

THE GENERAL ELECTION OF WALI NANGGROE OF ACEH WITHIN REGIONAL HEAD ELECTION REGIME

Zulfiani, Fatimah

Faculty of Law, Universitas Samudra
Jl. Meurandeh, Kecamatan Langsa Lama, Kota Langsa, Aceh 24354
E-mail: zulfiani@unsam.ac.id ; Phone Number: (+62) 822 7406 7781

Muhammad Ridwansyah

Faculty of Law, Universitas Sains Cut Nyak Dhien
Jl. Jenderal Ahmad Yani, Kecamatan Langsa Kota, Kota Langsa, Aceh 24354
E-mai: muhammadridwansyah@uscnd.ac.id ; Phone Number: (+62) 852 6287 4235

Accepted: 24/04/2022; Revision: 15/06/2022; Approved: 10/08/2022

DOI: <https://doi.org/10.24815/kanun.v24i2.27721>

ABSTRACT

The objectives of this research are to examine how Article 70 paragraph (1) of Aceh Qanun Number 8, 2012 stipulates the formation of the Wali Nanggroe Election Commission through a process of deliberation and consensus, following democratic principles. and to analyze the characteristics of an ideal Wali Nanggroe Aceh election system, as it pertains to the Regional Head Election Regime. The research methodology employed in this study is normative legal research, utilizing a qualitative approach. The provision stated in Article 96 paragraph (4) of the aforementioned law serves as a safeguard for the distinctiveness and prerogatives of Aceh, as well as the electoral process for the position of Wali Nanggroe Aceh, which aligns with the principles outlined in Article 18B paragraph (1) of the 1945 Constitution. The findings are the selection process for the period of office of Wali Nanggroe should adhere to a pattern of specificity and privilege, while still respecting the principles underlying the establishment of the Wali Nanggroe position, even within the framework of the regional head regime. The regionalization of Wali Nanggroe's tenure should be implemented alongside respected leaders of society in Aceh, to provide a comprehensive and systematic accommodation of all segments of the Acehnese society.

Keywords: General, election, Wali Nanggroe, regional head.

INTRODUCTION

Generally, government officials run for office with term limits determined by the state. These term limits should be based on periodization because long-term leadership can potentially decrease the effectiveness of the officials' leadership and the people's trust in them. John Dalberg stated, *"Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men"*. The statement seems to remain relevant to date. There have been many historical examples showing that leaders serving with no term limits were easily misunderstood by the people they led (Ridwansyah, 2022).

Constitutionally, the position of Wali Nanggroe of Aceh emerged when Law Number 18 of 2001 concerning Special Autonomy for the Special Region of Aceh as the Province of Nanggroe Aceh Darussalam was ratified. However, the Free Aceh Movement (hereinafter GAM) completely refused the offer of regional autonomy from the central government at the time (Damanik, 2010). GAM also believed that Wali Nanggroe of Aceh is merely a symbol or means to reinforce the cultural identity of Aceh and unify the local community (Suharyo, 2018). The quo law stated that the Wali Nanggroe of Aceh is not a political and governmental institution in the Aceh Province. Hitherto, there is no law regulating the electoral system of Wali Nanggroe because, in 2001, Aceh was still under a military operation. Consequently, the implementation of Law Number 18, 2001 concerning Special Autonomy Province for Aceh as Nanggroe Aceh Darussalam Province (hereinafter NAD Act) has not been optimal (Padli, 2021).

As a result of GAM's rejection of the NAD Act, both GAM and the Indonesian Government resumed peace negotiations in Tokyo in 2002. The meeting occurred during the government of President Megawati Soekarnoputri and was funded by the World Bank and Japan. The Indonesian Delegation Team was led by the Coordinating Minister for Political, Legal, and Security Affairs, Susilo Bambang Yudhoyono, whereas GAM was represented by Zaini Abdullah who was the Minister of Foreign Affairs of GAM at the time (team E. , 2003). This

negotiation involved 23 countries. However, it failed as the negotiating parties did not reach a mutually beneficial agreement (Sugeng, 2010).

In 2005, a renegotiation was held in Helsinki, Finland, comprising five stages. One of the clauses in the Helsinki MoU regarding the Aceh Government's administration states that "The institution of Wali Nanggroe will be established with all the necessary ceremonial instruments and titles". This clause aimed to philosophically and constitutionally legitimize the positions of GAM's officials within the constitution of Indonesia (Aspinall E. , 2005).

