Cultural Preservation And Religious Control On Regulating Of The Form And Use Of The Public Space

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Abstract *In the new era of globalization, people are much more aware of the uniqueness and specialty of their own culture. Banda Aceh, a capital city of Aceh province in Indonesia, which has concerned about this issue in the last twelve years in preserving their own culture through injecting Sharia law (Islamic law) into constitutional law, so called Qanun. Since Qanun regulates the governance and public life, many aspects either physically or non-physically has been influenced since, including how to use and behave in the public space.*

There are significant differences in controlling public space of Banda Aceh city among the other public space control in the other cities in Indonesia. Both soft and hard control mechanism are developed such as, 1) dress code, illicit relationship, gambling, and drinking prohibition in the public space including the punishment are posted; 2) surveillance and policing by Sharia police; 3) public space facilities possibly to be designed to prevent from unacceptable behavior within Muslim society; and 4) limited access and territory for some religious or cultural reasons. However, these unique public space control possibly have potential impacts on certain attributes in the public space, for instance, different controls have different impact on a certain group of people or different kind of public space within the city.

This paper will first discuss the history of public space development, the typology of existing public space, their functions and activities in Banda Aceh city. Secondly, how these space are regulated pre- and post – Sharia law and how the law potentially affected the design and use of public space by different social group will be explored. The methodologies of this research include document review, direct observations on public space and a pilot survey study on people's attitude toward the law. The results of this research hope to serve basic information for planners and designers on how to design, plan and regulated the public space for Muslim communities such as Banda Aceh city.

Keywords: *Sharia law, public space regulation, cultural – based design*

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1. INTRODUCTION

In some countries, globalization not only brings many advantages but also causes some negative impact on their societies or known as cultural degradation. Knowing this phenomenon people who are much more aware of the uniqueness and specialty of their own culture start to preserve and protect their own culture from unacceptable influences, which is occurred through globalization.

Banda Aceh city is a capital city of Aceh province in Indonesia, local leader have concerned about the issue of globalization change the issue of globalization and its challenges on Muslim cultural values and have inject *Sharia* law (Islamic law) into *Qanun*twelve years ago to preserve their own culture. *Qanun* is a provincial regulation or in the other else Indonesia's provinces called *Perda*(*Peraturan Daerah*) which regulates the governance and public life. The difference of *Qanun*from *Perda*is that itincludes those rules related to faith, worship, economic transactions, moral character, education and religious outreach; a treasury for *zakat* (alms) and other Islamic donations; social aspects, including Muslim dress; celebration of Muslim holidays; defense of Islam; judicial structures, criminal justice and inheritance [1]. In this paper we specifically discuss on public space (park, square, beach, pedestrian, etc.) in Banda Aceh city that has been regulated on how to use and behave in these area.

There are significant differences in controlling public space of Banda Aceh city from other public space control in the other cities in Indonesia. Commonly, both soft and hard control mechanism are generally developed in order to prevent from misbehaving and using of the public space such as littering, smoking, hunting, destroying facility, and so on. Banda Aceh public spaces have additional *Sharia* law-related control. For instance; 1) dress code, illicit relationship, gambling, and drinking prohibition in the public space including the punishment are posted; 2) surveillance and policing by *Sharia*

police; 3) public space facilities possibly to be designed to prevent from unacceptable behavior in Muslim society; and 4) limited access and territory for some religious or cultural reasons are examples of *Sharia* law-related control that regulating public space in Banda Aceh city.

However, since the component of the public space and its user are different each other, these unique public space control possibly have potential impacts on certain attributes in the public space. For instance, different controls have different impact on a certain group of people or different kind of public space with its different functions and facilities has different treatment and control mechanism.

This paper will first discuss the history of public space development, the typology of existing public space, their functions and activities in Banda Aceh city. Secondly, how these space are regulated pre- and post – *Sharia* law and how the law potentially affected the design and use of public space by different social group will be explored. The methodologies of this research include document review, direct observations on public space and a pilot survey study on people's attitude toward the law. The results of this research hope to serve basic information for planners and designers on how to design, plan and regulated the public space for Muslim communities such as Banda Aceh city.

