

Reflection of Special Autonomy by Aceh Local Government Policy in Economics And Politics Based on Helsinki MOU

Rico Novianto Hafidz

Graduate Program, Institute for Peace Study, Prince of Songkla University

E-mail: noviantorico1@gmail.com

Received: December 2, 2023; Revised: February 14, 2024; Accepted: February 19, 2024

Abstract

After 1998, the Indonesian government proposed the creation of an autonomous territory in the Republic. Indonesia has four special autonomous provinces, one of which is Aceh, which was formed following the 2005 conflict resolution. This research will focus on the local government's execution of the Helsinki MoU to ensure Aceh's peace and progress. The Qualitative technique is a way to analyze this study based on a literature review and local government policy and regulation to measure the results and changes during Aceh Special Autonomy. One of the primary policies implementing the Special Autonomy under the MoU Helsinki is the Law of Governing Aceh (LoGA) No. 11 of 2006. However, the Aceh local administration has yet to handle certain fundamental political and economic issues necessary to ensure Aceh's prosperity.

Keywords: Helsinki MoU, Special Autonomy, LoGA.

Abbreviations

AMM	Aceh Monitoring Mission
ARB	Aceh Reconciliation Body
CMI	Crisis Management Institute
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
GOI	Government of Indonesia
LoGA	Law of Governing Aceh
MoU	Memorandum of Understanding
PA	Partai Aceh (Aceh Local Party)
SAF	Special Autonomy Fund
TRC	Truth and Reconciliation Commission
Qanun	Aceh Islamic Regulation

Introduction

Indonesia has a multi-ethnic society and culture. Indonesia gained independence in 1945; one of the regimes in Indonesia was the New Order Regime (1966–1998). The New Order administration argued that a strong state capable of eradicating religious and geographical animosities was necessary for Indonesia's industrialization and prosperity.¹ The government strongly restricted public engagement in politics and believed that a military strategy was the route to peace, and the military became the primary tool for destroying subversive and "destabilizing" forces within the society.²

Aceh is one of the New Order Era's conflict zones since its society has historically backed insurgency or the liberation movement. After all, they seek better lives,

¹ Defbry Margiansyah, "The Limits Of Industrialization In Post-Orde Baru Indonesia: State-Corporatism And Technological Inferiority," *Journal Indonesian Social Sciences and Humanities* 7, no. 2 (2017): 130.

² Bert Hofman, Ella Rodrick-Jones, and Kian Wie Thee, *Indonesia: Rapid Growth, Weak Institutions* (Jakarta: The World Bank Office Jakarta, 2004), 4.

independence, and peace. Development imbalances and centralist policy between the central province (Jakarta) and Aceh by the Government of Indonesia (GOI) are the key reasons for conflict in Aceh.³

Tengku Muhammad Hasan Tiro founded Gerakan Aceh Merdeka (Aceh Free Movement), or GAM, in 1976. The GAM declaration prompted the Central Government Army to respond with oppressive measures.⁴ Six years of operation, the military assassinated twenty-four of the Declaration of Independence's signers. President Soeharto did not complete Acehese's goal to make Islam the dominant socio-political feature of Aceh, and Aceh became a conflict region for 22 years.⁵

After 1998, when the New Order already ended, a new era of central government called the reformation era attempted to resolve the conflicts with another approach through diplomacy. They focused on the transition to democracy and opened a space for the public to discuss the conflict and its root causes in Aceh. In addition, such a situation also led to new approaches to find a peaceful solution.⁶

Following the demise of the New Order-period administration, this marked the beginning of a new era of democratic governance. One of the key moments in negotiation is the Indonesian constitution, whose rules have altered the legal politics of Indonesian local governments. After the 2001 amendment, the 1945 Constitution now includes a

³ Zuhilmi and Ady Muzwardi, "Aceh Conflict Resolution by The Government Of Indonesia," *Jurnal Ilmu Pemerintahan: Kajian Ilmu Pemerintahan dan Politik Daerah* 1, no. 1 (2016): 158-167.

⁴ Damien Kingsbury, *Peace in Aceh: A Personal Account of the Helsinki Peace Process* (Singapore: Ecolnox Publishing Asia, 2006), 6.

⁵ Ann Michelle Miller, "What's special about special autonomy in Indonesia?" in *Verandah of Violence: The Background to the Aceh Problem*, ed. A. Reid (Singapore: University Press Singapore, 2006), 29.

⁶ Muhammad Bahrul Ulum, "Indonesian Democracy And Political Parties After Twenty Years Of Reformation: A Contextual Analysis," *Indonesia Law Review* 10, no. 1 (2020): 32, <https://doi.org/10.15742/ilrev.v10n1.577>.

paradigm of modern local government, which effectively strengthens the foundation of constitutional local government in Indonesia and reopens negotiations to meet Aceh desires for autonomy zones. The Gol and GAM began negotiations in May 2002, following the adoption of the 2001 Aceh Special Autonomy with Peace Process Negotiation.⁷

Marti Ahtisaari, the former Prime Minister of Finland who also served as the Director of the Crisis Management Institute (CMI), successfully convinced that the Aceh conflict should be treated as an asymmetric conflict while serving as the mediator nominated by the Crisis Management Institute. Special autonomy is proposed to end the conflict.⁸

