

การกำกับดูแลกฎหมายและนโยบายของรัฐบาลท้องถิ่นในสมัยเขตปกครองพิเศษอาเจะห์
Regulatory Implementation in Aceh Special Autonomy Era
by Local Government

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บทคัดย่อ

การมอบอำนาจปกครองตนเองเป็นหนึ่งในแนวทางสำหรับการแก้ไขปัญหาความขัดแย้งเหนือพื้นที่อาเจะห์ ตลอดจนเป็นกลไกที่ให้อำนาจกับรัฐบาลท้องถิ่นในการสร้างกลไกการปกครองทั้งในด้านสังคม เศรษฐกิจ และการเมือง งานวิจัยฉบับนี้มุ่งศึกษาการปรับใช้กฎหมายและนโยบายท้องถิ่นเพื่อฟื้นฟูการปกครองท้องถิ่นเหนือดินแดนอาเจะห์บนพื้นฐานของบันทึกความเข้าใจร่วมกันเฮลซิงกิผ่านวิธีการวิจัยเชิงคุณภาพ ทั้งนี้กฎหมายหลักที่ว่าด้วยการปกครองตนเองของอาเจะห์ ได้แก่ กฎหมายว่าด้วยการปกครองเอเซีย หมายเลข 11 พ.ศ. 2549 (LoGA) ในขณะเดียวกัน รัฐบาลท้องถิ่นอาเจะห์ได้ประกาศใช้กฎหมายศาสนาอิสลามและบทบัญญัติแห่งกฎหมายอื่น ๆ อยู่แล้ว อย่างไรก็ตาม รัฐบาลท้องถิ่นของอาเจะห์ยังไม่ได้ดำเนินการให้เป็นไปตามข้อบทบางประการตามที่ปรากฏในบันทึกความเข้าใจร่วมกันบางประการ

คำสำคัญ : อาเจะห์, สิทธิการปกครองตนเองพิเศษ, รัฐบาลท้องถิ่น

Abstract

Special autonomy is one of the conflict solutions for Aceh and gives authority to the local government to create their governance in social, economic, and political aspects. This research will focus on regulatory implementation and local government policy to rebuild Aceh based on MoU Helsinki. The Qualitative methodology is a method of analyzing this study using a literature review and local government legal product to assess the implementation of Aceh Special Autonomy. Law of Governing Aceh No. 11 of 2006 (LoGA) is the manifestation of the Special Autonomy in Aceh. Aceh Local Government already issued hundreds of Qanun or Sharia Law regulations and other legal documents. However, Aceh Local Government still has not implemented some of the articles MoU Helsinki and Special Autonomy articles such as land rights for ex-combatants and political stance authorities.

Keywords : Aceh, Special Autonomy, Local Government

Introduction

The conflict for independence in Aceh has led to tensions between Acehnese and Indonesian identities. Acehnese have uncertainty about their national identification and system in Indonesia. Acehnese and Indonesian identities are mutually incompatible. Being Acehnese entails identifying as 'not being Indonesian'.¹ Development disparities and centralist policy between the central province (Jakarta) and Aceh by the Government of Indonesia (GOI) are the primary causes of conflict in Aceh.² Aceh's deadly struggle lasted almost 30 years. The Republic of Indonesia's post-independence conflict began with Tengku Muhammad Daud Beureueh's rebellion against Hasan Tiro's proclamation of the Free Aceh Movement (GAM) on December 4, 1976.³ In response to the uprising, the central government launched counterinsurgency operations, resulting in significant losses, human rights violations, and escalating the conflict.⁴

After 1998, Indonesia had government transitions, and improved local administration was the spirit of decentralization in Indonesia. The amendment of the constitution in 1998-2002 contains a paradigm of new local government which essentially strengthened the foundation of constitutional local government in Indonesia and reopened negotiations to accommodate Aceh aspirations. Law 22/1999 on Regional Government, explicitly declared that democratic ideals and public engagement would serve as the foundation for regional autonomy.⁵ The regional government emphasizes the significance of community empowerment, grassroots participation, and democratic ideals to accelerate people's welfare and promote regional competitiveness.⁶

