

Implementation of Qanun Wali Nanggroe Institution about the Mechanism of Election Wali Nanggroe

Juanda Saputra¹, Husni Jalil², Sulaiman Tripa³

¹(Student of Master of Law Syiah Kuala University, Banda Aceh, Indonesia)

²(Lecturer of Master Program of Law Syiah Kuala University, Banda Aceh, Indonesia)

²(Lecturer of Master Program of Law Syiah Kuala University, Banda Aceh, Indonesia)

Corresponding Author: Juanda Saputra

Abstract: Article 96 Act No. 11 of 2006 concerning the Aceh government mentioned that, "Lembaga Wali Nanggroe is a customary leadership as an independent society, authoritative, and competent to build and supervise the implementation of The life of indigenous institutions, customs, and the granting of the titles/degrees and other customary ceremonies ". Then in the Qanun ACEH number 8 year 2012 about Lembaga Wali Nanggroe Article 1 paragraph 3 mentioned that Wali Nanggroe is a personal and independent leader who led the Institute of Trustees Nanggroe, based on the Qanun ACEH No. 9 year 2013 Chapter 117 of the five-year tenure of Wali Nanggroe. Article 70 (1) The Wali Nanggroe is elected in consultation and consensus by the specially formed Nanggroe election Commission. Later in subsection (2) the Electoral commission of the Nanggroe as referred to in paragraph (1) shall consist of: a. Assembly of Tuha Peut Wali Nanggroe; B. Tuha Lapan Wali Nanggroe assembly; C. Mufti or representing it; and d. Representatives of Alim Ulama each district/City 1 (one) person. However, in the process of election of the X-Nanggroe Wali Nanggroe, elected without going through the mechanism of election and not forming a commission of election which as mentioned in article 70 paragraph (1), Malik Mahmud Al-Haythar set again to be Guardian Nanggroe Aceh period 2018-2023 by the Supreme Assembly of the Board of Wali Nanggroe (LWN), namely the Assembly Tuha Peut, Tuha Lapan, and the Fatwa Assembly on 7 December 2018. The determination is not through the election process but the agreement Antartiga of the High House, because one of the four elements of the Committee (Commission) election, namely 23 clerics of the district/city representatives in ACEH has not been confirmed. This research aims to determine and explain the implementation of the Qanun institution of the Wali Nanggroe election period 2018-2023. To find out and explain whether the obstacles in implementing the Qanun institution of Wali Nanggroe to the election process of Wali Nanggroe period 2018-2023. The research of this thesis is a type of empirical research by using the implementation approach of statutory regulations. The data used is primary data and secondary data. Data collection techniques using interviews and document study techniques and laws related to this study. Further data is processed and analyzed with qualitative descriptive analysis techniques. The results of this study showed that the implementation of Qanun about Wali Nanggroe is Qanun number 8 year 2012 about Lembaga Wali Nanggroe not yet implemented, in the process of election of the X Wali Nanggroe in the select without going through mechanisms The elections and not the establishment of the Electoral Commission as mentioned in article 70 paragraph (1), Malik Mahmud Al-Haythar is reappointed as regent of Aceh period 2018-2023 by the High Council of the Board of Wali Nanggroe (LWN), namely the Assembly Tuha Peut, Tuha Lapan, and the Fatwa Assembly on 7 December 2018. The determination is not through the election process but the agreement Antartiga of the High House, because one of the four elements of the Committee (Commission) election, namely 23 clerics of the district/city representatives in ACEH has not been confirmed. Thus the action is against the law against section 70 paragraph (1), the Act is also a procedure that is malformed. The existing Tuha Peuet assembly is now not definitive, only the implementers (PLT) based on the DECREE of Governor No. 841/208/2018 of 29-3-2018 and is not authorized to elect the Wali Nanggroe, as a mandate of article 76 paragraph (1) Qanun number 8 year 2012, mentioned That the Tuha Peuet Assembly was elected in deliberation and consensus by the Electoral commission of Tuha Peuet. Barriers in the implementation of Qanun Lembaga Wali Nanggroe is the inauguration of Malik Mahmud Al-Haytar as Wali Nanggroe not chosen by members of the Electoral commission of the Nanggroe, on the grounds of the election commission of Wali Nanggroe, in Because the Electoral commission of Wali Nanggroe has not been established because there are not enough elements and there is an unresolved Internal problem between the Wali Nanggroe and the secretariat of the Nanggroe, there is no great desire from Wali Nanggroe to form all Nanggroe device, so that the selection element is not fulfilled. It is advisable to Wali Nanggroe in the election of guardians of the next period must be done in accordance with the set in Qanun, so as not to be a conflict in the future even do not allow to be sued because the election is done not According to the rules, the Electoral Commission which will be in the form based on the Reusam is one of the bright points against the electoral process of the Nanggroe.

Wali Nanggroe must be able to execute the rules that have been in Qanun number 8 year 2012 which has been changed with Qanun number 9 year 2013 and form all the devices of Lembaga Wali Nanggroe, one of which is the Electoral commission of Wali Nanggroe. It is advised to Sekretariat Katibul Wali to be a good mitra kerja for the Wali Nanggroe, by giving facilities and also must be a good synchronization between the sekretariat and the Guardian Nanggroe. Also advised to DPRA for the People's representative Council of ACEH should establish a substitute coordination team of the Election commission of Wali Nanggroe to be able to select the Wali Nanggroe period 2018-2023, so that the rules in Qanun number 8 year 2012 and Qanun number 9 The year 2013 can be performed, DPRA must not violate the procedure or rule of law that has been established by Qanun Wali Nanggroe. It should be that DPRA seeks a gap in order to remain the rules instead of directly consolidate them. It is recommended to be set for the first time Tuha Peut is not selected, but in the form and set by Wali Nanggroe, because this is why the election commission of Wali Nanggroe can not be formed. Because Tuha Peut will never be born when referring to Qanun number 8 year 2012 and Qanun number 9 year 2013 about Wali Nanggroe.

Keyword: Wali Nanggroe Institution, Wali Nanggroe, Implementation, Qanun, Election.

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I. INTRODUCTION

Pursuant to article 1 of Law number 32 year 2004 the sense of decentralization is the submission of government authority by the Government to autonomous regions to govern and manage governance in the unitary State system of the Republic Indonesia. The decentralization of the Government is essentially aimed at giving more opportunity and power to the region to build its territory. The granting of power from the center to the region has the aim to decentralize political authority in order to fulfill the needs of the community in the rapidly fulfilled area, so that local governments can work as closely as possible for the region and accordingly with the needs of his people, with decentralization also local governments can organize their own government in utilizing the natural wealth of the region.