The Helsinki Memorandum of Understanding (MoU) resulted in the inclusion of Article 96 of the Act Number 11, 2006, which pertains to the governance of Aceh. The aforementioned norm elucidates the role of the Wali Nanggroe Institution as a cultural authority entity, serving as a unifying force within the community. The institution in question operates autonomously and possesses the jurisdiction to oversee the functioning of customary establishments, safeguard cultural heritage, confer titles and honors upon specific individuals or groups, and conduct various traditional rituals and events. The Wali Nanggroe Institution, as mentioned in paragraph (1), should be clarified as not being a political or governmental entity inside the province of Aceh. The institution known as the Wali Nanggroe is under the leadership of an individual who operates autonomously. A Qanun Aceh is responsible for regulating other provisions about candidate prerequisites, election protocols, participants in the electoral process, duration of office, protocol positions, and financial matters (Orsantinutsakul, 2022).

The period of office of Wali Nanggroe is not specifically regulated under Article 96 paragraph (4) of Act Number 11, 2006. The article exclusively asserts the necessity of formulating further regulations regarding the position of Wali Nanggroe, while emphasizing that these laws should be developed within the established framework of Aceh Qanun (local laws for Aceh). Several qanuns pertaining to the Wali Nanggroe Institution were established six years subsequent to the implementation of Act Number 11, 2006 including Qanuns of Aceh Numbers 8, 2012, 9, 2013, and 10, 2019 (Muhammad Ridwansyah, 2022).

According to Article 70 of Aceh's Qanun Number 8, 2012, the process of selecting the Wali Nanggroe involves a deliberative and consensus-based approach, facilitated by a dedicated Wali Nanggroe Election Commission. The composition of the Wali Nanggroe Election Commission includes the Tuha Peuet of Wali Nanggroe Assembly, the Tuha Lapan of Wali Nanggroe Assembly, the Mufti or their designated representatives, and one delegate from the Alim Ulama of each district or city (Nasir, 2018).

The Wali Nanggroe Election Commission is overseen by the leadership of the Election Commission, which comprises the Chairman, Vice Chairman, and Members of the Wali Nanggroe Election Commission. The validity of the Commission is ascertained through the Wali Nanggroe decree. The process entails the Commission identifying multiple applicants for the position of Wali Nanggroe. One of the candidates selected by the Wali Nanggroe Election Commission is Waliyul'ahdi. If multiple candidates for the position of Wali Nanggroe satisfy the prescribed criteria, preference is given to the candidate who fulfills the criterion, namely Waliyul'ahdi. Ultimately, the determination and implementation of a decision are achieved through a process of careful discourse and consensus-building (Akbar, 2019).

Changes in the election of Wali Nanggroe Aceh in Qanun of Aceh Number 9, 2013 still have not used the Commission procedure because in Article 132 paragraph (7) qanun *a quo* an sich. This, according to the hypothesis of some historians, explains Teungku Malik Mahmud's contribution to peace in Aceh. So that the inauguration of Teungku Malik Mahmud Al-Haytar as Wali Nanggroe IX *de facto* and *de jure* carried out in a special Aceh House Representative (hereinafter DPRA) Plenary Meeting (Haikal, 2016). The inauguration was held after the amendment and abolishment of several paragraphs in Article 70, namely paragraphs (2), (3), (4), and (5) partially removed: The Wali Nanggroe of Aceh is elected by the Commission through deliberation and consensus (Delfi Suganda R. S., 2021).

Nevertheless, a significant issue arises from the absence of a clearly defined term restriction for the leadership position of Wali Nanggroe. The absence of regulation pertaining to the Wali Nanggroe Institution was observed in the Helsinki MoU, Act Number 11, 2006, and Aceh's Qanun Number 10, 2019, which specifically addresses the Second Amendment to Aceh's Qanun Number 8, 2012. The MoU stipulates that additional measures will be established by careful deliberation and consensus. The Wali Nanggroe is seen as an integral component of the Aceh governance framework inside the MoU. From the standpoint of *ius constituendum*, the appointment of Wali Nanggroe can be in accordance with Article 18 paragraph (4) of the 1945 Constitution, which stipulates that "Governor, Regent, and Mayor shall be democratically elected as the leaders of provincial, district, and municipal governments, respectively." This implies that the appointment of Wali Nanggroe in the regional head election system can be theoretically compared to the election of the Governor of Aceh. (Delfi Suganda R. S., 2021).

Article 18B paragraph (1) of the 1945 Constitution states, "*The state recognizes and respects special regional governments*". Since Aceh is one of the special regional governments, the state also recognizes and respects the local law of Aceh. Accordingly, the election of Wali Nanggroe is urgent to ensure that Aceh is led by a qualified and dignified leader that can unify the community. This study was therefore carried out to explore the general election of Wali Nanggroe of Aceh in regional head regime (Manan, 1994).