However, decentralization should be implemented as an urgent solution to avoid the state from disintegrating amid a grave political crisis. Arguably, Indonesia in 1999 was such a state: many observers were anxious that, after 40 years of centralist dictatorship, post-regime of Suharto, Indonesia might become the next Yugoslavia or Soviet Union. After East Timor's separation in 1999 by referendum supervised by the United Nation (UN), fears arose throughout Indonesia that other areas of the archipelago might seek independence including

¹ Febri Nurrahmi, 'The Construction of Acehnese Identity in Serambi Indonesia after the Helsinki Memorandum of Understanding' (2018) 1(2) TALENTA Conference Series: Local Wisdom, Social, and Arts 44, 45.

² Edward Aspinall, *Aceh/Indonesia Conflict Analysis and Options for Systemic Conflict Transformation* (Berghof Foundation for Peace Support, 2005) 3.

³ Muhammad Akmal, Misri A. Muchsin, TM Jamil, Rusli Yusuf, 'The Transformation of Free Aceh Movement (GAM) from Armed Movement into Political Movement: Strategy and Challenges of Aceh Party (PA)' (2019) 9(12) Indian Journal of Public Health Research & Development 245, 245.

⁴ Thomas Parks, Nat Colleta, and Ben Oppenheim, *The Contested Corners of Asia: Subnational Conflict and International Development Assistance* (The Asia Foundation, 2013) 2.

⁵ Arianto A Patunru. and Erman A Rahman, *Local governance and development outcomes* (Hal Hill ed., Regional Dynamics in a Decentralized Indonesia, ISEAS Publishing, 2014) 156.

⁶ Ibid.

Aceh, Papua, and Maluku.⁷ In this regard, the non-profit Centre for Humanitarian Discussion (HDC) in Geneva has offered to organize a humanitarian discussion. Both the Free Aceh Movement (GAM) and elected President Abdurrahman Wahid welcomed the initiative and pro-dialogue. This led quickly to an agreement establishing the Humanitarian Pause in May 2000 and the Cessation of Hostilities Agreement of December 2002.

GAM recognized the involvement and benefits of international engagement, but Gol officials were wary of over-internationalizing the peace process by employing UN mediators, citing the East Timor experience. The HDC project and former Finland president Martti Ahtisaari's Crisis Management project promoted the use of non-official intermediates. Ahtisaari facilitated the Helsinki process and the signing of the Memorandum of Understanding, which ended the conflict.⁸ 'Nothing is agreed until everything is agreed' made it possible for us to return to the negotiation table without accepting the Indonesian demand for autonomy and for Indonesia to continue without losing face. This became helpful when we explored difficult issues like self-government, because it meant if any one agenda item did not reach an agreement, all points were unacceptable.⁹

Special autonomy is a part of local autonomy or decentralization. Regions that have special status and are granted special autonomy besides being regulated by Local Government Law also enacted special provisions as regulated in other laws. In the context of equality and balancing advancement with other provinces, the provision of special autonomy for Aceh province was meant to achieve justice, uphold the rule of law, respect for human rights, accelerate economic development, and improve the welfare and advancement of society.¹⁰

After the Helsinki MoU, civil society in Aceh could rebuild Aceh and role as government officials, administrators, and businesses. Moreover, the Gol of Law 11/2006 on Governing Aceh (LoGA) in 2006 was issued and gave Aceh as a Special Autonomy area.¹¹ LoGA is governed by Islamic and Custom Law with various aspects of Acehese lives, such as local political parties, and the application of Islamic law in religious matters, such as civil law, family law, criminal law, constitutional law, and judicial law.¹² In the reconstruction process, the former GAM elites were offered many positions in politics and economic management by local parties and

⁷ Mietzner, Marcus, *Indonesia's decentralization: the rise of local identities and the survival of the nation-state* (Hall Hill ed., Regional Dynamics in a Decentralized Indonesia, ISEAS Publishing, 2014) 45.

