

The Essence of Mukim as Form of Spatial Planning Based on Local Wisdom in Aceh

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Abstract: The existence of local wisdom system in spatial planning of Mukim has developed in line with entering Islam to Aceh in the time of Aceh Kingdom. However, the formation of Mukim has strong base, whether to the needs of social life arrangement (adat) or to religious life (hukom) but is not accommodated in the spatial planning of Aceh as seen in Qanun Aceh number 19 of 2013 on the Area Spatial Plan of Aceh Province in 2013-2033. Based on authority given by the constitution and provision, the Qanun Aceh should become legal instrument as strategic opportunity for Aceh Government to achieve authority and area of spatial arrangement of Aceh Province in line with privileges and specialty. This study analyses the essence of Mukim as form of spatial planning in line with local wisdom in Aceh. This study shows that, the essence of Mukim spatial planning should be accommodated in Qanun Aceh because arrangement area Mukim based on local wisdom of Aceh originally has its own traditional arrangement.

Key words: Philosophy of mukim, spatial planning, local wisdom, Aceh, Qanun, Islam

INTRODUCTION

Many studies and researchers so far related to the developments of natural resources, environment and spatial planning have focused more on local wisdom. According to number of literatures, it concludes that the meaning of local wisdom refers to values, norms, laws and knowledge created by religious lesson, belief, traditional values and experiences from ancestors that finally create local knowledge system used to solve daily problems by the society (Bappenas, 2012).

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

The tradition of spatial utilization division has been done in Aceh for hundred years and the arrangement is under the authority of Mukim and Gampong. Consequently, customary institutions organize the spatial utilization under the leadership of Mukim and Gampong, according to local condition and custom. Spatial arrangement of blang (paddy field) area is delegated to institution called Keujruen Blang, laot area (coastal area) is arranged by institution called Panglima Laot, lampoh (agriculture field) area is led by Peutua Seuneubok,

uteuen/rimba (forest) is organized by Peutua Uteun and Krueng (river area) is arranged by Peutua Krueng. Furthermore, each area is ruled based on its local custom, respectively.

The aim of spatial utilization division that is ruled with good transparency and good regulation by each customary institution will accomplish good order in using the areas and can eliminate the conflict that may arise among community. The other strength of spatial utilizing dividing system based on Aceh custom is the possibility of power transfer to each customary institution in order to rule and decide the member of each institution and the institution has authority to act and solve any dispute that may happen among its community. Therefore, the basic principles of harmonious life society can be determined starting from the lowest level of group such as among seuneubok's community, among ureung meugo's (paddy's farmer) community, among ureung meulaot's (sailors) community and so forth. The other benefit of spatial dividing and the customary systematic arrangement is to control Gampong's asset easily including the milek (possession) of Gampong and milek umum (public possession) so it can be used for community of Gampong and Mukim maximally (Syarif, 2005).

Nevertheless, the existence of local wisdom system on spatial planning of customary legal society Mukim is not accommodated in the spatial planning of Aceh

Province as shown in Qanun Aceh Number 19 of 2013 on the Spatial planning of Areas in Aceh Province in 2013-2033 (then called Qanun RTRWA). As supported by Sulaiman Tripa that "Planning of Qanun (Raqaan) Aceh on the Areas Spatial Planning of Aceh in 2013-2033, ratified by DPRA in 7 December 2013, does not accommodate the existence of Mukim. In the Raqaan including 94 acts, Mukim is only stated once, in the General Provision (Tripa, 2014).

According to the substance of discussion, several crucial substances have not been accommodated certainly and clearly in Qanun RTRWA such as substances of authority and areas of spatial planning by Mukim (Abda, 2013). Including the substances of authority and areas of spatial planning by Mukim in Qanun RTRWA also mean admission and confirmation of authority and developing areas of Mukim.

In line with the authority given by the constitution and provisions, Qanun RTRWA should become legal instrument as strategic opportunity for Aceh Government to achieve authority and areas of spatial planning in Aceh Province having privileges and specialty in implementing customary life with strengthening spatial planning based on the local wisdom of Mukim. This paper discusses the essence of Mukim as form of spatial planning based on local wisdom in Aceh.

MATERIALS AND METHODS

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

RESULTS AND DISCUSSION

The history of Aceh and the mukim: The formation of Gampong group in form of Mukim or area of Mukim has developed in line with entering Islam to Aceh in the time of Aceh Kingdom. However, the formation of Mukim has strong base, whether to the needs of social life arrangement (adat) or to religious life (hukom). In line with religious life, the formation of Mukim becomes the base of implementing the duty to conduct Friday prayers. According to Mazhab Syafi'i to conduct Friday prayers, it needs at least presence of 40 men considered free and adult. The title of imeum close related to meusigit (mosque) and worship that took place therein (Syarif, 2005).

