, to his close friend in Aceh, Tgk Abdullah Ujong Rimba,<sup>71</sup> with his own messages, also written in Arabic, inserted between the lines. He stressed the need for reforming Muslim education, emphasized the importance of political activity for Muslims and drew attention to the struggle for

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<sup>71</sup> Abdullah Ujong Rimba, *Private Historical Note*, 80.

independence going on in other Muslim countries which could serve as models for that of Aceh. These ideas were discussed among Acehnese leaders and taken up by *‘ulamā’* such as Tgk M. Daud Beureueh. This discussion led to the establishment of modern Islamic schools in Aceh, which taught secular as well as religious subjects in a western style classroom situation, rather than in the more informal setting of the traditional religious school (*dayah*). It was hoped that such schools would create people fit for the needs of a society struggling to reach independence.

It should be noted that some of the *uleebalang* did show sympathy to the cause of the oppressed common people under colonialism, and that even led them to become actively involved in the Indonesian nationalist movement. Teuku Nyak Arief and Teuku Muhammad Hasan were two of the most notable ones among them. Teuku Nyak Arief showed his open sympathy with the Indonesian nationalist movement, even during his membership in the Dutch-controlled Volksraad (People's Council). He actively supported the efforts of various social and religious organizations, and especially their educational institutions. Teuku Muhammad Hasan was the first Aceh representative (consul) of the Java-based Muhammadiyah movement, a modernist Muslim organization primarily interested in religious and socio-educational reforms. Teuku M. Johan Shah vigorously supported the establishment of madrasah al-Muslim Peusangan.<sup>72</sup> Teuku Fakeh Mahmud, Teuku Muda Dalam and Teuku M. Ali, all in Pidie, were members of Jam'iyat al-Diniyah who founded madrasah Sa'adah 'Abadiyah in Sigli, Pidie.<sup>73</sup> However, these *uleebalang*s were not able to erase the feeling of dissatisfaction that had already developed among the peasants toward all of them as a group.

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<sup>72</sup>Ismuha, "Tgk Abdurrahman Meunasah Meucap", *Sinar Darussalam*, No. 2 (1968), 43.

<sup>73</sup>Abdullah Ujong Rimba, *Private Historical Note*, 83.



Thus the soil was fertile for the emergence of the *'ulama'* as leaders of the people. Popular dissatisfaction with the *uleebalangs* was one of the reasons why the *'ulamā'* were to receive strong support from the population when they launched their new reform movement which started in the 1920's and culminated in 1939 with the establishment of Persatuan *'Ulamā'* Seluruh Aceh.

Nazaruddin Sjamsuddin points out that the rebellion which broke out in 1953 was due to the deep concern of the *'ulamā'*<sup>74</sup> about conditions in Aceh at that time. As they were very conscious of their historical heritage and cultural uniqueness, the attitude of the Acehnese leaders was based upon their psychological dispositions, economic and political interests, and more importantly, their religious and cultural concerns.<sup>75</sup> Many different views have, in fact, been expressed regarding this rebellion. Some believe that it represents the continuation of the conflict between the *'ulamā'* and the *uleebalang*; this is how Ali Sastroamidjojo explained the revolt to the members of the House of Representative of the time.<sup>76</sup> Another opinion expressed by Feith, is that the rebellion arose as an extension of the nation-wide conflict between Masyumi and PNI.<sup>77</sup> It appears that the opinion which sees the rebellion as a product of the conflict between Aceh and the central government arising from the divergence of their interests is more plausible. The conflict between the *'ulamā'* and the *uleebalang* was not the primary cause. Examination of the biographies of the

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<sup>74</sup>At this time, the Acehnese leaders were not all *'ulamā' dayah*, because some of them had graduated from *madrassas* or secular schools whom Nazaruddin calls *zu'ama*. However, most of the main leaders came from the *dayah*. It should be noted, however, that there also were those among the *'ulamā' dayah* who did not agree with this movement.

<sup>75</sup>Sjamsuddin, *The Republican Revolt*, 39.

<sup>76</sup>Kementerian Penerangan R.I., *Keterangan dan Djawaban Pemerintah tentang Peristiwa Daud Beureueh* (Jakarta: Kementerian Penerangan R.I., 1953).

<sup>77</sup>Herbert Feith, *The Decline of Constitutional Democracy in Indonesia* (Ithaca, New York: Cornell University Press, 1968), pp. 343-348.

'*ulamā*' who were involved in this movement,<sup>78</sup> and the reasons they gave for their participation in the revolt against the central government, reveal that this rebellion had religious coloring. The way this rebellion ended gives credence to its religious causes. As Nazaruddin points out, "to '*ulamā*' utonomy was not a matter of primary concern, nor was it a direct source of political influence. They regarded autonomy merely as a device to maintain and protect the religious values of the Acehnese, in which their deeper interests lay."<sup>79</sup>

After Tgk Daud Beureueh returned from the mountains, he continued his work for the people's religious and economic development. The first program he launched was to reopen *pengajian*<sup>80</sup> in his mosque, Al-A'ia lil Mujahidin. He himself served as a teacher. This *pengajian* course was not conducted at a very advanced level but it was important because it enabled the people to study Islam and to practice it more fervently than before. During the rebellion many educational activities were disturbed because the situation was unsettled. With the opening of this *pengajian* most of the *tokoh-tokoh masyarakat* (the leaders of society), mainly in Beureunuen and around, came to study in the mosque under him. Through this *pengajian*, he inspired the people to rebuild the structures of their villages and to reactivate the *pengajian* in every village.

Tgk M. Daud Beureueh himself rebuilt his mosque, which had been left to crumble after he had gone to the mountains. The wealthy people, as well as the

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<sup>78</sup>See Fachry Ali, "Teungku Beureueh dan Masyarakat Aceh Dewasa ini," *Panji Masyarakat*, No. 518 1986; Hasan Saleh, *Mengapa Aceh Bergolak* (Jakarta: Grafiti Pers, 1992); James Siegel, *The Rope of God* (Berkeley: University of California Press, 1969); Nazaruddin Syamsuddin, *The Republican Revolt : A Study of the Acehnese Rebellion* (Singapore: ISAS, 1985).

<sup>79</sup>Nazaruddin Sjamsuddin, *The Republican Revolt*, 8.

<sup>80</sup>*Pengajian* is the study of a religious subject.

regional and central governments, also contributed to later stages of the reconstruction of this mosque. But by the time of his death in 1982, this mosque had still not been completed, despite the donations from many sources. In fact, he did not channel these funds exclusively to building this mosque but always contributed to other mosques being built throughout the region. According to Tgk Mansur,<sup>81</sup> Tgk M. Daud Beureueh contributed funds to the construction of 14 mosques within Pidie.

As described by James Siegel, Tgk M. Daud Beureueh spent the rest of his life trying to unify the people with one rope, "the rope of God". This was his obsession, one for which he continued campaigning for years and on every occasion.<sup>82</sup> What Tgk M. Daud Beureueh did symbolizes the *'ulamā'*'s obsession with the task of unifying the people through religion. Hundreds of other *'ulamā'* also did the same as Daud Beureueh to unite the people under Islam. These campaigns always stressed the practical advantages in following Islamic teaching. It was argued, for example, that giving *zakat* is one way in which ties can be formed between the rich and the poor. This practice of giving *zakat* was not only encouraged by the *'ulamā'* but in most places also controlled by them.

In preserving the socio-political status quo of the Acehnese, the *'ulamā'* have often used various media. *Da'wa* (sermon) is one of the most effective of these. In Aceh, even today *da'wa* is still the best way to disseminate an idea. Whenever a *da'wah* is held, the site is crowded with people even when it is in a huge open area. In the *dayah*, *da'wa* is taught as a special subject. Every student is trained to be a good preacher. Therefore, many well-known preachers come

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<sup>81</sup>Daud Beureueh private's secretary.

<sup>82</sup>One of his speeches is quoted entirely by James Siegel in his *The Rope of God*, on pages 263-275.

from the *dayah*. Their *da'wa* is appreciated by the people -- especially the village people -- much more than that delivered by preachers coming from a secular school or *madrasah*, including preachers who graduated from the IAINs (State Institute for Islamic Studies).

During the first few years of the new order, Tgk M. Daud Beureueh traveled around Aceh giving speeches on the goals of Islam. His tour attracted large crowds and always received press coverage. Tgk M. Daud Beureueh was not the only *'alim* who gave speeches on this subject. Hundreds of prominent preachers were invited by people to give speeches, especially in celebrating *Isra' Miraj*, the prophet Muhammad's birthday and *Nuzūl al-Qur'ān*. These preachers included such well known *'ulamā'* as Tgk Ayub Sami and Tgk Usman Gumpung in Pidie, Tgk Hasballah Indrapuri and Tgk Abdul Wahab Seulimum in Aceh Besar, Tgk Tanjungan Samaiağa and Tgk Keumala in Aceh Utara, and Tgk Kruet Lintang and Tgk Husein Al-Mujahid in Aceh Timur. Besides emphasizing matters of *ibadah*, they always urged hard work to strengthen the economy, the sending of children to schools and preservation of culture by keeping Aceh as "*Serambi Mekkah*" (the verandah of Mecca). Some *'ulamā' dayah* also used the *tariqa* as a medium to educate the Acehnese to be pious men. During the 1960s and 1970s, the well known sheikh Yatim al-Khalidi, who came from Dayah Tangan-Tangan, West Aceh, traveled all over Aceh to persuade people to become members of the *Naqshbandiya tariqa*. Through this *tariqa* close ties were encouraged between Muslims, especially between disciples and teacher.

The spiritual regeneration of the Acehnese people has remained the paramount goal of the *'ulamā'*. After Aceh won the status of *Daerah Istimewa* (special status region) the *'ulamā'* made every effort to develop the *istimewa* along religious lines. On the one hand, they tried to achieve this by passing the

Regional Regulation No. 6/1968 on the implementation of elements of Islamic law in Aceh.<sup>83</sup> On the other hand, many *'ulamā'* preached to the people to maintain a united community of the faithful and to follow the Islamic teaching. A. Hasjmy, ex-governor of Aceh, was himself one of the Acehnese *'ulamā'* advocating Islam as the best way of life. This *'alim*, who was more effective as an author than as a speaker, used his pen in his *da'wa* activities. In one of his articles, he states: "God has affirmed that the Qurān must be the basic guide for Muslims not only with regard to personal matters but also in matters of state and society. This means that the Qurān contains all guidance, directives and regulations mankind needs for all human activity."<sup>84</sup>

Until recently, the *'ulamā'* continued to closely watch the situation in Aceh, reacting to anything that went contrary to their beliefs. During the 1970s the *'ulama'*, together with the *umara* (government) arrived at an agreement that anything which could be seen as *maksiat* (violation of God's law), such as gambling, prostitution, or drinking alcohol, would be prohibited at the regional level. That agreement is still in effect today. Thus, when the central government wanted to build an alcohol factory in Aceh Timur in 1984, the *'ulamā'* strongly protested because, according to them, it was inappropriate for the Daerah Istimewa Aceh to produce something prohibited by the religion which was professed by its people. Although some argued that alcohol itself was not *harām* (prohibited), and became *harām* only when used as a drink, the Acehnese *'ulamā'*, argued that the existence of an alcohol factory in Aceh would be harmful for the

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<sup>83</sup>See "Peraturan Daerah Propinsi Daerah Istimewa Aceh No. 6/1968 tentang Ketentuan-Ketentuan Pokok Pelaksanaan Unsur-Unsur Syariat Islam" in Sekretariat DPR-GR Propinsi Daerah Istimewa Aceh Notulen Sidang ke-IV DPR-GR Daerah Istimewa Aceh 1968 (yang membahas Rancangan Peraturan Daerah Tentang Ketentuan-Ketentuan Pokok Pelaksanaan Unsur-Unsur Syariat Islam) (Banda Aceh, 1968), pp. 365-368.

