

THE URGENCY OF AMENDING THE LAW ON GOVERNING ACEH (LoGA) FROM THE ASYMMETRIC DECENTRALIZATION PERSPECTIVE

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ABSTRACT

The issue of amending Law Number 11 of 2006 concerning Aceh Government is closely related to adjustments to changes in other laws and regulations that have an impact on the implementation of the LoGA. Therefore, efforts to amend the Law On Governing Aceh (LoGA) have become a necessity and problematic. In addition, it is also related to the need to strengthen the regulation on the sustainability of special autonomy funds for Aceh proposed at 2.5% of the National General Allocation Fund to continue development and improve the welfare of the people of Aceh for an indefinite period of time. On the other hand, a more detailed regulation is also needed within the proposed changes to the UUPA to facilitate its implementation in the field so that the authority of the Aceh government in implementing its special and privileged rights in the context of asymmetric decentralization can be better implemented.

Keywords: *Change, UUPA, Development, Community Welfare, Asymmetrical Decentralization*

ABSTRAK

Isu perubahan Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh erat terkait dengan penyesuaian terhadap perubahan peraturan perundang undangan lainnya yang berdampak terhadap implementasi UUPA tersebut karena itu upaya perubahan terhadap UUPA menjadi suatu keniscayaan dan problematis, di samping terutama hal itu juga terkait dengan diperlukannya memperkuat keberadaan pengaturan tentang keberlanjutan dana otonomi khusus Aceh yang diusulkan sebesar 2,5 % dari flafon Dana Alokasi Umum Nasional untuk melanjutkan pembangunan dan meningkatkan kesejahteraan rakyat Aceh untuk waktu yang tidak terbatas. Di sisi lain juga diperlukan pengaturan yang lebih rinci di dalam UUPA usulan perubahan ini untuk lebih mudah dalam pelaksanaannya di lapangan sehingga kewenangan Pemerintah Aceh dalam melaksanakan hak kekhususan dan istimewaannya dalam rangka desentralisasi asimetris lebih dapat diimplementasikan.

Kata Kunci : Perubahan, UUPA, Pembangunan, Kesejahteraan Masyarakat, Desentralisasi Asimetris

INTRODUCTION

The term UUPA in the past was commonly referred to as the Basic Agrarian Law or known as Law No. 5 of 1960. However, in its development, UUPA is also often used to refer to the Child Protection Law or Law No. 23 of 2002, which was later amended by Law No. 35 of 2014, and also the most famous mention of UUPA is in Aceh, to the point where it is almost considered the constitution of the Acehnese people, namely Law No. 11 of 2006 concerning the Government of Aceh. Therefore, the UUPA referred to here is the Law on Governing Aceh (Januar & Marziah, 2019).

Currently, after the enactment of UUPA since 2006 or more than 14 years ago, there is a discourse and desire to amend the law, either due to juridical understanding resulting from the testing of the law in the Constitutional Court or adjustment to various other regulations and unenforceable provisions, as well as various other arguments. If we look at the development of the draft changes to UUPA, at least four versions of the draft are currently circulating, namely the version from the DPR, DPD, DPRA, and the Aceh Government. Although based on constitutional authority where the formation and amendment of the law is the authority of the DPR and the President to obtain joint approval, however, proposals can come from the DPRD, President, and DPD, but referring to UUPA itself where the special amendment of UUPA involves even though the sentence used is the consideration of DPRA.

Among the various reasons for the current desire to amend UUPA, the emergence of the issue of special autonomy funds for Aceh cannot be denied, but other views also arise, not only the issue of funds that will be questioned later, but it is feared that the problem of Acehnese people is always about "money" (a term used for funds/budgets) since the Dutch era, even though funds/budgets are very much needed in carrying out various activities, especially in the administration of government in Aceh, other things also need to be considered in UUPA at this time. (Kumalasari, 2021; Nazaruddin et al., 2021). Based on this view, this paper will examine these changes by focusing on assessing the urgency of changes to UUPA in terms of the legal-political aspect in Indonesia.

