

The Spatial Planning Based on Local Wisdom of the Customary Legal Community in Aceh

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Abstract

The system of local wisdom reflected in local knowledge and technology systems in various areas dominantly still covers traditional values as appear from the way they do conservation principles, management and exploitation of natural resources. Spatial planning of the customary legal community in Aceh known as *Mukim*. According to the fact, the problem formulation refers to whether the spatial planning in line with local wisdom of customary legal community in Aceh. This normative legal research uses interpretative method. This study shows that the spatial planning based on local wisdom of Aceh originally has its own traditional arrangement by *Mukim*. *First* is the spatial division aspect, *second* is institutional aspect, and *third* is arrangement aspect. Based on arrangement aspect, it relates to value, prohibition, and its arrangement mechanism. Spatial planning that reflect local knowledge of indigenous communities in Aceh that integrates the interests of economic, ecological, social and cultural in a region as a system.

Keywords: spatial planning, local wisdom, the customary legal community

1. Introduction

The reflection of social environmental wisdom characterized by *religio-magis* concretely crystallized in legal product of local society, in legal anthropology known as *customary law*, *folk law*, *indigenous law*, *unwritten law*, or *unofficial law*, or in Indonesian context called *adat law/adatrecht* (Nurjaya, 2008).

The system of local wisdom reflected in local knowledge and technology systems in various areas dominantly still covers traditional values as appear from the way they do conservation principles, management and exploitation of natural resources (Safa'at, 2013). Through long interaction and adaptation to environment and natural resources, the society are able to develop the way to survive by creating systems of values, life pattern, institution and law in together with the condition and availability of natural resources around the areas where they live (Safa'at, 2008). However, today the local society becomes outcast from their own cultural life, economic and religious systems. Politically, they have strong bargaining power. Economically, they are not assured of their living continuity (Bosko, 2006).

The local wisdom in spatial planning in any provinces of Indonesia can be found such as in Batak Toba society, North Sumatera, concept of *Tri Hita Karana*, whereas the development of living environment appears Desa Pakraman in Bali. Besides, the local wisdom of Aceh society related to the custom is applied based on Islamic legal principles. It relates to quote/philosophy *adat ngon hukom hanjeut cree, lagee zat ngon sifeuet*, meaning that custom with Islamic laws cannot be separated from (united), such as substance and its characteristic. Therefore, the living system in Aceh society is ruled by traditional norms based on Islamic laws (Wahyuni, 2002).

The local wisdom of spatial planning in Aceh appears clearly with the existence and role of *Mukim*. *Mukim* has born and lived for centuries since the Period of Sultan Iskandar Muda. *Mukim* is unit of customary legal community including group of several *Gampong* (village) having certain area border and its own wealth, and has position directly under the District Head/ Camat headed by *Imuem Mukim*. The existence is admitted and supported through Qanun Aceh Number 4 of 2003 on Government of *Mukim*. Based on the Decision of Aceh Governor Number 140/600/2011 on Affirmation of Name and Code Number of District Government Administration Area, *Mukim* and *Gampong*. It covers 755 *Mukim* in Province of Aceh, including 43 *Mukim* in Regency of Sourth Aceh, 51 *Mukim* in Aceh Tenggara, 45 *Mukim* in Aceh Timur, 18 *Mukim* in Aceh Tengah, 33 *Mukim* in Aceh Barat, 68 *Mukim* in Aceh Besar, 94 *Mukim* in Piine, 67 *Mukim* in Aceh Utara, 29 *Mukim* in Simeulue, 16 *Mukim* in Aceh Singkil, 75 *Mukim* in Bireuen, 20 *Mukim* in Aceh Barat Daya, 25 *Mukim* in Gayo

Lues, 21 *Mukim* in Aceh Jaya, 30 *Mukim* in Nagan Raya, 27 *Mukim* in Aceh Tamiang, 12 *Mukim* in Bener Meriah, 34 *Mukim* in Piine Jaya, 17 *Mukim* in Kota Banda Aceh, 7 *Mukim* in Kota Sabang, 9 *Mukim* in Kota Lhokseumawe, 6 *Mukim* in Kota Langsa, 8 *Mukim* in Kota Subussalam.

