

Prospects and Dynamics of the Winding Journey of Central Government Policy on Special Autonomy in Aceh Indonesia

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ABSTRACT: Following the enactment of the Law on the Government of Aceh a year ago, the prospects for Special Autonomy specifically regarding the implementation and execution of the entire governmental system in Nanggroe Aceh Darussalam demand significant energy and effort. Employing a qualitative approach with descriptive methods, this research reveals that women's parliamentary participation remains minimal, largely attributable to the fact that only one woman currently holds a legislative seat. On the other hand, the Unitary State system also known in political science theory as a "unitary" system is characterized by a single-tiered structure of government; it is not composed of multiple states, as is the case with a federation. This implies that, as a unitary state, there is only one state entity. Consequently, there is only one government the central government which holds supreme power and authority across all spheres of governance.

KEYWORDS: Prospects, Dynamics, Policy, Special Autonomy, Aceh, Indonesia

INTRODUCTION

One of the reform demands concerning Law No. 5 of 1974 was closely linked to public dissatisfaction with the state of autonomy and local government administration under that law. While provisions for special or regional autonomy as well as the Law on the Government of Aceh (Law No. 11 of 2006) devolved significant decision-making authority to the regions, the powers actually transferred by the central government to special autonomy regions did not fully align with the implementation mandates of the special autonomy laws. Studies conducted by experts and research institutions indicate that the state of special autonomy and local governance has been deeply concerning. Regional autonomy has been minimal, evidenced by limited regional authority, low Locally-Generated Revenue (PAD), restricted local discretion, and tight central oversight of the regions.

The power relationship between the central government and the regions has remained highly centralized, a trend that has persisted from the New Order regime to the present day. Signs of this were evident at the very onset of the country's reform movement, reflected in demands by reformist figures to redefine central-regional relations as a crucial component of the political reform agenda. Consequently, it is understandable that fundamental steps were taken to address these demands. New local government legislation specifically Law No. 25 of 1999 and Law No. 18 of 2001 regarding special autonomy focused implementation efforts on the Level II regional level (regencies and cities).

The Special Region of Aceh is part of the Unitary State of the Republic of Indonesia. It has long been inhabited by indigenous ethnic groups including the Acehnese, Gayo, Alas, Aneuk Jamee, Kluet, and Tamiang peoples, as well as groups from various islands and has subsequently become home to migrants as well. The 1999 General Session of the People's Consultative Assembly (MPR) issued Decree No. IV/MPR/1999, which, among other things, mandated the granting of Special Autonomy to the Special Region of Aceh. The long history of the Acehnese people within the Indonesian archipelago demonstrates that their social, national, and civic life has fostered a unique, egalitarian, and balanced existence one that harmonizes worldly life with the spiritual life of the hereafter. A frequently cited maxim of the community is: **Adat** (customary law) comes from the Sultan, **Hukum** (Islamic law) from the Ulama (religious scholars), *Qanun* (statutory regulations) from the Princess of Pahang, and **Reusam** (local conventions) from the **Laksamana** (Admiral). (Law No. 18 of 2001)

The Reality of the Law on the Government of Aceh in Nanggroe Aceh Darussalam

Following the enactment of Law No. 11 of 2006, the author conducted a study in late 2006 regarding its implementation in the field. Divergent interpretations frequently arose whenever the Governor issued policies for regents and mayors to execute programs whether concerning budgets or the allocation of financial resources. A primary objective of this study was to understand and elucidate the actual characteristics of how decentralization and special autonomy policies were implemented in Indonesia. In

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general, the study revealed that, at the legal-formal level, the authority devolved by the central government to the regional government of Nanggroe Aceh Darussalam remained significantly constrained, both in terms of policy comprehension and actual implementation. Although a number of administrative functions had been devolved quantitatively, the qualitative scope of the authority transferred in each instance was remarkably narrow.

This phenomenon became increasingly apparent when the study focused on regional budgetary authority specifically regarding revenue sharing between the central and regional governments and asset management. Central government intervention persisted in these areas; for instance, while the regional government was granted the autonomy to draft regional plans concerning natural gas revenues resources long managed by the central government the actual implementation of these plans still required adherence to a series of operational guidelines established by the central government.

Central-Regional Relations Within A Democratic Framework

Historically, the relationship between the central government and the regions was characterized by a top-down, centralist mandate a consequence of Article 18 of the 1945 Constitution, which classified Indonesian regions hierarchically into "large" and "small" areas. This arrangement needs to be aligned with democratic principles; under the previous centralist-imperative model, the central government acted primarily as the holder and controller of power, focusing on issuing instructions, providing guidance, directing, and exercising control. This was particularly evident during the Old Order and New Order eras, when regions were treated merely as objects of power concentrated at the top of the hierarchy specifically, the central government. It is only during the Reform Era that regions have gained some breathing room from the relentless wave of central government directives and policies.