The three areas that received special autonomy were ACEH, Papua and West Papua, the special Capital Region of Jakarta, and Yogyakarta as the special region. He gave asymmetrical power spread to the area aimed at overcoming two things: first, it is to address the issues of political patterns, including those that are based on cultural uniqueness. Secondly, to address technical-managerial issues, namely the limitations of a region or region in carrying out governmental functions.¹

ACEH is an area that receives special autonomy from the central government. Therefore, the ACEH government has an advantage in managing its territory from other provinces in Indonesia. The specificity gained by ACEH in the form of special autonomy is not separated from the history of the past days of ACEH, from the occupation until after the independence of Indonesia. The central government is in the provision of special autonomy for ACEH because there are certain reasons that must be met.

Act No. 44 year 1999 on the implementation of privileges of the province of Aceh, then Act No. 18 year 2001 on special autonomy for the province of Aceh, as the province of Nanggroe Aceh Darussalam, but Such special autonomy legislation has not been favoring to ACEH in particular, so it is replaced by Law No. 11 of 2006 on the Aceh government to fulfill a joint agreement between ACEH and the central government in the conflict The.

Act No. 11 year 2006 about the Aceh government is a follow-up of the Memorandum of Understanding (MoU) between the Republic of Indonesia and the free Aceh Movement (GAM) in Helsinki on August 15, 2005. At item 1.1.7 MoU Helsinki confirms that the Lembaga Wali Nanggroe will be formed with all its ceremonial and title devices, this means that the institute is more likely to be a customary institution than the government and political institutions.

Lembaga Wali Nanggroe is a specialized institution. The Institute has special powers in the field of socio-cultural and customs. This particular institution with its authority is to identify the ACEH region which is not owned by other regions in Indonesia. Wali Nanggroe institution was first raised in the MoU of Helsinki, "Wali Nanggroe institution will be formed with all the ceremonial and title devices". Then spelled out in Article 96 Act No. 11 of 2006 on the Aceh government, "Wali Nanggroe institution is a customary leadership as a unifying society that is dependent, authoritative, and competent to build and supervise the implementation of The life of indigenous institutions, customs, and the granting of the titles/degrees and other customary ceremonies ". The cornerstone of the Institution of the Wali Nanggroe further strengthened with QANUNACEH number 8 year 2012 about the institution of Wali Nanggroe then amended by Qanun ACEH Number 9 year

¹Agung Djojosoekarta dkk, Papua Special Autonomy policy, partnership for governance Renewal in Indonesia, Jakarta, 2008, p.10

2013 about the amendment of Qanun ACEH number 8 year 2012 about the Wali Nanggroe institution after the correction of the Ministry of Internal Affairs (KEMENDAGRI).

Based on article 117 Qanun ACEH number 8 year 2012 tenure of Wali Nanggroe Aceh seven years, then Qanun number 8 year 2012 revised to Qanun ACEH number 9 know 2013 article 117 that is the tenure of Wali Nanggroe to five years. Where the Wali Nanggroe Aceh Malik Mahmud Al-Haytar was confirmed on 16 December 2013, it means that the term of Malik Mahmud will end on 16 December 2018. In article 70 clause (1) The Nanggroe is elected by deliberation and consensus by the Electoral Commission of Trustees Specially formed Nanggroe. Later in subsection (2) the Electoral commission of the Nanggroe as referred to in paragraph (1) shall consist of: a. Assembly of Tuha Peut Wali Nanggroe; B. Tuha Lapan Wali Nanggroe assembly; C. Mufti or representing it; and d. Representatives of Alim Ulama each district/City 1 (one) person.

However, in the process of election of the X-Wali Nanggroe, Wali Nanggroe elected without going through the mechanism of election and not forming a commission of election which as mentioned in article 70 paragraph (1), Malik Mahmud Al-Haytar is set again as Guardian Nanggroe Aceh period 2018-2023 by the Supreme Assembly of the Board of Trustees Nanggroe (LWN), namely the Assembly Tuha Peut, Tuha Lapan, and the Fatwa Assembly on 7 December 2018. Determination not through the election process but the agreement Antartiga of the High House, because one of the four Elements Committee (Commission) election, namely 23 clerics of district representatives/cities in ACEH has not been confirmed then the action is done is an act against the law against Article 70 paragraph (1), such action is also an act which is defective in the procedure.

The determination of Malik Mahmud Al-Haytar period 2018-2023 by the Supreme Council of Wali Nanggroe based on the results of deliberations and the Agreement of the Tribunal, the defect of the law because it is not in accordance with the provisions of Qanun ACEH number 8 year 2012 about the board of Trustees has been amended by Qanun ACEH Number 9 year 2013 about the amendment of the Qanun ACEH number 8 year 2012 about the institution of Wali Nanggroe. Pursuant to section 70 paragraph (2), the election commission of the Nanggroe is comprised of Tuha Peut of Wali Nanggroe, the Tuha Lapan, the Mufti or the representative, and the representatives of the ' Alim Ulama of each district/City one person.²

Deliberation conducted by the upper house without representatives of the scholars according to the provisions of article 70 paragraph (2) is not valid. Because the status of representatives of the respective districts/cities do not attend, but have not formed. "The high House of Wali Nanggroe must not conclude that the Tribunal has fulfilled the quorum to conduct deliberations, and For the election deliberation of Wali Nanggroe must be carried out in a special election commission of Wali Nanggroe established in the decree of Wali Nanggroe, "election of Wali Nanggroe period 2018-2023 that has been done without following the existing rule of law is a legal problem in the implementation of a rule of law, the selection is done not in accordance with the law that has arranged the ordinance of the election of the Nanggroe.

Based on the explanation above, you can know that the selection of Guardian Nanggroe period 2018-2023 is not in accordance with the provisions of Qanun ACEH number 8 year 2012 concerning the institution of wali Nanggroe as amended by Qanun ACEH Number 9 year 2013 on change Qanun ACEH Number 8 years 2012 about the institution of Wali Nanggroe. Pursuant to article 70 clause (2) mentions that the Electoral commission of the Nanggroe is comprised of Tuha Peut of Wali Nanggroe, the Tuha Lapan assembly, Mufti or the representative, and the representatives of the ' Alim Ulama of each district/City One person.³

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²Editorial, "Observer: Law and Politics, Muksalmina Mta assesses the appointment of Malik Mahmud as the law defect Nanggroe" AJNN (Aceh Journal National Network), 28/3/2019. Quoted from Website <http://www.ajnn.net/news/observers-determination-Malik-Mahmud-as-wali-nanggroe-legal-defect/index.html>

³Editorial, "Observer: Law and Politics, Muksalmina Mta assesses the appointment of Malik Mahmud as the law defect Nanggroe" AJNN (Aceh Journal National Network), 28/3/2019. Quoted from Website <http://www.ajnn.net/news/observers-determination-Malik-Mahmud-as-wali-nanggroe-legal-defect/index.html>

the barriers in implementing Qanun institution Wali Nanggroe against the electoral process of Wali Nanggroe period 2018-2023.

