



Aceh, Indonesia, September 2, 2022

Reference No: 10.26811/ 789

LETTER OF ARTICLE ACCEPTANCE

Dear Authors/ Contributors,

Thank you for your contribution and interest in the Jurnal Ilmiah Peuradeun.

We are pleased to inform you that your paper has been accepted for publication in the Jurnal Ilmiah Peuradeun (JIP), the International Journal of Social Sciences.

After a review by the Editorial Board and Reviewers, the decision is: **ACCEPTED FOR PUBLICATION.**

Title of Paper : WHY WAS "SELF-GOVERNMENT" NOT ACHIEVED IN ACEH? THE CHALLENGES OF IMPLEMENTING A PEACE AGREEMENT

Author(s) : Suadi Zainal; Kamarulzaman Askandar; Muhammad bin Abubakar

Received on Date : April 24, 2022

Accepted on Date : September 01, 2022

Issue : Vol. 10, No. 3, September 2022

Publication on Date : September 30, 2022

DOI : <https://dx.doi.org/10.26811/peuradeun.v10i3.789>

All accepted papers have undergone a strict peer-reviewed process and are therefore qualified to be published in the JIP based on Terms and Conditions as follows:

<https://journal.scadindependent.org/index.php/jipeuradeun/editorialpolicy>.

The JIP is a leading peer-reviewed and open-access journal, which publishes scholarly work from a wide range of fields of Social Science, including Politics, Law, Education, Religion, Culture, and Humanities. JIP published by SCAD Independent. Published 3 times of year (January, May, and September) with p-ISSN: 2338-8617 and e-ISSN: 2443-2067. And JIP has been accredited by the Ministry of Education, Culture, Research, and Technology, the Republic of Indonesia through the Decree of the Director-General of Higher Education, Research and Technology No. 164/E/KPT/2021, date December 27, 2021. This accreditation is valid until the January 2026 edition. JIP is currently indexed by MAS, Web of Sciences (WoS), Index Copernicus International, Crossref, Google Scholar, and others. JIP is licensed under a Creative Commons 4.0 International License (CC-BY-SA) or an equivalent license as the optimal license for the publication, distribution, use, and reuse of scholarly works.

Due to a long queue and some waiting period involved before the publisher finally publishes the journal, your patience is much appreciated.

Congratulations on the acceptance of your paper and thank you for your contribution and interest in the Jurnal Ilmiah Peuradeun.



Best Regards,

Ramzi Murziqin
Editor in Chief



Note: DOI will be active after the date of publication

Editorial Office:

St. Utama Rukoh, No. 3-A, Rukoh, Darussalam, Banda Aceh, Pos Code 23111, Aceh, Indonesia

Contact: 08116854254; 08116818656; Email: info.jip@scadindependent.org | website: <http://journal.scadindependent.org>

[peuradeun] Editor Decision

2 pesan

Ramzi Murziqin <ramzimirziqin@scadindependent.org> 8 September 2022 15.15
Kepada: Suadi Zainal <suadi@unimal.ac.id>, Kamarulzaman Askandar
<zam@usm.my>, Muhammad bin Abubakar <mabubakar@unimal.ac.id>

Article ID: 789

Dear Suadi Zainal, Kamarulzaman Askandar, Muhammad bin Abubakar (Author):

The editing of your submission, " **Why Was "Self-Government" Not Achieved in Aceh? The Challenges of Implementing a Peace Agreement,**" is complete. **We are now sending it to production.**

You can monitor the progress of your paper stages process directly in your account, and each stage will be notified to you about the progress of your paper. We hope you can be patient for a predetermined time of the process.

If you have any questions, please do not hesitate to contact us. Thank you for considering this journal as a venue for your work.

Submission URL: <https://journal.scadindependent.org/index.php/jipeuradeun/authorDashboard/submission/789>

Best Regards,

Ramzi Murziqin
SCAD Independent, Aff. Ar-Raniry State Islamic University, Indonesia
ramzimirziqin@scadindependent.org

Jurnal Ilmiah Peuradeun

St. Tgk. Pulo Dibaroh, No. 26, Kp. Baru, Baiturrahman Sub-district, Banda Aceh City
23242, Aceh, Indonesia.

Official E-mail: info.jip@scadindependent.org | website:
www.journal.scadindependent.org



WHY WAS "SELF-GOVERNMENT" NOT ACHIEVED IN ACEH? THE CHALLENGES OF IMPLEMENTING A PEACE AGREEMENT

Received: Filled Out by the Editor

Accepted: Filled Out by the Editor

Published: Filled Out by the Editor

Abstract

The "self-government" was proposed as an alternative solution to independence and special autonomy to end the protracted conflict in Aceh. Based on the contents of the peace agreement signed in 2005, Aceh is given the right to self-government. However, this is not realized fully. This study aimed to explain the imagined self-government and the causes challenging it to be implemented. The study used a qualitative library research method in which data was sourced from online text documents. The data were analyzed using critical discourse analysis. The study found that the issue of "self-government" was initially at the center of the negotiation. The Free Aceh Movement - GAM envisioned it like Olan Island in Finland and Sarawak in Malaysia. Still, it has not been realized because it was not declared explicitly in the agreement, and the term "self-government" was used as a strategy to persuade GAM negotiators to continue in the negotiation. Further, the Government of Indonesia (GoI) offered Aceh special autonomy instead of self-government through the Law on Governing Aceh by ignoring the limitations on the authority of GoI over Aceh that was agreed. This was caused by five reasons that lay in the negotiation process and the realization of the agreement interconnected. Amongst; GAM was unbalanced to GoI during the negotiations and powerless to force GoI to obey the deal, and there was no punishment mechanism for the violator of the agreement. Finally, the study revealed that an inclusive process in drafting new laws for a post-conflict region does not always result in full outcomes in accordance with the agreement.

Keywords: Peace agreement; Self-government; Helsinki MoU; Aceh.

