



IMPACT OF HELSINKI MOU IMPLEMENTATION INTO THE ACEH GOVERNMENT LAW AS CONFLICT RESOLUTION

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Abstract

This qualitative research presents reflections on conflict and the results of peace in an Aceh region that is included in the unitary state of the Republic of Indonesia. The decades-old conflict is an ideological dispute fought by the Free Aceh Movement (GAM) to grow its own autonomous and free state from the Indonesian government. Several parties were initially pessimistic about realizing peace but strengthened again after the 2004 earthquake and tsunami. The Helsinki MoU was not just the result of a long war but due of natural disasters causing the international world to put pressure on the parties so that they finally agreed to make peace. The Government of Indonesia provides a special autonomy legal instrument that is strengthened in the Aceh government law (UUPA) to keep Aceh firmly in a unitary state. The impact of the Helsinki MoU has not been fully on the side of justice in terms of the development of people's welfare. The reality is that political reintegration through local political parties has been able to change the paradigm of GAM fighters to the path of democracy but the local government that exists has not been able to change the situation and change significantly. First, it is believed that the result has not been fully implemented by the UUPA because it is not following the clauses in the Helsinki MoU. Second, some regulations that should be completed by the Indonesian government as a commitment to carrying out peace have not been implemented. This situation could ultimately result in the delegitimization of sustainable peace. This anxiety should be observed so that Aceh as a citizen of the world community can grow and develop well in the future.

Keywords : Helsinki MoU Implementation, UUPA, Conflict Resolution

1. INTRODUCTION

The history of the Aceh versus Indonesian government conflict is indeed very long, but it has just marked an actual trend of global political transformation. The conflict that occurred over a period of 30 years was one of the bloody conflicts that lasted for a relatively long time interval (Takeshi, 1984). The conflict in Aceh is not easy to resolve completely due to its complex problems. Related to issues of revenge, welfare, politics, and economy and the most fundamental is the desire for "Independence" to escape from the Unitary State of the Republic of Indonesia (Jayanti, 2018).

The tsunami that claimed approximately 130 thousand lives (far surpassing the Aceh war casualties) has brought significant changes to the dynamics of the Aceh conflict between the Free Aceh Movement (GAM) and the Kingdom of Indonesia. This is an "X" factor that is not taken into account by the warring parties and can temporarily defuse conflict, knocking the conscience of all parties to make peace (Wahyudi, 2013). (Kingsbury, 2022) stated that the peace agreement in Aceh occurred in the base due to the tsunami disaster that brought conflicting parties to human moral values. The Government of Indonesia and GAM agreed to negotiate a peace agreement in the

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Helsinki city of Filandia on August 15, 2005, resulting in a memorandum of understanding better known as the Helsinki Memorandum of Understanding (MoU) (Aguswandi, 2010; Reid, 2004)

Aceh's peace after the tsunami has received full support from the international community (Yoedtadi et al., 2020). The parties firmly believe that only a peaceful resolution of the conflict will allow the rebuilding of Aceh after the tsunami of December 26, 2004, to achieve progress and success (Arfin Sudirman and Naura Nabila Haryanto, 2018). Moreover, this MoU memorandum of understanding contains the content of the agreement and principles that will guide the transformation process as well as a landscape for all policies issued by the Government of Indonesia (Randa & Ramadhani, 2020).

The Helsinki MoU underlies the establishment of two main regulatory principles in Aceh. First, the enactment of law Number 11 of 2006 concerning the government of Aceh is abbreviated as UUPA. The law consists of 40 chapters and 273 articles covering important issues contained in the MoU. Second, is the formation of local political parties based on Presidential Regulation Number 20 of 2007. The presence of local political parties is evidence of the development of growing democracy in Indonesia as well as the delivery of political aspirations at the regional level (Bhakti, Nusa Pledge, 2008). The Aceh Governance Law (UUPA) is an important event in the course of Indonesian history and especially for Aceh, it is the hope to create a lasting peace, comprehensive, just, and dignified (Sumardi, 2016) its existence as *lex specialis* (Januar & Marziah, 2019; Sumardi, 2016).

Research has found that differences in interpretation from a legal point of view in the UUPA have become obstacles in its subsequent implementation. On the other hand, its status is under the hierarchy of the Indonesian government constitution, namely the 1945 Constitution, so that there are several aspects contained in it have been regulated earlier with several other regulations requiring coordination and harmonization between Aceh and the Indonesian government, because the GAM through the Aceh legislature is more likely to justify the Aceh Government Law with the Helsinki MoU than the Indonesian constitution which regulates several foundations basis of agreement (Fakhrurrazi et al., 2021; Ilham et al., 2021; Reid, 2004).