<sup>84</sup>A. Hasjmy, "Al-Qur'ān Sebagai Undang-Undang Dasar Negara," *Sinar Darussalam*, No. 1 (March 1968), 10.

youth because they would be able to procure alcohol more easily. In 1986, in the early stages of Ibrahim Hasan's tenure as governor of Aceh, the Acehnese *'ulamā'* called for a prohibition on the sale of PORKAS (lottery) in Aceh. The lottery was sold nation-wide and tickets were sold in other provinces, as well. Lottery, the Acehnese *'ulamā'* argued on the basis of Qur'ān, 2:219, 5:50, is gambling and is thus prohibited by Islam. As a matter of fact, addiction to gambling often leads to crime and breaks up many families. Towards the end of 1993, the lottery was finally prohibited by the government all over the country after a long fight by members of the *Dewan Perwakilan Rakyat* (House of Representatives) and following protests in many regions of Indonesia in which the *'ulamā'* took an active part.<sup>85</sup>

Generally, the concern of the *'ulamā' dayah* with Muslim education has remained unflagging. Almost all the *dayahs* in Aceh were built on the initiative of the *'ulamā'*, who were concerned at the lack of availability of religious instruction to young people. One of the indications of the *'ulamā's* initiative is that many *dayahs* were established on the *'ulamā's* own land. This dependence on individual *'ulamā'* and their generosity also partly explains the inability of *dayahs* to survive permanently. Usually *dayah* would cease to exist upon the death of the *'ulamā'* who head it and own the land on which the *dayah* is built.<sup>86</sup>

*'Ulamā'* and *dayah* in Aceh are inseparable from Acehnese society. The *dayah* has produced religious scholars since Muslim society was first formed there. The *'ulamā' dayah* have consistently responded to all kinds of problems

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<sup>85</sup>Observer, 10-12-1993. This newspaper provides no precise date though it can be inferred from the news item in it that lottery had been prohibited by the date of this news. For further discussion see *Tempo*, 20 December (1993), 32-39.

<sup>86</sup>Tgk Ibrahim Ishaq, *Peranan Dayah Dalam Upaya Meningkatkan Pembangunan Umat, Lingkungan Hidup dan Bangsa*, paper presented on Hardikda Majlis Pendidikan Daerah Istimewa Aceh, 7-8 September 1992 at Banda Aceh, p. 1.

that have appeared in Aceh in order to ensure that life can be lived in accordance with Islamic teachings. The consistency of their commitment to Islam and society has earned them very considerable respect and influence in Aceh.

## Chapter Three

### MODERNIZATION AND FIQH ORIENTATION

#### A. The Problem of Modernization and its effect on Islam.

Islamic Modernism is a tendency and a movement to bring the thought and life of Muslim people into harmony with the present age and to make Islam responsive to change in modern society. The message of the movement is that Muslims can live, engage in, and contribute actively to the modern world while remaining faithful to their religion. This movement came into existence as a result of great developments in various dimensions of human life, such as politics, economics, science and technology. The basic characteristic of science and technology is to keep changing and developing from one era to another. Had it is always changeable, therefore, it constantly has an impact on human life. Change in thought, education, economics, agriculture and society become, as a result, inevitable.

Until the twelfth century of the *hijra*, the term “modernism” was not known. In this period, the Islamic sciences, including *fiqh* (Islamic law), developed from epoch to epoch in keeping with the development of society. It is believed by Muslims that the essential source of Islamic law is the Qurʿān, which is expounded or interpreted by the *sunna*. Both of them, therefore, are considered as primary sources of guidance. As the Islamic society grew and spread, the problems faced by Muslims of succeeding generations were different from those faced by earlier ones. Muslims came into contact with other cultures, and influenced, and were influenced by, those cultures. As a result, the development of Islamic law depends



on the actual scientific, technological and economic conditions prevailing in a particular epoch and in a particular region. Thus, the form and content of law has differed from period to period, which illustrates the dynamic nature of the world-view of Islam.

In the period of the 'Abbāsīd caliphs, Islamic law had developed considerably, just as had other branches of knowledge such as *ilm al-kalam* (theology), *tafsir*, *ḥadīth*, *tasawwuf*, philosophy, literature, medicine, mathematics, optics, astronomy etc. This period has been described by historians as the golden age of development of Islamic science. In this period, independent thinking and the exercise of *ijtihād*, were viewed favorably. Islamic law was worked out in detail; the 'ulamā' even tried to formulate answers to legal problems which had not yet appeared.

However, after the fall of Baghdad in the thirteenth century Muslim intellectual life began to decline. At the same time the right to an independent exercise of *ijtihād* came to be disputed. According to Joseph Schacht, the decline of Islamic thought had begun in the tenth century when some 'ulamā' came to believe that Islamic law had been elaborated in detail and all essential questions had been thoroughly discussed and finally settled. This presumption brought about the opinion on the part of 'ulamā' that the door of *ijtihād* was closed.<sup>1</sup> The closing of the door of *ijtihād* amounted to the demand for *taqlid*.<sup>2</sup>

Schacht's thesis has been vehemently questioned by Hallaq. According to Hallaq, much evidence points to the fact that this argument finds no support

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<sup>1</sup> Joseph Schacht, *An Introduction to Islamic Law* (Oxford: The Clarendon Press, 1991), pp. 70-71.

<sup>2</sup> *Taqlid* means the unquestioning acceptance of the doctrines of established schools and authorities. Thus, a person entitled to *ijtihād* is called *mujtahid* and a person who practices *taqlid* is *muqallid*.

whatsoever in the literature and in fact runs against everything Muslims said and did. He further argues that Muslim jurists of the tenth/eleventh century had no doubt about the infinite number of cases that might appear and that require legal solution. Going to war, levying extra-legal taxes, conferring titles on military rulers, and a multitude of other issues required a word of authority -- the *fatwā* of the *mujtahid*.<sup>3</sup> A similar opinion is expressed by Brinkley who states that every scholar who delivers a non-binding legal opinion, known as *fatwa*, is *mufti*, and to be able to give a *fatwa* involves a process of legal interpretation called *ijtihād*.<sup>4</sup> If this view is correct, it follows that *ijtihād* never ceased to exist in the Islamic world, because wherever and whenever an Islamic state existed there were a number of *muftis* appointed by the government who, when solicited, gave *fatwās* which dealt with problems faced either by the government or a private citizen.<sup>5</sup>

However, the following period, particularly after the fall of Baghdad, was marked by a lethargy in developing Islamic thought. Intellectual activities were then carried on only by *muftis* who were usually specialists on law and could give an authoritative opinion on points of doctrine according to the various legal schools of law (*madhhab*). Understandably, when the time comes for the triumph of a narrow and defensive theology, which, in the name of official orthodoxy, puts fetters on free research, and persecutes scientists and confines them, then science is not slow to disappear. Therefore, as was shown by history, Muslims for a long period could not adjust to the changes and the developments of the modern world. These circumstances were worsened by the contention on the part of some Muslims that

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<sup>3</sup>Wael B. Hallaq, "Origins of the Controversy about the Existence of Mujtahid and the Gate of Ijtihad," *Studia Islamica*, Vol. 43 (1986), 132-135.

<sup>4</sup>Brinkley Messick, *The Calligraphic State: Textual Domination and History in Muslim Society* (Berkeley: University of California Press, 1993), 140.

<sup>5</sup>E. Tyan, "Fatwa," in *First Encyclopaedia of Islam*, 1913-1936. M. Th. Houtma, et al. eds. (Leiden: E. J. Brill, 1987), 866-867.

all Islamic principles are absolute: absolutely right, everlasting, unchanging and immune to change.<sup>6</sup> This view was often held as a religious dogma, which created an inability on the part of Muslims to accept ideas which were different from what they believed to be true. This attitude made people hold solidly to the ideas which they possessed and rendered them incapable of accepting any alteration and at the same time led them into ways that were traditional, emotional and irrational.<sup>7</sup>

In the course of Islamic history, the teachings derived from the *ijtihād* of the *‘ulamā’* were very often held to be absolute and unchanging. This conviction has led towards a rigid dogmatism which was myopic and not open to new problems. The changes which were caused by science and technology were considered as *bid‘ah*,<sup>8</sup> and therefore contrary to religion. One example can be seen in the experience of Mutafarrika. Ibrahim Mutafarrika was an Ottoman statesman and diplomat, a pioneering reformer, and the founder of the first Turkish printing press.<sup>9</sup> From his experience of service as a diplomat in several countries in Western Europe he had come to believe that the use of printing would help the propagation and the revival of learning among the Muslim people. He, therefore, attempted, in 1719, to found a printing press in Turkey. Unexpectedly, a number of people, particularly calligraphers, staged a demonstration against him. They sought to

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<sup>6</sup>In fact not all Islamic teachings are absolute, absolutely right, everlasting, unchanging and immune to change. For instance, the comments of the *‘ulamā’* on the Qur’ān (*tafsir*) and Islamic law (*fiqh*), are not absolute because they constitute their personal opinion in the interpretation of scripture. Absoluteness in Islam belongs only to the Qur’ān and *sunna*. For further discussion see Harun Nasution, "Kata Pengantar," in *Perkembangan Modern Dalam Islam*, Harun Nasution and Azyumardi Azra, eds. (Jakarta: Yayasan Obor Indonesia, 1985), pp. 1-9

<sup>7</sup>*Ibid.*, 1.

<sup>8</sup>*Bid‘ah* means deviation or innovation, hence "heresy"

<sup>9</sup>Niyazi Berkes, "Ibrahim Mutafarrika," in *The Encyclopaedia of Islam*, B. Lewis, et al., eds. (Leiden: E. J. Brill, 1971), Vol. 3, 998.

instigate the people against printing in the name of the safety of religion.<sup>10</sup> Mutafarrika then asked for a *fatwā* which would authorize him to print books, and requested that the act of printing be declared by the *Sheikh al-Islam* to be commendable and useful for Muslims. The *Sheikh al-Islam* issued a *fatwā* permitting him to print books on any secular subject, but not to print the Qurʾān or books on religion, such as on the subjects of *ḥadīth*, *tafsīr*, *fiqh*, etc.<sup>11</sup>

Many other episodes in Islamic history would resemble Mutafarrika's experience. Science and technology have for many centuries been ignored by Muslim thinkers and scientific advances made by non Muslims have often been viewed with suspicion. In recent years, and mainly from the middle of the nineteenth century, however, the Muslim elite has tried to change this situation. Modern universities and research institutes have been founded in the great capitals of the Islamic world, and there can be nothing but rejoicing at a revival which thus links the present with the glorious past.<sup>12</sup>

With the rapid development of science and technology there arose many problems which had to be faced by Muslims. However, for years the problems were left unresolved, while science and technology continued to be in Western hands. This was one of the weaknesses of the Muslim countries during the time, one which led to weakness in other areas, such as economics and politics. In the

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<sup>10</sup>Mutafarrika had argued, in fact, that printing would facilitate the reading and ensure the preservation of a work, since the printed page is more legible and durable; it would reduce the cost of new books and thus enable everybody to buy them; it would facilitate the founding of more libraries; it would put an end to the printing of Islamic books by Europeans, who filled them with errors and ugly and finally, it would make the Turks the sole leaders and protectors of learning in the world of Islam. See Niyazi Berkes, *The Development of Secularism in Turkey* (Montreal: McGill University Press, 1964), 40.

<sup>11</sup>*Ibid.*, 40-41

<sup>12</sup>G. Anawati, "Science," in *The Cambridge History of Islam*, P. M. Holt et al., eds. (London: Cambridge University Press, 1970), 779.

nineteenth century, therefore, almost all Muslim countries fell under European control. A good illustration of this was the European invasion of Southeast Asia, where vast number of Muslims live, at the beginning of the sixteenth century, and the control the Europeans exercised over that region until the first half of the twentieth century. The native peoples were repeatedly defeated in politics, economics, industry and of course, on the battlefield. Indonesia was colonized by the Dutch, Malaysia and Brunei were controlled by the British and the Philippines were occupied by Spain and later controlled by America. The Ottoman empire, the nominal guardian of the Muslim *ummah*, not only was unable to resist the onslaught, but itself became one of its victims.<sup>13</sup>

The Muslims came to realize their weaknesses after the political, economic, social and cultural foundations of Muslim societies were challenged and shaken by Western penetration and domination. Western encroachment took the form of military victories, political and economic domination, and the imposition of western educational systems and legal codes.<sup>14</sup> Under such conditions, Muslim intellectuals embarked upon reforming Muslim thought, a movement which is known as modernism. Modernism developed into an overall effort to establish the ability of Muslims to face the new challenge. From the very first reactions of the Muslim leaders towards the West, political and intellectual factors have gone hand in hand. Jamal al-Din al-Afghanī (1838-97), who called upon Muslims to challenge and resist the domination of Western powers, also appealed to Muslims to cultivate modern scientific and philosophical knowledge and to establish popular and stable

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<sup>13</sup>Ali E. Hilal Dessouki, "Islamic Modernism," in *The Encyclopedia of Religion*, ed. Mircea Eliade (New York: Macmillan Publishing Company, 1988), 14.