A. Introduction

"Self-government" is related to power-sharing and power balancing (Varga, 2021), and is an alternative to end protracted violent conflict (Blažević, 2021; Czarny et al., 2021). This was also the case in Aceh. The basis of negotiations between the Free Aceh Movement and the Government of Indonesia (GoI) that took place in Helsinki in 2005, was based on the provision of self-government for Aceh (Aspinall, 2005; Miller, 2012; Stange & Missbach, 2018) In line with that (Suksi, 2013), stated that an essential part of the peace talks dealt with creating a self-government arrangement in the Aceh province to transform the Aceh conflict into peace with dignity and sustainability (Initiative, 2005; Miller, 2012)

The peace that ensued opened up a new page for Aceh-Indonesian political history with some hope for the future of Aceh. The next step is to protect the new peace agreement (MoU Helsinki) and implement the clauses of the MoU on the ground. Based on the recommendations made in the MoU, the GoI together with the new provincial Aceh government must embark on the formulation of a new law that prescribed the authority of the new Aceh government *vis-à-vis* the central Government. After a period of long and intense discussion, a draft of the Law on Governing Aceh (LoGA) was passed for hearing in the provincial Assembly. Finally, in August 2006, Law Number 11 on Governing Aceh (LoGA) was passed and gazette giving a sense of self-government for Aceh.

However (Suksi, 2013), stated that the implementation of self-government in Aceh was only effective in 2009 when the Aceh Regional Representative Council (DPRA) began to function. Even so, the DPRA's scope of power is actually very limited in regulating Aceh, it is still the subject of negotiations between the DPRA and the Government of Indonesia. It dues to the concept of Aceh's self-government is subject to regional autonomy arrangements that apply to all provinces in Indonesia that reflects Asymetrix decentralization (Abdurahman & Dewansyah, 2019), "*This seems far from what the proponents of the MoU, principally GAM, understood by effective self-government.*" (May, 2008).

The fact clearly shows that the idea of self-government that GAM envisioned "a level higher than autonomy" during peace negotiations (Aiyub Kadir, 2012) is slowly fading away. The consequence is they then failed to address the root causes of the conflict and the special autonomy basically served to restrengthen the center-periphery relations between

Aceh and Indonesia (Lee, 2020; Sindre & Ross, n.d.). In addition, new quarrels have emerged between the Aceh government and the GoI in establishing regulations (Armia, 2018). Furthermore, Aceh demands the Indonesian government revise the law on governing Aceh (Basri, 2014).

Based on the background of the problems above, it appears that self-government in accordance with the mandate of the peace agreement has not been achieved by Aceh. However, there has not been a study that explains the reason for the failure of self-government to be addressed to Aceh. Many studies on conflict and peacebuilding in Aceh have focused on; the causes of conflict (Amin, 2020; Askandar, 2005; Ross, 2005; Sukma, 2005) conflict resolution (Ahtisaari, 2008; Dudouet, 2021; Jatmika et al., 2022; Lele, 2021; SD, 2021), and implementation of peace agreements and peacebuilding (Boonpunth & Saheem, 2022; Grayman, 2013; Hillman, 2013; A. Kadir & Ya'kub, 2018; Lee, 2020; Ocktaviana & Kamaruzzaman, 2021; Sahlan et al., 2019; Saputra et al., 2022). Some studies even mentioned Aceh self-government but did not explain why the self-government was not achieved, such as (Barter & Wangge, 2022; Basri, 2014; M Y Aiyub Kadir, 2012). They emphasized on the path to a successful signing of a peace agreement and Aceh has been at peace with autonomy due to former rebels and activists engage in governing Aceh. Hence, this study aims to explain how the peace agreement reflects on the issue of self-government for Aceh and why it was not realized fully.

According to Barter & Wangge (2022), to realize self-government in post conflict province, several aspects need to be considered, namely; (1) The content and process of negotiating autonomy are not separated in order to produce a more detailed and broad law that is more difficult to revoke; (2) Empowering autonomous leadership dedicated to implementing self-government; (3) The process of negotiating autonomy must take into account the national design because self-government cannot be implemented from formal forces and institutional design alone; and (4) Negotiations need to be carried out inclusively involving opposition groups in order to generate legitimacy, public trust, and elite support. Yet attention to how autonomy is negotiated and who is empowered is of paramount importance for post-authoritarian and post-conflict contexts.

In addition (Schulte, 2018), The determinants of the success of self-government in post-conflict regions include low levels of horizontal inequality, wide scope of autonomy, inclusive institutions and international support. Meanwhile, Failure is caused by persistent inequalities, low transfer of competence, and institutional exclusivity.

The qualitative approach was used to explain this study. The data was collected from secondary data, derived from books, journals, research reports, and statutory documents. Then, it was analyzed with the critical discourse analysis techniques. The findings showed that Aceh's self-government was blurred when the new law for Aceh was passed, there was no term "self-government" that confirms the limits of the Central Government's authority on Aceh as agreed in the peace agreement. The leading reason was because the formula of self-government proposed during negotiation was used as a semantic game strategy to persuade the GAM to continue in the negotiation process and to save GAM's honour and integrity in the face of defeat. Further, reducing the meaning of self-government through the new law on governing Aceh.

In addition, this study found several causes that determine the fact above, namely: (1) Inappropriate negotiation time, GAM was in a weak position when the negotiations took place. As result, the concept of self-government offered to GAM was shadow; (2) Many stakeholders were involved in the preparation of the new law on governing Aceh, and they less focus on the substance of the agreement; (3) The Indonesian government did not involve the legislature in negotiations; (4) GAM's weapons were destroyed before passing the new law for Aceh; and (5) There was no punishment mechanism for the breach of the agreement.