The government of *Mukim* applies three elements namely Local element (*Imeum Mukim*), Religious element (*Imeum Masjid*), and Board element (*Tuha Peut and Tuha Lapan*). The Board of *Mukim* is also equipped by local board arranging the utilization and development of natural resources and other fields in *Mukim*. The utilization and development of forest are governed by *Panglima Uteun*, sea by *Panglima Laot*, harbor by *Syahbanda*, garden by *Peutua Seuneubok*, paddy field by *Keujreun Blang*, market and trading by *Haria Peukan*, and river by *Pawang Krueng*. It proves that controlling and developing of natural resources especially forest in Aceh have been applied in institution and clear local arrangement (Pemerintah Aceh, 2011). Areas of *Mukim* once arranged in *Qanun* Number 4 of 2003, that confess the existence of developing areas of *Mukim* in land and water, such as forest, land, river, estuary, lake, sea, mountain, swamp, marsh and others becoming local *ulayat*.

Spatial planning in Aceh Province having *privileges* and *specialty* in implementing customary life in natural resources development and deciding various policies together with strengthening spatial planning based on the local wisdom of the customary legal community *Mukim* in Aceh. In line with the background, the problem statement in this research covers is whether the spatial planning based on local wisdom of the customary legal community in Aceh?

2. Research Method

This research is normative law study. This study focuses more on *conceptual approach*, *philosophical approach* and *historical approach*. The legal materials are collected, treated and analyzed qualitatively using interpretation technique by giving interpretation toward the provision texts.

3. Discussion

3.1. Spatial Planning the Customary Legal Community *Mukim*

Spatial planning *Mukim* in Aceh is called *Tuha Peut* and *Tuha Lapan* with its philosophy of areal orientation. It represents four points of compass that are West, East, North, and South, with small scope. When *Mukim* getting bigger, it does not covered the four points of compass then becomes eight points of compass, thus it covers as representative system. The center of point of compass is in the *Masjid*.

Related to the fact, Taqwaddin states, “The *Masjid* philosophy is center of all society activities. Thus, *Masjid* is not only as individual place to do ritual correlation with the Creator (its Creator), but also place to do social habit worship such as the education center, reading *Qur’an*, sport center, and economic activity, for example development of store, shop, and market around the *Masjid*. *Masjid* is center of *Mukim* activities.” (Taqwaddin, interview, 2016).

According to the time of Rasulullah Saw, at least the mosque has 2 functions *first*, as worship center, including prayer, reading Al-Qur’an, *bertadarus*, collecting zakat, *beritikaf*, dzikir, and any other worship activities; *Second*, as education and training center, also library, court, military camp before starting struggle (place to make war strategy); place of announcement. Mosque in place of economic activity, *baitul mal*, collecting fund from the rich to be given to the poor Djayadi, 2008).

