The mentality of "Us" and "Others": The perception of identity in Aceh

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Abstract: The perception of Acehnese identity is crucial for understanding both the conflict between the rebel group of Aceh and the Indonesian government, and also the implementation of Sharia law as a result of peace agreement between both parties. Many papers have discussed the causes of conflict in Aceh as a combination of political grievances, economic grievances, and human rights violations the Acehnese society has endured during the three-decades long of conflict. This paper, however, seeks to highlight the role of identity as the main struggle in the conflict. The conflict between the rebel group of Aceh and the Indonesian government revolved around the conception of nation-building and identity. The differences in understanding what a nation should be led to the growth of grievances and conflict between both parties. It also affected on how identity is perceived by the Acehnese society. Before the peace agreement was reached in 2005, a strong sense of Acehnese identity was being threatened by the Indonesian government's programs which fed the tensions between both parties leading to conflict. After the peace agreement was reached and Aceh was then allowed to implement Sharia law, the perception of identity in Aceh became more Islamic and created restrictions for people with different identities, specifically in terms of religion.

Keywords: Aceh, Sharia law, rebel group, conflict, Islam, identity, Indonesia

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Introduction

Aceh is a province in the most western part of Indonesia and is known as the only province in Indonesia where Sharia law is used as its legal system. The implementation of Sharia law is a result of a long period of conflict between the rebel group in Aceh, called Gerakan Aceh Merdeka/Free Aceh Movement (GAM) and the Indonesian government. GAM was born in 1976 to demand Aceh's independence from Indonesia. The reasoning behind the push for independence came from a long-standing belief that Aceh is 'distinct' from the rest of the country historically and culturally. Tensions also grew over the spoils of the province's immense natural resources. (Shah and Cardozo, 2014, p.2) The political actions taken by the Indonesian government were believed to be a detriment to the welfare and development of Aceh and the Acehnese people.

The conflict escalated and the grievances of both parties increased due to the non-cooperative behaviour between both parties and the hostile nature of both parties' perception towards each other. GAM perceived the Indonesian government and the Javanese people as threats towards the Acehnese identity. On the other hand, the Indonesian government saw the Acehnese people as a part of the Indonesian diverse nature of identity while at the same time perceived GAM as a threat to the stability of Indonesian identity. Social and political transformation were needed, as the Acehnese society felt the lack of access and control on both matters, but, unfortunately, it led to a deepening of the exclusionary nature of the two sides. Many actions had been taken by Indonesian government in order to reduce the insurgency from the rebel group and to stop the conflict. However, there had been mishaps during the negotiations which led to more insurgency from both sides. After the dictatorship era ended in 1998, Indonesia was in a very unstable political condition. This can be seen from the secession of East Timor which gave the rebel group in Aceh a momentum to work even more aggressively on their demand for independence from Indonesia. This paper will focus on the role of the "Us" versus "Others" mentality that was central in the conflict and how the mentality still plays a role in Aceh to establish its identity through the implementation of Sharia law.

The discussion will begin with the debates on ethnic identity between primordialists and constructivists by highlighting the differences between their arguments on what ethnic identity is. Following the discussion on ethnic identity, the explanation on how identity plays a role in Aceh will be elaborated by dividing it into two separate parts: before the peace agreement was signed in 2004 and after it was signed. As a part of the peace agreement, the

implementation of Sharia law in Aceh became the realisation of autonomy offered by the Indonesian government. The analysis will provide the highlights on how identity has played a role in Aceh, during the conflict and in the period of implementation of Sharia law.

Debates on Ethnic Identity: Primordial or Constructed?

In order to understand the "Us" and "Others" mentality within the discourse of Aceh, it is important to understand the academic discussions that revolve around it. The "Us" and "Others mentality stems from how one sees the origin of ethnic identity. One may argue that ethnic identity is something fixed, that one is born with. Others may argue that it is a result of social construction. Both perceptions have different ways of understanding what ethnic identity is, how one belongs to certain ethnic identity groups and how one has to act based on their ethnic identity.

There is a tension in understanding ethnic identity in whether it is as something primordial or something constructed. It is important to understand that identity is very critical in the construction of war and conflict due to two reasons: (1) war and conflict require a clearly identifiable enemy of "Others" against "Us"; and (2) identity plays a central role in defining and structuring both the interests and the norms of the behaviour of actors. (Jackson, 2009, p.177) The perceptions of identity, both primordialist and constructivist, point out how to understand who is "Us" and who is "Others".