Asymmetric Decentralization Meaning

Asymmetric decentralization is a concept in the field of governance. It involves fundamental issues regarding the relationship between the central and regional governments, including the design of different authorities, institutions, finances, and control (Gunawan A. Tauda : Administrative Law & Governance Journal. Vol. 1 Edition 4 November 2018 413). From a legal policy perspective, the concept of decentralization can be seen in the 1945 Constitution,

which implies "asymmetric decentralization" that emphasizes the specificity, uniqueness, diversity of regions, as well as customary law and traditional rights that are further regulated by law (Pujiastuti et al., 2021).

The implementation of asymmetric decentralization is a compromise or solution to the desire for a change from a unitary state to a federal state during the 195 Constitution amendment, as well as to address various problems in the relationship between the central and regional governments while maintaining the existence of regions in the Republic of Indonesia.

(Fatmawati, 2018; Nurfurqon, 2020; Tauda, 2018)

This concept is currently implemented in the Indonesian statehood system, especially in certain regions with special, unique, and special autonomy status, such as Aceh, Yogyakarta, DKI Jakarta, Papua, and West Papua. The application of decentralization in Aceh is a political choice that has special and unique characteristics in the fields of politics, economics, social culture, and religion. Debora Sanur L: *Politica* Vol. 11 No. May 1, 2020 p. 65) states that granting special autonomy or special authority by the central government to the province of Aceh through the concept of asymmetric decentralization aims to embrace the province of Aceh to remain within the unitary state of the Republic of Indonesia and improve the welfare of the Acehnese people. (Rohmah et al., 2022; Susanto, 2019).

RESEARCH METHODS

This is a research method section that explains the approach and materials used in the study. The research method used in this study is normative research with the statute approach, case approach, and conceptual approach. The statute approach is used to analyze various legislation such as the Aceh Special Autonomy Law, Aceh Government Law, Local Government Law, and other legislation (Lexy J. Moleong, 2019). The primary legal materials used in this research are a collection of legislation ranging from the 1945 Constitution, laws, Constitutional Court decisions, and other legislation used as primary legal materials. The secondary legal materials used are sources that can help analyze and understand the primary legal materials, such as textbooks, legal magazines, legal journals, newspapers, and research articles (Moleong, 2018).

RESULTS AND DISCUSSION

1. Understanding, the Spirit of Law On Governing Aceh (LoGA) and The Contents Discussed in LoGA At Present

Constitution Number 11 of 2006 concerning to Law On Governing Aceh (next referred to as UUPA) is follow up results of the *Memorandum of understanding* (MoU) signed on 15 August 2005 in Helsinki, which which later became known as the Helsinki MoU and post-earthquake and

tsunami in Aceh in an effort to resolve the vertical conflict that occurred in Aceh (Suharyo, 2018). It cannot be denied that some provisions that were used as guidelines in the preparation of UUPA were influenced by Law Number 32 of 2004 concerning Regional Government, which has been repealed and replaced by Law Number 23 of 2014 concerning Regional Government, Election Law, and Village Law. In addition, it also relates to mandatory and optional affairs. The resolution of disputes over election results, independent candidates has changed and has consequences and implications for UUPA (Randa & Ramadhani, 2020).

In Aceh, before UUPA, there was also Law No. 11 of 1999 concerning the Implementation of Aceh's Special Autonomy and Law No. 21 of 2001 concerning Special Autonomy for the Special Region of Aceh in the form of the Province of Nanggroe Aceh Darussalam (Siringoringo, 2016; Zainal, 2016). One of the most important provisions in Law No. 11 of 2006 concerning Aceh Governance is the provision on Special Autonomy Funds, which is contained in Article 179 paragraph (2) letter c and Article 183 paragraph (2). This Special Autonomy Fund amounts to 2% of the National General Allocation Fund ceiling, applicable for 15 years starting in 2008, and for the next 5 years it will be reduced to 1%, which will be applicable starting in 2023 (Redha, 2020).

The reduction of the Special Autonomy Fund percentage will have a significant impact on the APBA and will disrupt the implementation of programs in various fields for the welfare of the Acehese people. Furthermore, over time, there have been many state, economic, and socio-political events that require changes to the legal norms governing them, namely several norms contained in Law No. 11 of 2006 concerning Aceh Governance.

