

CHAPTER FOUR

FINDING AND ANALYSIS

A. The Mechanism to Settle the Institutional Disputes in *Ngayogyakarta Hadiningrat Sultanate*

1. The Structure of Government in *Ngayogyakarta Hadiningrat Sultanate*

After *Keraton Yogyakarta* and *Pakualaman* joined the Unitary State of the Republic of Indonesia through the mandate of Sri Sultan Hamengku Buwono IX on September 5, 1945 and also the mandate of Sri Pakualaman VIII on October 30, 1945, from then until now the system of government in *Keraton* is limited to the environment around the palace (*Keraton*). Based on Law No. 13 of 2012,³⁸ Yogyakarta has officially received legal protection and also get the title "Privileges" so-called as Special Region of Yogyakarta. In Indonesia, there are only 3 provinces with special status (Nanggroe Aceh Darussalam, Special Region of Yogyakarta, Papua & West Papua) and there is also one special status, Special Capital Region of Jakarta.

Therefore, the State admitted and respects special local government units which are regulated in accordance with the Act. One of the contents of Law No. 13 of 2012 about the Privileges of Special

³⁸Ratified by the Government of the Republic of Indonesia on August 31, 2012, and enacted on September 3, 2012. Noted and published in the State Gazette of the Republic of Indonesia of 2012 Number 170 and Supplement to the State Gazette of the Republic of Indonesia Number 5339.

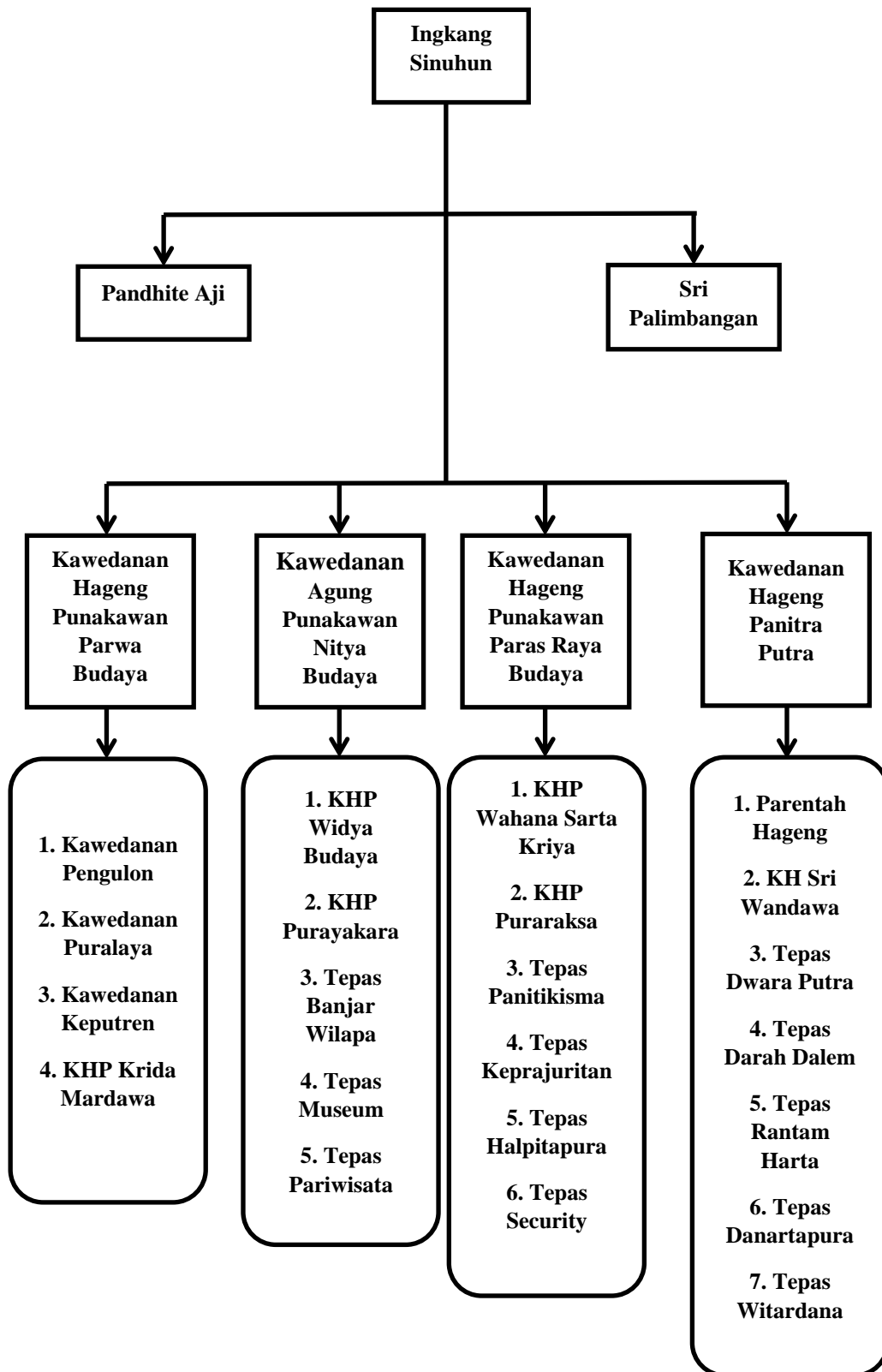
Region of Yogyakarta about Sri Sultan Hamengku Buwono and Paku Alam who reigned as Governor and Vice Governor of Special Region of Yogyakarta. While in *Keraton*, Sri Sultan Hamengku Buwono acts as King, but it has a different government system. Under the applicable law in Indonesia, the Governor is responsible for the President and the Minister of Home Affairs, and the Governor is assisted by the Vice Governor and the Regional Secretary.

In the past, positions such as the Regional Secretary were held by *Patih Dalem*. The last *Patih Dalem* is Kanjeng Pangeran Haryo (KPH) Danuredjo VIII. However, since the reign of Sultan Hamengku Buwono IX, Kanjeng Pangeran Haryo resigned, so he is no longer a *Patih Dalem*. From that time until now, Yogyakarta Sultanate is no longer proposes *Patih Dalem*, as formerly *Patih Dalem* resides in Kepatihan, and now Kepatihan becomes Office of Governor and Vice Governor, with its location in Malioboro Street,³⁹ Yogyakarta.

