



Status and Function of Social Institutions in Law on Governing Aceh

Retno Saraswati

Universitas Diponegoro, Semarang, Indonesia

Nabitatus Sa'adah

Universitas Diponegoro, Semarang, Indonesia

Delfi Suganda*

Universitas Islam Negeri Ar-Raniry, Banda Aceh, Indonesia

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Abstract

The purpose of this article is to explain the differences in the filling of positions in the social institution mentioned in Law Number 11 of 2006 concerning the Government of Aceh, of the many institutions mentioned in the law, this article only compares three social institutions, including the Oversight Committee Aceh Election (Panwaslih Aceh), Independent Electoral Commission (KIP) and Wali Nanggroe Institution. This article uses doctrinal research, which prioritizes primary sources in the form of laws and regulations, books, and journals. The results of this study indicate that there are several differences in the filling of positions in these social institutions, namely the Aceh Election Supervisory Committee (Panwaslih Aceh) and the Aceh Independent Electoral Commission (KIP Aceh) are influenced by external factors from the two social institutions, while the Wali Nanggroe Institute is in the process of filling the Wali Nanggroe position is not influenced by external institutions and influences from other branches of power, namely the executive and legislative branches. Second, even though the three social institution institutions are regional products, there will be differences in the regulations governing the three institutions. The Aceh Election Monitoring Committee (Panwaslih Aceh) and the Aceh Independent Electoral Commission (KIP Aceh) are politically influenced by national regulations because the two institutions have working relationships with similar institutions at the national level. Meanwhile, the regulations of the Wali Nanggroe Institution are limited to regional regulations because this institution does not have a similar institution at the national level.

Keywords

Filling positions, social institutions, Aceh

Introduction

The Constitution of the Unitary State of the Republic of Indonesia 1945 allows for the granting of authority to each province within the territory of the Unitary State of the Republic of Indonesia to manage their respective areas according to the needs and wisdom existing in the area. In this regard, in accordance with the mandate of Article 18 of the 1945 Constitution, the Unitary State of the Republic of Indonesia recognizes the existence of regions with special and special forms. Aceh is a province that is given privileges and specificity in accordance with those regulated in statutory regulations, namely at the statutory level.

Law Number 11 of 2006 concerning the Government of Aceh emphasizes that there are several institutions (social institutions) as part of the privileges for Aceh. These social institutions are important in administering government in Aceh because they are a pillar of the sustainability of the life system in the administration of regional government. In this regard, the existence of social institutions mentioned must be in line with existing regulations and harmonization with national regulations and regional regulations in Aceh.

The social institutions mentioned in Law Number 11 of 2006 concerning the Governance of Aceh which is of great public concern and interesting to study are the Voter Monitoring Committee (Panwaslih), the Independent Electoral Commission (KIP), and the Wali Nanggroe Institution (LWN). The social institutions mentioned above become even more interesting to study when they have institutions that are almost similar to those in the central government. Departing from the explanation above, this research will conduct an assessment of the independence of these social institutions after the existence of Law Number 11 of 2006 concerning the Government of Aceh, which is then focused on studying statutory regulations.

Methods

To complete this article, the research used is a type of doctrinal research. This type of doctrinal research is a type of research that puts forward written laws and regulations. This type of research is research that sees law as the norm (Benuf and Azhar, 2020). Citing AdjiSamekto in Sulaiman (2018) doctrinal research is the teaching of law which is based on the premise that law is the norm that regulates people's lives. This article will prioritize primary sources, namely the applicable laws and regulations, both national regulations and regional regulations applicable in Aceh as primary sources, while secondary sources are interviews conducted with experts related to this research.

Result and Discussion

Social institutions are a system of values and norms that manifest in the establishment of social organizations as centers of community members, playing the rights and obligations of each when implementing these values and norms as a reference for living together to meet the needs for achieving prosperity (Tumanggor, 2009). Various

forms of social institutions exist in every community group, including traditions, beliefs, ethics, norms, values, and customs which contain local wisdom values (Sholeh et al., 2022).citing Selo Soemardjan in Elly Kuntjorowati, social institutions in a narrow definition exist in the form of formal and informal, while formal social institutions are usually formed on the initiative of the apparatus, due to the need for services which are usually supported by both the local government and the central government or large organizations of national and even international level (Kuntjorowati, 2019). The definition above explains that social institutions are something that is born from society and can also be formed by the government.