Ethnic identity is, based on the primordial view, something "given" from a history of kinship and connections which makes ethnic identity "fixed" and "natural". It stems from the fact that someone is being born into a particular religious community, having a particular racial feature, and speaking a particular language. (Geertz, 1973, pp.259–260) Primordialists believe that particular social categories are fixed by human nature rather than by social convention and practice. These beliefs in the naturalness of a social category might be rooted in beliefs about alleged implications of biology, for example gender, sexuality, and ethnicity, or about theology and morality. (Fearon and Laitin, 2000, p.848) Conflict between two or more ethnic groups, therefore, is inevitable because of unchanging, essential characteristics of the members of these categories. (Fearon and Laitin, 2000, p.849) Primordialists argue that ethnic conflict is inevitable due to the differences of ethnic identities within society. The frictions

between ethnic identities occur due to the naturally-given differences they have, and conflict or violence is seen as a form of interactions between those groups.

Primordialists see identity as a "historically developed givenness" of which membership of a primordial community is assigned to an individual and is considered to be hereditary, like a caste but also a religion, reflexive, universal and also eternal. (Bačová, 1998, p.32) It means that we, as individuals, are assigned to certain identity characteristics from the day we were born and we naturally belong to the groups with similar characteristics to those we possess. The primordialist argument suggests that ethnic identity is collectively exclusive; there are different groups with different ethnic identities who exclusively group themselves with characteristically-similar people. This implies the creation of "Us-Others" perceptions in the society. It suggests that due to the differences between ethnic groups, and that every individual is bound to their ethnic group, intolerance and hatred toward "Others" are natural. Clifford Geertz argues that these lifelong relations can, under particular conditions, lead to conflicts with other human loyalties, and especially that they can destroy civic society. (Bačová, 1998, p.32) It is believed, by primordialists, that it is an obligation for every individual to protect their ethnic group, who share the common interests and common characteristics, from threats of "others".

The perception of identity as socially constructed has been growing stronger in academic discussions more so than the primordialist view of identity. Constructivists argue that identity is neither fixed nor given, but it is context-dependent, highly malleable, constructed and constantly evolving in response to external events and processes, such as immigration and globalisation. (Jackson, 2005, pp.147–171; Jackson, 2009, pp.172–190; Chandra, 2012, pp.2–44; Brubaker and Cooper, 2000, pp.1–47; Fearon and Laitin, 2000, pp.845–877; Bačová, 1998, pp.29–43) Rogers Brubaker argues that ethnic groups are the products of historical processes. (Brubaker and Cooper, 2000, p.21) For example, one mode that is a staple of African Studies is the reifying of cultural differences through imposed colonial identifications. One's membership into certain group identities will evolve and change over time due to the fact that it is a product of human actions. Paul Brass gives an explanation that someone's ethnic identities can also evolve due to some conditions. (Brass, 1991, p.16) In order to support Brass's proposal that ethnic identities can evolve, we can see that through the phenomenon of interracial marriage a person can change their ethnic identity, or come to possess multiple ethnic identities.

Brass argues that ethnic identity formation is seen as a process created in the dynamics of elite competition within the boundaries determined by political and economic realities. (Brass, 1991, p.16) This argument has been discussed in many counter-arguments by constructivists on the ethnic conflict debates, that conflict occurs due to the competition over political power or economic resources, not necessarily about differences of cultural values. Ethnic conflicts arise due to one group's interpretation of the other competing parties as a threat for them to achieve their goals.

Kanchan Chandra sums up the debates between both perceptions by highlighting three propositions and counter-propositions. (Chandra, 2012, p.17) Perception of identity as primordial is defined by, at least, three propositions: that individuals have a single ethnic identity, that this ethnic identity is by its nature fixed, and that this ethnic identity is exogenous to human processes. While the counter-propositions from the constructivists are: that individuals have multiple, not single, ethnic identities, that these identities can change, and that such change, when it occurs, is the product of human process.

Pre-2004: GAM Insurgency

The three decades-long of conflict between the Indonesian government and GAM was a result of the government's failure to set up one common perception on nation-building. As a country consists of different ethnic identities, Indonesia is fragile to ethnic frictions which can lead to more severe conflicts, as it happened with Aceh and East Timor.