Figure 1:

Structure of Organs in Ngayogyakarta Hadiningrat Sultanate Palace.

³⁹Malioboro Street is a major shopping street in Yogyakarta, Indonesia. The name is also used more generally for the neighbourhood around the street. It lies north-south axis in the line between Keraton Yogyakarta and Mount Merapi. This is in itself is significant to many of the local population, the north-south orientation between the Keraton and the volcano being of importance. The street is the centre of Yogyakarta's largest tourist district surrounded with many hotels, restaurants, and shops nearby. Sidewalks on both sides of the street are crowded with small stalls selling a variety of goods. In the evening several open-air street side restaurants, called *lesehan*, operate along the street. This is the street of the artist. Street musicians, painters, and other artists exhibit their creations on this road. Less obvious to the tourist, but more for the local population, side streets, lanes and structures that lead on to Malioboro are as important as the street itself.



Source: <https://dejojaku.blogspot.com/2016/01/sistem-pemerintahan-kraton.html?m=1>

Based on *Dawuh Dalem* Number 01 / DD / HB.X / EHE-1932, the system of government in *Keraton* Ngayogyakarta Hadiningrat Sultanate has organizational structure, as follows:

a. Inkgang Sinuhun:

Sri Sultan Hamengku Buwono who is enthroned / Jumeneng, currently occupied by Sri Sultan Hamengku Buwono X.

b. Sri Palimbangan:

Anyone requested by Sultan to give advice and consideration concerning various problems relating to the circumstances within the Yogyakarta Palace (*Keraton*). Usually those who give consideration are the family of the reigning Sultan, Sultan's brothers, *Abdi Dalem*⁴⁰ or the leaders of the institution.

c. Pandhite Aji:

Anyone requested by the Sultan to provide suggestions, advice and considerations based on studies relating to religious, customary, artistic, cultural, economic, political, legal and social matters. Usually, there are experts from outside *Keraton*.

d. Kawedanan Hageng Punakawan:

⁴⁰*Abdi Dalem* is a person who devoted himself to *Keraton* and Sultan with all the rules that exist. *Abdi Dalem* comes from the word “abdi” which is the basic word of dedication and “dalem” which means internal.

A body that runs part of the *Keraton* government that is technical.

e. Kawedanan Hageng:

A body that runs part of the *Keraton* government that is functional administration.

f. Kawedanan: Operational technical operators.

g. Tepas: Administrative administrators.

h. Golongan:

A group of abdi dalem who have the same job or responsibility. This classification is intended to carry out operational technical work.

1) Kawedanan Hageng Punakawan and Kawedanan Hageng are a combination of several Kawedanan and Tepas. Kawedanan Hageng Punokawan, if within the cabinet of the Republic of Indonesia government such as Coordinating Minister and Kawedanan Hageng like Secretary of State. Each Kawedanan Hageng Punakawan (3) and Kawedanan Hageng (1) were coordinated by Sultan's brothers and sisters. Here's the explanation:

a) Kawedanan Hageng Punakawan (KHP) Purwa Budaya, coordinated or chaired by Gusti Bendara Pangeran Haryo (GBPH) Yudhaningrat (Brother

of Sultan Hamengku Buwono X) and assisted by Gusti Kanjeng Ratu (GKR) Mangkubumi (First daughter of Sultan Hamengkubuwono X). Kawedanan Hageng Punakawan Purwo Budaya consists of several departments, among others:

(1) KHP Krida Mardawa (art):

Take care of the arts such as Niyaga, Lebdaswara, and Pedhalangan.

(2) Kawedanan Pengulon (religious):

Take care of the Abdi Dalem associated with religion and kawedanan governs the Gedhe Mosque, Panepen Mosque, and Pathok Negara Mosque.

(3) Kawedanan Puralaya (funeral):

Take care of the Sultan's graves in Gedhe and Imogiri City.

(4) Kawedanan Keputren (keputrian):

Take care of Keraton princesses in Keputren.⁴¹

2) Kawedanan Hageng Punakawan (KHP) Nitya Budaya, coordinated or chaired by GBPH

⁴¹Keputren is a complex of buildings destined for the empress, concubines, and princesses of the Sultan who is single. Inside the main palace of Ngayogyakarta Hadiningrat Sultanate, Keputren is located in the Kedathon area which includes the central area of the palace. In addition keputren, kedhaton also there is a complex Kesatriyan which became a residence for the sons of the Sultan who is not married. Keputren complex is a special area that can not be accessed by anyone, only Sultan and certain people who have received permission that may enter the region of Keputren.

Prabukusumo (Brother of Sultan Hamengku Buwono X) and assisted by GKR Bendara (Fifth daughter of Sultan Hamengku Buwono X). Kawedanan Hageng Punakawan Nitra Budaya consists of several departments, among others:

a) KHP Widya Budaya (Keraton ceremony):

Take care of cultural and traditional ceremonies such as *labuhan*,⁴² *grebegan*,⁴³ and others.

b) KHP Purayakara:

Take care of the Keraton's equipment including household appliances.

c) Tepas Banjar Wilapa (library):

Take care of the library.

d) Tepas Museum:

Take care of the existing museums in the Yogyakarta Palace, such as railway museums, Sultan Hamengku Buwono IX museums, garden sari, and others.

e) Tepas Tourism:

⁴²*Labuhan*, is one of the traditional ceremony which since the time of the Mataram Kingdom of Islam in the XIII century until now still held regularly and still influential in the social life of the population in the Special Region of Yogyakarta. The *Labuhan* ceremony is a gift or offerings performed in certain places, in accordance with the belief that there has been an important event related to the ancestors of the king.

⁴³*Grebegan*, is a religious ceremony of the Palace (Keraton Yogyakarta) which is held three times a year to coincide with the birth of Prophet Muhammad SAW (Grebeg Maulud), IdulFitri (Grebeg Syawal), Eid Adha (Grebeg Besar). On that day, Sri Sultan was concerned to give alms in the form of food and others to the people.