Conflict between the Free Aceh Movement (GAM) and the Government of the Republic of Indonesia ended after the signing of the peace agreement in Finland (Crisis Management Initiative, 2005).The agreement in the MoU was then translated into Law Number 11 of 2006 concerning the Governance of Aceh, which later became the legal basis for establishing social institutions. There are 3 (three) social institutions mentioned in Law Number 11 of 2006 concerning the Government of Aceh, apart from other social institutions regulated in the law. The 3 (three) social institutions are the Aceh Election Supervisory Committee (Panwaslih), the WaliNaggroe Institute and the Aceh Independent Electoral Commission (KIP), the three institutions mentioned earlier are institutions that have just been formed in Aceh since the enactment of Law Number 11 of 2006 About the Government of Aceh.

After Law Number 11 of 2006 concerning the Governance of Aceh, the implementation of general elections is an inseparable part of the province of Aceh. The implementation of the democratic party is part of Pancasila democracy (Sukardi&Purnama, 2022), therefore democratic elections are carried out based on applicable regulations and if there is a dispute there must also be an official institution to resolve it (Helfianti, 2021),This is done in order to realize justice based on Pancasila (Sukardi&Purnama, 2022).In order to implement Pancasila democracy, institutions are needed that function to organize these general election activities (Fuadi, 2016).

Aceh Election Supervisory Committee

The Aceh Election Monitoring Committee is one of the General Election organizers in Aceh that specifically has the authority to oversee Regional Head Elections (Pilkada) as stipulated in Article 60 of Law Number 11 of 2006 concerning the Government of Aceh which states that the Election Supervisory Committee for Aceh and districts/cities is formed by a supervisory committee at the national level and on an ad hoc basis. (2) Establishment of the Election Supervisory Committee as referred to in paragraph (1) implemented after this Law was promulgated. (3) Members of the Election Supervisory Committee as referred to in paragraph (1) and paragraph (2), each amounting to 5 (five) people based on the proposalDPR/DPRK. (4) The working period of the Election Supervisory Committee ends 3 (three) months after the inauguration of the Governor/Deputy Governor, the Regent/Deputy Regent, and the Mayor/Deputy Mayor.

As for the duties and powers of the Election Supervisory Committee (Panwaslih) as stated in Article 61 paragraph (1) of Law Number 11 of 2006 concerning the Government of Aceh, the reading is as follows: a) supervise the implementation of the election for Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor; and b) carry out other duties and authorities stipulated in the applicable laws and regulations. (2) The implementation of the tasks referred to in paragraph (1) is in accordance with the laws and regulations. The regulation mentioned above emphasizes that the Aceh Election Oversight Committee is an institution that supervises the implementation of elections in Aceh that provides recommendations to the Independent Electoral Commission (KIP) when there are election violations in Aceh (Nurrahmawati, 2017).

The Aceh Election Supervisory Committee hereinafter referred to as the Aceh Panwaslih, is a committee formed by the Election Supervisory Body based on the recommendation of the Aceh People's Legislative Assembly whose task is to oversee the holding of elections in Aceh (Qanun Aceh, 2016). This definition then changed after there was an amendment to the Aceh Qanun Number 6 of 2016 concerning General Elections and Elections in Aceh. The amended Qanun emphasized that the Aceh Election Supervisory Committee or the Panwaslih Aceh is an election and election supervisory institution formed by Bawaslu based on the recommendation of the Aceh People's Representative Council (DPRA) and is a hierarchical unit with Bawaslu, as well as Regency/Municipal Panwaslih which is a proposal from Regency/City People's Representative Council (Qanun Aceh, 2018). The amendment to the Qanun emphasizes that the authority to propose names rests with the legislature, while the position of the Aceh Election Supervisory Committee is part of the Election Supervisory Board of the Republic of Indonesia.

The Election Oversight Committee is an institution that carries out supervision, of course it has a number of records regarding election violations. Quoted from Moh. Din et al. (2020) Elections in Aceh Province show that there were 164 reports of election crimes found by the Aceh Province Panwaslih and reported, but only 15 reports were carried out by the Investigation process, 8 cases were escalated to the Prosecution stage and 8 cases were transferred to the Court. Next are 161 (one hundred and sixty-one) cases of Criminal Acts in Legislative Elections and 3 (three) cases related to Crimes in Elections for the President and Vice President.

Supervision carried out by the election oversight committee is of course activities that are closely related to politics. The politics referred to here are political parties and candidates from political parties. Panwaslih Aceh as one of the social institutions in Aceh does not only look at political activities that take place from political parties but also local elite figures, both former senior bureaucrats and former officials from certain groups who are not involved with political parties (Dinarto & Ng, 2021). It aims closely with political messages conveyed through the media (Amin et al., 2022). especially by people who are not involved in political parties.