II. RESEARCH METHOD

This research is a type of empirical research by using the implementation approach of statutory regulations. The data used is primary data and secondary data. Data collection techniques using interviews and document study techniques and laws related to this study. Further data is processed and analyzed with qualitative descriptive analysis techniques.

III. DISCUSSION

I. Implementation of Qanun Institution of WaliNanggroe election period 2018-2023

Aceh is an area that was once the center of Islamic Civilization of Nusantara in the era of ACEH Darussalam kingdom. Aceh is a special region, specialty and specificity of Aceh experienced ups and downs in the course of the State of the Republic of Indonesia, pursuant to article 18B of the Constitution of year 1945 can be mentioned that ACEH region is a special region and Special.⁴Special areas related to the citizenship that is special in the field of religion, customs, education and scholars as stipulated in the law number. 44 year 1999, while a special region is associated with the government, as stipulated in the Law number. 11 Years 2006 (formerly regulated by law number. 18 year 2001) Therefore ACEH there are 2 (two) designations namely special regions and specific regions, so that the name of ACEH can be referred to as a special region of Aceh province.⁵

Wali Nanggroe institution was the mandate of Act No. 11 of 2006. Thus means also the mandate of the Peace Agreement (MoU Helsinki). Therefore, the party said that the WN agency is no longer needed in ACEH as saying that peace is no longer needed and must be terminated in ACEH. Therefore, anyone who said that the WN board is not needed anymore in ACEH and therefore must be dissolved, so the same person is anti-peace in ACEH. Wali Nanggroe institution abbreviated LWN is an institution that regulates indigenous leadership in ACEH. The Institute acts as a uniform of the Acehnese people under independent principles. Wali Nanggroe institution also assume the authority and authority in building and supervise the implementation of the life of traditional institutions, traditional ceremonies, as well as carrying out the title/degree of honor. The institute also acts as an honorary contractor, customs, historical tradition, and civilization of ACEH. Wali Nanggroe institution is a form of the specificity of ACEH as the mandate of the Peace Agreement (MoU Helsinki). The Amanah is then poured out in Act No. 11 of 2006 on the Aceh government as well as section 96 paragraph (4) and article 97 on Wali Nanggroe, whose provisions are further governed by Qanun.⁶

Based on article 117 Qanun ACEH number 8 year 2012 tenure of Wali Nanggroe Aceh seven years, then Qanun number 8 year 2012 revised to Qanun ACEH number 9 know 2013 article 117 that is the tenure of Wali Nanggroe to five years. Where the Wali Nanggroe Aceh Malik Mahmud Al-Haytar was confirmed on 16 December 2013, it means that the term of Malik Mahmud will end on 16 December 2018.

In article 70 subsection (1) the Nanggroe Guardian is elected by deliberation and consensus by the specially formed Nanggroe election Commission. Later in subsection (2) the Electoral commission of the Nanggroe as referred to in paragraph (1) shall consist of: a. Assembly of Tuha Peut Wali Nanggroe; B. Tuha Lapan Wali Nanggroe assembly; C. Mufti or representing it; and d. Representatives of Alim Ulama each district/City 1 (one) person. However, in the process of election of the X-Wali Nanggroe, Wali Nanggroe elected without going through the mechanism of election and not forming a commission of election which as mentioned in article 70 paragraph (1), Malik Mahmud Al-Haytar set again to be Guardian Nanggroe Aceh period 2018-2023 by the Supreme Assembly of the Board of Wali Nanggroe (LWN), namely the Assembly Tuha Peut, Tuha Lapan, and the Fatwa Assembly on 7 December 2018. The determination is not through the election process but the agreement Antartiga of the High House, because one of the four elements of the Committee (Commission) election, namely 23 clerics of the district/city representatives in ACEH has not been confirmed. Thus the action is against the law against section 70 paragraph (1), the Act is also a procedure that is malformed.

The determination of Malik Mahmud Al-Haytar period 2018-2023 by the Supreme Council of Wali Nanggroe based on the results of deliberations and the Agreement of the Tribunal, the defect of the law because it is not in accordance with the provisions of Qanun ACEH number 8 year 2012 about the board of Trustees has been amended by Qanun ACEH Number 9 year 2013 about the amendment of the Qanun ACEH number 8 year

⁴H.M Zainuddin, *Tarikh Aceh and Nusantara*, (Banda Aceh: LSKPM,2012), p. 532

⁵Journal of the name Mukhlis Faculty OF Law, UNIVERSITY OF RIAU under the title "Specialty and specificity OF Aceh in a unitary state perspective OF the Republic OF Indonesia"

⁶Al-Chaidar, *ACEH movement Merdeka Jihad People realize Islamic State*, (Jakarta: Madani Press,1999), p. 143.

2012 about the institution of Wali Nanggroe. Pursuant to section 70 paragraph (2), the election commission of the Nanggroe is comprised of Tuha Peuet of Wali Nanggroe, the Tuha Lapan, the Mufti or the representative, and the representatives of the ' Alim Ulama of each district/City one person.⁷

The result of the interview with Secretary Tuha Peut Wali Nanggroe explained that the electoral process can not be done because it has not formed a representative of the scholars until then, the establishment of the scholars are indeed the responsibility of the Guardian Nanggroe but In the elections will also involve the Tuha peut, Tuha lapan, and the fatwa Assembly, then he added that before the election of the Nanggroe Malik Mahmud Al-Haytar had asked Tuha peut to form and representative of the From each district/city.⁸

In the effort to build representatives of the scholars of each district/city there are several obstacles in because the occurrence of differences of opinion between the parties Tuha peut and the party Katibul Wali, the party Katibul Wali at the time wants the Guardian Nanggroe must MPU Acehese, while Tuha peut argued and behaved that what should be a representative of the scholars is, the scholars of scholars who are not from MPU ACEH in this regard because the institution of Wali Nanggroe is an institution that is independen, that is what resulted in the creation of a representative of the scholars until today.⁹

The selection of Malik Mahmud Al-Haytar For some reason is very strong, he is the most appropriate figure to become the X-regent, because maturity and also because Malik Mahmud is a figure who is very well-qualified in the Konfilk between GAM and Republican Indonesia, so that he deserves to be given the mandate to be held again as regent of Nanggroe, then there is no other figure who is at the same level or who meets the criteria to serve as the guardian of the Nanggroe at this time.¹⁰