There are many studies related to the Helsinki MoU written in the form of theses, dissertations, and study books, ranging from a negotiation process full of concerns to matters disputed by the Republic of Indonesia (RI) and GAM. Another interesting issue is the substantive debate regarding the derivation of the Helsinki MOU into the UUPA because the UUPA plays an important role in the development of Aceh. However, the substantive debate regarding its derivatives has not yet been resolved, even though the mandate of the matter must have been completed 2 (two) years after the UUPA was passed. The big question for the people of Aceh is, is the ability to lobby Aceh towards Jakarta lacking? Or indeed Aceh is facing problems so that there are always parties or individuals to blame. All this is the reason why they cannot claim rights. it has been guaranteed by the UUPA.

Referring to the above problems, this study leads to further investigation into the impact of the implementation of the Helsinki MoU into the Aceh Government Law as a political consensus between GAM and the Indonesian government to be the main study of one of the conflict resolution models whether it is categorized as positive peace or whether it is negative.

2. THEORETICAL FOUNDATIONS

Conflict resolution as a scientific study is something that can be said to be new. At first, every conflict that occurs in a society always tends to lead to violence between the parties involved in it. (Alo, Liliwari, 2005) argues that conflict resolution aims to deal with the causes of conflict and foster new relationships between hostile groups. Conflict resolution also explains how to handle conflicts, how to resolve them, how to deal with them and perhaps how to eliminate conflicts. Conflict resolution is a comprehensive term envisioning that the deepest roots that are the source of the conflict are addressed and changed. This means that violence no longer exists, hostile



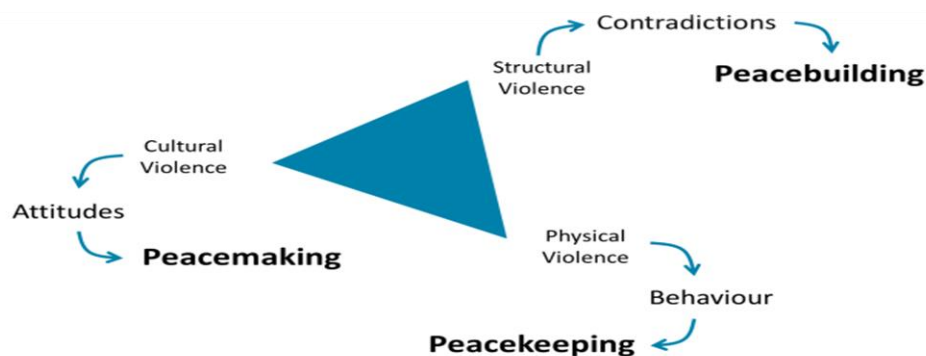
attitudes no longer exist and the structure of conflict has gone in the direction of change (Sudira, 2017).

The use of conflict resolution theory in this study is based on several reasons; First, this concept is the earliest emerging idea used to define conflict management as a new area. Secondly, this term is a term widely used by many analyzers and practitioners, so there are almost no important changes in this concept from year to year until now. Third, the term conflict resolution is the most well-known term in the media and also in public life in general. The theory or step in conflict resolution i.e. dialogue, Dialogue is defined as a conversation between two or more. To carry out a dialogue, both parties involved must pay attention to several guiding lines in the dialogue, including Whole and authentic, Mutual openness, and the existence of an equal footing, or common ground.

Negotiation, according to (Jumadiyah, 2015) negotiation is one of the dispute resolution strategies where the parties agree to resolve their issues through a process of deliberation and negotiation. In a sense of the word, negotiation is a structural process in which the parties to the conflict talk to each other about issues written to reach an agreement or collective agreement. Both parties to the dispute are expected to compromise well to achieve a mutually beneficial matlamat (Farichah, 2016)

Furthermore, mediation intends the process of including third parties in the settlement of disputes as counsel (Tualeka, 2017). For mediation, three ratings must be considered, namely: Preparation, namely; introduction, representation, or review of parties who can mediate and agree with the parties to initiate mediation proceedings. Mediation session, the process in this stage is; opening, stories, agenda, options, agreements, and closing. Follow-up is the implementation of the decision of the agreement by both parties to the conflict and is determined together in a written agreement (Soesilo, 2013). Lastly, Peace Building, means that peacebuilding is a strategy or effort that tries to restore the destructive situation caused by the violence that occurs in the conflict by building bridges of communication between the parties involved in the conflict (Soesilo, 2013).

Refer to several studies that have been conducted. There are several meanings to conflict resolution. Among them, conflict resolution is the process of achieving conflict output using conflict resolution methods. The conflict resolution method is a management process used to produce conflict outputs and can be grouped into several parts: self-regulation or third-party intervention (Asnawati & Lihu, 2018; Malasyi et al., 2021; Mardiyanthi et al., 2019). The theme of peace and conflict resolution to understand how it relates to sustainable development in Aceh refers to the Human Centered Design model that builds the three pillars of peace (Čajić, 2016; KAMINSKY, 2021) namely Peacekeeping, Peacemaking, and Peacebuilding as shown below:



**Figure 1. Model Human-Centered Design
Peacekeeping, Peacemaking, and Peacebuilding**
Source: Galtung (2008)

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The figure above defines peace, using a triangle of conflict, as the absence of physical violence, cultural violence, and structural violence. An interesting part of the conflict triangle is the theory that peace can only be maintained if we can overcome any form of violence. Peace is about educating by building a formidable power base where different cultural groups can communicate as well as build relationships.