Previous research conducted by Adli Abdullah showed that Tuanku Hasyim as a guardian was not the first time. In 1870, Tuanku Hasyim had already been appointed when Sultan Ibrahim Mansyursyah died, but at that time he refused and he finally appointed his son Sultan Alaidin's son Mahmudsyah as sultan. A number of literatures explain that the wali's position as a unifier, especially during wartime, was very pronounced. At that time the wali was the controller of the kingdom which moved from one place to another. Then when the kingdom was precarious and shifted from Koetaradja to Keumala, the position of guardian itself was once held

by Syech Saman di Tiro, Teuku Umar, and Pang Lima Nya' Pha. Another figure who had also been a guardian was Habib Abdurrahman but he surrendered on October 13, 1878 in exchange for being sent to Jeddah by the Dutch (Abdullah, 2016).

Then the article written by M. Aris Yunandar explains that LWNA is a new concept that can unite tribes in Aceh if accommodated and run properly. But in fact, LWNA has the potential if Malek Mahmud Al-Haytar is appointed as its leader because there is an assumption in the community that this figure is only the desire of the Aceh Party in addition to the authority of the qanun a quo exceeding what is mandated by the LoGA (Munandar, 2013).

The Wali Nanggroe institution is a prominent local religious authority in the province of Aceh, Indonesia. The establishment of the institution was initiated in accordance with the Helsinki Memorandum of Understanding. The matter at hand is highly contentious within the realm of constitutional law in Indonesia, particularly pertaining to the qualifications necessary to assume the role of the institutional dreamer of Wali Nanggroe. One of the findings indicates that the Qanun governing the aforementioned institution has undergone two updates. Nevertheless, there has been a lack of substantial advancements in the realm of prerequisites for assuming leadership inside the organization. The aforementioned situation has led to a significant lack of accommodation for individuals from Aceh and has consequently resulted in the absence of legal certainty for the Acehnese population (Suganda, 2021).

In the scholarly work authored by Imam Hadi Sutrisno et al., an examination is conducted on the historical critique of endeavors aimed at revitalizing the role of Wali Nanggroe, which stands in opposition to the Act on the Governance of Aceh (hereinafter AGA). The research elucidates an error made by the Aceh elite group in their interpretation of the role of Wali Nanggroe, which was previously unknown during the Sultanate of Aceh Darussalam. This study elucidates that the establishment of Wali Nanggroe by the Aceh Party (hereinafter PA (local party in Aceh)) lacks historical evidence and was contrived by PA elites with the intention

of enhancing the popularity and garnering public support for GAM. The amendment of the aforementioned regulation confers an excessive degree of authority upon the Wali Nanggroe, which is in conflict with the AGA and lacks a factual basis regarding the historical context of the Aceh Darussalam Sultanate (Imam Hadi Sutrisno, 2022).

This article aims to provide a new formula of the election of the position of Wali Nanggroe Aceh in accordance with the spirit of the Helsinki's MoU. In addition, it is going to find the ideal form of making Wali Nanggroe to be trusted as a political legacy that must be maintained and as a unifying medium for the people of Aceh.

RESEARCH METHOD

This is normative legal research. This approach is used in order to determine the optimal time limit for Wali Nanggroe's leadership, which is not specified in the AGA. It has employed a qualitative descriptive approach. This analysis aims to examine the proposed extension of Wali Nanggroe's tenure within the revised Aceh's Qanun Number 10, 2019, which pertains to the Wali Nanggroe Institution. In order to obtain comprehensive and unbiased replies to the study inquiries, the following methodologies were employed: The historical approach was employed to ascertain the historical context surrounding the establishment of Article 96 paragraph (4) of the AGA, Article 70 paragraph (1) in the Aceh's Qanun Number 10, 2019, as well as the origins and development of the Wali Nanggroe institution. The study also investigates the procedural aspects of the AGA and Aceh Qanun's Number 10, 2019, together with relevant legal texts and regulations, in order to elucidate the underlying rationales for the enactment of a statutory regulation that aims to offer a thorough comprehension. The study employed a statutory approach to analyze the legislative provisions pertaining to Article 97 paragraph (4) of the AGA and Aceh's Qanun Number 10, 2019. A conceptual method was employed to comprehend the notion of Wali Nanggroe, its electoral system, and the rationale

behind incorporating this position within the regional head election regime (Marzuki, 2011).

RESEARCH OUTCOME AND DISCUSSION

1) Regulation term of office of Wali Nanggroe

Constitutionally, the position of Wali Nanggroe Aceh emerged in 2001 when the Special Autonomy Act for the Special Region of Aceh was ratified. However, historically, the position of Wali Nanggroe has existed in four historical stages as follows: During the government of Sulthan Muhammad Daud Syah (1874-1903). In this period, Sulthan Muhammad Daud Syah was exiled by the Dutch East Indies Government. As a consequence, the leadership had to be taken over by Muhammad Saman Tiro (1891) as the Wali Nanggroe of Aceh. During the Darul Islam (Indonesian Islamic Army) Insurgency in Aceh (1953-1959). At the time, Teungku Dauh Beureueuh was appointed as the Wali Nanggroe of Aceh. During the insurgency of GAM (1976-2005). Teungku Hasan Muhammad di Tiro served as the Wali Nanggroe of Aceh during this period. After the Helsinki's MoU between the Indonesian Government and GAM and the issuance of the AGA, in which the Honourable Malik Mahmud Al-Haytar (2013-2023) was appointed as the Wali Nanggroe of Aceh (Retno Saraswati, 2022).

