

Dynamics of Aceh Government and Central Government Post Helsinki Mou and Aceh Government Law No 11 Of 2006: A Study of Autonomy and Decentralization in Indonesia

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ABSTRACT : Helsinki MoU on 15 August 2005, the points of which will then be implemented in Law No. 11 of 2006 concerning the government of Aceh, but in reality there are still many things that have been agreed upon which are not implemented consistently, even in the Aceh government law itself there are still misunderstandings between the community. , Aceh Government, Aceh House of Representatives and Central Government. The type of research used is qualitative research, "qualitative research is a method to explore and understand the meaning that a number of individuals or groups of people consider to be derived from social or humanitarian problems". The consideration underlying the use of qualitative research is due to its characteristics as stated by, namely the natural environment (natural setting) qualitative researchers tend to collect field data in locations where participants experience issues or problems to be studied. Researchers as a key instrument (researcher as key instrument) qualitative researchers collect data themselves through documentation, behavioral observations, or interviews with participants. In contrast to other regions - including Papua - apart from the six absolute powers of the government there are also no special powers, such as the formation of local political parties, joint management of oil and gas, freedom of national and international trade, as well as international participation in arts and sports in the name of Aceh.

KEYWORDS: *Dynamics, Aceh Autonomy, Decentralization, governmen , Indonesia*

I. INTRODUCTION

Since 2005, Aceh is said to have had the authority to regulate its own government, aka Self Government. However, the reality is that the authority that was glorified by the elite in Aceh was not achieved until 8 years after peace began. The words Self Government have a broad meaning. However, in rough language, Self Government is a delegation of power from the central government to regional governments to regulate their own government, except when it comes to three monetary or financial policies, security and foreign policy. This means that apart from these three things, this region should have the right to take care of itself. One example is that this region has the right to have its own coat of arms, flag and national anthem as symbols, just like Puerto Rico in the United States.

After the signing of the Helsinki MoU on 15 August 2005, the points of which will then be implemented in Law No. 11 of 2006 concerning the government of Aceh, but in reality there are still many things that have been agreed upon which are not implemented consistently, even in the UUPA itself there are still misunderstandings between the community. , Aceh Government, Aceh DPR and Central Government. "Right now it is also something that must be emphasized, because during that time the Special Aceh was like planting sugar cane on the edge of the lip," he concluded. Meanwhile, in different places, other Acehnese figures assessed that the authority possessed by Aceh Province after the signing of the MoU in Helsinki and the ceasefire was not worthy and appropriate to be called Self Government or freedom to manage one's own government. The authority currently possessed is considered to be equivalent to the special autonomy that has been implemented since early 2000. "It is true that Aceh is said to have full authority to implement Self Government or regulate its own government after the signing of the Helsinki MoU. "However, in application in the field, the authority granted is still equivalent to special autonomy," said Yusra Habib Abdul Ghani, an Acehnese figure in Europe. According to him, currently there are a number of countries that have given authority in the form of Self Government to their regions in the world. However, of all the regions that have authority in the form of Self Government, Aceh Province is considered the most different from the others. The authority and position of the Aceh Self Government in its application is still considered to be limited to autonomy which can be revoked at any time by the central government.

In fighting for this, all of these regions need a relatively long time and a firm attitude towards the central government. This is something that the Aceh Government may need to emulate in the future. In fact, since the signing of the Helsinki MoU between the Free Aceh Movement (GAM) and the Government of the Republic of Indonesia on August 15 2005, Aceh has been touted as having authority in the form of Self Government.

According to one of the Acehnese figures who was involved in the negotiations through his opinion which was published in one of the local daily media in Aceh, the words Self Government first appeared and were introduced by Marti Ahtisaari as peace mediator for the Free Aceh Movement and the Republic of Indonesia in Helsinki. In his opinion, 'Self-Government' is mentioned as an authority that is one level above special autonomy. Meanwhile, he gave an example of areas that have exercised this authority, such as Aaland or Olan Island in Finland, which has a population of 95 percent Swedish. Where, the official language of the area is Swedish, it has its own flag, and it is stated that all Finnish naval vessels and aircraft must first ask permission from the Aaland government before entering or crossing Aaland waters or airspace. This authority was further confirmed by the Indonesian representative present, Hamid Awaluddin. However, the follow-up to this agreement is now awaited by the people of Aceh. And, this is something that has never been achieved so far. It can still be abolished and the special level of autonomy of the Central Government in Jakarta is still considered possible to abolish the Self Government policy or delegation of authority in regulating self-government for Aceh. The reason is that the special provisions given to Aceh following the MoU agreement in Helsinki, apparently have not been included in the 1945 Constitution, which is the legal basis in this country.