Based on the results of discussions with the Aceh government and the drafting team for the Amendment to the LoGA, the Government of Aceh stated that changes to the LoGA were needed in order to provide for the welfare of the people of Aceh, besides that changes to the LoGA were not only in economic or financial terms, but also in other aspects, but much caution is needed.

"The desire to change the UUPA should not be compared to "a person wants to put another bird in a cage, but instead the bird that is already in the cage comes out/ flies back" (Royani Salpina et al., 2020). As comparison Plan Change Which prepared Body Skill DPR RI against amendments to the UUPA mention among others:

1. Removing the authority of the central government in establishing NSPK (norms, standards, criteria, And procedure) Which arranged in Chapter 11 UU Number 11 Year 2006. Authority government center only limited do supervision to implementation affairs Which held by

Government aceh And government district/city.

2. Add authority Government aceh For set NSPK as guidelines in maintenance affairs government concurrent Which become authority aceh And district/city. Provision more he continued arranged with qanun aceh.
3. Removing the authority of district/city governments to organize education madrasah ibtidayah and madrasah tsanawiyah, as regulated in Article 18 of the Law Number 11 Year 2006.
4. Delete authority government district/city For manage harbor And airport general, as arranged in Chapter 19 UU Number 11 2006.
5. Change provision Chapter 67 paragraph (2) letter g, about condition broker governor/deputy governor, regent/deputy regent, And mayor/deputy mayor in accordance with Decision MK No. 51/PUU-XIV/2016.
6. Changing the provisions regarding the distribution of oil and gas Revenue Sharing Funds, as arranged in Chapter 181 paragraph (3) UU Number 11 Year 2006, with adopted the provisions in PP No. 23 of 2015 concerning Joint Management Oil and Gas Natural Resources in Aceh. Thus, the legal basis about provision division become more strong.
7. Delete provision Chapter 256 UU Number 11 Year 2006 about restrictions period individual candidates apply in the election of governor/deputy governor, regent/deputy regent, And mayor/deputy mayor.
8. Arrange return about extension gift fund autonomy special, especially regarding the amount of the percentage, period of time, and granting of autonomy funds special based blue print Which made by Government aceh. Magnitude percentage, term time, And blue print it will determined based on agreement together between the DPR And Government.

2. Amandment of Law No. 11 On Aceh Government

2. Law No. 11 of 2006 on Aceh Government was enacted into law on August 1, 2006, consisting of 273 articles grouped into 40 chapters and promulgated in the State Gazette of the Republic of Indonesia in 2006 No. 62, Additional State Gazette No. 4633. The existence of this law has been in effect for 16 (sixteen) years and it is acknowledged that its existence has brought about changes in various aspects of community life in Aceh (Januar & Marziah, 2019). The existence of Local Political Parties, Additional Revenue Sharing Funds for Oil and Gas, special autonomy funds, and various additional authorities granted to Aceh have brought about changes in the political aspects and implementation of regional autonomy in Aceh. (Suharyo, 2018).

Along with the development of the state administration and the need to accelerate the welfare of the people in Aceh, there is a desire to adjust the legal norms contained in Law No.

11 of 2006 through amendments to the law. This amendment is considered juridically important, among other reasons, due to:

1. Following the decisions of the Constitutional Court regarding the review of Law No. 11 of 2006 on Aceh Government against the Constitution. As a result of this review, there may be provisions of the law that are repealed or amended. The revocation or amendment of provisions of a law must be included in the material content of the law. This is regulated in Article 10 of Law No. 12 of 2011 on the Formation of Laws and Regulations as last amended by Law No. 13 of 2022 concerning Amendments to Law No. 12 of 2011 on the Formation of Laws and Regulations, one of whose material content is "follow-up to the decision of the Constitutional Court" (Article 10 paragraph (1) letter d). And paragraph (2) states that follow-up to the decision of the Constitutional Court must be carried out by the DPR or the President. The Constitutional Court's decision has had an impact on the norms of Law No. 11 of 2006, which requires this law to be adjusted in accordance with the Constitutional Court's decision, including the Decision of the Constitutional Court No. 35/PUU-VIII/2010, which annulled Article 256 of Law No. 11 of 2006. Article 256 of Law No. 11 of 2006 reads: "The provisions governing independent candidates in the election of Governor/Vice Governor, regent/deputy regent, or mayor/deputy mayor as referred to in Article 67 paragraph (1) letter d, apply and are only implemented for the first election since this Law was promulgated.