Regrettably, the determination of the tenure of the Wali Nanggroe of Aceh has lacked a definitive framework. The jurisdiction over this topic is conferred onto the Aceh Government as stipulated in the Helsinki's MoU. Its 1.1.7 Clause serves as the fundamental basis for the founding of the Wali Nanggroe Institution. According to Article 96 of the AGA, it is further stipulated that the duration of Wali Nanggroe's tenure would be determined by the Aceh's Qanun (Ibrahim, 2020).

Article 117 of Aceh's Qanun Number 8, 2012 states that *"The term of office of Wali Nanggroe of Aceh is 7 (seven) years"*. Furthermore, Article 118 paragraph (1) of the qanun a quo was amended. The Ministry of Home Affairs did not approve this term of office and the reappointment of Wali Nanggroe of Aceh. Several groups, such as the Defenders of the Homeland (PeTA) volunteers for Central Aceh

and Bener Meriah as well as Laskar Merah Putih also rejected the qanun a quo (Reza, 2021).

Consequently, there were revisions made to Aceh's Qanun Numbers 8, 2012 and 9, 2013, which pertains to the Wali Nanggroe Institution. According to Article 117, paragraph (1) of the aforementioned qanun, it is stipulated that the tenure of the Wali Nanggroe spans a duration of 5 years, commencing from the date of their official inauguration. This principle was further reinforced in Article 118, paragraph (1) of the aforementioned qanun, stipulating that the tenure of Wali Nanggroe is limited to a period of five years. The third modification to Aceh's Qanun Number 10, 2019, which pertains to the Wali Nanggroe Institution, reiterates the stipulation that the tenure of the Wali Nanggroe is five years, as explicitly stated in Article 117 of the Qanun (Saldi Isra, 2019).

The first proposal of a 7-year term of office appeared to be favorable, however, the Indonesian Government, namely the Ministry of Home Affairs, conducted a reassessment of the aforementioned qanun and expressed the desire to align it with the prevailing general term of office in Indonesia. Hence, it can be argued that a reassessment is not required if the Indonesian government grants Aceh the status of a special region, enabling it to establish regulations pertaining to the qualifications of the Wali Nanggroe candidate, electoral procedures, participation in elections, duration of tenure, protocol position, financial matters, and other provisions related to the Wali Nanggroe of Aceh, as long as these regulations do not contravene the provisions of the Indonesian constitution. (Rafiq, 2022).

The determination of the tenure of the Wali Nanggroe of Aceh should be vested in the Aceh Qanun makers, specifically the Aceh Government and the People's Representative Council of Aceh (DPRA). Nevertheless, the Indonesian Ministry of Home Affairs maintains its stance that the Aceh Qanun necessitates evaluation by the executive authorities. An ultimatum was issued, stipulating that the Aceh Government must adhere to the requirements outlined in Certificate Number 188.34/1644/SJ/2013 in order for the Aceh Revenue and Expenditure Budget (APBA) and the special budget for Wali Nanggroe to receive approval from

the state. The Indonesian Ministry of Home Affairs should not overlook the significance of Article 96 paragraph (4) of the AGA, as disregarding it may result in the loss of the Wali Nanggroe institution's distinct status and associated advantages. The primary objective of implementing the 7-year term of office, as stipulated in Aceh's Qanun Number 8, 2012, is to guarantee the continuity of leadership in Aceh beyond the conclusion of the 5-year tenure of the Aceh Governor and members of the DPRA. This implies that the Wali Nanggroe of Aceh possesses the temporary capacity to participate in electoral campaigns until the appointment of a new governor and the subsequent election of new members of the DPRA. The Wali Nanggroe of Aceh is also eligible to participate in the oversight of the legislative elections, regional executive elections, as well as the presidential and vice-presidential elections of Indonesia (Redaksi, 2013).

However, some representatives in the DPRA seemed to neglect the fact that Aceh is a special region with privileges and special autonomy to run self-government and protect the local community's interests, as stated in the AGA. Thus, if Wali Nanggroe's tenure is limited to 5 years, Aceh may lose its privileges and status as a special region (Wangge, 2022).