According to Van Langen, the division of Aceh governance in the form of Mukim happened in the government of Iskandar Muda (1607-1636). As a Moslem King as the head of world affairs and spirituality, he realized hastily that Aceh kingdom as Islamic country could be counted on only by tightening kingdom organization relationship. If that time kampong (village) was a unit of society in governance structure ordered by chief called keuchik, Iskandar Muda decided that places or villages with people who conducted Friday prayers in the same mosque was called Mukim (Van Langen, 2001).

Moreover, the change title of Imeum becomes Imeum Mukim and born of Imeum Chik board or Imeum Mesjid showed the evolution process (slowly change) of board system in the level of Mukim. Earlier, Imeum did his function and authority in religious field, including to arrange and manage mosque prosperity and handle other religious problems. In its development when the number of people in a Mukim was getting increase and the relations among Gampong became more complex and complicated, it needed board or chief that able to coordinate Gampong-Gampong in the scope of a mosque. In the time of Sultanate Aceh, the title of Imeum Chik was also called kadhi Mukim (Hasjmi in Syarif, 2005). According to Snouck Hurgronje, the areas division in form of Mukim has become established in Aceh and in uniform way, in the area of Aceh Rayeuk and in states outside (Snouck Hurgronje in Syarif, 2005), even Mukim is Atjehche Organisatie.

In the period of Nederland government, Uleebalang was created as Zelfbestuurder or Head of local government autonomy. In the colonial hierarchy they were in control of Controleur still in charge Resident or Assistant Resident. Meaning, Uleebalang also has subordinate from colonial government to handle problems about governmental administration. It made Mukim as subordinate of Uleebalang in the hierarchy of Sultanate authority relatively autonomy in deciding its movement (Saleh, 1992). The existence of Imeum Mukim was still admitted, even it was specially arranged in Besluit van den Gouverneur General van Nederland Indie van 18 November 1937 Number 8, called Imeumschaap (Syahbandir, 1995).

After the ease of Aceh war in 1910, the Dutch colonial government started to spread its influences including implementing some regulation that had been set in some other colonialized areas. Specially for the lands generally located far away from Kutaraja (Banda Aceh), particularly in mountainous area (Aceh Rayeuk), the Dutch colonial attempted to rule its power by forced. The land and the forest that were considered untilled by

Acehnese people was arranged and authorized by colonial government. In the mountainous area, the Dutch colonial government arranged and determined the new boundaries of untitled lands. According to colonial government, the administrative boundary that had been set (Gampong, Mukim and Sagoe, needed further explanation because sometimes the boundary could not be determined as public possession (the untitled land). The previous administrative boundary that had been set was only affective between public possession lands. The latest public land boundary (land possessed by mukim community) to the forest area, determined by Dutch colonial was called Bosh wesen. The other term for the boundary was jalan kaphee (the Kafiri Street) (Sufi, 1984). Moreover, the Dutch colonial government withdrew all concession issues on the power of the customary authority (Keuchik, Imuem Mukim, Panglima Sagoe/Uleebalang) of untitled land located from Bosh wesen street to the forest (Syarif, 2011).

Furthermore, ever since, the right to decide the concession on lands located from Bosh wesen street to the forest was transferred to Dutch colonial government. Consequently, Gampong, Mukim and Sagoe lost their power and dignity on deciding the concession of lands. The organizing of forest area by Dutch colonial government was one of the strategies to rule the lands in its colonized area (Syarif, 2008). The same strategy was also called re-territory of lands. According to Vandengeest and Peluso (McCarthy as cited in Beckmann, 2001), the policy of Dutch colonial in implementing the re-arrangement boundary of use lands by Aceh people (Nanggroe, Mukim: writer) is the process of re-territory (re-territories on lands).