The decision of the Constitutional Court Number 35/PUU-VIII/2010 has ruled that Article 256 of the Aceh Government Law is contrary to the 1945 Constitution of the Republic of Indonesia and does not have legally binding power. As a result of this Constitutional Court ruling, there will always be an opportunity for independent candidates to run for the position of governor/deputy governor, regent/deputy regent, and mayor/deputy mayor in Aceh Province, without being limited by the time of its enactment.

- 1). The decision of the Constitutional Court Number 51/PUU-XIV/2016, annulled/amended the provisions of Article 67 paragraph (1) letter g of Law Number 11 of 2006. Article 67 paragraph (2) letter g reads as follows:
 - (2) The candidate for Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor must meet the following requirements: g. has never been sentenced to imprisonment for committing a crime punishable by a minimum imprisonment of 5 (five) years based on a court

decision that has legal force, except for the crime of treason or politics that has received amnesty/rehabilitation;

By the Decision of the Constitutional Court Number 51/PUU-XIV/2016, the Constitutional Court has ruled that Article 67 paragraph (2) letter g of the Aceh Government Law is contrary to the 1945 Constitution of the Republic of Indonesia and does not have legally binding power as long as it is not interpreted as an exception for former convicts who openly and honestly disclose to the public that they are former convicts. As a result of this Constitutional Court ruling, former convicts who have completed their sentences and openly and honestly announced that they are former convicts can run for the position of governor/deputy governor, regent/deputy regent, and mayor/deputy mayor in Aceh Province. However, if a former convict does not disclose to the public that they are a former convict, they must wait for more than five years after completing their sentence. This Constitutional Court ruling is also related to the Decision of the Constitutional Court Number 4/PUU-VII/2009 and Number 120/PUU-VII/2009. The Decision of the Constitutional Court Number 4/PUU-VII/2009 has determined the requirements for someone who will fill a public or political office through election, namely; it does not apply to elected officials; it is only valid for a limited period of 5 (five) years after the convict has completed their sentence; it is an exception for former convicts who openly and honestly disclose to the public that they are former convicts; and it is not for repeated offenders. The Decision of the Constitutional Court Number 120/PUU-VII/2009 reinforces the interpretation of the requirements for candidates for regional head positions given by the Constitutional Court in Decision Number 4/PUU-VII/2009 as merely administrative requirements. Therefore, Article 58 letter f of Law Number 32/2004 as last amended by Law Number 12/2008 has a new interpretation regarding former convicts who may become regional head candidates according to Constitutional Court Decision Number 14-17/PUU-V/2007 juncto Decision Number 4/PUU-VII/2009.

2. The Constitutional Court Decisions Number 61/PUU-XV/2017 and Number 66/PUU-XVII/2017. These Constitutional Court Decisions invalidated the provisions of Article 557 paragraph (2) and Article 571 letter d of Law Number 7 of 2017 concerning General Elections. Although there are still differences of opinion about the authority of the Election Supervisory Committee, the spirit of unifying the election supervisory agencies reflected in Article 557 paragraph (1), which was not invalidated by the Constitutional Court, is the driving force for the unification of election supervisory agencies in Aceh. Therefore, it is necessary to make changes to Articles 60 to 63 of Law Number 11 of 2006.

Based on the above description, several norms or provisions that need to be changed are as follows:

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1.	Chapter 67 paragraph (2) letter g (long) No Once sentenced criminal prisonfor committing a crime threatened with imprisonment minimum 5 (five) years based court decisions that have has permanent legal force, except treason or treason politics that has got amnesty/rehabilitation;	Chapter 67 paragraph (2) letter g (new) never as a convict based on decision courtWhich has obtain permanent or shared legal forceformer convict has been open And Honest put forward to public that Which concerned ex-convict.
2.	Chapter 256 (long) "Provisions governing candidates individuals in elections Governor/Deputy Governor, regent/deputy regent, or mayor/deputy mayor as meant in Chapter 67 paragraph (1) letter d, apply And only held For election First times since the Act invited".	Chapter 256 (Change) Deleted.