Peacebuilding creates a platform to enable more equal societies, work to change the structure of society, and encourage and empower communities in creating sustainable growth. Each of these processes requires a theory of change to achieve sustainable and resilient peace. In harmony with what is offered by (Doyle & Sambanis, 2011). The argument for the success of a peacebuilding activity is processed from a variable that is not standard but must be flexible. The dynamics are connected between international role, level of hostility, and local capacity as shown in the following figure:

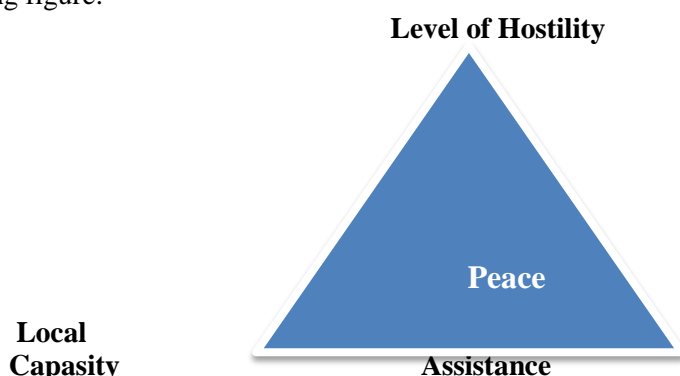


Figure 2. Peacebuilding Triangle
Source: Processed from Doyle and Sambanis (2006)

Peacebuilding approach. This concept was first popularized by Bhoutros-Bhoutros Ghali, this definition was later strengthened by the peacebuilding approach presented by (Rahardjo, 2018) and Andi Knight (2004) that, peacebuilding is a process of realizing salvation that focuses on the practical implementation of safe social change through reconstruction and political, social and economic development. According to him, Peacebuilding emphasizes a long-term process. Detect and resolve the roots of conflict, transform the dispute, and strengthen the elements that can connect the warring parties in the conflict and new formations to achieve positive peace (Miall et al., 2011). (Galtung & Fischer, 2013) also introduces between negative peace and positive peace as follows.

Table 1. Negative Atonement and Positive Peace

Negative Peace	Positive Peace
Absence of violence	Structural Integration
pessimistic	Optimistic
curative	Preventive
Peace is not always by peaceful means	Peace by peaceful means

Source: Galtung (2008), Grewal (2003)

Galtung's theory of peace (Galtung & Fischer, 2013), and its relevance to the social and political philosophy known as positive and negative peace. Negative peace Peaceful conditions characterized by the absence of conflict between two or more sides, the absence of fear asymmetry, the absence of violence, and the absence of clashes of interests are associated with immediate symptoms, the state of war, and the use and effects of force and weapons. Positive peace is the



fulfillment of a sense of security and economic justice from the prevailing system, to the elimination of racial, ethnic, and religious discrimination by the social structure. Positive peace is created due to democratic and non-coercive conflict resolution tools, the existence of social justice, and broad political divisions. The three models related to each other are peacekeeping, peacebuilding, and peacemaking. The three model outlines as shown in the table below:

Table 2. A Galtung version of the conflict resolution framework

Problem	Strategy	Target
Violence	Peace Keeping (Military Activities)	A collection of "fighters" or the military"
Conflict of interest	Peacemaking (Political Activity)	Leaders/ figures
Socioeconomic structure and negative attitudes	Peacebuilding (Socioeconomic Activities)	The general public (followers)

Source: Tubagus Arif Faturahman (2001)

The figure above explains that a peacekeeping model involving safety forces and soldiers needs to be implemented to reduce conflict and prevent conflict transmission to other groups. Peacebuilding is a strategy or effort that tries to restore the destructive situation caused by the violence that prevails in the conflict by building bridges of communication between the parties. Peacebuilding emphasizes the quality of interaction over quantity. Therefore, five matters must be considered on this issue; First, the prevailing inconsistency must be between the parties to the status alignment. Second, there is support from the social environment. Third, communication is intimate (not casual). Fourth, the communication process must please both parties, and fifth, there is a goal to be achieved together.