In the Japanese colonialism, Mukim in Aceh was still maintained but its name was correlated to Japanese name or Ku handled by Kutyo. The change of Mukim purposed that Imuem Mukim made any change thus they would be loyal to Japanese government. However, the government of Sagoe with decreasing power, even it was almost not mentioned in the end of Japanese colonialism. In the same time, the government of Imuem Mukim was admitted in Osamu Seirei Number 7 of 1944 (Syahbandir, 1995; Mukhlis, 2013). In relation with the re-territory (T. Alibasyah Talsya in Ibrahim, 1977), it is explained that:

- Residency was changed with syuu and its leader, syuu coker that was ruled by Japanese prominent
- Afdeling became bunsyu, led by bunsyutyoo from Japanese prominent

- Onder afdeling become gun led by guntyo, it was ruled by Indonesian people, except for remote areas such as sabang, sinabang, singkil and kutacane will be led by tyuzai kikan from Japanese people
- The area of zelfbestuurder, uleebalang and zelfstandige imeumschap was named son, the leader is sonyo
- Mukim was changed to Ku, led by Kutyo
- Gampong was altered to Kumi and was ruled by Kumityo

After the Indonesia freedom, based on the transitional rules of the constitution of UUD 1945, the regulation of village government applying in the Dutch East Indies still applied. In early of Indonesian freedom, the governmental system was conducted by the lowest government in society and all affairs related to custom were applied as before. Thus, Explanation of the Constitution of 1945 stated admission toward *volks-gemenschappen* such as: Village in Java, Gampong and Mukim in Aceh, Nagari in Minangkabau, Huria in Batak, Marga in Palembang (Djuned, 2003).

The provisions of village government directly relates to regulation of local government. The Statute Number 1 of 1945 on the provision of Position Regional National Committee indecisively talks about village government. Because there is no arrangement of Mukim and Gampong, Aceh residency considers the need of arrangement formally then Aceh residency issued Provision of Aceh Residency Number 2 on 27 November 1946 and Provision of Aceh Residency Number 3 on 10 December 1946. This provision arranged areas border of Mukim and Gampong also Imuem Mukim and Keuchik. Then, the both provisions were put into Local Provision Number 10 in 1946.

In the period of early Indonesian freedom, Mukim was still admitted as governmental board. The level of Government in Aceh in that time: Central Government. Province Government. Residency Government (omitted by Presidential Provision No. 22/1963). Regency Government. Kewedanaan Government (omitted by residential Provision No.22/1963). Mukim Government. Gampong Government (Taqwaddin, 2010).

The rule of Mukim in relation with the authority on organizing the area had been conducted based on customary law but based on legal formal area, it did not have basic principle of constitution. It is known that the Act of area arrangement nationally was ratified in 1992. Meanwhile previously based on *Stadsvorming Ordonantie* or SVO (Staatsblad 1948 No. 168) and *Stadsvorming Verordening* or SVV (Staatsblad 1949 No. 40) Dutch's constitution only stressed and focused on the arrangement of city area.

The time of enactment of the Statute Number 5 of 1979 on Village Government omitted the existence of Mukim. The members of Mukim were given members card, but it has no meaning. As a replacement, the government created district institution as supra institution village with function to handle people administrative affairs (Harley, 2008).

In relation with the arrangement area of Mukim, Indonesian government continue the policy of Dutch colonial government by maintaining the area of Bosh wesen under authorization of central government which is ruled by forest ministry. Consequently, the arranged area of Mukim in Aceh Besar is getting smaller and smaller particularly after concession given of Hutan Tanaman Industri (HTI (Industrial forest) to PT. Indonusa Indrapuri Company which covers Aceh Besar district and Pidie.

In the Reformation government (since 1998), the Statute Number 5 of 1974 and the Statute Number 5 of 1979 were repealed. The replacement was the Statute Number 22 of 1999 (then replaced again with the statute number 32 of 2004 on the Local Government) but special for Aceh was the Statute Number 44 of 1999 on Implementation of Privileged Aceh finally, Aceh became special autonomy area in the Statute Number 18 of 2001 on the Special autonomy for Province Aceh with official name Province of Nanggroe Aceh Darussalam.

Based on the Statute, it ratified Qanun Aceh Number 4 of 2003 on Mukim Government-accepting Mukim as executor of government and the customary legal community. In the present time, on Augustus 2000, it ratified Second Amendment (Change) of the Constitution of 1945 including Act 18B (2) impliedly confess the existence of the customary legal community and all its original right. After tsunami disaster and the Treaty of Memorandum of Understanding (MoU) Helsinki, the Statute Number 11 of 2006 on Aceh Government was ratified (Tripa, 2015).

The Essence of Spatial Planning the Mukim: The essence of spatial planning Mukim in Aceh is called Tuha Peut and Tuha Lapan with its philosophy of areal orientation, it covers as representative system. The center of point of compass is in the Masjid (Safa'at *et al.*, 2016).