Democratic principles emphasize the role of the people, asserting that power resides with the citizenry rather than the rulers. Consequently, the distribution of authority regarding state and governmental administration must be returned to the people. The regional administrative structure in Indonesia which serves as the institutional manifestation of this division of authority and power must likewise be grounded in the people's will. Democratically, the people realize their interests and aspirations through political parties; thus, political parties serve as instruments of democracy. Law Number 18 of 2001 introduced changes to the regional division system, moving away from the strictures of Article 18 of the 1945 Constitution. Regional governments are no longer structured hierarchically; instead, the law simply designates provincial, regency (kabupaten), and municipal (kotamadya) governments. However, the actual relationship designed by the government appears unable to fully break free from the hierarchical, centralist mold. Although the regional division is no longer strictly hierarchical, the draft government regulations implementing the division of authority fail to adhere to democratic systems and principles.

If democratic principles and systems were consistently applied, the relationship between the central government and regional governments could be established on a basis of autonomy and consultation. A consultative relationship is one of equality and balance, characterized by mutual independence; local governments are no longer subordinate to provincial or central governments. However, should a local government encounter difficulties in managing its administration, it may engage in a consultative relationship with other local governments or with the central government. To ensure the preservation of central government authority within the framework of a unitary state, this relationship based on independence and consultation does not in any way negate that authority.

Central-Regional Government Relations within the New Political System Following the 2006 Regional Elections

The new political system in Indonesia necessitates significant changes in the relationship between the central and regional governments. Previously, the political landscape was dominated by a single winning party or a winning independent candidate while other parties remained ineffective. While the central government remained controlled by the election-winning party, the region of Nanggroe Aceh Darussalam saw nearly 75% of power secured by independent candidates; consequently, the future Aceh administration is dominated by leaders who are not favorably disposed toward national parties. This reality emerged from the peaceful regional election held on December 11, 2006. According to the explanatory notes of Law No. 11 of 2006 concerning the Government of Aceh, independent candidates have significant opportunities to lead the future Aceh administration, as there are no absolute constraints regarding negotiations or compromises for securing strategic government positions.

The political system has been characterized by a multi-party structure, enabling democratic competition for election victories; however, it is predicted that unlike in the past it will be difficult for a single party to achieve an outright win. Consequently, both central and regional governments may involve coalitions among multiple political parties, as well as the potential for an opposition within the government. The situation in Nanggroe Aceh Darussalam differs markedly; the administration won by independent candidates operates without coalitions, as there was no formal alliance between parties and the independent candidates. Ideally, the presence of a coalition would naturally allow for an opposition, thereby facilitating democratic checks and balances. Given such political changes, a system of checks and balances between the central and regional governments, between

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the executive and legislative branches, and between the government and the people becomes inevitable. A government is considered democratic when it is subject to control by the people.

Paradigm Shift in Central-Regional Relations Following the Enactment of the Law on the Government of Aceh and the 2006 NAD Regional Election

One fundamental change was the emergence of Aceh's leadership via the independent route following the regional election a development stemming from the legislative transition from Law No. 18 of 2001 (on Special Autonomy) to Law No. 11 of 2006 (on the Government of Aceh). When the latter law was introduced, political observers in the "Veranda of Mecca" anticipated the rise of a new leader from the public specifically from a populace weary of the political parties that had played a role in societal governance for decades yet left the community in a state of constant unrest. Ultimately, the December 11, 2006 election resulted in a victory for figures from the former Free Aceh Movement (GAM), who secured nearly 75% of the leadership positions across the regencies and cities (Level II regions) of Nanggroe Aceh Darussalam.

From a legal standpoint, the emergence of this non-partisan leadership is indisputable. However, many observers harbored significant doubts regarding the future relationship between the central government and the Aceh administration. Few could predict whether a leadership group comprising former figures from an organization previously banned in Indonesia would be capable of effectively extending the central government's mission and policies to a region plagued by decades of conflict. Historically, this region long mired in conflict had never witnessed such a significant shift in leadership dynamics: a model emerging from an independent individual rather than a political party, thereby bypassing the horse-trading over positions and governance roles that had previously been the norm (as governed by Law No. 11 of 2006 and the 2006 election results).