The findings confirm some statements of Schulte (2018) and Barter & Wangge (2022) that the content and process of negotiations must be reaffirmed clearly and broadly in the law, self-government negotiations must be inclusive, involving various national political elites, international supports to negotiations and implementation is needed. However, this study requires several other things for the successful implementation of self-government, namely; (1) the positions of the conflicting parties are balanced; (2) The concept of self-government is clearly stated and written in the agreement and new law; (3) Negotiators of conflict parties represent various elements and political structures, but not extends beyond the main actors of the conflict; and (4) Sanctions are required for the violator of agreements from international third parties.

B. Method

This study was conducted by the qualitative approach, using the library research method, which the critical discourse analytical method (CDA) was adopted. According to (Chiluwa, 2019), the CDA involves several forms of description, explanation, and interpretation of data. The focus is on analyzing the relationship between language use and socio-

cultural and political contexts. Therefore, the analysis process requires; (1) text, (2) discursive practice (text production, interpretation and consumption), and (3) social and political practice in text. Technically, the analysis include; tracing primary and secondary data sources, grouping data based on research problems, processing data, citing references, displaying data, data abstraction, data interpretation, and concluding (Darmalaksana, 2020).

In practice, the data for this study was obtained from online publication comprises text/written documents (none was derived from video), such as the Helsinki MoU (Aceh Peace Agreement 2005), Indonesian Government Laws (No. 11/2006 on governing Aceh, No. 32/2004 on Regional Government, and No. 33/2004 on Financial Balance between the Central Government and Regional Governments), books, research reports, and journal articles which directly related to peacebuilding and self-government implementation in Aceh.

The data above was collected by searching through the internet sources using the general google and google scholar webs. The data sources were browsed by typing the keywords "Conflict Resolution in Aceh", "Peacebuilding and Self-government in Aceh", and "*Pembangunan Perdamaian dan Pemerintahan Sendiri di Aceh*", then read and noted the relevant texts to research problems.

Furthermore, the data were analyzed using the critical discourse analysis with the steps; (1) describe the text to identify the features of the text, either vocabulary, sentence, or grammar that are available in the texts; (2) categorize data based on the research problems; (3) analyze the relationship between the text and the context (including the structure of institutions, political situations, or social institutions); (4) interpret and explain by peacebuilding perspective; and (5) drawing conclusions. To ensure validity and prevent misinformation, the authors re-read and cross-check between the data sources and references used.

C. Result and Discussion

1. Result

a. The Helsinki MoU and the imaginary of "self-government"

The term of "self-government" was used as a bargaining solution in the Aceh peace talks in Helsinki. GAM had perceived that self-government would give broader sovereignty for Aceh (Ronnie, 2016). It was imagined that Aceh would be like as Olan (Aaland) Island in Finland, Catalonia (Spain), Sarawak (Malaysia), and Hong Kong (China). Beyond

that, GAM also viewed self-government as an interim step in a longer-term struggle to win independence (Aiyub Kadir, 2012).

The Helsinki MoU is the main foundation for the transformation of the relationship between Aceh and the Government of Indonesia, from special autonomy to "self-government". The first part of the MoU states that the new law on the Governing of Aceh (LoGA) will be based on the following principles:

- 1) Aceh will exercise authority within all sectors of public affairs, except in foreign affairs, external defense, national security, monetary and fiscal matters, justice, and freedom of religion.
- 2) International agreements entered by the Government of Indonesia which relate to matters of special interest to Aceh will be entered into in consultation and with the consent of the legislature of Aceh.
- 3) Decisions concerning Aceh by the legislature of Indonesia will be taken in consultation and with the consent of the legislature of Aceh.
- 4) Administrative measures undertaken by the Government of Indonesia concerning Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration.

Besides, Aceh is free to form a local party, and Aceh's natural resources on land and at sea will be divided; Aceh entitled to 70 percent and 30 percent is allocated to the Indonesian Government (Jemadu, 2005). As an operational framework, the two parties agreed to formulate a new law for Aceh for effective self-government, in accordance with Acehnese' expectations (Djuli & Rahman, 2008). The new law was passed in August 2006, called the Law on Governing Aceh (LoGA) Number 11 of 2006. This law was envisioned as a middle way between special autonomy and independence that GAM wanted in the Helsinki negotiation (Hadiwinata, 2010). Even though the LoGA does not confirm the "self-government" with a specific term. In Article (1/2), states that "Aceh is a province which is a special legal community unit and is given the authority to regulate and take care of their government affairs and the interests of local communities"

To realize these expectations, the notion of self-government was often raised as opportunity to socialize the peace agreement to the Acehnese. The political elites also did the same thing when conducting political campaigns during parliamentary elections. The issue of self-government had become a political commodity for the elites to build a

dignified Aceh. For example, in the 2006 political campaign, the candidates from GAM emphasized that "...the group that struggled for self-government was the same that produced the law – and that is GAM". In 2009, Partai Aceh as the political vehicle of GAM promised to reduce dependence on the Central Government by fighting for true self-government in managing Aceh (Sahrudin, 2014).

However, they were unable to realise this after gaining executive and legislative powers. Accordingly, in the political campaigns of the subsequent years - 2014, 2016, and 2019, self-government was no longer the main issue of the Partai Aceh's political campaign. As a result, the Aceh conflict transformation did not achieve its goal of having a dignified and sustainable peace as emphasized at the beginning of the negotiation for Helsinki MoU. The transformation of independence and special autonomy to "self-government" was only used to tame opponents in the negotiation process, and lead GAM to take the reins of the Aceh government (Lele, 2021; Miller, 2012)

Reasons behind the non-implementation of “self-government” in Aceh

Semantic game of “self-government” in the Helsinki MoU

One of the important keys to the success of reaching a peace agreement between the GoI and GAM in 2005 was an understanding of agreement regarding the transformation of Aceh's status beyond special autonomy and one level below independent status. Martti Ahtisaari the appointed mediator proposed the term self-government by giving an example of such Alan Island or Olan in Finland, which has 95 percent Swedish population, uses Swedish as the official language and have their own flag. They also have control over their space that necessitates all vessels including Finnish naval vessels and aircraft to seek Olan government's permission first before entering or crossing Olan's waters or airspace (Simolin, 2020).