Aceh has two supervisory institutions for organizing democratic parties, namely the Election Supervisory Body (Bawaslu) and Panwaslih Aceh. The

existence of two election supervisory bodies in Aceh is often considered problematic because there are two election supervisory institutions at once. This dualism of supervisory institutions arises due to differences in the legal basis for the formation of each of these institutions. Panwaslih was formed by Law Number 11 of 2006 concerning the Government of Aceh which was given only limited tasks in supervising regional head elections in Aceh, while Bawaslu was formed by Law Number 7 of 2017 concerning General Elections, whose authority oversaw the election of the president/vice president (Pasha et al., 2020).

Related to the implementation of election supervision as an election organizer in Aceh, since 2006 there has been a dualism of organizers in the context of implementing election supervision in Aceh. The first is the supervision carried out by the Aceh Provincial Panwaslih which is part of the hierarchy of the Bawaslu RI where the recruitment and formation process is carried out by the Selection Committee based on the Decree of the General Election Supervisory Agency (Bawaslu) of the Republic of Indonesia. Second, the implementation of election supervision carried out by the Aceh Panwaslih which is part of the supervision of regional head elections where the recruitment process, the appointment of the selection committee and the appointment of members are decided by the Aceh People's Representative Council, as well as the formation of election supervisors at the district/city level in Aceh. This was later reaffirmed by the Regulations of the Election Supervisory Board of the Republic of Indonesia (BPPU RI, 2016).

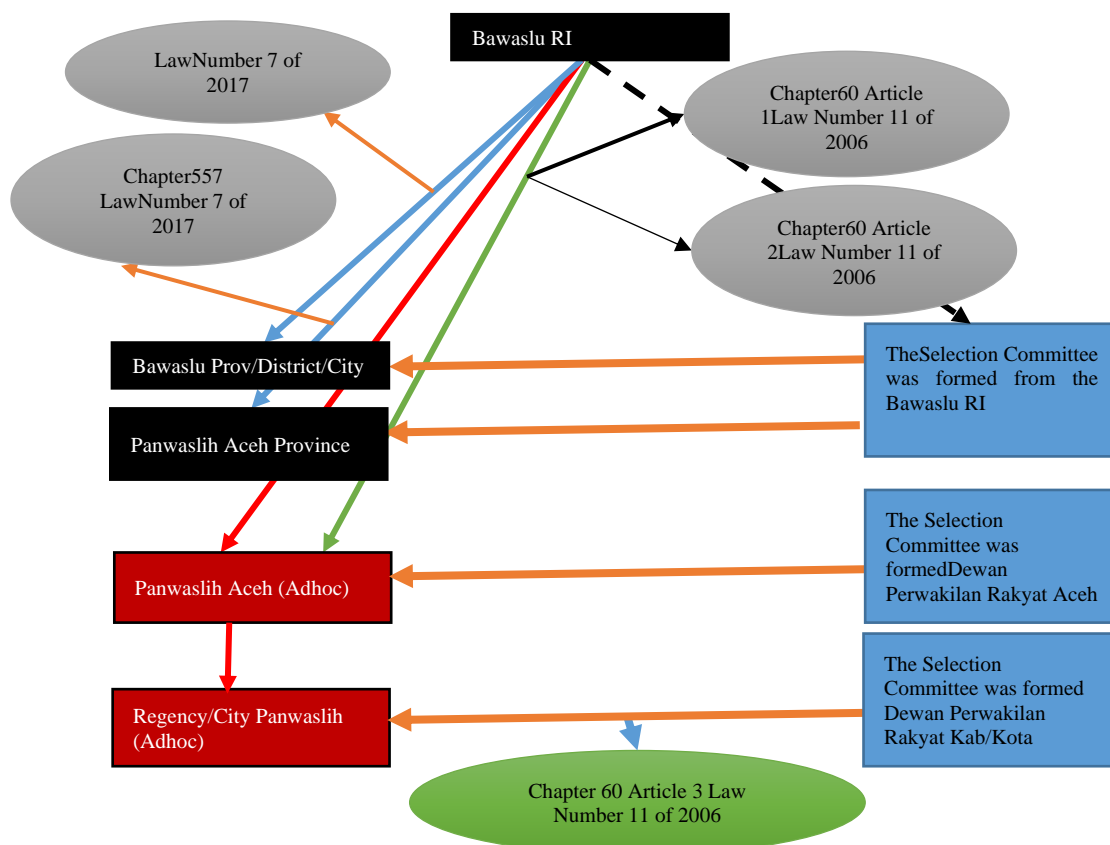


Figure 1: Scheme of differences in recruitment between members of the Aceh Panwaslih and the Aceh Provincial Panwaslih