2. LITERATURE REVIEW
A. Public Space

Public space is that space where 'the public' is formed and thus social and cultural rules governing public behavior predominate [2]. It reflects ourselves, our large culture, our private beliefs, and public value. There are pressing needs that public space can help people to satisfy, significant human right that it can be shaped to define and protect, and special cultural meaning can be best conveyed [3].

In general, public space is property that is open to public use, including streets, sidewalks, parks, plazas, malls, cafes, interior courtyards,

and so forth [2].These dynamic spaces are essential counterpart to the more settled places and routines of work and domestic life. They provides the channel of movements, the nodes of communication, and the common grounds for play and relaxation [3].

Different cultures place different emphases on dynamic balance on private and public activities on space. Cities influenced by Latin culture often display their wealth and civic religious in palaces, town hall, and churches that face on main street and square. City immerse by Muslim culture in North Africa, on the other hand, offer limited number of public spaces apart from markets and shopping streets yet contain rich design and expression in the more private domains of home, mosque, and Koranic school. Although the public –private balance is unique to each culture, it will shift under the influence of cultural exchange, technology, changing political and economic systems and the ethos of the time [3].

B. Historical development of public space from global to national

Historically, the correspondence between ancient Greek urban space and democratic practice often represent the starting point of the history of urban open space development ([3], [4], [5],[6]. Therefore, Greek *agora* has become a symbol of the public sphere in modern literature [7], so does Roman – planned forum and religious plazas. While in medieval Europe, plazas usually paired with Cristian churches, hosted a wide variety of socioeconomic and recreational function [3],[6]. As the renaissance and Enlightenment increasing emphasize secular and private values, urban square planned exclusively for surrounding residential use appeared in certain area. Such as the Place des Vosges in Paris, the Bloom bury in London and downtown area of Philadelphia and Savannah ([3],[4],[6]). Dedicated urban park, as specialized recreational space, first proliferated in 19th century ([3], [4]).With the notable exception of Madanipour (2003), with his attention to urban

space in ancient Chinese, Iranian, and Islamic cities, historical narratives framing current debates about open and public space usually are confined to the trajectory from Mediterranean antiquity to modern Western cities.

Indonesia, as a multiethnic country, historically the typical of public spaces are diverse in every ethnic groups. For instance, in Javanese cities until the colonial period, *alun-alun*, mosques, government offices, and Chinatown are located at the centre of the city and these area are central of community's activities [8]. In Balinese settlement's functions such as the palace (*puri*), the temple (*pura*), the priest's house (*griya*), the public meeting hall (*wantilan*), and the marketplace (*pasar*) are thus arranged in the surrounding areas of the crossroad as a way to accumulate the 'power'-religious, socio-economics, and political in nature - into one place [9] (Fig.1).

1. *Puri* (palace)
2. *Wantilan* (meeting hall)
3. *Pasar* (market place)
4. *Lapangan* (square/open space)
5. Residential
6. *Pampatan agung* (great crossroad)
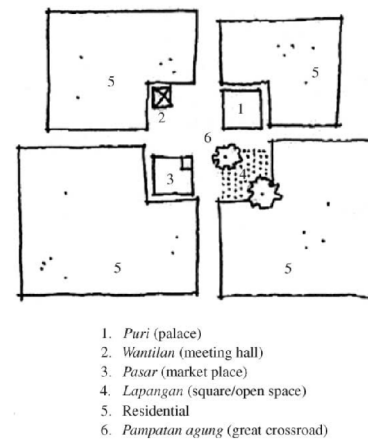
Figure 1. The typical public space in Balinese major towns (i.e. regency capital towns) Samadhi (2001).

Generally, Indonesia's traditional society differentiated public and private space by clear boundaries. The boundaries could be physical elements (vertical wall, columns, difference in floor height, difference floor materials, etc.) or nonphysical elements (social norms, government policy, beliefs, custom norms, etc). Public space is identical with men-space, while private space is for women. The characteristics of public space are open and placed in the 'outside' or at the

front, while private space are enclosed and placed in the 'inside' or behind [10]. This typology of traditional public space are possibly influenced by the pre-colonial Islamic period for instance, under the rule of Javanese/Islamic kings (1500s–1619), public parks and plazas were among the major public spaces. While the ideal or authentic public spaces might not have existed, the public characteristics can be found in many public spaces in many Indonesian cities. For example, Jakarta – originally SundaKelapa or Jayakarta – in the immediate precolonial period, in accordance with the Javanese town planning principles, featured a town center with alun-alun – a main square with the king's palace on the south side and the mosque on the west side.