Take care of tourism such as tour guide, and others.

- 3) Kawedanan Hageng Punakawan (KHP) Parasraya Budaya, coordinated or chaired by KGPH Hadiwinoto (Brother of Sri Sultan Hamengku Buwono X) and assisted by GKR Maduretno (Third daughter of Sultan Hamengku Buwono X). Kawedanan Hageng Punakawan Parasraya Budaya consists of several departments, among others:

- a) KHP Wahana Sarta Kriya (vehicle, cleanliness and maintenance):

Take care of the vehicle, train, and renovation of the building in Yogyakarta Palace.

- b) KHP Puraraksa KHP (security):

Take care of the security of the Keraton in a general way.

- c) Tepas Panitikisma:

Take care of the Keraton (Sultan Ground) lands and the issuance of letters.

- d) Tepas Soldiers:

Take care of the Keraton Yogyakarta soldiers.

- e) Tepas Halpitapura:

Take care of Keraton Yogyakarta household affairs.

f) Tepas Security:

Take care of special security. Formerly established when Sri Sultan Hamengku Buwono IX served as vice president, and currently still exists.⁴⁴

4) Kawedanan Hageng Panitra Putra, coordinated or chaired by GKR Condrokirono (Second daughter of Sri Sultan Hamengkubuwono X), consists of:

a) Parentah Hageng (administrative center or staffing):

Take care of the civil service administration of the Abdi Dalem.

b) Kawedanan Hageng Sri Wandawa (social welfare):

Take care of the Sultan's family administration.

c) Tepas Dwara Putra (contact with outsiders):

Take care of the relationships of the Keraton community including the Abdi Dalem.

d) Tepas Darah Dalem (genealogy of Keraton):

⁴⁴Gusti Raden Mas Dorodjatun or Sri Sultan Hamengku Buwono IX was one of the Sultan who had led the Yogyakarta Sultanate (1940-1988) and the first Governor of the Special Region of Yogyakarta after the independence of Indonesia. He served as Indonesia's second Vice President between 1973-1978. He is also known as the Father of Indonesian Scouts, and has served as Chairman of the *Kwartir Nasional Gerakan Pramuka*.

Take care of the business of belisik or sign of the abdi dalem or the order of blood relation with the Sultan.

e) Tepas Rantam Harta (Keraton budgeting):

Take care of the budget or budget plan of Keraton.

f) Tepas Danartapura (expenditure of money):

Take care of the Keraton fund or finance.

g) Tepas Witardana (money storage):

Take care of the welfare of the courtiers (abdi dalem) and the insurance.

h) Tepas Tandha Yekti (IT and Keraton data center):

Starting from August 28, 2012 on the existence of Dawuh Dalem (Sultan's command), Keraton Yogyakarta has Tepas Tandha Yekti or data center. The existence of this Tepas is an effort of the Palace of Yogyakarta to increasingly open themselves and utilize information technology in the preservation of the Palace as a cultural institution. Tepas Tandha Yekti is a data center that utilizes information and multimedia technology to document data and activities in Keraton Yogyakarta. The one who became Penghageng (Division Head) from Tepas Tandha

Yekti was Gusti Kanjeng Ratu (GKR) Hayu (fourth daughter of Sri Sultan Hamengkubuwono X).

As explained earlier that since Sri Sultan Hamengkubuwono IX together with KGPA (Kanjeng Gusti Pangeran Adipati Aryo) Paku Alam VIII declared the declaration that the *Negeri Ngayogyakarta Hadiningrat* had become the Special Region of Yogyakarta and become a part of the Republic of Indonesia. In its state that the position of Sri Sultan Hamengku Buwono IX was as the Head of Region and KGPA Paku Alam VIII as Deputy Head of Region, until now the government system contained in Keraton Yogyakarta was only limited to the scope of Keraton only. Because in Keraton Yogyakarta, Sultan Hamengku Buwono acts as the King while for government affairs outside the Palace (Keraton) or more precisely for the affairs of local government in the province of Special Region of Yogyakarta, Sri Sultan Hamengkubuwono acts as the Governor or Head of Region and has its own system of government, so between the affairs which occurred in the palace should not be mixed with the affairs that exist outside the palace. If there is an affair or problem that occurred in the palace then it will only be the affairs of Sri Sultan as King and the parties contained in the government organization of Keraton Yogyakarta. This is due to the fact that

Yogyakarta has a special title so that the State appreciates and respects whatever the rules in the Keraton Yogyakarta.

B. Implication of the Constitutional Court Decision Number 88/PUU-XIV/2016

1. Constitutional Court Decision Number 88/PUU-XIV/2016

Since the existence of Court Decision Number 88 / PUU-XIV / 2016 which states that women can run and be eligible to fill the position of Governor and Vice Governor in Special Region of Yogyakarta, there is debate and problems between the parties in the Palace and also the people outside Keraton Yogyakarta. The beginning of this problem was caused by a request or a lawsuit from several groups of people who filed the lawsuit to the Constitutional Court.

Based on Article 24 C paragraph 1 of the 1945 Constitution, it is stated that one of the authorities of the Constitutional Court is to examine Law against the Constitution of the Republic of Indonesia. The Petitioners requested the Constitutional Court to re-examine the contents of Article 18 paragraph 1 letter M of Law Number 13 Year 2012 on the Special Privileges of Special Region of Yogyakarta. The contents of the Article are:

“Candidates for Governor and Vice-Governor Candidate are citizens of the Republic of Indonesia which includes, among others the history of education, employment, siblings, wife, and children.”

The Petitioners state that the provisions contained in the Article which govern the existence of the word "wife" in submitting a resume by the candidates of Governor and Vice Governor of Special Region of Yogyakarta has made an interpretation that it should only be men that can be a candidate for Governor and Vice Governor of Yogyakarta. The Article only states the word "wife", so it is clear that the State has ceased to guarantee the protection of women's rights. The state should not make regulations by including only the word "wife" in the Article because in the presence of the word it raises the interpretation that only men can serve the Governor and Vice Governor of the Special Region of Yogyakarta, and it does not reflect justice because it is discriminatory against women's rights.

