



**Republic of Indonesia  
Law No. 11/2006**

**on**

**The Governing of Aceh  
with Explanatory Notes**

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**Republik Indonesia  
Undang Undang No. 11/2006**

**tentang**

**Pemerintahan Aceh**

**dengan Penjelasan**

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NUMBER 11 OF 2006**

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## LAW OF THE REPUBLIC OF INDONESIA

NUMBER 11 OF 2006

ON

### THE GOVERNING OF ACEH

WITH THE GRACE OF GOD ALMIGHTY,  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Cognizant of the fact:

- a. whereas, the system of governance of the Unitary State of the Republic of Indonesia as provided under the 1945 Constitution of the Republic of Indonesia recognizes and respects special provincial administrations established pursuant to the applicable laws;
- b. whereas, based on Indonesian state administration history, Aceh constitutes a special provincial administration due to the unique nature of the Acehnese struggle in the past which exhibited exceptional perseverance and resolution;
- c. whereas, such high level of perseverance and resolution is derived from a philosophy built upon the Islamic *syari'at* principles that gave birth to a strong Islamic culture, thus rendering Aceh as a significant area in the fight to achieve and preserve the independence of the Republic of Indonesia;
- d. whereas, the implementation of governance and development in Aceh has not yet been able to fully achieve social welfare, justice as well as the promotion, fulfillment and protection of human rights, to the point that the Aceh Government needs to be developed and operated based on the principles of good governance;
- e. whereas, the earthquake and tsunami disasters that struck Aceh have generated solidarity among all potential components of Indonesian society to rebuild Acehnese communities and the Aceh region and to resolve the conflict in a peaceful, holistic, sustainable, and dignified manner within the framework of the Unitary State of the Republic of Indonesia;
- f. whereas, pursuant to the considerations as stipulated in sub-paragraphs a, b, c, d and e, above, it is deemed necessary to establish a Law on the Governing of Aceh.

Recalling:

1. Article 1 paragraph (1), Article 5 paragraph (1), Article 18, Article 18A, Article 18B, and Article 20 of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 24 of 1956 on the Formation of the Autonomous Region of Atjeh and Amendment to the Regulation of the North Sumatera Province (State Gazette of the Republic of Indonesia Year 1956 Number 64, Supplemental State Gazette Number 1103);
3. Law Number 44 of 1999 on the Exercise of Special Authority of the Special Province of Aceh (State Gazette of the Republic of Indonesia Year 1999 Number 172, Supplemental State Gazette Number 3893);
4. Law Number 37 of 2000 on the Enactment of Government Regulation in Lieu of Law Number 2 of 2000 on Free Trade Area and Free Seaport of Sabang to become a Law (State Gazette of the Republic of Indonesia Year 2000 Number 525, Supplemental State Gazette Number 4054);
5. Law Number 31 of 2002 on Political Parties (State Gazette of the Republic of Indonesia Year 2002 Number 138, Supplemental State Gazette Number 4251);
6. Law No. 12 of 2003 on the General Election of Members of the House of Representatives (DPR), Regional Representative Council (DPD), Provincial House of Representatives (DPRD *Propinsi*) and District/Municipality House of Representatives (DPRD *Kabupaten/Kota*) (State Gazette of the Republic of Indonesia Year 2003 Number 37, Supplemental State Gazette Number 4277);
7. Law Number 10 of 2004 on the Establishment of Legislation (State Gazette of the Republic of Indonesia Year 2004 Number 53, Supplemental State Gazette Number 4389);
8. Law Number 32 of 2004 on Regional Governance (State Gazette of the Republic of Indonesia Year 2004 Number 125, Supplemental State Gazette Number 4437) as amended by Law No. 8 of 2005 on Enactment of Government Regulation in Lieu of Law Number 3 of 2005 on Amendment to Law Number 32 of 2004 on Regional Governance (State Gazette of the Republic of Indonesia Year 2005 Number 108, Supplemental State Gazette Number 4548);
9. Law Number 33 of 2004 on Financial Balance between the Central Government and Regional Governments (State Gazette of the Republic of Indonesia Year 2004 Number 126, Supplemental State Gazette Number 4438).

**With joint agreement the  
HOUSE OF REPRESENTATIVES OF THE  
REPUBLIC OF INDONESIA**

**and**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**have decided to enact:**

**LAW ON THE GOVERNING OF ACEH.**

## CHAPTER I GENERAL PROVISIONS

### Article 1

In this Law, the following terms are defined herein:

1. Central Government, hereinafter referred to as the Government, is the President of the Republic of Indonesia empowered with the power of governance over the Republic of Indonesia as referred to under the 1945 Constitution of the Republic of Indonesia.
2. Aceh is a province constituting a legal social unit having unique characteristics and granted with a special authority to manage and administer its local governance and social interests in accordance with the laws of and within the system and principles of the Unitary State of the Republic of Indonesia pursuant to the 1945 Constitution of the Republic of Indonesia, headed by a Governor.
3. District/municipality is a part of a province constituting a legal social unit granted with special authority to manage and administer its local governance and social interests in accordance with the laws of and within the system and principles of the Unitary State of the Republic of Indonesia pursuant to the 1945 Constitution of the Republic of Indonesia, headed by a regent/mayor.
4. Aceh governance is the administration of government-related affairs of a provincial region within the system of the Unitary State of the Republic of Indonesia pursuant to the 1945 Constitution of the Republic of Indonesia, exercised by the Aceh Regional Government and the Aceh Regional House of Representatives in accordance with their respective functions and authorities.
5. District/municipality governance is the administration of government-related affairs exercised by the district/municipality government and the district/municipality House of Representatives in accordance with their respective functions and authorities.
6. Aceh Regional Government, hereinafter referred to as the Aceh Government, is an element that exercises the governance of Aceh consisting of the Governor and Acehese regional apparatus.
7. Governor is the head of the Aceh Government elected by way of a democratic process conducted based on the principles of directness, openness, freedom, confidentiality, honesty and fairness.
8. District/municipality regional government, hereinafter referred to as district/municipality government, is an element that exercises district/municipality governance consisting of the regent/mayor and district/municipality regional apparatus.
9. Regent/mayor is the district/municipality regional government head elected by way of a democratic process conducted based on the principles of directness, openness, freedom, confidentiality, honesty and fairness.
10. Aceh Regional House of Representatives, hereinafter referred to as the Aceh House of Representatives (DPRA), is an element of the Aceh Regional Government whose members are elected through general elections.
11. District/municipality Regional House of Representatives, hereinafter referred to as the district/municipality House of Representatives [DPRK], is an element exercising district/municipality governance whose members are elected through general elections.
12. Independent Elections Commission, hereinafter abbreviated as KIP, is the Aceh KIP and the district/municipality KIPs that constitute an integral part of the National Elections Commission (KPU), which is bestowed with the power under this Law to hold the election of the President/Vice President, members of the House of Representatives, members of the Regional Representative Council, members of the DPRA/DPRK, Governor/Vice Governor, regents/deputy regents, and mayors/deputy mayors.
13. Political party is a political organization voluntarily formed by a group of Indonesian citizens based on a common goal and aspiration to fight for the interest of the members, society, nation and country through the general elections.
14. Local political party is political organization voluntarily formed by a group of Indonesian citizens domiciled in Aceh based on a common goal and aspiration to fight for the interest of the members, society, nation and country through the elections of DPRA/DPRK, Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor.
15. Aceh Syari'yah Court and District/Municipality Syari'yah Courts are courts of law exercising judicial powers within the jurisdiction of the religious court constituting a part of the national judicial system.
16. Cleric Consultative Assembly, hereinafter abbreviated as MPU, is an assembly whose membership consists of Muslim clerics and scholars who are working partners of the Aceh Government and DPRA.
17. Nanggroe Wali Institution is an institution of cultural authority as the unifier of the people and preserver of traditional and cultural life.
18. *Kecamatan* (subdistrict) is the operational jurisdiction of the *camat* as a district/municipality apparatus for administrating governance of the *kecamatan*.

19. *Mukim* is a legal social unit under the *kecamatan* consisting of a group of *gampong* with a set geographical boundary, led by an *imeum mukim*, or any other name such person may be called, who is positioned directly under the *camat*.
20. *Gampong*, or any other term it may be called, is a legal social unit under a *mukim* and led by a *keuchik* or any other name such person may be called, having the authority to manage its own affairs.
21. Aceh Qanun is a legal regulation equivalent to a provincial regulation governing the conduct of governance and social life in Aceh.
22. District/municipality qanun is a legal regulation equivalent to a district/municipality regulation governing the conduct of district/municipality governance and social life in Aceh.
23. Aceh Regional Income and Expenditure Budget, hereinafter referred to as the Aceh Income and Expenditure Budget (APBA), is the annual financial budget of the Aceh Provincial Government as established by Aceh Qanun.
24. District/Municipality Regional Income and Expenditure Budget, hereinafter referred to as District/Municipality Income and Expenditure Budget (APBK), is the annual financial budget of the district/municipality government as established by district/municipality qanun.

## CHAPTER II DELINEATION OF THE ACEH REGION AND SPECIAL ZONES

### Article 2

- (1) The Aceh Region is divided into districts/municipalities.
- (2) Districts/municipalities are divided into subdistricts (*kecamatan*).
- (3) *Kecamatan* are divided into *mukim*.
- (4) *Mukims* are divided into *kelurahan* and *gampong*.

### Article 3

The Aceh Region has the following borders:

- a. to the north, adjacent with the Straits of Malacca;
- b. to the south, adjacent with the Province of North Sumatra
- c. to the east, adjacent with the Straits of Malacca; and
- d. to the west, adjacent with the Indonesian Ocean.

### Article 4

- (1) The Government may establish special zones in Aceh and/or districts/municipalities to carry out certain government functions of a special nature.
- (2) In the establishment of special zones as referred to in paragraph (1) the Government must involve the Aceh Government and/or the respective district/municipality governments.
- (3) The Aceh Government with the district/municipality governments may recommend the establishment of special zones as referred to in paragraph (1) upon the approval of the DPRA/DPRK.
- (4) Special zones established for trade purposes and/or to serve as free ports shall be governed by prevailing Laws (*undang-undang*).
- (5) Special zones other than those referred to in paragraph (4) and the division of authority among the Government, Aceh Government/district/municipality governments, and the special zone authorities shall be governed by Government Regulation (*Peraturan Pemerintah*).
- (6) Procedures for the establishment of special zones as referred to in paragraphs (1) and (2) shall be conducted in accordance with prevailing laws and regulations.

### Article 5

Establishment, dissolution, and amalgamation of regions shall be conducted in accordance with prevailing laws and regulations.

## CHAPTER III URBAN ZONES

### Article 6

- (1) A municipality zone may be in the form of:
  - a. city as an autonomous region;
  - b. part of a district having municipality characteristics; and
  - c. part of two or more adjacent districts/municipalities having municipality characteristics.
- (2) A municipality zone as referred to in paragraph (1) point a shall be governed by the municipal government.
- (3) A municipality zone as referred to in paragraph (1) point b shall be governed by the district government.
- (4) A municipality zone as referred to in paragraph (1) point c may be jointly governed by the respective district/municipality governments.
- (5) A district/municipality government may establish a development management office in a *gampong* intended to be developed into a municipality.
- (6) A district/municipality government shall involve the community in the planning, management, implementation and supervision of the development of a municipality.

- (7) Further provisions governing municipality zones as referred to in paragraphs (1), (2), (3), (4), (5), and (6) shall be governed by qanun.

**CHAPTER IV  
AUTHORITIES OF THE ACEH AND  
DISTRICT/MUNICIPALITY GOVERNMENTS**

**Article 7**

- (1) Aceh and district/municipality governments shall be entitled to govern and administer governmental affairs in all public sectors except for governmental affairs falling under the jurisdiction of the Government.
- (2) The Government's authority as referred to in article (1) shall include governmental affairs at the national level, overseas politics, defense, security, judicial matters, monetary matters, national revenues, and certain aspects of religious affairs.
- (3) In executing the governmental authorities within its power as referred to in paragraph (2), the Government may:
- a. exercise such authority by itself;
  - b. transfer a portion of its authority to the Aceh Government and district/municipality governments;
  - c. delegate a portion of its authority to the Governor as a representative of the Government and/or Governmental agencies; and
  - d. assign a portion of its authority to the Aceh Government and the district/municipality and *gampong* governments based on the principle of assistance tasks.

**Article 8**

- (1) Draft international treaties that directly involve the governance of Aceh to be entered into by the Government shall be developed with the consultation and advisement from the DPRA.
- (2) Draft laws prepared by the DPR that directly involve the governance of Aceh shall be developed with the consultation and advisement from the DPRA.
- (3) Administrative policies that directly involve the governance of Aceh to be enacted by the Government shall be developed with the consultation and advisement from the Governor.
- (4) Further provisions concerning procedures for consultation and advisement as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be stipulated in a Presidential Regulation.

**Article 9**

- (1) The Aceh Government may enter into cooperation with foreign organizations or agencies except cooperation falling under the authority of the Government.

- (2) The Aceh Government may participate directly in international arts, cultural, and sporting events.
- (3) In the event of entry into a cooperation as referred to in paragraph (1), the document governing such cooperation shall include a stipulation stating that the Aceh Government is a part of the Unitary State of the Republic of Indonesia.
- (4) Further provisions regarding cooperation as referred to in paragraph (1) above shall be governed by Presidential Regulation.

**Article 10**

- (1) The Aceh Government and district/municipality governments may establish institutions, agencies, and/or commissions pursuant to this Law with the approval of the DPRA/DPRK except on matters constituting the authority of the Government.
- (2) Further provisions regarding the establishment of agencies, offices, and/or commissions as referred to in paragraph (1) shall be governed by qanun.