The specifics of Aceh as regulated in the current UUPA have proven to be insensitive to current problems. Where at every point of Aceh's special features in the law, it is always followed by words such as "will be further regulated by existing laws and regulations" which ultimately gives rise to conflicts of interest, and ends in the emergence of new conflicts.

II. LEADING S

Moreover, several policies that have been agreed upon in the Helsinki MoU and UUPA have not been able to be implemented. This includes the establishment of a Human Rights Court, the release of political prisoners/napols, the formation of the KKR, and the Conflict Victims' Claims Commission. This is hampered because everyone has to wait for the derivative regulations in accordance with Law No. 10 of 2004 concerning Regulations for the Formation of Legislation, and this is what makes Aceh feel disadvantaged. "In the momentum of the proposed amendment to the 1945 Constitution, SIRA will propose several concepts of Aceh's special features which must be included in the 1945 Constitution so that 'Self Government' and 'Special' Aceh occur within the framework of the Republic of Indonesia and bad history no longer repeats itself," said Safaruddin. The SIRA Party, said the man who works as an advocate, supports efforts to amend the 1945 Constitution. Apart from the Independent Presidential Candidate which will be fought for, this is also an entry point to re-strengthen Aceh's uniqueness within the framework of the Republic of Indonesia.

A firm stance from the Aceh Government and a strong will from the central government to resolve this problem also need to be put forward. Don't let this case drag on so that negative opinions emerge among the people of Aceh so that the life of the nation and state becomes threatened. In many cases, conflicts that have occurred in countries from various parts of the world have the potential to recur within a 10-year time cycle. The cause is the non-implementation of the agreed points of the agreement, and this also happened in the Aceh case. Peace in Aceh is currently entering its sixth year. This means that there are still four years left for the central government to settle its debt to the people of Aceh, which has long been the capital of this country's independence. These four years will feel short if they are spent with mutual suspicion as has happened so far. However, we hope that Aceh will always be peaceful forever.

At a theoretical level, this difference in the meaning of self-government can be explained by linking it to the concepts of "separation of powers" and "sharing of power" in federal and unitary state systems. By comparing these two concepts, it can be seen that self-government in the understanding of the Aceh elite and the Aceh Party is a model of state government in a federal state system, whereas in the Central understanding self-government is the same as expanded special autonomy in the system. unitary state (Ratnawati, 2007: 50-56).

This administrative imperfection would not be seen as a gloomy situation, if this state of administrative chaos had not spread to all corners of the country, both at the regional and national levels. The situation is even more bleak due to the desire of the government bureaucracy to maintain the status quo and implement autocratic and authoritarian patterns. The government's very dominant role in social and economic development makes everything worse.

III. INDENTATIONS AND EQUATIONS

Self Government: Post-Helsinki MOU Debate Special Autonomy and Self Government. Looking at the Helsinki MOU article by article, you will never find the term "self-government" for Aceh, but it is precisely this term that has to date become a vortex of debate between the Center and the Acehnese elite, especially figures and the Aceh Party as the holder of the majority of seats in the DPR . During the negotiation process in Helsinki, the term self-government came up, but was rejected by the Government. The government is more

inclined to use the term special autonomy, but this is rejected by GAM. Both parties are faced with 2 (two) difficult choices: whether to choose the term "special autonomy" or "self-government". Finally a compromise was reached by using the term "Governing Aceh", which refers to the regulation of the authority and governance of Aceh.

Both parties, the Government and GAM, in the negotiations in Helsinki tried to avoid using the terms self-government and special autonomy. This is intended so that both parties do not get caught up in semantic debates which will actually hinder the main goal of the negotiations themselves, namely peace. To achieve peace, both parties finally agreed to use the term "Governing Aceh" or Aceh Government, not "self-government" or "special autonomy". In this case, what is important is not the terms or words used in the Helsinki MOU, but how explains the term Governing Aceh in legal rules and legislation. (Darmansjah, 2013: 226-227)

Self-Government: Between the People and the Elite of Aceh

The Aceh elite themselves, especially the Aceh Party and GAM, do not yet have a clear view of what they mean by self-government. In general, it is only said that with self-government, Aceh has its own government. What the elements and government itself are and the extent of authority that should be given to Aceh is still unclear. In fact, there are still differences in interpretation between the people of Aceh and the Aceh Party regarding the concept of self-government. For the people of Aceh, especially GAM supporters, self-governance is understood as giving authority to manage all natural and mineral resources in Aceh. Meanwhile, the Aceh Party elite defines self-government as the lever of authority for Aceh in terms of governance and the right to have its own flag, symbol and song (Ali & Patria, Prisma, June 2009: 110).