Further elaborating on the implementation of elections in Aceh, the Aceh Provincial Panwaslih which was formed based on Law Number 7 of 2017 concerning Elections supervises the implementation of Legislative Elections (Pileg) and Presidential Elections (Pilpres). Whereas the Aceh Panwaslih which was formed based on Law Number 11 of 2006 concerning the Government of Aceh carries out supervision only limited to the Election of Regional Heads Governor/Deputy Governor, Mayor/Deputy Mayor, and Regent/Deputy Regent which is only temporary in nature. The Aceh Panwaslih is determined by Bawaslu through a Designation even though the implementation of supervision is only temporary. At first glance, the implementation process gives the impression of dualism, but there are regulations whose function is to bring about harmonization between the Aceh Panwaslih and the Aceh Provincial Panwaslih, namely through the Bawaslu RI Regulations (BPPU RI, 2016). To simplify the explanation above, see the chart below:

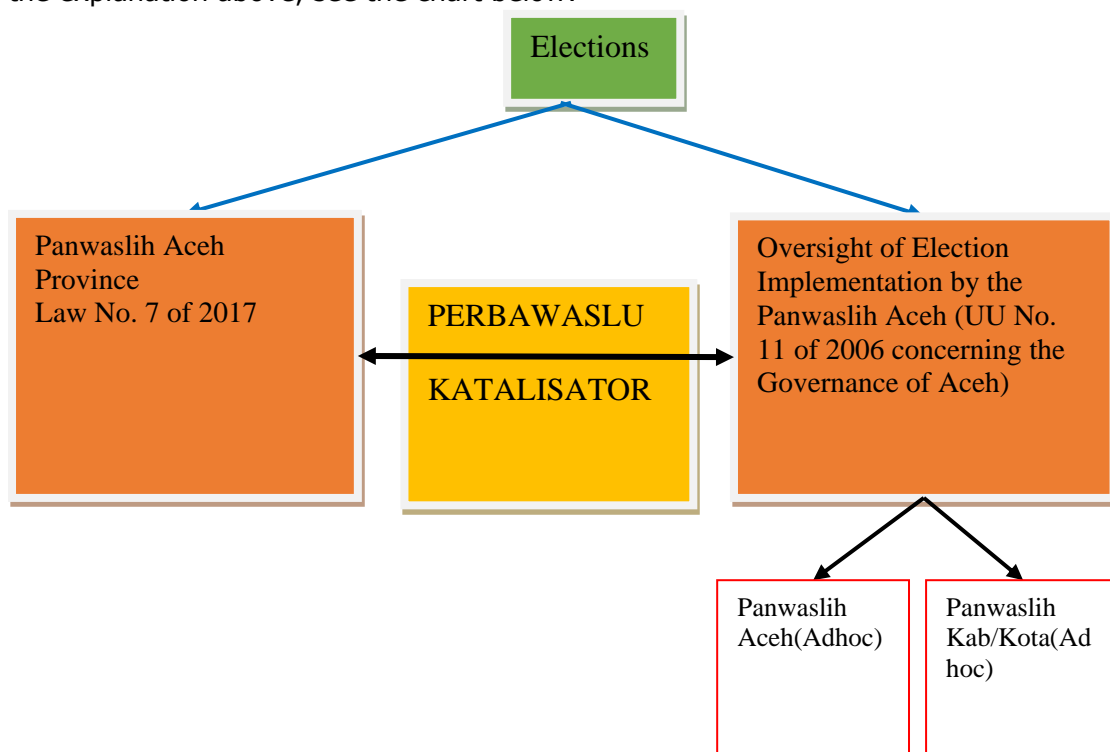


Figure2: Differences in the oversight function between the Aceh Province Election Supervisory Committee and the Aceh Election Supervisory Committee.

The explanation above is very clear that the institution formed based on Law Number 11 of 2006 concerning the Government of Aceh has a problem that is still unresolved, namely the existence of dualism in carrying out its functions and the next problem is that the Aceh Election Supervisory Committee is still in doubt about its independence because it still has a relationship with Aceh People's Representative Council. Especially in the process of recruiting members of the Aceh Election Supervisory Committee. This means that there is still a relationship with the Aceh People's Legislative Council which is the finalization of the process of selecting members of the Aceh Voters Oversight Committee, this identifies the diminishing qualifications of independence from this institution in Aceh.

