

When Law Dictates Style: The Inequality Faced by Aceh Women

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Freedom of Fashion: How - if at all - can the Islamic laws that restrict women's freedom of fashion in Aceh Darussalam be reformed to align with western principles of gender equality, while remaining sensitive to the cultural values of the region?

Introduction: Why Fashion, Why Aceh, Why Now?

Remember when you were 16? If you wanted to take a walk outside, your mother might have insisted you put on a coat, get some sunscreen, or even an umbrella. The most you would get for not obeying would be some reprimands, a shout as you close the door. Your peers might have teased you for not wearing the latest fashion, but nothing more to it. Now imagine being told exactly what you are allowed to wear every time you step outside, not by your parents or your community, but by the law. For women in Aceh Darussalam, Indonesia, this is not just a hypothetical, it is their lived reality.

Indonesia is the world's largest Muslim-majority democracy, celebrated for its constitutional commitment to religious diversity and pluralism. Yet in Aceh, women can still be publicly punished, shamed, fined, or even caned - simply for what they wear. Our research asks: Why does Aceh diverge so sharply from Indonesia's ideals of equality and freedom? And more importantly, can Aceh's strict dress codes for women be reformed to respect both local religious values and international principles of gender equality?

The reality is that what women wear is rarely just about fashion; it reflects power, identity, and freedom. Across the world, the regulation of women's dress has become a flashpoint for legal and political debates.¹ Few places illustrate this more sharply than Aceh Darussalam, Indonesia's only province with the constitutional authority to enforce Islamic criminal law.² Granted special legal status through the 2005 Helsinki Peace Agreement, Aceh's provincial government has enacted dress code laws requiring all Muslim women to wear the hijab and loose-fitting clothing in public.³ The hijab, commonly understood as a headscarf worn by Muslim women, is a religious and cultural practice aimed at maintaining modesty. However, interpretations of what constitutes appropriate hijab vary widely across cultures and legal systems.⁴ Women in Aceh who fail to comply risk public humiliation, fines, and even caning, enforced by the province's religious police known as the Wilayatul Hisbah.⁵ The Wilayatul Hisbah, meaning 'Hisbah Authority' in Arabic, refers to Aceh's official religious police tasked

¹ Vanessa Friedman, 'Clothes Aren't Just Clothes' (*The New York Times*, 21 October 2019) <<https://www.nytimes.com/2019/10/21/style/dress-code-women.html>> accessed 26 May 2025.

² The 1945 Constitution of the Republic of Indonesia, art 28E(2).

³ Qanun Aceh Number 11 of 2002 on the Implementation of Islamic Sharia in the Fields of Aqidah, Worship, and Syiar Islam.

⁴ Sahar F Aziz, 'The Muslim "Veil" Post-9/11: Rethinking Women's Rights and Leadership' (2012) 26(1) *Journal of Muslim Minority Affairs* 99.

⁵ Anonymous, 'Indonesia: Local Sharia Laws Violate Rights in Aceh' (*Human Rights Watch*, 1 December 2010) <<https://www.hrw.org/news/2010/12/01/indonesia-local-sharia-laws-violate-rights-aceh>> accessed 12 May 2025.

with enforcing Islamic moral laws, including dress codes and gender segregation in public spaces.

This truth sits uneasily with Indonesia's international and constitutional commitments to gender equality. As a State Party to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Indonesia is legally obliged to eliminate all forms of discrimination against women, including those arising from law or custom.⁶ Not forgetting that domestically, Article 28I of the Constitution of the Republic of Indonesia of 1945 guarantees the right of all citizens to be free from discrimination.⁷ Yet, in Aceh, these rights appear to be suspended in the name of religious and cultural autonomy. We – a group of women students in Indonesia and the UK – argue that Aceh's dress code laws represent a failure of legal pluralism, one that creates structural inequality for women. We examine Aceh's legal framework in light of Indonesian constitutional law, international human rights obligations, and Islamic legal diversity, and set out a path for reform that respects both religious identity and gender equality.