However, during the colonial period some new public space had been added within the city or the some existing public space features had been assimilated to the colonist culture. The earliest public spaces of the colonial period, can be found in public parks and squares. The Dutch colonial authority built major city squares that later became the city center of Jakarta under Indonesian regimes. The parks and plazas, For example *Stadhuisplein*and *Koningsplein* – all of which were the parts of two main squares of the ancient Batavia, were built mainly for the pleasure of authority and as a power symbol; however, these were also places where parades were held and common people went to take in fresh air. Dutch colonial period had deep impact in socio-cultural changes of traditional society. In architecture, there were adaptation, imitation, and transformation of Dutch colonial architectural concepts that made many changes in traditional architectural concepts. Colonial buildings had great influences on several buildings in Indonesia [11]. Spatial concept of city-structure was also changed. For instance, in Malang we could found two places of *alun-alun*that have different meaning and characteristic [12]. Alun-alunMerdeka (Merdeka Square) is the older alun-alun that has existed before Alun-alunTugu (Tugu Square). It

characterized traditional city concepts, while alun-alunTugu characterized modern-Europe-city concept. Alun-alunMerdeka served as communal space better than Alun-alunTugu. It was accordance to its original concept as traditional-city square.

C. Topology of public space in Banda Aceh

The city that will be used an object study of this research is the capital city of Aceh (Fig.2), named by Banda Aceh. According to the 2012 census, Banda Aceh had a population of 248.727 people. Even it consists of multiple ethnic's immigrant the ethnic majority is Acehnese. Banda Aceh is the city with the highest concentration of Moslem, 98% Moslem and 2% others. The religion composition, biggest city in Aceh, crowned as the prototype city of *Sharia* law (Islamic law) and availability of examined object (public spaces) within the city is the reason of Banda Aceh city as a case study.

Figure 2. Aceh Province, Indonesia

There are several different public spaces in Banda Aceh city which reflects the multiple functions and their importance for the society. The table below defines and distinguishes among a wide array of public space in Banda Aceh modified from Stephen Carr table of "A typology of contemporary urban public spaces" (1992).

Table 1. Typology of Banda Aceh Public Space

Type	Characteristics	The Image of Public Space
Traditional Public Space		

Great Mosque	Publicly developed and managed open space, open space of city-wide importance, located in central of a city, has a landmark function and able to accommodate the user of city scale. The common users are Muslim in every age and gender.	
District Mosque	Publicly developed and managed open space, located in the central of district, smaller that great mosque, able to accommodate district scale.	
Neighborhood mosque	Publicly developed and managed open space, located in the central of neighborhood, smaller that district mosque, able to accommodate neighborhood scale. The common users are Muslim in every age and gender.	

Traditional Semi- Public Space

Traditional/ Farmer's Market	Open space or street used for farmer market or flea market; often temporary used during certain time in existing space such as park, down town street or parking lots.	

Coffee shop	Commercial open space located along the artery road. As a place for leisure time of some workers and student. Some of them are open for 24 hour.	

Modern Public Space

Public/ Central park	Publicly developed and managed open space as part of zoned open space system of city; often located near center of city; often larger than neighborhood park	
Down Town Park	Green park with grass and tree located in down town area; can be traditional, historic parks or newly developed open space	
Neighborhood Park / Empty lot	Open space developed in residential environment, public developed and managed as part of zone open space to cities, or as part of new private residential development; may include playground, sport facilities, etc.	
Central Square	Square or plazas; often part of historic development of city center; may be formally planned or exist as a meeting place of street; frequently developed and managed by the city	
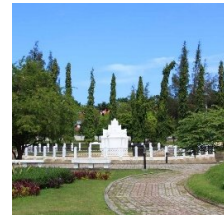
D. The implementation of Sharia law

Shar'ia is delivered form Arabic word that means the path to be followed, refers to a number of legal injunctions known as *Islamic* law. Al – Quran is the primary source of *Islamic* law which are believed by *Muslim* to be god's word. The Quran contains legal perceptions and mainly concerned with general ethical principle and guideline rather than strict instruction. Therefore the quran is supplemented by other sources to form the basis of Sharia. The second primary sources of Sharia is *Sunna*, which mean "tradition" referring to the oral teaching or practical tradition and model of behavior of prophet *Muhammad*[13].