The agreement on the elections has also been condoned by the Tuha Lapan, the fatwa assembly, as well as representatives of Tuha peut also have been discussing with the scholars about the election of Malik Mahmud Al-Haytar as regent and no Cons, even they support the choice that is done by the High Council, this is because the figure of Malik Mammud got a good welcome from the current ACEH scholars, the Tuha Peut assembly and the Fatwa Council also argues almost the same as the Assembly Tuha Peut, that Malik Mahmud Al-Haytar was the most suitable person to lead and become the guardian of the Nanggroe for the X-period.¹¹

According to article 70 Qanun No. 9 year 2019 the election of Wali Nanggroe done by deliberative and Mufakat, then the existing institution is deliberation and opinion and agreed to Tgk Malik Mahmud Al-Haytar as the next period Wali Nanggroe And there is no rule that is in the establishment of Malik Mahmud Al-Haytar as the regent of Nanggroe X.¹²

Results of the haters were submitted to the DPRA according to the event news of the High assembly. Then, commission I DPRA studied and studied in terms of law with assistant I SETDA ACEH, Bureau of Law Setda Aceh, Bureau of Government of Aceh SETDA, and member of commission I DPRA, DPRA admitted that the determination of Malik Mahmud as Wali Nanggroe X is not conducted through Electoral mechanisms by the Nanggroe Election Commission. The reason is, because in time it does not allow anymore to be formed and Reusam Wali Nanggroe also not ready. Then in the completeness of the election commission of Wali Nanggroe also not enough elements, so to avoid the occurrence of vacancies, based on the rules that the upper house can directly choose Tgk Malik Mahmud Al-Haytar as Regent Nanggroe. Qanun number. 9 Years 2013 about Wali Nanggroe in section 117, it is explained that: "After serving for five years, can be reelected for the next period". DPRA considers this to be no vacancy and urgent time, then DPRA as the agency Qanun maker, let alone strengthened by the high-Assembly news Letter forwarded by the WN to DPRA, so that DPRA responsible for not happening Void.

The Chairman of Commission I DPRA, Azhari Cage, responded directly to the statement mentioning the inauguration of the Inprocedural Guardian Nanggroe. According to him, no rules were violated in the establishment of Malik Mahmud Al-Haytar as regent NanggroeX and DPRA also entitled to make it. Azhari stated, in article 70 Qanun number 8/2012 mentioned, the elements that are entitled to choose Wali nanggroeis the assembly Tuha Peuet, the fatwa or mufti assembly, the eight Tuha assembly, and representatives of the

⁷Editorial, "Observer: Law and Politics, Muksalmina Mta assesses the appointment of Malik Mahmud as the law defect Nanggroe" AJNN (Aceh Journal National Network), 28/3/2019. Quoted from Website<http://www.ajnn.net/news/observers-determination-Malik-Mahmud-as-wali-nanggroe-legal-defect/index.html>.

⁸Tgk Alibasyah Usman, Secretary Tuha Peut, interview, on 20 September 2019.

⁹*Ibid.*

¹⁰*Ibid.*

¹¹*Ibid.*

¹²<http://www.ajnn.net/news/malik-mahmud> - CONFIRMED - Observer - Unplug - qanun-wali-nanggroe/index.html.

District/city scholars in Aceh. Of the four elements, at present one element is not yet a representative of the Regency/town Alim Ulama. "Because according to article 70 Qanun the election Wali Nanggroe performed in a deliberative and consensus, then the existing institution is deliberation and opinion. They agreed to Tgk Malik Mahmud Al-Haytar as the next Wali Nanggroe period., "said Azhari. Results of the haters were submitted to the DPRA according to the event news of the High assembly. Then, Commission I Dpra studied and studied in terms of law with assistant I SETDA Aceh, Bureau of Law of Setda Aceh, Bureau of Government of Aceh Setda, and member of commission I Dpra, not found that there are rules violated. It says, in article 35 Qanun 8/2012 mentioned that the task of the Assembly Tuha Peuet is to dismiss and choose Wali Nanggroe. In article 118 Qanun 9/2013 is also explained, after the term of the five-year tenure of the Wali Nanggroe can be re-elected for the next period.¹³

In article 132 paragraph (6) Qanun 9/2013 stated since returning to Rahmatullah Wali Nanggroe Dr. Tgk Hasan Muhammad di Tiro, then Waliyul'ahdi Tgk Malik Mahmud Al-haytar stipulated as Regent Nanggroe IX. Paragraph (7), the confirmation of the trustee is carried out in the special DPRA plenary session. The ACEH party politician admitted that the establishment of Malik Mahmud as regent of Nanggroe X was not conducted through the electoral mechanism by the Electoral commission of the Nanggroe. The reason is, because in time it does not allow anymore to be formed and Reusam Wali nanggroe also not ready. Then the completeness of the Electoral commission of the nanggroe also not enough elements. "If forced to be formed, there is not enough element. Hence to avoid the occurrence of void, based on the rules that the upper house can directly choose Tgk Malik Mahmud Al-Haytar as Wali Nanggroe. The inauguration of Malik Mahmud as Wali Nanggroe has been implemented and legally valid, Kemendagri concluded three things. First, the inauguration of the Wali Nanggroe 2018-2023 tenure has been valid and no matter the question. Secondly, the operational budget of Wali Nanggroe can be implemented and third, need to be done the rotation (refreshment) of officials at the secretariat of Nanggroe. The letter was submitted to the Coordinating Minister for Political Affairs, law and Security, Minister of State, president and Plt. Governor of Aceh. Ironic, the letter of Kemendagri RI with copies of the three institutions of the state, did not make the Aceh Plt Governor Nova Iriansyah convinced. On the contrary, through his letter number: 821.29/3486, March 1, 2019. Nova is thus still requesting a written explanation from Kemendagri RI in Jakarta. " We expect that Mr. Minister would be pleased to provide a written explanation of the use of the operational budget Wali Nanggroe ACEH, in accordance with statutory regulations, "Nova Iriansyah wrote with the subject of the letter: the filling of the office of Wali Nanggroe and facilitation of administration and finance after the end of the post-term of regent of Nanggroe IX.¹⁴

The result of an interview with the Kasubag Qanun Aceh and the socialization of the law Setda Aceh explained that the election of the guardian of the Nanggroe they do not admit to sending a letter to the point is to request a review back to Kemendagri on the use of budgets for the X-period wali Nanggroe and for orderly administration. Plt. The governor is not in dispute about the results of the election of the Nanggroe, but regarding the allocation of budget and orderly administration they must request a review to Kemendagri, essentially just to be sure, because in terms of budget should be carried out on a clear basis, Plt at the time also did not take a discretionary because of the agal more wise if asked for instructions or orders from want only, after obtaining a reply letter from want Plt Governor Nova immediately sent a letter with the number 821.29/3487 to the Secretariat Wali Nanggroe. The contents of this letter are the confirmation of the official Nanggroe Aceh and no problems. The operational budget of Wali Nanggroe can be implemented and the rotation of the official office at the secretariat of Nanggroe.¹⁵