2) The Wali Nanggroe Election Commission

The Aceh Wali Nanggroe Election Commission has been worded in Article 70 of Aceh Qanun Number 8, 2012 on Wali Nanggroe Institution. It is elected by deliberation and consensus by a specially formed Wali Nanggroe Election Commission. The Commission consists of the *Tuha Peuet* Wali Nanggroe Assembly, *Tuha Lapan* Wali Nanggroe Assembly, *Mufti* or its representative; and Representatives of *Alim Ulama* from each district or city of 1 (one) person. The Commission consists of the Chairman and Deputy Chairman. The leaders and members of the Wali Nanggroe election are determined by a Wali Nanggroe decree (Ihsan, 2021).

The concept of the Commission is completely novel. A question emerges regarding the electoral procedure for the Wali Nanggroe of Aceh: *"Has it been appropriate and in accordance with the history of Wali Nanggroe of Aceh as an*

independent leader?” This question requires objective responses from researchers considering the fact that the succession of power of Sultan Hamengkubuwono as the Regional Head of the Special Region of Yogyakarta is not hereditary. In essence, Wali Nanggroe must be chosen through an election. However, for future legitimacy, there has to be a system allowing the people of Aceh to elect the Wali Nanggroe openly and democratically. This will make the person sitting in the position gain more trust and recognition from the public (Bhakti, 2008).

The provision pertaining to the Commission in Aceh’s Qanun Number 8, 2012, which addresses the Wali Nanggroe Institution, should be transferred to Aceh Qanun Number 12, 2016, which specifically deals with the election of Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Mayor. The proposed modification should incorporate an additional provision, specifically Aceh Qanun Number 9, 2013 pertaining to the selection of Wali Nanggroe and Waliyulhadi, Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Mayor. The absence of this modification renders the post of Wali Nanggroe unconstitutional, as Article 18 paragraph (4) of the 1945 Constitution exclusively designates governors, regents, and mayors as democratically elected regional chiefs (Muhammad Ridwan, 2019).

The 1945 Constitution does not provide for an electoral system for regional head elections in special regions. The reference to Article 18B, paragraph (1) of the 1945 Constitution is just briefly alluded to. According to the ruling of the Constitutional Court in Decision Number 11/PUU-VI/2008, it has been determined that Article 18B of the 1945 Constitution should not be regarded as an exemption to Article 18 of the same constitution. This implies that the regulations stipulated in Article 18B of the 1945 Constitution are autonomous and distinct from those outlined in Article 18 of the same constitution. This assertion is justified due to the distinct and exceptional position of Aceh, which sets it apart from other special regions, like Yogyakarta, DKI Jakarta, Papua, and West Papua. The Helsinki’s MoU has specific provisions pertaining to Aceh, which have been collectively

established through mutual consensus between the Indonesian Government and GAM (Siti Ikramatoun, 2018).

The Commission should be part of the electoral system in Aceh Election Commission even though it is essentially different from the electoral system of Governors, Regents, and Mayors. The primary role of the Wali Nanggroe Election Commission is to conduct an election of the Wali Nanggroe of Aceh and find the most suitable candidate to fill the position. Its establishment is a breakthrough in constitutional law science because there is no specific system so far in many parts of the world enabling people to elect a regional leader (king or queen) democratically. Traditionally, a constitutional monarchy applies in many different countries, in which the throne passes among members of the ruling family, as what occurs in the British Empire and Malaysian Sultanate (Hadi, 2013).

The Commission serves as a body responsible for the establishment of an autonomous Election Commission. The Aceh Revenue and Expenditure Budget, which can be derived from the state budget of Indonesian Election Commission, serves as the primary source of funding for the Commission budget. The process of democratizing Wali Nanggroe elections has the potential to enhance the strength and integrity of the Wali Nanggroe system and its associated institution. Aceh has the potential to establish a self-governing system inside Indonesia, wherein the elections for Wali Nanggroe are conducted in a direct, public, free, confidential, transparent, and equitable manner. This initiative has the potential to foster economic growth in Aceh, foster social cohesion, promote the practice of Islam, provide fair and equitable governance, preserve peace, establish a government that represents the interests of the people, and safeguard the integrity and influence of Aceh's political, cultural, and historical heritage. (Yunani Abiyoso, 2021). This implies that the sovereignty of the Acehnese people is in the hands of Wali Nanggroe because Wali Nanggroe can fulfill the needs of the Acehnese people and accelerate the formulation of policies involving the Aceh Government, Aceh House Representatives, and *Ulama* Assembly of Aceh. The election of Wali Nanggroe of

Aceh every 7 years by the Commission is a manifestation of this sovereignty (team R. , 2023).