According to (Galtung & Fischer, 2013), the focus of the peace-building process is "the practical implementation of peaceful social change through socio-economic reconstruction and development". In other words, the challenge is how to elevate negative peace to positive peace which means the creation of social justice, economic well-being, and effective political representation. The prospect of peacebuilding in Aceh is inseparable from the development of the conflict before the signing of the Helsinki MOU where it was seen the factors that prompted both parties to stop the violence and their expectations of the peace agreement reached. At this time, the Government of Indonesia and GAM agreed to use political instruments through democratic mechanisms and one of these instruments was through local parties.

3. RESEARCH METHODOLOGY

The method of inquiry chosen in this study is a descriptive qualitative method. The reason for choosing this study, the researcher sought to describe how the phenomenon of cases related to the impact of the implementation of the Helsinki MoU into the UUPA as a conflict resolution. The use of this qualitative approach is also to analyze whether the implementation of the MoU into the UUPA is in accordance or not with the content of the agreement that has been agreed between the Government of the Republic of Indonesia and GAM in Helsinki Finlandia. So that the realization of sustainable peace and become a model of peace as expected.

This research conducts exploration to find answers to research questions. To search for the answer to the question, the type of qualitative research chosen in this study is a case study to investigate contemporary phenomena in a real-life context, using multiple sources of evidence and paying attention to argumentation with the affirmation of the question as explained Yin (2018) it

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does not stop at the question of how and why, but will be continued with the question of whether, who, where or how much.

4. RESULTS AND DISCUSSION

Helsinki MoU peace between the Government of Indonesia and GAM

The peacebuilding process as defined by Boutros Boutros Ghali is a series of activities aimed at identifying and supporting various structures aimed at strengthening peace to prevent recurrent conflicts. The two opposing parties are in a situation of mutually hurting stalemate i.e. in a state of suffering due to the impasse of the conflict, realizing that they cannot ignore the conflict and cannot step unilaterally to get the victory. In such circumstances, peace is the best necessity and option.

The prolonged conflict in Aceh has been for years and has killed many Acehnese civilians ended peacefully after the devastating earthquake and tsunami on December 26, 2004. Efforts to build peace in Aceh are carried out by involving third parties, namely international NGOs. The prevailing negotiations/dialogue between RI-GAM in Helsinki is not the first to be carried out. Before this, peace talks were also facilitated by the Herry Dunant Center (HDC) resulting in a Humanitarian Paused which was held in Bavois, on May 12, 2000 (Djumala, 2013). However, the peace talks process lasted until 2003 and failed. In 2005 the peace process was again carried out by involving the Crisis Management Initiative (CMI) as a third party in resolving the Aceh conflict (Iqbal, 2014).

Table 3. Details of the Date of the Round of Negotiations

Rotation	Schedule	Location of Negotiations
First	27, 28, 29 Januari 2005	Koningstedt, Manor, Vantaa, Helsinki
Second	21, 22, 23 Februari 2005	Koningstedt, Manor, Vantaa, Helsinki
Third	12, 13, 14, 15, 16 April 2005	Koningstedt, Manor, Vantaa, Helsinki
Fourth	26, 27, 28, 29, 30, 31 Mei 2005	Koningstedt, Manor, Vantaa, Helsinki
Fifth	12, 13, 14, 15, 16, 17 Julai 2005	Koningstedt, Manor, Vantaa, Helsinki
Signature	15 Ogos 2005	Smolna, Helsinki

Source: Processed by researchers

The introduction of the memorandum of peace understanding emphasizes that with the signing of the peace memorandum, all armed conflicts that occurred in Aceh between the GAM armed forces and the Indonesian armed forces have ended peacefully, comprehensively, sustainably, and with dignity for all with several agreements having been agreed (Budi Santoso, et al, 2018) including The administration of Aceh government which includes government laws, political participation, economy, legal regulation, human rights, amnesty and reunification in society, security arrangements and the establishment of a vision of supervision and dispute resolution.

The main problem is the process of understanding the implementation of the Helsinki MoU into the UUPA because it will leave an impact on the implementation of the sustainability of the peace process as a whole. (Basri & Nurhamlin, 2013; Yunanda, 2021) elaborates, there are at least three reasons that can be stated about this. First, the Helsinki MoU is a peaceful undertaking that results in a political settlement. Second, is the ceasefire agreement with gam arms cuts by the international side, the withdrawal of the inorganic Indonesian army from Aceh, and reintegration as an inseparable framework in ending the conflict. Third, it regulates important issues regarding Aceh's past and future, namely discussions on law, governance, resolving human rights abuses, and economic incentives for victims of conflict.



The Helsinki MoU peace treaty is also a privilege granted to Aceh to manage its territory in all aspects. Except in six respects, namely: security, fiscal finance, religion, foreign security, and relations between countries. The governments of Indonesia and GAM positively maintain and perpetuate their shared commitment to continue to maintain security and end the thirty-year war in Aceh. The point of agreement is mostly carried out, especially on the issue of political inclusion and economic development so that security can be maintained.