⁸ Conciliation Resources, *Learning from the Indonesia-Aceh Peace Process* (Accord 20: Reconfiguring Politics: The Aceh Peace Process, 2008) 4.

⁹ Ibid.

¹⁰ Teuku Zulham, et al., 'The Impact of Special Autonomy on the Convergence of Regional Economic Growth in Aceh, Indonesia' (2015) 4(1) Aceh International Journal of Social Science 41, 43.

¹¹ Aspinall, Edward., 'Aceh's no-win election' (*Inside Indonesia*, 10 December 2011)

<<https://www.insideindonesia.org/archive/articles/aceh-s-no-win-election>> accessed 9 February 2024.

¹² Ahmad Ainun Najib and Indarja, 'Special Autonomy Dilemma in The 1945 Constitution of The Republic Of Indonesia' (2023) 7(1) Syiah Kuala Law Journal 32, 45.

independent candidates. GAM insisted on these provisions to advance its transformation from a separatist group into a political party to gain a political position. Aceh Party is the vehicle for former GAM, several former GAM have occupied many important political and social positions in the Province.¹³

Special autonomy is a form that needs regulation and policy to address Acehese grievances and MoU Helsinki. Regulation issued by the local government is the focus of the research. Moreover, this research needs to examine the dynamic roles of each party in terms of success, obstacles, and policy in the future to maintain special autonomy in Aceh.

Research Question

What was the regulation implementation of the Helsinki MoU by local government strategy in the Special Autonomy Era based on MoU Helsinki?

Research Approach

This research will use interdisciplinary analysis between legal and peace studies approaches, literature review, and case studies from law and regulation in Aceh. The secondary sources are from law, regulation, articles, and journals that occurred in the past fifteen years during the special autonomy era. The research will focus on the implementation of the Helsinki MoU already applied in Aceh for politics and democracy. The area of this research is on how the local government has developed throughout the post-conflict period. Helsinki MoU implementation might include things such as organized crime and insecurity, human rights abuse, religious and ethnic tensions, country instability, poverty, economic development, and political authority. As observation sources, secondary materials attempted to explain the implementation of Special Autonomy in Aceh. Also, generally accepted special autonomy and theories were used for actual situations about Aceh.

Aceh Local Government Policy After the Helsinki MoU

The LoGA has given local governments the authority to carry out development initiatives Policies and judgments made by a legal system may regulate state activities, including development and investment. The government must have a role in identifying and implementing a legal system.¹⁴ Additionally, Aceh has privileged access to conduct several governmental functions such as managing local political parties, executing religious affairs,

¹³ Achim Wennmann and Jana Krause, *Managing the economic dimensions of peace processes: resource wealth, autonomy, and peace in Aceh* (Geneva, The Graduate Institute of International and Development Studies, 2009) 17.

¹⁴ Bertrand, *Indonesia: "Special Autonomy" for Aceh and Papua* (Anderson G, Choudhry S eds., Territory and Power in Constitutional Transitions, Oxford University Press, 2019) 120.

involving religious leaders in policy decisions, conducting traditional practices, and overseeing education.¹⁵

Local government authority includes the power of the district or municipal administration inside the province as well as the authority of the province itself.¹⁶ To promote society's welfare and preserve Aceh's peace, districts and cities should base it on the current legal system.¹⁷ Using the LoGA as its legal framework, the district government's legislative and executive branches play a crucial role in carrying out the duties and responsibilities of regional development aimed at reducing poverty and conflict in Aceh.¹⁸