Aceh Independent Electoral Commission (KIP Aceh)

Aceh Independent Electoral Commission was formed based on Law Number 11 of 2006 concerning the Government of Aceh and Qanun Number 7 of 2007 concerning General Election Organizers (Elections) in Aceh. The Election Independent Commission (KIP) includes KIP Aceh and KIP Regency/Municipal KIP which are part of the General Elections Commission (KPU). This commission is authorized by law to organize general elections and Pilkada throughout Aceh. Consists of holding elections for the President/Vice President, elections for members of the DPR/DPRD/DPRK and DPD as well as the Election of Regional Heads and Deputy Regional Heads in Aceh. The Independent Election Commission has 7 members formed by the Aceh Regional People's Legislative Council, selected by an independent ad hoc team, and served for five years. In carrying out their duties and authorities, the Aceh Independent Electoral Commission and Regency or City Independent Commissions commissioners are supported by a Secretariat headed by a Secretary, responsible for all administrative matters and other needs to support the work of the Aceh KIP. The Aceh KIP Secretariat has 45 Civil Servants (PNS) consisting of 23 organic employees (the General Election Commission - KPU) and the rest are seconded by the Aceh Government (KIP Aceh, 2022).

Law Number 11 of 2006 Concerning the Government of Aceh in Article 1 number 12 states that the Election Independent Commission, hereinafter abbreviated as KIP, is KIP Aceh and KIP district/city which are part of the General Elections Commission (KPU) which is authorized by this Law to holding general elections for the President/Vice President, members of the People's Legislative Assembly, members of the Regional Representatives Council, members of the DPRD/DPRK, elections for the Governor/Deputy Governor, regents/deputy regents, and mayors/deputy mayors.

Further provisions concerning the provisions stipulated in Law Number 11 of 2006 concerning the Aceh Government to be precise in Article 56 which stipulates that (1) Aceh KIP organizes general elections for the President/Vice President, members of the People's Legislative Assembly, members of the Regional Representatives Council, members of the DPRD, and gubernatorial/deputy governor elections. (2) KIP regency/city shall hold general elections for the President/Vice President, members of the People's Legislative Assembly, members of the Regional Representatives Council, members of the DPRD, DPRK, and elections for the Governor/Deputy Governor, regents/deputy regents, and mayors/deputy mayors. (3) In the case of the election of the Governor/Deputy Governor as referred to in paragraph (1), the KIP regency/city is part of the organizers of the election for the Governor/Deputy Governor. (4) KIP Aceh members are proposed by the DPRD, determined by the KPU, and formalized by the Governor. (5) Regency/municipal KIP members proposed by the DPRK shall be determined by the KPU and formalized by the regent/mayor. (6) In carrying out the provisions referred to in paragraphs (4) and (5), the DPRD/DPRK forms an ad

hoc independent team to screen and screen potential KIP members. (7) Further provisions regarding the procedures for forming, working mechanism, and working period of the independent team as referred to in paragraph (6) are regulated by qanun.

The provisions of the article above, especially in Paragraphs (4) and Paragraph (5), indicate a very strong potential for political elements to be involved in it, despite the confirmation that the Independent Electoral Commission is independent of any influence. Article 2 of Qanun Aceh Number 7 of 2007 concerning the Implementation of General Elections in Aceh is very difficult to be neutral and free from outside influences because the process depends on the legislature both at the provincial and district/city levels. This is reinforced by the elucidation of Qanun Aceh Number 7 of 2007 concerning General Elections in Aceh that for the selection and screening of KIP members who will be proposed by the DPRA/DPRK to the KPU, an independent ad hoc team is formed with mechanisms and requirements specially made for that purpose