<sup>14</sup>*Ibid.*

governments at home.<sup>15</sup> He asserted that Islam is compatible with science, that in the past there had been Muslim scientists, and that only the present state of Islam could support the opposite view.

Al-Afghanī devoted his life and talents to the cause of Muslim revival. By his talents as a philosopher, writer, orator and journalist, al-Afghanī stirred up the zeal of the Muslims simultaneously throughout the Muslim world. The activities of this remarkable man also had an impact as those European countries whose governments were involved in the affairs of the Muslim peoples. Afghanistan, Persia, Turkey, Egypt, India all, at one time or another, experienced his potent contact and were affected by it. Muḥammad Abduh and Ahmad Khan, two modernists of the nineteenth century, emphasized the importance of science even though they held different views as to the relationship of it to Islamic teaching.<sup>16</sup>

With the help of his faithful disciples, among them Muḥammad Abduh, who had been exiled from Egypt for complicity in the Arab uprising, Afghanī published the Arabic weekly newspaper *Al-Urwa al-Wusqa* from Paris. The objective of this effort was to awaken the Muslim peoples to the need for uniting their forces against Western aggression and exploitation, and for paying attention to the modern sciences which had developed in the West.<sup>17</sup> Muḥammad Abduh, besides being a prominent *‘alim*, was also a philosopher keen on establishing that reason and rationalism as understood in the Western intellectual tradition were also

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<sup>15</sup>Fazlur Rahman, "Revival and Reform in Islam," in *The Cambridge History of Islam*, eds. P. M. Holt et al. (London: Cambridge University Press, 1970), 642.

<sup>16</sup>Fazlur Rahman, *Islam* (Chicago: University of Chicago Press, 1979), pp. 214-218. Muḥammad Abduh, convinced that science and the faith of Islam cannot be in conflict, argued that faith and scientific reason work on different levels. Sayyid Ahmad Khan contended that people had to adjust religion to contemporary science.

<sup>17</sup>Sami Abdullah Kaloti, "The Reformation of Islam and the Impact of Jamal al-Din al-Afghanī and Muḥammad Abduh on Islamic Education" (Ph.D. dissertation, Marquette University, 1974), 51.

highly regarded in Islam. In his treatise entitled *Risalat al-Tauhid*, Abduh emphasized the role of reason in Islam and its power to enable people to distinguish truth from falsehood. Thus, our religion, according to Abduh, must be interpreted by reason.<sup>18</sup>

The bases of modern reformist thinking as described above were supplied by such pre-modernist reform thinkers as Ibn Taimiyah. However, the purificationist reforms transmission of pre-modernist days can only have prepared the ground for, but not directly contributed to this modernist thinking. Indeed, in so far as the former's emphasis was literally on a "going back" to the Qur'ān and the *sunna*, it had been appeared a positive impediment in the way of progressive thinking; and, in fact, most reactionaries or revivalists took a stand against modernist thinking on these very grounds.<sup>19</sup> The unanimous call of all the pre-modernist reforms for *ijtihād* did, however, prepare the field for the modernist to start his work. Thus Abduh for instance, could reject the traditional teaching that the doctrines of the Qur'ān and *sunna* had been authoritatively expounded once and for all by the doctors of the first three centuries of Islam and that no free investigation of sources could be tolerated.<sup>20</sup> His own works have left a deep impact on the modernist movement in Egypt as well as in other parts of the Muslim world, including Indonesia.<sup>21</sup>

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<sup>18</sup>Muhammad Abduh, *Al-Risalah al-Tauhid* (Egypt: Muhammad Subki wa auladihi, 1903), 23.

<sup>19</sup>Rahman, "Revival and Reform in Islam," 644.

<sup>20</sup>Muhammad Abduh, *Al-Manar*, (Egypt: Dar al-Manar, 1968), vol. 2, p. 456.

<sup>21</sup>Abd al-Mukti Ali, "The Muhammadiyah: A Bibliographical Introduction" M. A. thesis, McGill University, Montreal, 1957, 14.

Gradually, Muslims have begun to devote attention to the modern sciences. Though they have not achieved much progress in that field, they have begun at least to open the door to the flow of science and technology from Western states. Significantly, with recent developments in science and technology on a global scale every new discovery can spread all over the world in a relatively short time. Innovations in one country can be known in others almost immediately through media and other channels of information transmission.

With modern scientific developments, all kind of new opportunities have been created. New forms of economic activity have supplanted, or at least joined the traditional farmer or merchant. Various kinds of jobs have appeared in which one can earn more money than a traditional farmer does, such as artist, architect, physician, consultant, etc. In the medical field, experts do not merely provide several kinds of drugs and effective treatment to their patients but are also able to help people by transplanting organs or even fertilizing the embryo outside of the human body. All these developments, for Muslims, need however to have an exact legal status, which would define whether or not they are permissible in Islam. Modernization creates opportunities but also brings new problem. The problems of modernity need, therefore, to be addressed by the Muslims.

#### B. *‘Ulamā’ dayah* and the problem of change in Islamic Law.

As mentioned in chapter two, the *dayah* has undergone several changes both in numbers and quality which were caused by the Dutch-Aceh war, which lasted a long time, and by the Dutch control in the period of their occupation of Aceh. One of the great changes in the *dayah*'s quality was the reduction of its curriculum; consequently, the *dayah* has, since that time, usually focused on the



traditional Islamic disciplines alone. Even though the *dayahs* provide religious knowledge, whereby to create a better understanding of the Book of God and the teachings of His Prophet, their devotion to *fiqh* is greater than to other subjects. *Tauhid* and *tasawwuf* are not studied as vigorously as *fiqh*. Islamic history is given even less importance than *tawhid* and *tasa'wwuf*, while other subjects considered secular subject (*pelajaran umum*) are studied optionally. This situation is found in traditional *dayahs*, but things are different in *dayah terpadu*, which has appeared in very recent times and in which all subjects are integrated into one system.

The prominent '*ulamā'* *dayah* of Aceh, who have important roles to play at present graduated from the *dayah* during the time of Dutch occupation or of early Indonesian independence, when the *dayahs* did not yet give much attention to other kinds of knowledge. The '*ulamā'* *dayah*, therefore, are much more knowledgeable in *fiqh* than in the other areas, and this makes them more concerned about the changes in Islamic law. It is common in Acehnese society for people to pay great attention to matters of *halal* or *harām* in their religious life as these matters are discussed in *fiqh*. In fact, in Indonesia generally, Muslims accord to *fiqh* an important place in their religious life; as Ali Yafi notes, *fiqh* is the most concrete manifestation of Islam in social life.<sup>22</sup>

Numerous examples attest to the concern of the '*ulamā'* *dayah* with respect to changes in Islamic law, as decided either individually or collectively. However, here I shall cite only three cases, viz. *zakat jasa* (religious tax from a professional worker), *bayi tabung* (test-tube baby), and *pencangkokan tubuh* (organ transplantation), as examples of the '*ulamā'* *dayah's* attitude toward modern issues and the legal status of such cases in Islamic law. These cases can be seen as

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<sup>22</sup>Ali Yafi, "Merantai Yang Hilang," *Pesantren*, Vol. 2, No. 2 (1985), 36.

representative because, in the first place, they are truly modern, i.e. they are not the classic points of dispute between modernists and traditionalists such as reciting *usalli* at the beginning of *ṣalat* (prayer) or the number of *raka'at* of supererogatory worship (*ṣalat tarawih*) and reciting *qunut* in *ṣalat subh* (dawn prayer) etc. In the second place, these cases were decided upon collectively by all '*ulamā'* *dayah*' through a seminar held by '*ulamā'* *dayah*' in Inshafuddin. For comparison with the opinions of the '*ulamā'* *dayah*', I shall also note in what follows the opinions of modern Islamic intellectuals or "modern '*ulamā'*'" (if we may call them so), such as the heads of the *fatwa* section of the central MUI, MUI Aceh province, Muzakarah Al-Azhar, and Majlis Tarjih of Muhammadiyah, which the latter is really representative of modern Islamic intellectual organizations.

#### 1. Zakat Jasa.

In 1969, Yusuf Qarḍawī, one of the prominent modern scholars of Islam and an advocate of *ijtihād*, wrote a book on *zakat*<sup>23</sup> which had a large impact on Indonesian Muslims. The freshness of the approach consisted of the concept of *zakat jasa*.<sup>24</sup> (religious tax from professional workers). This term was not known by Indonesian Muslims before it was introduced by Yūsuf Qaḍāwī in his *Fiqh al Zakat*. Indonesian '*ulamā'*', particularly the '*ulamā'* *dayah*' in Aceh, usually made

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<sup>23</sup>In his introduction to this book, Qarḍawī mentions that it was written in Jumād al-awwal 1389/ June 1969. See Yusuf Qarḍawī, *Fiqh al-Zakat* (Beirut: Dar al-Irshad, 1969), 36. Zakat sometimes is translated as alms giving, religious tax or charity.

<sup>24</sup>*Zakat jasa* is an Indonesian term which is translated from Yusuf Qarḍawī's term "*Zakat kasbi wa al-amali wa al-mihna al-hurrah*". This term means: 1) work without dependence on other people, but based on one's own skills, such as that of a physician, artist, engineer, tailor, carpenter etc; 2) work which depends on other people by whom one is paid, such as government functionaries. Yusuf Qarḍawī, *Fiqh al-Zakat* (Beirut: Dar al-Irshād, 1969), Vol. 1, 487.

reference only to the classical writings of the four prominent legal schools in whose law books there is no explicit mention of this term.<sup>25</sup>

Yūsuf Qarḍāwī, who expounds this idea, also mentions that the modern system of income, which is of great volume and derives from various sources, was not known by the *faqīhs* (jurists) of the past. However, Qarḍāwī states that his teachers, such as Abd al-Raḥman, Muḥammad Abu Zahrah and Wahab Khalaf, once examined this matter in their lectures on *zakat* in Damascus in 1952.<sup>26</sup> After Qarḍāwī published his book, *Fiqh al-Zakat*, the concept of *zakat jasa* came to be vehemently discussed among Muslim intellectuals, both traditionalist and modernist, and the book was widely read by Indonesian Muslims after it was translated from Arabic into Indonesian.

In Aceh, this issue has been a heated point of debate since 1978, when the MUI (*Majlis 'Ulamā'* Indonesia -- Indonesian '*Ulama*' Council) of Aceh province issued a *fatwā* stating that *zakat jasa* is obligatory for Muslims. It was a very controversial idea not only for the '*ulamā'* *dayah* who were still bound to the Shafī'i school of law, but for other Muslim intellectuals as well. Moreover, the MUI of Aceh province did not base its *fatwā* on a certain school of law (*madhhab*), but rather on a principle deduced from Qur'ān 2: 267.<sup>27</sup> This verse actually gives a very general ruling concerning the obligation of paying *zakat*. For this reason, therefore, the implementation of the *fatwā* was not very effective, because most of the Acehnese, notably the '*ulamā'* *dayah*, disagreed with this *fatwā*. In 1980,

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<sup>25</sup>Tgk Nashiruddin Daud, "Zakat Jasa Dalam Pandangan Mazhab Yang Empat," in *Hasil Keputusan Rapat Kerja (Raker) Persatuan Dayah Inshafuddin Th 1989* (Banda Aceh: Pengurus Persatuan Dayah Inshafuddin, 1989), 10.

<sup>26</sup>*Ibid.*, 489.

<sup>27</sup>A. Halim Tosa and Kustadi Suhendang, *Laporan Penelitian Dayah dan Pembaharuan Hukum Islam di Aceh* (Banda Aceh: P3M IAIN Ar-Raniry, 1990), 53.

Ibrahim Husein, a functionary of MUI and at the same time the head of the Religious Department in the government of Aceh, decided that every official of that department had to pay *zakat* when his salary reached a certain limit, called *nisab*.<sup>28</sup> Most of the officials of this department did not agree with this decision because they were not convinced that Islam obliged them to pay *zakat* on their salary. In order to understand their position, it must be pointed out that most of these officials came from the *dayah*, or at least from teaching institutions the beliefs of whose teachers were similar to those of *'ulamā'* *dayah*, and this was especially true of the older officials. What is more, most Acehnese adhere to the Shafī'i school of law, because in Aceh, since the Sulṭānate period, the Shafī'i school of law had been recognized by the state as the official school of law, though following other schools of law was not prohibited.<sup>29</sup>

The leaders of other Muslim organizations in Aceh later came to accept this *fatwā* after the MUI undertook through its *muballighs* a fervent propaganda campaign. Seeing that their civil servants received good salaries many organizations also decided to collect *zakat* from their earnings; this happened, for example, at IAIN Ar-Raniry, Dolog Aceh and BKKBN (Badan Koordinasi Keluarga Berencana -- Family Planning Coordinating Board). Subsequently, it has been followed by some big companies such as Aron, A. A. F (Aceh Asian Fertilizer)

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<sup>28</sup>*Nisab* is an annual charge on property of a certain amount which has remained in the possession of a person for a whole year.