The fundamental change currently observed in government management stems from this shift in paradigm. Our current system of government management is undergoing this paradigm shift; a paradigm is a set of rules defining specific boundaries that guide us on how to perform functions within those limits (Sarji, 1996). Once a paradigm is accepted, it strongly influences our perception of things, leading us to reject new ways of viewing matters and new approaches to problem-solving.

The reform movement that swept through Indonesia following the New Order era brought about, among other things, changes to regional government legislation. Specifically, the reform movement succeeded in replacing Law No. 5 of 1974 and Law No. 5 of 1979 with Law No. 22 of 1999 concerning Regional Government; furthermore, for the Nanggroe Aceh Darussalam Province, it introduced Law No. 18 of 2001 and Law No. 11 of 2006 concerning the Government of Aceh. For those not deeply engaged with issues of regional and special autonomy in Indonesia, these events raise several questions. Why was Law No. 5 of 1974 reformed? What was the nature of regional and special autonomy as well as regional governance under that legal framework? What paradigm did Law No. 5 of 1974 adopt? Regarding Aceh, what substantial changes were introduced by Law No. 18 of 2001 concerning the Government of Aceh? This article seeks to address the issues that arose during the implementation of Law No. 18 of 2001 and Law No. 11 of 2006; as citizens of Aceh, it is essential for us to examine these evolving challenges. This article aims to provide some answers, covering the subject from the introduction through to the conclusion.

The substance of the autonomy and its organizational structure were designed uniformly for a diverse society. Governance practices disregarded the principles of good governance, evidenced by a lack of accountability and transparency. Policy decision-making and planning were not grounded in participatory democracy. The regional bureaucratic structure characterized by a rigid hierarchy and bloated size, typical of the Max Weber bureaucratic paradigm was no longer aligned with the "reinventing government" paradigm (Henry Maddick, 1963). The tendency for the jurisdictional areas of various vertical agencies to align with administrative territories is accompanied by a requirement that the boundaries of autonomous regions structured as Level I and Level II regions under decentralization also coincide with administrative territories.

This model and system significantly influence democracy and the special autonomy granted to or ratified for these regions. From the perspective of deconcentration, there is a tendency toward a proliferation of vertical agencies, which in turn demands greater resources (both human and financial). Regarding the implementation of autonomy, this model and system also place autonomous regions within a hierarchical structure; generally, the model prioritizes decentralization goals centered on governmental efficiency and national unity.

Issues and Effectiveness of Law No. 11 of 2006 concerning the Government of Aceh

Law No. 11 of 2006 offers significant benefits to the people of Aceh, complementing existing regulations such as Government Regulation No. 25 of 2000 regarding central-regional fiscal balance. However, in practice, many aspects of the law have yet to tangibly impact the community. Issues and paradoxes persist particularly regarding financial revenue sharing between the central and regional governments, as well as between Level I and Level II regions especially concerning the management of natural resources (such as those found in Lhokseumawe City and North Aceh Regency). To this day, the public remains puzzled about the actual revenue-sharing mechanism; while people hear slogans, they have yet to experience equitable benefits since the initial legislation in 2001. The new law on the Government of Aceh presents numerous opportunities for community empowerment,

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provided it is earnestly implemented by the administration elected through the highly democratic regional election held on December 11, 2006.

The principles and concepts of special autonomy originally outlined in Law No. 18 of 2001 (later superseded by Law No. 11 of 2006) and Law No. 25 of 1999 still contain many authoritarian elements. Provisions regarding financial management, foreign relations, and security remain heavily tied to non-negotiable central government policies. The people of Aceh strongly desire that the central government refrain from interfering in the implementation of policies by the Aceh regional government, allowing the latter to make absolute decisions; yet, many articles remain strictly bound by central government policy. Consequently, the author has gathered significant input while preparing this paper regarding the system and model for implementing this law for the benefit of the Acehnese people. Local political, social, and cultural figures frequently state during meetings and discussions regarding the upcoming implementation of Law No. 11 of 2006 that, based on their observations following the enactment of Law No. 18 of 2001 (on special autonomy) and Law No. 25 of 1999 (on the fiscal balance between the central and regional governments), the situation for the Nanggroe Aceh Darussalam provincial government was essentially no different from that of other regions in Indonesia; in reality, however, the people of Aceh actually benefited significantly from the implementation and realization of those laws (Law No. 25 of 1999 and Law No. 18 of 2001).