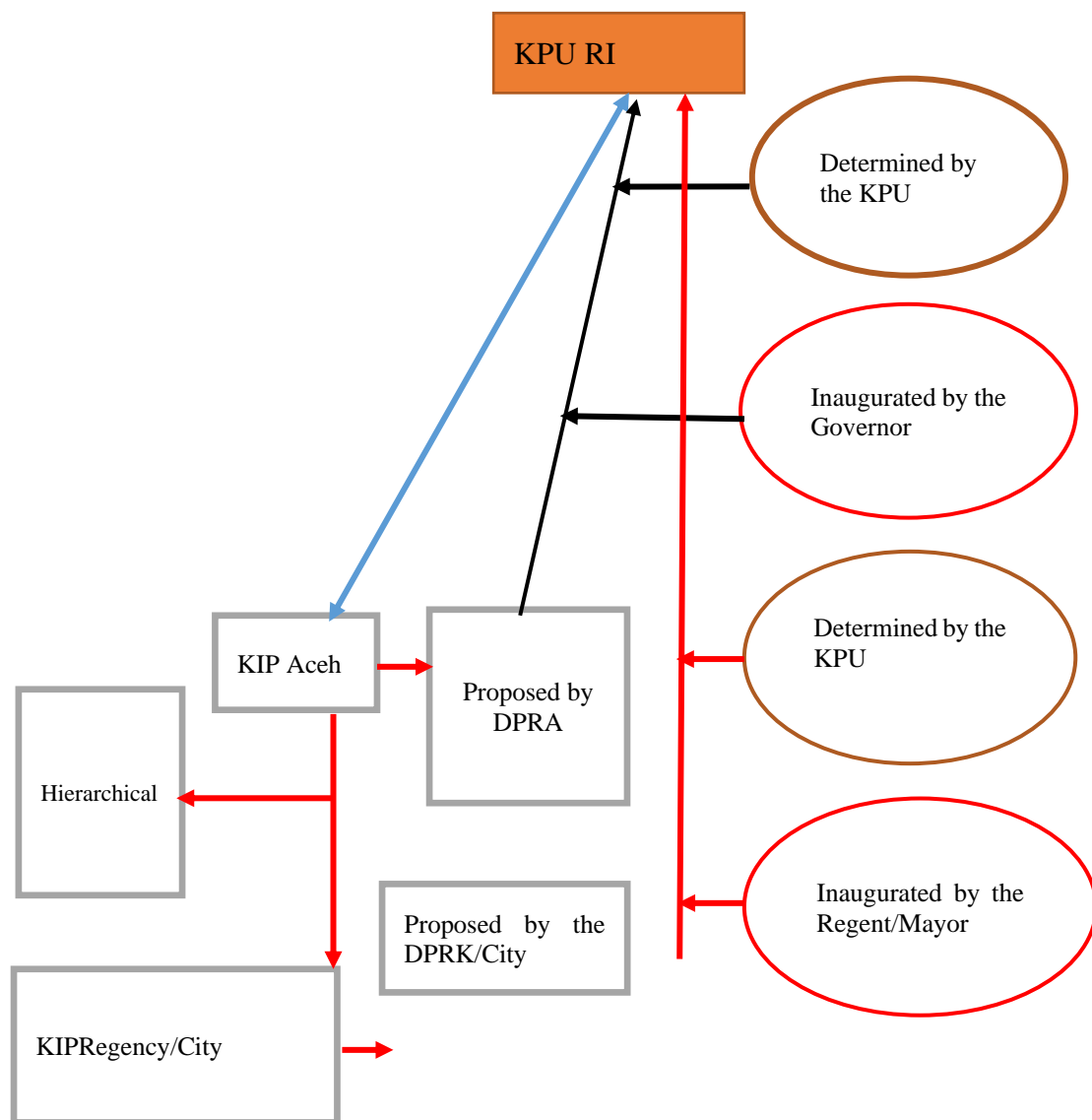


Figure 3: Aceh's Independent Electoral Commission

Reading the above body it is very clear that the KIP Aceh still has a dependence on the Aceh People's Representative Council and the Governor at the Provincial level and the Regent/Mayor at the Regency/City level. To see a comparison of the two election management bodies above, see the table below:

Table1: Comparison of the filling patterns for election organizers in Aceh

CENTRAL	KPU	BAWASLU	SELECTION PROCESS	LEGAL BASIS
Other Provinces	Provincial KPU	Provincial Bawaslu (including Aceh Province Panwaslih)(permanent)	Pansel from Bawaslu RI	Law Number 7 of 2017 Concerning General Elections
	Regency/City KPU	Regency/City Bawaslu (including regency /city Panwaslih in Aceh(permanent)	Pansel from Provincial Bawaslu	
Aceh	KIP Aceh	Panwaslih Aceh (Adhoc)	Pansel formed by DPRA and set by DPRA	Law Number 11 of 2006 Concerning the Government of Aceh
	Regency/City KIP	PanwaslihRegency/City (Adhoc)	Pansel formed by DPRK, and set by DPRK	

WaliNanggroe Institutions

Law Number 11 of 2006 concerning the Aceh Government does not explain in detail about the Wali Nanggroe Institution, in contrast to the Aceh Panwaslih and KIP Aceh which include the legislature in proposing the names of candidate members. Very different from the Wali Nanggroe Institution where Law Number 11 of 2006 concerning the Governance of Aceh only regulates in principle and is then delegated to the Aceh Qanun for further arrangements.

Discussing the existence of the WaliNanggroe Institution is inseparable from the controversy over its formation after Law Number 11 of 2006 concerning the Governance of Aceh. On the one hand, the WaliNanggroe Institution is not under the executive branch (Suganda et al., 2021), on the other hand, it seems to form a shadow government in Aceh, because this is closely related to the functions, objectives, and powers that exist in the WaliNanggroe Institution to participate in global peace (Suganda et al., 2021).