<sup>29</sup>Ibn Battuta, *Rihla Ibn Batuta* (Dar al-Kitab al-Bannani, Maktab al Madrasa, n.d.), 409-411. Rasul Hamidy, *Laporan Penelitian Sejarah Perkembangan Ilmu Fiqih di Indonesia: Studi Kasus di Propinsi Daerah Istimewa Aceh* (Banda Aceh: Lembaga Riset & Survey IAIN Ar-Raniry, 1988/1989), 65; P. A. Hoessein Djajadinigrat, "Islam in Indonesia," in *Islam the Straight Path: Islam Interpreted by Muslims*, ed. Kenneth W. Morgan (New Delhi: Motilal Banarsidass, 1987), 376. Viewing the history of the development of Islamic law in Indonesia, most of the *'ulamā'* who helped spread Islam in Indonesia were disciples of the Shafī'i school of law. For further discussion see Sirajuddin Abbas, *40 Masalah Agama* (Jakarta: Penerbit Pustaka Tarbiyah, 1992), Vol. 2, 206-207.

and P.I.M (Pupuk Iskandar Muda -- Iskandar Muda Fertilizer). Some of the officials paying *zakat* gave even more than they were obliged to because they realized that the people around them were very needy while they possessed more than enough money.<sup>30</sup> However, many people raised the question of what the legal status of *zakat jasa* really was. In fact, no individual of the *'ulamā'* *dayah*, during that time, contended that it was obligatory to pay *zakat jasa*.

Since the problem had been raised, the *'ulamā'* had to provide an answer to the question with a convincing argument. In their workshop in 1989, the *'ulamā'* *dayah* from the Persatuan Dayah Inshafuddin decided that *zakat jasa* should be one of the subjects to be discussed in addition to questions regarding organ transplantation and test-tube babies. The unforeseen result of the *'ulamā'* deliberations was that they came to accept *zakat jasa* as obligatory. The discussion was conducted independently; they did not refer to the MUI *fatwā*, nor did they object to it, but in some points the *fatwā* of the *'ulamā'* *dayah* is different from the MUI's 1983 *fatwā*. The differences are the following:

a) The MUI did not bind its judgments to a certain school of law, even though in their discussion the *'ulamā'* of MUI sometimes cited the view of certain scholars; conversely the *'ulamā'* *dayah* issued their *fatwā* by binding themselves to four schools of law: Shafi'ite, Hanbalite, Hanafite and Malikite.<sup>31</sup>

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<sup>30</sup>See H. M. Yusuf Asry, "Zakat Gaji Penghasilan Dan Aktualisasinya: Hasil Penelitian di P. T. Aron, Aceh, "Dialog, No. 33 (January 1991), pp. 46-50.

<sup>31</sup>The *'Ulamā'* *dayah* associated with Persatuan Dayah Inshafuddin where the workshop was held, are followers of Shafi'i's school of law, as stated in its organizational constitution (Anggaran Dasar): "Inshafuddin adalah organisasi Islam, dibidang 'aqidah menganut faham Ahlussunnah Wal Jama'ah (Sunny) dan dalam Syai'at menurut mazhab imam Syaifi'y r.a." See P. B. Inshafuddin, *Himpunan Hasil-Hasil Mubes-III Persatuan Dayah Inshafuddin* (Banda Aceh.: 1986) 13. The title of the paper in which *zakat jasa* was discussed is "Zakat Jasa menurut Pandangan Mazhab Empat," ( Zakat Jasa in Four Schools of Law). See Tgk Nashiruddin Daud, "Zakat Jasa Dalam Pandangan Mazhab Yang Empat" in *Hasil Keputusan Rapat Kerja (Raker) Persatuan Dayah Inshafuddin Th 1989* (Banda Aceh: Pengurus Besar Persatuan Dayah Inshafuddin, 1989), 10.

b) The MUI obligates *zakat* because of *jasa* (a professional job).<sup>32</sup> On the other hand, the '*ulamā'* *dayah*' contend that *jasa* or *profesi* is not one of the obligatory causes for the paying of *zakat*, but whether obligatory or not, issuing *zakat* is dependent on the income from those kinds of jobs. In this case, money, gold, silver or livestock, if they reach a certain limit are to be paid as *zakat*.<sup>33</sup> This means the obligation of paying *zakat* is not due to *jasa* but rather if someone possesses money or something has money value, from wherever source, either it is the result the person's skills such as those of an artist, boxer, or physician, or it is paid by an individual or a company for whom the person works, such as the salary received by an officer.<sup>34</sup> The '*ulama'* *dayah*' gave their judgment based on the four schools of law, and contend that if a Muslim possesses money in an amount which reaches *niṣāb* he must contribute *zakat*.<sup>35</sup> The '*ulama'* *dayah*' then elaborate in their *fatwā* the various ways of earning money which were unknown when the *imams* of the four schools discussed the problem. Deciding that money (currency) is

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<sup>32</sup>Badan Harta Agama Propinsi Daerah Istimewa Aceh, *Keputusan Majelis Ulama Propinsi Daerah Istimewa Aceh: Zakat Tanaman dan Jasa* (Banda Aceh: 1978), 31.

<sup>33</sup>*Nisāb* differs with different kinds of property, the most important being 200 dirham in case of silver, twenty mithqāls in case of gold. The *niṣāb* of money in cash is the same as that of silver or gold, according as to whether the cash is held in silver or gold. In case of merchandise of all kinds, the value is calculated on the basis of, and *niṣāb* is judged by, the silver standard. In case of ornaments, the *niṣāb* is that of silver, if the ornaments are made of silver, and that of gold, if they are made of gold. In the case of animals, the *niṣāb* is five for camels, thirty for bulls or cows and forty for goats. In case of horses, no particular *niṣāb* is mentioned, but *zakat* in this case is judged by price and the *niṣāb* must be judged by the same standard. In case of cereals, the *niṣāb* is five *wasāqs*, according to two different calculations; this comes to twenty-six maunds and ten seers, or eighteen maunds and thirty-five and a half seers, or nearly a ton in the first case, and about two-thirds of a ton in the second. See Ibrahim Muhammad Ibrahim Jamil, *Fiqh al-Muslim 'ala Madhahib al-Arba'ah* (Beirut: Dar al-Jil, 1992), pp. 273-278; Maulana Muhammad Ali, *The Religion of Islam* (Ohio: Ahmadiya Anjuman Ishā'at Islam, 1990), 349.

<sup>34</sup>Daud, *Zakat Jasa*, 10.

<sup>35</sup>Daud, *Zakat Jasa*, pp. 10-11. To strengthen his idea he cites the views of the '*ulamā'* of the four schools of law, which he quotes from Abd al-Rahman al-Jaziri's book, *Fiqh 'Ala Madhahib al-Arba'ah* (Beirut: Dar al-Ahya Turas al-Arabi), Vol. 1 pp. 601-606.

subject to the obligatory imposition of *zakat*, they maintained that the money which is deposited in a bank by a Muslim is also subject to *zakat* if it reaches the *nisab*, without having to wait for the time of the term of the deposit. The money possessed by someone in the form of credit would also necessitate *zakat*, but it would not be obligatory until the money is paid.<sup>36</sup>

c) Another difference concerns the *niṣāb*. The MUI of Aceh province analogized the *niṣāb* of the *zakat jasa* to that of the *zakat* on *zuru'* (cereals), while the *'ulamā' dayah* based their view on an analogy between the *niṣab* of *zakat jasa* and that of the *zakat* on gold or silver. However both groups of *'ulamā'* agree that the rate of *zakat jasa* is 2.5 per cent. The reasoning of the MUI is that because the rate of this *zakat jasa* is established by no clear text (*nash yang sareh*), it is, therefore, decided that it should be the smallest amount, which is 2.5 per cent. The *'ulamā' dayah* based their rate on that of gold, which too is 2.5 per cent. Even though the MUI analogized *zakat jasa* to *zakat zuru'*, in deciding the rate of *zakat jasa* it does not extend the analogy to the rate of the *zakat zuru'*, which is set at 10 percent. In fact, at the first seminar of the MUI of Aceh province in 1978, it was decided that the rate of *zakat jasa* was similar to that of *zakat* on gold or silver, but later, at the 1981 workshop the MUI changed this to invoke a comparison with *zuru'*. According to the MUI, the later decision was more just because many Indonesians, and particularly the Acehnese, are farmers.<sup>37</sup>

According to the results of the research conducted by IAIN Ar-Raniry, before the *'ulamā' dayah* issued their *fatwā* most Acehnese people, and primarily

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<sup>36</sup>Daud, *Zakat Jasa*, pp. 23-24.

<sup>37</sup>*Keputusan-Keputusan Rapat Kerja Komisi "B" (Fatwa Hukum) dan Musyawarah Majelis Ulama Se Daerah Istimewa Aceh, 22-27 Maret 1983 di Banda Aceh* (Banda Aceh: Panitia Pelaksana Rapat Kerja Komisi "B" dan Musyawarah Majelis Ulama Se Daerah Istimewa Aceh, 1983), 2.

those who had graduated from *dayahs* had contended that *zakat jasa* was not obligatory. Only 22.5 per cent believed that it was obligatory, while 51.25 per cent stated that it was not, and 21 per cent had no answer.<sup>38</sup> It was estimated that after the '*ulamā*' *dayah* issued their *fatwā*, most people, and notably the alumni of *dayahs*, changed their views. This is understandable, because a *fatwā* issued by the '*ulamā*' *dayah* is more easily accepted by the people than a *fatwā* of the MUI, which is regarded as constituted of the government's '*ulamā*'.<sup>39</sup>

## 2. Bayi Tabung.

The term *Bayi Tabung* in Indonesian is equivalent to the term "test-tube baby," which in medical science is known as *in vitro fertilization* (IVF).<sup>40</sup> This is a process whereby a woman's egg (ovum) is removed from the ovaries and fertilized in a laboratory dish with a man's sperm. If a normal embryo (zygote) results, then it is inserted into the woman's womb.<sup>41</sup> The embryo insertion procedure is called embryo replacement or embryo transfer.<sup>42</sup> In other words, *bayi tabung* is conception through fertilization outside of the womb, though the rest of the process

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<sup>38</sup> A. Halim Tosa and Kustadi Suhandang, *Laporan Penelitian Dayah (Pesantren) dan Pembaharuan Hukum Islam di Aceh* (Banda Aceh: Pusat Penelitian dan Pengabdian Masyarakat (P3M), IAIN Ar-Raniry, 1989/1990), 58.

<sup>39</sup> Ibid.

<sup>40</sup> H. Aboebakar Oemar, "Bayi Tabung (Fertilasi in Vitro, Embrio)", *Ar-Raniry*, No. 68 (1990), 42. Aboebakar Oemar uses the term "Fertilasi in vitro" because he Indonesianizes the term which originally is *in vitro fertilization*. For further discussion regarding IVF see John F. Leeton, Alan O. Trounson, and Carl Wood, "IVF and ET: What it is and How it Works," in *Test-Tube Babies: Guide to Moral Questions, Present Techniques and Future Possibilities*, eds. William Walter & Peter Singer (Melbourne: Oxford University Press, 1984, 4-10).

<sup>41</sup> John F. Leeton, Alan O. Trounson, and Carl Wood, "IVF and ET: What it is," 2.

<sup>42</sup> Maureen McTeer, *The Tangled Womb: The Politics of Human Reproduction* (Toronto: Harper Collins Publishers, 1992), 34.



still takes place inside the womb. The activities which follow monitor the development of the baby the same as the usual attention to pregnancy.

Test-tube babies represent a significant innovation in the scientific world of medicine. This issue attracted world-wide attention when Dr. Patrick Steptoe used the process to produce a baby for Lesley and John Brown in Britain in 1978.<sup>43</sup> Subsequently the procedure was used in India and Australia<sup>44</sup> and in the same year the issue began to be discussed vigorously in Indonesia.<sup>45</sup> A couple who choose to have a test-tube baby are motivated by the desire to have a son or daughter and yet are unable to have a baby through the normal means. Usually a couple has a baby through a sexual relationship, but in fact not all couples can have children through the regular process because of an abnormality, for example the woman's inability to conceive because of a blocked tube.<sup>46</sup> Roughly 10-20 percent of all couples have difficulties in having progeny<sup>47</sup> and the problem quite often interferes with the couple's marital happiness. That is the basic reason why medical scientists developed IVF, as an endeavor to help childless couples.