3. Difficult/ No make it possible Implementation

In Law Number 11 of the Year 2006, there are provisions that are not now Possible held Because exists change Constitution And shift authority between institution Which beginning operate authority the. Among them settlement dispute results election head area. In in practice settlement dispute results election in aceh Already done throughCourt Constitution.

Chapter 74 (Long)	Chapter 74 (change)
<ol style="list-style-type: none"> 1. Participant election Governor/Deputy Governor, regent/deputy regent or the mayor/deputy mayor has the right object to the resultswhich selection set by KIP. 2. Object as meant onparagraph (1) can only be filed by partner candidate to 	<ol style="list-style-type: none"> (1) Governor, regent/deputy regent or the mayor/deputy mayor has the right object to the resultswhich selection set by KIP. (2) Objection referred to inparagraph (1) can only be filed by partner candidate to Court Constitution within 3 hours at the latest(three)

<p>Court Agung in no later than 3 (three) working days after the election results set.</p> <p>3. Object as meant on paragraph (1) only on results influencing vote count his election partner candidate.</p> <p>4. The Supreme Court decided the dispute vote count results as referred to in paragraph (1), paragraph (2), and paragraph (3) no later than 14 (fourteen) days from receipt of the application object.</p> <p>(5) Supreme Court delivered decision on the dispute over the results of the calculation voice as meant on paragraph (4) to:</p> <p>a. KIP;</p> <p>b. partner candidate;</p> <p>c. DPRA/DPRK;</p> <p>d. governor/regent/mayor; And</p> <p>e. Political parties or coalitions of parties politics, local political parties or coalition of local political parties, or coalition of political parties and parties political local Which submit candidate.</p> <p>(6) Decision Court great as referred to in paragraph (4) and paragraph (5) characteristic finals And tie.</p>	<p>working days after the election results set.</p> <p>(3) Object as meant on paragraph (1) only on results influencing vote count this election partner candidate.</p> <p>(4) Court Constitution disconnect dispute over the results of the vote count as referred to in paragraph (1), paragraph (2), and paragraph (3) no later than 14 (fourteen) days from receipt application object.</p> <p>(5) Constitutional Court convey decision dispute results counting voice as meant on paragraph (4) to:</p> <p>a. KIP;</p> <p>b. partner candidate;</p> <p>c. DPRA/DPRK;</p> <p>d. governor/regent/mayor; And</p> <p>e. political party or coalition of parties politics, local political parties or coalition of local political parties, or combined party political with party political local Which submit candidate.</p> <p>(6) Constitutional Court Decision as referred to in paragraph (4) And paragraph (5) characteristic finals And tie</p>
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4. There Has Been a Change in the Practice of Governance in Aceh and Regency/City in aceh.

Naming tool completeness DPRA And DPRK in aceh, in Regulation Tatib DPRA/DPRK as well as in several Aceh Qanuns And qanun Regencies/Cities in Aceh different with Which there is in Constitution Number 11 Year 2006, has get agreement Government (Minister of Home Affairs). Among them :

<p>Chapter 30 (Long) (1) The DPRA/DPRK fittings consist of: on:</p>	<p>Chapter 30 (Change) (1) The DPRA/DPRK fittings consist of: on: leader;</p>
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leader; commission; committee discussion; committee budget; body honor; committee legislation; And tool other fittings Which needed.)Formation, arrangement, tasks, and accessory authority as referred to in paragraph (1) regulated in the Rules of Procedure DPRA/DPRK.	commission; body discussion; body budget; body honor; body legislation; And tool other fittings Which needed.)Formation, arrangement, tasks, and accessory authority as referred to in paragraph (1) regulated in the Rules of Procedure DPRA/DPRK.
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This change must also occur for terms “Committee”, becomes the existing “Body”. in Article 34 and Article 35. Changes in the names of the DPRA and DPRK fittings that are regulated in Constitution Number 11 Year 2006, with the settings in qanun and/or the DPRA/DPRK Regulations are not in accordance with the applicable legal provisions, that a regulation or norm of a statutory regulation can only be changed or revoked by norms or laws and regulations that are equal or more tall.