Before GAM started their movement, there was a movement in 1953 led by Teuku Daud Beureuh in Aceh. The movement was initiated because of the dissolution of Aceh's province and its incorporation into the North Sumatra province. (Wandi and Patria, 2015, p.4) The action to dissolve Aceh and incorporate it into another province was seen as a problem. Despite the closeness in culture with the neighbouring province of North Sumatra, Aceh believed that the Acehnese society is different than the North Sumatran society. The incorporation was also perceived as taking away Aceh's sovereignty as its own 'provincial identity'. It is known in the history that Aceh had contributed to the fight against colonisers and helped Indonesia get its independence. By incorporating Aceh to North Sumatra, the Acehnese society felt that the Indonesian government did not recognise the support Acehnese society gave during the fight against colonisers. Later, President Soekarno, the first president

of Indonesia, established a special status for Aceh in recognition to its contribution of the process of seeking for independence from the colonisers. (Schulze, 2004, pp.1–2) The special status gives Aceh the autonomy to design their own customary law (*adat),* religion, and education.

Following the insurgency led by Teuku Daud Beureuh, GAM started their movement in 1976 with the main goals of independence from the Indonesian government building their own nation. Hasan di Tiro was the leader of the movement. He was a descendant of a prominent Acehnese *ulama* family of Muslim clergy and the grandson of Teuku Cik di Tiro, a hero of the anti-colonial struggle against the Dutch colony. (Schulze, 2004, p.4) The demand for independence was rooted in the disappointment of the Acehnese society towards the Indonesian government who did not turn Indonesia into a country centred on Islamic values. However, as the movement grew, the emphasis on Islam as the base of the movement slowly faded and the focus shifted more on the political aspect of secession from Indonesia. (Aspinall, 2007, p.10)

The implementation of the special status of Aceh faced two challenges: President Soekarno's view on nation-building and President Soeharto's developmentalist programs. These challenges then contributed to the growth of GAM's grievances towards the Indonesian government. These grievances affected the Acehnese society's perception of the Indonesian government and the Javanese people as threats towards Acehnese identity. The first challenge was that Soekarno's view on nation-building, as mentioned before, did not put Islam in the centre, as he was attempting to build Indonesia as a secular nation by considering the diversity it has in terms of religion and ethnocultural backgrounds. (Huszka, 2014, p.165) It created doubts in the mind of Acehnese people because it was never properly implemented.

One thing can be taken into account that in this case, identity is seen within the primordial context rooted from the history of ancestry and Islam as a part of Acehnese identity. There were many issues that served as causes of the conflict between Aceh and Indonesian government. As mentioned earlier, the exploitation of natural resources and limitation to political access tremendously affected the dynamic of the conflict. However, the grievances started first with the different points of view of 'nation' between Acehnese society, specifically the GAM movement, who wanted to build Indonesia with Islamic values and Indonesian first President Soekarno who wanted to turn Indonesia into a secular country to accommodate the differences in Indonesia. One could argue that the initial reason for the

movement was to be able to have the liberty and control over their society based on their belief system.

The second challenge was the highly centralised developmentalist ideology of Soeharto, Indonesia's second president, who focused the development of Indonesia mainly in the Java island. (Schulze, 2004, p.1) During his presidency, Soeharto revoked the special status of Aceh which added to the resentment of Acehnese people towards the Indonesian government. The developmentalist ideology by President Soeharto at that time was marked by the massive transmigration program with the purpose of assimilation all around the Indonesian archipelago. (Nielsen, 2002, p.12) However, the problem occurred after the so-called 'assimilation' turned into the educated Javanese people taking over regional administrations in most provinces, including Aceh. As Lindorf Nielsen puts it, the increase of mono-ethnic character of Indonesian government at the time may have been a necessary legacy from the Dutch which only favoured Javanese people who could get access to Dutch education system. (Nielsen, 2002, pp.12–13) The program, however, worked against Acehnese people and local politicians which gave them a limited chance to be involved as important stakeholders. (Heiduk, 2006, p.9) Another problem which also added to the grievances was the finding of oil and gas in Arun fields in Aceh by the government's oil company Pertamina and foreign oil company Exxon-Mobil Oil. (Heiduk, 2006, pp.8–9)Under the leadership of President Soeharto, the natural resources were exploited and Acehnese people did not get a lot of benefits since all of the resources were handled by the central government.