According to medical experts not all embryos (zygotes) are taken and inserted into the womb; only the best ones are taken and the remaining are left to die. This procedure has raised the question for Muslims whether to do so is allowed

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<sup>43</sup>Patricia Spallone, *Beyond Conception: The Politics of Reproduction* (Massachusetts: Bergin & Garvey, 1989), 8.

<sup>44</sup>Tony Harrington, "Life Rally told Embryos may be Killed," in *Test-Tube Babies: A guide to moral questions, present techniques and future possibilities*, eds., William Walter and Peter Singer (Melbourne: Oxford University Press, 1984, 36..

<sup>45</sup>See *Pelita*, September 23, 1978; *Kedaulatan Rakyat*, October 16, 1978; *Panjinus*, No. 253, 1978, and No. 256, 1978; *Tempo*, No. 24, 1978.

<sup>46</sup>Spallone, *Beyond Conception*, 57. Actually there are many other causes why a couple cannot conceive a child, but this was the cause involved in the first case of IVF.

<sup>47</sup>Aboehakar, *Bayi Tabung*, 40.

by Islamic principles. Other questions are raised as well about the legal status of the removal of sperm from a husband, and what if there are other people involved in inserting an embryo into the womb of a married woman through *carnalis cervicalis*. Another major issue has been that of surrogate motherhood, when, because of some abnormality, a woman is unable to bear her own child and the sperm has to be planted into another woman's womb. That raises the question of whether or not Islam allows this practice.

In 1980, the Muhammadiyah,<sup>48</sup> one of the most important socio-religious organizations in Indonesia and a representative Islamic modernist organization, held a seminar of its *Majlis Tarjih* in Klaten, Central Java, in an attempt to determine the legal status of test-tube babies in Islam. The seminar failed, however, to reach an agreed conclusion, and the matter had to be left to the Central Board of the Muhammadiyah to decide. The participants of the seminar had come to be divided into two radically opposed factions. One group, called *seksi I A* (group I A) adopted the view that if the sperm and ovum belong to a Muslim husband and wife, then the procedure of creating test-tube babies is *mubah* (permissible) in Islam, provided the following conditions are satisfied:

- a) The technique of the removal of sperm is not contradictory to the *shari'ah*.
- b) The person inserting the zygote into the uterus should be a woman.
- c) The recipient must be the wife herself.

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<sup>48</sup>The Muhammadiyah, founded by K. H. A. Dahlan in November 1912 in Yogyakarta, aimed at spreading Islam among the population and promoting modern thinking and religious life among its members. This organization established a *Majlis Tarjih* in 1927, a special section which was responsible for discussing and deciding the legal status of problems as they arose. For further information see Agus Purwoto, "Majlis Tarjih dalam Sorotan," in *Muhammadiyah Dalam Kritikan Dan Komentar*, Rusli Karim, ed. (Jakarta: C. V. Rajawali, 1986), 75-78; Howard M. Federspiel, "The Muhammadiyah: A Study of an Orthodox Islamic Movement in Indonesia," *Indonesia*, No. 10 (October 1970), 57-79.

d) With these conditions met, the baby resulting from the procedure is to be recognized as the couple's lawful child.<sup>49</sup>

The other group, called *seksi I B* (group I B), came to the decision, however, that the procedure for creating test-tube babies is *haramun mutlakun* (absolutely forbidden) for Muslims under any conditions, though they did acknowledge that it was a breakthrough in modern science and technology.<sup>50</sup> There are two clear reasons given by *seksi I B* for opposing the practice: first that there is no hint given by Qur'ān or the Prophet Muḥammad that such a procedure is acceptable; and second, that the implementation of the test-tube baby program would involve too much money, which constitutes extravagance and is thus incompatible with Islamic principles.

*Seksi I A* did not explain any further in their consideration why they decided to accept the test-tube baby program as permissible. It is highly probable, however, that this group shares the ideas voiced by M. Husein Yusuf, one of the speakers at the seminar, who presented a paper on what he saw as the Islamic view of the test-tube baby. Exploring a number of Qur'ānic verses and *ḥadith*, as well as the views of the '*ulamās*' in classical works such as *Nihaya al-Muhtaj*<sup>51</sup> and modern works such as *the Fatawa* of Maḥmud Shaltout (1883-1963), he draws the same conclusion as that reached by *seksi I A*.<sup>52</sup>

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<sup>49</sup>Lampiran I Keputusan Muktamar Tarjih Muhammadiyah ke 21 di Klaten th 1980, Bayi Tabung, in *Bayi Tabung dan Pencangkokan Dalam Sorotan Hukum Islam* (Yogyakarta: Penerbit Persatuan, 1980), 85.

<sup>50</sup>Lampiran II, Keputusan Muktamar Tarjih Muhammadiyah ke 21 di Klaten Th 1980, Bayi Tabung, in *Bayi Tabung*, 96

<sup>51</sup>*Nihaya al-Muhtaj* was written by Ar-Ramlī (d. 973 A.H). For further information see K. H Sirajuddin Abbas, *Ulama Syafi'i dan Kitab-Kitabnya dari Abad ke Abad* (Jakarta: Pustaka Tarbiyah, 1975), 353.

<sup>52</sup>H. M. Husein Yusuf, "Bayi Tabung Ditinjau Dari Segi Hukum Islam," in *Keputusan Muktamar Majelis Tarjih Muhammadiyah ke 21 di Klaten th 1980 Bayi*

Other Muslim intellectuals who have expressed their personal points of view regarding this issue include Ali Akbar, a medical scientist, and Ibrahim Hosein, the head of the *fatwa* section in the Central MUI. Ali Akbar expressed the view that "God has given people the ability to find a way to fertilize an embryo outside of the womb, and to do so is easy for people."<sup>53</sup> He does not emphasize the Islamic legal aspect, probably because he realizes he is not a *faqih*. His statement implies, nevertheless, his endorsement of this medical breakthrough. For his part, Ibrahim Hosein only states that Islamic law was silent on the question of surrogate motherhood and, therefore, its legal status was still undefined, but that in any case the child born of such a procedure belongs to the mother.<sup>54</sup>

In the 1989 workshop of the *'ulamā'* *dayah*, it was concluded that the test tube-baby procedure, when essential for a couple who would otherwise remain childless, is *halal* (permissible) under certain conditions:

(1) The procedure must involve the sperm and the ovum of the husband and wife.

(2) The sperm removal procedure must be in agreement with Islamic principles such as *'azal* (coitus interruptus) or *istimna'* (by his wife's hand).

(3) The embryo must be inserted into the wife's womb.

(4) The inserting of the embryo must be done by the husband or the wife or a female physician. It may be inserted by a male physician if the procedure is witnessed by the husband or a *mahram*<sup>55</sup> and the physician must be a Muslim if there is one available.<sup>56</sup>

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*Tabung dan Pencangkakan Dalam Sorotan Hukum Islam* (Yogyakarta: Penerbit Persatuan 1980), 79.

<sup>53</sup> Arief Rahmaney, "Bolehkah Menyewakan Rahim," *Amanah*, No. 77 (1989), 107.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Mahram* is a member of the family or a relative who according Islamic law is not allowed to marry the woman in question.

As long as the procedure regarding the test-tube baby is in accordance with these requirements the baby born to the wife belongs to the husband.<sup>57</sup> Otherwise, for instance, if the sperm removal procedure is contrary to Islamic principles and involves such things as masturbating or touching by a woman other than the wife, the baby that is born does not belong to the husband. Presupposing that the embryo has to be inserted into the *wife's* womb means that surrogate motherhood is not allowed (*haram*), as mentioned by Ismail Yacob in his paper.<sup>58</sup> The womb is considered a sacred thing which cannot be lent or rented. This conclusion as summed up by Yacob is based on Qur'ān, 23: 5 and 24: 31, which mentions that the people have to be respectful of the wombs.<sup>59</sup> However, if such a situation of surrogate motherhood were to arise, then, according to Yacob, the baby born of it belongs to the husband. This new is different from Husein's idea which was noted above. Yacob bases his view on an example given by Ramli according to which does "if one *istinjā*<sup>2</sup> (ritual cleansing after urination) by stone and unintentionally emits his sperm, which is then taken by a woman and inserted into her womb to give birth to a child, then that child belongs to the man whose sperm it was".<sup>60</sup>

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<sup>56</sup> Hasil Keputusan Rapat Kerja Persatuan Dayah Inshafuddin Th 1989 (Banda Aceh: Pengurus Besar Persatuan Dayah Inshafuddin, 1989), 3.

<sup>57</sup> "Belongs to the husband" means belongs to the couple (husband and wife). According to Islamic law the husband is responsible for looking after his progeny's life. If the child does not belong to the husband, it would be deemed illegitimate.

<sup>58</sup> Ismail Yacob, "Bayi Tabung Menurut Pandangan Islam," in Hasil-Hasil Keputusan Rapat Kerja Persatuan Dayah Inshafuddin Th 1989 (Banda Aceh: Pengurus Besar Persatuan Dayah Inshafuddin, 1989), 8. He states: "meminjamkan rahim dan menyewakan untuk dibuahi milik pasangan suami istri adalah perbuantan haram." Lending or renting a womb to fertilize an other couple's ovum and sperm is *haram*.

<sup>59</sup> The word "womb" here is a translation of the words *lifrūjihim* and *furūjuhunna* in the Qur'ān 23: 5 and 24: 31.

<sup>60</sup> Al-Ramli, *Nihaya al Muhtaj* (Egypt: Mustafa al-Halaby), 1938, vol 4, 106.

The conclusion drawn by the *'ulamā' dayah* is in principal similar to the decision arrived at by *seksi I A* in the seminar of the Majlis Tarjih Muhammadiyah. The differences lie only in the details of the explanation and in the examples given. For instance, *seksi I A* of the Majlis Tarjih Muhammadiyah simply pointed out that the sperm removal procedure must not contradict the *shari'ah*, but gave no examples, whereas the *'ulamā' dayah* give examples of the permitted ways of removing sperm, such as *'azl* and *istimna'*. Likewise, as regards the requirement of inserting the embryo into the womb, the Majlis Tarjih *seksi I A* stipulates that this should be done by a female physician but it does not suggest other alternatives. However, the *'ulamā' dayah* provide alternatives, according to which the husband is the most desirable, but other possibilities are his wife or a female physician and even a male physician if a female physician is not available, though he has to be accompanied by a *mahram*.

Both groups agree that the embryo has to be inserted into the womb of the wife and not any other woman. The question is, if a husband has two three or four wives,<sup>61</sup> can he ask another wife who did not produce the ovum to be a surrogate? It seems that neither of the Muhammadiyah nor the *'ulamā' dayah* dealt with this matter. However, Husein Yusuf does take this question into account and in his paper accepts it under certain conditions:

- a) The sperm and ovum must be from the husband and wife.
- b) The wife who has produced the ovum cannot provide a place where the embryo might grow until birth.
- c) The wife receiving the embryo cannot conceive naturally but her womb is a good environment for the embryo.

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<sup>61</sup>Islam allows a husband to have up to four wives insofar as he can treat his them justly, as stated in Qur'an, 4: 3.

d) An agreement is reached among the wives regarding who is responsible for looking after the baby.<sup>62</sup>

The other difference between the two aforementioned groups as regards the question of test-tube babies is that the Muhammadiyah considered it to be a question of *ijtihād*, since the problem is a new one which had never occurred in the period of Prophet Muḥammad and his Companions (*ṣahābah*).<sup>63</sup> Consequently, they did not seek guidance in the views of *‘ulamā’* of the four schools of law to arrive at their own decision. They preferred instead to arrive at a conclusion independently. When they cited views of the *‘ulamā’*, it was merely to clarify certain cases, such as the definition of *nikah* (marriage), as quoted from the modern Egyptian scholar, Abu Zahrah.<sup>64</sup> The *‘ulamā’ dayah*, even though they agreed that this was a new issue, still believed that some indications were, nevertheless, available in the books of the legal schools, at least in one of the four, even if it could not be found in the writings of Shafī‘i and his followers. They did not consider it is the problem to be a wholly new one in Islamic law. To find the exact legal status of the test-tube baby, therefore, the *‘ulamā’ dayah* explored the works of the earlier legal scholars, particularly of the Shafī‘i school of law. For example, to find the legal status of removal of sperm from a husband and its possible effect on the status of the baby, the *‘ulamā’ dayah* adopted Ibn Hajar's view, in his *Tuhfat al Muhtaj*, which states that it is obligatory to observe *‘iddah*<sup>65</sup> after *wat’* (sexual

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<sup>62</sup>Husein Yusuf, "Bayi Tabung," 64.