**CHAPTER V  
GOVERNMENT AFFAIRS**

**Article 11**

- (1) The Government shall establish norms, standards, and procedures and conduct supervision of the administration of affairs carried out by the Aceh Government and its districts/municipalities.
- (2) Norms, standards and procedures as referred to in paragraph (1) shall not diminish the authority of the Aceh Government and the district/municipality governments as referred to in Article 7 paragraph (1).
- (3) In the execution of supervision as referred to in paragraph (1), the Government may:
- a. implement such function by itself; and/or
  - b. delegate the function to the Governor as a representative of the Government to supervise the districts/municipalities.

**Article 12**

- (1) The Aceh Government and district/municipality governments shall administer governmental affairs under their authority except those constituting the authority of the Government as referred to in Article 7 paragraph (2).
- (2) Administration of governmental affairs as referred to in paragraph (1) shall be governed and managed by the Aceh Government and the district/municipality governments themselves.

### Article 13

- (1) Division of management of governmental affairs related to Islamic Law (*syari'ah*) between the Aceh Government and the district/municipality governments shall be governed by Aceh Qanun.
- (2) Division of management of governmental affairs as referred to in paragraph (1) may be facilitated by the Government.

### Article 14

- (1) Division and execution of governmental affairs, whether by the Aceh Government or district/municipality governments, shall be implemented based upon the criteria of externality, accountability, and efficiency while taking into account the harmony of inter-governmental relations in Aceh.
- (2) Governmental affairs falling under the authority of the Aceh Government and the district/municipality governments that are implemented according to the criteria referred to in paragraph (1) shall consist of mandatory affairs and discretionary affairs.
- (3) Implementation of mandatory governmental affairs shall be conducted with reference to the minimum standards of service, carried out in phases, and stipulated by the Government.

### Article 15

- (1) Governmental affairs transferred to the authority of the Aceh Government and the district/municipality governments shall be complemented by funding and the assignment of facilities, infrastructure and staff, in accordance with decentralized management.
- (2) Governmental affairs delegated to the Governor shall be complemented by funding in accordance with deconcentrated management.
- (3) Governmental affairs assigned to the Aceh Government, district/municipality governments, and *gampongs* shall be complemented by funding in accordance with the principle of assistance tasks.

### Article 16

- (1) Mandatory affairs that fall under the authority of the Aceh Government as referred to in Article 14 paragraph (3) shall constitute affairs on an Aceh-wide scale including:
  - a. planning, utilization, and supervision of zoning;
  - b. planning and control of development/construction;
  - c. maintenance of public order and community tranquility;
  - d. provision of public facilities and infrastructure;
  - e. health sector management;
  - f. administration of education and allocation of potential human resources;
  - g. handling of inter-district/municipality social problems;
  - h. inter-district/municipality services for the employment and labor sectors;

- i. facilitation of the development of cooperatives and small and medium enterprises, including inter-district/municipality aspects;
- j. environmental management;
- k. land services including inter-district/municipality aspects;
- l. population and civil registry services;
- m. general government administration services;
- n. administration services related to investments including inter-district/municipality aspects; and
- o. provision of other basic services that are not provided by the district/municipality governments.

- (2) Other mandatory affairs falling under the authority of the Aceh Government shall constitute the implementation of the special authorities of Aceh, including:
  - a. administration of religious affairs in the form of implementing Islamic law for Muslims in Aceh while continuing to maintain interfaith harmony;
  - b. administration of customary (*adat*) affairs that hinge on Islam;
  - c. administration of quality education and the incorporation of local content materials in accordance with Islamic law;
  - d. role of clerics in the determination of policies in Aceh; and
  - e. administration and management of the Hajj pilgrimage in accordance with prevailing laws and regulations.
- (3) Aceh Government affairs that are discretionary in nature include governmental affairs that have the clear potential to enhance community welfare in line with the conditions, uniqueness, and superior potential of Aceh.
- (4) Implementation of the provisions referred to in paragraphs (1), (2), and (3) shall be governed further by Aceh Qanun, with guidance from prevailing laws and regulations.

### Article 17

- (1) Mandatory affairs that fall under the authority of district/municipality governments shall be district- or municipality-level affairs, including:
  - a. planning, utilization, and supervision of zoning;
  - b. planning and control of development/construction;
  - c. maintenance of public order and community tranquility;
  - d. provision of public facilities and infrastructure;
  - e. health sector management;
  - f. administration of education;
  - g. handling of social problems;
  - h. services for the employment and labor sectors;
  - i. facilitation of the development of cooperatives and small and medium enterprises;
  - j. environmental management and supervision;
  - k. land services;
  - l. population and civil registry services;

- m. general government administration services;
  - n. administration services related to investments including administration of other basic services.
- (2) Other mandatory affairs constituting the special authority of district/municipality governments shall include, among others:
- a. administration of religious affairs in the form of implementing Islamic law for Muslims in Aceh while continuing to maintain interfaith harmony;
  - b. administration of customary (*adat*) affairs that hinge on Islam;
  - c. administration of quality education and the incorporation of local content materials in accordance with Islamic law; and
  - d. role of clerics in the determination of policies in districts/municipalities.
- (3) District/municipality governmental affairs that are discretionary in nature shall include governmental affairs that have the clear potential to enhance community welfare in line with the conditions, uniqueness, and superior potential of the respective districts/municipalities.
- (4) Implementation of the provisions referred to in paragraphs (1), (2), and (3) shall be governed further by district/municipality qanun, with guidance from prevailing laws and regulations.

#### **Article 18**

In addition to the authorities as referred to in Article 17, district/municipality governments shall have the authority to provide *madrasah ibtidayah* and *madrasah tsanawiyah* education in accordance with national education standards as set out in prevailing laws and regulations.

#### **Article 19**

- (1) District/municipality governments shall have the authority to manage public seaports and airports.
- (2) Public seaports and airports as referred to in paragraph (1) are public seaports and airports that have been managed by the Government prior to the enactment of this law.
- (3) The Aceh Government shall coordinate with district/municipality governments in managing the public seaports and airports referred to in paragraph (2).
- (4) Management activities referred to in paragraph (2) may be implemented by province-owned enterprises.

## **CHAPTER VI PRINCIPLES, FORM, AND COMPOSITION OF GOVERNMENT ADMINISTRATION**

### **Article 20**

Implementation of the governance of Aceh and its districts/municipalities shall be conducted in accordance with general principles of governance based on the following:

- a. principle of Islam
- b. principle of legal certainty;
- c. principle of public interest;
- d. principle of orderly government administration;
- e. principle of openness;
- f. principle of proportionality;
- g. principle of professionalism;
- h. principle of accountability;
- i. principle of efficiency;
- j. principle of efficacy; and
- k. principle of equality.

### **Article 21**

- a) Implementing bodies for the governance of Aceh comprise the Aceh Government and the DPRA.
- b) Implementing bodies for the governance of districts/municipalities comprise the district/municipality governments and the DPRK.
- c) Organizational structures and procedures for the governance of Aceh and its districts/municipalities shall be governed by qanun.

## **CHAPTER VII DPRA AND DPRK**

### **Part One General**

### **Article 22**

- (1) The DPRA and DPRK shall have legislative, budgetary and supervisory functions.
- (2) The DPRA and DPRK shall be entitled to form DPRA and DPRK apparatus in accordance with the special characteristics of Aceh.
- (3) The number of DPRA members must not exceed 125% of the number stipulated by law.

**Part Two  
Duties and Authorities**

**Article 23**

- (1) DPRA shall have the following duties and authorities:
- a. formulate Aceh Qanuns in consultation with the Governor to obtain joint approval;
  - b. supervise the implementation of Aceh Qanuns and other legal regulations;
  - c. supervise Aceh Government policies for implementing development programs in Aceh, managing natural and other economic resources, as well as capital investment and international cooperation;
  - d. make recommendations for the appointment and dismissal of the Governor/Vice Governor to the President through the Minister of Home Affairs;
  - e. inform the Governor and KIP regarding the upcoming expiration of office terms of the Governor/Vice Governor;
  - f. select a Vice Governor in the event the Vice Governor position becomes vacant;
  - g. grant approval for planned international cooperation to be entered into by the Aceh Government;
  - h. provide advisement on planned international cooperation to be entered into by the Government that directly involves Aceh;
  - i. provide advisement on planned legislative actions of the DPR that directly involve the governance of Aceh;
  - j. grant approval on planned inter-provincial cooperation and/or cooperation with third parties that pose a burden on the people and region;
  - k. request an accountability report from the Governor with respect to the execution of government administration, to evaluate government performance;
  - l. provide recommendations for the establishment of the Aceh KIP and the Elections Supervisory Committee; and
  - m. supervise and request an accountability report on the implementation of activities and use of budget by the Aceh KIP with respect to the general election of Governor/Vice Governor.
- (2) The DPRA shall exercise other authorities as governed by prevailing laws and regulations.
- (3) Procedures for implementing the duties and authorities referred to in paragraph (1) and other authorities referred to in paragraph (2) shall be governed by the DPRA's bylaws with guidance from prevailing laws and regulations.

**Article 24**

- (1) The DPRK shall have the following duties and authorities:

- a. formulate district/municipality qanuns in consultation with the regent/mayor to obtain joint approval;
- b. supervise the implementation of district/municipality qanuns and other legal regulations;
- c. supervise the policies of district/municipality government for implementing district/municipality development programs, managing natural and other economic resources, as well as capital investment and international cooperation;
- d. make recommendations for the appointment and dismissal of the regent/deputy regent and mayor/deputy mayor to the Minister of Home Affairs through the Governor;
- e. inform the regent/mayor and district/municipality KIP regarding the upcoming expiration of office terms of the regent/deputy regent and mayor/deputy mayor;
- f. select a deputy regent/deputy mayor in the event the deputy regent/deputy mayor positions become vacant;
- g. provide opinion, advisement, and approval to district/municipality governments regarding planned international cooperation in relevant districts/municipalities;
- h. provide advisement and approval of planned inter-regional cooperation and/or cooperation with third parties that pose a burden on the people and districts/municipalities;
- i. provide recommendations for the establishment of district/municipality KIPs and the Elections Supervisory Committees;
- j. supervise and request accountability reports on the implementation of activities and utilization of budget by the district/municipality KIPs with respect to the administration of the election of regents/deputy regents and mayors/deputy mayors; and
- k. request accountability reports from the regents/mayors regarding the execution of government administration, to evaluate government performance.

- (2) The DPRK shall exercise other authorities as governed by prevailing laws and regulations.
- (3) Procedures for implementing the duties and authorities referred to in paragraph (1) and other authorities referred to in paragraph (2) shall be governed by the DPRK's bylaws with guidance from prevailing laws and legislations.

**Part Three  
Rights, Responsibilities, and Codes of Ethics**

**Article 25**

- (1) The DPRA/DPRK shall have the following rights:
- a. to conduct interpellation;
  - b. to conduct inquiry;
  - c. to issue statements of opinion;

- d. to submit draft qanun;
  - e. to make amendments to draft qanun;
  - f. to discuss and approve draft qanun regarding the Aceh and district/municipality Income and Expenditure Budgets, together with the Governor and/or regent/mayor;
  - g. to draft budgets in accordance with the function, duties, and authorities of the DPRA/DPRK as a part of the Aceh Income and Expenditure Budget and the district/municipality Income and Expenditure Budgets using standard price benchmarks agreed between the Governor and DPRA and between the regent/mayor and DPRK, as affirmed by Gubernatorial Regulation and regent/mayor regulation;
  - h. to utilize the budget as determined in the APBA/APBK and administered by the council secretary in accordance with prevailing laws and regulations; and
  - i. to draft and enact Bylaws and Codes of Ethics for DPRA/DPRK members.
- (2) The right to conduct inquiry referred to in paragraph (1) point b shall be exercised following the exercise of the right to conduct interpellation as referred to in paragraph (1) point a and upon approval from a DPRA/DPRK plenary session attended by at least 3/4 (three-fourths) of the total DPRA/DPRK membership and approved by at least 2/3 (two-thirds) of the number of DPRA/DPRK members present.
- (3) In exercising the right to inquiry referred to in paragraph (2), a committee of inquiry shall be established comprising DPRA/DPRK members who will submit the inquiry results to the DPRA/DPRK no later than 60 days following the formation of the committee.
- (4) In exercising its duties, the inquiry committee referred to in paragraph (3) may summon, listen to, and examine any person who is considered to have knowledge or should have knowledge of the matter under inquiry, and may request the presentation of letters or documents related to the issue under examination.
- (5) Any person summoned, listened to, and examined pursuant to paragraph (4) must comply with the summons of the inquiry committee except where prevented by a valid reason as stipulated by prevailing laws and regulations.
- (6) In the event a person duly summoned fails to honor such summons in the manner referred to in paragraph (5), the inquiry committee shall compel such a person to attend with assistance from the Indonesia National Police in accordance with prevailing laws and regulations.
- (7) All results of the inquiry committee's work shall be confidential.
- (8) Procedures for exercising the rights referred to in paragraph (1) points a, b, c, d, e and f shall be governed by the Bylaws of the DPRA/DPRK.
- (9) The Bylaws referred to in paragraph (1) point h [point i?] shall be determined in accordance with prevailing laws and regulations.

#### Article 26

- (1) Members of the DPRA/DPRK shall have the following rights:
- a. to submit draft qanun;
  - b. to submit questions;

- c. to issue recommendations and opinions;
- d. to protocol;
- e. financial and administrative rights;
- f. to elect and be elected;
- g. to defend themselves; and
- h. to immunity.