The existence of the WaliNanggroe Institution is a response to the needs of the Acehnese people for an institution led by an elderly Acehnese figure (Rahman & Abdullah, 2018). The filling of the positions of the Wali Nanggroe Institution is different from the two institutions previously mentioned above. Filling in the positions of the Wali Nanggroe Institution is not influenced by external agencies or institutions that are outside the Wali Nanggroe Institution. To get a new Wali Nanggroe, the election process is carried out independently within the Wali Nanggroe Institution (Ridwan et al., 2019).

The WaliNanggroe Institution is one of the special institutions in Aceh, which is led by a WaliNanggroe (Zulfan, 2018), after the signing of the Master of Understanding in Helsinki, Hasan Tiro became the WaliNanggroe as the successor of TgkTjik Di Tiro (Kingsbury, 2007) some opinions that say that years before the signing of the peace agreement Hasan Tiro appointed himself as WaliNanggroe, some who criticized Hasan Tiro said WaliNanggroe was just a "myth" built to strengthen Hasan Tiro's figure (Missbach, 2013). This myth continues to be built to form sovereignty regarding the past kingdom that Aceh was led by a Sultan or WaliNanggroe (Sindre, 2019).

Discussing WaliNanggroe's current position cannot be separated from the existence of the Free Aceh Movement (GAM). Hasan Tiro is the founder of the Free Aceh Movement group, which declared himself to be the successor to the position of WaliNanggroe from the previous Tiro clan which continued the connection state of the former Aceh kingdom (Bustamam-Ahmad, 2017). the same is the case with Malik Mahmud who is a former high-ranking member of the Free Aceh Movement, who has served as WaliNanggroe since 2013 (Salim, 2021).

After Hasan Tiro died, the position of WaliNanggroe was entrusted to Malik Mahmud, as the next WaliNanggroe holder after Hasan Tiro. Malik Mahmud is considered to have full power in Aceh (legal strongmen) this is closely related to the formation of the Aceh qanun which regulates the WaliNanggroe Institution until changes to the qanun (Akbar, 2019), of course, this is closely related to filling positions and maintaining the position of WaliNanggroe. Reading the regulations governing the WaliNanggroe Institution it is clear that the WaliNanggroe Institution is an institution that leads other traditional institutions, this arrangement further strengthens the WaliNanggroe Institution as a special institution (Yuliandri et al., 2021).

Thus the privilege of the WaliNanggroe Institution is to unify the people of Aceh (Herningtyas et al., 2004) which is oriented towards maintaining the continuity of traditional life and customs, exploring extinct traditions, and maintaining the cultural treasures in Aceh (Irmayani&Haikal, 2017) as well as maintaining Aceh's privileges in the field of implementing Islamic law in Aceh (Robby, 2021). The important role of the WaliNanggroe figure is the reason for the santri so the Baiturrahman Grand Mosque is managed by the WaliNanggroe Institute (Latif & Shah, 2021). This made Aceh different from other provinces in Indonesia, which became known as Asymmetric Decentralization (Isra, 2019).

Discussing the filling of positions described above is filling positions from a historical aspect. The next discussion is how to fill the current position of WaliNanggroe. Is it still like before, a unilateral claim? or is it following the provisions stated in Law Number 11 of 2006 concerning the Government of Aceh which emphasizes that the WaliNanggroe Institution is an independent institution? Therefore, discussions regarding filling the WaliNanggroe position must read operational regulations that regulate technically the WaliNanggroe Institution.

The first operational regulation that regulates the WaliNanggroe Institution is in the form of a regional regulation in Aceh, namely the Qanun Aceh Number 8 of 2012 concerning the WaliNanggroe Institution (Qanun Aceh, 2012), a year later the first changes occurred (Qanun Aceh, 2013) and after six years there was a second amendment. (Qanun Aceh, 2019) Aceh Qanun Number 10 of 2019 concerning the Second Amendment to Aceh Qanun Number 8 of 2012 concerning the Wali Nanggroe Institution provides a definition of the Wali Nanggroe and the Wali Nanggroe Institution. Article 1 Number 3 Aceh Qanun Number 10 of 2019 concerning Ledua Amendment to Aceh Qanun Number 8 of 2012 concerning the Wali Nanggroe Institution provides a definition of the Wali Nanggroe and the Wali Nanggroe Institution stating that the Wali Nanggroe is a personal and independent leader who leads the Wali Nanggroe Institution. Article 1 Number 4 explains that what is meant by the Wali Nanggroe Institution is a customary leadership institution as a unifying community that is independent, authoritative, and has the authority to guide and supervise the implementation of the life of traditional institutions, customs, language and the awarding of titles/degrees and other traditional ceremonies. The definition mentioned above explains that the Wali Nanggroe Institute is an institution while the Wali Nanggroe is a position.