As the movement grew stronger, it got a lot of attention and support nationally and internationally. The support given to the movement was caused by the Indonesian government's action towards resolving the conflict with only military measures. During the period of 1989-1998, Indonesian government declared Aceh as *Daerah Operasi Militer* (DOM) or military operation zone. It was to repress the GAM movement by targeting not only the members of the movement but also civilians who were suspected as supporters of the movement. (Heiduk, 2006, p.7) The counterinsurgency by the military and the government resulted into a more severe grievances as it was called as one of the biggest human rights violations in Indonesia due to the fact that by the first three years of the DOM implementation, there were more than 3,000 civilians killed by the military. (Heiduk, 2006, p.8) Throughout the DOM period, extra-judicial killings, arbitrary arrest, rape and torture were committed by the military towards Acehnese people which escalated the rage against the central government and also increased the grievances which fuelled their insurgency.

The Acehnese society's demand for independence was initially rooted in the intention to stand as its own nation with its own values. Therefore, the Acehnese could have full control on politics and economy, and also to be able to have social values based on Islam. The special status on autonomy given to Aceh by President Soekarno was an opportunity to have the social values they expected. However the revoking of that status by the second president, Soeharto, was seen as the government taking their liberty to exercise their values. Also, the exploitation of natural resources became the economic, but also political, reason on why they strongly demanded for independence for Aceh. This issue also affected the perception of identity within the conflict since Acehnese people perceived Javanese people as the ones taking their prosperity and resources away. As mentioned earlier, the decisions over the natural resources in Aceh were under the control of the central government and businessmen in Java. The fact that Acehnese people did not have, and could not have, control over their own resources instigated more rage towards the Javanese people. Discrimination against Javanese people who moved to Aceh due to the transmigration policy was caused by the perception that Javanese people were a threat towards Acehnese society. Aceh rebel groups constructed the identity of Indonesian people, especially Javanese people, as having different goals with the Acehnese society in terms of nation-building. (Huszka, 2014, p.165) Therefore, they believed that the Javanese people who migrated to Aceh, due to the national migration policy, were bringing secular ideas to infiltrate those ideas into the society.

Post-2004: Tsunami, Peace, and Shari'a Law

After the falling of President Soeharto in 1998, the Indonesian government started to approach the conflict with different measures to reach a peace agreement with the GAM fighters. In 2004, Indonesia held its first democratic election after the authoritarian regime fell down and President Susilo Bambang Yudhoyono was elected at that time. He started to do peace negotiations by having a negotiating team specifically made to discuss peace with GAM, with Vice President Jusuf Kalla as the leader of the negotiating team. After the disengagement of East Timor from Indonesia in 1999, the central government was focusing on diminishing the chance of state break-up during that period of transition, nationally, locally, or provincially. (Smith, 2012) It is believed that Indonesia, as a nation-state, was trying to prioritise meaningful inclusion of its diverse identity groups to create stability and relative peace, but its effect is that other aspects of a country's development could be

hampered if the diversity could not be maintained by the government. (Marquette and Beswick, 2011, p.1709)

Before President Yudhoyono took position as the president, former presidents had done some negotiations to ensure peace. The GAM movement became stronger post-1998 after the secession of East Timor from Indonesia. They had hoped that Aceh would have the same possibility to have their independence from Indonesia. Therefore, the peace talks with GAM within the period of 1998 until 2004 mostly ended in stalemates and more insurgencies continued from both sides. President Yudhoyono's government entered the peace negotiations with better and clearer action plans and offers which included amnesty for GAM and concrete economic programs. (Awaluddin, 2008) The government also managed to convince the military to have a ceasefire during the negotiations which helped significantly in the peace process.