5. There is Need for Well-being People Aceh

Arrangements for special autonomy funds, which according to the provisions of Article 183 paragraph (2), amount to 2% equivalent DAU National end year to 20 (year 2022) become 1% start year 2023 ³⁶ will make it difficult for Aceh to continue its development and welfare programs people, And by Because That provision This need changed. Related with matter This, provision Which must changed between other :

<ol style="list-style-type: none"> 1. Special Autonomy Fund as referred to in Article 179 paragraph (2) letter c, is government revenue Aceh which is intended to finance development especially development And maintenance infrastructure, economic empowerment people, poverty alleviation, as well educational, social, and funding health. 2. Special Autonomy Fund as referred to in paragraph (1) applies to a period of 20 (twenty) years, with details for the first year until with year fifteenth Which equal to 2% (two percent) ceiling of the National General Allocation Fund and For year sixth fifteen to with its twentieth year magnitude equivalent 	<ol style="list-style-type: none"> (1) Special Autonomy Fund as referred to in Article 179 paragraph (2) letter c, is government revenue Aceh which is intended to finance development especially development And maintenance infrastructure, economic empowerment people, poverty alleviation, as well educational, social, and funding health. (2) Special Autonomy Fund as meant on paragraph (1) magnitude equivalent with 2.50 % (two percent) ceiling Fund Allocation General National. (3) Provisions as referred to in paragraph (1) applies to the Aceh region in accordance with the boundaries of the Aceh region as meant in Article 3.
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with 1% (One	(4) Development program as meant on paragraph (1) poured
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Besides the special autonomy fund, another important source of revenue for Aceh is Addition Fund For Results Oil And Gas Earth (TDBH oil and gas). Based on provision Chapter 181 paragraph (3), Aceh gets 55% Oil and Gas TDBH for Oil and 40% for Gas, so overall Aceh gets 70% revenue sharing from Oil (15% revenue sharing + TDBH oil and gas 55%), and from Gas 70% (profit sharing fund 30%+TDBH oil and gas 40%). In accordance with the provision Chapter 160 paragraph (1), part aceh from for results oil and gas And TDBH oil and gas is Forjoint management of oil and gas within the territory of Aceh (the territory of Aceh), namely up to 12 nautical miles. For management above 12 nautical miles, become authority Government.

Furthermore, with Article 3 of Government Regulation Number 23 of 2015, authority Government aceh in management oil and gas expanded in a manner limited until with 200 mile sea from the territory of Aceh (as stipulated in Article 160 paragraph (1) of Law No.11 Year 2006).

Chapter 3

- (1) Authority to manage Oil and Gas natural resources in the sea area 12 to 200 miles from the territory Aceh authority, carried out by the Government with include Aceh government.
- (2) Participation of the Government of Aceh in the management of natural resources Oil and Natural Gas as referred to in paragraph (1), is carried out through supervision And monitoring to report production OilAnd Gas Earth.
- (3) In the context of supervision and monitoring of Oil and Gas production Land as referred to in paragraph (2), contractors who are Territorial Its workings are from 12 to 200 nautical miles from the area authority aceh must convey report production Oil And Gas Earth in a manner periodically to Governor.

As a consequence of the authority as stipulated in Article 3 above, based on Article 69 PP Number 23 of 2015, Aceh receives revenue in the form of shares results as big 30%, whereas Government obtain 70%. Provision about Authority Aceh and Aceh's right to profit sharing for offshore oil and gas management, 200 nautical miles from authority of Aceh, there is no adequate legal umbrella. Therefore through change UU This, base law That must added. Provision in Chapter 69 pp Number23 Year 2015 is as following :

Chapter 69

Non-Tax State Revenue in the form of profit sharing in management source Power natural Oil And Gas Earth as meant one Chapter 3 is For Government as big 70% (seven twenty percent) AndFor Government aceh by 30% (three twenty percent).

based on description on, need addition chapter new , that is Chapter 160A And Chapter 160B after Chapter 160 UU Number 11 Year 2006, namely:

Chapter 160A.