However, the term self-government was initially rejected by the Indonesian negotiators. As a result, both parties used the term "governing Aceh" to refer to the regulation of Aceh's authority and governance (Basri, 2014). This was so that both parties do not get caught up in semantic debates that could obstruct the main objective of the negotiations. To them what is important is not the terms used in the MoU, but how to describe the term “governing Aceh” in the rules of law and legislation (Djumala, 2013).

This conflict resolution arrangement received positive views from peace experts and observers. They considered the Helsinki MoU as a comprehensive peace agreement and had a better chance of realizing positive peace in Aceh, as well as being a reference for resolving other civil conflicts in various parts of the world (Zainal, 2016). However, in reality, the promised self-government is only a semantic game. The compromise was nothing more than a semantic gesture intended to save GAM's face of any loss. Accordingly, the term "self-government" is not stated in the MoU Helsinki and also in LoGA explicitly. Moreover, the LoGA confirms that Aceh has been granted special autonomy. This indicates that the relationship between Aceh and Indonesia is not yet transformed into a balanced relationship (Stange & Missbach, 2018).

This has affected the exercise of the authority of the Aceh Government in regulating its affairs. As a result, the conflict between Aceh and Jakarta seemed endless, even though the peace agreement had lasted for years. Conflict over laws or regulations and different interpretations of the implementation of LoGA have resulted in several aspects of the LoGA being regulated with other regulations by Jakarta (M Ya'kub Aiyub Kadir, 2019).

Reducing the meaning of self-government through the law

Theoretically, the new Law for Aceh after the MoU Helsinki illustrates that the transformation of the Constitution has already applied to Aceh. Thus, it is hoped that political compromises in the peace agreement can be realized. Besides, the resolution of civil conflicts by granting autonomy to conflicting regions concerns restructuring and power arrangements between the conflicting regions and the central Government. In this regard, the Government of Indonesia states in LoGA that:

"Aceh is a provincial area which is a special legal community unit and is given special authority to regulate and manage government affairs and the interests of the local community following the laws and regulations in the system and principles of the Unitary State of the Republic of Indonesia. These are based on the Constitution of the Republic of Indonesia 1945" (article 1/2). Further, "Aceh Government is a provincial government within the system of the Unitary State of the Republic of Indonesia based on the 1945 Constitution, which administers government affairs are carried out by the Aceh Regional Government and the Aceh Regional People's

Representative Council following their functions and authorities respectively "(Article 1/4).

Furthermore, concerning the power of the Aceh Government, regulated in article 7 (1 and 2) of LoGA, "the Aceh Government and district/city governments have the power to regulate and manage government affairs in all public sectors, except government affairs are authorized to the Indonesian Central Government. It links to national in nature, foreign policy, defense, security, justice, monetary, national fiscal, and certain affairs in the field of religion."

Based on the description above, at first glance, it seems that the Aceh Government has broader authority to develop Aceh than what was regulated in the previous special autonomy law. In fact, certain points have even reduced Aceh's authority over the matters that had been agreed upon in the Helsinki MoU. The Government of Indonesia has added one other power in the LoGA besides six affairs that were agreed in the MoU Helsinki, namely national government affairs (article 7/2). Furthermore, articles 8 (1-3) explain that the Central Government's policies are related to Aceh's interests do not need approval from the Governor of Aceh and the Aceh Parliament unless it is for consideration.

The clause "National government affairs" was not mentioned in the Helsinki MoU, and the word consideration was a substitute for the term "agreement" agreed upon in the MoU. These two words have a significant impact on the limitation of Aceh's authority, and it can be ascertained that Aceh's authority is the same as other provincial authorities that do not have special powers. In this regard, Irwandi Yusuf, the former Governor of Aceh, stated that the addition of national government affairs to the UUPA had led to a dilution of the scope of Aceh's authority. Added to this is article 11 (1) UUPA, "*The Indonesian government establishes norms, standards and procedures as well as supervises the implementation of functions carried out by the Aceh Government and district/city governments*" (Zainal, 2016).

In this case (Suksi, 2013), stated that the sharing of power between Aceh and the Indonesian Government is very confusing. "*It appears that Aceh is not vested with all authority within all sectors of public affairs, but rather Aceh exercises some authority in all sectors of public affairs that are identified as the residual portion of authority outside of the enumerated powers of the Central Government*". Furthermore, he stated that many overlapping cases had to be negotiated. Moreover, the LoGA only allows certain international activities for Aceh related such as arts, culture, and sports.

It can be argued that the LoGA/UUPA has no more value than what is regulated in Law Number 32/2004 concerning Regional Government, except Aceh received more funds/money from the GoI (Zainal, 2015). The implementation of Aceh governance refers to the UUPA and other laws that the GoI had passed for Regional Governments throughout Indonesia, such as the Law Number 32 of 2004 concerning Regional Government, and the Law Number 33 of 2004 concerning Balance Finance between Central Government and Local Government.

This denotes that the LoGA has been placed in the Indonesian legal framework that existed before the MoU. Thus, Aceh's features are less special. In addition, the implementation of the LoGA relies heavily on Government Regulations and Presidential Regulations. This means that the implementation of Aceh governance is still like the previous implementation of decentralization (Basri & Nabiha, 2014). There is no significant difference between regional autonomy (for other provinces) and special autonomy for Aceh except that Aceh receives more fund from the GoI. Aceh's income increased significantly, from billions of rupiah before the Helsinki MoU to trillions of rupiah after the peace agreement (Budiratna & Qibthiyah, 2020).

