

STUDIA ISLAMIKA

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THE WORD 'LEBAI' AND ITS ETHNIC ORIGINS:
REASSESSING AN EARLY DESIGNATION
FOR MUSLIM RELIGIOUS OFFICIALS IN THE MALAY WORLD

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Moch. Nur Ichwan

Forbidden Visibility:
Queer Activism, Shari'a Sphere
and Politics of Sexuality in Aceh

Abstract: *This article aims to explain why organized queer activism emerged in Aceh, but could endure only in about six years (from 2008 to 2014). It is argued that this has mainly caused by massive expansion of 'shari'a spheres' since 2001 supported by national and local government and parliament legal-political back up and societal religio-cultural forces on the one hand, and weak nature of the queer movements as counterpublics, characterized with the inadequate resources mobilization, especially in leadership and in getting support from its social movement communities during the crises on the other hand. Shari'a, which is heteronormative, have been used as discursive and embodied disciplinary power of sexuality for normalizing and excluding the queer (including lesbian, gay, bisexual, and transgender/LGBT). Their organized visibility triggered the issuance of the Qanun Jinayah in 2014, which includes punishment for same-sex activities. It caused them to dissolve their own queer organizations.*

Keywords: Aceh, Shari'a, Queer, LGBT, Sexuality.

Abstrak: Artikel ini bertujuan untuk menjelaskan mengapa aktivisme queer terorganisasi muncul di Aceh, tetapi tidak dapat bertahan lama. Ia hanya dapat bertahan sekitar enam tahun, dari 2008 hingga 2014. Penulis berargumen bahwa hal ini terutama disebabkan karena ekspansi masif 'ruang syaria' sejak 2001 yang didukung oleh politik hukum pemerintah dan parlemen pusat dan daerah serta tekanan religio-kultural masyarakat pada satu sisi, dan karena lemahnya gerakan queer sebagai publik tandingan, yang dicirikan dengan ketidakmemadaiannya mobilisasi sumberdaya, terutama dalam kepemimpinan dan dalam perolehan dukungan dari komunitas gerakan sosial pada saat krisis pada sisi lain. Syariah, yang bersifat heteronormatif, telah digunakan sebagai kuasa pendisiplinan diskursif dan tertubuhkan (embodied) tentang seksualitas yang dipergunakan untuk menormalkan dan meminggirkan kaum queer (termasuk lesbian, gay, biseksual, dan transgender/LGBT). Visibilitas terorganisasi mereka telah memicu dikeluarkannya Qanun Jinayah pada 2014 yang memuat hukuman bagi seks sejenis. Ini yang memaksa mereka membubarkan organisasi LGBT mereka sendiri.

Kata kunci: Aceh, Syariah, Queer, LGBT, Seksualitas.

ملخص: تهدف هذه المقالة إلى شرح السبب في ظهور أنشطة غير ثنائي الجنس (Queer) منظمة في آتشيه، لكنها لا تتمكن من الاستمرار لفترة طويلة، حيث لم تقدر على الصمود إلا ست سنوات فقط، من ٢٠٠٨ إلى ٢٠١٤. رأى الكاتب أن هذا يرجع أساساً إلى التوسع الهائل لـ«مساحة الشريعة» منذ عام ٢٠٠١ المدعومة من السياسات القانونية الحكومية والبرلمانات المركزية والإقليمية وكذلك الضغوط الدينية والثقافية للمجتمع من ناحية، وبسبب ضعف حركة غير ثنائي الجنس باعتبارها الجماهير المنافسين الذين يتسمون بعدم كفاية تعبئة الموارد، وفي القيادة على وجه خاص، وفي الحصول على الدعم من مجتمع الحركات الاجتماعية عند ظهور الأزمات من ناحية أخرى. فالشريعة التي تتصف بغير المتجانسة استخدمت كقوة تأديبية خطائية ومتجسدة حول الجنس، التي استخدمت لتطبيع وتهميش أصحاب غير ثنائي الجنس (بما في ذلك السحاقيات والمثليون والمختنون والمتحولون جنسياً). كانت رؤيتهم المنظمة تسبب في إصدار القانون الجنائي في عام ٢٠١٤ والذي يحتوى على عقوبات أصحاب المثلية الجنسية، ما أجبرهم على حل منظماتهم.

الكلمات المفتاحية: آتشيه، الشريعة، غير ثنائي الجنس، المثليون، الجنسانية.

When I did my third visit to Aceh for my fieldwork in 2010, controversy was emerging on Transgender Festival organized a week before. Seen on the local television, some demonstrators condemned the activity and questioned whether the government and the Deliberative Council of Ulama (MPU) of Banda Aceh city issued an official permit for such an activity. The chairperson of the MPU of Banda Aceh city stated that the organizer misused the permit of organizing social event and demanded the organizer to submit public apology and promise not to organize similar event again. Indeed, the organizer showed up on media and apologized to the government, *ulama* and Muslim people. The public visibility of the queers--including lesbian, gay, bisexual, and transgender (LGBT)--after the earthquake and tsunami of 2004 had shocked Aceh society. They saw this visibility as dangerous for the future of Aceh, because they consider it as violating shari'a being officially implemented in Aceh since 2001. Aceh is the only province in Indonesia which is legally allowed to implement shari'a (based on Law no. 18/2001 on the Special Autonomy of Aceh and Law No. 11/2006 on the Governing of Aceh). At that moment there was no single qanun (local bylaw) regulated the issue of LGBT. The Qanun Jinayah which contained some articles on homosexuality failed to be ratified by the then governor in 2009.

The above phenomenon attracted my attention because it would inform us that shari'a implementation in Aceh is actually complex and dynamic. Shari'a creates not only its own interlocutors but also its opponents. It writes not only its compliance narratives but also its paradoxes, including the fact that within the shari'a region exists also LGBT activism and movement. However, the study of sexual minority in Aceh has been overlooked. Apart from the studies on the earthquake and tsunami on nature and people, most studies have been done on the shari'a implementation in the region (Abubakar 2008; Ali Muhammad 2003; Bustamam-Ahmad 2007; Feener 2013; Feener, Kloos, and Samuels 2016; Ichwan, Mark Cammack, and Michael Feener 2007; Isa 2013; Salim 2008, 2015). However, these later studies also missed to see the impact of shari'a on sexually minority people (LGBT) who exist in the region. Equally, most scholars of LGBT in Indonesia also missed to study the LGBT in Aceh. There are many studies on queers in some parts of Indonesia, such as Jakarta, Yogyakarta, Surabaya, Bali, Makassar, and Padang, but not Aceh (Atkins 2012; Blackwood 2010;

Blackwood and Wieringa 1999; Boellstorff 2005, 2008; Davies 2010; Murtagh 2007)2008; Davies 2010; Murtagh 2007. Moreover, most studies on gender and sexuality in Aceh have been mainly related to the position of women in society (Afrianty 2015; Großmann 2015, 2015; Kamaruzzaman 2004; Kloos 2016; Siapno 2002; Srimulyani 2016; Vignato 2015), and if the queer is mentioned, it is only in passing (Jauhola 2010, 2012). However, the contribution of Dede Oetomo (1989), Farid Muttaqin (2012), and Adhiyatma and Hyun (2017) must be highlighted. Dede Oetomo wrote a short article in *Gaya Nusantara* magazine about history of homosexual practices in Aceh; Farid Muttaqin focused on homosexual and transgender experiences based on his personal encounters with some LGBT people during his stay as local staff of the UN Women in Aceh (2008-2011); and Adhiyatma and Hyun study the public punishment of the gays in 2017 seen from Islamic and international law perspectives. I discussed queer activism in Aceh elsewhere (Ichwan 2013), but only in a short sub-chapter.