According to Article 28 D Paragraph (1) of the 1945 Constitution, it states that *"Everyone shall have the right to equitable recognition, guarantee, protection and legal certainty and equal treatment before the law."* In Article 28 D Paragraph (3) also states that *"Every citizen shall have the right to equal opportunity in the government."* These Articles constitute several Articles which are listed as the Norms of the 1945 Constitution in the petition filed to the Constitutional Court. Based on the contents of the articles contained in the 1945 Constitution, the applicants state that the word "wife" as the history of the requirements to be a candidate for Governor and Vice Governor is a discriminative policy against women.

2. The Implementation of Constitutional Court Decision in *Keraton Ngayogyakarta Hadiningrat Sultanate*

Sri Sultan Hamengku Buwono X as the King who currently reigns at the Yogyakarta Palace only has daughters, or in other words Sri Sultan Hamengku Buwono X does not have a son who can be used as an heir to the throne of the Kingdom at Yogyakarta Palace (*Keraton*). Actually, the problem of Sri Sultan Hamengku Buwono X who has no son has also occurred during the reign of Sri Sultan Hamengku Buwono V. Sri Sultan Hamengku Buwono V had no son from the marriage, although he has more than one wife, thus he did not have a son who can be used as heir to the throne of the Kingdom at Yogyakarta Palace. However, to solve this problem, when Sri Sultan Hamengku Buwono V died, the throne of his kingdom was handed over to his brother Raden Mas Mustojo who then held the title of Sri Sultan Hamengku Buwono VI. This was done because someone who may be used as a leader or a king of the Kingdom should come from the family lineage of the Yogyakarta Sultanate.

Sri Sultan Hamengku Buwono X has issued the word of the king (*sabda raja*) and asked the entire family of Yogyakarta Sultanate to accept whatever has become a Constitutional Court Decision, because the Constitutional Court can be a reference in accordance

with legislation. GKR Hermas also considered that the Constitutional Court's decision can strengthen the legitimacy of women to become a leader especially in Special Region of Yogyakarta, so that there is no more discrimination against women.

Gusti Bendara Pangeran Haryo (GBPH) Prabukusumo who is one of the brothers of Sri Sultan Hamengku Buwono X brothers, states that he does not agree with the decision of the Constitutional Court. According to him, in *Keraton Ngayogyakarta Hadiningrat Sultanate* from the beginning, it has already has its own custom which is the so-called *paugeran*, especially for a figure that can be used as a leader. Gender equality applies only to social and political interest, but can't be applied in customary and religious affairs.⁴⁵ However, the provisions of customs that have existed since the beginning can't be changed and disturbed, because if it happens it will be able to cause customary problems later. Gusti Bendara Pangeran Haryo (GBPH) Prabukusumo explained that although the Constitutional Court's decision has been welcomed by Sri Sultan Hamengku Buwono X and he has issued *sabda raja*, but it should still not be able to replace the customs or *paugeran*.⁴⁶ Prabukusumo hopes that all parties still have to return to the *paugeran* that exists in the Ngayogyakarta Hadiningrat Sultanate.

⁴⁵Sukma Indah Permana, "Adik Sultan HB X: Bukan Diskriminasi, Tradisi punya Aturan Sendiri", 6 September 2017, <http://news.detik.com/berita-jawa-tengah/d-3630955/adik-sultan-hb-x-bukan-diskriminasi-tradisi-punya-aturan-sendiri>, accessed on March 29, 2018 at 1.50 pm.

⁴⁶*Paugeran* (Javanese), if translated into Indonesian means the Rule. *Paugeran* means customary rules that already apply in Keraton Yogyakarta.

If we learn from what has happened in the reign of Sri Sultan Hamengku Buwono V, then should the person who should be entitled to become the successor to the throne in the Keraton Yogyakarta for the next is the brother of Sri Sultan Hamengkubuwono X.

C. Analyzing on Institutional Disputes Settlement in Keraton Yogyakarta

1. Institutional Dispute in Keraton Ngayogyakarta Hadiningrat Sultanate

According to Suropto, as one of the *Abdi Dalem* Keraton Yogyakarta, with the decree of Sri Sultan Hamengku Buwono X which stated that he welcomed whatever the outcome of the Constitutional Court Decision Number 88/PUU-XIV/2016, there was a debate or internal conflict in Yogyakarta Palace. This debate also occurred between Sri Sultan Hamengku Buwono X with his brother Gusti Bendara Pangeran Haryo (GBPH) Prabukusumo who has different opinion. In the Yogyakarta Palace, there are parties who are pro and contra with the outcome of the Constitutional Court Decision Number 88/PUU-XIV/2016, so there are those who support Sri Sultan Hamengku Buwono X and there are also supporter of Prabukusumo.

Prabukusumo asked Sri Sultan Hamengku Buwono X to continue to make a decision based on *paugeran* (customary law) in Ngayogyakarta Hadiningrat Sultanate. Prabukusumo also assumed that if Sri Sultan Hamengku Buwono X applied the result of the

Constitutional Court Decision, then it would also cause problems or debate between the people of Yogyakarta. In the tradition of succession in NgayogyakartaHadiningrat Sultanate since the founding of Yogyakarta Sultanate until now there has never been a woman ruler.⁴⁷ However, if we look from the history that existed, during the Majapahit Kingdom which is the largest Kingdom in Indonesia, the kingdom was once led by a female leader. Previously from the 15 rulers of Ancient Kingdom of Mataram, there are 6 of them were women and all of them were titled Sri Maharaja.⁴⁸

However, the Ancient Kingdom of Mataram and Majapahit Kingdom were both Kingdoms based on the teachings of Hinduism and Buddhism as the religion of the Kingdom. Meanwhile, the Kingdom of Mataram I and Mataram II (Yogyakarta Sultanate) is the Islamic Kingdom. Thus, if there is a renewal in the tradition of succession, then of course it must also first change the title of the king of Ngayogyakarta Hadiningrat Sultanate. The least is to replace the terms "Sultan" to "Sulthanah" and Kasultanan and negate the title *Sayidin Panatagama* and *Kalifatullah*.