3) The Election of Wali Nanggroe of Aceh as Head Regional Election Regime

The formulation of the Helsinki's MoU has placed the Wali Nanggroe of Aceh as part of the Aceh government's administration. Historically, the position of Wali Nanggroe of Aceh emerged when Aceh was in a period of conflict, and it was traditionally filled by members of the Tiro family. Post Helsinki MoU, the position of Wali Nanggroe Aceh was legitimized by Aceh's Qanun Number 8, 2012 concerning the Wali Nanggroe Institution along with its amendments (Aspinall E. e., 2005).

The term of *Wali* comes from Arabic word *Al-waliy Muannatsnya Al-waliyah*. Its plural form is *al-waliya* which derives from the words *walayali-walyan* and *walayatan* which mean love, close friend, friend, the person who helps, ally, follower, caregiver and person who takes care of someone's affairs. The term *nanggroe* means a country. The phrase *nanggroe* actually comes from *neugara*, but *nanggroe* has a more peaceful connotation. Hence, the original term Wali Neugara was changed to Wali Nanggroe. The question is, does this term change undermine the role of Wali Neugara or Wali Nanggroe? It is believed not because the word *nanggroe* refers to the whole Aceh. Thus, the leadership of the Wali Nanggroe of Aceh aims to improve the prosperity and maintain the human dignity of all Acehnese people (As-Sayuti, 2023).

An electoral procedure for Wali Nanggroe as a regional head election regime was what the researchers would like to identify. The electoral system for this position must be credible and of high quality. The elected person shall possess the best qualities of a leader so that he can protect the democracy, governance, and lives of the Acehnese people. This must also be based on Article 18B paragraph (1) of the 1945 Constitution which respects the special regions (Darajati, 2020).

The philosophical foundation for the election of the Wali Nanggroe of Aceh lies in the spirit of peace of the Helsinki's MoU that highlights Aceh as a special

region. Wali Nanggroe of Aceh is the last guardian that can act as the liaison of Aceh at the national and international levels. Wali Nanggroe of Aceh must protect the sovereignty of the Acehnese people; hence, its election must be carried out openly and democratically. This indicates that every Acehnese has the right to take part in the election. The mandate of the Wali Nanggroe election is the same as the constitutional mandate that sovereignty is in the hands of the people; thus, the Wali Nanggroe of Aceh must be completely personal and independent (Zameri, 2023).

From the juridical basis, it is constitutionally permissible to place it under Article 18B paragraph (1) of the 1945 Constitution and Article 96 paragraph (1) of Law Number 11 of 2006 concerning the Aceh Government, which states, *“The Wali Nanggroe Institution is a customary leadership that acts as the community unifier. It is independent and has the authority to foster and supervise the traditional institutions, customs, and the awarding of titles/honors, and other cultural ceremonies.”* The phrase that serves as the juridical basis of the importance of the Wali Nanggroe election is *“the independent community unifier”*. An independent society is a society that is sovereign and free, and a regional head election is a way to find the best candidate for a personal and independent leader (Akmal Saputra, 2022).

The significance of the free election of Wali Nanggroe lies in its sociological implications, particularly in fostering democratic values within the region of Aceh. Following the conclusion of the reigns of from the first to the ninth Wali Nanggroe of Aceh, no subsequent elections have been conducted. The election implies that the position is the outcome of adhering to ideals of openness and equal rights in its implementation. Any individual who meets the eligibility criteria from the Acehnese community is entitled to apply for this position. If the requirement for filling this position restricts eligibility to members of the winning party in Aceh, it implies that only individuals from the privileged class are considered, so undermining the democratic nature of the election. In order to foster a dignified state in Aceh, it is imperative to implement sociological transformations. The

election outcome is expected to enhance the reputation and authority of the Wali Nanggroe of Aceh. The individuals residing in Aceh exhibit reverence towards the individual occupying a particular position, as they voluntarily and democratically elect said individual. (Ghusyani, 2017). Based on the three foundations above, the election of Wali Nanggroe of Aceh is crucial to finding a regional head election regime that can bring prosperity to Aceh, improve Aceh's dignity, protect Aceh's history, and maintain peace in Aceh.

CONCLUSION

To sum up, ideally, according to Article 70, paragraph (1) of Qanun of Aceh Number 10 2019 relating the Election Commission of Wali Nanggroe, the process of formation, deliberation, and consensus that is based on democratic principles should be conducted through the designated election organizer. The rationale behind the implementation of the Wali Nanggroe Aceh framework is in its role in structuring the governance of the Aceh region, wherein the post of the Governor is determined through a democratic election process including the residents of Aceh.