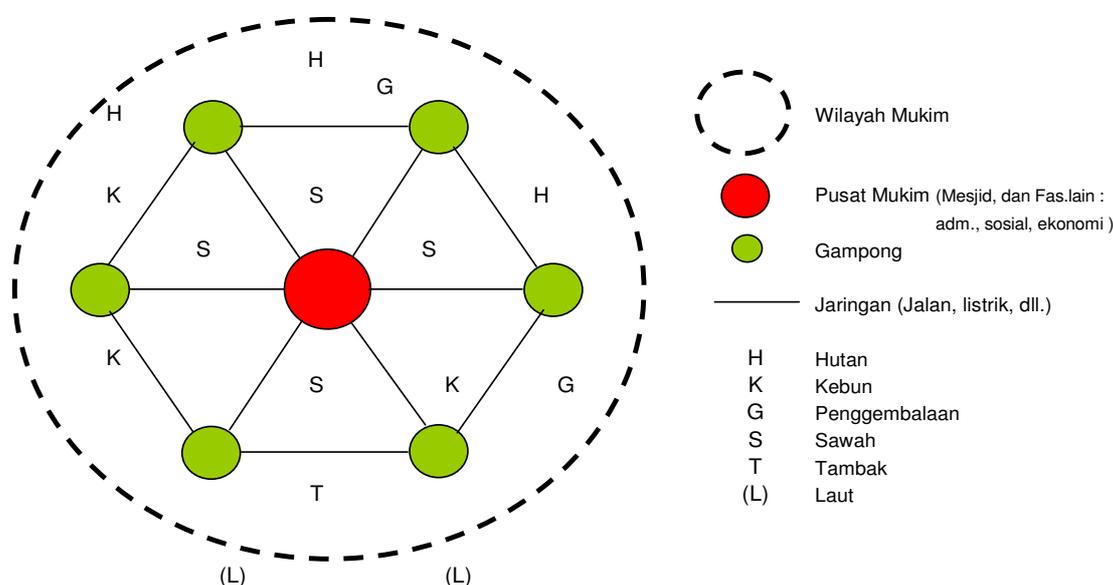
One of the theoretical perspectives of spatial planning given by E.A.J. Johnson when discussing on “*The Nature of Landscapes in Human Geography: Purpose Underlying the Organization of Terrestrial Space*” cover 5 types of the beginning of forming spatial organization as its basic:

1. The Military Type (*Military Landscapes*), it is formed from the existence of military forts as the center and surrounding area as the “supervision” area and source of food supply for the fort. This type happened in colonial period or military expansion.
2. Holy/Worship Place Type (*Sacerdotal Landscapes*), it is formed from the existence of religious holy/worship place as its center and service area ranges up to the people places who come to the worship place.

3. Type of “Court” (*Juridical Landscapes*), it is formed from the existence of “court” place as the center and juridical area surrounded. The meaning of court is place where all the problem or conflict brings to get the legal solution.
4. The Governmental Administration Type (*Landscapes of Administrative Control over Land and People*), it is formed from the existence of governmental center (capital) controlling areas (with land and the people) decided in governmental administration.
5. Market/Economic Type (*The Role of a Hierarchy of Markets in the Organization of Economic Landscapes*), it is formed from the existence of market (*market place*) as the center serving surrounding places that utilize the market as place for selling product and buy needed goods. The market activity gives “up” hierarchy to the higher or bigger center (Johnson, 1970).

Related to the background and spatial forming of *Mukim* as stated before, it concludes that the spatial organization of *Mukim* in its beginning step is appropriate to the type of holy/worship place. The position or location of Mosque is temporary center with *Gampong-Gampong* surrounded, and the people come to Mosque to do worship, as the serving area. Using custom and culture identical to Islam, in the context of *Mukim* and Mosque, society custom and culture are included.

The implementation of *Mukim* function is not only type of holy/worship place. Integrated it covers “serving” according to other types such as first, as place to solve the conflict (type of “court”), second, the governmental administration unit (type of the governmental administration), third, place of “market” activities of sell-buy or specially shopping for the surrounded people. Thus, in the context of spatial planning or spatial organization, the area unit of *Mukim* has very significant function and role. Diagrammatically, the configuration of *Mukim* and *Gampong* describes chart as follow:



Catatan :

- Konfigurasi Mukim & Gampong tersebut berkarakter :
- Sacerdotal Landscapes (awal dan utama)
 - Administrative Landscapae (utama dewasa ini, UUPA)
 - Juridical Lanscapes (kasus-kasus khusus)
 - Market Area (sangat potensial).

Source: M. H. Asoen, 2007

Figure 1. Schematic Configuration of *Mukim* and *Gampong* in Aceh

The philosophy of spatial planning *Mukim* poses harmony relation between human and the God (Allah Swt) or *hablumminAllah*, the relation among human or *hablumminannas* including the relation with environment/universe. Because human is the chief of earth (*khalifatullah fil ardh*), he is given by the God/

Allah Swt to take care and control the earth (area of *Mukim*) to keep its preservation and fulfill human life needs (people surrounded *Mukim*).