The results of interviews with special staff of Mayor of diplomacy, foreign affairs and the promotion of ACEH Peace explained that the election of the Guardian Nanggroe that: the confirmation of the Wali Nanggroe remains valid under article 132 paragraph (5) Qanun No. 9 year 2013 Mentioned: "Waliyul'ahdi at the time of Wali Nanggroe VIII Dr. Tengku Hasan Muhammad di Tiro as referred to in paragraph (4) is Tengku Malik Mahmud Al-Haytar". In paragraph (6) Qanun number 9 year 2013 which mentions: "Since returning to Rahmatullah Wali Nanggroe Dr. Tengku Hasan Muhammad di Tiro, then Waliyul'ahdi Tengku Malik Mahmud Al-Haytar was appointed as regent of Nanggroe IX".¹⁶

Qanun No. 8 of 2012 and its Amendment Qanun No. 9 of 2013 has arranged the term of Wali Nanggroe in article 117 paragraph (1) namely: "The term of Wali Nanggroe for 5 (five) years, starting from the date of confirmation" article 118 paragraph (1) Qanun number 9 year 2013 mentions that: "Wali Nanggroe holds the position for 5 (five) years as intended in article 117 paragraph (1) and can be re-elected for the same

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Mohammad Raviq, DPSA, MBA, DEA Special staff of Trustees of diplomacy, foreign affairs and Promotion of ACEH peace, interviews on 29 September 2019.

position for only one term."¹⁷ Malik was clearly commanded and appointed by Qanun number 9 year 2013 to establish the institution of Wali Nanggroe, if in Qanun number 8 year 2012 and the Change Qanun number 9 year 2013 is not mentioned the name Malik Mahmud then no one run The Qanun and Wali Nanggroe was not chosen but was set by Qanun. The tenure of the Wali Nanggroe is no limit until the Guardian is no longer able to carry out its duties, and the confirmation of the Wali Nanggroe only for the financial administration or budget of Lembaga Wali Nanggroe.¹⁸

Wali Nanggroe is a person who understands the political problem, not just the local politics alone but to the world. And Wali Nanggroe is an independent institution not a political institution, Wali Nanggroe in this regard Malik Mahmud until now it is more concerned about the interests of the ACEH region.¹⁹

The inauguration of Malik Mahmud Al-Haytar as Wali Nanggroe is not chosen with the member of the Electoral commission of Nanggroe because it has not formed the Electoral commission of Wali Nanggroe, in because the Electoral commission of the Nanggroe has not been established because it is not enough Element and there is Internal problem that has not been resolved, because Malik Mahmud had already confirmed Tuha peut, fatwa assembly, and Tuha Lapan in the Grand Mosque in the year 2016. However, it is not allowed by the state so that it causes insufficient element, time and no longer possible to be in the form of the election commission of Wali Nanggroe at that time. During Malik's tenure as regent of Nanggroe, the secretariat of Wali Nanggroe formed the eight fatwa and Tuha assemblies. Even the secretariat of Wali Nanggroe formed the PLT Tuha peut, which no PLT Tuha peut in Qanun Wali Nanggroe because the institution of Wali Nanggroe is not a government institution. The reason for Malik Mahmud was to surrender the confirmation authority of Wali Nanggroe because of problems then can not be in the form of election commission Wali Nanggroe and Malik handed it to DPRA because DPRA making Qanun.²⁰

The reason for Malik Mahmud Al-Haytar remained as Wali Nanggroe only for the peace of Aceh and the prosperity of the children and grandchildren of ACEH. Related communities who urged Malik to withdraw it because they did not notice ACEH's interests. According to Malik, many people who are not interested in ACEH anymore, and want to see the institution of Wali Nanggroe is destroyed, related to SK Wali Nanggroe that there is no DECREE that there is only an oath in front of the governor of Aceh representing the Government of Aceh to become a guardian Nanggroe, as the guardian of the Nanggroe lifted himself up by reading an oath.²¹

The confirmation of Wali Nanggroe (WN) Aceh X If still done without election process as mandated Qanun No. 9 year 2013-is classified as an inprocedural. A deed whose procedures are not met or defects are very likely to be complain and sued by interested parties. It can even result in other legal consequences when the act against the law is someday proved to harm the state finances.²²

The Master of the Constitutional Law of Syiah Kuala University, Prof Dr Husni Djalil SH mentions the determination of Malik Mahmud as the regent of Nanggroe without the process of violating the constitutional rights of citizens who want to run as regent of Nanggroe. According to him, if the adherence does not fulfill the procedure but no one sues to the court then the road will continue but if there is a lawsuit there is a gap because the formal procedure is not fulfilled that has been arranged in Qanun because it is overdue and is not open to the public. "Who have a legal standing is a citizen who have the interest to run for candidate WN but not opened space so that the rights of constantal neglected because the requirement for WN has been arranged in a Qanun Wali Nanggroe,"²³

According to the results of an interview with the academic Faculty of Law Unsyiah Dr M Adli Abdullah MCL Rate, the determination of Tengku Malik Mahmud as WN period 2018-2023 without the process of electoral is the defect of the procedure, because the assignment is not through the mechanism Qanun No. 9

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² Bakri. "The inauguration of Malik Mahmud. Serambi Indonesia, 14/12/2018 quoted from the Website "<https://aceh.tribunnews.com/2018/12/14/confirmation-Malik-odds-sued?> page = All.

²³ Tim Redaksi, "Prof Husni : Specified unilateral, constitutional right candidate WN Dilangagar ", AJNN, 14/12/2018 quoted from the Website <https://www.ajnn.net/news/prof-husni-ditetapkan-unilateral-Hak-constituent-candidate-WN-violated/index.html>

Year 2013 in which the establishment of Malik Mahmud this time only through the agreement of the three high assemblies that held a deliberation and established Malik Mahmud was again the regent of Aceh.²⁴

The Council of Tuha Peuet that exists is now not definitive, only acting (PLT) based on DECREE of the Governor No. 841/208/2018 of 29-3-2018 and is not authorized to elect Wali Nanggroe, as a mandate of article 76 paragraph (1) Qanun number 8 year 2012, mentioned That the Tuha Peuet Assembly was elected in deliberation and consensus by the Electoral commission of Tuha Peuet. Then, in paragraph (2) the Electoral commission of Tuha Peuet consists of the Fatwa Assembly, Tuha Lapan assembly, and representatives of the scholars of each district/city in Aceh.²⁵

In article 70 clause (1) The mentioned Wali Nanggroe is chosen in deliberation and consensus by the specially formed Nanggroe election Commission. Then in paragraph (2) mentioned the election commission of Wali Nanggroe as mentioned in paragraph (1) consists of the Assembly Tuha Peuet, Assembly of the Tuha Lapan, mufti, and representatives of the respective districts/municipalities. In case the election of the Guardian is supposed and it is time when the void of the element in the election of the Guardian Nanggroe, namely representatives of the scholars of each district/city, the Nanggroe Guardian can issue Reusam Wali Nanggroe.²⁶