<sup>63</sup>See Husein Yusuf, "Bayi Tabung," p. 62: "Adapun bayi tabung adalah merupakan masalah baru, belum pernah terjadi pada masa lalu, baik masa Nabi maupun pada masa shahabat. Maka masalah ini termasuk masalah *ijtihadiyah*."

<sup>64</sup>Husein Yusuf, "Bayi Tabung," 68.

<sup>65</sup>*‘iddah* is a period of about three months for which a woman, following divorce or her husband's death, is not allow to marry. In case of a pregnant woman, the waiting period lasts until delivery.

intercourse) or after the husband's has sperm lawfully and respectfully been inserted into his wife's womb.<sup>66</sup> Here inserting the husband's sperm lawfully and respectfully into his wife's womb was considered equal to sexual intercourse between husband and wife. On that account, the baby which is born belongs to the husband. But if the husband's sperm is taken unlawfully, as through homosexual intercourse or through sexual intercourse with a woman other than the wife, the baby does not belong to the husband even though the sperm is inserted into the wife's womb.<sup>67</sup> A similar pattern of reasoning was also applied to determine the legal status of someone other than the husband who might insert an embryo into the wife's womb. Here the pattern came from Imam Nawawī and Jalaluddin al-Mahallī, who contended that men's seeing and touching women is permissible during medical treatment,<sup>68</sup> and if it has to be done by a man to a woman a *mahram* must be present.<sup>69</sup>

### 3. *Pencangkokan Tubuh* (Organ transplantation)

The term *pencangkokan tubuh* in Indonesian is equivalent to the term "organ transplantation," which in medical science means transferring an organ or

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<sup>66</sup>Ismail Yacob, "Bayi Tabung," 6. See also Ibn Hajar, *Tuhfat al-Muhtaj* (Egypt: al-Maktabah al-Tijarah, n.d.), vol. 8, 321.

<sup>67</sup>Shihabuddin al-Qalyubi, *Qalyubi wa al-Amirah* (Egypt: Isa al-Halabi, n.d.), Vol. 3, 241; Vol. 4, 40.

<sup>68</sup>In this case al-Nawawī and Jalaluddin Mahallī give as an example a traditional medical practice of blood letting by cupping, which in Malay is known as *berbekam*.

<sup>69</sup>Ismail Yacob, "Bayi Tabung," pp. 48-49; see also Jalaluddin al-Mahali, *Mahalli* (Egypt: Isa al-Halabi, nd.), Vol. 3, 212.



tissue from one part of the body to another or from one person to another.<sup>70</sup> There are three kinds of such transplantation:

- a) Auto-transplantation, that is, transplantation where the recipient and donor are the same person.
- b) Homo-transplantation, that is, transplantation where the recipient and the donor are members of the same species.
- c) Hetero-transplantation, that is transplantation where the recipient and donor are of different species; for instance, transplantation of an organ or tissue from an animal to a human being.

There can be two kinds of donors:

- (1) Living donor, that is, a donor who is still alive and who is ready to give a part of his body to help another person who is in need of it.
- (2) Cadaver donor, that is, a donor who provides tissue or organs immediately after his or her death.

Transplantation in the medical world is not really an innovation. According to Baried Ishom, a text dating from 2000 B.C. was found in Egypt which refers to tissue transplantation testing.<sup>71</sup> Such tests by scientists have continued, and success has finally been attained even in the transplant of corneas and heart valves. For Muslims in Indonesia, this issue has been the subject of heated debate. In 1979, the Perkumpulan Penyantun / Bank Mata (Eye Collecting Bank) branch in Yogyakarta held a seminar at which various scientists as well as religious scholars discussed this matter comprehensively. Participants in the seminar agreed that:

- a) The Bank Mata (Eye Collecting Bank) has a good and lofty purpose.
- b) Cornea transplantation is not contradictory to any religion.

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<sup>70</sup>Baried Ishom, "Dasar Pengertian Mengenai Transplantasi" in *Bayi Tabung dan Pencangkokan Tubuh dalam Sorotan Hukum Islam* (Yogyakarta: Penerbit Persatuan, 1980), 7.

<sup>71</sup>Ibid.

c) Cornea removal from a dead body to benefit a living person who is in need is not prohibited by any religion, but the following conditions are to be satisfied:

- (1) There is prior agreement on the donor's part, either oral or written.
- (2) It is permitted by the family of the donor.
- (3) Two independent witnesses are present at the time of agreement.<sup>72</sup>

In 1980, the Muhammadiyah held another seminar on this issue. After presentation of papers and discussion by medical scientists and Islamicists, the following conclusions were reached:

- a) Transplantation is a problem of worldly *ijtihād*, hence the legal status depends on its *'illat* (*ratio legis*).
- b) To undergo a treatment in order to recover is obligatory.
- c) Transplantation which causes the destruction of tissue or an organ is *haram* (prohibited).
- d) Auto-transplantation, in which the donor and recipient is the same person, is *mubah* (permissible).
- e) Homo-transplantation from either a living donor or a cadaver donor, if it is a situation of a medical emergency (*darurah*), is *mubah* (permissible).
- f) All transplants which may be harmful either to the spiritual or to physical well-being of a human being are *haram* (prohibited).<sup>73</sup>

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<sup>72</sup> "Hasil Diskusi Panel Tentang Pencangkokan Cornea," in *Keputusan Mukhtar Tarjih Muhammadiyah ke 21 di Klaten Th 1980, Bayi Tabung dan Pencangkokan Dalam Sorotan Hukum Islam* (Yogyakarta: Penerbit Persatuan, 1980), 30.

<sup>73</sup> *Keputusan Mukhtar Muhammadiyah Majelis Tarjih ke XXI di Klaten, Bayi Tabung dan Pencangkokan Dalam Sorotan Hukum Islam* (Yogyakarta: Penerbit Persatuan, 1980), 97.

The question of the legal status of organ transplant has continued to invite debate and discussion. Early in 1987 the question was posed to the Muzakarah Al-Azhar.<sup>74</sup> In its answer the Muzakarah stated that donating one's eye to someone else is not allowed. According to Muzakarah, it is impossible to pry out someone's eye in order to donate it to another person. It is also not legal to donate something which someone does not possess, and no verse of the Qur'ān nor any tradition suggests that Allah allows people to donate parts of their bodies to others.<sup>75</sup> In the same year, a prominent Indonesian *'ulamā'*, Ibrahim Hosein, the head of the *farwā* section of the central MUI, pointed out differently from the Muzakarah al-Azhar, that the transplantation of tissues or organs from a dead body is in fact a system of medical treatment which is allowed by Islam. The only requirement is that of permission from the concerned families. Ibrahim Hosein puts it in the form of a formula as follows: "If one is faced with a conflict between two interests, that of the dead and that of the living, one must choose the living person's interest."<sup>76</sup>

The 1989 workshop of the *'ulamā' dayah* of Aceh as has already been mentioned earlier, also discussed the question of organ transplant. However, it is only the transplantation of heart valves that was mentioned in their concluding resolution. It may be that they could only reach agreement on this point or perhaps they intended it to serve as an example. Actually, Tgk Ismail Yacob, who presented a paper at the workshop, had not limited his discussion to the transplant of heart valves, but had considered the problem of transplant in general. In any case both

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<sup>74</sup> Muzakarah Al-Azhar is a group of Muslim intellectuals who are responsible for answering the questions posed to *Panjimas*, an Islamic magazine in Indonesia published every ten days.

<sup>75</sup> Muzakarah Al-Azhar, "Mendonorkan Mata," *Panjimas*, No. 534 (1987), 72.

<sup>76</sup> "Apabila terjadi benturan kepentingan orang yang telah meninggal dan orang yang masih hidup maka kepentingan orang hiduplah yang harus dilakukan." See *Panjimas*, No. 546 (1987), 42.

Ismail Yacob and the team which drew up the concluding resolution agreed that in an emergency situation it was permissible to remove organs from a dead body in order to save someone's life. The seminar resolved as follows:

(a) The removal of a heart valve from a dead body and its transfer to someone suffering from heart illness is permissible, under the following conditions:

(1) The heart affliction is not caused by engaging in immoral acts.

(2) The patient is in emergency need of treatment.

(3) There is no other possible medical treatment.

(4) The situation is decided by a Muslim physician, who is reliable in his expertise and loyal to his religion.

b) Heart removal is not permissible at all, because it cannot be done after a person is truly dead.<sup>77</sup>

We have seen that before the *'ulamā'* *dayah* held their seminar in which, among other things, organ or tissue transplantation was discussed, at least four institutions had already responded to the issue. These included the Eye Collecting Bank, the Majlis Tarjih Muhammadiyah, the Muzakarah al-Azhar and Ibrahim Hosein the representative of the central MUI. The results varied. The Eye Collecting Bank and Ibrahim Hosein fully endorsed organ transplantation, while the Majlis Tarjih Muhammadiyah made its acceptance conditional on the purpose of the procedure. If it could be classified as a virtue, then, according to them, it would be permissible, otherwise it was prohibited; and the transplantation which causes the destruction of tissue or an organ was completely prohibited. The most extreme conclusion came from the Muzakarah Al-Azhar, particularly concerning the transplantation of corneas. Almost no room was left for discussion in this case

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<sup>77</sup> Hasil Keputusan Rapat Kerja Persatuan Dayah Inshafuddin Th 1989 (Banda Aceh: Pengurus Besar Persatuan Dayah Inshafuddin, 1989), 3.

because the claim was made that it is impossible to remove the cornea from a dead body, and that not a single verse of the Qur'ān nor any tradition of the Prophet allowed people to donate a part of their bodies to other people.

The conclusions reached by these various individuals and groups show different methods of reasoning and decision making. However, there is a certain similarity among them. For example, the aforementioned formula developed by Ibrahim Hosein resembles the opinion of the *'ulamā' dayah*. The only difference is in the precise terms used. Ibrahim Hosein states that if the interests of the dead and the living conflict, the living person's interest must be preferred; the *'ulamā' dayah* speak not of conflict but of *ḍarurah* (emergency). In effect, however, the two positions are not different. Both derive from a principle discussed in *uṣul al-fiqh*, according to which "emergency can make a prohibited matter permissible."<sup>78</sup> But this principle is not used by the Muzakarah Al-Azhar, hence they conclude that organ transplant, particularly of the cornea, is not allowed by Islam. The Majelis Tarjih Muhammadiyah does recognize the aforementioned legal principle, but their position seems somewhat inconsistent. Though they allow organ transplantation, they reject it if the transplantation would destroy a human organ or tissue.<sup>79</sup> The Eye-Collecting Bank, although its conclusion is the same as that of the *'ulamā' dayah*, arrive at it in a different way. Its conclusion is based on considering donation a noble work, both from the humanitarian and the religious point of view, while the *'ulamā' dayah* place more emphasis on the legal status of organ transplant

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<sup>78</sup>"Keadaan dharurah (terpaksa) menghalalkan yang diharamkan." See Ismail Yacob, "Pencangkokan Organ Tubuh Manusia Menurut Pandangan Islam," in *Hasil Keputusan Rapat Kerja (Raker) Persatuan Dayah Inshafuddin Tahun 1989* (Banda Aceh: Pengurus Besar Persatuan Dayah Inshafuddin, 1989), 8.

<sup>79</sup>See Point number 3 in their conclusion where they mention that: "Transplantasi yang dari segi melukai dan merusak jaringan dan organ hukumnya haram." (Transplantation which can destroy the organ or tissue is prohibited).

in Islamic law and use the views of the *'ulamā'* of the four schools of law as a basis for their judgment.

It should be noted that in determining the legal status of the three problems discussed above, all institutions except the *'ulamā' dayah*, explicitly or implicitly employ *ijtihād* as a means to reach a conclusion. For example, the Majelis Tarjih Muhammadiyah clearly states that all these problems are *ijtihādiyyah* subjects. In deciding the status of *zakat jasa* in Islamic law, the MUI Aceh, as we have seen, explicitly exercised *ijtihād*, in preferring to derive their opinion directly from verses of the Qur'ān rather than from the ideas of the established *madhhabs*. Even though the Eye-Collecting Bank and the Muzakarah al-Azhar did not acknowledge their recourse to *ijtihād*, yet this is no indication that they followed or adopted an existing opinion from any of the schools of law in reaching their conclusion. As representative of the central MUI, Ibrahim Hosein too commented on the question of *bayi tabung* "according to his own opinion". Thus it can be inferred that his position on that case was not based on that of other *'ulamā'*.