Following five rounds of negotiations, it was obvious that in 2005, GAM and Gol achieved an extraordinarily good milestone in peacebuilding by signing the Memorandum of Understanding known as MoU Helsinki. After signing the MoU Helsinki, the new obstacle for GAM was that the Helsinki peace agreement required GAM to break up itself, in which the former GAM rebels transformed their movement into a democratic entity termed the Aceh Party (Partai Aceh).⁹

However, the ex-rebels worried that removing them from the next government would make peace too costly. To put it differently, the eradication of the prior combatant group will provide a huge hurdle to the smooth execution of the post-conflict local elections.¹⁰ Furthermore, Aceh society established a new period of self-government as mandated by the Law Governing Aceh (LoGA) in 2006. LoGA requires Aceh local civil

⁷ Jacques Bertrand, "Indonesia: 'Special autonomy' for Aceh and Papua," *Forum of Federations* (2019): 12, <https://doi.org/10.21201/1922-558X>.

⁸ Awaluddin H., *Peace in Aceh: Notes on the peace process between the Republic of Indonesia and the Aceh Freedom Movement (GAM) in Helsinki* (Jakarta: CSIS, 2009).

⁹ Edward Aspinall, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (Stanford, CA: Stanford University Press, 2009).

¹⁰ Edward Aspinall, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* (Washington, DC: East-West Center, 2005), 5-6.

society to play a role alongside government officials, administrators, and businesses in rebuilding Aceh's government. Former GAM elites take on numerous local government responsibilities for them. As they navigate the new political environment and embark on a steep learning curve, their performance has been lackluster thus far.¹¹

Political and economic corridors are critical to the peacekeeping efforts in Aceh. Following the LoGA, the Gol honored its commitments to provide amnesties for imprisoned insurgents and establish regional autonomy agreements.¹² The Aceh peace process has quickly returned to peace in the province's social and security conditions. During the restoration phase, the old GAM elites were offered numerous jobs in politics and economic management.¹³

The interplay of political and economic prospects has played a vital role in Aceh's establishment of exceptional autonomy and stability.¹⁴ Many PA (Party of Aceh) cadres now hold positions in Aceh, including the governor, legislative and executive branches of the city, as a result of the former GAM's group win through the PA.¹⁵

The research focuses on economic and political progress, special autonomy, and local government policies in a peaceful era. How to manage welfare and governance difficulties is a key issue for maintaining stability in the country. Prosperity will become a

¹¹ Edward Aspinall, "Aceh's No-Win Election," *International Crisis Group (ICG)* no. 123 (June 2011): 15.

¹² Harison Citrawan, *The Promise of Reconciliation: The Limits of Amnesty Law in Post-Conflict Aceh* (Thailand: SHAPE SEA Research Project, 2019), 5.

¹³ Sofia Trisni, "The Performance of Free Aceh Movement as a Ruling Government 2007-2012," *Andalus Journal of International Studies* 3, no. 1 (2014): 26.

¹⁴ Helmi Dahlawi, Ade Mardiyah Qahar, et al., "Special Autonomy Fund Management and Strengthening Institutional Governance in Realizing Sustainable Development," *Journal of Governance and Public Policy* 10, no. 2 (2023): 259.

¹⁵ Taufik Abdullah and Mulyadi, "Study Of The Existence Local Parties From The Perspective Of Banda Aceh City Residents," *Jurnal Politik dan Pemerintah* (2022): 127.

problematic issue if it is not managed correctly, such as Papua as in Indonesia and the recognition of Luhanks and Donesh as separate countries, triggering tense tensions in Europe.¹⁶ The granting of special autonomy is a reaction from the central government to regional governments as one solution to the regions' current development gaps, with the specificity of the regions being considered capable of being self-sufficient in their development. Furthermore, this research must investigate each party's dynamic roles in terms of future success, impediments, and potential disputes as a way to sustain Aceh's particular autonomy.

Research Question

How was the Helsinki MoU implemented by the local government in Aceh to ensure peace and prosperity of the province?

Literature Review

The data collection method gives information that improves understanding of the mechanism underlying the results and changes in Aceh's peacebuilding scenario. The secondary sources, which included papers and journals, detailed their experiences in governance, economics, and politics over the last 15 years. The research will focus on the application of the Helsinki MoU, which has already been applied in Aceh for politics and democracy.¹⁷

The purpose of this research is to assess how the local government has developed under the unusual autonomy granted by the agreement in the post-conflict

¹⁶ Dahlawi and Qahar, Op.cit., 253.

¹⁷ OECD, *Evaluating Peacebuilding Activities in Settings of Conflict and Fragility: Improving Learning for Results*, DAC Guidelines and References Series (OECD Publishing, 2012), <http://dx.doi.org/10.1787/9789264106802-en>.

period. This study focuses on the implementation of the MoU Helsinki, specifically the reconstruction of political, social, and economic regions by local governments.¹⁸

The history and ideology influence how the Helsinki MoU is implemented by local governments. Local government may address issues such as organized crime and insecurity, human rights violations, religious and ethnic tensions, national instability, poverty, economic development, and political power.¹⁹

The article proposes four key determinants of whether local leaders can or cannot play a positive role in peace processes: (1) the actual legitimacy of Aceh local leaders; (2) political will for and interest in engaging in national peace processes; (3) their capacity or opportunities to engage; and (4) what local governance systems have to offer.²⁰ As observation sources, secondary resources that try to explain peacebuilding in Aceh. Also, there are widely recognized special autonomy ideas. Journals, newspaper reports, and other online sources were used to obtain accurate and statistical information about specific Aceh moments during the peacebuilding era.