This article aims to explain why queer activism emerged in Aceh, Indonesia, but could not endure; it lasted in about six years, from 2008 to 2014. I argue that this failure has mainly caused by the massive expansion of ‘shari’a spheres’ since 2001 supported by national and local government and parliament legal-political back up and societal religio-cultural forces on the one hand, and weak nature of the queer movements as counterpublics, characterized with the inadequate resources mobilization, especially in leadership and in getting support from its social movement communities during the crises on the other hand. Shari’a, which is heteronormative, have been used as discursive and embodied disciplinary technology of sexuality for normalizing and excluding the queer (including lesbian, gay, bisexual, and transgender/LGBT) (Jagose 1996). LGBT are seen as religiously “sinful”, culturally “disgraceful” and morally “dangerous” for Aceh which is implementing shari’a. In Islam, the problem is more about homosexuality and adultery (*zina*, extra-marital sexual activity). Bisexual and transgender are condemned for doing either same-sex activity or extra-marital (*zina*) heterosexual activity. Therefore, it actually deals only with LG, and not BT. However, because the informants called their movement as LGBT movement, I maintain it as they called it. LGBT people are seen as ‘against shari’a’, although they reject to be labeled so, but had been somehow tolerated when they remain unorganized and invisible.

Their voluntary public visibility is seen as anomaly to shari'a, let alone organized visibility. When this organized activism became visible in public sphere they are seen as a threat to religiosity and morality of society and triggered societal protests and organized reaction. When the national wide anti-LGBT movements emerged in 2016, LGBT movements in Aceh were already invisible from public sphere, but the anti-LGBT sentiment became much stronger than ever. I also argue that they finally become 'invisibly visible', in the sense that they are visible as citizens, but not as queer bodies. I have to admit that I am a heterosexual Muslim myself, but I have tried to be truthful to my data, which was collected through interviews, observation, and media reports, and respectful to human dignity regardless of sexual orientation. This study focuses mainly on the queer movements in Banda Aceh, and is based on fieldwork in Banda Aceh in 2010-2012 and a series of visit from 2013-2018. I employ social movement theories, especially political processes and resource mobilization theories as well as Fraser's concepts of publics and counterpublics, to explain why the queer movement in Aceh could not sustain, and use Foucault's concepts of regime of truth and Benhabib's and Fraser's concept of sphere, rather than Habermas, to explain why shari'a has become the regime of truth in Aceh and has been expanding through multiple shari'a spheres.

Shari'a Spheres, Politics of Sexuality and Queer Counterpublics

Aceh has been known as "the veranda of Mecca" (*Seuramo Mekkah; Serambi Mekkah*), signifying not only the belief that Islam came to Malay Indonesian archipelago through Aceh, and that it was the transitory place for *hajj* pilgrimage on their way to Mecca, but also that it is the Islamic land. Shari'a has become the "regime of truth" (Foucault 1979 [1975]), a system which determines and defines what is accepted as a truth in Aceh, and forms Aceh's dominant values and norms. I would like to add, that in the context of Aceh, Shari'a constitutes also the "regime of justification", a system which gives people and government reason for justifying their action. In this way, shariatization has become a "disciplinary power" which is exercised over everyone living in Aceh, and has played important role in this process of "subjectification" (Foucault, Hubert L. Dreyfus, and Paul Rabinow 1982, 208) and the constitution of gendered subjects of the Acehnese people. To become sexually "normal", people have to be rendered "calculable through

social disciplines”, or, in the context of religious society, “religio-social discipline”, and furnished with a conscience through harsh punishments which is displayed in public (Foucault 1978; Simons 1995, 19), such as shari‘a punishments. These are practices for producing “docile bodies” (Foucault 1979 [1975]) which have internalized the gaze of shari‘atized authority. This, in turn, leads to people’s governing of themselves and their bodies to be in line with, and not contradict, Islamic law.

Public sphere is not neutral as assumed by Habermas (1989 [1962]), but in fact subject to gender, racial, class, secular, and religious biases (Benhabib 1992; Fraser 1992; Salvatore 2007; Salvatore and Eickelman 2004; Warner 1992). Public sphere, therefore, is not value-free. Public sphere, therefore, includes and excludes people too. In secular society, public is defined by the idea of separation of Church and state, privatization of religion and differentiation of religion from other affairs, and accomplished by exclusion, stigmatization and repulsion of religious subjectivities (Ismail 2008). While in religious society, which is defined by religion, or even particular religious sect and denomination, public excludes what is considered ‘non-religious’ or other religions and sects.

In the context of Aceh, public sphere is not only determined by gender, class, and ethnicity, but also by religion (Islam). Official implementation of shari‘a in Aceh has created Muslim public spheres (Salvatore 2007; Salvatore and Eickelman 2004), and more specifically “shari‘a spheres”, in the sense of the arena of deliberation and debate defined and framed mostly by Islamic norms and laws. Shari‘a sphere is an arena or realm in which shari‘a plays as a regime of truth or a master signifier. However, ‘shari‘a sphere’ should be differentiated from ‘shari‘a space’. The former refers to abstract and discursive boundaries, such as culture, politics, private, and public, while the latter refers to material, geographical sites, such as house, mosque, street, office, and city, as far as they both are substantiated by shari‘a. However, like sphere, space is not stable and fixed, but constantly remade and unmade (Massey 1994). Therefore, when we talk about the expansion shari‘a sphere we talk about how shari‘a penetrate not only private but also public realms, or not only religious but also political, cultural, and economic realms. When we talk about the expansion of shari‘a space, we talk about the present of Islamic law not only in the mosques or shari‘a courts, but also on the streets, in government offices, beauty salons, hotels and

other secular places. However, mostly shari'a sphere determines the shari'a space, and not the other way around. When shari'a sphere includes the private sexual life of citizens, hotel, house, streets become shari'a spaces. Both shari'a sphere and the shari'a space form the so-called 'shari'a publics'.

It should be noted that, in the context of Aceh, shari'a itself is contested. Shari'a can broadly classified into official and societal shari'a. Official shari'a is Islamic law constructed formally through political processes by the state, enforced from above on society, and bureaucratized through state institutions. In Aceh official shari'a is manifested in local bylaws (called '*Qanun*') and supported by other shari'a apparatuses, such as Deliberative Council of Ulama (*Majelis Permusyawaratan Ulama*), Shari'a Office (*Dinas Syariat Islam*), an institution under the gubernatorial office which drafts the shari'a qanuns, Shari'a Courts (*Mahkamah Syar'iyah*), Shari'a Police (*Wilayahul Hisbah*), and House of Treasury (*Baitul Mal Aceh*). Only shari'a regulated in the shari'a Qanuns is enforceable. Whereas, societal shari'a is Islamic law constructed informally by Muslim society, especially *ulama*, and has become living Islamic law for centuries. However, societal shari'a is not singular, it is plural. In the context of contemporary Aceh, it could be classified into: traditionalist (*dayah* [traditional Islamic boarding school] and traditional organization based), reformist (modernist organization and university based), and puritanist (Salafi-based). However, both official and societal shari'a are not mutually exclusive. During the sultanate periods (roughly from 11th to early 20th centuries) the traditionalist Muslim actors influenced mostly the official shari'a. During the Dutch colonial periods (1904-1942) both traditionalist and reformist actors detached themselves from the colonial regime, whereas during Japanese brief occupation period (1942-1945), reformist actors had better relations with the Japanese occupational government, although failed to influence the legal policy. After Indonesian Independence (1945) until today reformist Muslim actors had mostly better access to influence official shari'a policy, as will become clear later.

As there are contested notion of shari'a there are also contested shari'a spheres. There is multiplicity of shari'a spheres. There are two major shari'a spheres, (1) 'official shari'a sphere', developed by government, based mainly on shari'a-related laws and qanuns, and by the Majelis Permusyawaratan Ulama (Deliberation Council of Ulama/

MPU) through its fatwas (because MPU is part of the government); (2) 'societal shari'a spheres', developed by Muslim society. However, the latter could be divided into four shari'a sub-spheres: (a) reformist shari'a sub-sphere, developed by reform-minded scholars, mostly graduated from, or affiliated to, (Islamic) universities, and reformist organizations, such as Muhammadiyah;¹ (b) traditionalist shari'a sub-sphere, which is mostly dominant in the villages or in areas influenced by traditional *dayah* or traditional organizations, such as Perti and Nahdlatul Ulama (NU), which claim to be the valid representative of *Ahl al-sunnah wa al-jamā'ah* (local acronym: Aswaja); (c) puritanical shari'a sub-sphere, which is developed by PUSA (Persatuan Ulama seluruh Aceh), Dewan Dakwah Islamiyah Indonesia (DDII) and by the current Salafi movement supported by some alumni of Middle Eastern, especially Saudi, universities and of Jakarta based Saudi Islamic and Arabic College (LIPIA); and (d) layman shari'a sub-sphere, developed by religiously lay people in their everyday life. When I talk about 'shari'a spheres' (in plural), I talk about this multiplicity of shari'a spheres in general, except indicated otherwise.