- (2) Members of the DPRA/DPRK shall have the following responsibilities:
- a. abide by *Pancasila* (Five Values), implement the Indonesian Constitution of 1945, and comply with all laws and regulations;
  - b. promote democracy in the execution of Aceh governance and district/municipality governance;
  - c. fight for the enhancement of the people's welfare and prosperity;
  - d. take into consideration and channel people's aspirations, receive people's complaints and grievances, and facilitate follow-up actions to bring about their resolution;
  - e. comply with the bylaws, codes of ethics, and oaths of office for DPRA/DPRK members;
  - f. place the interests of the country above personal, group and class interests;
  - g. submit an accountability report regarding their duties and performance as members of the DPRA/DPRK as a manifestation of their moral and political obligations towards their constituents; and
  - h. uphold norms and ethics in work relationships with relevant institutions.
- (3) Exercise of the rights and responsibilities referred to in paragraph (1) and paragraph (2) shall be governed by the Bylaws of the DPRA/DPRK with guidance from prevailing laws and regulations.

#### Article 27

- (1) The DPRA/DPRK must prepare Codes of Ethics to uphold the honor and dignity of DPRA/DPRK members in the performance of their duties and authorities.
- (2) The Codes of Ethics referred to in paragraph (1) shall comprise at least:
- a. definition of the code of ethics;
  - b. purpose of the code of ethics;
  - c. provisions on conduct, work performance, and relationships between regional government agencies, between the members, and between DPRA/DPRK members and outside parties;
  - d. good and proper conduct to be carried out by DPRA/DPRK members;
  - e. ethics in presenting opinions, comments, responses, and objections; and
  - f. sanctions and rehabilitation.

**Part Four  
Investigation and Prosecution**

**Article 28**

- (1) DPRA/DPRK members cannot be prosecuted before a court of law by reason of their statements, questions, and/or opinions expressed verbally or in writing in a DPRA/DPRK session, provided they do not violate the DPRA/DPRK Bylaws or Codes of Ethics.
- (2) The provision referred to in paragraph (1) shall not apply in the event the member in question discloses materials that have been agreed in session to be kept confidential or other matters that are governed under provisions for the disclosure of state secrets under relevant laws and regulations.
- (3) DPRA/DPRK members cannot be dismissed during their office terms as a result of statements and/or opinions expressed during DPRA/DPRK sessions.

**Article 29**

- (1) An investigation of a DPRA member shall be conducted upon written approval from the Minister of Home Affairs on behalf of the President, or upon approval from the Governor on behalf of the Minister of Home Affairs in the case of a DPRK member.
- (2) In the case where the written approval referred to in paragraph (1) is not issued within 60 (sixty) days from the receipt of the request, an investigation may be carried out.
- (3) An investigation that leads to an arrest requires written approval obtained in the manner described in paragraph (1) and paragraph (2).
- (4) Exceptions to the provisions of paragraph (1) are as follows:
  - a. arrest during the commission of a crime; or
  - b. allegation of the commission of a crime punishable by the death penalty or a crime against state security.
- (5) After the actions referred to in paragraph (4) are taken, the investigation must be reported to the approving authorities referred to in paragraph (1) within 2 x 24 (two times twenty-four) hours.

**Part Five  
Apparatus of the DPRA/DPRK**

**Article 30**

- (1) Apparatus of the DPRA/DPRK shall consist of the following:
  - a. chairperson;
  - b. commission;
  - c. deliberating committee;
  - d. budget committee;

- e. honor council;
- f. legislative committee; and
- g. other apparatus as required.

- (2) Formation, composition, duties, and authorities of the apparatus referred to in paragraph (1) shall be governed by DPRA/DPRK Bylaws.

**Article 31**

- (1) The DPRA may form at least 5 (five) but no more than 8 (eight) commissions.
- (2) A DPRK having 20 (twenty) to 34 (thirty-four) members shall form 4 (four) commissions; those having 35 (thirty-five) or more members shall form 5 (five) commissions.

**Article 32**

- (1) DPRA/DPRK Honor Councils may be formed and affirmed through DPRA/DPRK decrees.
- (2) Members of DPRA/DPRK Honor Councils referred to in paragraph (1) comprise members of the DPRA/DPRK with the following provisions:
  - a. for the DPRA, the Council shall comprises 5 (five) members; and
  - b. for a DPRK having up to 34 (thirty-four) members, the Council shall comprise 3 (three) persons; for a DPRK having 35 (thirty-five) or more members, the Council shall comprise 5 (five) persons.
- (3) Members of Honor Councils referred to in paragraph (2) shall be selected by the DPRA/DPRK.
- (4) Leadership of DPRA/DPRK Honor Councils referred to in paragraph (2) shall consist of a chairperson and vice chairperson selected from and by Honor Council members.
- (5) Honor Councils referred to in paragraph (1) shall be supported by a secretariat whose functions are carried out by the DPRA/DPRK Secretariat.
- (6) Implementation of provisions in paragraphs (1), (2), (3), (4), and (5) shall be governed by DPRA/DPRK Bylaws.

**Article 33**

- (1) Honor Councils shall have the following duties:
  - a. observe and evaluate the discipline, ethics, and moral conduct of DPRA/DPRK members with the purpose of maintaining their honor and dignity in accordance with DPRA/DPRK codes of ethics;
  - b. investigate alleged violations committed by DPRA/DPRK members with respect to DPRA/DPRK Bylaws, Codes of Ethics and professional oaths;
  - c. carry out investigation, verification, and clarification of complaints made by leaders and members of the DPRA/DPRK, community members, and/or constituents; and

- d. present the conclusions of any investigation, verification, and clarification as referred to in point c in the form of recommendations to be followed up by the DPRA/DPRK.

- (2) Operational procedures of Honor Councils shall be prepared by the Honor Councils and approved by DPRA/DPRK leadership.

**Article 34**

- (1) The Legislative Committee shall serve as the center for drafting qanuns.
- (2) The DPRA Legislative Committee shall be established by the DPRA, and the DPRK Legislative Committee shall be established by the DPRK.
- (3) Legislative Committees referred to in paragraphs (1) and (2) shall be of a permanent nature.

**Article 35**

The duties of the Legislative Committee as the center for drafting qanuns shall be:

- a. formulate regional legislative programs containing a list of draft qanuns for 1 (one) membership session and priorities for each budget year, to be subsequently reported in a Plenary Session for affirmation through DPRA/DPRK decrees;
- b. prepare draft qanuns submitted through the initiative of the DPRA/DPRK based on established priority programs;
- c. harmonize, integrate, and finalize draft qanun concepts submitted by the members, commissions, and joint commissions prior to such drafts being submitted to the DPRA/DPRK leadership;
- d. provide advice with respect to submission of draft qanuns by members, commissions, and joint commissions, other than draft qanuns listed in the regional legislative program or priority draft qanuns for the ongoing year;
- e. carry out deliberations and revisions/improvements to draft qanuns as specifically instructed by the Deliberation Committee;
- f. disseminate and gather inputs on draft qanuns currently being and/or to be deliberated, and socialize draft qanuns that have been approved;
- g. keep up with developments and conduct evaluations regarding the subject matter of qanuns by way of coordination with the commissions;
- h. receive inputs from the community, both written and verbal, regarding draft qanuns;
- i. provide advice on draft qanuns under deliberation by the Governor and the DPRA as well as by regents/mayors and DPRKs; and
- j. make an inventory of legal issues and regulations at the end of the DPRA/DPRK membership sessions to be used as materials by the succeeding Legislative Committee.

**Part Six  
Fractions**

**Article 36**

- (1) Each member of the DPRA/DPRK must group himself or herself into a fraction.
- (2) The total number of members in each fraction as referred to in paragraph (1) must be at least equal to the minimum number of commissions in the DPRA/DPRK.
- (3) DPRA/DPRK members referred to in paragraph (1) who come from political parties/local political parties that do not fulfill the requirements to form 1 (one) fraction must join with an existing fraction or form a joint fraction.
- (4) Existing fractions must accept DPRA/DPRK members from other political parties/local political parties that do not fulfill the requirements to form 1 (one) fraction.
- (5) In the event a joint fraction, after being formed pursuant to paragraph (3), no longer meets the requirements of a joint fraction, all of the members of the joint fraction must join other fractions and/or joint fractions that fulfill the requirements.
- (6) Political parties/local political parties that meet the requirements to form a fraction may only form 1 (one) fraction.
- (7) A joint fraction may be formed by political parties/local political parties according to the terms and conditions set out in paragraphs (2) and (5).

**Part Seven  
Prohibitions for and Dismissal of DPRA/DPRK Members**

**Article 37**

- (1) DPRA/DPRK members shall be prohibited from concurrently serving as:
  - a. state officials;
  - b. judges with a judicial institution;
  - c. civil servants, members of the National Armed Forces and National Police, employees of state-owned enterprises and province-owned enterprises, and/or other entities whose budgets come from the APBN/APBA/APBK.
- (2) DPRA/DPRK members shall be prohibited from performing duties as structural employees at state or private educational institutions, public accountants, consultants, advocates/lawyers, notaries, practicing physicians, journalists, and managers of mass media as well as other occupations that have any connection to their duties, authorities, and rights as DPRA/DPRK members.
- (3) DPRA/DPRK members must not engage in corruption, collusion, or nepotism.
- (4) DPRA/DPRK members who engage in occupations referred to in paragraph (2) must relinquish those occupations during their membership terms in the DPRA/DPRK.
- (5) DPRA/DPRK members who do not fulfill the obligations referred to in paragraph (4) shall be recommended for dismissal based on the results of an examination by the DPRA/DPRK Honor Council.

- (6) Implementation of the provisions of paragraphs (1), (2), (3), (4), and (5) shall be governed by the DPRA/DPRK Bylaws with guidance from prevailing laws and regulations.

**Article 38**

- (1) A DPRA/DPRK member shall terminate his or her term in office due to:
- death; or
  - stepping down via a written resignation.
- (2) A DPRA/DPRK member may be dismissed from office during his or her term in office upon:
- recommendation from the nominating political party/local political party;
  - continuously failing to perform his/her duties or being hindered for a consecutive period of 6 (six) months;
  - no longer meeting the requirements of a DPRA/DPRK member;
  - being declared as having violated his/her oath of office and/or the DPRA/DPRK code of ethics;
  - failing to fulfill the obligations of a DPRA/DPRK member;
  - violating prohibitions applicable to a DPRA/DPRK member; or
  - being convicted by a court ruling having permanent legal force of committing a crime punishable by imprisonment of 5 (five) years or more.
- (3) Dismissal of DPRA/DPRK members pursuant to paragraphs (1) and (2) shall be submitted for official validation by the DPRA leadership to the Minister of Home Affairs through the Governor in the case of DPRA members, or by the DPRK leadership to the Governor through the regent/mayor in the case of DPRK members.
- (4) Dismissal of DPRA/DPRK members as referred to in paragraph (2) points b, c, d, e, and f shall be executed following a DPRA/DPRK decree based on a recommendation by the DPRA/DPRK Honor Council.
- (5) Implementation of the provisions of paragraphs (1), (2), (3), and (4) shall be governed by DPRA/DPRK Bylaws with guidance from prevailing laws and regulations.

**CHAPTER VIII  
ACEH GOVERNMENT AND  
DISTRICT/MUNICIPALITY GOVERNMENTS**

**Part One  
General**

**Article 39**

- (1) The Aceh Government shall be led by a Governor as the Head of the Aceh Government and assisted by a Vice Governor.
- (2) In performing his/her duties the Governor shall be assisted by the Aceh regional apparatus.
- (3) The Governor shall be responsible for establishing policies of the Aceh Government in all sectors of governance including public services and community order and tranquility.
- (4) Further provisions regarding matters referred to in paragraph (3) shall be governed by Aceh Qanun with guidance from prevailing laws and regulations.

**Article 40**

- (1) By virtue of his/her position, the Governor shall also serve as a representative of the Government.
- (2) In his/her capacity as a representative of the Government, the Governor shall be accountable to the President.

**Article 41**

- (1) A district/municipality government shall be led by a regent/mayor as the district/municipality government head and assisted by a deputy regent/deputy mayor.
- (2) In performing his/her duties, a regent/mayor shall be assisted by district/municipality apparatus.
- (3) The regent/mayor shall be responsible for establishing district/municipality government policies in all sectors of public services including community tranquility and order.
- (4) Further provisions regarding matters referred to in paragraph (3) shall be governed by district/municipality qanuns with guidance from prevailing laws and regulations.

**Part Two  
Duties and Authorities**

**Article 42**

- (1) The Governor or regent/mayor shall have the following duties and authorities:

- a. lead the execution of governance based on policies established jointly by the Governor and the DPRA or by the regent/mayor and DPRK;
  - b. propose draft qanuns;
  - c. enact qanuns that have obtained joint approval from the Governor and DPRA, or by the regent/mayor and DPRK;
  - d. prepare and propose draft qanuns regarding the APBA to the DPRA, and regarding the APBK to the DPRK, for deliberation, approval, and joint enactment;
  - e. implement and coordinate the full implementation of Islamic law;
  - f. submit an accountability report on the execution of governance to the DPRA or DPRK;
  - g. submit a report on the execution of Aceh governance to the Government;
  - h. submit a report on the execution of district/municipality governance to the Governor as the representative of the Government;
  - i. provide information on the execution of governance in Aceh/districts/municipalities to the people;
  - j. strive toward the full execution of government authorities;
  - k. represent the region inside and outside a court of law, which function may be delegated to a third party as a legal representative in accordance with prevailing laws and regulations; and
  - l. execute other duties and authorities in accordance with prevailing laws and regulations.
- (2) The Governor shall consult and provide advice on administrative policies established by the Government that directly involve Aceh, in accordance with the provisions of this Law.