Special Autonomy Institution After MoU Helsinki

Aceh is a sub-national corridor conflict that is mainly focused on controlling Aceh under totalitarian and authoritarian rule by the Central Government.²¹ After decades, the Helsinki MoU was signed as the conclusion of a negotiation process that took place

¹⁸ Ken Menkhaus, *Local Governance and Peacebuilding: Challenge of Legitimation and Representation* (London: Conciliation Resources, 2014), 74.

¹⁹ Robin Bush, "Regional Sharia Regulations in Indonesia: Anomaly or Symptom?" in *Expressing Islam: Religious Life and Politics in Indonesia*, ed. G. F. (Singapore: ISEAS Publishing, 2008), 181.

²⁰ Menkhaus, *Op.cit.*, 74.

²¹ Stefan Wolff, Simona Ross, and Asbjorn Wee, *Subnational Governance and Conflict* (Washington, DC: The World Bank, 2020), 9.

between the decision-makers oriented towards finding formal resolution and settlement. The deal breaker issue from GAM's side is autonomy based on the Aceh approach.²²

Aceh is implemented using Islamic and customary law as the foundation for philosophy growth and is based on people's desires. Aceh sharia, which had been a historical ambition for decades, has been applied in four areas of Islamic law: cultures and traditions, education, and the function of ulama. Aceh's special autonomy endeavour involves establishing institutions based on its four ambitions. New institutions based on the LoGA lists shown below.²³

Table 1: Aceh's Special Autonomy Institution

No	Institution	Authority
1	Wali Nanggroe	Aceh Institution Center
2	Wilayatul Hisbah	Islamic Aceh Police
3	Aceh Indigenous Assembly	Root Indigenous Aceh Policy
4	Mahkamah Syariah	Aceh Islamic Court Institution
5	Ulama Consultative Board	Islamic Consultant Expert for Aceh Government
6	Gampong	Country or Village in Aceh
7	Aceh Independent Commission	Election Institution
8	House of Representative	Islamic Parliament Aceh

²² Amalia Sustikarini, *State-Led Peace-Building In Aceh, Indonesia: From Transition To Normalisation (2005-2018)* (Canterbury: University of Canterbury, 2019), 91.

²³ Abdul Manan, "Post-conflict Reconciliation in Aceh, Indonesia: Perspectives from the Victims," *Jurnal Ilmu Sosial dan Ilmu Politik* 25 (2020): 1, ISSN 1410-4946.

One of the Aceh Government's objectives is to prioritize Aceh's identity as a key value in building autonomy. In other words, it entails the establishment of the Wali Nanggroe institution, an indigenous leadership organization that acts as a communal unifier and protector of indigenous life, traditions, and culture.²⁴ Aceh institutions are organized into three institutions to enforce Islamic law: Dinas Syariah (Sharia Coordinator Body), Mahkamah Syariah (Sharia Court), and Wilayatul Hisbah (Sharia Police).

The Dinas Syariah, established at the provincial and district levels, is the primary organization in charge of regulating and organizing the execution of Sharia law. The Wilayatul Hisbah is a police entity tasked with monitoring compliance with Islamic law, namely sharia restrictions. Mahkamah Syariah, an Islamic court, assigns legal processes based on Qanun (Aceh Islamic Law). To summarize, Aceh's special autonomy has become a "center-versus-periphery legal contradictive."²⁵

Aceh Local Government After the Helsinki MoU

The GOI has a lengthy history of making promises regarding Sharia or Islamic institutions in Aceh. They have institutional and political systems based on Aceh and Islam, and the local government is the primary driver of their development. In Aceh, the GOI has kept a distance from internal concerns and actors. As a result, the roles of local players and governments are important for Aceh following the Helsinki MoU.²⁶

²⁴ Yunani Abiyoso et al., "Adat Institutions In Aceh Government: A Constitutional Perspective," *Journal of Islamic Law Studies* 4, no. 1 (2021): 3.

²⁵ Hans Ferdinand Illy, *Conflict Resolution, Political Decentralization, Disaster Risk Management and the Practice of Sharia Law: The Case of Aceh, Indonesia* (Freiburg: Southeast Asian Studies at the University of Freiburg, 2012), 9.

²⁶ Aguswandi and Wolfram Zunzer, *From Politics to Arms to Politics Again: The Transition of the Gerakan Aceh Merdeka (Free Aceh Movement – GAM)* (Berlin: Berghof Research Center for Constructive Conflict Management, 2008), 17.