Shifting Orientation: From Structural To Personal-Group Dynamics

Since the New Order era, the government has systematically, consistently, and periodically pursued development across all sectors. Beyond the mismanagement of national development often criticized for rampant corruption a key factor contributing to development disparities between regions, as well as between the central government and the regions, was the reliance on a sectoral approach. A comparison between the New Order and the current Reform Era reveals significant changes in regional development policy; local governments now implement priority programs without waiting for central government decisions.

During this current democratic transition, alongside the arduous efforts to achieve political transformation and economic recovery, we have made political commitments to reshape state structures and governance management through the framework of extensive special autonomy. Such ambitious efforts require the devolution of power and political decentralization concepts that, until now, have felt stifling in regions granted Special Autonomy status, such as Nanggroe Aceh Darussalam and Papua. Debates regarding regional or special autonomy have persisted for nearly half a century, yet implementation remains stagnant effectively marking time. The question now arises: can we, within the coming year, formulate a strategy to fully implement Law Number 11 of 2006 concerning the Government of Aceh? This follows earlier legislation, specifically Law Number 18 of 2001 on Special Autonomy and Law Number 25 of 1999 on Fiscal Balance between the Central Government and Regions. Addressing this issue must be a top priority for the newly elected government over its five-year term; failure to take concrete steps and adopt appropriate policies will turn this matter into a volatile political liability for the current administration. Regardless of the various issues that have arisen, the importance of this commitment is evident in the unanimous consensus reached amidst widespread disagreement on many other matters; specifically, regarding regional or special autonomy, there is a shared agreement to reduce the central government's role while expanding that of the regions a process aimed at restoring justice and balance. This situation becomes even more pronounced when observing the region of Nanggroe Aceh Darussalam, where recent regional elections saw the victory of many candidates from the former Free Aceh Movement (GAM). Despite the various obstacles involved in implementing autonomy, it must be carried out comprehensively (Ndraha, 1997).

Government Policy: Generalizations And Future Trends

Based on the preceding discussion, a preliminary conclusion can be drawn: the characteristics of decentralization and Special Autonomy are far more complex than previously understood. In reality as evidenced by the regional head elections held in Nanggroe Aceh Darussalam on December 11, 2006 (covering the positions of Governor, Regents, and Mayors) the implementation of Law No. 18/2001 and Law No. 11/2006 was effectively carried out by a group closely identified with the former Free Aceh Movement (GAM), who assumed the reins of government in Aceh for the current term. They seized every available opportunity; however, the process was also marked by intense bargaining between central and regional elites vying for power. It is almost certain that the actual outcomes diverged significantly from the predictions made regarding central-regional political elites (or actors); the gubernatorial contest, in particular, was heavily influenced by central government interests. The key to understanding this phenomenon lies in the concept articulated by Bates (1981: 8) "the relative capacity of local actors to make autonomous choices" a factor that appears to have received insufficient attention from previous analysts.

This period was shaped by the wave of political reform following the end of the New Order regime and the conflict resolution marked by the peace Memorandum of Understanding (MoU) signed by both parties in Helsinki on August 15, 2005. The agreement reached in Finland between the Government of the Republic of Indonesia and the Free Aceh Movement (GAM) certainly instilled hope among the people of Aceh for shaping a better future and benefiting from the implementation of Law No. 18/2001, Law No. 25/1999, and Law No. 11/2006. While it is admittedly too early to fully assess the issues arising during the

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comprehensive reforms at the outset of the new Aceh administration, the author believes that a key expectation for the near future following the recent regional election victory is the acceleration of the transition from a patrimonial political structure to a non-patrimonial structure (Crouch, 1979). Should this trend materialize, one implication for the local elite would be the opportunity to win public support, maximize alliances with specific societal groups, and leverage personal and group connections with the central elite to execute strategic initiatives for the development of Aceh and its people a mandate they have now been entrusted to fulfill.

CONCLUSIONS

Based on the arguments above, the enactment of Law No. 18 of 2001 and Law No. 11 of 2006 has paved the way for the emergence of a new generation of local political leaders in Aceh as part of the national political system's reconstruction. However, the initial implementation phase of these laws reveals that many aspects still require refinement specifically regarding the implementing regulations established by the central government to serve as the legal framework for the Special Autonomy Law and the Law on the Governing of Aceh (UUPA).

A particularly significant and pivotal opportunity lies in the Aceh government's ability to enact local regulations, manage financial revenue-sharing from natural resources, and engage in international business dealings, among other tasks aimed at improving the overall welfare of the community. Consequently, the future Aceh administration must focus on structuring its operations and formulating policies that avoid conflict with the central government; a constructive approach to engaging with Jakarta is essential, as failure to do so could create numerous obstacles for the administration elected during the recent NAD regional elections in executing its priority programs.

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