Reusam is a regulation of Wali Nanggroe which governs safety and order and comfort with all the devices of the escort system against the Nanggroe institution which consist of Shar'i Reusam (fixed protokol), Reusam Aridh (Protokol That was adopted), Reusam Daruri (important), Reusam NAFSI (Reusam itself), Reusam Nazari (Reusam appointed), Reusam Uruf (Reusam in effect), Reusam Ma'ruf (Reusam is familiarize), Reusam Muqabalah (reciprocal reusam), Reusam Mu'amalah (Reusam The Daily Association), Reusam Ijma ' Court Jam'iyah (Reusam agreed jointly by the Assembly of Tuha Peuet Wali Nanggroe and Tuha Lapan). By issuing the Reusam should be a guardian Nanggroe can form the electoral Commission itself, but it is unfortunate that the Reusam never issued, so the election remains done without involving representatives of the scholars.²⁷

The implementation of Qanun about Wali Nanggroe institution has not been carried out in the election of the X-period Nanggroe, the election is not in accordance with article 70 paragraph 1 Qanun number 8 year 2012 on the institution of the Nanggroe, in article 70 mention That subsection (1) Wali Nanggroe is elected in consultation and consensus by the specially formed Nanggroe election Commission. Later in subsection (2) the Electoral commission of the Nanggroe as referred to in paragraph (1) shall consist of: a. Assembly of Tuha Peut Wali Nanggroe; B. Tuha lapan Wali Nanggroe assembly; C. Mufti or representing it; and d. Representatives of Alim Ulama each district/City 1 (one) person.

However, in the process of election of the X-Wali Nanggroe, Wali Nanggroe elected without going through the mechanism of election and not forming a commission of election which as mentioned in article 70 paragraph (1), Malik Mahmud Al-Haythar set again to be Guardian Nanggroe Aceh period 2018-2023 by the Supreme Assembly of the Board of Trustees Nanggroe (LWN), namely the Assembly Tuha Peut, Tuha Lapan, and the Fatwa Assembly on 7 December 2018. The determination is not through the election process but the agreement Antartiga of the High House, because one of the four elements of the Committee (Commission) election, namely 23 clerics of the district/city representatives in ACEH has not been confirmed. Thus the action is against the law against section 70 paragraph (1), the Act is also a procedure that is malformed.

The elections made without following the rules that are in Qanun also have the opportunity to be sued by citizens who have the interest to run as Regent Nanggroe, but if not elected Guardian Nanggroe period 2019-2023 remain valid and Can serve quietly as regent and lead the institution for a period of tenure.

II. Barriers in the implementation of Qanun Wali Nanggroe institution about the selection of Wali Nanggroe period 2018-2023

Wali Nanggroe institution abbreviated LWN is an institution that regulates indigenous leadership in ACEH. The Institute acts as a uniform of the Acehnese people under independent principles. Wali Nanggroe institution also assume the authority and authority in building and supervise the implementation of the life of traditional institutions, traditional ceremonies, as well as carrying out the title/degree of honor. The institute also acts as an honorary contractor, customs, historical tradition, and civilization of ACEH. Wali Nanggroe institution is a form of the specificity of ACEH as the mandate of the Peace Agreement (MoU Helsinki). The

²⁴Dr. M. Adli, S.H., M.CL.Academic Faculty of Law University of Syiah Kuala, interview 30 September 2019

²⁵*Ibid.*

²⁶*Ibid.*

²⁷*Ibid.*

Amanah is then poured out in Act No. 11 of 2006 concerning the Aceh Government and section 96 paragraph (4) and article 97 on Wali Nanggroe, whose provisions are further governed by Qanun.²⁸

The implementation of Qanun about Wali Nanggroe institution has not been carried out in the election of the X-period Nanggroe, the election is not in accordance with article 70 paragraph 1 Qanun number 8 year 2012 on the institution of the Nanggroe, in article 70 mention That subsection (1) Wali Nanggroe is elected in consultation and consensus by the specially formed Nanggroe election Commission. Later in subsection (2) the Electoral commission of the Nanggroe as referred to in paragraph (1) shall consist of: a. Assembly of Tuha Peut Wali Nanggroe; B. Tuha Lapan Wali Nanggroe assembly; C. Mufti or representing it; and d. Representatives of Alim Ulama each district/City 1 (one) person.

However, in the process of election of the X-Wali Nanggroe, Wali Nanggroe elected without going through the mechanism of election and not forming a commission of election which as mentioned in article 70 paragraph (1), Malik Mahmud Al-Haythar is set again as Guardian Nanggroe Aceh period 2018-2023 by the Supreme Assembly of the Board of Trustees Nanggroe (LWN), namely the Assembly Tuha Peut, Tuha Lapan, and the Fatwa Assembly on 7 December 2018. The determination is not through the election process but the agreement Antartiga of the High House, because one of the four elements of the Committee (Commission) election, namely 23 clerics of the district/city representatives in ACEH has not been confirmed. Thus the action is against the law against section 70 paragraph (1), the Act is also a procedure that is malformed. In implementing the chapters relating to the election of the Nanggroe there are obstacles so that the election is not implemented in accordance with those mentioned in Qanun number 8 year 2012 about the Wali Nanggroe institution.

The result of the interview with Katibul Wali that the inauguration of Malik Mahmud Al-Haytar as the regent of Nanggroe 2018-2023 period confirmed by DPRA is not valid because it is not in accordance with the procedures in Qanun number 8 year 2012 and Qanun number 9 year 2023. Referring to article 105 paragraph (2) Qanun 8 year 2012 which says: "Wali Nanggroe which has been appointed by the Electoral commission of the Nanggroe as mentioned in paragraph (1) to swear an oath in a traditional ceremony in front of the crowd, and the guest Invitation."²⁹

But in fact the election of Wali Nanggroe was not chosen by the Electoral commission of the Nanggroe. Based on the rule of Qanun Wali Nanggroe the inauguration of Malik Mahmud Al-Haytar as the Wali Nanggroe is not valid because it does not comply with the rules, it should not confirm the DPRA. If there is no longer a chance to form the election commission of Wali Nanggroe, then seek another solution by looking for a substitute or the election commission of Wali Nanggroe to select the next Wali Nanggroe, so that the election can run according to Qanun.³⁰