Sharia tries to describe in detail all possible human acts, dividing them into permitted (halal) and prohibited (haram). It subdivides them into various degrees of good or evil such as obligatory, recommended, neutral, objectionable or forbidden. This vast compendium of rules regulates all matters of devotional life, worship, ritual purity, marriage and inheritance, criminal offenses, commerce and personal conduct[2]

"Although the 1 billion Muslim around the world share some common values, beliefs, and codes of ethics, their socioeconomic, political, and cultural realities vary considerably. These variations have given rise to different "Islams", different interpretation, and different practices" [13]. Such as Indonesia, the largest Muslim population in the world[3], the Muslim majority is internally diverse, colored by varying ethnic and native religious practices. For instance, compare to Aceh province, related to "*khalwat*" (illicit interaction between man and woman) in the public sphere is strictly prohibited and the offender will take serious punishment by Islamic court based on the degree of violence. While in the other province such as West Sumatera (padang), the same majority Muslim province like Aceh, does not have such strict prohibition and punishment.

Despite the advantages of public space such as City Park as a city element has been proved by many western countries. In Aceh province case, public space as social interaction place could be contradictive to the implementation of *Sharia* law (Islamic law), because the concept of public space is "imported" from non- Islamic culture (western culture) ([14],[15]). For instance, *a l*ocal newspaper reported an instance of young people misbehaving in the public space on January 10th, 2012 in Banda Aceh;

"A couple in high school uniform was recorded while making out beside of Tugu square (university's public space). They innocently ignored others, and nobody who nearly passed would interrupt their misbehavior, until the post graduate student who recorded their activity during in the class room asks them to leave. Many critics and comments from people, said; young generation start to neglect religion orders and become immoral. Acehnese people start getting used to accept the immoral behavior on their social environment or even careless (Serambi Indonesia, January, 10th, 2012).

If it happened in other society such as western society or even others province in Indonesia, it might not be a problem.

Local governments in Aceh province have been seriously applying *Sharia* law into the state law in the past twelve years as an effort of prevention and preservation of Acehnese culture. The reason is because Aceh province is the largest concentration population of Muslim in Indonesia. The purpose of *Sharia* law is to prevent unacceptable behavior in Muslim culture such as free sex, gambling, consuming alcohol, etc, and the law has becomes a legal base for the government and society to police people's behavior in the public space. The government in supporting this law establishes *Sharia* polices under Islamic law department which is responsible for guiding, advocating, and supervising the implementation of *Sharia* law including the investigating function (Fig.3). For the community, based on the law No. 14 article 7th, said that "every person individually or group have a duty on preventing immoral activity".

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[2]http://www.discoverthenetworks.org/viewSubCategory.asp?id=774, accessed, Sunday, 16th September 2012, 01.45 am.

[3]Muslim World, Wikipedia, http://en.wikipedia.org/wiki/Muslim_world (Accessed; Sept. 29, 2012)

Figure 3. Public space control attribute: top) Prohibition billboard: How to women should sit on motor cycle, bottom) *Sharia* police patrol, c) women caught on a dress code raid

So far, the *Sharia* law has increased social control. For example, a newspaper article reported in April residents from sixteen villages in *Meuraxa* district, Banda Aceh, agreed to close recreational park (*UleeLheue*beach) starting from 6.15 PM to 6.00 AM. The reason is because they cannot accept their environment contaminated by immoral or misbehavior people and visitor (*Serambi Indonesia,* April, 26th, 2012). Another extreme case reported from the same local newspaper in the next month. Dozens representative of youth from four villages together with the association of district leaders, *Sharia* polices and troops from the national police/army destroyed and burned some huts which are provided by the restaurant owner along the beach. They are burned it because the huts often used by people for immoral activity (*Serambi Indonesia,* May 14th 2012)

About the general impact of implementation of *Sharia* law, research conducted by the Center for the Study of Religion and Culture (CSRC), naming "*Sharia* Law in Indonesia: The Impact on Civil Freedom and Non-Muslim" [4]. This