#### **Article 43**

- (1) In his/her capacity as representative of the Government as referred to in Article 40, the Governor shall have the duty and authority to coordinate:
- a. development and supervision of district/municipality governance;
  - b. execution of governmental affairs in Aceh and its districts/municipalities;
  - c. development and supervision of the execution of assistance tasks in Aceh and districts/municipalities;
  - d. development in the execution of activities related to the special and unique characteristics of Aceh; and
  - e. efforts toward and maintenance of inter-district and inter-municipality equity in development activities in Aceh.
- (2) In executing the duties referred to in paragraph (1), the Governor as the representative of the Government may assign duties to the Aceh regional apparatus.
- (3) In carrying out the duties and authorities referred to in paragraph (1), the Governor shall be entitled to bestow commendations to and/or administrative sanctions on regents/mayors in accordance with prevailing laws and regulations.

- (4) Funding for the implementation of the Governor's duties and authorities as referred to in paragraph (1) shall be derived from the ABPN.
- (5) The financial position of the Governor as referred to in paragraph (1) shall be governed by Government Regulations.
- (6) Further provisions related to the mechanisms for executing the duties and authorities of the Governor as referred to in paragraph (1) shall be governed by Government Regulations.
- (7) Further provisions related to the mechanism for executing the duties and authorities as referred to in paragraph (3) shall be governed by Aceh Qanun.

#### **Article 44**

- (1) The Vice Governor shall have the duty of assisting the Governor in:
- a. execution of governance;
  - b. coordination of the activities of government apparatus in the implementation of Islamic law;
  - c. following up reports and/or findings from supervision conducted by supervisory apparatus;
  - d. empowerment of women and youth;
  - e. local custom (*adat*) empowerment;
  - f. cultural development;
  - g. environmental conservation;
  - h. monitoring and evaluation of the execution of district/municipality governance;
  - i. execution of the duties and authorities of the Governor in the event the Governor becomes unavailable; and
  - j. execution of other governmental duties and authorities conferred by the Governor.
- (2) In performing the duties referred to in paragraph (1), the Vice Governor shall be accountable to the Governor.
- (3) The Vice Governor shall replace the Governor through the end of the latter's term in office in the event the Governor becomes deceased, resigns, is dismissed, or is unable to fulfill his/her duties for a consecutive period of 6 (six) months during his/her tenure.

#### **Article 45**

- (1) A deputy regent/deputy mayor shall have the duty of assisting the regent/mayor in:
- a. execution of governance;
  - b. coordination of the activities of government apparatus in the implementation of Islamic law;
  - c. following up reports and/or findings from supervision conducted by supervisory apparatus;
  - d. empowerment of women and youth;

- e. local custom (*adat*) empowerment;
  - f. cultural development;
  - g. environmental conservation;
  - h. monitoring and evaluating of the execution of *kecamatan*, *mukim*, and *gampong* governance;
  - i. execution of the duties and authority of the regent/mayor in the event the regent/mayor becomes unavailable; and
  - j. execution of other governmental duties and authorities conferred by the regent/mayor.
- (2) In performing the duties referred to in paragraph (1), the deputy regent/deputy mayor shall be accountable to the regent/mayor.
- (3) The deputy regent/mayor shall replace the regent/mayor through the end of the latter's term in office in the event the regent/mayor becomes deceased, resigns, is dismissed, or is unable to fulfill his/her duties for a consecutive period of 6 (six) months during his/her tenure.

**Part Three  
Obligations and Prohibitions**

**Article 46**

- (1) In carrying out their duties as referred to in Articles 42, 43, 44, and 45, the Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor shall have the following obligations:
- a. strictly adhere to and implement the Pancasila, abide by the 1945 Constitution of the Republic of Indonesia, maintain the sovereignty and protect the integrity of the Unitary State of the Republic of Indonesia;
  - b. implement the *syari'at* of his/her religion;
  - c. enhance the welfare of the people;
  - d. maintain community tranquility and public order;
  - e. promote democracy;
  - f. follow the principles and procedures of clean and good governance free from corruption, collusion and nepotism;
  - g. carry out and be accountable for the financial management of Aceh and its districts/municipalities in a transparent manner;
  - h. submit plans for the governance of Aceh and the governance of its districts/municipalities to plenary sessions of the DPRA/DPRK; and
  - i. maintain close working relationships with government agencies.
- (2) In addition to the obligations set out in paragraph (1), the Governor and regent/mayor shall have the obligation to submit a report on the Governing of Aceh and its districts/municipalities to the Government, to provide an accountability report to the DPRA/DPRK, and to disseminate the reports on the Governing of Aceh and its districts/municipalities to the public.

- (3) Further provisions regarding procedures for carrying out the obligations referred to in paragraph (2) shall be governed by qanuns with guidance from prevailing laws and regulations.

**Article 47**

The Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor shall be prohibited from:

- a. making decisions that bring specific personal benefits to themselves, their family members, associates, certain groups, or political affiliations, in a manner that violates the provisions of prevailing laws and regulations, adversely affects the public interest, and causes unrest within a segment of the community, or discriminates against citizens and/or other groups in society;
- b. participating in a company, whether owned by the state, a private entity, or the Aceh Government, or in a foundation active in any sector;
- c. engaging in any other occupation associated with their position that brings personal benefits, either directly or indirectly;
- d. engaging in corruption, collusion, nepotism, and receiving money, goods, and/or services from other parties, which influences their decisions or actions to be taken;
- e. becoming a legal advocate or attorney in a court proceeding other than those stipulated in Article 42 paragraph (1) point k;
- f. abusing their authority and violating their oaths of office; and
- g. concurrently serving as another state official, as a member of the DPR, the DPD, and DPRA, in accordance with prevailing laws and regulations.

**Part Four  
Dismissal**

**Article 48**

- (1) The Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor shall cease their terms in office due to:
- a. death;
  - b. voluntary resignation; or
  - c. dismissal.
- (2) The Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor may be dismissed pursuant to paragraph (1) point c above for the following reasons:
- a. expiration of their terms in office and installation of successors;
  - b. continued inability to carry out their duties or sustained unavailability for a consecutive period of 6 (six) months;
  - c. no longer fulfilling the requirements of Governor and Vice Governor, regent and deputy regent, and mayors and deputy mayor;

- d. being declared as having violated the oaths of office of Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor;
  - e. failure to perform their obligations as Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor; or
  - f. violation of the prohibitions applicable to the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor.
- (3) Dismissal of the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor referred to in paragraph (1) points a and b [point c?], and paragraph (2) points a and b, shall be submitted by the DPRA/DPRK leadership to be resolved in a plenary session and formally recommended by the DPRA/DPRK leadership.
- (4) Dismissal of the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor referred to in paragraph (2) points d and e shall be carried out with the following provisions:
- a. dismissal of Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor shall be recommended to the President based on a ruling by the Supreme Court based upon an opinion of the DPRA/DPRK that the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor have violated their professional oaths and/or failed to perform their respective obligations;
  - b. the opinion of the DPRA/DPRK as referred to in point a shall be issued through a resolution of a DPRA/DPRK plenary session attended by at least 3/4 (three-fourths) of the total members of the DPRA/DPRK, and the resolution adopted by at least 2/3 (two-thirds) of the DPRA/DPRK members present;
  - c. the Supreme Court must examine, judge, and rule on the DPRA/DPRK opinion no later than 30 (thirty) days after the request filed by the DPRA/DPRK is received by the Supreme Court, whose ruling shall be final and binding;
  - d. in the event the Supreme Court rules that the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor are proven to have violated their oaths of office and/or failed to perform their obligations, the DPRA/DPRK must hold a plenary session attended by at least 3/4 (three-fourths) of the DPRA/DPRK members and pass a resolution approved by at least 2/3 (two-thirds) of the DPRA/DPRK members present in order to propose formally to the President that the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor be dismissed; and
  - e. the President must process a motion to dismiss the Governor or Vice Governor, regent or deputy regent, or mayor or deputy mayor no later than 30 (thirty) days following the submission of the DPRA/DPRK motion.

#### **Article 49**

- (1) The Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor shall be temporarily removed from office by the President without

- prior motion from the DPRA/DPRK upon being convicted by court ruling of a crime punishable by imprisonment of at least 5 (five) years.
- (2) The Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor shall be dismissed from office by the President without prior motion from the DPRA/DPRK upon being convicted of a crime as described in paragraph (1) above by a court ruling having permanent legal force.

#### **Article 50**

- (1) The Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor shall be temporarily removed from office by the President without prior motion from the DPRA/DPRK upon being indicted for a crime of corruption, terrorism, treason, and/or a crime against state security.
- (2) The Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor shall be temporarily removed from office by the President without prior motion from the DPRA/DPRK upon being convicted by a court ruling having permanent legal force of the crimes of corruption, terrorism, treason, and/or crimes against state security, and/or other crimes.

#### **Article 51**

- (1) In the event the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor face a widespread public crisis of confidence due to an allegation of a crime involving their professional obligations, the DPRA/DPRK shall exercise their right to inquiry to address the issue.
- (2) Use of the right to inquiry referred to in paragraph (1) shall be exercised upon approval from a DPRA/DPRK Plenary Session attended by at least 3/4 (three-fourths) of the number of DPRA/DPRK members and based upon a resolution passed by at least 2/3 (two-thirds) of the DPRA/DPRK members present in that session, in order to conduct an investigation of the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor.
- (3) If evidence is found that the crimes referred to in paragraph (1) have been committed, the DPRA/DPRK shall hand over the case for resolution to the proper law enforcement authorities in accordance with prevailing laws and regulations.
- (4) In the event the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor are found guilty of a crime punishable by imprisonment of at least 5 (five) years based upon a court ruling not having permanent legal force as referred to in paragraph (3), the DPRA/DPRK shall recommend a suspension to be enacted through a resolution of the DPRA/DPRK.
- (5) Based upon the DPRA/DPRK resolution referred to in paragraph (4), the President shall affirm the suspension of Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor.
- (6) In the event the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor are found guilty by a court ruling having permanent legal force as referred to in paragraph (4), the DPRA/DPRK leadership shall recommend an impeachment based upon a resolution of a DPRA/DPRK plenary session attended by at least 3/4 (three-fourths) of the number of DPRA/DPRK

members and based upon a resolution passed by at least 2/3 (two-thirds) of the DPRA/DPRK members present in that session.

- (7) Based upon the DPRA/DPRK resolution referred to in paragraph (6), the President shall dismiss the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor in accordance with prevailing laws and regulations.

#### **Article 52**

- (1) The Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor who are temporarily removed from office as referred to in Article 49 paragraph (1), Article 50 paragraph (1), and Article 51 paragraph (5), and subsequently found not guilty by a court ruling having permanent legal force, shall be rehabilitated and reinstated to their offices by the President within 30 (thirty) days to continue the remainder of their office terms.
- (2) In the event the office terms of the Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor have expired during their suspension from office as referred to in paragraph (1), the President shall enact the rehabilitation of such Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor without a reinstatement to office.

#### **Article 53**

- (1) If the Governor/regent/mayor is temporarily removed from office as referred to in Article 49 paragraph (1), Article 50 paragraph (1), and Article 51 paragraph (5), the Vice Governor/deputy regent/deputy mayor shall take over the discharge of their duties and authorities until the issuance of a court ruling having permanent legal force.
- (2) If the Vice Governor/deputy regent/deputy mayor is temporarily removed from office as referred to in Article 49 paragraph (1), Article 50 paragraph (1), and Article 51 paragraph (5), their duties and authorities shall be discharged by the Governor/regent/mayor until the issuance of a court ruling having permanent legal force.
- (3) If the Governor/Vice Governor, regent/deputy regent, or mayor/deputy mayor are concurrently temporarily removed from office pursuant to Article 49 paragraph (1), Article 50 paragraph (1), or Article 51 paragraph (5), the President shall appoint an acting Governor/regent/mayor upon consultation with the DPRA through the Minister of Home Affairs, and shall appoint acting regent/deputy regent and mayor/deputy mayor upon consultation with the DPRK through the Governor, until the issuance of a court ruling with permanent legal force.
- (4) Procedures related to the nomination, candidate criteria, and office terms of acting officials referred to in paragraph (3) shall be governed by relevant Government Regulations.

#### **Article 54**

- (1) If the Governor/regent/mayor has been dismissed based on a court ruling having permanent legal force as referred to in Article 49 paragraph (1), Article 50

paragraph (2), and Article 51 paragraph (7), the position of head of regional government shall be taken over by the Vice Governor/deputy regent/deputy mayor through the end of the ongoing office term based upon a resolution of a Plenary Session of the DPRA or the DPRK and affirmed by the President.

- (2) If the Governor/regent/mayor is no longer in office due to becoming deceased, the president shall determine and affirm the Vice Governor/deputy regent/deputy mayor to act as head of regional government through the end of the ongoing office term.
- (3) In the event of a vacancy in the position of Vice Governor/deputy regent/deputy mayor as referred to in paragraph (1) with a remaining office term of 18 (eighteen) or more months, the Governor/regent/mayor shall nominate 2 (two) candidates to occupy such positions to be elected in a DPRA or DPRK plenary session based upon recommendations from the political party or coalition of political parties, or the local political party or local political parties, or a coalition of political parties and local political parties whose candidate ticket was elected in the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor.
- (4) In the event the Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor concurrently cease to be in office or are concurrently dismissed during their office terms, a DPRA or DPRK plenary session shall decide and assign the KIP to hold an election to elect the Governor/Vice Governor, regent/deputy regent, and mayor/deputy within a period of 6 (six) months from the appointment of an acting Governor/regent/mayor.
- (5) In the event of a vacancy in the position of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor as referred to in paragraph (3), the Aceh Region Secretary and the respective district/municipality secretaries shall conduct the daily functions of the Governor/regent/mayor until the President appoints an acting Governor/regent/mayor.
- (6) Procedures for filling vacancies, requirements, and office terms of acting officials as referred to in paragraph (5) shall be governed by relevant Government Regulations.