Human rights dimensions of Aceh peacebuilding are establishing a prosperous livelihood for young ex-combatants. Unfortunately, the more than thirty-year violence in Aceh has impeded education. As a result, unless supported by qualified human resources, the special autonomy will be detrimental to Aceh's future. However, given the long-term commitment desperately needed to improve human conditions in Aceh, development players have an important role to play in the effort to sustain peace.²⁷

The Aceh authorities run and lead the reintegration and mechanism process. The Helsinki MoU additionally committed the Gol to ease the reintegration into society of both conflict-affected civilians and those who had participated in GAM activities. It is critical for Aceh to ensure that the peace agreement to rebuild New Aceh after the earthquake, tsunami, and fighting remains on track. Political will from national power is vital in ensuring Aceh peacebuilding.²⁸

One of the institutions ensuring the reintegration process is the TRC (Truth and Reconciliation Commission) Aceh, which began in 2013, eight years after the Helsinki MoU. Unfortunately, a lot of things changed throughout that time. Some have relocated, died, or are missing. The collection of victim data and the creation of institutional governance are the two finest initiatives that may be implemented in the five years following the TRC. However, achieving transitional justice remains a long way off. Obtaining some justice for victims is the first step, at least for the time being. Until now, two eras of TRC have struggled to respond to and follow up on the report's findings with relevant organizations.²⁹

²⁷ UNDP, *From Justice for the Past to Peace and Inclusion for the Future* (New York: United Nations Development Program, 2020), 58.

²⁸ Mohammad Hasan Ansori et al., *Post-Conflict Democracy, Violence, and Peace-Building in Aceh and Maluku National Violence Monitoring System (NVMS/SNPK)* (Jakarta: The Habibie Center, 2015), 40.

²⁹ Adri Jernih Miko, M. Adnan Madjid, and Nyoman Astawa, "The Role Of The Aceh Truth And Reconciliation Commission (TRC) In The Development Of Positive Peace In Aceh," *Journal Peace and Conflict Resolution* 6 (2020): 172.

In the political aspects, Aceh elections for district heads or city major and governors were a turning point in Aceh politics. The most significant question was whether independent candidates and local political parties would be permitted to run in provincial elections as specified by the Helsinki MoU. GAM vowed to boycott the elections if independent candidates were not permitted to complete.³⁰

Following extensive debate and multiple changes, the Gol agreed, based on LoGA, to allow the formation of local parties and independent candidates to run in provincial elections. Aceh province has allowed local parties to participate in local elections. Local parties make it possible for Aceh's local strongmen or organizations, such as GAM, to participate in the Aceh election.³¹

In addition, independent candidates may run for the Aceh election. All independent candidates must do is acquire the support of at least 3% of Acehnese citizens, as evidenced by identity cards. Originally, the objective of this Act was to provide a GAM candidate a grace period before forming local political parties and running on party lines. The requirements for running as an independent are somewhat less stringent than those for utilizing the party ticket. Independent candidacy is thus a means of increasing election participation.³²

Three elections in Aceh, held in 2006, 2012, and 2017, were critical to the advancement of democracy and peace. Representative groups, such as the former GAM or indigenous groups, were permitted and supported in politics. The leaders of GAM

³⁰ Craig Thorburn, *Building Block and Stumbling Blocks: Peacebuilding in Aceh, 2005-2009* (Ithaca, NY: Cornell University Southeast Asia Program), 108.

³¹ Sahrudin Lubis, *Aceh Party: Elections, Conflict, and Political Violence in Aceh* (Yogyakarta: Jusuf Kalla School of Government), 347.

³² Alfian, Zikri Muhammad, and Jumadil Saputra, "The Crisis of the Aceh Local Party's Hegemony Post Election 2019," *Advances in Social Science, Education and Humanities Research* 648 (2021): 70.

decided to deploy political weapons in the political sphere, abandoning their military and violent strategy to increasing political and ideological power.³³

In economic terms, the Gol allocated The Special Autonomy Fund (SAF) gets 2% of its funding from the National General Fund for economic sectors. The local government allocated SAF with the following distribution: at least 30% for education and 70% for other purposes. Furthermore, 60% goes toward monumental infrastructure and city/regional infrastructure.

To ensure that the special autonomy funds are used as intended, the local administration has drafted Governor's Regulation or Qanun No. 78 of 2015 concerning the Master Plan for the Utilization of the Aceh Special Autonomy Fund for 2008-2027, as indicated. This rule demonstrates the Aceh government's sincerity about developing sustainable development in Aceh.³⁴

Those engaging in participatory development projections from both the legislative and executive branches have yet to reflect on social development. However, most of the budget is allocated to infrastructure, with only a small percentage going to societal development. The management of special autonomy funds has not had an impact on the community.³⁵ The GOI must warn the Aceh government to maximize the special autonomy funds, which expire in 2027, and to preserve balance with other sectors contributing to Aceh's growth.

In general, Gol economic support encourages foreign and domestic investors who shunned the region during the conflict and have yet to return. The Gol and the Aceh

³³ Marcus Mietzner, *Local Elections and Autonomy in Papua and Aceh: Mitigating or Fueling Secessionism?* (Ithaca, NY: Cornell University Press, 2007), 26.

³⁴ Akbar Hamdani, Muhammad Nasution, and M. Ekaputra, "Supervision Function of Local Parliament for Good Governance and Anti-Corruption (Study Case Parliament Aceh Timur)," *Juris Studia: Jurnal Kajian Hukum* 2, no. 2 (2021): 285-293, <https://doi.org/10.55357/is.v2i2.134>.