The inauguration of Malik Mahmud Al-Haytar as the Wali Nanggroe period 2018-2023 which was done by DPRA because it has not been in the form of Electoral commission of the Nanggroe. The establishment of the election commission of Wali Nanggroe who can choose it is Wali Nanggroe itself, because the authority of Wali Nanggroe in this case Malik Mahmud Al-Haytar which is entitled to form the election commission of Wali Nanggroe, the reason DPRA so insistent to remain Established Malik Mahmud Al-Haytar for the Void of law.³¹

The Electoral commission of Wali Nanggroe until now has not been in the form with the reason of the problem and not enough elements in this case: Tuha Peut, Tuha Lapan, the Fatwa assembly, representatives of the Regency/city. One of them is no Tuha Peut. Inside the body of the institution of Wali Nanggroe Tuha peut has a strategic role, because based on article 37 letter I Qanun number 8 year 2012, this Assembly has the authority to recruit members of the High Tribunal and the functional assembly. So that almost all processes involve Tuha Peut. Norms are linked in the election of Wali Nanggroe in Qanun number 8 year 2012 and Qanun No. 9 year 2013 about the Wali Nanggroe has no normative value because only written Norman is not able to carry out. Wali Nanggroe was elected by the Election commission of Wali Nanggroe consisting of Tuha peut, Tuha Peut himself was elected by the Electoral Commission Tuha Peut which consists of one of the Fatwa Council. Members of the Fatwa Council were also elected by Tuha Peut. This is what causes endless until now, so that is what causes the Electoral commission of Wali Nanggroe until now not yet in the form of.³²

Malik Mahmud Al-Haytar did not approve the Plt because there is no Plt (acting Task) in the institution of Wali Nanggroe because, this institution of Wali Nanggroe is not a government agency but an independent institution. So, until now not able to form the election commission of Wali Nanggroe, should be in terms of

²⁸ Al-Chaidar, ACEH movement Merdeka Jihad people realize Islamic State,(Jakarta: Madani Press,1999), hlm. 143.

²⁹Usman S. Sos. Katibul Wali Nanggroe, Interview on 18 September 2019.

³⁰*Ibid.*

³¹*Ibid.*

³²*Ibid.*

regulation also there is a change in the future, so that the selection of functional elements is immediately chosen by the Guardian Nanggroe, so it is not like the incident who or chicken eggs, should direct Nanggroe Guardian can choose the eight Tuha peut tuha and fatwa Assembly.³³

DPRA confirmed Malik Mahmud Al-Haytar because of the request of deliberation from the Supreme Assembly of the Board of Wali Nanggroe to confirm Malik Mahmud Al-Haytar as the Wali Nanggroe and the short time is no longer possible in the Select Guardian Nanggroe based on election results from the Electoral commission of Wali Nanggroe, DPRA before strengthening Malik Mahmud Al-Haytar held a meeting with all factions, assistant I government, Governor of Aceh, studying, further reviewing with Qanun number 8 Years 2012 and Qanun No. 9 year 2013.³⁴

The result of the meeting was to re-appoint Malik Mahmud Al-Haytar as the Wali Nanggroe period 2018-2023. The inauguration of Malik Mahmud Al-Haytar was said to be legitimate because it was done at the plenary session of the DPRA in the presence of legitimate officials and the public. DPRA has been conducting deliberations and consensus by the institution concerned in this upper house of the Supreme Council of Nanggroe. The interior minister has also studied that there is no rule that says the confirmation of the inauguration of Malik Mahmud Al-Haytar. Confirmation Malik Mahmud became void or unauthorized if anyone sued him for the downturn into Regent Nanggroe.³⁵

The elections of this period Nanggroe do not reap the pros and cons because there are some problems in the election, regarding the election of the Nanggroe future, the election of the Guardian Nanggroe in the Qanun change to the future Nanggroe is set With the Reusam Wali Nanggroe, so later elements that have the right to choose to be set with a reusam will not be an event again like this period that lacks element in the election, the Reusam itself will be a guideline in the election of Guardian Nanggroe.³⁶

Malik Mahmud is the most appropriate figure to be the regent of this period, no other figure who has the high capacity and loyalty as given by Malik Mahmud to the Acehnese, this is a gift from the property. In the past, the father of Aceh peace, imagine if peace does not happen until now, then surely we can not feel the funds otsus and the life of living as we feel in ACEH today.³⁷

The problem in the election of the Nanggroe is also complicated because of the absence of good performance synchronization between the Guardian Katibul and the Nanggroe Guardian, Katibul Wali who should be the servant of the Nanggroe Guardian does not work properly to Wali Nanggroe, regarding the establishment of the election Commission, should representatives of the scholars of each district/city can be formed but from the party Katibul not agree with the party Tuha peut, the party Tuha peut argues who became a representative Alim The scholar is not from MPU ACEH, because the institution of the Regent Nanggroe is an independent institution, while the party of Katibul assumed that representatives of the scholars must be from MPU ACEH and must recommendation from the regent, but that is where the element of interest Later could happen.³⁸

The results of interviews with special staff of Mayor of diplomacy, foreign affairs and the Aceh Peace promotion, explains why many obstacles occurred in implementing the articles on the election of the Nanggroe, because of the Election Commission is difficult to form because until now Tuha peut is still definitive, but in a few years ago Malik Mahmud had already confirmed Tuha peut, the fatwa assembly, and Tuha Lapan in the Grand Mosque in the year 2016. But not admit by the state so that it causes insufficient element, time and no longer allow for the form of election commission of Wali Nanggroe on this.³⁹

Qanun Wali Nanggroe In this second change in the new ordinance, later the election of the Guardian Nanggroe will be based on the same Qanun, but in terms of the election commission of the Nanggroe will be governed by Reusam Wali Nanggroe, Reusam Will then govern anyone who has the right to choose and become an element of election, so that no more election that is not in accordance with the rules such as the past period, community must also understand with this condition, this is a new institution and still Pioneered, so it is natural to happen some shortcomings, people do not directly assess the institution is useless and useless, in the next few years this institution will be useful for Aceh, especially with the strengthening of functions in qanun Second Amendment Later.⁴⁰

³³ *Ibid.*

³⁴ Iskandar Usman Al-Farlaky SH.I, Chairman of the Aceh party faction and chairman of the DPRA Consultative Board (Banmus), interview on Stairs L9 October 2019.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ Mohammad Raviq, DPSA, MBA, DEA Special staff of Trustees of diplomacy, foreign affairs and Promotion of ACEH peace, interviews on 29 September 2019.