The rule of Masjid as the founder of sharia and the role of Meunasah customary founder is reciprocal on speech cycles and social development. Thus the communicative reciprocity is a bridging posture of pure attitude that is taught in Islamic religion and by good implementation of Islamic law that is supported by custom as symbolized in narit maja: hukom ngon adat lage zat ngon sifeut (Islamic sharia and Acehness custom cannot be separated). The role of Meunasah (mini mosque) and

Masjid in Acehness social life has firmed the authority and autonomy of both Gampong area and Mukim area as a pillar national development (Ismail, 2008).

As the house of Allah (Baitullah), masjid (mosque) is the place of blessing. Therefore, masjid based on Islamic perspective is the most honoured and the best place on the earth. In masjid, Islamic devout will find the serenity and tranquillity of their soul because this place is where the honoured forums are practiced. Masjid is the most crucial institution or medium to educate Islamic society. In masjid the feeling of unity as part of Islamic society is developed. In masjid, all social rank meets from the lowest class society to the highest class society or from general people to prominent leaders with the same level as Allah slaves.

The philosophy of spatial utilization division poses harmonious relation between human and the God (Allah Swt) known as *hablumminAllah* and the relation among human and His other creations known as *hablumminannas* including the relation with environment/universe. In Acehness term, it is known as Lhee Sagoe (Triangle). The term is referred to the history of Keurajeun Lhee Sagoe (the kingdom of triangle) of Aceh. According to Husaini Ibrahim states, The glorious evidence of Lamuri Kingdom is the existence of three artefacts in Aceh Besar; Indrapatra on Krueng Raya street which the area is closed to the central of Lamuri Kingdom, Indrapurwa in Ujong Pancu, Lamteh, Ulee Lheue and the artefact in Indrapuri. If dot of the artefact site is dragged, it will shape the triangle, (Meuko, 2017). As displayed in Fig. 1 as followed:

The relation of Lhee Sagoe (Triangle) apparently is also found by federation of Mukim in Aceh Besar district; Mukim XXII (Indrapuri), Mukim XXV (Indrapurwa) and Mukim XXVI (Indrapatra) as shown on Fig. 2:

Furthermore, the writer searches the map on Google Map and looks for the artefact position of Indrapurwa, Indrapuri dan Indrapatra in Aceh Besar District and determines the spot of their position and drag the line from all three spots. Apparently, it shapes the triangle which is based on (Meuko, 2017) that among sides of spots have the same distances 20 kilometers. The map of Lhee Sagoe (Triangle) relation can be seen in Fig. 3:

Meanwhile, most of us probably do not expect that human as God creation is the only medium of the unity of four elements (water, fire, air and soil) Qur'an chapter Ash-Shaffat: 11, Al-Hijr: 26, Al-Mu'minun: 67 and Ar-Rahman: 14. Thus, it indicates the human body as life reflection (microcosmos, 'alam ash-shaghir) that exists in the universe (macrocosmos; 'alam al-kabir), (Thalhah, 2008).

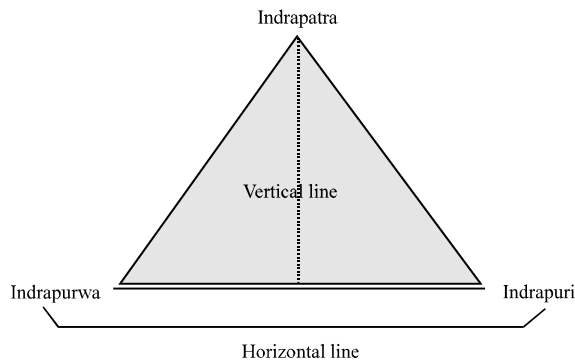


Fig. 1: The relation of Lhee Sagoe (Triangle)

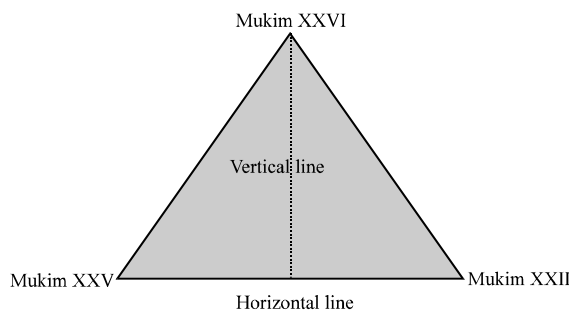


Fig. 2: The position of triangle of Mukim federation in Aceh Besar district

Based on the main resources on Islamic law, Al-Qur'an, Allah (the most merciful) states in chapter al-Baqarah verse 22 and al-A'raaf verse 74 that:

“He who made for you the earth a bed [spread out] and the sky ceiling and sent down from the sky, rain and brought forth thereby fruits as provision for you. So do not attribute to Allah equals while you know [that there is nothing similar to him].” (Noble Quran: al-Baqarah: 22).