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[4] CSRC (Center for the Study of Religion and Culture) in an institution of Universitas Islam Negeri Syarif Hidayatullah (Syarif Hidayatullah National Islamic University) Jakarta who doing the research about "*Sharia* Law In Indonesia: The Impact on Civil Freedom and Non-Muslim as a Minority" for one year in several region and province in Indonesia which implementing *Sharia* law one of them include Bireuen regency, Aceh. This research aims about the happened problem in the process, motive, and ways that has been used in the implementation of *Sharia* law and the implication of civil freedom, women right, and non-Muslim. The research which is did through survey method (questionnaire) has one thousand respondents (200 non- Muslim and 800 Muslim) with margin error 3 % and confidence level 95%.

research took Bireuen regency, Aceh as a case study, and has identified several general findings about the impact of *Sharia* law: (1) 55, 9% people say, it increases their religious devotion, (2) 40% people feel, the security and orderliness more be guaranteed. For instance, after the government applied the caning threat to the drunkard and gambler in front of public space in Bireuen in 2005, the phenomena drunkards and gamblers of young people in village alleys has been disappeared. (3) In contrast, the caning threat in Bireuen has the negative impact on economic sector especially on tourism area.

Since this research focus on the impact of civil freedom and non-Muslim, the finding on the impact of *Sharia* law on public space is fairly general. It does not specify how socio-economic, demographic, or cultural (religious) difference may influence people's perception on the impact of *Sharia* law. For instance, who are the people that feel secure or insecure, where do they feel so, from which group are they, and the way they describe the secure feeling before and after implementing *Sharia* law. Does *Sharia* law decrease people interest in visiting public space because of frightened feeling, being suspected, afraid of get caught by *Sharia* police? What are the consequences when previously immoral activities become illegal? Therefore further research of the impact of *Sharia* law on the sense of security in public spaces is needed.

3. METHODOLOGY

The methodology of this research firstly started by conducting document reviews from local newspaper "*Serambi* Indonesia" related to the public space issue and its misbehavior cases, it has been discussed in literature review section. Secondly, five major public space in Banda Aceh city have been observed on type of activities, users, physical boundaries, features, social-cultural-religious aspects of society, and other aspects that affect the use of public space. Observation carried out at different time in this study and recorded trough photograph. Those public space have been selected because their existence before *Sharia* law implemented. Those public spaces namely, *Baiturrahman* square, *Sari* Park, *Blangpadang* Park, *PutroPhang* Park, and *Uleue Lee* beach. Those public space are located in the central of the city (*Baiturrahman* district)

except *UleueLee* beach which is separated several kilometers from the city and located in different district (*Meuraxa* district)
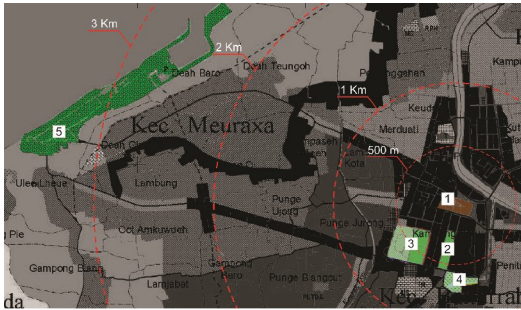

Figure. 4. However *UleueLee* beach is one of the most visited public space in the city.

RESULTS

From the observations we learn that public space in Banda Aceh city tend to be grouped inter-correlation by certain age, gender, and marital status.

Public space / Attribute	Baiturahman square	Sari park	Blangpadang park	Putrophang park	Uleue Lee beach
Activity	Praying, historical tour, taking picture,	Recreational,	Recreational, workout, eating	Recreational	Recreational, eating, sight seeing
Feature	Historical building, landmark of the city, praying area, beautiful scenery, temporary event.	Shade tree, playground, pedestrian, food vendor, sitting place, free internet access, temporary event.	Shade tree, running field, pedestrian grass, food vendor, sitting place, temporary event	Shade tree, grass, pedestrian, sitting place, temporary event	Pedestrian, food vendor, sitting place.
Common Group					
Age	Young adult, adult, old	Children, Adult, old	Young adult, adult.	Teenager, young adult, adult.	Teenager, young, young adult.
Marital status	Single, family	Family	Family, single	Couple, family	Single, couple,
gender	Male, female	Female	Male, female	Male, female	Male, female

The range of activity and feature which is provided in the public space could be the reason of the public space being grouped separated over gender, age, and marital status. However *Sharia* law – related control in the public space also possibly have strong influence that created or formed the groups. For instance, married group either with or no children tend to visit central public space while couple has not married tend to visit other public space that out of range or out of control of *Sharia* police. Single woman who do not wear as on dress code regulation tend to avoid central public space that *Sharia* police would be patrol while single man would not worry about this.