³⁵ Dahlawi, *Op.cit.*, 260.

government were aggressively courting investors by highlighting Aceh's potential natural riches and strategic location in the Indonesia-Malaysia-Thailand economic triangle. However, investors were still taking a "wait-and-see" approach to Aceh, particularly with regard to the implementation of Special Autonomy based on religious and cultural factors.³⁶

Many Acehnese people still work in agriculture and on traditional plantations. Aceh is unappealing to the private sector because it lacks strategic development in commerce, manufacturing, and investment. The Aceh government must reorient its fiscal priorities to encompass not only infrastructure development, but also poverty alleviation and long-term special autonomy.

In the previous 15 years, the Aceh government has received budget allocations from the Gol through special autonomy funds. However, SAF are still viewed as inefficient in terms of improving Aceh's wealth. Especially in the recent three years (2018-2021), when Aceh province experienced the slowest economic growth on Sumatra Island. As a result, the Aceh government must assess the overall management of budget allocation as well as the special autonomy fund, which has been in operation for the past five years. Given Aceh's extensive special autonomy jurisdiction and money, prosperity has fallen short of expectations.³⁷

Pending Programs in Aceh Special Autonomy Era

The Aceh government has vision and programs plan in the Helsinki MoU and LOGA. Aceh have own Qanun or Local Law for accommodations program based on MoU Helsinki and LoGA. One of Qanun is Aceh's official GAM flag with Qanun. However, the

³⁶ Thorburn, *Op.cit.*, 91.

³⁷ Dahlawi, *Op.cit.*, 256.

Gol issued Government Regulation number 77 of 2007 respecting Regional Symbols, which prohibited the use of the Aceh flag as a separatist symbol.³⁸

The Helsinki Memorandum (15 August) and the GAM's basis momentum (4 December) have been contentious during the last five years, with some former GAM members flying their flags during ceremonies. On August 15, 2020, the GAM flag flew in front of the Aceh Party office in Banda Aceh for one hour. On December 4, 2021, hundreds of former GAM cadres flew their flag in front of Banda Aceh's Grand Mosque Baiturahman.³⁹

According to the Local Government, Qanun has a legal right to fly the GAM flag under an order from the LoGA. In contrast, Gol police always remove the GAM flag from every GAM, Aceh community, or government event. According to a police official, hoisting the flag is subversive because the Gol has tighter laws than Qanun and is no longer in conformity with them. In Aceh, the GAM flag is still controversial and the status quo.

In terms of human rights, one of the reintegration initiatives is the establishment of the Aceh Reintegration Agency, which also has several programs for the reintegration of former GAM members. One of the initiatives outlined in point 3.2.3 of the MoU is to provide economic assistance to former fighters, pardoned political prisoners, and affected civilians. Until now, there has been no social security or job possibilities as promised. Furthermore, virtually little help for suitable agricultural areas has been granted as compensation to former combatants, political prisoners, or victims of the conflicts.⁴⁰

³⁸ Dedek Fakrizal, Marzuki, and Mustamam, "Analysis Of The Use Of The Flag And Symbol Of Aceh In Implementation Of Special Autonomy In Aceh According To Law Number 11 Of 2006 Concerning Aceh Government," *Journal Ilmiah Metadata* (2021): 889.

³⁹ CNN Indonesia, "Cunning GAM Flag Raising in Aceh December 4 Has Long Tails," accessed January 4, 2024, <https://www.cnnindonesia.com/nasional/20211229160344-12-740179/pengibaran-bendera-bulan-bintang-di-aceh-4-desember-berbuntut-panjang>.

⁴⁰ M. Yakub Aiyub Kadir, "Peace Agreement Between The Government Of Indonesia And Free

Furthermore, the Gol fulfilled its obligations under the Helsinki MoU by creating four permanent human rights courts in Indonesia, one of which is located in Medan, which is physically close to Aceh but has jurisdiction over it. This was made possible by Law No. 26 of 2000, the Human Rights Court. There have been no Human Rights cases in Aceh as of yet. However, "ad hoc human rights courts" are established to address grave human rights violations committed during a conflict. Since the government has already given amnesty to GAM members, it would be inappropriate to execute the legislation against Indonesian soldiers suspected of committing violations during the same time period.⁴¹

Due to limited authority, Indonesia's Human Rights Court, TRC, which is the institution in charge of Aceh conflict justice, has not conducted any additional investigations. TRC took maximum action by thoroughly analyzing the results derived from sincere comments. In contrast, the TRC had taken no legal action in response to the findings of the parties accused of committing human rights violations.

TRC was one of the three commissions responsible with researching historical incidents, establishing an accurate picture of the pattern of abuses, and providing recommendations for addressing past wrongs, including referring cases to the Human Rights Court. If Aceh establishes its own TRC in the absence of a national institution, it will face a conundrum because the commission will only effect Aceh and have limited impact on national actors.

Prior to the 2009 legislative and presidential elections, the majority of national MPs indicated stronger interest in Indonesia's future than its past. This included their opposition to Aceh's plans to establish a Human Rights Court, or TRC, as well as any

Aceh Movement: Its Nature And Challenges," *Journal of Indonesia Law Review* (2018): 178.

⁴¹ Amnesty International, "Indonesia: Victims of the Aceh conflict still waiting for truth, justice and reparation," accessed January 4, 2024, <https://www.amnesty.org/en/latest/press-release/2013/04/indonesia-victims-aceh-conflict-still-waiting-truth-justice-and-reparation/>.

national initiatives to try previous human rights abusers. The Truth and Reconciliation Commission has been constituted, but it has faced major objections from various sides due to the application of a weak local legislation (Qanun).