In conclusion, the prospect of peacebuilding in Aceh was inseparable from the development of the conflict before the signing of the Helsinki MoU in which many elements encouraged both parties to stop the violence, and their hopes for a peace agreement were achieved. At this time, the governments of Indonesia and GAM agreed to use political instruments through democratic mechanisms. Reviewing the content of the peace agreement, ensuring that the results of the agreement are implemented that have a community impact through the UUPA. The extent to which a peace agreement was reached substantially to ensure the achievement of sustainable peace in Aceh.

The issue of implementing the Helsinki MoU into UUPA No. 11 of 2006

UUPA is a form of national policy that was born to regulate the governance of Aceh by the framework of the Helsinki MoU. Many developments have occurred in Aceh, especially from the aspect of security. The birth of UUPA is an answer to the complaints of injustice experienced by the Acehnese people in various aspects such as politics, economy, identity, and human rights. For the subject of political concentration, Aceh was given the right to cultivate local partisans. Sharing natural resources, Aceh obtains 70 percent of petroleum proceeds as a profit-sharing balancing fund and additional revenue-sharing funds (stated in article 181 of the UUPA).

Aceh also received a 20-year special autonomy fund starting in 2008 with a 2 percent of the Special Allocation Fund (DAU) ceiling for the first 15 years and 1 percent for the next five years. The Special Autonomy Fund, intended as a peace dividend, is a fund to catch up with development in times of conflict. In terms of identity, Aceh is given the special right to have its flag and hymn and has the customary institution Wali Nanggroe, also the only region in Indonesia that implements Sharia Law.

The provisions of the UUPA should not in principle contradict the agreed memorandum of understanding, this is the most challenging issue. In article 1 of the MoU on the administration of government in Aceh, it is stated that the Indonesian government and GAM have agreed on a law on the administration of Aceh which must be based on the principle that Aceh exercises power in all public affairs, areas jointly organized with the government and civil, except the authority of the government of the Republic of Indonesia which is guaranteed in the constitution, but its relationship with Aceh must be negotiated and approved by the Aceh legislature. This problem is explained in the Helsinki MoU, article 1 paragraph 1.1.2 points a, b, c, d on governance in Aceh. Another agreement also mentioned that Aceh could have flags, emblems, and hymns (Articles 246 and 247 of the UUPA).

A summary of the explanation above can be said that the implementation of the provisions of the UUPA in the Helsinki MoU has been accommodated, such as Aceh which has the right to use regional emblems which include flags, emblems, and praises (Article 1.1.5). The MoU as recognized in Articles 246 to 248, concerning the Nanggroe Guardian Institution to be formed. With all ceremonial instruments and titles (Article 1.1.7 MoU, as recognized in Article 96 of the UUPA to Article 97). The Government of Indonesia has approved and will facilitate the formation of a political party based in Aceh that meets national needs (Article 1.2.1 MoU), as recognized in Articles 75-79 of the UUPA. The people of Aceh have the right to determine candidates for office in all positions elected to compete in elections in Aceh from April 2006 onwards (Article 1.2.2 MoU), as recognized in Article 56 to Article 64 of the UUPA). Regarding the right to have power over the natural resources living in the sea of the surrounding area. An impartial and independent

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judicial system, including a high court, was established in Aceh within the judicial system of the Republic of Indonesia (Article 1.4.3 MoU), as recognized in Article 128 of the UUPA to Article 137).

Based on the facts, looking at the relationship between the Helsinki MoU and Law No. 11 of 2006 concerning the Government of Aceh, a comparison of the content material in the UUPA can be drawn against the Helsinki MoU, as in the following table:

Table 4. Comparison of material in the UUPA to the Helsinki MoU

NO	Payload Material MoU	UUPA Content Material	Information
1	1.1.5 Aceh has the right to use regional symbols including flags, emblems, and hymns.	Regulated in CHAPTER XXXVI on Flags, Coat of Arms, and Hymns in Article 246 of the UUPA up to Article 248	Accommodating There are still differences in specific views on flags and coats of arms
2	1.1.7 The Nanggroe Guardian Institution (<i>Lembaga Wali Nanggroe</i>) will be formed with all its ceremonial devices and titles.	Regulated in CHAPTER XII on Nanggroe Guardian Institutions in Article 96 of the UUPA	Accommodating
3	1.2.1 As soon as possible, but not later than one year after the signing of this Memorandum of Understanding, the Government of Indonesia agreed and will facilitate the establishment of political parties based in Aceh that meets national requirements.	Regulated in CHAPTER XI on Local Political Parti in Article 75 of the UUPA to Article 79 of the UUPA	Accommodating
4	1.2.2 With the signing of this Memorandum of Understanding, the people of Aceh will have the right to determine candidates for the positions of all officials elected to contest elections in Aceh in April 2006 and beyond.	Regulated in CHAPTER IX on the Implementation of Elections in Article 56 of the UUPA to Article 64 of the UUPA	Accommodating
5	1.3.1 Aceh is entitled to obtain funds through foreign debt. Aceh reserves the right to set interest rates different from those set by the Central Bank of the Republic of Indonesia.	Regulated in CHAPTER XXIV on Finance in Article 178 of the UUPA up to Article 201 of the UUPA	There is an inconsistency with article 186 of the UUPA.
6	1.3.3 Aceh will have authority over the natural resources living in the territorial sea around Aceh.	Regulated in CHAPTER XXII on the Economy, the fifth part in Article 162 of the UUPA	Accommodating
7	1.3.5 Aceh carries out the	Regulated in CHAPTER	This regulation