2. The History of *Sulthanah* in Indonesia Islamic Kingdom

If we look back on the history of the Islamic Kingdom that ever existed in Indonesia, of course there are some Islamic Kingdoms

⁴⁷Ki Sabdacarakatama, 2010, "Ensiklopedia Raja-Raja Tanah Jawa-*Silsilah Lengkap Raja-Raja Tanah Jawa dari Prabu Brawijaya V sampai Sri Sultan Hamengku Buwono X*", Yogyakarta: Narasi Publisher, p. 28.

⁴⁸*Ibid.*

that were successful in their own time, and actually there are also the Islamic Kingdom led by a woman, for example is the Kingdom of Aceh Darussalam. The history records that the Kingdom of Aceh Darussalam once had the first female leader in the Kingdom, Sulthanah Shafiatuddin.⁴⁹

During the reign of Sulthanah Shafiatuddin, the Kingdom of Aceh Darussalam is quite successful, Sulthanah Shafiatuddin was quite successful in leading the Kingdom even though at first many people who doubted her leadership because she was a woman.⁵⁰ Doubts from some groups of society are successfully refuted by the existence of policies issued by Sulthanah Shafiatuddin which can be said to be very good and successful. In 1639 the Malacca War happened, and Sulthanah Shafiatuddin formed a line of women to strengthen the palace bull. The tactical move successfully answered the doubts of some of the earlier circles. Several times there were rebels who did not agree with her leadership, but they were also successfully overcame.

Sulthanah Shafiatuddin was the daughter of the previous leader, Sultan Iskandar Muda whose era of leadership was (1606-1636 M).⁵¹ Sulthanah Shafiatuddin ascended the throne because her

⁴⁹Fathoni Ahmad, "Sulthanah Shafiatuddin, Nakhoda Perempuan Pertama Kerajaan Aceh Darussalam", 12 October 2017, <http://www.nu.or.id/post/read/82042/sulthanah-shafiatuddin-nakhoda-perempuan-pertama-kerajaan-aceh-darussalam>, accessed on July 10, 2018 at 1.30 pm.

⁵⁰*Ibid.*

⁵¹Dedeh Nur Hamidah, 2017, *Kepemimpinan Para Perempuan Muslim dari Kerajaan Aceh Darussalam (1641-1699): Jurnal Tamaddun*, Vol. 5, No. 1, p. 62-63.

husband, Sultan Iskandar Tsani⁵², died. Because of the difficulty to find a replacement at that time made her have to continue the leadership of her husband. Sulthanah Shafiatuddin is the eldest daughter of Sultan Iskandar Muda.⁵³ Previously, Sultan Iskandar Tsani, who was the husband of Sulthanah Shafiatuddin, was appointed to be a king because Sultan Iskandar Muda did not have any son offsprings.

During Sulthanah Shafiatuddin reign, the diplomatic relations between Aceh Darussalam Kingdom with some other kingdoms can be maintained very well by Sulthanah Shafiatuddin, thus the big name of Aceh Darussalam Kingdom is maintained.⁵⁴ Not only that, the Kingdom of Aceh Darussalam is also progressing very rapidly in various fields, including in the fields of economics, religion, law, art and culture, and then science as described previously. During the leadership of Sulthanah Shafiatuddin, the literary development was more rapid. She has made many rhymes and short stories. Sulthanah Shafiatuddin also established a library to educate the people. Sulthanah Shafiatuddin reigned for 34 years until her death in 1675. After the first queen of Aceh Darussalam Kingdom died, the Sultanate of Aceh Darussalam was still led by the women until 24 years later.

⁵²Sultan Iskandar Tsani is the son of Sultan Ahmad from Pahang brought by Sultan Iskandar Muda to Aceh, when he was in Perak to clear the land from it's Portuguese influence, because of his proficiency and nobility, then Sultan Iskandar Muda raised him into a son-in-law, and Sultan Iskandar Tsani married with Sultan Iskandar Muda son, named Princess Shafia.

⁵³M. Shabri Abd. Majid, 2016, *Revitalisasi Pendidikan Aceh*, Vol. 10, No. 2, p. 62.

⁵⁴Prof. Dr. Budi Sulistiono, 2013, *Beberapa Faktor Pendukung Terbentuknya Jaringan Perdagangan Antar Kesultanan di Nusantara*, Vol. II, p. 3.

The female leaders were Sulthanah Naqi al-Din Nur al-Alam (1675-1678), Sulthanah Zaqi al-Din Inayat Syah (1678-1688), and Sulthanah Keumalat Shah Zinat al-Din (1688-1699).⁵⁵ These three Sulthanahs were the result of the breakthrough of Sulthanah Shafiatuddin who appointed them to continue his throne because he had no descendants. Sulthanah Shafiatuddin succeeded in proving that women could be the leader of a Kingdom.

The kingdom of Aceh Darussalam uses an absolute monarchy government system, which means "the throne is passed down from generation to generation. A Sultan has absolute power, except when faced with a counter or clash from the powers of the leaders of the great vassals or if his people show unfaithfulness". In addition, in the governance system of Aceh Darussalam, to become a Sultan, one must be from the lineage of the previous sultan. So that those who are not from the descendants of the Sultan is not entitled to become a Sultan. However, if a Sultan has no offspring or no substitute, then that power can be replaced by the closest people who are still from the Sultan's lineage. Sultan or Sulthanah was appointed and handed down by the consent of three Commander Sagoe and Teuku Kadi Malikul Adil (Grand Mufti of the kingdom). A new Sultan is legitimate if he has paid "Jiname Aceh" (dowry of Aceh), which is 32 pounds of gold, cash of one thousand six hundred rixdollars, several tails of buffalo

⁵⁵Ridwan Hasan, 2011, *Ruang Kebebasan Bertheologi Perempuan Aceh dalam Wilayahul Hisbah di Nanggroe Aceh Darussalam*, Vol. XIII, No. 1, p. 91.

and some rice bumps.⁵⁶ The kingdom of Aceh Darussalam also has a good and detailed governance structure, as it can divide the tasks in each of its fields.