### **Part Five Inquiry and Investigation**

#### **Article 55**

- (1) Inquiry and investigation of the Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor shall be conducted with written approval from the President based upon a request from investigators.
- (2) If written approval as referred to in paragraph (1) is not given by the President within a period of 60 (sixty) days from the date of receipt of the request, the inquiry and investigation may be carried out.
- (3) Investigation followed by an arrest shall require written approval obtained pursuant to the provisions of paragraphs (1) and (2).
- (4) Exceptions to the provisions stipulated in paragraph (1) shall occur in the following cases:

- a. arrest made during the commission of a crime; or
  - b. allegation of the commission of a crime punishable by the death penalty, or commission of a crime against state security.
- (5) Investigation conducted pursuant to paragraph (4) must be reported to the President by no later than 2 (two) times 24 (twenty-four) hours.

**CHAPTER IX  
ELECTION ORGANIZERS**

**Part One  
Independent Elections Commission  
(Komisi Independen Pemilihan - KIP)**

**Article 56**

- (1) The Aceh KIP shall organize the general election of the President/Vice President, members of the DPR (Indonesian House of Representatives), members of the DPD (Indonesian Representative Council of Regions), members of the DPRA, and the Governor/Vice Governor.
- (2) The district/municipality KIP shall organize the general election of President/Vice President, members of the DPR (Indonesian House of Representatives), members of the DPD (Indonesian Representative Council of Regions), members of the DPRA and DPRK, and the Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor.
- (3) For the general elections of Governor/Vice Governor referred to in paragraph (1), the district/municipality KIP shall function as a part of the organizer of the election of Governor/Vice Governor.
- (4) Members of the Aceh KIP shall be nominated by the DPRA, selected by the KPU and affirmed the Governor.
- (5) Members of the district/municipality KIP shall be nominated by the DPRK, selected by the KPU and affirmed by the regent/mayor.
- (6) For the implementation of provisions in paragraphs (4) and (5), the DPRA/DPRK shall establish an independent ad hoc team to conduct the compilation and screening of KIP member candidates.
- (7) Further provisions related to the formation, operating procedures and office terms of the independent team referred to in paragraph (6) shall be governed by qanun.

**Article 57**

- (1) The Aceh KIP shall consist of 7 (seven) members and the district/municipality KIP shall consist of 5 (five) members, comprising representatives of various elements of society.
- (2) The office term of KIP members shall be 5 (five) years from the date of their induction.

**Part Two  
Duties, Authorities and Obligations**

**Article 58**

- (1) The duties and authorities of KIP shall be as follows:
  - a. plan and carry out the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
  - b. determine procedures for the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
  - c. coordinate, implement, and control all stages in the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
  - d. determine dates and implementation procedures with respect to campaigns and voting for the elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
  - e. accept the registration of candidate tickets as participants in the election;
  - f. examine the requirements of nominated candidates for Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
  - g. determine candidate tickets that have met the established requirements;
  - h. accept the registration of and announce the campaign teams;
  - i. conduct audits of and publicize the reports on campaign fund contributions;
  - j. affirm the result of vote recapitulations and announce the results of the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor through a plenary meeting;
  - k. conduct an evaluation and submit a report to the DPRA/DPRK on the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor; and
  - l. carry out other duties and authorities as set out in relevant laws and regulations.
- (2) To assist the KIP in the performance of its duties and authorities as referred to in paragraph (1) a KIP Secretariat shall be established in accordance with prevailing laws and regulations.

**Article 59**

KIP shall have the following obligations:

- a. to treat candidate tickets in a fair and equal manner;
- b. to set standards and material and service requirements related to organizing the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor based on prevailing laws and regulations;
- c. to submit a report on every stage of the election to the DPRA in the case of the Aceh KIP, and to the DPRK in the case of the district/municipality KIP, and to disseminate information regarding its activities to the public;
- d. to maintain all election files and documents and to manage the KIP material inventory in accordance with prevailing laws and regulations;

- e. to be accountable to the Governor and regent/mayor for the use of budget funds, in accordance with prevailing laws and regulations; and
- f. to conduct all stages of the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor in a timely manner.

**Part Three  
Elections Supervisory Committee**

**Article 60**

- (1) Aceh and district/municipality Elections Supervisory Committees shall be formed by the national supervisory committee and shall be ad hoc in nature.
- (2) Establishment of Elections Supervisory Committees referred to in paragraph (1) shall be effected following the enactment of this Law.
- (3) Membership of Elections Supervisory Committees referred to in paragraphs (1) and (2) shall consist of 5 (five) members nominated by the DPR/DPRA/DPRK.
- (4) Office terms of Elections Supervisory Committees shall end 3 (three) months following the induction of the Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor.

**Part Four  
Duties and Authorities of the Elections Supervisory Committee**

**Article 61**

- (1) The duties and authorities of the Elections Supervisory Committee shall be:
  - a. to supervise the execution of the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor; and
  - b. to carry out other duties and authorities as set out in prevailing laws and regulations.
- (2) Execution of the duties referred to in paragraph (1) shall be performed in accordance with prevailing laws and regulations.

**Article 62**

The duties and authorities of the Elections Supervisory Committee as referred to in Article 61 shall be executed through the following activities:

- a. supervising all stages of the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
- b. resolving disputes arising in the elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
- c. forwarding unresolved findings and reports to the proper authorities; and
- d. managing coordination among supervisory committees at all levels.

**Article 63**

Matters related to the supervision of elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor that are not provided for under this Law shall be guided by the provisions in prevailing laws and regulations.

**Part Five  
Monitoring**

**Article 64**

- (1) Monitoring the implementation of elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor may be carried out by local, national and international monitors.
- (2) Monitors of elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor referred to in paragraph (1) must:
  - a. adopt an independent approach; and
  - b. possess a clear source of funding.
- (3) International monitors referred to in paragraph (1) must follow the procedures set out in prevailing laws and regulations.
- (4) Monitors of elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor as referred to in paragraphs (2) and (3) must be registered with the KIP in accordance with prevailing laws and regulations.

**CHAPTER X  
ELECTIONS OF GOVERNOR/VICE GOVERNOR,  
REGENT/DEPUTY REGENT, AND MAYOR/DEPUTY MAYOR**

**Part One  
General**

**Article 65**

- (1) The Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor shall be elected directly as single tickets once every 5 (five) years through elections that are democratic, free, confidential and carried out in an honest and fair manner.
- (2) The Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor shall hold office terms of 5 (five) years and may be re-elected only once to the same position.
- (3) Costs for the holding of elections of Governor/Vice Governor shall be derived from the APBA.
- (4) Costs for the holding of elections of regent/deputy regent, and mayor/deputy mayor shall be derived from the APBK and APBA.

**Part Two  
Election Stages**

**Article 66**

- (1) The stages and schedule of the elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor shall be determined by the KIP.
- (2) The process for the elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor shall be carried out through the stages of preparation, nomination, election, validation of election results, and induction.
- (3) The preparation stage shall consist of:
  - a. establishment and affirmation of the Aceh KIP and district/municipality KIP;
  - b. notification by the DPRA to the Aceh KIP regarding the expiration of office terms of the Governor/Vice Governor;
  - c. notification by the DPRK to the district/municipality KIP regarding the expiration of office terms of regent/deputy regent, and mayor/deputy mayor;
  - d. implementation planning, to include determining the procedures and schedule of elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
  - e. formation of the Election Supervisory Committee, Subdistrict Elections Committee, *Gampong* Election Committee, and Voting Committee (*Kelompok Penyelenggara Pemungutan Suara – KPPS*); and
  - f. notification and registration of election monitors.
- (4) The election stage referred to in paragraph (2) shall consist of:
  - a. registration and finalization of the voters list;
  - b. registration and finalization of the Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor candidates;
  - c. campaign;
  - d. voting;
  - e. vote counting
  - f. determination of the elected candidate tickets for Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor, and validation and induction.
- (5) Registration and finalization as referred to in paragraph (4) point b shall consist of:
  - a. examination of administrative requirements of prospective candidates, by the KIP;
  - b. determination of candidate tickets by the KIP; and
  - c. elaboration of the vision and mission of candidate tickets in an extraordinary plenary session of the DPRA/DPRK.
- (6) Procedures for the implementation of election stages referred to in paragraphs (2), (3), (4), and (5) shall be determined by KIP with guidance from relevant qanun.

**Part Three  
Nomination**

**Article 67**

- (1) Candidate tickets for Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor as referred to in Article 65 paragraph (1) shall be nominated by:
  - a. political parties or coalitions of political parties;
  - b. local political parties or coalitions of local political parties;
  - c. coalitions consisting of political parties and local political parties; and/or
  - d. individual persons.
- (2) Candidates for Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor must meet the following requirements:
  - a. be Indonesian citizens;
  - b. carry out the values and practices (*syari'at*) of their religions;
  - c. adhere to the 1945 Constitution of the Republic of Indonesia;
  - d. have a minimum high school education or its equivalent;
  - e. be at least 30 (thirty) years of age;
  - f. be in good physical and mental condition and free from any illicit drugs, based on a comprehensive physical screening by the medical team;
  - g. have never been convicted of a crime punishable by a prison term of at least 5 (five) years based on a court ruling having permanent legal force, except in cases of the crime of treason or a political crime for which an amnesty/rehabilitation has been granted;
  - h. not currently have voting rights revoked by a court ruling having permanent legal force;
  - i. have never committed an indecent act;
  - j. have knowledge of their regions and be known by the communities in that region;
  - k. present a list of personal assets and consent to the list being publicized;
  - l. not be currently serving as acting Governor/regent/mayor; and
  - m. not be liable for a financial debts personally, or on behalf of a legal entity under his/her charge, which cause losses to the state.

**Article 68**

- (1) In addition to the requirements referred to in Article 67 paragraph (2), individual candidates must obtain support from at least 3% (three) percent of the population located over at least 50% (fifty percent) of the number of districts/municipalities in the case of election of Governor/Vice Governor, and 50% (fifty percent) of the number of subdistricts in the case of elections of regent/deputy regent, and mayor/deputy mayor.
- (2) Support referred to in paragraph (1) shall be evidenced through proof of identity and written statements from supporting persons.

#### **Article 69**

The stage of validating and inducting the elected Governor/Vice Governor candidates shall consist of:

- a. submission of election results by the Aceh KIP to the DPRA to be subsequently forwarded to the President;
- b. affirmation of the Governor/Vice Governor candidate-elects, carried out by the President; and
- c. induction and swearing-in of the Governor/Vice Governor, conducted by the Minister of Home Affairs on behalf of the President of the Republic of Indonesia before the Chairperson of the Syari'yah Court in a DPRA plenary session.

#### **Article 70**

The stage of validating and inducting the elected regent/deputy regent and mayor/deputy mayor candidates shall consist of:

- a. submission of election results by the district/municipality KIP to the DPRK to be subsequently forwarded to the Governor;
- b. affirmation of the regent/deputy regent and mayor/deputy mayor candidate-elects, conducted by the Minister of Home Affairs on behalf of the President; and
- c. induction and swearing-in of the regent/deputy regent and mayor/deputy mayor, conducted by the Governor on behalf of the President of the Republic of Indonesia before the Chairperson of the Syari'yah Court in a DPRK general session.

### **Part Four Voters and Voters' Rights**

#### **Article 71**

- (1) Voters in the elections of Governor/Vice Governor, regent/deputy regent, and mayor/ deputy mayor shall be Indonesian citizens domiciled in Aceh or its districts/municipalities, who as of the date of the voting meet the following requirements:
  - a. are at least 17 (seventeen) years of age or are/have been married;
  - b. do not suffer any mental debilitation;
  - c. do not currently have voting rights revoked by a court ruling having permanent legal force; and
  - d. are registered as voters.
- (2) Citizens of the Republic of Indonesia who are registered in the list of voters, but no longer meet the requirements referred to in paragraph (1), shall not be entitled to exercise their voting rights.

#### **Article 72**

Voters in Aceh as referred to in Article 71 shall have the following rights:

- a. to elect their Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
- b. to monitor the process of election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
- c. to propose policies with respect to the Governing of Aceh and the governing of the districts/municipalities;
- d. to propose improvements and amendments to qanuns; and
- e. to supervise the use of the budget.

#### **Article 73**

Implementation of elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor as referred to in Articles 66, 67, 68, 69, 70, 71 and 72 shall be further governed by qanun with guidance from prevailing laws and regulations.

### **Part Five Resolution of Disputes Relating to the Results of Elections of Governor/Vice Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor**

#### **Article 74**

- (1) Participants in the elections of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor shall be entitled to file objections to the election results affirmed by the KIP.
- (2) Objections referred to in paragraph (1) may only be filed by the candidate ticket to the Supreme Court within no more than 3 (three) days following the affirmation of the election result.
- (3) Objections referred to in paragraph (1) may only be made against voting results that affect the election of the candidate ticket making the objection.
- (4) The Supreme Court shall rule on the dispute regarding the election result as referred to in paragraphs (1), (2), and (3) within no more than 14 (fourteen) days from the receipt of the objection.
- (5) The Supreme Court shall deliver the ruling on the vote-count dispute referred to in paragraph (4) to:
  - a. KIP;
  - b. candidate ticket;
  - c. DPRA/DPRK;
  - d. Governor/regent/mayor; and
  - e. the political party or coalition of political parties, or the local political party or coalition of local political parties, or the coalition of political parties and local political parties that nominated the candidate ticket.

- (6) The Supreme Court ruling as referred to in paragraphs (4) and (5) shall be final and binding in nature.