Shari'a spheres also expands or shrinks from time to time depending relationally on its social, political, economic and cultural contexts and due to social and socio-political processes. From the first Islamization of Aceh in about 11th century shari'a sphere expanded and embodied in Acehnese culture, economy, and politics until the defeat of Acehnese kingdom by the Dutch in the beginning of the 20th century (Hassan 2014; Utriza 2016). During the Dutch colonization (1904-1942) and Japanese occupation (1942-1945) shari'a shrank. Both the Dutch and the Japanese could not neglect shari'a, but they reduced its scope to merely family law. This meant also that shari'a sphere also shrank from covering cultural, political, economic and social realms to merely family. The post-independence period saw also the shrunk sphere of shari'a by maintaining the colonial legal policy, although Sukarno promise to fulfill the demand of Daud Beureueh, the then governor of Aceh, for the expansion of shari'a sphere by implementing comprehensive shari'a. Beureueh's revolt through the Darul Islam movement was done to establish independent Islamic state based on Islamic shari'a. During Suharto period, another revolt, called Aceh Independence Movement (GAM), led by Hasan Tiro, emerged. The GAM, initially claimed to be the continuation the Darul Islam, but later adopted a non-religious

agenda (Munhanif 2016). During the GAM-Jakarta conflict, including the establishment of Aceh as a Military Operation Zone (1989-1998), thousands of innocent people killed.

Soon after the collapse of Suharto in 1998, there was a strong demand for referendum in Aceh. This was seen by Jakarta as a threat, which, like GAM's goal, could lead also to independence, like the case of East Timor in 1999. The government issued the Law no 44 of 1999 on the Administration of the Special Status of Aceh Province which granted Aceh the possibility of administering its own religious affairs, including shari'a law--unlike the Law No. 22 of 1999 on Regional Autonomy which centralize religious affairs under the aegis of the Ministry of Religion. Jakarta granted shari'a implementation by issuing Law No. 18 of 2001 on Special Autonomy for the Province of Aceh Special Region as the Province of Nanggroe Aceh Darussalam which officially granted the implementation of shari'a and its supporting institutions. Later this official implementation is strengthened by the Law No. 11 of 2006 on the Governing of Aceh. Therefore, Aceh becomes the only province allowed to implement shari'a, although there are a number of cities and districts issued shari'a-inspired bylaws (Buehler 2008). As we will see, shari'a meant here is heteronormative interpretation of Islamic law.

The above developments reflect the expansion of shari'a sphere from merely family realm to private (including personal and family) and public realms. Shari'a is defined comprehensively as 'Islamic teachings concerning the whole aspects of life' in the qanun (local bylaw). However, the expansion of shari'a sphere has been done in stages, because aspects of shari'a are not automatically effective unless they are mentioned in the qanun (Abubakar 2008). In the beginning issued the Qanuns No. 11 of 2002 on Islamic belief, rituals, and symbols (*'aqidah*, *'ibadah* and *shī'ār*), No. 14 of 2003 on gambling, alcoholic drink, and act of illicit close proximity between a man and a woman in a remote or hidden place (*maysir*, *khamr*, and *khalwat*). Islamic clothing is included in the qanun No. 11 of 2002, but without mentioning any sanction. Punishment only applicable for those who violate the Qanun on *maysir*, *khamr*, and *khalwat*. There was no qanun which could be used for dealing with same-sex acts. Later, shari'a sphere expanded through the issuance of the Qanun No. 6 of 2014 on Jinayah or Islamic Penal Code (later Qanun Jinayah), which includes punishment for same-sexual acts. In general, by the issuance of this qanun, shari'a sphere has been expanding significantly.

Politics of sexuality in Aceh is defined by shari'a which is heteronormative. When LGBT subjectivities, bodies and activism become visible and negotiate their space in the shari'atized publics of Aceh, they represented themselves as the "subaltern queer counterpublics" (Kjaraan 2016). According to Fraser (1992, 123), "subaltern counterpublics are parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses to formulate oppositional interpretations of their identities, interests, and needs." Counterpublics elaborate not only alternative life styles but also alternative public discourses and normativity. The inclusionary or exclusionary attitudes to the queer subaltern counterpublics has been driven by shari'a-based values and norms, on the one hand, and socio-political processes, on the other. In such a society, LGBT is seen not only as sexual counterpublics (Fraser 1992; Warner 1992, 2002), but also irreligious counterpublics, which is suspected of forming and disseminating unlawful sexual practices, identities, discourses, and worldviews in society. Fraser argued that subaltern counterpublics are discursive arenas developing in parallel to the official public spheres and "where members of subordinated social groups invent and circulate counter discourses to formulate oppositional interpretations of their identities, interests, and needs" (Fraser 1992, 123). The queer social movement endeavored to challenge and change the heteronormative nature of shari'a sphere, rather than to change the shari'a itself, by offering a more queer friendly understanding of shari'a, and therefore queer friendly nature of shari'a sphere. To meet this aim this queer movement built network of human rights and gender movements, because it lacks of resources expert in shari'a and law in general. It built the so-called 'social movement community', in the sense of "intersecting social networks in which a collective of movement members are embedded, which often include people who are not movement members," (Stoecker 1995, 112) in order to exist. Queer's social movement community is a larger social collectivity within which the queer social movement lives.

Apart from political processes, the queer social movement is determined by its capability to mobilize resources. There are five types of resources: Moral resources, including legitimacy, solidarity support and sympathetic support; cultural resources, especially knowledge about the movement and its environments; social-organizational

resources, related to spreading the movement's message, organizing community meetings, recruiting volunteers, building social movement communities; material resources, including physical capital, such as office, equipment, and supplies, and financial capital; human resources, such as experience, skills, expertise in a certain field, and leadership (Edwards and McCarthy 2004, 125–28; McCarthy and Zald 1977).

Queer in Aceh: A Brief History

LGBT is a modern construction of sexuality. It is more complex than homosexuality. However, in this part we will begin with tracing back the history of homosexuality in Aceh. Homosexuality is not new in Aceh, but its history is yet to be uncovered, due to very limited written information about it. There were some reports on the strict regulation of sexuality and the severe punishment for those committed adultery during the Sultanate eras (Hassan 2014; Utriza 2016), but homosexuality and its sanction were not mentioned.

The earliest historical account on homosexuality in Aceh is found in Christiaan Snouck Hurgronje's *The Achehnese*, in which he said that the practice of paederasty (man having sex with a boy) has become "habit" and "very widespread." Snouck Hurgronje (1906a, 361) even said that "the paederastic habits of the Achehnese, and (as many think) the use of opium, cause the majority of them to set a lower value on intercourse with the opposite sex than is usual among other native populations." Moreover, there were some decorum or decencies related to this paederastic practice, and the paederasts did not recognize openly the objects of their "unlawful" passion, even though their neighbours may be well aware of it. Snouck Hurgronje (1906b, 318). In Pidie and on the East and West Coast, men often unashamedly show themselves in public in the company of their male partner (*amasii*). Achehnese are also often ridiculed in Penang when seen with young boys in public. He also described that sometimes *meunasah* (village mosque) became a place where "paederasty is shamelessly practiced at night" (63). During the third part of Ramadan, when the young played crackers, "the paederasts take an especial delight in making their favourites contend with each other at their expense in this noisy pastime" (236, f.n. 1).