Institutional behavior of Aceh people in forest (*uteun*), sea (*laot*), river (*krueng*), field, garden (*seuneubok*), paddy field (*blang*), and other places - as *process of creating morals* - relates to arrangement of natural resources or economic system in general. The customs of *uteun*, *laot*, *krueng*, *seuneubok*, and *blang* appear from morals. Also morals are the sources of three other customs, all have one source, morals. Each brand refers to *tajalli* (forming, manifestation) of moral. The moral and law refer to *tajalli* of *tauhid* (Ramli, et.al. 2016).

3.2. Spatial Planning of the Customary Legal Community *Mukim* as Spatial Planning in Area of Aceh Province

In line with the study of Rusdi Sufi (1987) and Verheul (1927), since the period of Sultanate Aceh to colonial, concept and practice of spatial arrangement areas based on *Sagoe* and *Nanggroe* have been stable in Aceh. In *Aceh Rayeuk*, for example, *Panglima Sagoe*, (*Uleebalang*, pen) and *Mukim* have authority to act and rule outside while *Gampong* has only authority to act and rule inside.

To act and rule outside on *tanoh mile' umum* (public land) mean it should be kept from stranger authority. In other word, people from outside the *Mukim* and *Sagoe* may use the land only, when he has permission from local *Imeum Mukim*, and *Panglima Sagoe*. The permission is obtained from local *Keuchik*. Then, the inside authority (*Gampong*), or certain parts of land *ulayat/tanoh umum* are kept in the position and status of *tanoh umum*. For example, *padang meurabee* (place for public grazing), *weu keubeu ramee* (common cattle sheds), *bhom Gampong* (public cemetery), *geulanggang* (show place, public field) and *pantee krueng* (public baths). Regulating of land usage is controlled by *Gampong-Gampong* where the land places. Including to the group are river, beach and sea, but the one that control its use is *Mukim* (El Hakimy, 1981).

The tradition of dividing utilization areas has happened for centuries in Aceh and its arrangement is in the control of *Mukim* and *Gampong*. Thus, the institutions formed to arrange the utilize space are in the control of head of *Mukim* and *Gampong*, in line with condition and the custom. The arrangement of area utilization *blang* (farm) is delegated to institution called *keujruen blang*, for area *laot* (sea) delegated to institution called *panglima laot*, area of *lampoh* (garden) or field is in control of *peutua seuneubok*, area of *uteuen/rimba* (forest) controlled by *peutua uteun* and area of *krueng* (river) controlled by *peutua krueng*. Then, each area has its own custom.

Spatial arrangement based on local wisdom of Aceh known as *Mukim* in traditional arrangement at least has 3 aspects of spatial arrangement, they are *first*, aspect of spatial division, *second*, institution aspect, *third*, arrangement aspect. Based on arrangement aspect, it concerns with value, prohibitions, and mechanism of its arrangement. The spatial arrangement considered traditionally poses 3 areas, they are settlement area, for example *Gampong*, cultivation area, and utilizing land area. *Mukim* has own area division (zone) and in any area of Aceh there are terms of different areas.

4. Conclusion

Spatial planning based on local wisdom of Aceh historically has 3 aspects; *first*, aspect of spatial division, *second*, institution aspect, and *third*, arrangement aspect. In line with aspect of arrangement, it covers vales, prohibitions, and mechanism of arrangement. The spatial arrangement considered traditionally poses 3 areas, they are settlement area, cultivation area, and utilizing land area. Spatial arrangement of the customary legal community of *Mukim* is close related to mosque as the center of compass point. It purposed to build vertical relation (*vertical line*) the God and horizontal relation (*horizontal line*) among the people and nature together with its spatial arrangement. Meaning, human and nature have horizontal position, they need each other and have responsibility to the God. Spatial planning that reflect local knowledge of indigenous communities in Aceh that integrates the interests of economic, ecological, social and cultural in a region as a system.

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