It can be seen that there are differences in the points of interest between the Aceh Party elite and the Acehnese people in interpreting self-government. The attention of the people of Aceh is more on controlling natural resources as much as 70% and the results of these natural resources, especially oil and natural gas. Meanwhile, the Aceh Party elite pays more attention to aspects of authority in government in Aceh, the relationship between the Center and Aceh in government activities and the distinctive symbols of Aceh. The Aceh Party figures, most of whom are former GAM, translating self-Government as the broad authority of the Aceh Government is exactly the same as what is mandated by the Helsinki MOU. And the attitude of the Aceh Party elite and the Acehnese people regarding their understanding of self-government above, can be concluded in 2 (two) main things. First, for the Aceh Party elite, self-government is nothing more than a broader special autonomy with elements that are exactly the same as the contents of the Helsinki MOU, including governmental authority which covers all aspects except foreign relations, external defense, national security, monetary aspects. and fiscal, judicial power, and religious freedom. Second, besides that, self-government means that Aceh has authority over the management of Aceh's natural resources and is entitled to 70% of the income obtained from these natural resources. This clearly shows that in general the people of Aceh desire economic prosperity financed by income and a share of 70% of the income from oil and natural gas.

If we return to the definition of decentralization, what the people of Aceh hope for is very relevant to the goals and decentralization itself, namely the delegation of power or granting authority in the management of resources, both in the economic and political fields, in an effort to improve the welfare of the people in a particular area. If indeed the main goal of decentralization is to "promote the welfare of society", the provision of broad special autonomy for Aceh should be able to provide prosperity for the people of Aceh. In this context, the Acehnese elite should focus more attention on utilizing 70% of revenues and sharing oil and gas revenues. natural gas for the welfare of the people of Aceh, rather than arguing with the Center regarding the meaning of self-government. (Darmansjah, 2013: 228-229)

Self-Government: Between the Center and Aceh's Elite

From the GAM elite's view above, it is clear that what the Aceh Party and GAM elite mean by self-government is the same as broader special autonomy, and is exactly the same as the contents of the agreement in the Helsinki MOU. If the Aceh elite considers self-government to be the same as special autonomy broad, then this understanding is the same as the Center's view (the Center considers Aceh's special autonomy to be an expanded special autonomy, which is different from other regions, because it contains 3 (three) main elements: 70% oil and gas revenue rights, Islamic law and the right to establish local party). However, the problem now is that the contents of the Helsinki MOU were spelled out by the Center (both the Government and the DPR-RI) through Law no. 11/2006 still provides limitations on Aceh's authority that are not exactly the same as the Helsinki MOU, thus reducing the meaning of self-government.

There is a view that Law no. 11/2006 "is not in accordance with the Helsinki MOU, prompting the Aceh elite to voice the need for revision of the law in question so that its contents are exactly the same as the Helsinki MOU. The Aceh Party elite's efforts to revise Law no. 11/2006 to be exactly the same as the Helsinki MOU will go through a process that is not easy, because for the Government what GAM means as self-government is the same as broad special autonomy with the 3 main elements mentioned above. In fact, this has

been regulated in Law no. 11/2006 which is the result of deliberation by the highest legislative institution, the House of Representative of Indonesia Republic.

If we look more deeply, the difference in the meaning of self-government between the Government and the Aceh Party revolves around the degree of authority of the Aceh Government vis a vis the Center. For the Center, self-government is a broader special autonomy but still with limitations of authority in government as a consequence and concept of the Unitary State. The very clear limitation made by the Center is that the making of international agreements, administrative policies and legislative decisions made by the Center regarding Aceh do not have to be based on "approval", but simply through the "consideration" of the DPRA and the Aceh Government. Meanwhile, for the Aceh Party, self-government is the broad authority of the Aceh Government in matters of governance, except for 6 (six) areas which are the authority of the Center, has its own symbol and all government administrative policies and legislative decisions by the Center related to Aceh must be approved by the DPRA and the Aceh Government. From the perspective of the state system, the concept of self-government in the Aceh Party's understanding is more like a self-governing state in a federal state system. (Darmansjah, 2013: 230-231)

The first paragraph under each heading or subheading should be flush left, and subsequent paragraphs should have a five-space indentation. A colon is inserted before an equation is presented, but there is no punctuation following the equation. All equations are numbered and referred to in the text solely by a number enclosed in a round bracket (i.e., (3) reads as "equation 3"). Ensure that any miscellaneous numbering system you use in your paper cannot be confused with a reference [4] or an equation (3) designation.