Moreover, Snouck Hurgronje (1906b, 120) said that such homosexual relation is also reflected in some literary and artistic works. In the *Hikayat Ranto*, the author testified that "Gambling, opium-

smoking and paederasty are the chief relaxations of a society composed exclusively of males.” A large portion of the poetry recited by the *sadatis* and their *dalems* in the *seudati* dance is “erotic and even paederastic in character”. The *seudati* was a boy in female garb, which became centre of attraction in the performance (Snouck Hurgronje 1906b, 222). Referring to Snouck Hurgronje, Dede Oetomo (1989) said that Acehnese men liked boys from Nias to dance in order to serve their “unnatural desire”. He also said that there are also poems about the beauty of boys. Julia Suryakusuma (2012, 407) also said that there are some “homoerotic poems which are akin to those in Urdu literature”. However, unfortunately, both Oetomo and Suryakusuma did not provide any evidence or example of the poems.

Concerning *seudati*, Snouck-Hurgronje (1906a, 149) even noticed that one of the internal sultanate conflicts which the Sultan (without identifying which Sultan) was engaged “originated in a quarrel about a *seudati*, one of the dancing boys who appear at some of the *ratébs* (recitations) in female garb and excite the passions of the Acehnese paederasts.” Despite this, he negated the assumption that the profession of *seudati* implies immoral purposes, despite ulama’s opposition of homosexuality (Snouck Hurgronje 1906b, 222, 1906a, 161). However, the contemporary *seudati* dance does not reflect such homosexual image. This has been caused by continuing Islamization of this dance.

Indeed, there was also ulama’s opposition to homosexuality in Aceh. Sayyid Abdurrachman Zahir, for instance, led a movement “against ram and cock fighting, gambling, opium smoking, paederasty and other illicit intercourse, while the people were strongly urged to the fulfillment of their principal religious duties, as for example the five daily *seumayangs* or series of prayers.” (Snouck Hurgronje 1957, 161). Paederasty was also, according to Siegel, one of issues of “personal immoralities” of particular *uleebalang* which caused conflict between the *ulama* and *uleebalang* (Siegel 1969, 50). However, that such opposition could not stop the paederastic practices in the region.

Queer Activism: Beginning of Organized Visibility

Before the tsunami of 2004, there have been LGBT people in Aceh, but they did not organize themselves. They had meeting points where they could meet and chat. Many transgender people worked in beauty salons, and some of them, along with some gays, were activists

in various NGOs working in Aceh or neighboring cities, such as Medan. However, the post-tsunami Aceh witnessed the emergence of LGBT activism marked with the official establishment of queer social movement organization (SMO) and communities. The awareness for establishing such a systematic and organized activism could not be separated from the so-called “Hartoyo case” and from the fact that there was a “legal gap”, in which no single *qanun* regulated the LGBT. The democratization following the Helsinki MoU between Aceh Freedom Movement (GAM) and Jakarta and the legal gap was seen by LGBT activists as political opportunity (McAdam 1982; McAdam, John McCarthy, and Mayer N. Zald 1996) to establish their social movement.

The “Hartoyo Case”

LGBT activism in Aceh began after the so-called “Hartoyo case”. Hartoyo is a Javanese born in Binjai, South Sumatera, in 1976. He worked as a social worker at that moment for the reconstruction of Aceh after the tsunami of 2004. He and his gay partner, “Bobby” (not real name), were caught by neighbouring people while doing intimate relations on bed in Banda Aceh on 22 January 2006 and persecuted. They were not only verbally abused, but also kicked and beaten. The people brought them to the police office, where they got further violence and sexual abuse by the police. While Bobby disappeared after that event, being afraid that his sexual orientation and that tragedy known by his family, Hartoyo tried to get support from human rights NGOs in Jakarta and later he wrote his autobiography (See, Hartoyo 2009).

The absence of *qanun* dealing with same-sex acts enabled Hartoyo to bring the case to Aceh court in 2007. Although the police officers who mistreated Hartoyo were considered wrong by the court, and sentenced for three months in jail, the judges said that their actions were morally and religiously justified. The judges even problematized Hartoyo’s sexual orientation, and advised him that homosexuality is forbidden in Islam and contradicts Islamic shari‘a. They even warned Hartoyo about the story of the people of Sodom who were punished by God with natural disaster because of their sexual orientation (on the Hartoyo and his case, see Hartoyo (2009); Emond (2009); Ariyanto and Triawan (2008, 49–58). It was the Hartoyo case that inspired the LGBT people in Aceh to organize themselves, in order that, in their

views at that time, they would not suffer from such a case again. Such an insurgent consciousness (Meyer 2004), in which they feel mistreated and deprived, emerged. They had grievances against a system that they perceived as unjust, although such system is based on religious law. Such decision forced them also to become more visible in public sphere.

The First Queer SMO

Violet Grey (VG), established on 2 November 2007, is the first queer social movement organization (SMO) in Aceh. It was initiated by ES, FS, and KR--all not the real names. When I visited Violet Grey office in 2010 they had 4 staffs and 15 volunteers. Its establishment was motivated by the facts that LGBT people were marginalized and their rights were violated in various fields, including education, health, civil services, and politics.² The Hartoyo case inspired them to establish Violet Grey to advocate LGBT people against violence and marginalization in the future.³ The name Violet Grey was chosen based on the consideration that these colors (violet and grey) represent their identity and worldview.⁴ Violet represents “feminism”, in the sense that they use feminist framework to uncover injustice and discrimination; while grey symbolizes the fact that the world does not contain merely black and white, but there is grey in between. In the world, there are not only men and women in terms of heterosexuality, but also LGBT (Christanty 2009, 2010, June).

Violet Grey was founded to achieve some main objectives: first, to disseminate information related to sexual and reproductive health issues to LGBT groups; second, to endorse the fulfillment of human rights for LGBT groups through advocacy and public awareness building; third, to develop human resource capacity of Violet Grey’s members and all accompanied groups; fourth, to expand the organizational network at the national and international level (HIVOS n.d.). Indeed, Violet Grey also endeavors to build public knowledge, understanding and awareness about homosexual and transgender rights and to expand homosexual-and transgender-friendly social spaces in the region which is undergoing intensive shari’atization (Muttaqin 2012, 18).

As a social movement, Violet Grey was (build on) informal network of queer persons and communities, based on shared beliefs on LGBT rights as human rights. It also mobilized solidarity, especially before 2014, on certain LGBT issues, such as in the case of Qanun Jinayah.

However, unlike other queer social movements in the West, it could not use various forms of protest freely. Violet Grey acts as a bridge between the general public and homosexual communities (Simanjuntak 2010), and has become ‘parent’ for the LGBT communities in the region. Violet Grey also built network with other LGBT organizations at the national level, such as Gaya Nusantara and Arus Pelangi, and international funding organization, such as HIVOS and World Vision. Violet Grey endeavors to empower LGBT people and groups in Aceh and helps protect community members and provides training and legal advice, including discussions on security measures and what are considered as unfriendly in Aceh for LGBT communities (Violet Grey 2013b, 4–6). It organized some activities, such as courses on gender and sexuality, film presentation on LGBT, and other social activities, such as LGBT Aceh Peduli Bencana (Acehnese LGBT for disaster relief) soon after the disasters of Mentawai and Merapi volcano eruption in 2010. They also commemorates IDAHO (international day against homophobia) every year. Moreover, the Violet Grey is also actively engaged in building networks through social media, especially before ‘Transgender Envoy of Aceh’ in 2010 (see below).

Della Porta and Diani (1999, 16) consider social movements as informal networks, which are based on shared beliefs and solidarity, which mobilize about conflictual issues, through the frequent use of various forms of protest. Violet Grey built network with non-LGBT social movements. It was engaged in several projects related to HIV-AIDS issues supported by some funding institutions, such as the National Commission on HIV-AIDS, Medan-Aceh Partnership (MAP), HIVOS and World Vision.⁵ Given the severe condition and limitation they faced, Violet Grey has cooperated with feminist organizations, human rights groups and Legal Assistance Institute (LBH).⁶ It was also involved in the NGO Network Caring for Shari‘a (Jaringan Masyarakat Sipil Peduli Syariah/JMSPS) to deal with a number of issues of human rights and gender--including LGBT--issues in the draft Qanun Jinaya, especially in 2009, but not in 2014, when most of its core members left Aceh. All of the above intersecting social networks in which Violet Grey and LGBT community members are embedded, which include also people who are not movement members, or a larger social collectivity, within which LGBT movement and communities exist, constituted queer social movement communities (SMCs).