The *'ulamā' dayah* have their own point of view about the method of reaching the solution to the aforementioned problems. Though they recognize in principle that the right to exercise *ijtihād* is not limited to the four schools of law,<sup>80</sup> yet they also believe that after Abu Hanifa, Malik Shafi'ī and Ibn Hanbal, no scholar has had the ability to exercise "independent" *ijtihād*. Tgk Daud Zamzami,<sup>81</sup> referring to Nawawī, classifies *ijtihād* into four ranks or degrees,<sup>82</sup> viz. *Ijtihād*

<sup>80</sup>Correspondence interview with Tgk Ismail Yacob, March 10, 1994. He is one of the Vice Presidents of Pengurus Besar Persatuan Dayah Inshafuddin, one of the organizations of the *'ulamā' dayah* in Aceh. Another organization of *'ulamā' dayah* in Aceh is Darussa'adah.

<sup>81</sup>He is the President of Pengurus Besar Persatuan Dayah Inshafuddin. His views quoted here are based on an interview with the present writer.

<sup>82</sup>See also Abi Zakariya Mahyi al-Din Ibn Sharf al-Nawawī, *Al-Majmu' Sharh al-Muḥaddab* (Egypt: Idārat al-Thiba'at al-Munīyah, 1925), vol. 1, 42-44.

*mutlaq* (absolute *ijtihād*), *ijihād madhhab* (*ijtihād* within a given school of law), *ijtihād fatwā* and *ijtihād tarjih*.<sup>83</sup> This is a view which seems to be shared by all the 'ulamā' *dayah*. Tgk Daud Zamzami asserts that after the four *imams*, no other *mujtahid* could be a *mujtahid mutlaq*. Imam Haramayn (d. 465 H), and Imam al-Ghazālī (d. 505 H), the author of *Ihya Ulum al-Dīn* are considered *mujtahids* of the second rank, i.e. *mujtahid madhhab*. Other 'ulamā', such as Imam Rafi'ī (d. 623 H) and Nawawī (d. 676 H), could reach only the third degree, that of the *mujtahid fatwā*, and the 'ulamā' who came after them, such as Al-Ramlī (d. 844 H), Ibn Hajar (d. 852 H), and Zakaria al-Anṣarī (d. 925 H), have been placed in the fourth degree, i.e. as *mujtahid tarjih*.<sup>84</sup> The 'ulamā' who at the present time give *fatwās*, Tgk Daud points out, are to be considered as *muqarrir* (those who "repeat") not as *mujtahids*. Such recent intellectual endeavours of the 'ulamā', as the seminar they held in Bireun in 1989, are considered merely as efforts to identify and discuss problems and to compare them with cases which have already been decided by previous 'ulamā'.<sup>85</sup> Therefore, such efforts, according to the 'ulamā' *dayah*, do not constitute *ijtihād* and the 'ulamā' who were involved in the seminar for instance cannot be classified as *mujtahids*. Furthermore, Tgk Daud lumps

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<sup>83</sup>According to Hallaq, the classification of *ijtihād* or *mujtahids* was known after the fifth/eleventh century. During the time of Ghazālī there were three recognized ranks: *mujtahid mutlaq*, *mujtahid muqayyad*, meaning a *mujtahid* within the school, and the *muqallid*. Two centuries later, the number of ranks reached five; the first was *mujtahid mutlaq*, which was assumed to be extinct. The second and the third *mujtahids* could perform *ijtihād* on two different levels, though the third was more limited in scope. The fourth rank included jurists highly proficient in the doctrines of their school and in the evidence upon which these doctrines were based, although they were not fully qualified to practice *ijtihād*. The fifth rank consisted of various kinds of *muqallids*. For further discussion see Wael B. Hallaq, "The Gate of *Ijtihād*: A Study in Islamic Legal History" Ph.D. Dissertation, University of Washington, 1983, pp. 83-93.

<sup>84</sup>*Mujtahid Tarjih* is one who is able to qualify the degrees of preponderance and reliability as regards a given case.

<sup>85</sup>Correspondence interview with Tgk Daud Zamzami.

together all the *'ulamā'* *dayah* of Aceh, even all the *'ulamā'* heading the *pesantrens* in Indonesia, as *muqallids* or followers of the Shafī'i school of law.<sup>86</sup>

According to Fazlur Rahman, the division of *ijtihād* into various ranks is undoubtedly formalistic and artificial.<sup>87</sup> Moreover, the qualifications for *ijtihād* were made so complicated and tough, and were set so high, that it became impossible to fulfill them. The religious leaders of the early community were idealized and fiction was mixed with facts. The power of absolute *ijtihād* was completely abolished and only a relative *ijtihād* was allowed.<sup>88</sup> It seems that the modernists everywhere share Fazlur Rahman's view and tend to ignore the division of *ijtihād* into ranks. A case in point is that the Muhammadiyah, which vigorously encourages Muslims to exercise *ijtihād*, does not seem to acknowledge that *ijtihād* has any levels or ranks. It is highly probable that the modernists are influenced by Ibn Taimiyah who vehemently reasserted the right to exercise *ijtihād* regardless of whether it was classified as *ijtihād mutlaq* or *ijtihād fi mazhab*.<sup>89</sup>

The Ahmadiyah Qadiyan, founded in India in the late 19th century and introduced into Indonesia in 1924, is among the Islamic organizations contributing

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<sup>86</sup>Ibid.

<sup>87</sup>Fazlur Rahman, *Islamic Methodology in History* (Karachi: Central Institute of Islamic Research, 1965), 168-169.

<sup>88</sup>Fazlur Rahman, *Islam* (Chicago: University of Chicago Press, 1979), 78-79.

<sup>89</sup>Muhammad Amin, *Ijtihad Ibn Taimiyah Dalam Bidang Fikih Islam* (Jakarta: Indonesia-Netherlands Cooperation in Islamic Studies (INIS), 1991), 54. Yusron Asrofi has attempted to tentatively trace the links between Ibn Taimiyah, Muhammad Abdul Wahab, Jamal al-Din al-Afghani, Muhammad Abduh, Rashid Riḍa and Kiyai Ahmad Dahlan, who founded the Muhammadiyah. For further discussion see Yusron Asrofi, "Pembaharuan Pemikiran Islam dari Ibn Taimiyah sampai Ahmad Dahlan," in *Muhammadiyah dan Tantangan Masa Depan Sebuah Dialog Intellectual*, Sujarwanto, ed. (Yogyakarta: Tiara Wacana, 1990), 250-270.



to Islamic modernism in Indonesia.<sup>90</sup> This organization maintains that every Muslim has a right to exercise *ijtihād*. According to Maulana Muhammad Ali of the Ahmadiyah, *ijtihād* is a great blessing for the Muslim people, being the only way through which the needs of succeeding generations and the requirements of different races merging into Islam can be met. Neither the Prophet, nor any of his companions, nor even any of the great jurists ever said that Muslims were forbidden to apply their own judgment to new circumstances, because new circumstances will never stop arising from time to time.<sup>91</sup>

The Majlis Tarjih Muhammadiyah was established essentially to issue *fatwās* or to develop the consensus of opinion on the legal status of particular questions on which the Muslims differed amongst themselves. A problem on which a *fatwā* is sought is not necessarily confined merely to ritual or religious practices, but might also be of a non-religious character, though all judgments should be based, of course, on the *shari'ah* (as for example the question of banking).<sup>92</sup> The Majlis Tarjih makes every effort to issue definitive decisions in cases brought to it for review. *Fatwās* issued by the Majlis Tarjih Muhammadiyah, are not equivalent to those of the *fuqahā'* of the formative period of Islam, however. As Agus Purwoto points out "perhaps it is not proportional to compare Majlis Tarjih with previous *fuqahā'*." <sup>93</sup> Purwoto strengthens his statement by showing that the Muhammadiyah has a very poor record compared to other traditional

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<sup>90</sup>Harry J. Benda, "Southeast Asian Islam in the Twentieth Century," in *The Cambridge History of Islam*, eds. P. M. Holt, et. al (London: Cambridge University Press, 1987), Vol. 2, 183.

<sup>91</sup>Maulana Muhammad Ali, *The Religion of Islam* (Ohio: Ahmadiyya Anjuman Ishā'at Islam, 1990), 85.

<sup>92</sup>Deliar Noer, *The Modernist Muslim Movement in Indonesia 1900-1942* (Singapore: Oxford University Press, 1973), 80-81.

<sup>93</sup>"Barangkali tidaklah proporsional kalau membandingkan Majlis Tarjih dengan fuqoha' masa lampau." See Agus Purwoto, "Majlis Tarjih," 77.

educational institutions in producing the *'ulamā'* who possess the methodology and other attributes relating to the exercise of *ijtihād*.<sup>94</sup>

In terms of the *'ulamā' dayah's* concept of *ijtihād*, the activity of the Majlis Tarjih can be confined to the fourth rank, i.e. *ijtihād tarjih*. It cannot be classified as *muqarrir*, because what the Majlis Tarjih does is usually to seek the most reliable reason or *nass* (text) from amongst the *fuqahā's* ideas or *fatwās*. As a matter of fact, the *'ulamā' dayah's* approach to determine the legal status of new problems is almost similar to that of the Majlis Tarjih. Even though the former do not characterize their effort as *ijtihād*, yet they too obviously seek to determine the legal status of cases which have not yet been decided in Islamic law. Viewed from the perspective of the Muhammadiyah's theory of *ijtihād*, what the *'ulamā' dayah's* mode of operation amounts to is no less an exercise of *ijtihād*, though they do not call it such. Indeed, as Islamicists such as Hallaq have argued, every *mufti*, i.e. one who issues *fatwās*, is a *mujtahid*.<sup>95</sup> The decisions on various legal problems that the *'ulamā' dayah* arrived at through their seminar constituted their *fatwās* on these matters. And to reach a *fatwa*, as has been mentioned, involves a process of legal interpretation which is called *ijtihād*.

From the foregoing survey one may conclude that the *'ulamā' dayah* have responded in their own way to the modernization of Islamic law in Aceh and in Indonesia in general. Indeed, far from being indifferent, they were active in solving the problems faced by Muslim society and government. They, however, have always been very careful in responding to problems relating to religion and always made every effort to avoid recklessness in answering questions brought to them by

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<sup>94</sup>Ibid.

<sup>95</sup>See Wael B. Hallaq, "The Origin of the Controversy," 135.

Muslims. Being of the conviction that they are not qualified scholars with sufficient knowledge to exercise *ijtihād* directly from the Qurʾān and hadith, they have looked for guidance in every problem to the standard books of the earlier *fuqahāʾ*. They, therefore, strongly refuse being classified as *mujtahids*, because, according to them, what they have done does not equal or correspond to the efforts of the previous *mujtahids*. Interestingly, their decisions have been accepted by many people because they were able to respond to contemporary problems. Many scholars, therefore, regard the decisions of the *ʿulamāʾ* *dayah*, notably that concerning *bayi tabung*, as a breakthrough and accept them positively.<sup>96</sup>

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<sup>96</sup>Abd Fatah, a *fiqh* expert and formerly dean of the Shariʿa Faculty in IAIN Ar-Raniry Banda Aceh of the time (now rector of the IAIN) says that the *ʿulamāʾ* *dayah* succeeded in encouraging new thought towards developing Islamic law. Hakim Nya' Pha, a sociology expert, also states that the decision of the *ʿulamāʾ* *dayah* regarding the legal status of *bayi tabung* is a progressive decision. See *Serambi Indonesia*, September 16, 1989

## CONCLUSION

The history of Islam in Aceh shows the active role the '*ulamā*' have played there since the early Sultanate period. In the seventeenth century, it was the '*ulamā*', as an intellectual group, who made Aceh into a center of religious learning in the Muslim world. Nor should the '*ulamā*'s role as royal advisors be belittled. In the golden age of the Islamic kingdom of Aceh, the '*ulamā*' produced great scholarly works in various fields which influenced Islamic thought in the Indonesian archipelago in particular and in Southeast Asia in general. The '*ulamā*' were also sent or went on their own initiative to outside Aceh to teach or spread Islam.