Some people's behaviors in the public space also change after the control implemented. For instance, 1) the way women dressed are more Islamic accepted, 2) the way male and female interact in the public space become aware of their distance (closeness) depend on their relationship, if they are not siblings or married they would not interact in private distance (very close). This behavior change is one of the sharia law – related control goal that preventing illicit relationship, 3) Respect the law and religion order such as do not access public space during praying time.

There are five controls public space – sharia law related in public spaces that we surveyed and ask people's attitude toward the law from the perspective of sense of comfort and safety.

Billboard/ sign board of written prohibition and punishment

For this *Sharia* law – related control type average respondent have positive response and their sense of comfort and safety also do not have much influence. Moreover, it is revealed from small interview of the respondent, this control type works on the public space that out of *Sharia* police control. "When we (couple) walked together and really closed each other, that signboard of prohibition and punishment remind us to control our behavior and respect the local norm in the public space".

Billboard/ sign board of image prohibition and punishment

The difference this control mechanism with the previous control is the respondent are more likely influenced by the image of prohibition and the threatening punishment picture rather than a

set of written rules on billboard or sign board. Therefore many respondents give positive answer on this control. However, this law not really much affect on sense of safety and comfort.

Sharia police patrol

This control mechanism hasdifferent influence on people depending on their age and marital status. Young (21-25 years old) and not married respondent are slightly about it while married and adult (26-36 years old) are more likely to accept it positively. From safety and comfortable issue, this control has positive effect on single woman. In contrast, it has negative impact on young couple that has not married. They tend to avoid public space with *Sharia* police patrolled.

Dress code

Dress code is more likely to get negative response by young women (21-25 years old) who tend to like exploring style and fashion. Older or married women do not have much influence and response positively on this control. One of respondent share her experience on how they cannot come to the public space when they needed and tend top avoid the control "When the praying time was started, I wanted to pray on *Baiturahman* mosque. Since the way I dressed was not as on the regulation, I cannot enter in that public space".

Limited access time after 6pm

Limited time access in the public space tends to get neutral responses by (26 + years old) group. From the sense of safety aspect it does not influence so much. However, it slightly influences comfortable issue that every people should leave the public space area before it is closed.

4. CONCLUSION

Aceh province has been seriously applying *Sharia* law into the state law in the past twelve years as an effort of prevention and preservation of Acehnese culture. The purpose of *Sharia* law is to prevent unacceptable behavior in Muslim culture such as free sex, gambling, consuming alcohol, etc, and the law has becomes a legal base for the government and society to police people's behavior in the public space.

Some groups such as gender, age, and marital status have particular preference in visiting public space. It is possibly formed by the control public space *Sharia* law related. From five major public space that was measured we found that 1) *Baiturrahman* Square was mostly occupied by adult, 2) *Sari* Park was mostly occupied by family, 3) *PutroPhang* Park was mostly occupied by young and couple, 4) *Blang Padang* Park was mostly occupied by family and 5) *Uleue Lee* Park was mostly occupied by young and couple. If this grouping continuously happened in Banda Aceh public space, these public space cannot be a public place that any kind of group age, marital status, and gender can involve on it. Furthermore, some of controls only influence on a certain group such as police patrol is strongly affected on couple that has not married and dress code is affected on young women. These different control create different perception on the sense of safety and comfort.

Furthermore, *sharia* law- related control has change people behavior in the public space, for instance, 1) the way women dressed are more Islamic accepted, 2) the way male and female interact in the public space become aware of their distance (closeness) depend on their relationship, if they are not siblings or married they would not interact in private distance (very close). This behavior change is one of the sharia law – related control goal that preventing illicit relationship, 3) Respect the law and religion order such as do not access public space during praying time.

Since this study is a preliminary research, it has limitation on the number of pilot survey that all of the respondents have higher education level and most of them are Banda Aceh origin. The result might be very diverse if we face different education level, wider range of age and ethnic, etc.

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