	construction and management of all seaports and airports within the Aceh region.	XXII on the Economy in Article 167 of the UUPA to Article 170 of the UUPA	is not expressly regulated in the UUPA.
8	1.3.7 Aceh will enjoy direct and unhindered access to foreign countries, by sea and air.		It has not been accommodated and is not regulated in the UUPA.
9	1.4.3 An impartial and independent judicial system, including high-ranking justice, was established in Aceh within the judicial system of the Republic of Indonesia.	Regulated in CHAPTER XVIII on the Syar'iyah Court in Article 128 of the UUPA to Article 137 of the UUPA	Accommodating
10	2.3 A Truth and Reconciliation Commission will be established in Aceh by the Indonesian Truth and Reconciliation Commission with the task of formulating and determining reconciliation efforts.	Regulated in CHAPTER XXXIV on Human Rights in Article 227 of the UUPA to Article 231 of the UUPA	To date, Article 229 paragraph (1) on the establishment of a new Truth and Reconciliation Commission was accommodated.

Source: Zaky Ulya (2014)

The implementation of the MoU as stated above shows that several conflicts of law and interpretations are different from the UUPA which are challenges in the subsequent implementation. Not to mention that the status of the UUPA is still in the constitutional hierarchy of the Indonesian government, namely the 1945 Constitution, so several aspects have been regulated by the DPR and the Aceh Government that require coordination and harmony with the Government of Indonesia. However, GAM, through the Aceh side, is more inclined to agree to the UUPA with the Helsinki MoU than the Indonesian constitution which regulates several principles of the agreement. This issue is certainly a serious challenge to the sustainability of peace in Aceh.

Impact of Helsinki MoU Implementation into UUPA

The results of the study found the peace process manifested through the Helsinki MoU did not automatically end the conflict. Differences in political views and goals continue to occur today. At the beginning of the discussion of the UUPA, the Government of Indonesia and GAM were able to accept the content of the law, but in the future there was an insistence, especially from the local party, namely Parti Aceh, to revise the substance of the content of the law, reviewing the UUPA due to the inconsistency of part of its content with the MoU clauses.

The weak political footing of the law against the Helsinki MoU, as explained by Fuady (2018) so is not used as a reason for lawmaking. Positioning the Helsinki MoU to be legally dilemmatic and politically independent. On the other hand, commitment and trust-building between the central government and the Aceh government is a benchmark for the sustainability and strengthening of special autonomy authority. This, of course, is inseparable from the escalation and political configuration, both at the national and Aceh levels. The impact of the discrepancy between the Helsinki MoU and the UUPA is seen in the following table:

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Table 5. The discrepancy between the Helsinki MoU and UUPA No. 11 of 2006

MoU Helsinki	UUPA No. 11 of 2006	Implications/Impact
1. Article 1 provides for the Implementation of "Government in Aceh" (in English Governing of Aceh).	1. UUPA does not use the term "Government in Aceh", but "Government of Aceh" (Article 1 paragraphs 6 and 7).	1. The term "Government of Aceh" contains the nuances of "self-government", a term that does not exist in the Helsinki MoU.
2. Article 1.1.1. mandates that a new law on governance in Aceh will be promulgated.	2. In the considerations do not refer to the Helsinki MoU as the basis for drafting the Act.	2. Other regulations derived from UUPA No. 11 of 2006 may be inconsistent with the Helsinki MoU.
3. Article 1.1.2.a: Central Authority is foreign relations, external defense, national security, monetary and fiscal matters, judicial power, and freedom of religion.	3. Article 7 paragraph 2: Central Authority is a matter of government of a national nature, foreign policy, defense, security, judiciary, national monetary and fiscal, and certain affairs in the field of religion.	3. The addition of the word "national affairs" to the UUPA allowed for the expansion of central authority over Aceh. The absence of the word "outside" in the word external defense in the UUPA serves as the center's justification for placing the military out of necessity in Aceh.
4. Article 1.1.2.a: Aceh will exercise authority in all public sectors held in conjunction with civil administration and justice.	4. Article 11 paragraph 1: The government establishes norms, standards, procedures, and supervision of the implementation of affairs by the Government of Aceh and district/city governments.	4. The establishment of norms, standards, procedures, and supervision by the Center will limit the special rights and authorities of the Aceh Government in government activities in Aceh.
5. Article 1.1.2.b: International agreements relating to Aceh will come into force with the "consultation and approval" of the Aceh legislature.	5. Article 8 paragraph 1: International approvals directly related to the Government of Aceh are carried out with Aceh People's Representative Council (DPRA) "consultation and consideration".	5. The replacement of the word "consent" with "partimaran" reduces the authority, autonomy, and meaning of self-government in Aceh.