Furthermore, the establishment of the Wali Nanggroe of Aceh institution through elections via the Wali Nanggroe Election Commission is expected to enhance its credibility, dignity, and political influence. The accountability of the Wali Nanggroe Aceh does not lie with the executive and legislative branches, but rather involves direct coordination with the President of Indonesia, who serves as the head of state. Furthermore, the selection of the Wali Nanggroe Aceh position through a regional head election system can be seen as a practical implementation of the provisions stated in Article 18B paragraph (1) of the 1945 Constitution. Article 96, paragraph (4) of AGA or the Aceh Governanance Act, which does not explicitly stipulate a certain duration for the tenure of the Wali Nanggroe has left it open-ended. The 7-year tenure stipulated in Qanun Aceh Number 8, 2012 on the Wali Nanggroe Institution, serves not only to supersede authority but also to safeguard the government during the process of leadership transfer. During the transitional period, the Aceh government and legislature hold a 5-year term of

office. Additionally, the leadership is assumed by the Wali Nanggroe Aceh to prevent any legal vacuum from occurring. The implementation of procedures that embody accountability, transparency, participation, certainty, efficiency, correctness, and principles of excellent service is necessary.

REFERENCE

Journal Article

- Abdullah, M. A. (2016). Kedudukan Wali Nanggroe Setelah Lahirnya Undang-Undang Pemerintah Aceh. *Kanun Jurnal Ilmu Hukum, Volume 18 Nomor 2*, 283.
- Akbar, A. (2019). Malik Mahmud Local Strongmen. *Journal of Local Government, Issue 2 Nomor 1*, 39.
- Akmal Saputra, H. N. (2022). Post-Conflict Aceh: Partai Aceh Versus Partai Nanggroe Aceh at the 2017 Election. *The Indonesian Journal of the Social Sciences, Volume 10 Number 1*, 87.
- Aspinall, E. (2005). *The Helsinki Agreement: A More Promising Basis For Peace in Aceh?* Washington DC: : East-West Center Washington.
- Damanik, A. T. (2010). *Hasan Tiro: From the Imagination of an Islamic State to the Imagination of Ethnonationalism*. Jakarta: Friedrich Ebert Stiftung and Aceh Future Institute.
- Darajati, M. S. (2020). Design of General Election in Indonesia. *Law Reform, Volume 1 Number 1*, 97.
- Delfi Suganda, R. S. (2021). Politics of Law in Qanun Reformulation in Aceh: The Establishment of Wali Nanggroe Institution. *Mazahib Journal, Volume 20 Nomor 2*, 256.
- Delfi Suganda, R. S. (2021). The Role of Wali Nanggroe Institution to Realize Peace in the Asymmetric Decentralization: the Case of Indonesia. *Journal Yustitisi, Volume 10 Nomor 3*, 370.
- Hadi, A. (2013). Aceh in History: Preserving Traditions and Embracing Modernity. *Miqot Journal, Volume XXXVII Number 2*, 450.

- Haikal, T. I. (2016). Polemic on Authority of Wali Nanggroe After Helsinki. *Proceedings of the 1st International Conference on Social and Political Depelopment* (p. 410). Paris: Atlantis Press.
- Ibrahim, Z. (2020). Wali Nanggroe Institution: The Role, Function, and Strategy for Resolving Conflict in Aceh after the Peace. *Journal Society, Volume 8 Issue 2*, 313.
- Ihsan, M. (2021). Legal Flaws in the Election of Wali Nanggroe 2018-2023 Period in Aceh. *Jurnal Ilmu Hukum, Perundang-undangan dan Pranata Sosial, Volume 6 Issue 1*, 73.
- Imam Hadi Sutrisno, e. (2022). Mendebat Wali Nanggroe: Tinjauan Sejarah dan Respons terhadap Qanun Aceh No. 10 Tahun 2019 tentang Lembaga Wali Nanggroe. *Journal Sejarah Citra Lekha*, 49.
- Marzuki, P. M. (2011). *Metode Penelitian Hukum*. Jakarta: Kencana Media Grup.
- Muhammad Ridwan, e. a. (2019). Recognition of Aceh kingdom system: Wali Nanggroe in Indonesia Republic system. *Opcion Journal, Number 35 Issue 19*, 1767-1786.
- Muhammad Ridwansyah, F. N. (2022). Wali Nanggroe Institution (LWN) Revitalization and Conflict Resolution Problems in Aceh,. *Journal of Social and Political Sciences, Volume 5 Nomor 4*, 145.
- Munandar, M. A. (2013). *Pro Kontra Lembaga Wali Nanggroe dan Potensinya Terhadap Konflik Perpecahan Suku di Provinsi Aceh (Studi Kasus Pada Masyarakat Antar Suku dan Paguyuban Mahasiswa di Provinsi*. Banda Aceh: Faculty of Social and Political Sciences, Universitas Syiah Kuala.
- Orsantinutsakul, M. R. (2022). The Strengthening of Guardian Institutions in Nanggroe Aceh During the Autonomy Era . *Journal of Human Rights, Culture and Legal System, Volume 2 Nomor 1*, 55-56 .
- Padli, H. (2021). Pengaturan Masa Kabatan Presiden: Suatu Upaya Menegakan Prinsip Konstitusionalis di Indonesia. *Jurnal Kerta Semaya, Volume 9 Nomor 10*, 1799.
- Retno Saraswati, N. S. (2022). Status and Function of Social Institution on Law on Governing Aceh. *Baltil Journal of Law and Politics, Volume 15 Issue 7*, 417.
- Reza, M. R. (2021). Revitalisasi Kewenangan Lembaga Wali Nanggroe Aceh dalam Penanganan Pandemi Covid-19. *Journal Hukum Samudra Keadilan, Volume 16 Issue 2*, 736.