Transgender Community

Visiting Blangkejeren, Gayo Lues Regency, in 1994, Martin Salama, an Austrian anthropologist, found that the owner of the motel in which he stayed was a transgender person with a strong feminine performance. Rather than being marginalized, they got respect from surrounding people.⁷ However, it seemed that this was more as individual case rather than a norm, because most other transgender people during that period worked in beauty salons if not preferring to become “invisible”.

Speaking in 2010, two of my queer informants estimated that there are about 100 transgender people in Banda Aceh city.⁸ They mostly work in beauty salons, and some also work in tailors, and hotels. Before the tsunami of 2004, they had regular meetings, but they were not well organized, for such activities as playing volley ball and *arisan* (rotating saving) called *julo-julo* twice a month. Yet, after the tsunami they stop the *julo-julo*. The transgender could not easily get access to job market, government services and health. This explains why they worked mostly at beauty salons. This situation led to the “case of Gang Kelinci Beurawe”, referring to a hotspot of the trans-gender people in Banda Aceh city, in which “*waria salon*” (a pejorative term for the transgender people who worked in beauty salons) were expelled from their salons by a group of people.⁹ They were bitten, their valuable belongings were looted, and some of them were brought to the police. CS, the head of the transgender community Putroe Sejati Aceh (PSA), said that she often got violence not only from society but also from the police. “I was beaten [by person], and I reported this to the police, but they did not pay any attention to my case. Don’t I deserve legal protection?” (“Gay & Lesbi”, 2010, January). She also said, “Being beaten, harassed, expelled, and even threatened with killing is just like eating rice (happened quite often).” (Violet Grey 2013a, 2013b). These are some cases which were widely known to public because of their controversial nature.

The above cases inspired the transgender people of Banda Aceh to meet, facilitated by the Violet Grey, on 18 March 2009 to establish an organization aiming at protecting their existence, rights, identity, and interest. Violet Grey had important role in helping the PSA to establish itself, and the latter is part of communities under the former’s aegis. The PSA mostly involved in Violet Grey’s activities, such as trainings, workshops, discussions, and social engagements.¹⁰ It was in this meeting that Putroe Sejati Aceh (true girls of Aceh-PSA), an

organization which concerns mainly with transgender issues and rights, was established (Hasan 2010, Feb 14). In this meeting CS was elected as the chairperson, DO as vice-chairperson, and YT as treasurer. Later the PSA got recognition as legal body.

The PSA is aimed to help transgender people with health service concerning HIV/AIDS. Its ultimate aim (vision) is “*Waria Sejahtera*” (prosperous transgender), and its missions are: (a) improving the quality of the health of transgender people relating IMS, HIV/AIDS and other health issues; (b) improving network between local and national transgender groups; (c) providing a forum for the transgender peoples in Aceh to deal with their mental and emotional needs; (d) becoming a center of HIV/AIDS for transgender communities in Aceh.¹¹ Later it was felt that struggling in getting better access to health service was not enough, they developed the PSA scope to get access to legal and civil rights, because they faced injustice not only in health but also in other aspects of life (Violet Grey 2013a, 5, 2013b).

Apart from being involved in Violet Grey’s activities, the PSA also cooperated with non-LGBT organizations, such as Yakita (Permata Hati Kita Foundation) and Fatayat Nahdlatul Ulama. Yakita and the PSA cooperated in 2010 in organizing the program of overcoming HIV/AIDS, especially in the training programs and peer counseling. It also assisted the Fatayat NU as in the team (*tenaga penjangkau*) in the program of HIV/AIDS funded by the Global Fund.¹² It also attended activities concerning HIV/AIDS organized by the Aceh Commission of AIDS Prevention (Komisi Penanggulangan AIDS Provinsi/KPAP). The biggest event they organized, and indeed the most controversial one, was Miss Trans-gender Aceh 2010, as we will discuss later.

In 2013, along with the Indonesian NGO Coalition on LGBT Issue, Violet Grey and Putroe Sejati Aceh brought the violation cases against the LGBT people to international attention not only through media but also to the Human Rights Committee of the United Nation.¹³ The coalition submitted the “Alternative Report of Indonesia’s ICCPR State Report Concerning on the Rights of LGBT” for the 107th Session of the Human Rights Committee, 11-28 March 2013 in Geneva. The report reads that it “serves as evidence of ways in which LGBT become the target of human rights violations perpetrated by the state, families and communities and based on sexual orientation, identity, gender, and gender expression diverging from the ‘normal’.”

Lesbian Community

Public visibility of lesbianism in Aceh has been rarely found, compared to that of transgenderism, because the latter has been more visible. Among these rare stories was lesbian marriage between RT and NR in 2011. RT adopted male identity since she was child. They were arrested by Public Order Agency and Wilayatul Hisbah (later called Wilayatul Hisbah). However, because the shari'a qanuns do not cover the issue of lesbianism or homosexuality, no certain legal action was undertaken against them (this was seen by many ulama and Muslim legislators as the legal gap in the prevailing shari'a *qanun* at that time). However, after three days in detention, both women agreed to separate and not to see each other again. They signed the agreement witnessed by local officials and religious leaders. If they violate the agreement, they will be given sanctions according to the *adat* (customary law), whose the punishment depends on local *adat* deliberation (*The Aceh Globe*, 2011, Aug. 25).

Atapku is a lesbian community, as they called it, which concerns of the lesbian, bisexual and trans-gender issues, established in June 2011.¹⁴ The initiative for establishing this community came from dr. E. (pseudonym) and FS, and Atapku was managed by Violet Grey. Dr. E. was born into a religious family of an Arab descent, and studied in a modern *dayah* (Islamic boarding school) in Aceh. She found her same sex inclination during her life in *dayah*,¹⁵ and graduated from a medical faculty of a university in Medan.¹⁶ She came out or declared her lesbian sexual orientation to her friends, even to her *dayah* fiends, but not to her parents. The Atapku was a loose community and not quite well organized. Their Facebook provides only pictures of gatherings and first anniversary of Atapku. Some of their members served also as volunteers at the VG, including dr. E..¹⁷ In this way they learned how to run an organization and develop networks. Its activities include public discussion, documentation of violence cases, advocating the victims of violence, and join activities with other organizations, NGOs and universities.¹⁸ Most of the violence was directed against transgender, actually. Perhaps the public did not really know who were lesbians surrounding them. Some "tomboys" were driven out from a café because of smoking—smoking for women is taboo in the region.

However, the Atapku did not endure. The founder of the Atapku, dr. E., moved to Medan, a neighboring province which is more pluralistic

and open to new values, in June 2012. She said that she could no longer live in Aceh because of public Muslim pressures against the LGBT. Although the Draft Qanun Jinaya of 2009 could not be enacted, the way people promoted it afterwards threatened her. She said that the Atapku community dissolved itself. She lost contact with her friends in the community and had no further information about them. Being a young medical doctor, she established another lesbian community in Medan. The Facebook of Atapku existed for some times (the last update was on 18 January 2012) containing only its logo and dr. E.'s picture, but disappeared later.

Left by dr. E., Atapku changed its name into "Learning Together (LeTo)", led by RE.¹⁹ She represented Violet Grey in many activities related to lesbian and women issues. She was trained by VG to become a coordinator of LeTo. VG also involves LeTo in its educational activities (Violet Grey 2013a, 6). The name Learning Together (LeTo), which does not reflect any association with lesbianism or with LGBT, to secure its existence from public suspicion and possible unintended consequences. Like Atapku, LeTo is a shelter where lesbians in Banda Aceh gather and organize activities and aims at helping them with information, training, and advocacy concerning LGBT rights.

The above description reflects Violet Grey's capability in mobilizing resources to support and sustain its movement, at least in the beginning of its movement. As we will see, such capability decreased significantly after the "Transgender Envoy of Aceh" held in 2010.