Other than the internal factor of government's course of action with the peace negotiations, there was an external actor that significantly affected the peace process in Aceh. In 2004 a tsunami hit Aceh and damaged the province as well as the people significantly. Many people were dead, and not few lost their houses due to the tragic disaster. The tragedy instigated the international actors to put more pressure on the Indonesian government to resolve the conflict. In a way, the tsunami affected the conflict resolution significantly by creating a conducive environment for talks and negotiations to happen. After the tsunami, GAM lost their resources to continue fighting for independence. The conflict turned into collaborations to rebuild Aceh through humanitarian assistance and aid from international actors, such as NGOs, The World Bank, The United Nations, and directly from foreign countries under the provision of the central government of Indonesia. The freedom fighters also changed their mind from demanding "independence" to "self-government". (Panggabean, 2014, pp.34–35) With the help of Martti Ahtisaari, former president of Finland, as the mediator and facilitator for the conflict resolution process, the government of Indonesia and GAM reached an agreement and signed a Memorandum of Understanding (MoU) which explains more about the status of Aceh in the territory of Indonesia, as well as their right to "self-govern" in different fields. In this case, "self-government" refers to:

> "Aceh will exercise authority over all sectors of public affairs, which will be administered
> in conjunction with its civil and judicial administration, except in the fields of foreign
> affairs, external defence, national security, monetary and fiscal matters, justice and

freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution; and a stipulation that all decisions on domestic or international affairs related to Aceh undertaken by the national government or legislature would be made in consultation with, and with the consent of, the legislature of Aceh and the head of the Aceh administration."[1] (The Government of the Republic of Indonesia and the Free Aceh Movement, 2005)

After the peace agreement was reached, Indonesia focused the collaboration on rebuilding the infrastructure in Aceh and rehabilitating the Acehnese society after the tsunami. Alongside the rebuilding of infrastructure, the Law on Governing Aceh (LoGA) was introduced in 2006 to ensure the freedom of Acehnese society to implement their self-government status and to enforce the Islamic legal system within its territory. In this case, Shari'a was seen as a way to facilitate Aceh's re-integration, after the conflict, into Indonesian national culture, including its own particular experiences of Islamic revival, as well as to protect Aceh. (Feener, 2012, pp.285–286) The goal of implementing Shari'a law was to bring a social change in both the regulation of society and the character of individual Muslims to conform to a particular set of modern ideals, which is in accordance with Islamic values. (Feener, 2012, p.286)

Humanitarian assistance and aid were distributed to the Aceh province with the main purpose of restoring livelihoods and economic development which was believed to be able to contribute to the promotion of broader social improvements in terms of human rights, gender justice, and democratisation. (Feener, 2012, p.282) However, Jakarta-based Islamist activists and conspiracy theorists began to actively promote the idea that the humanitarian assistance had hidden agendas from Christian missionaries and Zionist agents to turn Acehnese people away from Islam. (Feener, 2012, p.285)Due to the fear of having Islamic values degraded by these hidden agendas, they not only used the foreign aid and assistance to rebuild Aceh, but also started to build a society which could be protected from the idea of globalisation. (Feener, 2012, pp.285–286)

Sharia law in Aceh

Sharia is believed to be the way of life for Muslims with a divine foundation and purpose which regulates the relationship between one person and God by providing a social, moral,

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[1] The MoU was signed in Helsinki, Finland, on 15 August 2005.

religious and legal guidance. (Uddin, 2010, p.627) Sharia, literally meaning "way to a watering place", comprises of the Quran, the *sunnah*, or tradition, of the Prophet Muhammad, the consensus of *ulama*, and *qiyas*, or analogical deductions. (Uddin, 2010, pp.627–628) The implementation of Sharia laws depends on *fiqh*, or Islamic jurisprudence, which is a method for understanding the text of the *Quran* as well as interpreting law. (Uddin, 2010, p.628) Sharia is considered to have "immutable and transcendent" characteristics due to its breadth and divine nature, while compared to specific legal rulings which are considered as "mutable and temporal" because they are issued by humans. (Uddin, 2010, p.628)

In order to make sure the enforcement of Shari'a law is being done by the society, a special security unit was established in Aceh, it is called Wilayatul Hisbah (WH). It was established by governor's decree in 2004 for them to be responsible for monitoring conduct and compliance to Islamic bylaws by providing 'moral guidance' since they are not supposed to have enforcement powers. (Panggabean, 2014, p.42) They have to work alongside the local police unit, since they do not have the authority to act like police officers. The local police unit works under the supervision of each local government, but regulated nationally, to enforce local regulation created by the local parliament. Both security units in Aceh were established with different purposes and focuses, but with the same idea to maintain order and deal with crimes in Aceh.