The device of the Sultan's government sometimes experienced differences in each time. The following are the governing bodies in the Sultanah period in Aceh:

- a. Hall of *Rong Sari*, the institution headed by Sultanah, whose members consist of *Hulubalang Empat* and *Ulama Tujuh*. This institution is in charge of making plans and research.
- b. The Majlis Hall of the People's Representatives, which is an institution headed by Kadli Malikul Adil, who has seventy-three men; roughly now like a House of Representatives.
- c. Hall of *Gading*, the Institute led by *Wazir Mu'adhdham Orang Kaya Laksamana Seri* Prime Minister; roughly now like a Council of Ministers or Cabinet, including nine members of the appointed People's Council.
- d. Hall of *Furdhah*, the institution that deals with economic matters, led by a vizier who holds the Minister of the Paduka Series (*Seri Paduka*); roughly now like a Ministry of Commerce.

⁵⁶“*Kesultanan Aceh*”, <https://sejarawanindonesia.wordpress.com/2016/10/02/kesultanan-aceh/>, accessed on 24 July, 2018.

- e. Hall of *Laksamana*, the institution that manages the affairs of the army, led by a wazir with the title of Admiral Amirul Harb; roughly the Department of Defense.
- f. Hall of *Majlis Mahkamah*, the institution that takes care of the matter of judiciary / court, led by a wazir who holds the Series of King Commander Wazir Mizan; roughly the Ministry of Justice.
- g. Hall of *Baitul Mal*, the institution that deals with financial affairs and state treasury, led by a wazir who holds the Rich People Series Maharaja Treasurer King Wazir Dirham; roughly the Ministry of Finance.

In addition there are various high officials of the Sultanate, among others:

- a. *Syahbandar*, takes care of trading problems at the port.
- b. *Teuku Kadhi Malikul Adil*, a kind of high judge.
- c. *Wazir Seri Maharaja Mangkubumi*, the official who takes care of all Hulubalang; roughly like a Minister of Home Affairs.
- d. *Wazir Seri Maharaja Gurah*, the official who deals with the affairs of forest products and development; roughly like a Minister of Forestry.

e. *Teuku Keurukon Katibul Muluk*, the official who administers the affairs of the state secretariat including the official author of the sultanate letter, with his complete title *Wazir Rama Setia Kerukoen Katibul Muluk*; roughly like a Secretary of State.

The kingdom of Aceh Darussalam in addition to having a high civilization also has the structure of government and the regularity of government systems so that people can develop themselves as other communities in this world. Aceh Darussalam Sultanate governance structure or the Aceh community structure can establish a stable community system and be an institution that can maintain or control society. As mentioned in Kanun Meukuta Alam AI-Asyi, the Kingdom of Aceh Darussalam is composed of Gampong (village), Mukim (gampong federation), Nanggroe (sub-district), Sagou (federation and some nanggroe and kingdom / state). The structure of Aceh Darussalam Kingdom is a very perfect structure of society at that time.⁵⁷The structure of the kingdom or the system of institutions of the Aceh society can fulfill the need to control the behavior of the community. The presence of the institution as a socio-religious controller in the Aceh community. In this case the social strata in Aceh society there are five namely *Gampong*, *Mukim*, *Nanggroe*, *Sagou* and the Kingdom / State that is now called

⁵⁷“Struktur Pemerintahan Kesultanan Aceh”, <https://sultansinindonesiablog.wordpress.com/xx/sultan-of-aceh-darussalam/struktur-pemerintahan-kesultanan-aceh/>, accessed on 24 July, 2018.

Nanggroe Aceh Darussalam. For more details, it can be seen as follows:

- a. Gampong, also called Meunasah, was led by a Keusyik (village head) and a Rawatib Imam assisted by a staff named Tuha Peut. The Gampong government gained wide autonomy rights.
- b. Mukim, which is a federation of several Gampong, at least eight Gampong. Mukim is led by a person called Imeum Mukim and a Kadhi Mukim and is assisted by a number of waki people.
- c. Nanggroe, which is also called the Uleebalang⁵⁸ area, consists of three Mukim, four Mukim, five Mukim, seven Mukim, eight Mukim, and nine Mukim. He was led by Uleebalang and assisted by a Kadhi Nanggroe. Nanggroe is an autonomous region within certain limits.
- d. Sagoe, which is a federation of several Nanggroe, which only exists in Aceh Rayeuk, there are three Sagoe, so it is also called Aceh lhe Sagou, namely:
 - 1) Sagoe Teungoh Leeploh, which consists of 25 Mukim, led by a commander of Sagou, who has the title *Kadhi Malikul Alam Sri Setia Ulama*, and is

⁵⁸ Uleebalang (Malay: Hulubalang) is the head of the government in the Aceh Sultanate who heads a region or Sagoe, which is a district-level area in the current Indonesian government structure. Holders of Uleebalang positions were named with Teuku for men and Cut for women.

assisted by a Kadhi Sagou who has the title Kadhi Rabbul Jalil.

2) Sagoe Duaplooh Nam, which consists of 26 Mukim, led by a Commander of Sagou, who holds the title *Sri Imam Muda OR* and is assisted by a Kadhi Sagou who has the title Kadhi Rabbul Jalil.