Confident Visibility: An Abortive Climax

Violet Grey organized the Festival of Transgender Caring about HIV/AIDS (*Pemilihan Waria Peduli HIV dan AIDS*) during its anniversary of Violet Grey in 2009. Since it was organized in a closed building, it was not widely known by public. It seems that the success of the first festival enhanced the LGBT's confidence to organize a bigger festival. One year later, the PSA organized "Transgender Envoy of Aceh" (*Duta Waria Aceh*) festival at the auditorium of the Radio Republik Indonesia building, Banda Aceh, in 2010. It was also supported actively by Violet Grey.²⁰ Forty Trans-genders participated in it, representing 23 districts and cities in Aceh. Some participants wore sexy outfits and some others wore *jilbab* (headscarf). The auditorium was fully occupied, and even some people had to sit on the ground or watched from the balconies

(Hasan 2010, Feb 14). ZL, a nursing student and part-time beauty therapist from North Aceh, was appointed as the Miss Trans-gender Indonesia 2010.

Unlike the 2009 festival, the 2010 festival was open to media. This event soon sparked controversy in the region. Organizing committee chairperson, TM claimed that they had got permission from the Majelis Perpusyawaratan Ulama (Ulama Deliberation Council/MPU). All public events should get official permission not only from the police but also from the MPU. However, the chairperson of the MPU of Banda Aceh clarified that the committee had cheated, because they asked permission for charity and social event, and not for transgender festival.²¹ The MPU demanded that the organizing committee should submit a public apology in print and online media to the people of Aceh for deceiving the MPU when they first sought permission to organize the event. The MPU also expected that the committee would not send the pageant winner to the national level because it would be against Aceh's image as Shari'a province. The MPU also threatened that if there is no apology, they would take further action. Actually indeed the PSA also conducted social activities, such as collecting donation and visiting an orphanage at Seulawah Street (Seutui, Banda Aceh), to donate clothes and basic foods (*sembako*).²²

They wished that these activities could raise LGBT-friendly consciousness, break stereotypes of LGBT, and enhance position LGBT people in society, which all would contribute to LGBT movement-building in Aceh. People's response was beyond their expectation. People were shocked by LGBT's confident visibility in public. Most of the protesters portrayed the contest as violating the image of Aceh as Shari'a region, and even violating shari'a itself, and Acehnese culture. The vice chairperson of the MPU of Banda Aceh, Abdullah Atiby, said that it was insult not only to MPU and to whole Aceh people, but also to Islamic sharia. The secretary general of HUDA (Himpunan Ulama Dayah Aceh), Teungku Faisal Ali, charged that the contest had violated the implementation of shari'a in Aceh (Antara 2010). Due to this severe protests, the organizing committee sent letter of apology to the MPU of Banda Aceh and to the media, arguing that the contest was later idea proposed by the trans-genders, and not planned before. Apart from public ignorance of freedom of expression, this reflected the queer leader's lack of cultural resources mobilization, especially in terms of

knowledge of the Aceh culture and religiosity, and moral resources, in terms of moral resources (Cress and Snow 1996), because no solidarity or sympathetic supports they got from other SMOs..These all reflected also the lack of human resources, in terms of leadership (Edwards and McCarthy 2004, 125–28). Since then their existence has become target of moralized public gaze and politicization. Despite the protest against the 2010 festival, however, they organized some events in the following years, such as regular informal coffee shop discussions among LGBT people and celebrations of LGBT events like IDAHO, World AIDS Day, and 17 Days of activism against violence against women, but in closed places and avoided visibility.

Despite the above enjoyment of public visibility, it was clear that since the 2010 Transgender Envoy of Aceh Festival, which triggered stronger protests from ulama, politicians, local government, and Muslim people, the LBGT movements retreated and gradually moved into invisibility. In other words, the 2010 Transgender Envoy of Aceh Festival marked the “abortive climax” of the LGBT public visibility. In its a short report in 2013 describing Violet Grey wrote their situation as “Standing on the Thorns of Shari’a”, expressing their difficult and critical situation, as well as fear of further ‘legalized’ discrimination based on qanun (Violet Grey 2013a, 4–6). In 2013 they almost had no activity, except playing volley ball between the transgender people with wives of military and police officers.²³ Some LGBT activists decided to leave Aceh for other regions in Indonesia, such as Medan, Batam, Jakarta, or abroad, such as Australia.²⁴ Those who remained in Aceh did no longer show up as a movement in public confidently. This indicated that they are in the state of declining in terms of activism.

Qanun Jinayah as a Crushing Blow: The End of Queer Visibility?

As far as shari’a and the politics of sexual minority is concerned, there are at least four phases of the development. The first phase, prior to 2001, is a period in which the shari’a law was not officially implemented and regulation of homosexuality was absent. The issue of LGBT did not yet become public concern. The second phase, 2001-2008, is a period in which shari’a law was formally implemented, some qanuns were enacted, but the issue of LGBT was not yet regulated therein. During this phase, the LGBT emerged as public concern, because they began to organize themselves and made public appearance, especially

since the “Hartoyo case” in 2007 and followed by the organization of an established activism, Violet Grey. As mentioned earlier, Hartoyo case was handled by police and national court, and not by the Wilayatul Hisbah and Mahkamah Syar‘iyyah. The appearance of transgender wearing women’s dress in public became common practices. Some of them were arrested by the Wilayatul Hisbah and then released due to the absence of regulation. They were only advised to dress according to shari‘ah.

The third phase, between 2009 and 2014, was marked by the efforts to include the LGBT issues in qanuns. In 2009, the Draft Qanun Jinayah (Islamic penal law) was proposed by the provincial government, drafted by the Shari‘a Office, to provincial parliament. The Qanun Jinayah was aimed, among other things, to delimit LGBT in Aceh by setting up some punishments for actions commonly associated with LGBT persons, such as *liwat* (sodomi or male same-sex activity), and *musāhaqah* (tribadism—female same-sex activity). LGBT groups were worried about these articles of the qanun, because they were directly targetted by this qanun. The draft was approved by the parliament, but not by the governor Irwandi. Due to the latter’s refusal to sign the Draft Qanun could not be effective.²⁵ However, the Aceh parliament organized plenary session to endorse the issuance of draft qanun on Islamic Criminal Code (*Qanun Jinayah*), and successfully approved in on 27 September 2014. The governor Zaini Abdullah signed it soon after that, but it was not effective until one year later (27 September 2015), due to its controversial nature. This is the fourth phase, from 2014 until the writing of this article.

Two articles of the Qanun Jinanat are devoted to regulate the LGBT people: *liwat*, and *musāhaqah*. Referring to the sexual practice of people of the Prophet Luth, *liwat* means anal sexual act with the willingness of both parties (Art. 1:28). *musāhaqah* is an act of two or more women of mutually rubbing parts of their bodies or vagina (*faraj*) to obtain sexual stimuli (pleasure) with willingness of both (or all) parties (Art. 1: 29). People caught having same-sexual acts (*liwat* or *musāhaqah*) would face *ta‘zir* punishment up to 100 lashes of the cane, or a fine of 1000 grams of pure gold, or 100 months in prison—comparable to pre-marital, extra-marital sex (Art. 63:1 and Art. 64). If they repeats the action, they would be punished with 100 lashes of the cane and can be coupled with a maximum fine of 120 grams of pure

gold and/or twelve months in prison. Moreover, anyone who do same-sexual acts with children, besides threatened with up to 100 lashes, he/she could also get at most additional 100 lashes or a maximum fine of one thousand grams of pure gold or to be imprisoned for maximum 100 months.

Soon after the approval of the Qanun Jinayah by the Aceh parliament, the Violet Grey and other LGBT communities dissolved themselves.²⁶ The Violet Grey burned piles of documents related to LGBT, including the pamphlets, group records and other papers, outside their headquarter in late October 2014 (Suroyo and Greenfield 2014).²⁷ There was spread anxiety among LGBT people of possible violence against them. FS was worried that “society feel free to take action or use violence against LGBT people, especially transgender people, because they could be easily noticed in public because of their behavior.” (*Time*, 26 Sep. 2014). The self-dissolution of the Violet Grey also symbolized the “end” of LGBT public activism in Aceh, although not as loosely underground network.