By enforcing Sharia laws, Aceh also introduced corporal punishments as a method of punishing violators of Sharia. Offences are punishable by caning, fines or terms of imprisonment. The offences which are punishable by caning include *maisir* (gambling) which is punishable by up to twelve strokes, *khalwat* (illicit relations between men and women) which is punishable by up to nine strokes, and *khamar* (sale and consumption of alcohol) which is punishable by forty strokes. (Aspinall, 2007, p.7) Homosexuality is also banned in Aceh as it is believed to be a sin in Islam. By the year 2015, the offences are also applied to non-Muslims in Aceh. There are also provisions in Aceh allowing punishment for Muslims who do not attend Friday prayers or observe fast. (Aspinall, 2007, p.7)

As mentioned before, since 2015 the law applies to Muslims and non-Muslims in Aceh. Even before the Sharia law was enforced, Majelis Ulama Indonesia (MUI) or Indonesian Ulama Council of Aceh chapter issued *fatwas*, or non-binding decrees, to regulate social behaviour of people in Aceh which applies to every individuals despite their religious background. In 1980, MUI issued a *fatwa* to forbid intermarriage between Muslims and non-Muslims; a year

later another *fatwa* was issued to forbid Muslims from participating in any Christian ceremony; in 1990, MUI Aceh chapter issued a *fatwa* ordering women to wear *jilbab,* or headscarf, regardless of their religion with the objective to prevent men from committing sex crimes and acts of violence. (Uddin, 2010, p.629) Despite the non-binding characteristic of *fatwa,* the enforcement of *fatwa* seems binding and gives no option for people not to follow it. Even before the Sharia law was enforced, GAM had been conducting *jilbab* raids on Acehnese women, whether they were Muslims or non-Muslims, which often led to them cutting the women's hair when it was uncovered. (Uddin, 2010, p.629) Aceh punished its first non-Muslim violator in 2016. A 60-year old Christian woman was caned in public for thirty times for selling alcohol in Aceh. (Iyengar, 2016)

The implementation of Shari'a law in Aceh has received critiques from various human rights organisation. Human Rights Watch made a specific critique towards two provisions in Sharia law, one prohibiting men and women who are not married to meet in certain circumstances and one imposing public dress requirements, as denying individuals' rights to make personal decisions central to the conduct of their lives and the expression of their faith, identity and morals. (Broecker, C. et al., 2010)

There are at least three problems related to human rights in the implementation of Sharia law: it restricts freedom of expression, it violates people's freedom from torture and public humiliation, and it marginalises women. Indonesia has ratified three international conventions on those matters which are the International Covenant on Civil and Political Rights (ICCPR) in 2006, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture) in 1998, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984.

The ICCPR affirms the equality of all people, as well as the right to privacy, freedom of expression and freedom of assembly. (United Nations, 1976)These rights allow individuals to have a freedom of an intimate life peacefully, to express themselves, including gender identity, through clothes and behaviours, and to be able to assemble with other individuals in public without fear of harassment or assault. The ICCPR also prohibits discrimination on the basis of sexual orientation. The Convention Against Torture outlaws corporal punishment, such as caning. The Human Rights Committee refers the prohibition against torture or cruel, inhuman, and degrading treatment or punishment relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim. (United Nations, 1987) The

provisions in Sharia laws controlling women's dress requirements and how they should behave in public clearly marginalise women on their freedom to express themselves in their preferred manners.

Another critique towards Sharia law is that the implementation of it has been viewed as unfair. Yayasan Keumala, an NGO in Lhokseumawe, conducted a poll of almost 2000 people and saw a pattern that the implementation of Sharia law as being less than maximal and only touching the poor people. (Aspinall, 2007, p.9) The *jilbab* raids done by WH are often targeting women riding motorcycles while those using cars are untouched. A cynicism on the implementation of Sharia law is also shown on the punishment on gambling. The focus on small-time gambling seems unfair for people who are more affected by corruptions done by government officials. (Aspinall, 2007, p.10) The unfairness in the implementation of Sharia law shows how the law touches mostly poor people while rich people and government officials have protection against it.