⁴⁰ *Ibid.*

Malik Mahmud was a person who was loyal to Aceh, at the age of not young and his declining health condition he did not thirst for power and office let alone wealth, because he is indeed a person who has enough of material things, He just wanted to get to the Acehnese and this is also the form of his responsibility to the late Hasan Tiro who has made this institution exist and remain until now, Malik Mahmud also the most qualified figure for the achievement of the The peace between GAM and RI at the time, it is as important as his services we value.⁴¹

Idelanya Wali Nanggroe Forward is a person who understands the customs and most importantly is that can unite the diverse people of ACEH and certainly has the very nature of Aceh'an, the figures of the young Hasan Tiro must appear in ACEH today Which we will then project to be the regent for the future periods, even later to find the figure of the Nanggroe this guardian we will monitor from elementary school to until college, later ACEH will be divided third part or that we call " Aceh 3 Sagoe ", later they will become representatives in their respective territories then will be given a rasion as a guardian Nanggroe, this is done so that anyone can be a guardian and represent from all regions in ACEH.⁴²

Regarding the electoral commission of the Nanggroe, we are now in the example of the current electoral system in Indonesia, the institution that has to be selected by the ruler at the time, as the KPU elected by the President then the election of Wali Nanggroe Also chosen by the Wali Nanggroe who served at that time, it means no longer the selection of which is not enough elements such as the present.⁴³

Female activists are also students who participated in the wave of mass EARTHQUAKE-WN, Rahmatun Phounna, the inaugural Malik Mahmud as Wali Nanggroe legal defect or the land of Qanun. Precisely, breaking Qanun ACEH number 9 year 2013 for the change of Qanun ACEH number 8 year 2012 about Lembaga Wali Nanggroe. "It should, Waliyul'ahdi form the Electoral Commission first. There is article 70 paragraph 1 in Qanun No. 9 year 2013. And article 70 paragraph 2, that the election of Wali Nanggroe or Malik Mahmud was to be attended Tuha peuet, Tuha lapan, Mufti, and scholars or custom figures 23 districts/cities,"⁴⁴

In the inaugural day of December last year, was held a meeting in the ' White House ' or another name of Gedung Lembaga Wali Nanggroe, but not attended by representatives from 23 districts/cities. At that time, the decision to elect Malik Mahmud as Wali Nanggroe for the second time, excuse the urgent situation because the tenure of Wali Nanggroe has expired. "If the time of the Wali Nanggroe is expired. Kan, nor should it rush. Able to vacate his Wali Nanggroe, then Malik Mahmud please register, formed in the first Commission, "I and my fellow students will continue to promote support to the goals that we want to be achieved. Consolidation, will be conducted on a number of campuses throughout the Regency/city in Aceh. Then we also want the CPC (the Financial Audit Board) to conduct the budget audits of the Nanggroe institutions, in order to become transparan to the public.

The determination of Tengku Malik Mahmud as WN period 2018-2023 without the electoral process is the defect of the procedure, because the designation is not through the mechanism Qanun No. 9 year 2013 in which the establishment of Malik Mahmud this time only through the agreement three high assemblies Who held the deliberations and established Malik Mahmud was again the regent of Aceh. The inward Tuha assembly is now not definitive, only the implementers (PLT) based on the DECREE of the Governor No. 841/208/2018 dated 29-3-2018 and is not authorized to elect the Wali Nanggroe, as a mandate of article 76 paragraph (1) Qanun number 8 year 2012, mentioned That the Tuha Peuet Assembly was elected in deliberation and consensus by the Electoral commission of Tuha Peuet. Then, in paragraph (2) the Electoral commission of Tuha Peuet consists of the Fatwa Assembly, Tuha Lapan assembly, and representatives of the scholars of each district/city in Aceh.

Forced determination of WN to fulfill the desire of Malik Mahmud to defend himself as guardian without going through the correct mechanics and this resulted in the occurrence of legal tragedy and fulfill the element against the law where the election of the Guardian is not appropriate With the Qanun mechanism, the use of budget is not allowed. If imposed also then can be classified the financial harm to the State and can lead to elements of corruption.

Regarding not enough time to form the election Commission is also unacceptable with common sense, because the time period of five years has been very long in one period, so it is possible to form the selection elements, in this case In spite of some of the problems outlined above does look like no desire from the

⁴¹*Ibid.*

⁴²*Ibid.*

⁴³*Ibid.*

⁴⁴Rahmatun Phounna, Women activists of ACEH Youth Mahasiwa Movement (QUAKE-WN), interview on 25 September 2019.

Nanggroe itself to form the election commission, it is not the creation of a suitable election which is granted by Qanun number 8 years 2012 about the institution of the Nanggroe Guardian.

The existence of letter 121.11/1413/SJ from KEMENDAGRI to the government of ACEH has asserted that the election of the Guardian Nanggroe and the inauguration of the Regent Nanggroe Malik Mahmud as the Nanggroe guardian of the X-period, but in this case it seems very political Give clear reason and not explain the election that has been done not based on the existing rules, the Government of ACEH with the letter numbered 821.29/3487 addressed to the secretariat of Trustees who explained that it can be Implementing the budget for the operation of the trustee. However, this results can be sued by the party who has a legal standing, which is a citizen of the state who wants to run as a guardian Nanggroe at the time, but if not the office of Malik Mahmud there is no obstacle to his election that Prosudur is not appropriate.

IV. CONCLUSION

Based on the explanation above, it can be concluded that the implementation of Qanun about Wali Nanggroe is Qanun number 8 year 2012 about the Institute of Wali Nanggroe not yet implemented, in the process of election of the X-Guardian Nanggroe, Wali Nanggroe in the Select without Through the electoral mechanism and not the establishment of the Electoral Commission as mentioned in article 70 paragraph (1), Malik Mahmud Al-Haythar is reappointed as the Wali Nanggroe Aceh period 2018-2023 by the Upper tribunal of the Board of Wali Nanggroe (LWN), namely The Tuha Peut, Tuha Lapan, and the Fatwa Assembly on 7 December 2018. The determination is not through the election process but the agreement Antartiga of the High House, because one of the four elements of the Committee (Commission) election, namely 23 clerics of the district/city representatives in ACEH has not been confirmed. Thus the action is against the law against section 70 paragraph (1), the Act is also a procedure that is malformed. The existing Tuha Peuet assembly is now not definitive, only the implementers (PLT) based on the DECREE of Governor No. 841/208/2018 of 29-3-2018 and is not authorized to elect the Wali Nanggroe, as a mandate of article 76 paragraph (1) Qanun number 8 year 2012, mentioned That Tuha Peuet assembly was elected in deliberation and consensus by the Electoral commission of Tuha Peuet. The barriers in the implementation of the Qanun Wali Nanggroe institution is the confirmation of Malik Mahmud Al-Haytar as the Guardian Nanggroe not in the select with members Electoral commission of the Nanggroe Trustee was not formed by the election commission of Wali Nanggroe, in because the Electoral commission of the Nanggroe has not been established because there are insufficient elements and there is an unresolved Internal problem between the Nanggroe and Secretariat of Nanggroe, there is no great desire from Wali Nanggroe to form all the devices of Nanggroe guardians, so that the selection element is not fulfilled.

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