## **CHAPTER XI LOCAL POLITICAL PARTIES**

### **Part One Establishment**

#### **Article 75**

- (1) Residents of Aceh may establish local political parties.
- (2) Local political parties shall be formed and established by at least 50 (fifty) Indonesian citizens who are at least 21 (twenty-one) years of age and are permanently domiciled in Aceh, and must consist of at least 30% (thirty percent) women.
- (3) Local political parties referred to in paragraph (2) shall be established through notary deeds that set out their articles of association, bylaws and organizational structures.
- (4) The leadership of local political parties shall be located in the capital city of Aceh.
- (5) The leadership of local political parties referred to in paragraph (4) shall consist of at least 30% (thirty percent) women.
- (6) Local political parties shall have names, symbols, and logos that do not bear resemblance in principal to the names, symbols, and logos of other political parties or local political parties.
- (7) Local political parties shall have permanent offices.
- (8) To be allowed to be registered and validated as legal entities, in addition to fulfilling the requirements stipulated in paragraphs (2), (3), (4), (5), (6), and (7), local political parties must have chapters in at least 50% (fifty percent) of the districts/municipalities and 25% (twenty-five percent) of total *kecamatan*s in each respective district/municipality.

#### **Article 76**

- (1) Local political parties that meet the requirements stipulated in Article 75 shall be registered and validated as legal entities by the regional departmental office in Aceh that is charged with managing legal and human rights affairs, through a delegation of authority from the relevant Minister.
- (2) Validation of local political parties referred to in paragraph (1) shall be announced in a State Gazette.
- (3) Amendments to the articles of association, bylaws, names, symbols, logos, and leadership boards of local political parties shall be registered with the regional departmental office in Aceh in charge of managing legal and human rights affairs.

## **Part Two Principles, Objectives, and Functions**

### **Article 77**

- (1) The underlying principles of a local political party must not violate the Pancasila or the 1945 Constitution of the Republic of Indonesia.
- (2) A local political party may incorporate certain characteristics that reflect the aspirations, religion, local customs, and philosophy of the Acehnese people.

### **Article 78**

- (1) The general objectives of a local political party shall be:
  - a. to achieve the national ideals of the Indonesian people as described in the Preamble of the 1945 Constitution of the Republic of Indonesia;
  - b. to promote a democratic society based on the Pancasila and uphold the people's sovereignty within the Unitary State of the Republic of Indonesia;
  - c. to achieve prosperity for all Acehnese people.
- (2) The specific objectives of a local political party shall be:
  - a. to increase the political participation of the Acehnese people in the implementation of regional governance; and
  - b. to advance the ideals of the local political party as part of the society, the people, and the state, in accordance with the uniqueness and special nature of Aceh.
- (3) The objectives of local political parties stipulated in paragraphs (1) and (2) must be pursued in a constitutional manner.

### **Article 79**

A local political party shall function as a instrument for:

- a. the political education of its members and the community;
- b. creation of a conducive climate for the unity and integrity of the Indonesian people in order to achieve public welfare;
- c. absorption, compilation, and channeling of people's political aspirations; and
- d. political participation of the people.

## **Part Three Rights and Obligations**

### **Article 80**

- (1) A local political party shall have the right to:

- a. receive equal and fair treatment from the Aceh Government and district/municipality governments;
  - b. manage and administer its internal organizational affairs independently;
  - c. retain copyright title over its party name, symbol, and logo from the department in charge of legal and human rights affairs;
  - d. participate in the general elections of DPRA and DPRK members;
  - e. nominate candidates to fill seats in the DPRA and DPRK;
  - f. recommend the dismissal of its members from the DPRA and DPRK;
  - g. recommend the replacement of its members in the DPRA and DPRK;
  - h. nominate candidates to be elected as Governor and Vice Governor, regent and deputy regent, and mayor and deputy mayor in Aceh; and
  - i. enter into affiliations or other forms of cooperation with another local political party or national political party.
- (2) Implementation of the provisions of paragraph (1) points d, e, f, g, and h shall be governed by Aceh Qanun.

#### **Article 81**

A local political party shall have the obligation to:

- a. adhere to the Pancasila and implement the 1945 Constitution of the Republic of Indonesia and other laws and regulations;
- b. maintain the integrity of the Unitary State of the Republic of Indonesia;
- c. participate in the development of Aceh and national development;
- d. uphold the supremacy of the law, democracy, and human rights;
- e. provide political education and channel the political aspirations of its members;
- f. ensure the successful conduct of general elections at the regional and national levels;
- g. compile and maintain its membership data;
- h. maintain bookkeeping, lists of contributors, and records of amounts of contributions received, and be open to providing this information to the public and the government;
- i. prepare periodic financial reports; and
- j. maintain a special bank account for party funds.

#### **Part Four Prohibitions**

##### **Article 82**

- (1) A local political party shall be prohibited from using a name, symbol, or logo that resembles:
- a. the flag or coat of arms of the Republic of Indonesia;
  - b. the symbol of a state institution or the Government;
  - c. the regional symbol of Aceh;

- d. the name, flag, or symbol of other nations or of an international institution/agency;
  - e. the name or picture of a person; or
  - f. the name, symbol, or logo of another political party or local political party, whether in principal or in their entirety.
- (2) A local political party shall be prohibited from:
- a. undertaking activities that contravene the Pancasila, the 1945 Constitution of the Republic of Indonesia, or other laws and regulations;
  - b. undertaking activities that endanger the integrity of the Republic of Indonesia;
  - c. accepting contributions from or giving contributions to foreign entities in any form whatsoever that contravene prevailing laws and regulations;
  - d. accepting contributions, whether cash or in kind, from any person without clearly stating such person's identity;
  - e. receiving contributions from individuals and/or corporate entities exceeding the limit set by prevailing laws and regulations;
  - f. soliciting or accepting funding from state-owned enterprises, region-owned enterprises, village-owned enterprises, or by any other name they may be referred to, or from cooperatives, foundations, nongovernmental organizations, community organizations or humanitarian organizations.
- (3) A local political party shall be prohibited from establishing a business enterprise and/or holding shares in a business enterprise.
- (4) A local political party shall be prohibited from adopting, developing, or disseminating the teachings of communism or Marxism-Leninism.

#### **Part Five Membership and Sovereignty of Members**

##### **Article 83**

- (1) Indonesian citizens permanently domiciled in Aceh may become members of a local political party if they have reached the age of 17 (seventeen) years or are/have been married.
- (2) Membership in a local party shall be voluntary, open and non-discriminatory for all Indonesian citizens permanently domiciled in Aceh who agree to the articles of association and bylaws of a given local political party.
- (3) Membership as referred to in paragraph (2) may be concurrent with membership in a political party.
- (4) Membership, members' sovereignty, and administration of a local political party shall be governed by the articles of association and bylaws of the local political party.

## **Part Six Finance**

### **Article 84**

- (1) The finances of a local political party shall be derived from:
  - a. members' dues;
  - b. lawful contributions; and
  - c. assistance from the APBA and APBK.
- (2) Contributions referred to in paragraph (1) point b may be in the form of cash, in kind, facilities, equipment, and/or services.
- (3) Assistance referred to in paragraph (1) point c shall be granted proportionally to political parties that gain seats in the Aceh and district/municipality Houses of Representatives.
- (4) Further provisions related to the procedures for providing assistance referred to in paragraph (3) shall be governed by qanun.

### **Article 85**

A local political party as described in Article 84 paragraph (1) point b may accept contributions from:

- a. members and non-members, to a maximum amount of Rp. 200,000,000.00 (two hundred million rupiah) within a period of 1 (one) year;
- b. business enterprises and/or corporate entities, to a maximum amount of Rp. 800,000,000,00 (eight hundred million rupiah) within a period of 1 (one) year;

## **Part Seven Sanctions**

### **Article 86**

- (1) Any person and/or corporate entity providing contribution to a local political party exceeding the limits stipulated in Article 85 shall be punishable by imprisonment of at most 6 (six) months and/or a fine up to a maximum amount of Rp.800,000,000.00 (eight hundred million rupiah).
- (2) Any person influencing or coercing a person and/or business/corporate entity to make a contribution to a local political party exceeding the limits stipulated in Article 85 shall be punishable by imprisonment of at most 6 (six) months and/or a fine up to a maximum amount of Rp.800,000,000.00 (eight hundred million rupiah).
- (3) Directors of a local political party who:
  - a. receive a contribution from a person and/or business/corporate entity that exceeds the limits stipulated in Article 85 shall be punishable by

- b. imprisonment of at most 6 (six) months and/or a fine up to a maximum amount of Rp.800,000,000.00 (eight hundred million rupiah).
  - b. commit a violation as described in Article 82 paragraph (2) points d and f shall be punishable by imprisonment of at most 6 (six) months and/or a fine up to a maximum amount of Rp.1,000,000,000.00 (one billion rupiah).
  - c. use their party to engage in activities referred to in Article 82 paragraph (4) shall be charged with a crime against state security pursuant to Article 107 points c, d, and e of the Indonesian Criminal Code, and may have their party dissolved.
- (4) Any contributions received by a local political party from persons and/or businesses/corporate entities exceeding the limits stipulated in Article 85 shall be confiscated by the state.
  - (5) Violations of the provisions of:
    - a. Articles 75 and 77 paragraph (1) shall be punishable by administrative sanction in the form of the rejection of registration as local political party by the regional departmental office in charge of legal and human rights affairs;
    - b. Article 81 point h shall be punishable by administrative sanction in the form of a public reprimand by the Aceh KIP.
    - c. Article 81 points i and j shall be punishable by administrative sanction in the form of discontinuation of assistance from the APBA and APBK.

### **Article 87**

- (1) Violation of the provisions of Article 82 paragraph (1) shall be punishable by the administrative sanction of rejection of registration of the local political party by the regional departmental office in Aceh in charge of managing legal and human rights affairs.
- (2) Violation of the provisions of Article 82 paragraph (2) points a and b shall be punishable by the administrative sanction of a temporary suspension of the local political party in question for a maximum duration of 1 (one) year by a district court whose jurisdiction encompasses the domicile of the local political party in question.
- (3) Violation of the provisions of Article 82 paragraph (2) point c, d, e and f shall be punishable by the administrative sanction of a public reprimand by the Aceh KIP.
- (4) Violation of the provisions of Article 82 paragraph (3) shall be punishable by the administrative sanction of a prohibition to participate in the next general election by a district court whose jurisdiction encompasses the domicile of the local political party in question, as referred to in paragraph (2).
- (5) Prior to the imposition of the administrative sanctions referred to in paragraphs (1), (2), (3), and (4), the directors of the local political party in question shall have their statements of explanation heard.

### **Article 88**

- (1) A local political party that violates the provisions of Article 82 paragraph (4) shall be dissolved based upon a ruling of the Constitutional Court.

- (2) A local political party that has been temporarily suspended pursuant to Article 87 paragraph (2) and that commits another violation as referred to in Article 82 paragraph (2) points a and b shall be dissolved based upon a ruling of the Constitutional Court.

**Part Eight**  
**Requirements to Participate in the General Election of the DPRA/DPRK**  
**and the Elections of Governor/Vice Governor, Regent/Deputy Regent**  
**and Mayor/Deputy Mayor**

**Article 89**

- (1) In order to run in the general election of the DPRA/DPRK, a local political party must meet the following requirements:
- a. have been validated as a legal entity;
  - b. have chapters in at least 2/3 (two-thirds) of the districts/municipalities in Aceh;
  - c. have chapters in at least 2/3 (two-thirds) of the *kecamatan*s in the respective districts/municipalities referred to in point b;
  - d. have a membership of at least 1/1000 (one per thousand) of the total population in each of its chapter locations as referred to in point c, as evidenced by local political party membership cards;
  - e. have permanent offices for its chapters, as referred to in points b and c;
  - f. register its name and symbol with the KIP.
- (2) A local political party that has been registered but has not met the requirements stipulated in paragraph (1) may not participate in the DPRA/DPRK general election.
- (3) Aceh KIP shall determine the procedures for examining and checking the validity of requirements referred to in paragraph (1).
- (4) Determination of the procedures for examination, the conduct of examination, and determination of the legal fulfillment of requirements referred to in paragraph (1) shall be carried out by the KIP Aceh and shall be final in nature.

**Article 90**

In order to be eligible to run in the following election, a local political party taking part in the general election must:

- a. obtain at least 5% (five percent) of the seats in the DPRA; or
- b. obtain at least 5% (five percent) of the seats in the DPRK throughout at least 1/2 (one-half) of the districts/municipalities in Aceh.

**Article 91**

- (1) A local political party, coalition of local political parties, or coalition consisting of political parties and local political parties, may nominate candidate tickets for the

positions of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor.

- (2) A local political party, coalition of local political parties, or coalition consisting of political parties and local political parties as referred to in paragraph (1) may register their candidate tickets upon having obtained the required 15% (fifteen percent) of the seats in the DPRA or 15% (fifteen percent) of the total valid votes in the General Election of the DPRA in the given region.
- (3) A local political party, coalition of local political parties, or coalition consisting of political parties and local political parties as referred to in paragraph (2) must provide the greatest opportunity possible to prospective individual candidates who meet the requirements set out in Article 67 paragraph (2).
- (4) A local political party, coalition of local political parties, or coalition consisting of political parties and local political parties, upon registration of their candidate tickets, must present:
- a. a letter of nomination signed by the local political party leadership or the leadership of the coalition of local political parties;
  - b. a written agreement among the local political parties that have formed a coalition to nominate the candidate ticket;
  - c. a statement of non-withdrawal of the nominated candidate ticket signed by the local political party leaders or the leaders of the local political parties in the coalition;
  - d. a statement from the candidate pair accepting their joint candidacy for Governor/Vice Governor, regent/deputy regent, or mayor/deputy mayor;
  - e. a statement of non-withdrawal as a candidate ticket;
  - f. a statement of willingness to resign their current positions upon being elected as Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor, in accordance with prevailing laws and regulations;
  - g. a letter of resignation from their current official positions for candidates who are currently civil servants, members of the Indonesian armed forces, and members of the Indonesian National Police;
  - h. a statement stating the non-active status of DPRA/DPRK leaders for such persons who are participating as candidates in the regions where they work;
  - i. a letter of notification to their leadership for members of the DPR, DPD, and DPRA/DPRK who are nominating themselves as candidates for Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor;
  - j. all requirements necessary to be nominated as candidates for Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor as specified in Article 67 paragraph (2); and
  - k. the written vision, mission, and program statements of the candidate ticket.
- (5) A local political party, coalition of local political parties, or coalition consisting of political parties and local political parties as referred to in paragraph (4) may only nominate one candidate ticket, and this pair of candidates may not be nominated again by another local political party or coalition of local political parties.
- (6) In the course of determining its candidate ticket, a local political party or coalition of local political parties shall take into account the opinions and ideas of the community.