Identity in Aceh

Edward Aspinall argues that the notion of identity, or Islam to be precise, in Aceh is a mere instrument for actors to achieve their, mostly political, goals. (Aspinall, 2005) By actors, it means not only GAM but also the Indonesian government and local politicians in Aceh. GAM used identity to differentiate Aceh and Indonesia. At first, they had different understandings on the conception of 'nationhood'. The Acehnese community is seen as an ethno-nationalist community which put the sense of shared blood and kinship among members of the community into the ideal view of nationhood, likewise the primordial view of nationhood. (Huszka, 2014, pp.7–8) On the other hand, Indonesia, especially President Soekarno, had the conception of Indonesian nation as diverse and secular. While Aceh at the beginning had the conception of a nation as based on Islamic values.

The differences in the points of views of how to define 'nation' led Aceh to question their relationship with Indonesia and its future. Indonesia is a country with the largest Muslim population in the world. In 2015, Indonesia has more than 250 million of people and more than 80% of the population are Muslims. (CIA Fact Sheet, 2010) Aceh was the place where Islam started to spread in Indonesia. However, the Acehnese society has always seen themselves as a different entity than Indonesian society. GAM has been using Aceh's

historical backgrounds and traditions to differentiate themselves from Indonesia and to justify the creation of statehood with the ideology that even before the formation of Indonesia, Aceh had a tradition of always persistently resisting foreign powers. (Aspinall, 2007, p.11)

The notion of Acehnese identity and Islam were used before by GAM at the beginning of their insurgency. However, that notion has faded throughout the years of insurgency and the movement became more political. The demand for independence was clouded, after years of insurgency, by the human rights violations and inequalities the Acehnese society experienced, especially during the authoritarian regime of Soeharto. After 1998, GAM focused more on demanding social justice for the human rights violations they experienced and asking for independence on those grounds. At the same period, the secession of East Timor from Indonesia gave hope for Aceh to be able to do the same. However, as the Indonesian government learned the mistake with East Timor, the approach they took was to ensure Aceh stayed within Indonesia's sovereignty.

The Indonesian government also used the notion of identity to assure that Aceh stayed within Indonesia's sovereignty. After the falling of President Soeharto, GAM started to pressure the government to give them independence as they saw the opportunity after the secession of East Timor. Negotiations between 1998-2004 mostly ended up in stalemates as both GAM and the government were unwilling to take the offer from the other side of the party. During this period, the government started to see that the implementation of Shari'a law in Aceh was the best way to achieve peace and offered GAM that option. On the other hand, the goal of GAM, as mentioned before, had changed and the implementation of Shari'a law was not what they asked for. The post-tsunami situation became a great opportunity for peace which allowed the implementation of Sharia law proposal offered by the Indonesian government to be accepted by GAM since the situation was not conducive for both parties to continue the conflict. In this case, the Indonesian government used the notion of identity to offer GAM what the government thought they wanted: the implementation of Sharia law.

Local politicians came into this discussion when the popular idea at that period was to implement Shari'a law as a measure to stop the conflict. They used the implementation of Shari'a law to gain support, even though GAM's demand was independence. Having close to no power in the armed conflict, local politicians used the implementation of Sharia law as their prominent program since it was more feasible for them to offer the people. With the central government trying to stop the insurgency, the local politicians were making ways to

demonstrate pride in being Acehnese without creating a bad image of the central government. Therefore, the implementation of Sharia law was seen as a perfect instrument to achieve their goals, since it portrayed a long tradition connecting Acehnese identity with Islam, yet it did not necessitate conflict with Jakarta. (Aspinall, 2007, pp.20–22)

Aspinall argues that even though the notion of Islam has faded slowly in GAM's movement, it did not disappear from their nationalist discourse due to "its importance as an underpinning for individual commitment to the struggle and as a defining feature of Aceh's culture and identity in GAM's vision". (Aspinall, 2007, p.12)Nonetheless, the role of Islam faded due to the change of urgency from upholding Islam into countering the political game from Jakarta. The implementation of Sharia law is seen as a top-down program, despite the fact that there are many supporters of Sharia law in Aceh, since it was proposed by the central government. (Latschan, 2014; Uddin, 2010, pp.603–648; Aspinall, 2005; Aspinall, 2007) GAM, itself, did not ask for the ability for Aceh to implement Sharia law, but independence from Indonesia. However, due to the situation post-tsunami disaster, having peace with the Indonesian government and accepting their offer to self-govern with Sharia law seemed to be the only option at that time.