- Ridwansyah, M. (2022). Quo Vadis sebagai Lembaga Negara Independen. *Prosiding Simposium Nasional Hukum Tata Negara: Quo Vadis Lembaga Negara* (p. 280). Yogyakarta: Fakultas Hukum Universitas Islam Indonesia.
- Saldi Isra, B. d. (2019). Asymmetry in a Decentralized, Unitary State: Lessons form the Special Regions of Indonesia. *Journal on Ethnopolitics and Minority Issues in Europe, Volume 18 Issue 2*, 43-71.
- Siti Ikramatoun, e. a. (2018). GAM and Social Transformation: from A Rebellion into A Political Movement. *Advances in Social Science, Education and Humanites Research, Volume 292 Issue 2*, 220.
- Suganda, D. (2021). The Role of Wali Nanggroe Institution to Realize Peace in The Asymmetric Decentralization: the Case of Indonesia. *Yustitia Journal, Volume 2 Nomor 3*, 370.
- Suharyo. (2018). Otonomi Khusus di Aceh dan Papua di Tengah Fenomena Korupsi: Suatu Strategi Penindakan Hukum. *Journal Penelitian Hukum De Jure, Volume 18 Nomor 3*, 308.
- Wangge, S. J. (2022). Indonesian Autonomies: Explaining Divergent Self Government Outcomes in Aceh and Papua. *The Journal of Federalism, Volume 52 Issue 1*, 55-81.
- Yunani Abiyoso, A. A. (2021). Adat Institutions in Aceh Goverment: A Constitutional Perspective. *Journal of Islamic Law Studies, Volume 4 Number 1*, 1-7.
- Zameri, F. Z. (2023). The Function of Constitutional Monarchy in Malaysian Political System: The Perception of Malay Commounity. *Journal Political Management and Politics in Malaysia, Volume 1 Number 1*, 356.

Books

- As-Sayuti, A. (2023). *Problematika Sistem Pemilihan Wali Nanggroe Aceh Periode 2018-2023*. Yogyakarta: UIN Sunan Kalijaga Press.
- Aspinall, E. e. (2005). *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* Washington, D.C: East-West Center Washington.
- Bhakti, I. N. (2008). *Beranda Perdamaian: Aceh Tiga Tahun Pasca MoU Helsinki*. Yogyakarta: Pustaka Pelajar.
- Ghusyani, H. (2017). *Peran Wali Nanggroe dalam Pembangunan Politik di Aceh*. Medan: Universitas Sumatera Utara Press.

- Manan, B. (1994). *Hubungan Antara Pusat dan Daerah Menurut UUD 1945*. Jakarta: Pustaka Sinar Harapan.
- Sugeng, B. (2010). *Transformasi Gerakan Aceh Merdeka: Dari Kotak Peluru ke Kotak Suara, Sebuah Kisah Sukses Program Transformasi Kombatan di Aceh*. Jakarta: Friedrieck Ebert Stiftung.

Internet Resources

- Team, E. (2003, April Friday). *Joint Statement by Japan, EU, US and The World Bank in the Present Situation in Aceh*. Retrieved October Monday, 2023, from https://www.id.emb-japan.go.jp/news03_12.html
- Redaksi, T. (2013, July Thursday). *Serambi News*. Retrieved October Monday, 2023, from <https://news.detik.com/berita/d-2444613/kemendagri-sambut-baik-wali-nanggroe-asal-qanun-aceh-diperbaiki>
- Nasir, M. (2018, December Friday). *Sah! Malik Mahmud Dikukuhkan sebagai Wali Nanggroe Periode 2018-2023*. Retrieved October Monday, 2023, from <https://aceh.tribunnews.com/2018/12/15/sah-malik-mahmud-kembali-dikukuhkan-sebagai-wali-nanggroe-periode-2018-2023>
- Rafiq, M. (2022, April Friday). *Problematika Masa Jabatan Wali Nanggroe*.
- Team, R. (2023, October Monday). *Uzbek president re-elected for seven-year term in snap election*. Retrieved October Monday, 2023, from <https://www.aljazeera.com/news/2023/7/10/uzbek-president-re-elected-for-seven-year-term-in-snap-election>