- (7) The period of registration of candidate tickets referred to in paragraph (4) shall be a maximum of 7 (seven) business days counted from the date of the announcement of candidate ticket registration.

**Part Nine  
Supervision**

**Article 92**

Supervision of local political parties shall consist of the following:

- a. implementation of administrative and substantive examination of the articles of establishment and the requirements for establishing local political parties as referred to in Articles 75 and 77;
- b. examination of local political party chapters as presented in the articles of establishment of the political parties and their chapters, as referred to in Article 75;
- c. checks of the names, symbols, and logos of political parties as referred to in Article 82 paragraph (1);
- d. receipt of reports of amendments to the articles of association and bylaws, names, symbols, and logos of local political parties as referred to in Article 76 paragraph (3), and changes to or replacements of local political parties' directors;
- e. requests for results of annual financial audits of local political parties and audit reports concerning general election campaign funds as referred to in Article 81 points h, i and j; and
- f. examinations of the possibility of violations of prohibitions for local political parties as referred to in Article 82 paragraphs (2), (3), and (4).

**Article 93**

- (1) Supervision as referred to in Article 92 shall be carried out by:
  - a. the regional departmental office in charge of legal and human rights affairs, with respect to duties specified in Article 92 points a, b, c and d;
  - b. the Independent Elections Commission, with respect to duties specified in Article 92 point e; and
  - c. the Governor as the representative of the Government, with respect to duties specified in Article 92 point f.
- (2) Follow-up of supervision referred to in paragraph (1) shall be conducted in accordance with prevailing laws and regulations.

**Article 94**

The Government, the Aceh government and the district/municipality governments shall not carry out supervision of the implementation of functions and rights of local political parties specified in Articles 79 and 80.

**Article 95**

Further provisions related to local political parties shall be governed by Government Regulations.

**CHAPTER XII  
WALI NANGGROE**

**Article 96**

- (1) The *Wali Nanggroe* institution constitutes a traditional customary (*adat*) leadership as a unifier of the people that is independent, has authority, and has the jurisdiction to develop and oversee the implementation of *adat* institutions and *adat* affairs, the awarding of titles and honors, and the exercising of other *adat* rites.
- (2) The *Wali Nanggroe* institution as referred to in paragraph (1) shall be neither a political nor a government institution in Aceh.
- (3) The *Wali Nanggroe* institution as referred to in paragraph (1) shall be led by a person, the *Wali Nanggroe*, who acts on an individual and independent basis.
- (4) Further provisions regarding candidacy requirements, election procedures, electorates, terms of office, position protocols, finances, and other matters concerning the *Wali Nanggroe* shall be governed by Aceh Qanun.

**Article 97**

The *Wali Nanggroe* shall be entitled to award honorary titles or *adat* designations to individuals or organizations, whether domestic or overseas, pursuant to criteria and procedures governed by Aceh Qanun.

**CHAPTER XIII  
TRADITIONAL CUSTOMARY (ADAT) INSTITUTIONS**

**Article 98**

- (1) *Adat* institutions shall function and serve as a means for public participation in the Governing of Aceh and the governing of districts/municipalities in the areas of security, peace, harmony, and public order.
- (2) Resolution of community social problems through traditional means shall be carried out by *adat* institutions.
- (3) *Adat* institution as described in paragraphs (1) and (2) shall include:
  - a. Aceh Adat Council;
  - b. *imeum mukim* or by any other name it is referred to;
  - c. *imeum chik* or by any other name it is referred to;
  - d. *keuchik* or by any other name it is referred to;

- e. *tuha peut* or by any other name it is referred to;
  - f. *tuha lapan* or by any other name it is referred to;
  - g. *imeum meunasah* or by any other name it is referred to;
  - h. *keujreun blang* or by any other name it is referred to;
  - i. *panglima laot* or by any other name it is referred to;
  - j. *pawang glee* or by any other name it is referred to;
  - k. *peutua seuneubok* or by any other name it is referred to;
  - l. *haria peukan* or by any other name it is referred to; and
  - m. *syahbanda* or by any other name it is referred to.
- (4) Further provisions regarding the duties, authority, rights and obligations of *adat* institutions, empowerment of *adat*, and *adat*-related affairs, as referred to in paragraphs (1), (2) and (3), shall be governed by Aceh Qanun.

#### **Article 99**

- (1) The fostering of *adat* life and *adat* affairs shall be conducted in accordance with the development of the specialness and uniqueness of Aceh that is founded upon the principles of Islamic law and implemented by the *Wali Nanggroe*.
- (2) Formulation of *adat* provisions that apply generally to the people of Aceh shall be implemented by *adat* institutions with advisement from the *Wali Nanggroe*.
- (3) Further provisions related to matters referred to in paragraphs (1) and (2) shall be governed by Aceh Qanun.

### **CHAPTER XIV**

#### **REGIONAL APPARATUS OF ACEH AND ITS DISTRICTS/MUNICIPALITIES**

##### **Part One General**

#### **Article 100**

- (1) The regional apparatus of Aceh shall consist of the Aceh Provincial Secretariat, DPRA Secretariat, Aceh *Dinas* offices, and Aceh technical agencies that are governed by Aceh Qanun.
- (2) The regional apparatus of districts/municipalities shall consist of the district/municipality regional secretariat, DPRK secretariat, district/municipality *Dinas* offices, and district/municipality and *kecamatan* technical agencies that are governed by district/municipality qanuns.

##### **Part Two Aceh Provincial Secretariat**

#### **Article 101**

- (1) The Aceh Provincial Secretariat shall be chaired by the Aceh Provincial Secretary.

- (2) The Aceh Provincial Secretary referred to in paragraph (1) shall have the duties, functions, and authorities to:
  - a. assist the governor in formulating policies;
  - b. coordinate the *Dinas* offices, institutions and agencies of Aceh Province; and
  - c. develop Civil Service Employees in Aceh.
- (3) In carrying out the duties, functions, and authorities referred to in paragraph (2), the Aceh Provincial Secretary shall be accountable to the Governor.
- (4) In the event the Aceh Provincial Secretary is unable to carry out his/her duties, such duties shall be carried out by an official appointed by the Governor.
- (5) Further provisions related to the organizational structure, functions, duties, and authorities of the Aceh Provincial Secretariat shall be governed by Aceh Qanun with guidance from prevailing laws and regulations.

#### **Article 102**

- (1) The Aceh Provincial Secretary shall be appointed from among Civil Service Employees who meet established requirements.
- (2) The Governor shall consult with the President prior to affirming a candidate as Aceh Provincial Secretary.
- (3) The Governor shall determine the candidate for Aceh Provincial Secretary and provide this information to the President for affirmation.
- (4) The President shall affirm the candidate referred to in paragraph (3) as Aceh Provincial Secretary through a Presidential Decree.

#### **Article 103**

- (1) The Governor shall consult with the President prior to the dismissal of the Aceh Provincial Secretary.
- (2) The Governor shall decide on the dismissal of the Aceh Provincial Secretary and provide this information to the President.
- (3) The President shall affirm the dismissal of the Aceh Provincial Secretary as referred to in paragraph (1) through a Presidential Decree.

##### **Part Three District/Municipality Secretariat**

#### **Article 104**

- (1) The district/municipality secretariat shall be chaired by the district/municipality secretary.
- (2) The district/municipality secretariat as referred to in paragraph (1) shall have the duties, functions, and authorities to:
  - a. assist the regent/mayor in formulating policies;
  - b. coordinate the *Dinas* offices, institutions and agencies of the district/municipality; and

c. develop Civil Service Employees within the district/municipality.

- (3) In carrying out the duties, functions, and authorities referred to in paragraph (2), the district/municipality secretary shall be accountable to the regent/mayor.
- (4) In the event the district/municipality secretary is unable to carry out his/her duties, such duties shall be carried out by an official appointed by the regent/mayor.
- (5) Further provisions related to the organizational structure, functions, duties, and authorities of the district/municipality secretariat shall be governed by Aceh Qanun with guidance from prevailing laws and regulations.

#### **Article 105**

- (1) The district/municipality secretary shall be appointed from among Civil Service Employees who meet established requirements.
- (2) The regent/mayor shall consult with the Governor prior to determining a candidate for the position of district/municipality secretary.
- (3) The regent/mayor shall determine the candidate for district/municipality secretary and provide this information to the Governor for affirmation.
- (4) The Governor shall affirm the candidate referred to in paragraph (3) as district/municipality secretary through a Gubernatorial Decree.

#### **Article 106**

- (1) The regent/mayor shall consult with the Governor prior to the dismissal of the district/municipality secretary.
- (2) The regent/mayor shall decide on the dismissal of the district/municipality secretary and provide this information to the Governor.
- (3) The Governor shall affirm the dismissal of a district/municipality secretary as referred to in paragraph (1) through a Gubernatorial Decree.

#### **Article 107**

Further provisions related to the requirements and procedures for the appointment and dismissal of the Aceh Provincial Secretary and district/municipality secretaries shall be governed by Government Regulations.

### **Part Four DPRA Secretariat**

#### **Article 108**

- (1) The DPRA Secretariat shall be chaired by a DPRA Secretary.
- (2) The DPRA Secretary referred to in paragraph (1) shall be appointed and dismissed by the Governor upon consultation with the DPRA leadership.
- (3) The DPRA Secretary shall have the duties to:

- a. execute the secretariat administration of the DPRA;
- b. formulate the DPRA Secretariat budget plan and carry out financial administration;
- c. manage and administer the DPRA expenditure budget;
- d. support the implementation of DPRA duties and functions; and
- e. provide and coordinate expert staff required by the DPRA in carrying out its functions, taking into account the region's financial resources.

- (4) The DPRA Secretary, in providing the expert staff referred to in paragraph (3) point e, must solicit the advice of the DPRA leadership.
- (5) The DPRA Secretary, in carrying out his/her duties, operationally shall serve under and be accountable to the DPRA leadership, and administratively shall serve under the coordination of the Aceh Provincial Secretary.
- (6) Further provisions related to the organizational structure of the DPRA Secretariat shall be governed by Aceh Qanun.

### **Part Five DPRK Secretariat**

#### **Article 109**

- (1) The DPRK secretariat shall be chaired by a DPRK Secretary.
- (2) The DPRK Secretary referred to in paragraph (1) shall be appointed and dismissed by the regent/mayor upon consultation with the DPRK leadership.
- (3) The DPRK Secretary shall have the duties to:
  - a. execute the secretariat administration of the DPRK;
  - b. formulate the DPRK Secretariat budget plan and carry out financial administration;
  - c. manage and administer the DPRK expenditure budget;
  - d. support the implementation of DPRK duties and functions; and
  - e. provide and coordinate expert staff required by the DPRK in carrying out its functions, taking into account the district's/municipality's financial resources.
- (4) The DPRK Secretary, in providing the expert staff referred to in paragraph (3) point e, must solicit the advice of the DPRK leadership.
- (5) The DPRK Secretary, in carrying out his/her duties, operationally shall serve under and be accountable to the DPRK leadership, and administratively shall serve under the coordination of the district/municipality secretary.
- (6) Further provisions related to the organizational structure of the DPRK Secretariat shall be governed by district/municipality qanun.

**Part Six**  
**Aceh and District/Municipality Departments (*Dinas*), Agencies,**  
**and Technical Institutions**

**Article 110**

- (1) Aceh and district/municipality *Dinas* shall be implementing elements of the Aceh Government and district/municipality governments.
- (2) Aceh and district/municipality *Dinas* shall be headed by department heads appointed from among civil service employees who meet the requirements set out in relevant laws and regulations.
- (3) Heads of Aceh departments referred to in paragraph (2) shall be appointed and dismissed by the Governor upon the recommendation of the Aceh Provincial Secretary.
- (4) District/municipality heads of departments shall be appointed and dismissed by the regents/mayors upon the recommendations of the district/municipality secretaries.
- (5) In performing his/her duties, the Aceh department head shall be accountable to the Governor through the Aceh Provincial Secretary.
- (6) In performing his/her duties, the district/municipality department head shall be accountable to the regent/mayor through the district/municipality secretary.

**Article 111**

- (1) Aceh technical institutions shall be elements supporting the Governor's duties to formulate and implement specific Aceh policies, and may be in the form of an agency or office.
- (2) District/municipality technical institutions shall be elements supporting the regent's/mayor's duties to formulate and implement specific policies in their respective districts/municipalities, and may be in the form of an agency or office.
- (3) Aceh and district/municipality agencies or offices shall be headed by directors or heads of office appointed from among civil service employees who meet the requirements set out in relevant laws and regulations.
- (4) Directors of Aceh agencies or heads of Aceh offices referred to in paragraph (3) shall be appointed and dismissed by the Governor upon the recommendation of the Aceh Provincial Secretary.
- (5) Directors of district/municipality agencies or heads of district/municipality offices referred to in paragraph (3) shall be appointed and dismissed by the regents/mayors upon the recommendation of the district/municipality secretaries.
- (6) In performing his/her duties, the Aceh agency director or office head shall be accountable to the Governor through the Aceh Provincial Secretary.
- (7) In performing his/her duties, the district/municipality agency director or office head shall be accountable to the regent/mayor through the district/municipality secretary.