The local government in Aceh regulation is called Qanun. Qanun can be interpreted as a form of national law that has a legal-formal function. In other words, the Qanun is a positive law applicable in a country, made by the government, which is binding, and is coming up with sanctions for those who violate it.¹⁹ In Aceh people's comprehension, sharia law is not only about judicial and sharia aspects but also covers all aspects of life such as education, economy, and social society. The Qanun dimension as an area of Islamic legal research discusses the principles and rules of Islamic law that are transferred (transformed) into the products of state organizing bodies, especially the legislature and the executive, which are documented in laws and regulations.²⁰ Acehnese incorporate Islamic doctrine into customs and customary laws in such a way that so that they are integrated.²¹

Aceh society takes up the legal infrastructure for criminal law and the Islamic trial system. At least eight Qanun already applied to accommodate the Islamic criminal law legal system. Qanun No. 02/2002 on Islamic Trial Law, Qanun No. 11/2022 on Shariah Islamic Law, Qanun No. 7/2013 on Jinayat (Criminal) Law, Qanun 6/2014 on Criminal Law Procedure. In the health sector, Qanun no. 4/2010 regulates that the Aceh Government must allocate a minimum budget of 10 percent (ten percent) of APBA for the health sector outside of salaries. the government also made it mandatory for Aceh and district/city governments to provide and maintain facilities and health services.²²

¹⁵ Law No. 44 of 1999.

¹⁶ Article 17, Law No. 11 of 2006.

¹⁷ Kentaro Fujikawa, 'Settling with Autonomy after Civil Wars: Lessons from Aceh, Indonesia' (2021) 12(2) *Global Policy* 204, 205.

¹⁸ Erlan Wijatmoko, Armaid Armawi, Teuku Faisal Fathani, 'An Evaluation of a Special Government's Legal Structure for Alleviating Poverty: Role of Local Government in North Aceh, Indonesia' (2023) 8(2) *Journal of Infrastructure, Policy and Development* 1, 5.

¹⁹ Ria Delta, Erina Pane, 'The Implementation of Islamic Qanun Law in the Modern Aceh Society' (2019) 492 *Advances in Social Science, Education, and Humanities Research* 195, 196.

²⁰ Cik Hasan Basri, *Pillars of Research on Islamic Law and Social Institutions* (Jakarta: Raja Grafindo Persada, 2004) 10.

²¹ Amsori and Jailani, 'Legislation of Aceh's Qanun Jinayat in the National Legal System' (2017) 4(2) *Ar-Raniry International Journal of Islamic Studies* 221, 227.

²² Article 6 of Qanun 4/2010.

In the education sector, UUPA accommodates the Dayah system. Dayah education system is Aceh local education since the 15th century or Aceh Sultaness era. Dayah regulated in Qanun No 9/2018 on Dayah Education system.²³ Dayah education system received a minimum allocation of funds 30 percent of the education fund allocation from Aceh Budget allocation.²⁴ According to LoGA, Aceh was given authority to manage natural resources, including land allocation. LoGA states that there are some obligatory things to do authority of the Aceh Government, including, the scale of land services in Aceh or across districts/cities. Meanwhile, mandatory affairs of the district government/the city is a land service scale district/city.²⁵ However, there is no Qanun to address LoGA related to rights on the land and private ownership. Aceh land regulation must remain under applicable norms, standards, and procedures nationally, so it needs to be made to related technical regulations specifically for Aceh Province.²⁶

Economic allocation and development budget regulated by Qanun. Aceh Qanun 9/2012 on the Aceh Long Term Development Plan 2012-2023 is fundamental for Aceh's development. This regulation was then detailed further in Aceh Qanun Number 1 of the Year.²⁷ As a Special Autonomy area, Aceh receives 2% of its funding from the National General Fund for economic sectors by The Special Autonomy Fund (SAF). After sixteen years, the total special autonomy funds that have been distributed by the Central Government to the Aceh Government reached a significant value, namely around IDR 99.9 trillion with an average of IDR 6.2 trillion per year.²⁸

SAF is regulated by Qanun SAF distribution: at least 30% for education and 70% for other purposes. Additionally, 60% goes toward monumental infrastructure and city/regency infrastructure.²⁹ SAF will be ended in 2027. The central government needs to consider allocating special autonomy funds to be extended after 2027. Special autonomy institutions were raised after the Aceh conflict to implement the LoGA where the existence of Aceh institutions will be very important for stability after conflict.³⁰

²³ Article 228 of LoGA.