To recruit Wali Nanggroe following regulations, requirements are determined according to local wisdom in Aceh, namely Qanun Number 8 of 202 Concerning Wail Nanggroe Institutions mentioned in Article 69, Candidates for Wali Nanggroe must meet the following requirements: a) Acehnese who have faith and piety to Allah SWT; b) physically and mentally healthy and aged 40 (forty) hijri years; c) can speak Acehnese fluently and well; d) known good and noble lineage and lineage of the Acehnese people up to four generations and above; e) has a noble character and is not tyrannical; f) knowledgeable, wise, prudent and broad-minded; g) brave and true and responsible; h) fair, honest, loyal and trustworthy; i) patient, forgiving, humble and compassionate; and j) love the people and be loved by the people.

The requirements mentioned above are requirements that have been established since the first regarding the Wali Nanggroe Institution. There has never been a change, even though the qanun governing the Wali Nanggroe Institute has been amended twice. From these requirements, one can see at a glance the perfection of the candidate who will lead the Wali Nanggroe Institute, almost without mistakes and deficiencies. However, from a legal perspective, these requirements do not meet the criteria for an independent institution.

Particularly in terms of the requirements for letter c, namely being able to speak Acehnese fluently and well" is a problem in its interpretation. There are many types of languages in Aceh, quoting from the Aceh Cultural Conservation and Conservation Center of the Ministry of Education and Culture of the Republic of Indonesia, there are many types of languages in Aceh,

namely Acehese, Gayo, Aneuk Jamee, Singkil, Alas, Tamiang, Kluet, Dewayan, Sigulai, Pakpak, Haloban, Lekon, and Nias. According to the Aceh Cultural Conservation and Conservation Center, the Ministry of Education and Culture of the Republic of Indonesia, these various languages are part of the Acehese language (Nurdin, 2019). Compare this to the research conducted by Rostiana Taib who quoted Alamsyah writing that in Aceh there are 10 languages which are all spread across Aceh province, namely: Acehese, Jamee, Kluet, Haloban, Julu, Alas, Simeulu, sigulai, Tamiang language, and Gayo language. The Acehese language is used almost throughout Aceh, the Jamee language is used by people who live in the districts of South Aceh, Aceh Singkil, Simeulue, Southwest Aceh, and a small part of West Aceh. Alas language is used by people who live in Southeast Aceh District. The Tamiang language is used by people who live in Aceh Tamiang Regency. Gayo language is used by people who live in Central Aceh and Gayo Lues districts. Rostiana Taib also quoted Wildan and Daud that Julu and Haloban are the languages used by the people of Aceh Singkil Regency (Taib, 2009).

Next is the requirement in letter d which regulates the good and noble lineage of the Acehese people known up to four generations and above. The requirements in point d are also being discussed because no one can be sure that someone has good ancestry, even if there is how to provide legality that someone has good ancestry or what documents must be needed to say someone is of good ancestry.

The filling of the WaliNanggroe position is further regulated in the Aceh qanun, if the requirements to become a WaliNanggroe candidate are regulated in Qanun Number 8 of 2012 concerning the WaliNanggroe Institution, further arrangements concerning the election of the WaliNanggroe are regulated in Qanun Number 10 of 2019 concerning the Second Amendment to Aceh Qanun Number 8 of 2012 concerning the WaliNanggroe Institution. In the qanun there was a change regarding the arrangement for the election of the WaliNanggroe. The amendment to Article 70 states that to conduct screening to become candidates for WaliNanggroe, the Election Commission for WaliNanggroe was formed. The WaliNanggroe election process was not carried out in general but was elected by the WaliNanggroe Selection Team which was formed specifically through ReusamWaliNanggroe, while the election process was carried out by deliberation and consensus.

Article 71 of Qanun Aceh Number 8 of 2012 concerning the WaliNanggroe Institution has not changed. This article stipulates that the Election Commission for WaliNanggroe determines the candidate for WaliNanggroe, while one of the ones that are determined is Waliyul'ahdi. If there are prospective candidates who have the same criteria, the priority is Waliyul'ahdi. Filling the position of WaliNanggroe does not involve external institutions. This means that filling the position of WaliNanggroe is carried out without involving other branches of power, either the executive or the legislature. This was carried out to maintain the independence of the process of filling the WaliNanggroe position.

Conclusion

There are differences in the filling of positions between the Aceh Election Monitoring Committee, the Independent Electoral Commission, and the WaliNanggroe Institution. The Aceh Electoral Monitoring Institute and the Independent Commission are influenced by national regulations in the filling process, although these two institutions only exist in Aceh. This is different from the WaliNanggroe Institution where the process of filling the WaliNanggroe position is not influenced by national regulations and is not influenced by other branches of power in Aceh.

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