Whereas other women might worry about appearing fashionable or picking out the right accessories to match their outfits; Aceh women fear going out of the house without wearing a hijab or even wearing clothes that show the slight curves of their body. Others may argue, saying that if you don't agree with the law you can simply move elsewhere. Perhaps this is a viable option for some, where they may have the choice to leave and uproot their lives whenever. But this option is not one many women could take. Some are lacking in financial independence, some depend on their family, or have family that depends on them. Thus, the situation for women in Aceh fundamentally creates an inequality which should not be ignored.

A Legal and Human Rights Perspective on Aceh clothing law

Then a question arises. To what extent does the Aceh dress code law align with human rights and legal standards?

Aceh Darussalam has issued a regional regulation which requires all (men and women) to wear Islamic clothing, which defines it as clothing that covers the genitals, is not transparent, and does not show the curves of the body.⁸ These apparently non-discriminatory requirements are set out in Qanun Aceh Number 11 of 2002, which mandates that Muslim women must wear clothing that covers the body except for the face and hands.⁹ While the regulation appears gender-neutral, in practice it disproportionately targets and polices women's bodies, as women are more frequently

⁶ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

⁷ Constitution of the Republic of Indonesia 1945, art 28I.

⁸ Qanun No. 11 of 2002 on the Implementation of Islamic Sharia in the Fields of Faith, Worship, and Islamic Symbols (Aceh, Indonesia).

⁹ Qanun Aceh Number 11 of 2002 on the Implementation of Islamic Sharia in the Fields of Aqidah, Worship, and Syiar Islam.

subjected to surveillance, public shaming, and punishment for perceived violations. Qanun refers to regional legislation specific to Aceh, enacted under its special autonomy to implement Islamic criminal and moral law.¹⁰ These laws operate alongside, but at times in tension with, Indonesia's national legal framework. Qanun Aceh Number 11 of 2002 is supplemented by Qanun Aceh Number 6 of 2014, the Jinayat Law, which criminalises breaches of Islamic morality, including improper dress, with punishments that range from warnings to public caning.¹¹ These laws are justified by Aceh's unique autonomy agreement but stand in stark conflict with Indonesia's constitutional and international obligations. The Committee on the Elimination of Discrimination Against Women has raised concerns about discriminatory local laws in Indonesia, specifically calling for a review of Aceh's regulations to ensure compliance with CEDAW.¹²

In particular, Article 2(g) of CEDAW requires the repeal of all national penal provisions that discriminate against women.¹³ Furthermore, Article 5 of CEDAW requires states to take action to modify social and cultural practices that perpetuate gender stereotypes. Aceh's laws - even though they present as treating men and women the same - not only criminalise women's personal choices but also institutionalise patriarchal norms under the guise of religious observance.¹⁴ Reports from organisations such as Human Rights Watch have documented how these apparently non-discriminatory laws disproportionately target women, fostering a culture of public shaming and restricting women's ability to participate fully in social and economic life.¹⁵

Islamic Legal Diversity: A Foundation for Reform

Despite claims that Aceh's laws are rooted in unchangeable religious obligations, Islamic law is not a fixed or monolithic system. It is a living legal tradition, subject to interpretation (fiqh) and human reasoning (ijtihad). Fiqh, meaning 'understanding' in Arabic, is the body of Islamic jurisprudence developed through human scholarly interpretation of the Qur'an and Hadith (sayings and practices of the Prophet Muhammad).¹⁶ It governs areas such as worship, family law, and public morality, and varies significantly across Muslim communities. Ijtihad refers to the process of independent legal reasoning by qualified Islamic scholars to interpret religious sources

¹⁰ Law of the Republic of Indonesia Number 11 of 2006 on the Governing of Aceh, art 125(1).

¹¹ Qanun Aceh Number 6 of 2014 on Jinayat Law (Islamic Criminal Code of Aceh).