So far, the programs run by TRC under Aceh Reconciliation Body (ARB) are general treatment, such as the distribution of plant seed and tailor training, which are unrelated to the lives of each victim. There is no physical, psychological, or economic rehabilitation assistance according to the needs of the victim to develop themselves and implementation of MoU Helsinki and LOGA.

One endeavour for victims is the human rights cases court in the United States, Columbia District Court. The complaint, filed in June 2001, claims that oil and gas firm ExxonMobil is accountable for human rights crimes committed by Indonesian military soldiers, such as wrongful death, battery, and sexual abuse.

According to the lawsuit, the army was contracted to defend the ExxonMobil plant in Aceh in the late 1990s and was so under the control of ExxonMobil when the violations occurred.⁴² Human rights violations resulting from 20 years of struggle and nine District Court rejections between the Acehnese people and Exxon-Mobile. At least ten articles from Helsinki MoU still pending for implementation until now. Meanwhile, there is no exercise development or discussion to make sure special autonomy Aceh based on MoU Helsinki after LoGA.

⁴² Aisyah Llewellyn, "ExxonMobil Indonesia heads for trial after 20 years," accessed January 4, 2024, <https://asia.nikkei.com/Spotlight/Society/ExxonMobil-Indonesia-lawsuit-heads-for-trial-after-20-years>.

Table 2: Articles of MoU Helsinki Pending Programs

No	Article	General Content
1	1.1.3	Authority for Aceh Legislature for Aceh Name and the titles of senior elected officials.
2	1.1.4	The borders of Aceh based on 1 July 1956.
3	1.1.5	Aceh has the right to use regional symbols such as a flag, a crest and a hymn.
4	1.3.1	Aceh has the right to raise funds with external loans and to set interest rates beyond that set by the Central Bank of the Republic of Indonesia.
5	1.3.8	Gol commits to the transparency of the collection and allocation of revenues between the Central Government and Aceh by agreeing to outside auditors to verify and sharing the results to the Aceh Government
6	1.4.3	An independent and impartial court system, including a court of appeals, will be established for Aceh within the judicial system of the Republic of Indonesia.
7	1.4.5	All civilian crimes committed by military personnel in Aceh will be tried in civil courts.
8	3.2.5	Gol will allocate suitable farming land as well as funds to the authorities of Aceh for the former combatants and the compensation for political prisoners and affected civilians.

No	Article	General Content
9	3.2.6	Aceh and Gol will establish a joint Claims Settlement Commission to deal with unmet claims
10	3.2.7	Ex-GAM will have the right to seek the organic police and organic military forces in Aceh without discrimination with national standards.

As specified by the 2005 Helsinki MOU, the Aceh government must work with the Gol to execute LoGA; a minimum of four government rules are required, and six presidential regulations and additional regulations must be ratified by the Gol, with the Aceh Local Government providing the initial initiative.⁴³

According to the Aceh government, implementing the LoGA necessitates the creation of regulations in the form of Qanun, or Aceh local regulations, with a minimum of 59 qanuns. The formation of the qanun has continued until now, however it is still unable to fully answer the Helsinki MoU.

According to the Aceh government, implementing the LoGA necessitates the creation of regulations in the form of Qanun, or Aceh local regulations, with a minimum of 59 qanuns. The formation of the qanun has continued until now, however it is still unable to fully answer the Helsinki MoU.⁴⁴

⁴³ Ikrar Nusa Bhakti, *Beranda Perdamaian: Aceh Tiga Tahun Pasca MoU Helsinki* (Jakarta: P2P-LIPI; Pustaka Pelajar, 2008).

⁴⁴ Takdir Ali Mukti, Tulus Warsito, and Sidiq Ahmadi et al., "The Future Of Peace Between Aceh And Jakarta Under Helsinki Agreement 2005," *Humanities & Social Sciences Reviews* 8, no. 3 (2020): 661, <https://doi.org/10.18510/hssr.2020.8370>.

Conclusion and Recommendation

The major goal of the Helsinki MoU is to develop a sustainable economy, which will be hard to do unless Aceh is properly controlled by the local government. Potential tensions are emerging in the new Aceh as a result of disparities, strong cooperation between locals and GOIs, and civil society support for various successful programs. Local participation is required for special autonomy, and institutional legitimacy is crucial to Aceh's rebuilding efforts.

There are four key requirements to ensure that Aceh's local government plays a positive role. The first aspect is recognition from local authorities who have already established Islamic and customary law as the foundation for ideological development. Aceh's election allowed independent and local parties to participate and win. GAM movements have recently transitioned from combatants to political movements, and they always field candidates in Aceh elections. They gained significantly from their positions in the movement's hierarchical Aceh structure.

However, another factor outside GAM makes it difficult to expand their presence in Aceh. The former leader GAM, as a member of the Aceh people, must collaborate with various factions in Aceh. The Aceh political system could only serve the economic interests of the government and its loyalist elite.

The second aspect is that both the Gol and the Aceh government executed the MoU Helsinki to LoGA, transforming Aceh into a Special Autonomy with institutional and political systems based on Aceh and Islam, with the local government playing a key role in their growth. Furthermore, the Gol designated SAF for economic assistance following the conflict and tsunami recovery in Aceh. However, LOGA will terminate SAF in 2027.