On the next verse Allah says: “And remember when He made you successors after the ‘Aad and settled you in the land [and] you take for yourselves palaces from its plains and carve from the mountains, homes. Then remember the favours of Allah and do not commit abuse on the earth, spreading corruption.” (Q.S. al-A'raaf: 74).

Based on the mentioned verses above, it is known that there are three aspects of creation. The creator is the Al-mighty God (Allah the most merciful) and His creations which are human and the universe (earth, sky and all contents in between). Allah the most merciful made the earth, the sky and all contents in between as “space” for Adam and his offspring to become the caliph (the leader) on the earth. The earth is the blessing place for human providing anything human needs to survive.

This relation is shaped vertically (vertical line) toward the Creator and the equal relation (horizontal line) between human and earth along with its contents. Meaning that there is equality between human and the nature that they rely on each other reciprocally and they will take their own responsibility to Allah. If the horizontal line is not supported reciprocally/vanishes of its balance, corruption will be spread out (Kusumadewi, 2007). The relation can be seen on Fig. 4.

The Essence of spatial planning of Mukim in developing the Qanun Aceh: Since, the period of Sultanate Aceh to colonial, concept and practice of spatial arrangement areas based on Sagoe and Nanggroe have been stable in Aceh. In Aceh, Rayeuk, for example, Panglima Sagoe, (Uleebalang, writer) and Mukim have authority to act and rule outside while Gampong has only authority to act and rule inside (Safa'at *et al.*, 2016).

In line with the function and the role of Mukim (including Gampong) on spatial planning, it can be found two dimensions. The first dimension is based on the complete instrument of the Institution of Mukim (Government and custom). The second dimension is the substance that is arranged from spatial planning which is reflected on spatial planning: spatial structure and spatial utilization (known as spatial pattern). These role and function will be adhered based on the scope of spatial planning process, from the planning, the execution of planning or spatial utilization, to the control of spatial utilization (Asoen, 2007). The role of custom elements (in Mukim institution) is indicated in Table 1.

Based on indicated role of customary element of customary law community of Mukim on the substance of spatial planning, it is shown that Imeum Mukim on spatial structure is the central of whole service and on spatial utilization is arranged wholly. Imeum Chik's role is limited on the worship service (in Masjid), Keuchik only has role on spatial structure for administrative service in Gampong. On the other hand, the role of Tuha Peut and Tuha Lapan on spatial structure is to give the service in solving problem and on spatial utilization, they discuss about spatial utilizing. Imeum Meunasah only has role in spatial structure in providing worship service (in Meunasah).

Meanwhile, some functional institution in structural community of customary law community, each Mukim runs his duty on spatial pattern and spatial structure. Keujreun Blang on spatial structure arranges the irrigation facility and on spatial pattern has role to arrange paddy field. Panglima Laot, on spatial structure, run the arrangement of landing facility and on spatial structure, rules on the arrangement of marine resources. Pawang Glee on spatial structure, manages road facility and so on



Fig. 3: Map of Lhee Sagoe (Triangle) relation

Table 1: Indication of role of customary elements in spatial planning

Perangkat	Strukturruang	Pola pemanfaatan ruang
Imeun mukim	Pusat pelayanan menyeluruh	Pengelolaan ruang menyeluruh
Imeun chick	pelayanan ibadat	
Keuchik	pelayanan administrasi gampong	
Tuha peut	pelayanan musyawarah	Musyawarah pemanfaatan ruang
Tuha lapan	pelayanan musyawarah	Musyawarah pemanfaatan ruang
Imeum meunasah	pelayanan ibadat	
Keujreun blang	Pengelolaan prasarana irigasi	Pengelolaan sawah
Panglima laot	Pengelolaan sarana pendaratan	Pengelolaan sumberdaya laut
Pawang glee	Pengelolaan prasarana (jalan)	Pengelolaan gunung and hutan
Peutua seuneubok	Pengelolaan prasarana jalan prod	Pengelolaan pertanian lahan kering
Haria peukan	Pengelolaan sarana pasar	Pengelolaan fisik fasilitas
Syabbanda	Pengelolaan prasarana pelabuhan	Pengelolaan fisik prasarana