²⁴ Article 193 of LoGA.

²⁵ Article 16-17 of LoGA.

²⁶ Indonesia House of Representatives, *Academic Report the implementation of Autonomy* (Indonesia House of Representative Research Center, 2018) 262.

²⁷ Mahdawi and Rinaldi Rustam, 'Determination of District/City Economic Growth in Nanggroe Aceh Darussalam Province' (2022) 30(1) *Media Ekonomi* 43, 50.

²⁸ Hefrizal Handra, Eddy Suratman, Machfud Siddik, Nurkholis, *Evaluasi Pemanfaatan Dana Otonomi Khusus Aceh 2008-2017* (Collaboration Team for Prosperity Indonesia – Australia Government, 2018) 37.

²⁹ Febi Priska Utami, Achmad Luthfi, 'Special Autonomy Fund as Implementation of Special Autonomy Policy In Aceh' (2023) 2(12) *Return: Study of Management Economic And Business* 1999, 1200.

³⁰ Debora Sanur L, 'Implementation of Special Autonomy Policies In Aceh' (2020) 11(1) *Politica* 65, 70.

Aceh has created many Qanun relevant to providing welfare for the Acehnese. The number and types of Qanun in Aceh to the date of the study reach hundreds. The number of legal documents uploaded to Aceh Legal Documentation and Information Network was 971, comprising 333 Perdas (Qanun), 609 Governor Regulations (Pergub) and others. Based on the Legal Documentation and Information Agency, there are 959 documents. See Table 1 for details below

Table 1. Types and Number of Legal Documents in Aceh³¹

No	Type of Documents	Total
1	Laws	6
2	Qanun (Regional Regulations)	333
3	Governor Regulations	609
4	Mayor's Regulations	1
5	Regent's Regulation	3
6	Decision	2
7	Governors Instructions	4
8	Circular Letters	1
9	Governor Decree	2
10	Others Legal Products	10
	Total	971

Aceh Special Autonomy Institution

Aceh Government prioritizes the identity of Aceh as the main value to build their autonomy based on religion and culture. The way to prioritize identity is with “cultural protection”. It is translated into the establishment of the institution of Wali Nanggroe as “an indigenous leadership institution as the uniting instrument of the community and the preserving instrument of indigenous life of customs and culture.”³²

Aceh Sharia Islamic Law institution is divided into three institutions, namely: *Wilayatul Hisbah* (Sharia Police), *Dinas Syariah* (Sharia Body), and *Mahkamah Syariah* (Sharia Court). The *Wilayatul Hisbah* is a police institution whose job is to keep an eye on whether Islamic law is being followed, particularly making sure that the sharia regulations are being followed. The principal organization for overseeing and coordinating the application of Sharia law is the *Dinas*

³¹ Ayon Diniyanto, Dani Muhtada, ‘The Dynamics and Future of Qanun in the Welfare of the People of Aceh’ (2022) 2(1) *Bestuurskunde: Journal of Governmental Studies* 31, 35.

³² Article 1.17 of Law of Governing Aceh

Syariah, which was founded at the province and district levels. The Mahkamah Syariah is Aceh Islamic Court related to Sharia enforcement law.³³

Political institutions provided opportunities for Acehnese people to get their political aspirations through local political parties. In this condition, the local political party is a political organization formed by a group of Indonesian citizens domiciled in Aceh to fight for the interests of members, society, nation, and state through the election of members of the Dewan Perwakilan Rakyat Aceh (DPRA) or Parliament Aceh and Dewan Perwakilan Rakyat Kota / Kabupaten (DPRK) or City Aceh Parliament.³⁴ In the executive election, independent and local parties are possible to be a major or Governor Aceh candidate. One of the Local Parties, Aceh Party is a marker for the continuation of peace in Aceh, after the suspension of the road to violence turned into a constitution.