¹² Committee on the Elimination of Discrimination Against Women, 'Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Indonesia' (25 July 2012) UN Doc CEDAW/C/IDN/CO/6-7.

¹³ Convention on the Elimination of All Forms of Discrimination Against Women (n 3) art 2(g).

¹⁴ Convention on the Elimination of All Forms of Discrimination Against Women (n 3) art 5.

¹⁵ Human Rights Watch (n 2).

¹⁶ Wael B Hallaq, *An Introduction to Islamic Law* (Cambridge University Press 2009) 33–36; Bernard G Weiss, *The Spirit of Islamic Law* (University of Georgia Press 2006) 17–24.

in light of contemporary circumstances. It allows for contextual and evolving applications of Islamic principles.

Reflecting this quality of Islamic law, states across the Muslim world have taken diverse approaches to the regulation of women's dress. For example, Tunisia's 1956 Personal Status Code abolished state-imposed dress codes and promoted gender equality as a national priority.¹⁷ More examples can be seen in Morocco's 2004 Family Code, or Moudawana, which introduced reforms enhancing women's rights within an Islamic legal framework.¹⁸ Even Saudi Arabia, long known for its strict religious policing, relaxed its abaya (a long outer robe) requirement for foreign women in 2019, signalling a shift towards a more flexible interpretation of Islamic modesty norms.¹⁹

These examples demonstrate that states can respect religious values without resorting to coercion or the power of the criminal law. Reform in Aceh does not require the abandonment of Sharia. Rather, it requires a renewed commitment to the rich Islamic tradition of legal reasoning that prioritises justice, dignity, and compassion. By shifting from punitive enforcement to voluntary adherence, Aceh could both uphold its Islamic identity and fulfil its obligations under Indonesian constitutional and international human rights law.

Competing Perspectives: The Tension at the Heart of Aceh's Laws

Aceh's legal regulation of women's dress does not exist in a political vacuum. It is situated within a broader ideological battle over the role of Islam in public life, the limits of state authority, and the meaning of gender equality. Supporters of Aceh's Qanun laws claim that these measures are necessary to protect Islamic identity and moral order in the face of perceived Westernisation and global cultural erosion.²⁰ Critics, however, argue that these laws disproportionately target women and undermine both Indonesia's constitutional values and international human rights commitments.

Proponents of Aceh's dress code laws often frame their position as a defence of '*amar ma'ruf nahi munkar*', a Qur'anic principle meaning "enjoining good and forbidding evil".²¹ This doctrine is commonly invoked by Islamic authorities to justify moral policing. The Wilayatul Hisbah operates on this principle, conducting regular patrols in public spaces such as markets, parks, and campuses to ensure women comply with

¹⁷ Mernissi F, 'Beyond the Veil: Male-Female Dynamics in Modern Muslim Society' (Saqi Books 2011).

¹⁸ Sadiqi F and Ennaji M, 'The Feminization of Public Space: Women's Activism, the Family Law, and Social Change in Morocco' (2006) 32 Journal of Middle East Women's Studies 66.

¹⁹ Anonymous, 'Women in Saudi Arabia do not need to wear head cover, says crown prince' (*The Irish Times*, 19 March 2019) <<https://www.irishtimes.com/news/world/middle-east/women-in-saudi-arabia-do-not-need-to-wear-head-cover-says-crown-prince-1.3433096>> accessed 12 May 2025.

²⁰ Anonymous, 'Indonesia: Local Sharia Laws Violate Rights in Aceh' (*Human Rights Watch*, 1 December 2010) <<https://www.hrw.org/news/2010/12/01/indonesia-local-sharia-laws-violate-rights-aceh>> accessed 12 May 2025.