The description above reveals that Aceh does not have complete power over a single case. It was even more evident when the Indonesian Government passed Government Regulation Number 3 of 2015, which regulates the power of the Indonesian Government in Aceh more than six affairs that have been ratified in the LoGA. This situation confirms that GAM's wish to form Aceh as a self-government region is no longer tenable. It is more like dream. According to (Basri, 2014), Aceh's authorities only resemble self-government, while genuine self-government is impossible to realize because changes to the Indonesian Constitution that have already been in effect have not adopted a self-government system. As a result, the implementation of autonomy in Aceh is an anomaly from this perspective. It means that the power-sharing between the GoI and Aceh is not in a decentralized context but instead in deconcentration.

b. Why did this happen?

There may be many causes, but this article explains only five, as follows:

1. Inappropriate Negotiation Time

The Helsinki MoU negotiations took place when GAM's strength had weakened. GAM had been weakening since 2004 after being

pressured by the Indonesian military force. Previously GAM had controlled about 75 percent of Aceh's territory, but within six months of implementing the martial law, the Indonesian military reduced GAM's strength by around 55 percent (Zainal, 2016). The Indonesia Government had an advantage by diplomatic-covered military force over GAM after the military operation. The negotiation in Helsinki was carried out together with putting coercive military pressure on the GAM side. GAM basically was cornered and forced to compromise its position at the negotiating table. Besides, the Government arranged a secret meeting with GAM leaders in Aceh to offer economic and political compensation for them. This was followed by appointing Martti Ahtisaari and CMI as the mediator for the negotiation, giving other advantages to the Indonesian Government (Yani, 2018).

2. *The direct involvement of many stakeholders in drafting the Law on Governing Aceh (LoGA)*

Law Number. 11/2006 on Governing Aceh (LoGA) –also known as UUPA in Aceh was enacted under very complex circumstances. Various stakeholders both in Aceh and Indonesia were involved in the drafting process - GAM, provincial parliament and Government, universities, national Government, and civil society organizations. Each had their drafts which were then harmonized and made into one draft. It brought about a vast scope of varying interests in all stages of the drafting process. It has led to many compromises, which forfeit the clarity and consistency of the Law. It was not limited to the core issues of the special autonomous province but covered numerous aspects that are usually regulated in sectoral laws. This resulted in superficial regulation, which needs many references to detail sectoral laws, then shifted from focusing on the basic principles of self-government. Besides, considerable changes were done by the national parliament who felt free to interpret the MoU as it sees fit rather than adhering to it. Thus, GAM and many other stakeholders in Aceh were disappointed that some principal points of the LoGA had deviated from the MoU's stipulations. Accordingly, the four main legal principles that promised to fundamentally transform relationship between Aceh and the central Government do not meet the main goal of the peace agreement when translated into the LoGA (May, 2008; Tengah, 2007).

3. *The Indonesian Government only involved the executive and did not involve the legislature in the negotiations*

The results of negotiations at each stage carried out by representatives of GAM and the Government of Indonesia were not reported to the parliament for approval. Vice President Jusuf Kalla stated

that "Parliament wanted to know what we were talking about, but I said, 'you do not need to know!' If I had informed the parliament, they would have opposed me.... Some people were very upset, but I had good reasons" (Accord, 2008). However, the result was disharmony between the Government and the parliament when the Helsinki MoU was announced. Some Indonesian parliamentarians did not agree with the contents of the MoU. For example, the Indonesian Democratic Party for Development (PDIP) faction considered that the MoU's had violated the Constitution.

Furthermore, PDIP, together with some other parties, fought for their interests when discussing the draft of the LoGA in Parliament. The bureaucrats and politicians in Jakarta weakened the draft of LoGA (Fujikawa, 2021). As a result, parts of the clauses in the LoGA did not reflect, but in fact, partially contradicted the Helsinki MoU. According to CMI, the contradictions between the LoGA and the MoU include on the principles of the Aceh economy, the rule of law, and security arrangements (Initiative, 2012).

This caused GAM resentment about the amendment of the MoU Helsinki's clauses in the formulation of the LoGA. According to the Indonesian Parliament, changing the terms of "consultation and consent" with "consideration" is mandatory for the Parliament. The term "with the consent of" is an oddity when viewed from the Indonesian constitutional system. This led to regulatory conflicts between the Aceh government and the GoI that hampers Aceh's authorities, which should have been completed (Latif et al., 2020). This is a risk that Aceh must accept when peace negotiations did not involve the national parliament to ensure the agreement includes firm guidelines and mechanisms for the transition from political agreements to agreements of state (Accord, 2008).

4. Destruction of GAM's weapons before passing the new law for Aceh

The elimination of arms, especially of the combatants' is an important step in maintaining peace. In the case of the Aceh, this preceded a very crucial part of establishing and sustaining positive peace, namely the negotiation of a new law for Aceh. The disarmament of GAM and the destruction of up to 840 of their weapons was carried out from September to December 2005 (OECD, 2018). Meanwhile, the Law on Governing Aceh was passed in August 2006. It cannot be denied that constitutional reform or legislation following the peace agreement is the main foundation in carrying out peacebuilding. This will be difficult to actualize when the conflicting parties are not in balance. In this respect, GAM was in a very weak position when legislative negotiations took place, as their military

threat to the Indonesian Government no longer existed (Oktaviani & Pramadya, 2017).

5. *There was no punishment mechanism for the breach of the agreement*

The Helsinki MoU does not regulate a punishment mechanism for violators of the MoU, except at the end of the MoU which stated that "The Government of the Republic of Indonesia and GAM will not take actions that are inconsistent with the formulation and spirit of the MoU." Besides, in section 3.2.6 of the MoU, it is explained that the Governments of Indonesia and Aceh will form a joint commission, "a Joint Claims Settlement Commission," to resolve complaints due to violations of the MoU. However, this commission has not yet been formed, so that protests by the Aceh Government and Parliament over the policies of the Indonesian Government, which are considered detrimental to Aceh, have not been taken into account by the Government of Indonesia. For example, issues on Aceh's authority in the land sector, forest management, natural oil and gas resources management, and the earth's wealth are interpreted differently between the GoI and Aceh.