Local political parties will also be an important element in maintaining security and peace in Aceh because they can accommodate the interests of the Acehnese people.³⁵ Aceh's political situation is dynamic for the last 15 years. In the first five years, Acehnese support for local parties and actor politics was very dominant, especially for the Aceh Party or ex-GAM actors. However, after 2009, support for the Aceh Party declined over time. This phenomenon does not only occur at the provincial level but also occurs at the district and city levels in Aceh.³⁶

Aceh has different election committees and regulations with National elections or other areas. Independent candidates and local parties are part of Special Autonomy. Election Independent Committee (KIP) Aceh is the one responsible for national and regional elections in Aceh province and holds control of the organizational structure of election organizers in Aceh province and City/regent. However, the remaining Acehnese KIPs have focused on their duties and responsibilities by the principles and objectives of the independent election.³⁷

Local parties are Aceh symbol for the Acehnese people to manage their political actors. However, the Aceh Party total voters was reduced by three times election. However, the existence of Aceh Party was a local party that only dominated in the first election after LoGA. In the last three elections, Aceh's local parties' votes declined in the local political arena, both in the legislative and executive institutions. The vote declined for the legislative elections in Aceh in 2009, 2014, 2019 as follows:

³³ Edward Aspinall, 'The Construction of Grievance' (2007) 51(6) *Journal of Conflict Resolution* 950, 960.

³⁴ Article 80 of Law of Governing Aceh.

³⁵ Alfian, Zikri Muhammad, Jumadil Saputra, 'The Crisis of the Aceh Local Party's Hegemony Post Election 2019' (2022) 648 *Advances in Social Science, Education and Humanities Research* 66, 68

³⁶ *Ibid* 68.

³⁷ Rahmah Harianti and Nursyirwan Effendi, 'Implementation of the Principles of Independence and Ethics for Election Organizers in Aceh in the 2019 Election' (2019) 6(2) *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 87.

Table 2: Aceh Party General Election Result³⁸

Year	Voters	Percentage	Seats
2009	1.007.173	31,4 %	33
2014	847,956	45,6 %	29
2019	555,419	27,2 %	18

Aceh local government and institutions expected to gain legitimacy from Aceh society in the post-conflict era. Supremacy of institution building over participation in the development of Wali Nangroe and Sharia regimes as powerful institutions. In other words, there has been a process of the institutionalization of identity in Aceh. The requirement of belonging to an Acehnese ethnic group and being fluent in the Acehnese language prevents the ethnic minorities in Aceh. Sharia law enforcement also focuses on the Aceh people. In the social and political sectors, civil society participation is the key institution for gaining trust in Aceh. Asymmetric decentralization is also a comprehensive strategy of the central government to re-embrace the region that wants to separate itself from the Republic of Indonesia.³⁹ Special autonomy institutions are in the table below.

Table 3: Aceh Special Autonomy Institution

No	Institution	Authority
Islamic and Cultural		
1	Wali Nangroe	Aceh Institution Center
2	Aceh Indigenous Assembly	Root Indigenous Aceh Policy
3	Gampong	Country or Village in Aceh
4	Ulama Consultative Board	Islamic Consultant for Aceh Government
Sharia Law Enforcement		
1	Dinas Syariah	Executive Institution for Islamic Sharia
2	Wilayatul Hisbah	Islamic Aceh Police
3	Mahkamah Sharia	Aceh Islamic Court Institution
Social and Politic		
1	Aceh Reintegration Body	Aceh reconciliation and development peace
2	Aceh Independent Commission	Election Institution
8	Dewan Perwakilan Rakyat Aceh	Parliament Aceh

Unclear Policies in Aceh Special Autonomy Era

One of the accommodations in LOGA is a symbol of Aceh, which has its own Qanun No 3/2013. Whereas, when Aceh's official GAM flag with Qanun was used, the GOI regulated

³⁸ Aceh Independent Commission Data Center.