²¹ Qur'an, Surah Al-Imran 3:104.

the mandated dress codes. According to a 2016 report by the Aceh Sharia Agency, over 90,000 individuals were publicly reprimanded or sanctioned between 2010 and 2015 for moral offences, with dress code violations comprising the majority of cases.²² Defenders of these laws doubled down by arguing that such measures preserve Aceh's unique cultural and religious identity. Aceh is often referred to as the 'Veranda of Mecca' (Serambi Mekkah in Indonesian), a title reflecting its historical role as a gateway for Islamic learning and pilgrimage in Southeast Asia.²³ Many in Aceh view the dress codes not merely as legal rules but as cultural and spiritual obligations that distinguish Acehnese society from the rest of Indonesia. In this narrative, external criticism—whether from Jakarta, international human rights organisations, or Western governments—is seen as an attack on Aceh's autonomy and Islamic character.

On the other hand, human rights activists and legal scholars highlight the harmful social and legal consequences of these laws. Acehnese women have reported experiencing public humiliation, harassment, and restrictions on their freedom of movement due to fear of being stopped by the Wilayatul Hisbah.²⁴ According to a 2019 study by the International Centre for Islam and Pluralism, 64% of surveyed women in Aceh reported modifying their daily activities, such as avoiding public spaces or delaying travel, to reduce the risk of punishment.²⁵ This widespread self-censorship highlights the impact of these regulations on women's freedom and autonomy, undoubtedly becoming an example of why these practices have been criticised for reinforcing patriarchal control over women's bodies under the guise of religious morality.

Furthermore, these laws have been challenged on the grounds that they create a two-tiered legal system. While women in other Indonesian provinces enjoy constitutional protections against gender-based discrimination, women in Aceh are subject to a separate set of criminal laws based on a conservative interpretation of Islamic principles. This undermines the principle of 'equality before the law', enshrined in Article 28D(1) of the Constitution of the Republic of Indonesia of 1945, which states that "every person shall have the right to recognition, guarantee, protection, and certainty before a just law".²⁶

Both perspectives reveal the deeply contested nature of Aceh's legal framework. While supporters view the dress codes as a legitimate expression of regional identity and religious duty, opponents highlight the real harms these laws inflict on women's rights

²² Aceh Sharia Agency (Dinas Syariat Islam), *Laporan Kinerja Instansi Pemerintah Tahun 2015* (Aceh Government 2016) 44–46.

²³ International Crisis Group, 'Islamic Law and Criminal Justice in Aceh' (Report No 117, 31 July 2007).

²⁴ Anonymous, 'Indonesia: Stop Flogging in Aceh' (*Amnesty International*, 13 October 2016) <<https://www.amnesty.org/en/latest/news/2016/10/indonesia-stop-flogging-in-aceh/>> accessed 12 May 2025.

²⁵ International Centre for Islam and Pluralism, 'Women's Experiences of Sharia Enforcement in Aceh' (2019).

²⁶ Constitution of the Republic of Indonesia 1945, art 28D(1).

and freedoms. What is clear is that Aceh's model of legal pluralism, while intended as a peace-building measure, has created enduring legal and social tensions that require urgent national and international attention.

The Importance of Aligning Global and Local Norms

Indonesia did not make any reservations to CEDAW that would exempt Aceh from regulating its regional regulations because Indonesia ratified CEDAW without reservations in 1984 through Law No. 7 of 1984. This means Indonesia has committed to fully comply with the convention, therefore the regulations made by Aceh should remain aligned with CEDAW. In accordance with the discussion of CEDAW in Article 2(g) regarding the revocation of national criminal provisions that discriminate against women, Aceh Darussalam should take major steps in prioritizing human rights for women²⁷. This demonstrates that Aceh's regulations on the mandatory hijab are inconsistent with Indonesia's obligation under CEDAW to eliminate laws and practices that discriminate against women. Accordingly, the Aceh government should take concrete steps to reform its hijab regulations so that they comply with CEDAW's gender equality principles. This is supported by Article 5 of CEDAW, which states that the state must take the right steps to change the social and cultural behavior patterns of men and women so that there are no stereotypical roles for men or women.