6. Article 1.1.2.c: Decisions of the House of Representatives regarding Aceh are carried out with the "consultation and approval" of the Aceh legislature.	6. Article 8 paragraph 2: The plan of the Law by the House of Representatives which is directly related to the Government of Aceh is carried out with DPRA "consultation and consideration".	6. The replacement of the word "consent" with "partimbangan" reduces authority, a degree of autonomy for Aceh
7. Article 1.1.2.d: Administrative policies by the Government of Indonesia relating to Aceh are implemented with the "consultation and approval" of the Head of the Government of Aceh.	7. Article 8 paragraph 3: Administrative policies directly related to Aceh that will be made by the Government are carried out with the Governor's "consultation and consideration".	7. The replacement of the word "consent" with "partimbangan" reduces authority and a degree of autonomy for Aceh.
8. Article 1.1.3: The name of Aceh and the title of the senior elected official will be determined by the Aceh legislature after the upcoming elections.	8. Article 251 paragraph 3: The name and title of the official are stipulated by a Government Regulation based on the proposal of the DPRA and the Governor of Aceh.	8. Reduce the authority of DPRA and the Governor of Aceh because the final decision is in the hands of the center.
9. Article 1.3.1: Aceh has the right to obtain funds through foreign debt.	9. Article 186 paragraph 1: The Government of Aceh and districts/cities may obtain loans from the Government whose funds are sourced from foreign debt with the approval of the Minister of Finance.	9. Aceh cannot borrow directly from abroad, having to go through the Center, thereby reducing Aceh's authority to obtain foreign debt funds.
10. Article 4.1.1: The army will be responsible for safeguarding Aceh's external defenses. Under normal peacetime, only organic soldiers will be in Aceh.	10. Article 202 paragraph 1: The Indonesian National Army is responsible for carrying out state defense and other duties in Aceh by laws and regulations.	10. The absence of the word "external defense" and the addition of the word "other duties" allowed the military to become involved in Aceh's internal security.

Source: The Aceh Institute (2010)

The Helsinki MoU has established various general principles for the Aceh government its relationship with the Jakarta national government needs to be considered, peace will be realized in Aceh if all points of the peace agreement are realized in the statutory system by the mandate of point 1.1.2 of the MoU. These principles must be manifested in the new Aceh Government Law (UUPA No. 11 of 2006). However, its implementation has faced various challenges and support

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due to differences in perceptions, interpretations, and opinions regarding the position of the UUPA regarding the Government of Aceh as a special provision (*lex specialist*).

The difference in perception on this issue is: First, the Government of Indonesia argues that sectoral legislation is a special provision that can overcome the UUPA. The Aceh government argues that the UUPA is a special provision that can address all other similar laws and regulations. Second, the Government of Aceh argues that local regulations (Qanun) Aceh can regulate everything regulated by the UUPA even though it is not explicitly and fully regulated. Third, the UUPA does not contain a complete, clear, and detailed designation that gives rise to many interpretations in its application. Fourth, according to Jakarta. Some sectoral laws formed after the UUPA contain more advanced designations and give greater authority to the regions compared to the UUPA.

(Zainal, 2016) said that this reality applies because further negotiations no longer involve third parties as mediators. As a result, the negotiation process in a relationship is unbalanced (asymmetrical), because Aceh has been passed as a substate part of the Indonesian State, and the Government of Indonesia refers more to the regional autonomy law than to the Helsinki MoU. As a result, principled cases were abolished, such as the authority of the Indonesian Government, which agreed to only 6 cases, became blurred, and some of the points of the UUPA deviated from the provisions of the Helsinki MoU. Therefore, the reform of asymmetric relations to balanced relations does not apply. Even though this case is the core of peacebuilding this is one weakness of the Helsinki MoU which is not the implementation in its entirety because it requires further negotiations and stripping the ceasefire stage and direct disarmament of the GAM side before further negotiations are concluded. Although GAM was not declared disbanded, its power is no longer there, they do not have weapons that can threaten the existence of the Indonesian government. Therefore, the ceasefire is part of the negative peace phase process before the signing of the peace accord.