Consequently, the drafting and implementation of government regulations and Aceh Qanuns would always involve lengthy negotiations between the Aceh and GoI, sometimes even reaching a level of tension. This reality prompted the Aceh government to form a team to accelerate the implementation and supervision of the Helsinki MoU. This also indicates that Aceh has not been fully trusted the Indonesian Government to carry out its agreement sincerely (Matsyah & bin Abdul Aziz, 2021).

2. Discussion

The opportunity for transforming Aceh, from special autonomy to self-government was a fundamental reason for success of Aceh conflict negotiation that led to signing peace agreement. GAM perceived "self-government" giving Aceh more autonomy than before, and it enables change relationship between Aceh and Indonesia. In fact, the word "self-government" was just used as semantic game in negotiation to save GAM's face of defeat. Further, this was reinforced again by the LoGA and other regulation passed by GoI for implementation of the agreement.

The findings are relevant to (Schulte, 2018) reveals that agreements on territorial autonomy are at the foundation of ethnic conflict resolutions that seek independence. It can protect state sovereignty and geographical integrity, and it also ensures self-government and minority rights. However, when ethnic groups want more autonomy and central

governments want to re-centralize authority, the result is typically an unhappy compromise. Similarly, self-government as post-conflict political arrangements to implement power-sharing agreements often fail in developing states, which is caused by the absence of a balanced political power between the majority and minority communities. Thus, such as Aceh case, the self-government is only on political reforms relates to the formation of Aceh-based political parties to represent regionally-based interests (DeRouen Jr et al., 2010). Despite the findings, Emerson (1957) states that the main problem in moving toward self-government, is not drafting a constitution or making laws, but rather finding men and women capable of running the government machinery.

This study, however, found five other reasons behind the failure of self-government in Aceh: (1) Inappropriate negotiation time, GAM was in a weak position when the negotiations took place. As result, the concept of self-government offered to GAM was a shadow word, not stated by written definite terms.; (2) Direct involvement of many stakeholders in the preparation of the new Law on governing Aceh, so that many interests must be accommodated and less focus on the substance of the agreement; (3) The Indonesian government only involved the executive and did not involve the legislature in negotiations. This resulted in part of the agreements were rejected by some members of the Indonesian parliament during the discussion of the new law for Aceh; (4) Destruction of GAM's weapons before passing the new law for Aceh. GAM lost military power to pressure the Indonesian government to comply with the agreement; and (5) There was no punishment mechanism for the breach of the agreement. In this case, the Indonesian government as the ruling party was freer to ignore the deal. In such condition, international guarantees are vital to design and implement self-government (Neudorfer et al., 2022; Soloninka, n.d.; Walsh & Finotello, 2018) According to (Schulze-Schneider & Ingrid, 2012), such conditions can be said that peace negotiations are carried out only as a form of submission in disguise. The armed struggle against oppression that went on for years without complete victory caused many people with various inclinations to want peace. This is due to the military superiority of the GoI and the the damage and losses suffered by the people as a result of the protracted conflict that cannot be borne. Accordingly, weakened opposition groups will be trapped in the negotiation process, resulting in a peaceful surrender of the insurgent movement.

In the end, this study confirms some statements of Schulte (2018) and Barter & Wangge (2022) that success of self-government

implementation in a post-conflict region requires; the content and process of negotiations must be reaffirmed clearly and broadly in the law, self-government negotiations must be inclusive, involving various national political elites who control the government, international supports to negotiations and implementation. However, this study requires several other things for the successful implementation of self-government, namely; (1) the positions of the conflicting parties are balanced, both during the negotiation process and when implementing the results of the negotiations; (2) The concept of self-government is clearly stated and written in the agreement, and then reaffirmed in a new law that is specifically applied to ex-conflict areas, without considering other laws; (3) Negotiators from both sides represent various elements and political structures, but the inclusiveness that extends beyond the main actors of the conflict in drafting new laws can prevent self-government from being fully implemented; and (4) Sanctions are required for parties who violate agreements from international third parties who have the power to suppress or impose sanctions.

E. Conclusion

The deal between the peace negotiators from the Government of Indonesia (GoI) and the Free Aceh Movement (GAM) on the change in the status of Aceh within the Unitary State of the Republic of Indonesia, from special autonomy to self-government was the key to the success of the peace agreement signed by both parties seventeen years ago. It is also one reason the peace agreement is lasting to this day as GAM has succeeded in controlling the Aceh government through local parties since the beginning of the peace agreement implementation. However, the self-government envisioned by GAM "Aceh would be like the self-government of other states in Europe and Asia" has not yet been realized for Aceh. The reasons lay in the negotiation process and the realization of the peace agreement interrelated. When negotiations took place; GAM was in a weak and unbalanced position. As a result, the concept of self-government was not explicitly stated in the agreement and GoI negotiators used it more to persuade GAM. In reality, the formalization of the peace agreement into the GoI law for Aceh (LoGA) reduced the substance of self-government. This fact, among the reasons, was the parties and political elites that control the Indonesian parliament rejected it, and the involvement of many interested parties in drafting a new law for Aceh eroded the substance of self-government. At the same time, the military power of

GAM was also incapacitated by the destruction of weapons. In addition, there were no sanctions given to violators of the agreement.

Based on the results and discussion, this study suggests that the principles of a peace deal need to be extended to the operational provisions of the peace agreement, such as special laws and other regulatory provisions. For this purpose, the role of the international mediator in the peace process must include being directly involved in the drafting of the law for the implementation of the agreement. This is in line with Fujikawa (2021), those international actors are encouraged to support the agreement implementation, and also to guarantee the power-sharing arrangement in the long term. By doing so, that the conflicting parties do not need another institution as "a joint complaint commission" to oversee this process.