3) Sagoe Duaplooh Dua, which consists of 22 Mukim, led by a Commander of *Polem Sri Muda Perkasa*, and assisted by a Kadhi Sagou who has the title Kadhi Rabbul Jalil.

e. The Kingdom, whose full name is the Kingdom of Aceh Darussalam, with the capital state: Banda Aceh Darussalam sometimes called Bandar Darussalam and Darul Makmur. The kingdom is led by a King who has the title Sultan Imam Malikul Adil, and is assisted by a Kadhi of the Kingdom with title Kadhi Malikul Adil.⁵⁹

The structure of the Kingdom of Aceh Darussalam is a very perfect structure of society according to the size of that time. The structure of the kingdom or system of the institutions of the Acehnese society can meet the need to control the behavior of the community. The presence of these institutions as controllers of social and religious

⁵⁹ “*Struktur atau Lembaga Pemerintahan Kerajaan, Aceh*”, <http://febasfi.blogspot.com/2012/11/struktur-atau-lembaga-pemerintahan.html>, accessed on 24 July, 2018.

affairs existed in the Acehese society. In this case there are five social strata in the Acehese society, namely Gampong, Mukim, Nanggroe, Sagoe and the Kingdom or state which is now called Nanggroe Aceh Darussalam. Gampong in Acehese society, is a social system that can regulate itself as well as gampong as a unit that organizes people who live in the administrative environment or village legal environment.⁶⁰ The Gampong leadership structure is still valid or functioning. Gampong is led by a Mukim. In the structure of the Acehese society, Mukim is a leader who can protect and the community, especially the place of consultation and a place to ask people. Mukim, is one of the Acehese traditional institutions in charge of resolving disputes that occur in the community.⁶¹ In the process of Acehese customary justice, mukim are the second level of adat court after gampong. Based on *de jure*, one of the tasks of Mukim as stipulated in Article 4 letter (e) of the Aceh Qanun Number 4 of 2003 concerning the Mukim Government is "*deciding the law in the event of a dispute or cases in solving community problems*". Mukim is not an institution that was born after Indonesian independence, but has existed since the time of the Aceh Sultanate. Furthermore, the definition of mukim in the Aceh Qanun Number 4 of 2003 is formulated that mukim is a legal community unit in the Province of Nanggroe Aceh Darussalam which consists of a combination of

⁶⁰ Muslim Zainuddin, 2017, Peran dan Fungsi Kelembagaan Mukim dalam Penyelesaian Perselisihan: Analisis Praktek Hukum Adat di Aceh, Vol. 19, No. 2, p. 323.

⁶¹ *Ibid.*

several gampong that have certain territorial boundaries and their own assets, located directly under the Camat led by Imeum Mukim.

The mukim duties related to the resolution of community disputes are expressly stipulated in Aceh Qanun Number 10 of 2008. Article 8 of Aceh Qanun stipulates that the Imeum Mukim has the following duties:

- a. Conduct community development;
- b. Carry out customs activities;
- c. Resolve the disputes;
- d. Helping to improve the implementation of Islamic Sharia;
- e. Assisting government administration;
- f. Assisting the implementation of development;⁶²

Related with the religious affairs, mukim is responsible for the smoothness and prosperity of mosques, the conduct of Friday prayers, weddings and others that have relevance to religious teachings. The task of the mukim is in addition to the interests of the community, it can also ease the task of the state in handling disputes. The disputes settlement of community using customary mechanism has its own philosophical value, juridical and sociological basis for the people of Aceh. The important value of the dispute resolution process

⁶² Muslim Zainuddin, Op.Cit, p. 329.

through customary justice or mediation is to maintain someone dignity. For the people of Aceh, settling disputes through mediation is an effort to protect people and groups as well as to maintain the customary law. Mediation also prioritizes the value of togetherness and kinship so that no party feels defeated. Because of that after the case is over the parties can establish a better relationship than the previous one. This forgiveness process is facilitated by traditional leaders involved in resolving disputes. In the implementation process, the adat court at the Mukim level has its own set of devices, namely the Mukim Secretary as the clerk, the Imeum Mukim as the chairperson of the hearing, Tuha Peut as a member, and community leaders as members. The Mukim Institute has various obstacles and challenges, namely: First, the weakness of Human Resources in carrying out its roles and functions. Second, the guidance and training given to the mukim is inadequate. Third, funding is still very limited. Fourth, the length of the conflict in Aceh resulted in the role and function of the mukim not operating effectively. Fifth, there is a national legal order that prioritizes legal certainty. As a result, the non-written customary law began to be abandoned on the grounds that the losing party could reclaim the decision issued by the adat functionaries.

Nanggroe, is an area led by an Uleebalang. Nanggroe still has a structural area and yet. This means that Nanggroe is a region that is

commanded by the Uleebalang. However, the policies proposed or decided by the Uleebalang may not be conflicting with the law enforced in force in the Kingdom of Aceh. In addition, Nanggroe is an expansion area of the Uleebalang which has been determined by the Kingdom of Aceh. In one particular area, when there was no population, after consulting with the kingdom, the residents and an Uleebalang opened a new settlement, so that an Uleebalang could govern with the decision of the Kingdom of Aceh. Uleebalang is an assistant to the Sultan in taking care of the policies or provisions that have been decided by the Sultan together with the judge. While the Uleebalang policy cannot be denied by the other Uleebalang except the Sultan. The Uleebalang besides being assisted by Kadhi and Imeum were also assisted by Banta. The helpers or called Banta are usually siblings of the Uleebalang, or trustworthy relatives. Beside the helpers there is what is called Kawomrakan, which is the helpers of the Uleebalang, usually residing adjacent to the house of the Uleebalang, and other servants who are called the warlords. These are the people who are trusted by the Uleebalang.

Sagoë, which is a federation of several Nanggroe. The Sagoë region is led by the commander of Sagoë only exists in Aceh Besar. Commander Sagoë was assisted by Kadhi Rabul Jalil. The authority of the commander of Sagoë was limited to the common interests of some Uleebalang people. The role of the commander of the Sagoë is not

autonomous compared to the Uleebalang, but the policies of the Commander of the Sagoe are for the mutual benefit of some Mukim and the Uleebalang region. Sagoe is an area that consists of several Nanggroe in which there are several Uleebalangs. Sagoe is an autonomous region compared to Nanggroe. Sagoe, led by Commander Sagoe, had a role in giving input to the Uleebalangs who ruled in several Nanggroe in the area of the Commander of the Sagoe Commander.