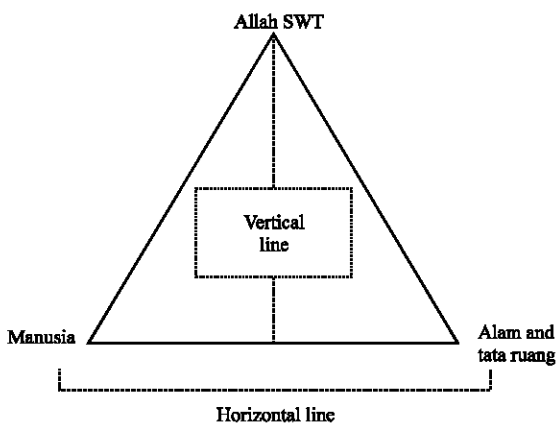


Fig. 4: The relation of Allah, human and nature

and on spatial structure, it rules the mountainous area and forest. Furthermore, Peutua Seuneubok on spatial

structure manages production line facility and on spatial pattern, it rules agricultural farming of dry land. Haria Peukan on spatial structure runs peukan (market) facility and on spatial pattern manage physical peukan facility. Syabbanda on the spatial structure manages harbour facility and on spatial structure runs physical harbour facility.

In relation with procedure/decision mechanism of Mukim, it is conducted through Mukim discussion which is the discussion and solution on any customary activities, governance, development and society and anything that is related of spatial planning which is attended by Geuchiks, secretary of Mukim, customary institutions and Imeum Chik which is led by Imeum Mukim. Meanwhile, on solving discussion on customary issues, the dispute among residents or customary law dispute related to spatial planning is solved by customary meeting attended by Imeum Mukim, secretary of Mukim and Tuha Peuet Mukim.

Monitoring and evaluation by Mukim on spatial planning is done based on observing and checking, whether the implementation of both spatial planning performances and the customary law are corresponded reciprocally. If the observation and evaluation show the indication against the procedure of spatial utilization and performance, Imeum Mukim along with other functional customary of related Mukim (Peutua Seuneubok, Pawang Gle, Peutua Krueng, Haria Peukan, Panglima Laot and Syahbanda), based on their particular knowledge, discuss and solve the case based on their own authority.

In case, the regulation violation happens on duty of spatial performances, the guilty can be punished based on regulation of customary law of Mukim. The aim of incentive granting is a reward for the spatial planning service of Mukim, either it is done by the customary community member of Mukim or by external party who is authorized to run business on Mukim territory. One of incentive forms is in the ease of customary incoming budget of Mukim, the development of infrastructure, granting compensation, convenient administrative arrangement and reward granting. The aim of Disincentive is to prevent and limit the development and potential regulation violation of spatial planning of Mukim for instance, the high percentage use of customary income, the limitation provision of infrastructure and the imposition of compensation and penalty. The aim of imposition of sanction which is one of the efforts of controlling spatial utilization is the element of discipline action on misuse of spatial utilization which is not based on spatial planning of Mukim.

Based on some literatures and opinions, it is clear that since a long time ago Mukim has pattern of arrangement space of its area. Aceh as autonomy area having privileges and specialty should include the area controlled by Mukim into Qanun RTRW Aceh in general in detail of Regency Qanun RTRW and Detail Planning of Spatial Arrangement (RDTR) or its zonation.

CONCLUSION

The essence of Mukim is harmonious relation between human and the Creator and the relation between human and the universe along with other creatures known as Lhee Sagoe (Triangle). It is referred to the history of Keurajeun Lhee Sagoe (Triangle Kingdom), in years of Lamuri Kingdom in Aceh. The thought reflection of customary law community of Aceh is magis-religijs. Human as part of nature has to treat the universe as best as he treats himself as responsibility from God to manage the universe well. First, Mukim is life system and second, geography that integrates human element, nature

(biodiversity), is inspired from Islamic teaching. The essence of spatial planning system of Mukim reflects local wisdom of customary law society of Aceh which integrates economic interest, ecology, culture and society in the area as the system. The essence of spatial planning of Mukim in developing The Qanun Aceh the function and the role of Mukim (including Gampong) on spatial planning, it can be found two dimensions. The first dimension is based on the complete instrument of the Institution of Mukim (Government and custom). The second dimension is the substance that is arranged from spatial planning which is reflected on spatial planning: spatial structure and spatial utilization (known as spatial pattern). Area Mukim based on local wisdom of Aceh originally has its own traditional arrangement.

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