The implementation of Sharia law has brought the discussion of identity into another layer. The implementation of Sharia law is believed to be a social engineering process to change not just the institution, but also the society's norms, morals and ways of life. (Feener, 2012, pp.299–300) One can argue that the institutionalisation of Islam into the legal system has also institutionalised the primordial view of identity by highlighting the disparities between "Us" and "Others".

The Sharia law is putting Islam as its core, and everyone has to follow the rules and values despite their beliefs as long as they are in Aceh. There is one similar characteristic between Acehnese identity during the conflict before and during the implementation of Sharia law currently: the exclusive characteristic of Acehnese identity. Beata Huszka classifies the Acehnese society as an ethnically exclusive community where the membership of the community is exclusively reserved for people who are of Aceh origin, not just religiously but also culturally. (Huszka, 2014) However, the disparities between "Us" and "Others" does not only apply in religious terms, Muslims and non-Muslims, but also in economic terms, the poor and the rich and in ethnic terms, Acehnese and non-Acehnese.

As a society with the characteristic of being exclusive, it brings up another problem in relations to freedom of expression and human rights for people who do not necessarily represent the Acehnese 'identity' of Islam. Nonetheless, Aceh allows people with different beliefs to exercise their religious practices. However, there have been cases of churches being torched down by extremist Muslims who claimed that the churches were illegal due to lack of permits. (Kapoor, 2015; Maxwell, 2015; Lamb, 2015) The authorities later tore down the so-called 'illegal' churches to avoid more violence from the extremists. Despite having the ability to believe in religions other than Islam, it seems that Aceh is still lacking on protection measures to ensure the freedom of expression and religious practices, other than Islam, can be done without people having to fear of getting attacked by the extremists.

Conclusion

As a very diverse country, Indonesia's history has been filled with ethnic tensions, frictions and conflicts. In the beginning, I argue that the perception of identity, the role of the "Us" versus "Others" mentality, is central in the discourse of Aceh during the conflict with the Indonesian government and during the implementation of Sharia law after the peace was reached. During the conflict, the notion of identity played a crucial role as an initial cause of grievances towards the Indonesian government. The conflict started with the different perception of what a 'nation' should be and the disappointment from the Acehnese people towards the Indonesian government's view on nation-building. The conflict then escalated into, some may say, a civil war between GAM and the Indonesian government. During the insurgency, GAM brought up the discourse of Acehnese identity as 'distinct' from the rest of Indonesia. A special status was given to Aceh to give them the autonomy to create the society they hoped for. However, the revoking of Aceh's special status by President Soeharto and his developmentalist program ended up increasing the Acehnese society's grievances towards the Indonesian government.

The demand for self-autonomy changed into independence as it was a better way out for Aceh from the Indonesian government's political game which was a detriment to Aceh. The implementation of Sharia law in Aceh can be seen as a solution to resolve the tension between conflicted parties. The autonomy given to Aceh to enforce an Islamic legal system did bring peace between GAM and the Indonesian government. However, the goal of GAM was not to implement Sharia law but to be able to stand as its own nation. The situation after the

tsunami, turned the tables by creating a non-conducive environment to continue the conflict, thus peace was reached in Aceh. The offer to implement Sharia law, nonetheless, can allow Aceh to govern the province with its own customs and values of which related to Islam. The implementation of Sharia law in Aceh has become another problem as people deem it as violating human rights. It is unfathomable that Sharia law allows corporal punishment for violators of Sharia while at the same time it controls people's behaviours. Freedom of expression is being threatened by the implementation of Sharia law and it has been criticised by local and international NGOs.

This research shows that the mentality of "Us" and "Others" did exist within the Acehnese society during the conflict as a driver of the GAM movement at the beginning. Despite the fact that the identity grievances slowly faded and political and economic grievances grew stronger throughout the years of conflict, the sense of identity did not disappear from the discourse of Aceh. After the peace agreement was signed, the sense of identity has taken a different shape. Since Sharia law is allowed to be implemented, the Acehnese society has changed its shape into a more Islamic community. The mentality of "Us" and "Others" still does exist in Aceh in the form of Sharia law implementation which is applied to everyone in Aceh despite of their religious beliefs.

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