Kingdom, which is a state system that has a territory of law and territorial boundaries. The power of the Kingdom of Aceh began on the western tip of Sumatra Island to Bengkulu and the Malacca Peninsula. The kingdom of Aceh was led by a king who had the title Sultan Imam Malikul Adil, and was assisted by a royal Kadhi who had the title Kadhi Malikul Adil. The kingdom of Aceh was an influential kingdom in the Southeast Asian region, especially in the 14th to 18th centuries. The kingdom of Aceh was a kingdom based on the Law of Kanun AI-Asyi, which originated in the teachings of Islam or a kingdom characterized by Islam, and although in the form of a policy empire it was not in the form of a dictator. As is known in the community there is a set of social institutions to regulate the community system that has been proclaimed by leaders and scholars of old times. The existence of these institutions can help smooth the wheels of government, both at the village, settlement, nanggroe,

Sagoe levels to the state or kingdom level. The institutions contained in Kanuri Meukuta Alam Al-Asyi are as follows:

- a. *Balai Imam Malikul Islam*, namely the Sultan's office (such as Bina Graha in the Republic of Indonesia)
- b. *Kadli Malikul Adil Hall*, Kadli Mu'adham office (such as the Supreme Court in the Republic of Indonesia).
- c. *Balai Rama Setia*, office of Wazir Rama Setia Katibul Muluk (such as State Secretariat in the Republic of Indonesia).
- d. *Balai Furdhah*, led by Sri Maharaja Wazir Tijarah (approximately the Ministry of Trade in the Republic of Indonesia).
- e. *Balai Laksamana*, led by Paduka Diraja Wazir AI Harb (such as the Ministry of Defense in the Republic of Indonesia).
- f. *Balai Majelis Mahkamah*, led by Sri Raja Commander of the Wazir Mizan (such as the justice department in the Republic of Indonesia).
- g. *Balai Baitul Mal*, led by *Orang kaya Bendahara Raja* Wazir Derham (such as the Ministry of Finance in the Republic of Indonesia).
- h. *Balai Mangkubumi*, led by Sri Maharaja Wazir Mangkubumi, who is in charge of Hulubalang-

Hulubalang (such as the Ministry of Home Affairs within the Republic of Indonesia).

- i. *Balai Badhul Muluk*, which was led by Paduka Diraja Wazir Badluk Miluk, who handled the mission from abroad and the mission of Aceh abroad (such as the Ministry of Foreign Affairs in the Republic of Indonesia).
- j. *Balai Kun Diraja*, which is led by Sri Maharaja Kun Diraja, who is in charge of managing the internal affairs (Keraton) and concurrently as the Syahbandar Besar, the National Capital of Banda Aceh Darussalam.
- k. *Balai Gurah*, which was led by Sri Maharaja Wazir Gurah, who was in charge of the affairs of forests, plants and marine products (such as the Ministry of Agriculture / Forestry in the Republic of Indonesia).
- l. *Maharaja Garut*, led by Keujrlen Maharaja Plirba Wazir Paduka Raja, who was in charge of the affairs of the Darud Dunya Palace.

The social institutions in Aceh are actually complete, like other countries and kingdoms in the world. However, the term of social institution is adapted to the ideology and religion of the community. This fact can be seen from the terms that used in the Aceh institutions. The terms of these institutions besides being named as

Aceh are also named in Arabic, because of the influence of the Middle East or the Arab world is very dominant in Acehese society. This reality before Indonesia's independence or during the heyday of Aceh, the Kingdom of Aceh Darussalam had a very close relationship with the Islamic world.

The conclusion from Aceh Darussalam Sultanate is that the Aceh Sultanate has a complete structure of government, including the existence of Mukim which has authority in resolving disputes. This Mukim also has authority to use mediation in resolving disputes among community. This mechanism can be a good example for the Yogyakarta Sultanate to resolve the dispute in Yogyakarta Palace.

D. Problem of Institutional Disputes Settlement Mechanism in *Keraton Yogyakarta*

1. Institutional Disputes Settlement Mechanism in *Keraton Ngayogyakarta Hadiningrat Sultanate*

History has noted that the existing Islamic Kingdom in Indonesia was once led by a women, this is a proof that women can actually and deserve to be a leader of a kingdom. It also proves that the existing Islamic Kingdom in Indonesia can be led by women and referred to as Sulthanah.

According to Ki Herman Kinung Janutama, what is happening in Keraton Ngayogyakarta Hadiningrat Sultanate about the existence of female governor is not really a big problem. Some groups

of people who filed the lawsuit merely combined the paugeran with democracy, but they have not fully understood the science and values that already exist in Yogyakarta Sultanate, there is no problem for the customs as long as it is understood with the rules or values. If the issue of women's governors in the constitutional perspective is not a problem and if it is linked to a paugeran there is also no problem if all parties understand about the customary rules. In Keraton Ngayogyakarta Hadiningrat Sultanate itself, actually if there will be a women governor in the Special Region of Yogyakarta it will not be a problem. It is okay if the woman served as Governor or Vice Governor in Yogyakarta. As we know that a leader in Yogyakarta has a position as Governor and also as a King or Sultan, so that when there will be a women's governors in Yogyakarta, automatically the governor will also be a Sultan in Keraton Ngayogyakarta Hadiningrat Sultanate.

Looking from the history of Aceh Darussalam Sultanate which is also the Islamic Kingdom and once led by a woman as Sulthanah, then the Ngayogyakarta Hadiningrat Sultanate also certainly not become a problem when led by a woman or called Sulthanah. Currently the government in the Yogyakarta Palace is in a state of emergency, because Sultan Hamengku Buwono X has no son offspring. So basically, the customary law that has existed since a long time ago has its own rules on this issue, namely emergency paugeran

(paugeran darurat). If there is a woman who became a leader in Yogyakarta Palace / Keraton Ngayogyakarta Hadiningrat Sultanate, what is needed is only a blessing from the big family of Yogyakarta Sultanate, when the blessing has gained then Keraton Ngayogyakarta Hadiningrat Sultanate can be led by a woman or called as Sulthanah.

In case of Ngayogyakarta Hadiningrat Sultanate, there are two problems, namely: First, there is no clear structure in the Palace that has authority to resolve the conflict. Moreover, if the conflict is directly addressed to the Sultan. Second, so far there is no consensus which given blessing from the Sultanate Family to the Sabda of the Sultan regarding the issue of succession of Sultan to the daughter of the Sultan Hamengku Buwono X. This blessing can actually can be given if the Sultan asks the family to give approval in a family meeting of Sultanate.