This study, however, is limited to some reasons challenge that "self-government" implementation explored from text documents or secondary data. Thus, this study suggests to future researchers carry out a field research, and analyze the level of self-government was applied, and how the challenges are resolved.

Bibliography

- Abdurahman, A., & Dewansyah, B. (2019). Asymmetric Decentralization and Peace Building: A Comparison of Aceh dan Northern Ireland. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 6(2).
- Accord. (2008). *Learning from the Indonesia-Aceh Peace Process. Conciliation Resources*.
- Ahtisaari, M. (2008). Lessons of Aceh Peace Talks. *Asia Europe Journal*, 6(1), 9-14.
- Amin, S. M. (2020). *Understanding the History of the Aceh Conflict*. Springer.
- Armia, M. S. (2018). Democracy through Election: A Study on the Conflict of Norms in Aceh's Election Process. *JSEADR*, 2, 323.
- Askandar, K. (2005). *The Aceh Conflict and the Roles of the Civil Society: Kertas Bentangan pada "Workshop on the Roles of Civil Society in Peace Building in Southeast Asia"*.
- Aspinall, E. (2005). *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?*
- Barter, S. J., & Wangge, H. R. (2022). Indonesian Autonomies: Explaining Divergent Self-Government Outcomes in Aceh and Papua. *Publius: The Journal of Federalism*, 52(1), 55-81.

- Basri, H. (2014). Konflik Pemerintah Aceh dan Pemerintah Pusat Pasca MoU Helsinki: Self-Government. *Politika*, 5(1).
- Basri, H., & Nabihah, A. K. S. (2014). Accountability of Local Government: The Case of Aceh Province, Indonesia. *Asia Pacific Journal of Accounting and Finance*, 3(1), 1–14.
- Blažević, I. (2021). Nagorno-Karabakh: a Conflict Lasting for More than Three Decades. *Obnova, Časopis Za Kulturu, Društvo i Politiku*, 15(1), 142–159.
- Boonpunth, K. C., & Saheem, N. (2022). Roles of Civil Society in Peacebuilding in Southeast Asia: The Case Studies of Mindanao, Aceh, and Southernmost Thailand. *Asian Affairs: An American Review*, 49(2), 88–112.
- Budiratna, H., & Qibthiyah, R. M. (2020). Evaluasi Atas Transfer Dana Otonomi Khusus di Aceh, Papua, dan Papua Barat. *Jurnal Indonesia Sosial Sains*, 1(5), 402–414.
- Chiluwa, I. (2019). *Discourse analysis and conflict studies*. SAGE Publications Ltd.
- Czarny, R. S., Tomala, M., & Wrońska, I. (2021). Leading Players in the North American Arctic. In *Politics and Development in the North American Arctic*. Emerald Publishing Limited.
- Darmalaksana, W. (2020). Metode Penelitian Kualitatif Studi Pustaka dan Studi Lapangan. *Pre-Print Digital Library UIN Sunan Gunung Djati Bandung*.
- DeRouen Jr, K., Ferguson, M. J., Norton, S., Park, Y. H., Lea, J., & Streat-Bartlett, A. (2010). Civil War Peace Agreement Implementation and State Capacity. *Journal of Peace Research*, 47(3), 333–346.
- Djuli, M. N., & Rahman, N. A. (2008). *The Helsinki Negotiations: A Perspective from Free Aceh Movement Negotiators' Accord (Conciliation Resources)*.
- Djumala, D. (2013). *Soft Power untuk Aceh*. Gramedia Pustaka Utama.
- Dudouet, V. (2021). *From the Street to the Peace Table: Nonviolent Mobilization During Intrastate Peace Processes*. JSTOR.
- Emerson, R. (1957). *The Approach to Self-Government*. JSTOR.
- Fujikawa, K. (2021). Settling with Autonomy after Civil Wars: Lessons from Aceh, Indonesia. *Global Policy*. <https://doi.org/10.1111/1758-5899.12949>

- Grayman, J. H. (2013). *Humanitarian Encounters in Post-Conflict Aceh, Indonesia*. Harvard University.
- Hadiwinata, B. S. (2010). *Transformasi Gerakan Aceh Merdeka*. Jakarta: Friedrich Ebert Stiftung.
- Hillman, B. (2013). Public Administration Reform in Post Conflict Societies: Lessons from Aceh, Indonesia. *Public Administration and Development*, 33(1), 1-14.
- Initiative, C. M. (2005). Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement. *Official Memorandum*. Helsinki, Finland: Crisis Management Initiative.
- Initiative, C. M. (2012). Aceh Peace Process Follow-up Project: Final Report. *Helsinki, Finland and Brussels, Belgium*.
- Jatmika, S., Sumanang, N., Marlinda, A. P., Nabilazka, C. R., & Jatmika, M. I. (2022). Why Aceh-Indonesia Conflict Resolution can't be Copy-Paste in Bangsamoro-Philippines Issue? *Jurnal Hubungan Internasional*, 11(1).
- Jemadu, A. (2005). Proses Peacebuilding di Aceh: Dari MoU Helsinki Menuji Implementasi Undang-Undang Tentang Pemerintagan Aceh. *Indonesian J. Int'l L.*, 3, 527.
- Kadir, A., & Ya'kub, M. (2018). Peace Agreement between the Government of Indonesia and the Free Aceh Movement: Its Natures and Challenges. *Indon. L. Rev.*, 8, 168.
- Kadir, M Y Aiyub. (2012). Negotiating Aceh Self-Determination in Indonesia's Unitary System: A Study on Peace Agreement Helsinki Memorandum of Understanding 2005. *Aceh International Journal of Social Science*, 1(2).
- Kadir, M Ya'kub Aiyub. (2019). Policy and Practice: Refleksi Perjanjian Damai Helsinki 2005-2018: Kesuksesan dan Tantangan ke Depan. *Journal of Humanity and Social Justice*, 1(1), 33-51.
- Latif, I. R., Mutiarin, D., & Nurmandi, A. (2020). The Quality of Peace in Post-Conflict Situation: A Comparative Study Between Armed Conflicts in Aceh and Bangsamoro. *Global: Jurnal Politik Internasional*, 22(2), 221-243.
- Lee, T. (2020). Political Orders and Peace-Building: Ending the Aceh Conflict. *Conflict, Security & Development*, 20(1), 115-139.
- Lele, G. (2021). Asymmetric Decentralization, Accommodation and