A further study of the CMI in the Aceh peace process follow-up project also found that the MoU was not explicitly mentioned in the preamble of the UUPA, so its impact was not recognized as a valid and binding reference. The MoU needs to be stated explicitly in the preamble of the UUPA in the section that considers it. This problem is supported by the argument that the MoU is stated explicitly in the general explanation of the UUPA which is an integral part of the law due to the consistency reasons, then the MoU needs to also be mentioned in the consideration of the UUPA. The MoU is mentioned explicitly in the section considering the Aceh People's Representative Council Regulation on the rules that have been approved by the Ministry of Home Affairs in Jakarta means that it has also been recognized as a source of law. Therefore, the adjustment of the UUPA to the provisions of the MoU can only be answered through amendments to the UUPA itself. The legislative process, both for the formation of new laws and for the revision of existing laws can be initiated by the central government or the DPR-RI. But so far neither has shown any intention of revising it.

The impact of its implementation can be concluded, the first phase was successfully implemented thanks to the support of the Aceh Monitoring Mission (AMM) from the European Union and ASEAN. Likewise, the second phase went well even though it did not involve a special monitoring agency. However, the implementation for the third phase up to this time has not fully shown any meaningful progress. Furthermore, if we make a comparison, there are still many problems regarding the significant differences between the MoU clauses and the articles in the UUPA itself. The articles in the UUPA are more general and obscure the point when compared to the articles in the Helsinki MoU. For example, Article 160 of the UUPA states that: "The Government of Indonesia and the Government of Aceh jointly manage Petroleum resources located on land and sea within Aceh's territory". Meanwhile, in the Helsinki MoU point, 1.3.5 is stated as follows: "Aceh has the right to control 70 percent of the yield of all current and future hydrocarbon reserves of other natural resources in the Aceh region and the sea area around Aceh". Aceh loses



the right to manage Petroleum resources if it is without the approval of the Central Government of Jakarta because (the issuance of PP No. 27 of 2017 concerning Oil and Gas (MIGAS), even in the UUPA the distribution of yields is no longer 70 percent for Aceh and 30 percent for the Indonesian Government.

The complaint resulting from the next study was a problem with differences in perceptions regarding the flag and emblem of Aceh (Qanun Aceh Number 3 of 2013) because the flag and emblem were considered by the government in Jakarta to resemble the flag and emblem of the Free Aceh Movement, this was contrary to government regulation (PP) Number 77 of 2008 concerning regional emblems so that it was rejected by the Central Government. The PP prohibits flags and regional emblems from resembling flags with separatist emblems. Thus, the Government of Indonesia requested that the substance of the qanun be changed. Aceh's parliament categorically rejected the proposed changes because the qanun was by the Helsinki MoU and the UUPA. This discrepancy in the problem caused the qanun to be unenforceable until recently.

5. CONCLUSION

Aceh peace through the Helsinki MoU has been followed up, the result is the existence of a UUPA. Of course, if the GAM party or GAM sympathizers as well as all Acehnese people want the entire contents of the Helsinki MoU that they have agreed to be transferred into the UUPA. But this is a democracy, as it is fought by GAM, no one is 100 percent complacent because he has entered the domain of legislation, and many parties face and play a role. Seeing that the impact of trust is not so serious, because the return to the issuance of the derivative UUPA has not been resolved to Aceh. Although this year is exactly 18 (eight years) years of signing the Helsinki MoU, indicating that the political dynamics of Jakarta and Aceh still need to go well, only wise people can do that. Hopefully, the shortcomings of the UUPA will be corrected in the future and find a more suitable and more trusted place.

GAM once announced that it would abandon its goal of independence and accept a settlement based on special autonomy for Aceh within the Indonesian state, which is what they think allows the agreement to be implemented. The impression of the reality of the next implementation of the UUPA has invited a lot of protests from the people because not all of the points of the Helsinki MoU agreement are contained in the UUPA, but overall they still feel relieved, even though UUPA is not 100 percent perfect, at least they hope that this is a milestone or other pillar towards reintegration and then complete reconciliation.

Various problems have caused obstacles to the implementation of the implementation based on the Helsinki MoU into the UUPA. The Government of Indonesia and the Government of Aceh have made efforts to resolve this by establishing intensive communication and approach so that the UUPA is maintained as a special provision that can override general provisions. It has delayed the implementation of provisions that have not yet been agreed and agreed with the Government of Aceh to avoid conflicts between the community and law enforcement. Object to the Government of Indonesia to change the implementing regulations that are contrary to the UUPA. Postpone the implementation of implementing regulations that are contrary to the UUPA until there is a change, and ask for support and involve stakeholders (the House of Representatives (DPR) representing Aceh in the central Parlimen of Jakarta, the Regional Representative Council (DPD) of Aceh representatives in the central Parlimen of Jakarta, the Aceh Legislature, political party leaders, academics, NGOs, clerics, and community leaders) in fighting for the implementation of the UUPA comprehensively and sustainably.

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