³⁹ Didik J. Rachbini, *Ekonomi Politik dan teori Pilihan Publik* (Bogor: Ghalia Indonesia, 2006) 20.

the Government Regulation number 77 of 2007 regarding Regional Symbol which the regulation implementation of the flag always forbidden in Aceh. Aceh flags symbols have been controversial during the past five years due to certain former GAM members raising their flag during the ceremony The Helsinki Memorandum (15 August) and the GAM's founding momentum (4 December). The GAM flag flew in front of the Aceh Party office in Banda Aceh for an hour on August 15, 2020. Hundreds of former GAM cadres flew their flag in front of Banda Aceh City's Grand Mosque Baiturahman on December 4, 2021. They claimed that since the GOI changed Qanun and it is now not in line with official policy, raising the flag is treasonous. In Aceh, the GAM flag continues to be controversial and the status quo.⁴⁰

One of the measures under point 3.2.3 of the MoU Helsinki is the Aceh Reintegration Body to provide economic aid to former fighters, pardoned political prisoners and affected civilians. Until today, there has been no social security or job opportunities as promised. In addition, very little support for suitable lands for agriculture has been given as compensation to former combatants, former political prisoners, or victims of the conflicts. The Government of Indonesia (GOI) fulfilled its responsibility under the Helsinki Memorandum of Understanding (MoU) by establishing four permanent human rights courts in Indonesia, one of which is in Medan,⁴¹ North Sumatera which is physically more than 450 km from Aceh and not part of Aceh province.

In the meantime, the national regulation related to the Truth and Reconciliation Commission was issued by Law No 27/2004 as a legal base to establish a TRC in national areas. However, both for Aceh and other cases was deemed unconstitutional by the Constitutional Court due to it allowed an amnesty for perpetrators before being eligible for reparations. Unexpectedly, the Constitutional Court invalidated the whole of the TCR Law, rather than only the related provision.⁴² However, no cases regarding Aceh regarding Human Rights until now.

In addition, the establishment of "ad hoc human rights courts" was created to address major human rights violations that occurred during the conflict. Since the government has already granted amnesty to GAM members, it would not be proper to enforce the law against Indonesian soldiers accused of committing abuses during the same period. The human rights

⁴⁰ Irvan Setiawan, Dahlan Ali, Darmawan, Suhaimi, 'Strategy of Political Law on Conflict Terror on the use of Aceh's Flag as a Resistance Message to Quo Vadis Legal System' (2023) 3(2) International Journal of Advanced Multidisciplinary Research and Studies 77, 77.

⁴¹ Law No. 26 of 2000 on Human Rights Court.

⁴² Constitutional Court on Case Number 006/PUU-IV/2006 promulgated on December 7, 2006. The Petitioners were civil society groups and human rights defenders asking the Constitutional Court to invalidate Article 1 Section (9), Article 27, and Article 44 of the Truth and Reconciliation Commission Law since the Articles were considered unconstitutional. According to the Decision of the Constitutional Court, the whole of the Law is unconstitutional, not only the Articles asked by the Petitioners. As a result, the Law is invalid wholly and cannot be applied to establish a TRC.

violations trial process resulted after 20 years of struggle and nine District Court rejections between the Acehese people and Exxon-Mobile. In Indonesia's Human Rights Court, TCR has not carried out further investigations due to limited authority. In the Human Rights program, the local government ran a reintegration program through BRA. Ex-combatants and victims received short-term reintegration support, including projects for empowerment. On the other side, farming land was not given. Until 2014, there is no progress from BRA to the reconciliation process.⁴³

The situation makes the Aceh people feel disappointed with the current government of Aceh. However, the management skills of leaders and bureaucrats need to be improved. Institutions must comprehend autonomy to function well. So far, the government has only finished its program and divided projects among politicians and has not implemented a big vision of the Aceh people to convert Aceh's natural resources for a sustainable economy. As special autonomy, the Aceh government must solve their governance and some problems such as corruption and poverty in Aceh.