- Separatist Conflict: Lessons from Aceh and Papua, Indonesia. *Territory, Politics, Governance*, 1-19.
- Matsyah, A., & bin Abdul Aziz, U. (2021). Pasang Surut Hubungan Aceh-Jakarta Pasca MoU Helsinki. *Jurnal Adabiya*, 23(2), 255-283.
- May, B. (2008). The Law on the Governing of Aceh: The Way Forward or a Source of Conflicts. *Accord: An International Review of Peace Initiatives*, 20-42.
- Miller, M. A. (2012). Self-Governance as a Framework for Conflict Resolution in Aceh. *Autonomy and Armed Separatism in South and Southeast Asia*, 36-58.
- Neudorfer, N. S., Theuerkauf, U. G., & Wolff, S. (2022). Territorial Self-Governance and Proportional Representation: Reducing the Risk of Territory-Centred Intrastate Violence. *Territory, Politics, Governance*, 10(4), 504-526.
- Ocktaviana, S., & Kamaruzzaman, S. (2021). Examining Women, Peace, and Security Agenda in Local Concept Case study: Aceh, Indonesia. *Jurnal Masyarakat Dan Budaya*, 23(2).
- OECD. (2018). Aceh Public Expenditure Analysis: Spending for Reconstruction and Poverty Reduction. In *OECD*.
- Oktaviani, J., & Pramadya, T. P. (2017). Peran Crisis Management Initiative (CMI) melalui Proyek Tindak Lanjut Proses Perdamaian Aceh dalam Proses Bina Damai di Aceh (2009-2012). *Pandecta Research Law Journal*, 12(1), 76-87.
- Ronnie, D. (2016). *Ripe for Rivalry or Ready for Peace: Understanding the Reasons for the Success and Failure of the Peace Process in Aceh*. University of Helsinki.
- Ross, M. L. (2005). *Resources and Rebellion in Aceh, Indonesia*. World Bank.
- Sahlan, M., Fajarni, S., Ikramatoun, S., Kamil, A. I., & Ilham, I. (2019). The Roles of Ulama in the Process of Post-Conflict Reconciliation in Aceh. *Society*, 7(2), 251-267.
- Sahrudin. (2014). Aceh Party in the Transition of Democracy in Aceh. *Jurnal Politik*, 10(01).
- Saputra, A., Nugroho, H., & Sujito, A. (2022). Post-Conflict Aceh; Partai Aceh Versus Partai Nanggroe Aceh at the 2017 Election. *Jurnal Ilmiah Peuradeun*, 10(1), 87-104.
- Schulte, F. (2018). *Ethnic Conflict Regulation Through Territorial Autonomy—A Configurational Analysis of Success and Failure*.

- Schulze-Schneider, & Ingrid. (2012). *From Dictatorship to Democracy. In The Globalization of News.*
- SD, H. A. (2021). THE Role of the Third Party in Resolving the Conflict in Aceh. *Journal of International Relations (JoS)*, 1(001), 64–69.
- Simolin, S. (2020). *The Åland Example in Use 1990-2019: Where, When, How, why and by Whom?* Åland Islands Peace Institute.
- Sindre, G. M., & Ross, N. (n.d.). *Case study of the Aceh Peace Process: Inclusion, participation, and representation.*
- Soloninka, D. (n.d.). *Territorial Self-Government as a Conflict Management Tool: (Federalism and Internal Conflicts Series), ISBN 9783319772349.*" (2019) (Dawn Walsh (ed.)). Palgrave Macmillan.
- Stange, G., & Missbach, A. (2018). *The Aceh Peace Process: Wheeling and Dealing behind Closed Doors. Aspirations with Limitations: Indonesia's Foreign Affairs under Susilo Bambang Yudhoyono.* 231.
- Sukma, R. (2005). Ethnic Conflicts in Indonesia: Causes and the Quest for Solution. *Ethnic Conflicts in Southeast Asia*, 1–4.
- Suksi, M. (2013). *Territorial Autonomy: The Åland Islands in Comparison with Other Substate Entities. Autonomies in Europe: Solutions and Challenges.*
- Tengah, S. (2007). *Mengawal Demokrasi: Pengalaman Jaringan Demokrasi Aceh dan RUUPA.* Yappika.
- Varga, Á. (2021). Local Self-Governments and the Vertical Division of Power. *Pub. Governance, Admin. & Fin. L. Rev.*, 6, 121.
- Walsh, D., & Finotello. (2018). *Territorial Self-Government as a Conflict Management Tool.* Springer.
- Yani, Y. P. (2018). *Proses Penyelesaian Konflik Aceh Melalui MoU Helsinki: Keberhasilan Pemerintah Indonesia Membuat GAM Menerima Konsep Self Government. Doctoral Dissertation.* Universitas Gadjah Mada.
- Zainal, S. (2015). Nota Kesepahaman Helsinki untuk Mengakhiri Konflik Aceh: Telaah Sosiologi Politik dan Histori. *Konfrontasi: Jurnal Kultural, Ekonomi Dan Perubahan Sosial*, 2(1), 5–19.
- Zainal, S. (2016). Transformasi Konflik Aceh dan Relasi Sosial-Politik di Era Desentralisasi. *MASYARAKAT: Jurnal Sosiologi*, 81–109.