IV. CONCLUSION

One of the mandates for the Government of the Republic of Indonesia (RI) as stated in the Helsinki MoU is to realize the legality of Self-Government for Aceh. What is hoped is that in its implementation, it can provide more specific arrangements for the administration of government in post-conflict Aceh. The scope of Self Government for Aceh referred to in the first point of the MoU is about:

Thus, the paradigm of the idea of Self Government in the MoU is actually closer to the form and system of a federal state than a unitary state. This, positively, is evidence of a leap of ideas from the regions, which at least requires the existence of authoritative authority for the regional legislature, in the process of determining policy formation in the region. This means that it is hoped that the determination of legislative policies in the regions (especially Aceh) will not only be limited to/based on policy determinations from the central legislature (between laws and Qanuns for the Aceh region).

Historically, the background to the granting of self-government rights to these three regions is not much different from Aceh. Quoting the statement of Peter Harris and Ben Reilly (1998:32), they term it asymmetric autonomy/asymmetric decentralization, namely, due to the impact of the ideology of separatism, which continues with violent political conflict. If, after signing the MoU, the Indonesian government and GAM agreed to include the right to self-government (Aceh) in the 1945 Constitution, the implementation of Aceh's self-government would not be problematic.

For this reason, as I have previously said, in order for Aceh's self-government to be implemented effectively and maximally, it is necessary to take a political and legal approach to the center. Where the government and people of Aceh urge and carry out political lobbying for the center to consistently implement the UUPA in accordance with the MoU and the aspirations of the people of Aceh. Next, ask the government to immediately enact a PP and Presidential Decree, as well as revise the UUPA according to the context of self-government or asymmetric autonomy.

A conclusion section must be included and should indicate clearly the advantages, limitations, and possible applications of the paper. Although a conclusion may review the main points of the paper, do not replicate the abstract as the conclusion. A conclusion might elaborate on the importance of the work or suggest applications and extensions.

V. ACKNOWLEDGEMENTS

Of these many special authorities, it is very natural to say that Aceh does not only have broad autonomy (general competence), even self-government. Almost all governmental, administrative, political, legal, economic and socio-cultural authorities can be implemented by the Aceh government itself. In contrast to other regions - including Papua - apart from the six absolute powers of the government there are also no special powers, such as the formation of local political parties, joint management of oil and gas, freedom of national and international trade, as well as international participation in arts and sports in the name of Aceh. However, it turns out that these special authorities in action only "resemble" a form of self-government. In reality, deviations have emerged where some of these authorities have not been able to be carried out by the Aceh government. It is more appropriate to call it an anomaly in the implementation of autonomy in the context of self-government.

REFERENCES

- [1] Bashar, Hamdan. 2007. Aceh's Political Reintegration After the Helsinki MoU. Jakarta Center for Political Research, LIPI.
- [2] Djumala, Darmansjah. 2013. Soft Power for Aceh: Conflict Resolution and the Politics of Decentralization. Jakarta: Geramedia Pustaka Utama.
- [3] Ratnawati, Tri. 2007. Local Perceptions and Prospects for Implementation of Law no. 11 of 2006 concerning the Aceh Government: aspects of regional government authority and regional finance. Jakarta: LIPI Political Research Center
- [4] Nogi S.Hessel drs, Discourse on Indonesian Public Policy, Lukman Offset, Yogyakarta. 2003.
- [5] Syaokani, Affan Ghafar, Riyas Rasyid, Regional Autonomy in a Unitary State, Pustaka Pelajar, Yogyakarta, 2002.
- [6] Faisal, Sanapiah, Non-formal Education in the National Education System, Usaha Nasional, 1984.
- [7] Dunn, William N, Public Policy Analysis, Edited and Indonesianized by Dr. Muhajir Darwin, Hanindita, Graha Widia, Yogyakarta, 2001.
- [8] Student Library Collaboration with the Center for the Study of Political Ethics and Government, 2002
- [9] J. Kaloh, Looking for a form of Regional Autonomy, Rineka Cipta Jakarta, 2002
- [10] Kartasasmita, Ginanjar, Development for the People, Jakarta, 1996.
- [11] Manan, Bagir, Relations Between Central and Regional Governments According to the 1945 Constitution, Pustaka Sinar Harapan: Jakarta, 1994.
- [12] Pide, Andi Mustari, Regional Autonomy and Regional Heads Entering the XXI Century, Gaya Media Pratama Publisher: Jakarta, 1999
- [13] Syahrir, Dr. et al; Economic Recovery and Regional Autonomy, Indonesian Development Studies Institute, Jakarta, 2001
- [14] Law no. 11 of 2006 concerning the Government of Aceh.
- [15] Law no. 22 of 1999 concerning Regional Government.
- [16] Law no. 25 of 1999 concerning Central Financial Balancing and Area.