There has been no organized endeavor to protect the LGBT rights by LGBT people themselves. In 2016, they have faced the massive opposition in Aceh, both from society and from the local government. Some regions established a special Team against the LGBT, such as Banda Aceh, Aceh Besar, Bieureun, and Lhokseumawe. LGBT are considered to be misguided and against *shari'a* as well as *adat* (customary) law. Some government and political elites gave their negative comments. Irwandi Yusuf, the then governor of Aceh, said, “We do not hate the LGBT people. What we hate is their [same-sexual] attitude.” Tgk. Muharuddin, the chairperson of the provincial parliament, condemned the LGBT attitudes in society, but did not suggest to punish the divine nature (*kodrat*) of the LGBT people (Serambi Indonesia 2018, Feb 3). Illiza Sa'aduddin Djamal, the then mayor of Banda Aceh, considered that LGBT is also seen as “disease”, both psychological and social, that should be cured. She also said that theologically they are “*tidak ada*” (nothing) (Kanal Aceh 2016, March 7). In her Instagram in February 2016, she said “I would like to save the youth of Aceh. Imagine whoul would be the world if it is fulfilled by same-sex lovers. We do not hate the people, but their deeds.” (BBC 2017, May 25). Others considered LBGT as “more dangerous than drugs and pornography” and akin to a “sexual sect” and “cult” (Serambi Indonesia 2016, Feb. 11). Like

other sects, it is fanatic, exclusive, and indoctrinating. It has been, in his view, very active in its campaign and systematic in its movement targeting university students and academic institutions. Some people also considered LGBT as “Western intellectual and political products” which would destroy “national” and “authentic” identity. They said that the LGBT do not deserve social, cultural, and political respects.²⁸

The rhetoric of distinguishing LGBT human subjectivity from their same-sexual acts or attitudes has been common. The then head of Shari‘a Office, Prof Syahrizal, said that homosexuality is forbidden because in the sharia context, it is vile or morally depraved. However, Syahrizal also said that being together with or among the homosexuals is allowed and not punishable. He said that socializing and even sleeping with LGBT individuals is no problem, as far as there is no same-sexual activity. Sanction will be given when they do same-sexual acts. He contends that “the law is to safeguard human dignity” (Suroyo and Greenfield 2014). Yet, he considered that LGBT people should be cured through two ways: (1) preventing them from [LGBT] information and giving them proper religious understanding; and (2) rehabilitating those who have involved in LGBT group (Kanal Aceh 2016, March 7). Muhammad Yasin Jumadi, member of the Association of Middle Eastern Alumni (Ikatan Alumni Timur Tengah/IKAT), said, “Gay individuals are our brothers and sisters. If we know a gay, we have to advise him/her to be back to the true path. We do not hate the person.” He also stated that one should not condemn a person who loves other person of the same sex, and should socialize with him/her, but advise him/her to adopt the “true path”. However, he rejects LGBT movement, a movement which persuades ‘normal people’ to be part of the group (Haba 2016, March 2).

One of my informants said that, due to anti-LGBT movements by local governments and societal groups early that year, they felt that their life became more difficult. They was living, as he pictured it, like in a disaster mitigation situation, in which they have to be prepared for “evacuation” at any time.²⁹ Some decided to leave Aceh and some stay but concealing their identity. There was also a case in which a transgender wore *niqāb* in public to protect herself from public discrimination. By wearing *niqāb* she could participate in public events more freely.

During 2017 and 2018, two gay couples were arrested for having same-sex acts, and flogged in public with respectively 83 lashes and 87

lashes (McKirdy 2018; Westcott and Simanjuntak 2017). This was the first punishment of the LGBT in public. The punishment of the two gay couples became the target of criticism of human rights activists. They argued that there is no legal basis for canning punishment because Indonesia rejects the corporal punishment. Moreover, the legal aid and advocacy in the Shari'a Court has been also weak for assisting those charged with shari'a violation. The regulation of the LGBT in the Qanun Jinayah also has stigmatized the LGBT people in general, and they become targets of discrimination because of their sexual orientation, not because of crime they make (Kompas 2017, May 18) Their sexual orientation itself is considered the crime. On June 21, 2018, FI, one of the most important figures of the Acehese queer movement passed away. If the Qanun Jinayah was the deadly blow on the queer activism in Aceh, his death seemed to be the second blow which led it to its long passivism.

Conclusion

The queer people in the shari'a sphere of Aceh are at the crossroad. Shari'a is the regime of truth in Aceh, and since 2001 has been empowered as the official legal reference, apart from the national laws. Even, Aceh has been authorized to form shari'a qanun which is different from the national laws. The thing is that, like in other Muslim countries, shari'a is understood as heteronormative. Such an understanding has been disseminated and embodied through multiple shari'a spheres and spaces. It is used as disciplining power to "normalize" the sexual orientation of all Aceh citizens. There is hardly any place for the LGBT people and activism. Shari'a as discursive and embodied disciplining power and the expansion of shari'a spheres since 2001 have enforced LGBT people to the margin of society. In the past, when they were invisible or partly visible (in the case of transgender people), they were neglected, but they could enjoy some space of acceptance. Their decision to organize public activism and offer queer counterpublics faced the great wall of religious establishment which considered their movement as the campaign for 'deviant' sexuality and the mockery to shari'a being implemented in the region. Queer visibility was seen as religious and moral threat to their children, family, and people. Systematic political processes were undertaken to push the issuance of the Qanun Jinayah, which was succeeded in 2014, to force

queer activism to its end. The Qanun Jinayah has become not only the technology of sexual discipline but also the effective 'weapon' to weaken and, even, to blow off the LGBT people. This qanun has been used by some local authorities to justify their discrimination of the LGBT people as part of both shari'a and legal enforcement. Human rights arguments used to challenge such discrimination are seen as foreign, Western intervention to discredit shari'a and Acehese people.

Apart from the external problems as mentioned earlier, Aceh queer movements have no adequate leadership, especially after 2010. This is part of the lack in human resources mobilization. They do not have leaders with adequate Islamic knowledge, which is badly needed in Aceh to respond to critiques concerning religious arguments of their sexual orientation. They did not also anticipate the massive expansion of shari'a spheres and political processes related to the Qanun Jinayah, or did they anticipate but they could do nothing except depending on their networks, which did not always help. Most of the core activists gradually left Aceh for other cities. The great leadership problem happened when FS, the former director of Violet Grey, passed away in 2018. Although they are invisible in terms of social movement, quiet inward activism seems to be there with limited scope, such as that among the transgender, to facilitate them with a forum for gathering, chatting, celebrating birthday, and other light activities, and do not organize support for their LGBT rights. Outwardly, they govern their queer subjectivities to conform with, at least on the surface, the normalization forces, but they do not really subscribe to the intended normalization goal, that is converting their sexual orientation. In this way, they have become invisibly visible, in the sense that they are visible as citizens but invisible as queer bodies.

The Violet Grey failed to mobilize support from social movement communities in the times of crisis, not only after the issuance of the Qanun Jinayah in 2014, but from 2010, after the "Transgender Envoy of Aceh" festival. They did build networks with other SMOs and NGOs and tried to get support from society by conducting various social and philanthropic activities. However, they could cooperate with some of them on the general human rights, social and humanitarian issues, but when it came to the issue of sexual orientation, they could not do much except talking about general aspect of LGBT as humankind or prefer to be silent. Some of them indeed tried to help, but indirectly through

their partners in Jakarta or other cities. This is caused by the fact that LGBT sexual orientation and the rights to have same-sex acts--let alone same-sex marriage--are taboos and highly sensitive in Aceh. Supporting the queer movements on these issues could give negative impacts on their own movements and agendas.

Above all, the biggest problem in the politics of sexuality, especially in relation with the queer subjectivities and activism is that there is no the 'third room' for queer people and communities which mediate them with dominant heteronormative groups; not even the state or local government, because they are part of those marginalizing them. There is no such new vocabulary as 'third normativity' which mediates between heteronormativity and homonormativity, based on justice and fairness. They are forced to accept their 'destiny' to be unequal citizens due to their sexual orientation. On the bottom of that, there is problem of democratization and citizenship in the region which need to be dealt with. Nonetheless, it seems that this is not the end of the history of LGBT in Aceh, but certainly they must live in "new normal" way. LGBT people seem preferring to govern their queer subjectivities as "resisting by submission", an act which can be seen on the surface as submission to the normalization forces, but they do not really convert to the intended normalization goal, and see the submission as a covert resistance. To use "queer *niqab*" as a metaphor, this is part of their interplay between normalized public face and resisting hidden face to avoid shari'atized government and societal gazes. The soul behind the *niqab* is not female, or male, but, still, queer.