The Aceh government must review its strategic plans for remaining SAF funding to ensure a sustainable Aceh. In Aceh, poverty is a serious problem. The poverty rate in Aceh has simply returned to pre-conflict levels from fifteen years ago. Even when

compared to the typical province in Indonesia, Aceh's poverty rate remains greater than that of the neighbouring Aceh area.

The third aspect is local leaders' ability to engage with society, which is determined by ideology and the Aceh special autonomy institution. Wali Nanggroe, as an Aceh icon, is essential for ensuring engagement between local leaders and Aceh society.

However, leaders and bureaucrats' management abilities must be strengthened. Institutions must recognize certain autonomy to function well. So far, the government has simply completed its agenda and split projects among politicians, rather than implementing the people's broad vision of converting Aceh's natural resources into a sustainable economy. As part of its unique autonomy, the Aceh administration must address issues such as governance, corruption, and poverty in the province.

The latest aspect is that local governments have focused on infrastructure building and the use of budget allocations since the Special Autonomy era began in 2006. Infrastructure development is critical during the first five years because of the tsunami and conflict. In the second five years, the local administration focuses on Aceh institutions in areas like as human rights, customs, and Islamic law.

Meanwhile, Aceh's budget allocation for human and community development is diametrically opposed to infrastructure investment. Aceh's government is concerned about victim trauma and human development, and greater effort is needed to create justice through a Human Rights Court, as well as psychosocial and economic recovery for conflict victims. Special autonomy will be useless unless exceptional socioeconomic development occurs, with the Acehnese people playing a crucial role.

Even though the TRC has already been established, human rights potential conflict is currently limited to transitional justice. Some limiting factors, such as authority, financial allocation, and human resources, cause the TRC to move slowly. The administration must resolve the pending programs Helsinki Memorandum of Understanding and potential social, political, and economic disputes. For example, the

Aceh emblem, reconciliation of conflict victims, and distributing funding for adequate farming land, jobs, and social security are all pending programs business from the Helsinki MoU. Furthermore, poverty remains a concern during a corruption investigation in the Aceh administration. The Acehnese people must also remind their leaders to work toward the vision of special autonomy and peacebuilding in Aceh.

References

- Abdullah Taufik, Mulyadi. *Study Of The Existence Local Parties From The Perspective Of Banda Aceh City Residents*. Indonesia: Jurnal Politik dan Pemerintah, 2022.
- Abiyoso, Yunani, Ali Abdillah, Ryan Muthiara Wasti, Ghurnarsa Sujatnika, and Mustafa Fakhri. "ADAT INSTITUTIONS IN ACEH GOVERNMENT: A CONSTITUTIONAL PERSPECTIVE." *Journal of Islamic Law Studies* 4, no. 1 (2021): Article 4.
- Aguswandi, Zunzer, Wolfram. *From Politics to Arms to Politics Again: The Transition of the Gerakan Aceh Merdeka (Free Aceh Movement – GAM)*. Berlin: Berghof Research Center for Constructive Conflict Management, 2008.
- Amnesty International. "Indonesia: Victims of the Aceh conflict still waiting for truth, justice and reparation." Accessed January 2024.
<https://www.amnesty.org/en/latest/press-release/2013/04/indonesia-victims-aceh-conflict-still-waiting-truth-justice-and-reparation/>.
- Ansori, Mohammad Hasan, Johari Efendi, et al. *Post-Conflict Democracy, Violence, and Peacebuilding in Aceh and Maluku National Violence Monitoring System (NVMS/SNPK)*. Jakarta: The Habibie Center, 2015.
- Aspinall, Edward. "Aceh's No-Win Election." *International Crisis Group (ICG)*, Indonesia, 2011.
- Aspinall, Edward. "The Helsinki Agreement: A More Promising Basis for Peace in Aceh?" *East-West Center*, Washington DC, 2005.
- Aspinall, Edward. *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*. USA: Studies in Asian Security Series, Stanford University Press, 2009.
- Bertrand, Jacques. *Indonesia: 'Special autonomy' for Aceh and Papua*. Canada: Forum of Federations, 2019. ISSN: 1922-558X (online ISSN 1922-5598).
- Bhakti, Ikrar Nusa. *Beranda perdamaian: Aceh tiga tahun pasca MoU Helsinki*. Jakarta: P2P-LIPI ; Pustaka Pelajar, 2008.