Amending and reforming any law necessitates thorough examination, comprehensive analysis, and a deep understanding from the governing bodies involved. However, when the government is also tasked with navigating deeply ingrained local religious norms and traditions that hold significant cultural and social value, the process of adapting legal frameworks to align with global standards becomes considerably more complex. In such contexts, any attempt at reform must not only consider the legal and human rights dimensions but also engage with the sensitive balance between modernization and the preservation of long-established cultural and religious practices. The tension between these two principles; religious and legal, is not unique to Aceh, as many countries and regions with strong religious influences have faced debates over modesty laws, particularly those concerning women's fashion. Firstly, it is key to recognise global gender equality norms, because mirroring them legally allows for Aceh to become a more modern and internationally cohesive regulated province. Secondly, examining global norms reveals how various societies have successfully balanced religious or cultural modesty expectations with individual freedoms, providing potential models for Aceh. These examples demonstrate that legal frameworks can evolve to uphold gender equality while remaining respectful of religious and cultural traditions. By studying how other nations have navigated similar

²⁷ Amnesty International has also criticised Aceh's implementation of caning under the Qanun Jinayat as inhumane, as well as the government's failure to establish a trust and reconciliation commission and a Human Rights Court to address past human rights violations. See: Anonymous, 'Indonesia: Stop Flogging in Aceh' (Amnesty International, 13 October 2016) <<https://www.amnesty.org/en/latest/news/2016/10/indonesia-stop-flogging-in-aceh/>> accessed 15 June 2025.

challenges, Aceh can explore pathways for legal reform that align with international human rights standards without undermining its deeply rooted Islamic identity.

Aside from Indonesia's and by extension Aceh's obligation to CEDAW, reports from both Amnesty International²⁸ and Human Rights Watch²⁹ can be a way for Aceh to review its law in a new perspective, in which these reports have documented the ways in which these laws contribute to public shaming and limit women's participation in social and economic life. It is important for Aceh to remember that aligning with CEDAW's gender equality principles and reviewing and taking into account Amnesty International and Human Rights watch reports does not necessitate abandoning its religious identity. Instead, it only strengthens and evolves it to embrace a more inclusive and just society where women's rights and religious values coexist harmoniously.

This nuanced approach would not only inform Aceh's internal legal reform but would also help the Global North audience understand the differences in Islamic traditions. Many Muslim women in Western nations voluntarily practise modesty without legal enforcement, highlighting diverse interpretations, but maintaining freedom and autonomy. Aceh's practices reflect specific fiqh interpretations, specifically a more conservative one, contrasting with more liberal schools of thought prevalent in other regions of Indonesia - and indeed of the world. Recognising these variations allows for a more nuanced discussion on faith, autonomy, and Aceh's cultural identity that aligns more with international human rights framework while respecting its religious heritage.

Conclusion

Aceh Darussalam has special autonomy which provides authority in implementing Islamic law, including dress codes. Aceh's dress codes reflect centuries of cultural and religious history, but their current enforcement is neither inevitable nor beyond reform. The reform referred to in this context requires reinterpretation or adjustment to existing regulations. This dress code reform is part of a broader effort to achieve gender justice and equality in Aceh. As four young women from diverse backgrounds, we have shown that reform is both possible and necessary—not to 'Westernise' Aceh, but to empower all Acehnese women to make choices about their own lives. The real test is whether the law can evolve to respect both faith and freedom. Ultimately the principles of justice and equality will be the key to the success of the desired reforms and will benefit all Acehnese women – and indeed women everywhere. If Aceh can find

²⁸Amnesty International, *Amnesty International Report 2020/21: The State of the World's Human Rights* (Amnesty International 2021).

²⁹ Anonymous, 'Indonesia: Local Sharia Laws Violate Rights in Aceh' (*Human Rights Watch*, 1 December 2010) <<https://www.hrw.org/news/2010/12/01/indonesia-local-sharia-laws-violate-rights-aceh>> accessed 11 February 2025.

a way forward, it could provide a model—not just for Indonesia, but for any society wrestling with the balance between tradition, faith, and equality.