In the period of the Dutch-Aceh war, the '*ulamā*' became an even more important part of Acehnese society. The resistance against the Dutch was led by the '*ulamā*' because the sultan and the *uleebalang* proved unable to do so. The '*ulamā*' continued to be an influential force in the socio-political life of Aceh during the years of the Dutch and Japanese occupation and in the early years of Indonesian independence. After the 1953 rebellion in Aceh, most of the '*ulamā*' have come to abandon the political arena, and in particular, have given up government posts. Their role in society remains unique, however, particularly in interpreting the two basic sources of Islamic teachings, the Qur'ān and the *ḥadīth* and, hence, they are still very influential in society. Given that the '*ulamā*' are so greatly respected and are responsible for preserving religion and Acehnese culture, the government too needs their support for the implementation and success of its programs.

The commitment of the '*ulamā*' to the socio-political life of Aceh is deeply rooted in Acehnese history. The '*ulamā*' have always been active in matters of state and society and it seems that an essential aspect of their function has been to guard the Acehnese culture from foreign influences. Though they have not had much

political power in recent times, their efforts to preserve and promote Islam and Acehnese culture continue. Among the most usual ways in which they seek to achieve this purpose are by teaching the youth in *dayahs* and by propagating Islamic teachings through public sermons.

The *dayah* had previously functioned as a center of religious training, a function it still performs although with some changes. The decrease in the *dayah's* quality of education was brought about by the coming of the Dutch and the consequent war in Aceh, which caused the deaths of many '*ulamā'*', the burning of many *dayahs* and the destruction of many books. During the Dutch-Aceh war, the *dayah* became a stronghold of resistance against colonial penetration, whereas now its function has developed into that of a stronghold in the struggle to fend off foreign religious or cultural elements. Besides being a training center for agents of development, the *dayah* serves as an important school for those in society who are economically disadvantaged, because the *dayah* is still managed as a non-profit institution.

As religious guides and leaders of society, the '*ulamā'* *dayah* have expended considerable effort to meet the people's needs regarding their religious affairs. For example, as a consequence of the impact of science and technology, many aspects of human life have changed and have to be evaluated to determine whether Islam sanctions or disapproves of them. Many of these aspects are not mentioned in the classical *fiqh* books and, therefore, require the immediate intervention of contemporary religious scholars. In recent times the '*ulamā'* *dayah* have often gathered together to discuss and try to respond to these new problems. Although the '*ulamā'* *dayah* have their own way of issuing a judgment, i.e. by referring to the four schools of Islamic law and particularly the Shafī'ite school, the results of their efforts do satisfy popular expectations. Some scholars classify the

'*ulamā'* *dayah* as a traditional group, or *kaum tua*, because they still bind themselves to the four schools of law or to one of them. In his evaluation of their traditionalist attitude, Deliar Noer point outs that to them Islam merely signifies *fiqh*.<sup>1</sup> Though this statement does have some truth, the accusation about the *ulama's* being *muqallids*, i.e. those who blindly obey an Islam which is seen as all *fiqh*, cannot be accepted for this particular group of '*ulamā'*'. The '*ulamā'*' portrayed in this study are those who have graduated from the higher levels of *dayah* education or are heads of *dayahs*. They are different from the '*ulamā'*' known to villagers, such as Tgk *Meunasah* or Tgk *Khatib*, who have usually studied only a couple of years and mainly limit their concerns to ritual practice. These latter, of course, have little knowledge and are very much *fiqh* minded. The '*ulamā'* *dayah*', for their part, might sometimes spend up to twelve years studying various subjects in the *dayah*. If some of the '*ulamā'*' among them pay much attention to *fiqh*, however, that should be understood as a reflection of society's concern with these matters, as has been pointed out by Ali Yafi. In fact, ample evidence can be found to show that the '*ulamā'* *dayah*' in Aceh have been keenly involved in other aspects of human life, as well, including such areas as agriculture, economy, education, and politics. The '*ulamā'* *dayah*' in Inshafuddin have discussed current problems of the people at almost every *raker* (workshop), *mubes* or *muktamar* (congress).<sup>2</sup>

Although the '*ulamā'* *dayah*' reject the possibility of exercising *ijtihād*, this nevertheless does not mean that people do not have the right to try to find solutions to present-day problems. They merely insist that such efforts on the part of the

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<sup>1</sup> Deliar Noer, *The Modern Muslim Movement in Indonesia 1900-1942* (Singapore: Oxford University Press, 1973), 300.

<sup>2</sup> In *mubes* (congress) III, they discussed the educational system of the *dayah*, the question of adapting it to contemporary demands, and the government policy relating to *azas tunggal* (Pancasila as the sole ideology). The 1989 workshop discussed the publication of journals in the *dayah*, and reinvigorating post-graduate *dayahs*. In the workshop of 1990 the '*ulamā'*' discussed the methods of motivating the people to participate in national defense.

current *‘ulamā’* should not be classified as *ijtihād*. According to them, *ijtihād* is divided into four ranks, and to be a *mujtahid* one has to possess very extensive knowledge, which contemporary scholars, including themselves, do not have, and are thus not eligible to be *mujtahids*. However, the *‘ulamā’ dayah* are very active in efforts to resolve problems related to Islamic law, even though they do not call their endeavors as an *ijtihād*.

The *‘ulamā’ dayah* differ from the modernist groups in the great care and caution with which they try to answer questions about Islamic legal issues. They are wary of their own position in being convinced that they are not eligible to exercise *ijtihād*, for the knowledge and intelligence they possess do not equal that of the previous scholars and *mujtahids*. However, if their work is viewed in terms of the modernist contention that there are no ranks or levels of *ijtihād* and that everybody has the right to exercise it, then the *‘ulamā’ dayah* must be seen to be *mujtahid* too, and no less competent or effective than any others.

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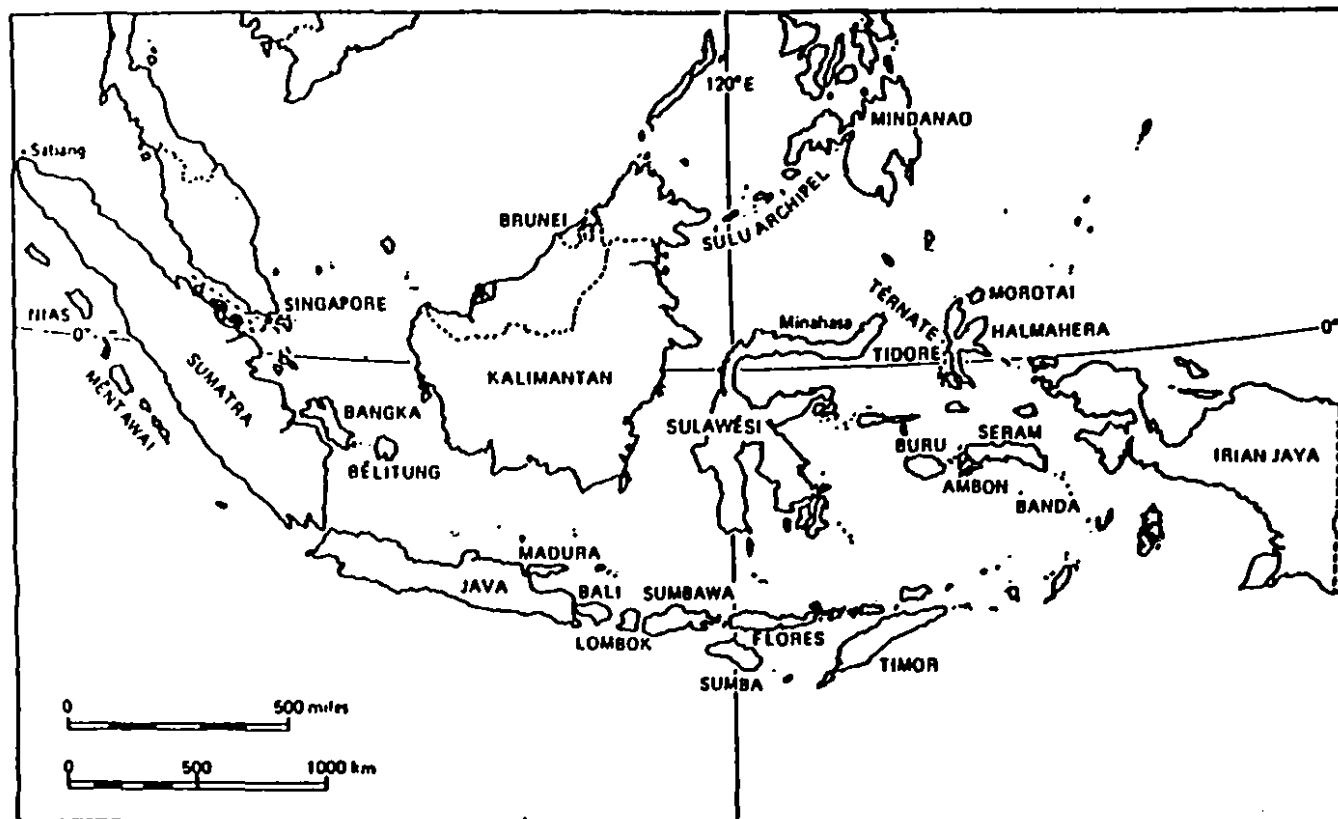
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Figure 1: MAP OF INDONESIA

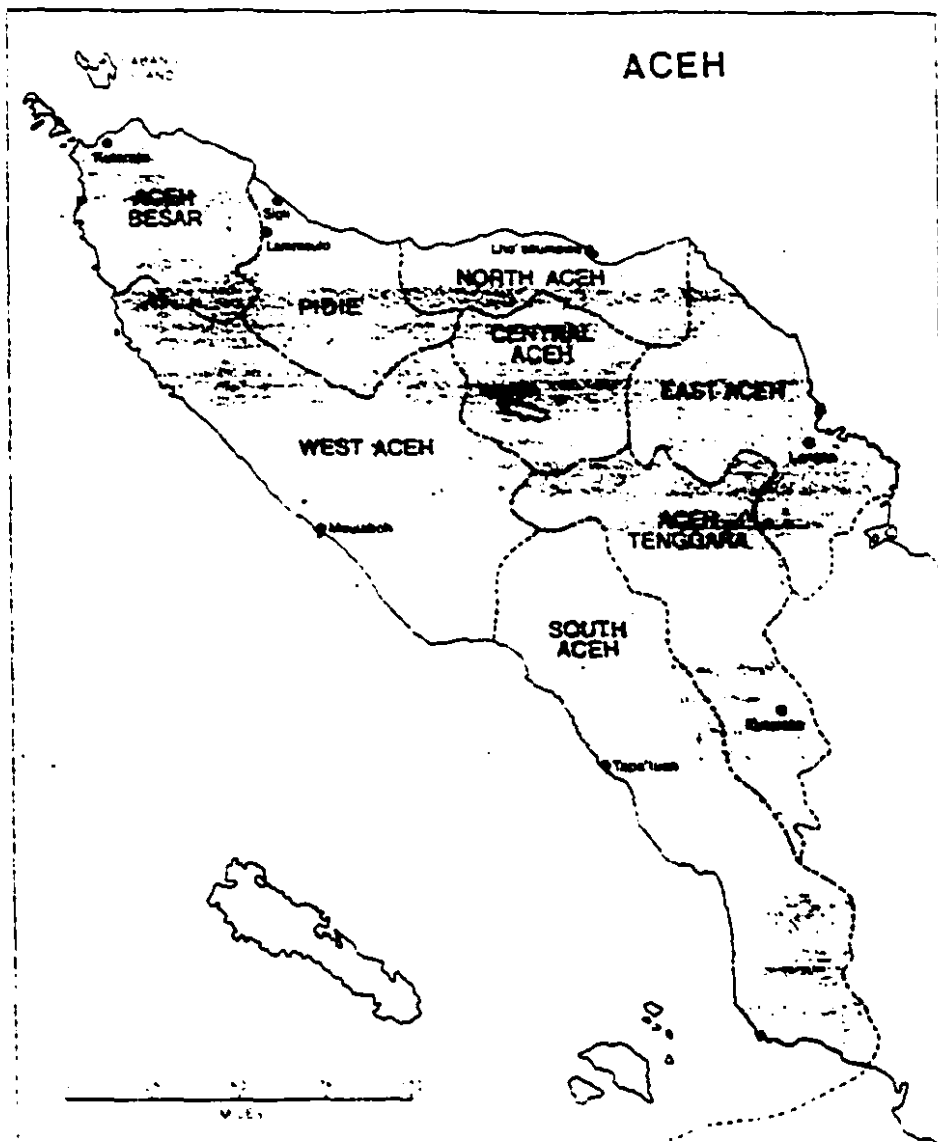


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Figure 2.

## MAP OF ACEH



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