1. Authority management source natural power Oil and Gases Earthlocated within 12 to 200 miles of sea the territory of Aceh authority, carried out by the Government with include Aceh government.
2. Participation of the Government of Aceh in resource management Natural Oil and Gas as referred to in paragraph (1), done through supervision And monitoring to report production Oil And Gas Earth.
3. In the framework of supervision and monitoring of Oil production and Natural Gas as referred to in paragraph (2), Contractors who Its Operational Area is from 12 to 200 nautical miles fromthe jurisdiction of Aceh is required to submit production reportsOil

Chapter 160B

Non-Tax State Revenue in the form of profit sharing in management natural resources of Oil and Gas as referred to in Article 160A is for the Government of 70% (seventy percent) And For Government aceh by 30% (three twenty percent).

Apart from that, there is a need to criticize the implementation of the special autonomy fund attention. Matter This happen Because No exists arrangement Which detail so that in its implementation is easy to change, and results in the utilization of special autonomy funds yet appropriate target. By Because That through change This, matter the will collected.

4. Need Shift Authority Because There is Norm or Provision Which Difficult Held

Some provisions (articles) are difficult to implement, as a result of authority or consideration economy. For example authority management airport And harbor sea, Which will make it difficult for the Aceh Government and district/city government finances if this authority remains must be carried out by the Regency/City Government, because all airports and seaportssea in aceh Still must subsidized (make a loss).

These provisions, among others, are contained in Article 172, which reads and suggestions change as following:

Chapter 172 (Long)	Chapter 172 (Change)
<ol style="list-style-type: none"> 1. Government, Government aceh and/or district/city government can build harbors and cities air general in aceh. 2. Port and city management the air built by the Government aceh and/or government district/city as referred to on paragraph (1), done by Government aceh and/or government reGENCY/city. 3. Further provisions regarding development and management seaport and airport as referred to in paragraph (1) and paragraph (2) is regulated by qanun with notice norm, standard, And procedure Which ber in demand. 	<ol style="list-style-type: none"> (1) Government, Government aceh and/or district/city government can build harbors and cities air general in aceh. (2) Port and city management the air built by <i>the Government</i> , Government of Aceh and/or government reGENCY/city as meant in paragraph (1), carried out <i>together</i> by <i>Government</i>, Government of Aceh and/or government reGENCY/city. (3) Further provisions regarding development and management seaport and airport as referred to in paragraph (1) and paragraph (2) is regulated by qanun with notice norm, standard, And procedure Which ber in demand.

Besides that, there are also authorities that are not implemented due to a lack of will from Government to implement it, among others, the provisions regarding the Government's obligation to make Norms, standards, procedures and criteria as among others exist in Chapter 11 paragraph (1) the beeps as following :

Chapter 11 paragraph (1) (old)

- (1) The government sets norms, standards, and procedures and performs them supervision to implementation affairs Which held by Government aceh and government reGENCY/city.

In order to facilitate the implementation of these authorities, a shift in authority between the central government and the Aceh provincial and district/city governments is necessary. The management authority of airports and seaports should be reconsidered to be under the central government's authority. Meanwhile, the authority to establish norms, standards, and procedures in implementing the authorities of the Aceh provincial and district/city governments should be under their respective authorities. Therefore, Article 11 paragraph (1) should be amended to

- (1) Government aceh set norm , standard , And procedure implementation supervision and implementation affairs by the Government *aceh And government district / city*.

CONCLUSION

It is necessary to exercise caution in making changes to the Law on Governing Aceh (LoGA), and to carefully consider the political calculations and lobbying efforts involved. It is important to ensure that any changes made to the law do not result in the loss of the existing benefits. Therefore, all parties involved in the process of amending the UUPA should not only understand the legal aspects of the law in a normative sense, but also, more importantly, understand the sociological aspects. The existence of the UUPA is the result of a political agreement to end the prolonged conflict between the Indonesian government and the Free Aceh Movement (GAM) in a dignified and comprehensive manner. Thus, strengthening peace and creating prosperity for the Acehnese people should be the inner spirit and commitment of all parties involved in amending the UUPA. After all, all legislative regulations are essentially aimed at creating order, bringing about peace, establishing justice, and affirming identity.

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