- Citrawan, Harison. *The Promise of Reconciliation: The Limits of Amnesty Law in Post-Conflict Aceh*. Thailand: SHAPE SEA Research Project, 2019.
- CNN Indonesia. "Cunning GAM Flag Raising in Aceh December 4 Has Long Tails." Accessed January 4, 2024.
<https://www.cnnindonesia.com/nasional/20211229160344-12-740179/pengibaran-bendera-bulan-bintang-di-aceh-4-desember-berbuntut-panjang>.
- Dahlawi, Helmi, Ade Mardiyah Qahar, et al. "Special Autonomy Fund Management and Strengthening Institutional Governance in Realizing Sustainable Development." *Journal of Governance and Public Policy* 10, no. 2 (2023).
- Fakrizal, Dedek, and Marzuki Mustamam. "Analysis Of The Use Of The Flag And Symbol Of Aceh In Implementation Of Special Autonomy In Aceh According To Law Number 11 Of 2006 Concerning Aceh Government." *Journal Ilmiah Metadata*, Medan, 2021.
- Hamdani, Akbar, Muhammad Nasution, and Muhammad Ekaputra. "Supervision Function of Local Parliament for Good Governance and anti-corruption (Study Case Parliament Aceh Timur)." *Iuris Studia: Jurnal Kajian Hukum* 2, no. 2 (2021): 285–293. <https://doi.org/10.55357/is.v2i2.134>.
- Hofman, Bert, Rodrick-Jones, Ella Thee, and Kian Wie. *Indonesia: Rapid Growth, Weak Institutions*. Jakarta: The World Bank Office Jakarta, 2004.
- Illy, Hans Ferdinand. *Conflict Resolution, Political Decentralization, Disaster Risk Management and the Practice of Sharia Law: The Case of Aceh, Indonesia*. Freiburg: Southeast Asian Studies at the University of Freiburg, 2012.
- Kadir, M. Yakub Aiyub. "Peace Agreement Between The Government Of Indonesia And Free Aceh Movement: Its Natures And Challenges." *Journal of Indonesia Law Review*, Depok, 2018.
- Kingsbury, D. *Peace in Aceh: A Personal Account of the Helsinki Peace Process*. Singapore: Ecolnox Publishing Asia, 2006.

- Llewellyn, Aisyah. "ExxonMobil Indonesia heads for trial after 20 years." Accessed January 4, 2024. <https://asia.nikkei.com/Spotlight/Society/ExxonMobil-Indonesia-lawsuit-heads-for-trial-after-20-years>.
- Lubis, Sahrudin. *Aceh Party: Elections, Conflict, and Political Violence in Aceh*. Yogyakarta: Jusuf Kalla School of Government.
- Manan, Abdul. "Post-conflict Reconciliation in Aceh, Indonesia: Perspectives from the Victims." *Jurnal Ilmu Sosial dan Ilmu Politik* 25 (Jakarta). ISSN 1410-4946.
- Menkhaus, Ken. *Local Governance and Peacebuilding: Challenge of Legitimation and Representation*. London: Conciliation Resources, 2014.
- Mietzner, Marcus. "Local Elections and Autonomy in Papua and Aceh: Mitigating or Fueling Secessionism." Cornell University Press, 2007.
- Miko, Adri Jernih, Mohammad Adnan Madjid, and Nyoman Astawa. "The Role of The Aceh Truth And Reconciliation Commission (TRC) In The Development Of Positive Peace In Aceh." *Journal Peace and Conflict Resolution* 6 (2020).
- Miller, Ann Michelle. "What's special about special autonomy in Indonesia?" In *Verandah of Violence: The Background to the Aceh Problem*, edited by A. Reid, Singapore: University Press Singapore, 2006.
- Mukti, Takdir Ali, Tulus Warsito, and Sidiq Ahmadi, et al. "The Future of Peace Between Aceh And Jakarta Under Helsinki Agreement 2005." *Humanities & Social Sciences Reviews* 8, no. 3 (2020): <https://doi.org/10.18510/hssr.2020.8370>.
- OECD. *Evaluating Peacebuilding Activities in Settings of Conflict and Fragility: Improving Learning for Results*. DAC Guidelines and References Series. OECD Publishing, 2012. <http://dx.doi.org/10.1787/9789264106802-en>.
- Sustikarini, Amalia. *State-Led Peace-Building In Aceh, Indonesia: From Transition To Normalisation (2005-2018)*. Canterbury: University of Canterbury, 2019.
- Thorburn, Craig. *Building Block and Stumbling Blocks: Peacebuilding in Aceh, 2005-2009*. Ithaca: Cornell University Southeast Asia Program, 2007.
- Trisni, Sofia. "The Performance of Free Aceh Movement as a Ruling Government 2007-2012." *Andalas Journal of International Studies* 3, no. 1 (2014).

- Ulum, Muhammad Bahrul. "Indonesian Democracy And Political Parties After Twenty Years Of Reformation: A Contextual Analysis." *Indonesia Law Review* 10, no. 1 (2020): Article 3. DOI: 10.15742/ilrev.v10n1.577.
- UNDP. *From Justice for the Past to Peace and Inclusion for the Future*. New York: United Nations Development Program, 2020.
- Wolff, Stefan, Simona Ross, and Asbjorn Wee. *Subnational Governance and Conflict*. Washington DC: The World Bank, 2020.
- World Bank. *Aceh Economic Development Financing Facility*. State Ministry for the Development of Disadvantaged Areas (KPDT) and Government of Aceh, Indonesia, 2008.
- World Bank. *GAM Reintegration Needs Assessment: Enhancing Peace through Community-level Development Programming*. Jakarta: World Bank, 2006.
- World Bank. *Village Survey in Aceh: An Assessment of Village Infrastructure and Social Conditions*. Jakarta: The World Bank, 2006.
- Zulhilmi, and Adi Muzwardi. "Aceh Conflict Resolution By The Government Of Indonesia." *JIP (Jurnal Ilmu Pemerintahan): Kajian Ilmu Pemerintahan dan Politik Daerah* 1, no. 1 (2016): 158-167.