Conclusion and Recommendation

The main goal of the Special Autonomy is to create a sustainable economy. In the new Aceh, potential conflicts are emerging because of the inequalities in the aid distribution between conflict victims and former GAM combatants. The key to Aceh's peacebuilding is solid cooperation between the locals and GOs and backing from civil society to maintain many programs doing well. Self-determination with participation and institution-building legitimacy are essential to peacebuilding in Aceh.

The GAM movements have already changed from separatist to political movements and always have some political actors and political parties in the Aceh election. They greatly benefited from their positions in the movement's hierarchical Aceh structure. On the other side, another element of the Aceh people is hard to scale up their access in Aceh. The former leader GAM as part of the Aceh people must work together with multiple elements in Aceh. They do formulate laws and regulations, but these regulations are not for the needs of the welfare of the public at large, but rather to maximize their profits.

Aceh has created many Qanun relevant to providing welfare for the Acehese. The number and types of Qanun in Aceh to the date of the study reach hundreds. The number of legal documents uploaded to Aceh Legal Documentation and Information Network was 971 and until right now still has not a massive impact after the conflict.

⁴³ 'Reintegration: MoU between the Government of the Republic of Indonesia and the Free Aceh Movement' (*Peace Accords*) <<https://peaceaccords.nd.edu/provision/reintegration-mou-between-the-government-of-the-republic-of-indonesia-and-the-free-aceh-movement>> accessed 9 February 2024

The GOI must provide better training and supervision for the development and practices of good governance in Aceh. Acehnese people must also remind its leaders to work under the vision of special autonomy and ensure peacebuilding in Aceh. Voter participation in recent elections indicates widespread acceptance of Sharia as a set of principles that regulate Aceh regarding social, moral, religious, and legal guidance of Aceh's place within the Republic of Indonesia. Political stability and trust from the GOI manifested by development in the socio-politics institutions with LoGA in 2006 and economic support with a special autonomy fund from 2008 until 2028. The local governments, which the Acehnese people elect, have seven local priority issues for allocating a special autonomy fund to rebuild Aceh for 20 years.

Moreover, SAF will be terminated in 2027 by LOGA. The Aceh administration still gets more than half of its resources from the SAF now if the Central Government discontinues based on the Law of Governing Aceh. The government of Aceh must consider its strategic plans for distributing SAF funding to a sustainable Aceh. In Aceh, poverty is a major issue. The poverty rate in Aceh simply returns things to how they were before the fighting fifteen years ago. Even compared to the average province in Indonesia, the poverty rate in Aceh remains higher than that of the closest Aceh region.

The major population in Aceh still works in agriculture and on traditional plantations. Investment and private sectors outside Aceh are uninteresting since there is no strategic development for trade, industry, or investment. The government of Aceh must refocus its budgetary priorities to include not only infrastructure development but also poverty alleviation and sustained special autonomy. The government must solve the unclear MoU of Helsinki and potential social, political, and economic conflicts. For example, the Aceh symbol, reconciliation of conflict victims, and allocating support for suitable farming land, employment, and social security are still unfinished agendas from the Helsinki MoU. In addition, poverty is still in problem in the middle of a corruption case in the Aceh government.

The government must provide a better environment for informal jobs such as dealers and farmers, as most Acehnese people. Opening ports and appropriate transportation outside of Aceh are two ways to improve people's well-being as mandated of MoU Helsinki. Furthermore, the GOI must implement the provision of land for GAM and victim conflict with Qanun related to Land Granting in Aceh. At this moment, Aceh and Indonesia's regulation should focus on long-term economic development. The focus of budget allocations and regulation should be on human development rather than building or construction of the infrastructure. Special autonomy will be meaningless without exceptional socio-economic development, with the critical element being the Acehnese people.