Endnotes

- The earlier research for writing this article (2010-2012) was funded by Islam Research Programme (IRP) of Leiden University, and was developed and expanded further in series of visit to Aceh from 2013 to 2018. The early draft of this article was presented at the conferences on “Trends in the Muslim World,” organized by IRP in The Hague, 19 April 2012, on “Negotiating Diversity in Indonesia,” organized by Singapore Management University, Singapore, on 5-6 November 2012; on “Islam, Gender and Legal Thought in Indonesia and Germany: Islam, Plural Societies and Legal Pluralism,” jointly organized by Georg-August Universität Göttingen and State Islamic University Sunan Kalijaga, Göttingen, 28-29 July 2015; and at ICAIOS conference in Banda Aceh, on 8-9 August 2016. I thank the participants of these conferences for their critical comments. Being a heterosexual person studying the LGBT in Aceh was not easy without the openness of my LGBT informants--whose names are kept anonymous throughout the article--and the help of some Acehnese friends--Sehat Ihsan Shadiqin, Husaini, Reza Idria, and Leila Juari. I would like to thank all of them. My sincere gratitude also goes to Dr. Rachmi Diah Larasati for reading the draft of this article and giving invaluable comments, and to Prof. Anthony Reid for his discussion on the history of politics of sexuality in Aceh during our meeting in 2016 and through email. Yet, I am alone responsible for the article. I dedicate this article to FI, the key informant of my research, who passed away on June 21, 2018.
1. Although Muhammadiyah is also a puritanical organization, I consider it more as a reformist organization.
 2. Interview with FI and ES, Banda Aceh, (2010).
 3. Personal communication with FI, 2 November (2012).
 4. Interview with FI, Banda Aceh, (2010).
 5. Interview with FS and ES, Banda Aceh, (2010). See also HIVOS ROSEA n.d.
 6. However, as FS and ES told me, they viewed that the position of some Aceh-based human rights activists was vague (*abu-abu*); they are critical of human rights abuses but could not fully support LGBT rights. Interview with FS and ES, Banda Aceh, 21 July (2010).
 7. Conversation with Dr. Martin Slama, Yogyakarta, 19 July (2018).
 8. Interview with FI and ES, Banda Aceh, 21 July (2010).
 9. Waria stands for “wanita pria” (literally means womanly man).
 10. Interview with FI and ES 21 July (2010); and with C.S. and FI by Leila Juari, 3 Feb. (2013).
 11. Interview with C.S. and FI by Leila Juari, 3 February (2013).
 12. Interview with Tgk Faisal Ali, chairman of Nahdlatul Ulama of the Aceh Province, Yogyakarta, 10 February (2015).
 13. Indonesian NGO Coalition on LGBT Issue includes 20 LGBT NGOs: Gaya Nusantara (main organizer), Perwakos, Galeri Sehati, Igama, Ardhanary Institute, Arus Pelangi, Swara, Yayasan Inter Medika, Srikandi Pasundan, Effort, Gaya Semarang Community, PLU, Kebaya, Gaya Celebes, Kelompok Sehati Makasar, Kipas, GayLam, GWL Kawanua, Violet Grey, Putroe Sejati—originating from various regions in Indonesia, such as Surabaya, Malang, Kediri, Jakarta, Semarang, Yogyakarta, Bandung, Makasar, Menado, Lampung and Aceh. Indonesian NGO Coalition on LGBT Issue (2012).
 14. It seems that there are also some small queer communities, which have not exposed themselves to the public, such as Rainbow Aceh, a lesbian community. But I could not have access to this community.
 15. “Dayah”, called also “pesantren”, is Islamic boarding school in Aceh.

16. Personal communication with dr. E., 19 October (2014). See also her personal story in Anonymous (2007).
17. Personal communication with FI, 1 November (2012).
18. Personal communication with dr. E., 19 October (2014).
19. It seems that dr. E. did not have good contact with her previous friends, because she did not say anything about the LeTo. Personal communication with dr. E., 19 October (2014).
20. Interview with FI and ES, Banda Aceh, 21 July (2010).
21. Personal communication with Prof. Muslim Ibrahim, the then chairperson of MPU of Aceh province, Banda Aceh, (2010). He said that he phoned directly the chairperson of MUI of Banda Aceh, and the latter told him about the cheating.
22. Interview with CS and ES by Leila Juari, 3 February (2013).
23. Interview with CS and ES by Leila Juari, 3 February (2013).
24. Dr. E., for instance, moved to Medan, FI to Jakarta, and one other activist to Australia for continuing his study and then to Jakarta after completion of his study. In 2011, FI established Zero-V Management, a school of fashion, talent development, and creative management. He launched it at Sultan Selim II building, Banda Aceh, on 17 December 2011, and then he decided to live in Jakarta.
25. In Aceh, the qanun should be approved by both the Aceh government and the parliament. Otherwise, it could not be enacted.
26. Personal communication with FI, 23 July (2015).
27. Personal communication with FI, 23 July (2015).
28. Similar argument was also used by Islamic groups attacked the ILGA-Asia conference, the seminar and training forum on human rights for transgender people in Depok, southern Jakarta, the discussion forum and a book launching attended by its author Irshad Manji, the concert of an American pop singer Lady Gaga, and Dede Oetomo, a prominent LGBT rights activist, who was running for being a commissioner of National Commission of Human Rights. See Muttaqin (2014).
29. Interview with FI, 8 August (2016).

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Articles should be written in American English between approximately 10,000 words including text, all tables and figures, notes, references, and appendices intended for publication. All submission must include 150 words abstract and 5 keywords. Quotations, passages, and words in local or foreign languages should be translated into English. *Studia*

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All notes must appear in the text as citations. A citation usually requires only the last name of the author(s), year of publication, and (sometimes) page numbers. For example: (Hefner 2009a, 45; Geertz 1966, 114). Explanatory footnotes may be included but should not be used for simple citations. All works cited must appear in the reference list at the end of the article. In matter of bibliographical style, *Studia Islamika* follows the American Political Science Association (APSA) manual style, such as below:

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2. Booth, Anne. 1988. "Living Standards and the Distribution of Income in Colonial Indonesia: A Review of the Evidence." *Journal of Southeast Asian Studies* 19(2): 310–34.
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5. Utriza, Ayang. 2008. "Mencari Model Kerukunan Antaragama." *Kompas*. March 19: 59.
6. Ms. *Undhang-Undhang Banten*, L.Or.5598, Leiden University.
7. Interview with K.H. Sahal Mahfudz, Kajen, Pati, June 11th, 2007.

Arabic romanization should be written as follows:

Letters: ' b, t, th, j, ḥ, kh, d, dh, r, z, s, sh, ṣ, ḍ, ṭ, ḏ, ḡ, f, q, l, m, n, h, w, y. Short vowels: a, i, u. long vowels: ā, ī, ū. Diphthongs: aw, ay. *Tā marbūṭā*: t. Article: al-. For detail information on Arabic Romanization, please refer the transliteration system of the Library of Congress (LC) Guidelines.

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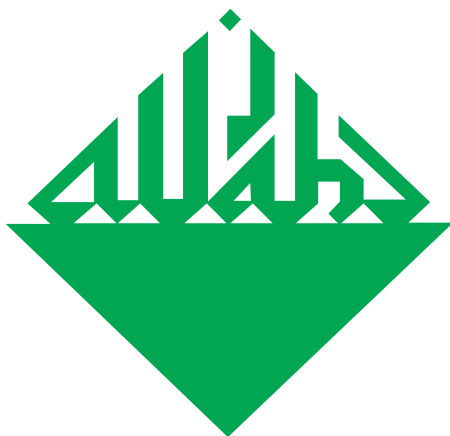
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