**Part Seven**  
**Subdistricts (*kecamatan*s)**

**Article 112**

- (1) A *kecamatan* shall be led by a *camat*.
- (2) In performing his/her duties, the *camat* may be granted a portion of the regent's/mayor's authority to handle district/municipality governmental affairs.
- (3) In addition to the duties referred to in paragraph (2), the *camat* shall also carry out general governance functions including:
  - a. conduct governance activities at the *kecamatan* level;
  - b. promote implementation of governance of *mukims*, *kelurahans*, and *gampongs*;
  - c. provide public services that fall under his/her scope of duties and/or that have not been provided by the *mukim*, *kelurahan*, and *gampong* governments;
  - d. coordinate:
    - 1) community empowerment activities;
    - 2) efforts to create tranquility and public order;
    - 3) formulation and enforcement of laws and regulations; and
    - 4) maintenance of public facilities and infrastructure.
- (4) Appointment and dismissal of a *camat* shall be carried out by the regent/mayor.
- (5) The *camat* referred to in paragraph (4) shall be appointed by the regent/mayor, upon the recommendation of the district/municipality secretary, from among civil service employees who meet the requirements as set out in prevailing laws and regulations.
- (6) In performing his/her duties as referred to in paragraph (3), the *camat* shall be assisted by *kecamatan* apparatus and shall be accountable to the regent/mayor through the district/municipality secretary.
- (7) In performing their duties, the *kecamatan* apparatus referred to in paragraph (6) shall be accountable to the *camat*.
- (8) Further provisions related to matters referred to in paragraphs (1), (2), (3), (4), (5), (6), and (7) shall be governed by regent/mayor regulations with guidance from district/municipality qanun.

**Part Eight**  
***Kelurahans***

**Article 113**

- (1) A *kelurahan* shall be formed within the territory of a *kecamatan* through a district/municipality qanun and with guidance from relevant Government Regulations.
- (2) A *kelurahan* as referred to in paragraph (1) shall be led by a *lurah* who, in the performance of his/her duties, may be granted a portion of the authority from the regent/mayor.

- (3) In addition to the duties referred to in paragraph (2), the *lurah* shall have the duties to:
  - a. conduct governance activities of the *kelurahan*;
  - b. empower the community;
  - c. provide public services to the community;
  - d. cultivate the implementation of tranquility and public order; and
  - e. develop and maintain public infrastructure and public service facilities.
- (4) The *lurah* referred to in paragraph (2) shall be appointed by the regent/mayor, upon the recommendation of the *camat*, from among civil service employees who meet the requirements as set out in relevant laws and regulations.
- (5) In performing his/her duties as referred to in paragraph (3), the *lurah* shall be accountable to the *camat*.
- (6) In performing his/her duties as referred to in paragraph (3) the *lurah* shall be assisted by *kelurahan* apparatus.
- (7) In performing their duties as referred to in paragraph (6), the *kelurahan* apparatus shall be accountable to the *lurah*.
- (8) To facilitate the execution of the *lurah*'s duties as referred to in paragraphs (2) and (3), other institutions may be formed based on need as affirmed by a regent/mayor regulation.
- (9) Further provisions related to matters referred to in paragraphs (2), (3), (4), (5), (6), and (7) shall be governed by regent/mayor regulations in accordance with prevailing laws and regulations.

**CHAPTER XV  
MUKIM AND GAMPONG**

**Part One  
Mukim**

**Article 114**

- (1) Within each district/municipality *mukims* shall be formed, each *mukim* comprising several *gampongs*.
- (2) A *mukim* shall be led by an *imeum mukim* as the implementer of *mukim* duties and functions, to be assisted by *tuha peuet mukim* or by any other name it may be referred to.
- (3) The *imeum mukim* shall be elected through a *mukim* meeting for an office term of 5 (five) years.
- (4) Further provisions related to the organization, duties, functions, and apparatus of *mukims* shall be governed by district/municipality qanun.
- (5) Further provisions related to the procedures for electing *imeum mukims* shall be governed by Aceh Qanun.

**Part Two  
Gampong**

**Article 115**

- (1) Within each district/municipality shall be formed *gampongs*, which may use other names.
- (2) The government of a *gampong* shall consist of a *keuchik* and a *gampong* consultative assembly called the *tuha peuet*, or any other name that may be used.
- (3) A *gampong* shall be led by the *keuchik* who shall be elected directly by and from the members of the community for an office term of 6 (six) years, and who may be re-elected only one time for the following office term.

**Article 116**

- (1) In performing his/her duties, the *keuchik* shall be assisted by *gampong* apparatus consisting of a *gampong* secretary and other *gampong* bodies.
- (2) The *gampong* secretary referred to in paragraph (1) shall be appointed from among Civil Service Employees who meet the requirements set out in prevailing laws and regulations.
- (3) In performing their duties, the *gampong* secretary and other *gampong* apparatus shall be accountable to the *keuchik*.

**Article 117**

- (1) Establishment, amalgamation, and/or dissolution of a *gampong* shall be carried out with consideration of community opinions and initiatives.
- (2) Further provisions related to the position, functions, funding, organizations and apparatus of the *gampong*, or other names that may be used, shall be governed by district/municipality qanun.
- (3) Further provisions related to the procedures for electing the *keuchik* shall be governed by Aceh Qanun.

**CHAPTER XVI  
CIVIL SERVICE**

**Article 118**

- (1) Civil Service Employees in Aceh shall constitute a managerial unit of the national Civil Service Corps.
- (2) Management of Civil Service Employees in Aceh referred to in paragraph (1) shall include determination of formation, provision, appointment, transfer, dismissal, pension, salary, benefits, welfare, rights and obligations, legal status, capacity development, and monitoring of staff numbers.

- (3) Implementation of civil service employee management referred to in paragraph (2) may be assigned to the Aceh Government and district/municipality governments.

#### **Article 119**

- (1) Appointment, transfer, and dismissal from and within Echelon II positions in the Aceh Government shall be determined by the Governor.
- (2) Appointment, transfer, and dismissal from and within Echelon II positions in district/municipality governments shall be determined by the regents/mayors.

#### **Article 120**

- (1) Transfer of Civil Service Employees between districts/municipalities within Aceh shall be determined by the Governor.
- (2) Transfer of Civil Service Employees between districts/municipalities of different provinces, or between provinces, shall be determined by the Minister of Home Affairs.
- (3) Transfer of Civil Service Employees from Aceh/districts/municipalities to Ministries/Non-departmental State Institutions and vice versa shall be determined by the Minister of Home Affairs.
- (4) Transfers of Civil Service Employees referred to in paragraphs (1), (2) and (3) shall be carried out based on the norms, standards, and procedures established by the Head of the State Civil Service Agency.

#### **Article 121**

Determination of the formation of regional civil service employees for each budget year shall be recommended by the Governor to the Minister for Utilization of State Apparatus through the Minister of Home Affairs.

#### **Article 122**

Career development for Civil Service Employees in Aceh/districts/municipalities shall be carried out through consideration of issues of integrity and morality, education and training, rank, transfer of position, inter-provincial transfer, and competence.

#### **Article 123**

- (1) The salaries and benefits of Civil Service Employees in the region shall be borne by the APBA/APBK and derived from the basic allocation within general allocation funds.
- (2) Calculations and adjustments of the basic allocation referred to in paragraph (1) as a result of appointments, dismissals, and/or transfers of regional Civil Service Employees shall be made annually.

- (3) Calculation of the basic allocation referred to in paragraphs (1) and (2) shall be based on the Law on Financial Balance between the Central and Regional Governments.
- (4) For the purpose of calculating the basic allocation adjustments referred to in paragraph (3), the Government shall update the data regarding appointments, dismissals, and transfers of Civil Service Employees in Aceh/districts/municipalities.

#### **Article 124**

- (1) Development and supervision of Civil Service Employees in Aceh/districts/municipalities shall be coordinated at the national level by the Minister of Home Affairs, and at the Aceh/district/municipality level by the Governor.
- (2) Standards, norms, and procedures for the development and supervision of Civil Service Employees in Aceh/districts/municipalities shall be governed by Government Regulations.

### **CHAPTER XVII**

#### **ISLAMIC LAW (SYARI'AT) AND ITS IMPLEMENTATION**

#### **Article 125**

- (1) Islamic Law (*Syari'at*) implemented in Aceh shall consist of *aqidah* (faith), *syariah* (law) and *akhlak* (morals).
- (2) Islamic Law referred to in paragraph (1) includes *ibadah* (devotion), *ahwal al-syakhsyah* (family law), *muamalah* (civil law), *jinayah* (criminal law), *qadha'* (courts), *tarbiyah* (education), *dakwah* (lecture), *syiar* (religious teachings), and defense of Islam.
- (3) Further provisions related to the implementation of Islamic Law as referred to in paragraph (1) shall be governed by Aceh Qanun.

#### **Article 126**

- (1) Every person of the Islamic faith in Aceh must adhere to and practice Islamic Law.
- (2) Every person residing or located in Aceh must respect the implementation of Islamic Law.

#### **Article 127**

- (1) The governments of Aceh and its districts/municipalities shall be responsible for the implementation of Islamic Law.
- (2) The governments of Aceh and its districts/municipalities shall guarantee freedom, foster harmony, respect the religious values practiced by the various religious

faiths, and protect the followers of various religious faiths to allow them to practice their faiths according to their religions.

- (3) The Government, the Aceh Government and district/municipality governments shall allocate funds and other resources for the implementation of Islamic Law.
- (4) Construction of a house of worship in Aceh shall require a license from the Aceh Government and/or the respective district/municipality government.
- (5) Further provisions related to the granting of licenses referred to in paragraph (4) shall be governed by qanun that take into account prevailing laws and regulations.

## **CHAPTER XVIII SYARI'YAH COURT**

### **Article 128**

- (1) Administration of Islamic Law in Aceh shall be a part of the national judicial system under the jurisdiction of the religious judiciary that is executed by the Syari'yah Court, which is free from any external influence.
- (2) The Syari'yah Court shall constitute a court of law for all persons of the Islamic faith located in Aceh.
- (3) The Syari'yah Court shall have the authority to examine, try, rule upon, and resolve cases that fall into the areas of *ahwal al-syakhshiyah* (family law), *muamalah* (civil law), and *jinayah* (criminal law), based on Islamic Law.
- (4) Further provisions related to the legal areas of *ahwal al-syakhshiyah* (family law), *muamalah* (civil law), and *jinayah* (criminal law) referred to in paragraph (3) shall be governed by Aceh Qanun.

### **Article 129**

- (1) In the event of a criminal act (*jinayah*) committed jointly by two or more persons, among whom are one or more non-Muslims, the alleged non-Muslim perpetrator(s) may choose to submit themselves to *jinayah* law.
- (2) Any non-Muslim person committing a criminal act (*jinayah*) that is not governed by the National Criminal Code or by criminal provisions outside the National Criminal Code shall have *jinayah* law applied to his/her case.
- (3) Acehnese residents committing a *jinayah* criminal act outside Aceh shall be subject to the provisions of the National Criminal Code.

### **Article 130**

The Syari'yah Court referred to in Article 128 paragraph (1) shall consist of the district/municipality Syari'yah Court as the court of first instance and the Aceh Syari'yah Court as the court of appeals.

### **Article 131**

- (1) A ruling issued by the Aceh Syari'yah Court as referred to in Article 128 paragraph (1) may be appealed to the Supreme Court.
- (2) Case appeals to the Supreme Court as referred to in paragraph (1) relating to marriage, *talak* (Islamic divorce/ separation), divorce, and reconciliation shall be ruled upon by the Supreme Court no later than 30 (thirty) days from the cases' registration with the Supreme Court clerk.
- (3) For rulings issued by the Aceh Syari'yah Court or a Syari'yah Court having permanent legal force, involved parties may file for judicial reviews to Supreme Court in the event that there are relevant matters or conditions provided for in prevailing laws and regulations.
- (4) Cases of judicial review referred to in paragraph (3) relating to marriage, *talak* (Islamic divorce/ separation), divorce, and reconciliation shall be ruled upon by the Supreme Court no later than 30 (thirty) days from the cases' registration with the Supreme Court clerk.

### **Article 132**

- (1) The procedural law in force in the Syari'yah Court shall be the procedural law as set out in relevant Aceh Qanun.
- (2) Prior to the establishment of the Aceh Qanun regarding procedural law referred to in paragraph (1):
  - a. the procedural law in force in the Syari'yah Court for cases involving *ahwal al-syakhshiyah* and *muamalah* shall be the procedural law in force in national religious courts, except as otherwise specifically provided for under this Law.
  - b. the procedural law in force in the Syari'yah Court for cases involving *jinayah* shall be the procedural law in force in general jurisdiction courts, except as otherwise specifically provided for under this Law.

### **Article 133**

The tasks of conducting inquiries and investigations for the enforcement of Islamic Law with respect to *jinayah* falling under the jurisdiction of the Syari'yah Court shall be performed by the Indonesian National Police and Civil Service Investigators.

### **Article 134**

- (1) Planning, provision, education, training and technical development of Civil Service Investigators referred to in Article 133 shall be facilitated by the National Police in Aceh in accordance with prevailing laws and regulations.
- (2) Further provisions related to the procedures for appointment, requirements, and education of Civil Service Investigators as referred to in paragraph (1) shall be governed by Aceh Qanun.

#### Article 135

- (1) Syari'yah Court judges shall be appointed and dismissed by the President based upon recommendations from the Chief Justice of the Supreme Court.
- (2) In the event of a case requiring special expertise, the Chief Justice of the Supreme Court may recommend to the President the appointment of an ad hoc judge to the Syari'yah Court.
- (3) The Chief Justice and Deputy Chief Justice of the Aceh Syari'yah Court shall be appointed by the Chief Justice of the Supreme Court taking into consideration their experience as High Court Judges in the Aceh Syari'yah Court.
- (4) The Chief Justice and Deputy Chief Justice of the district/municipality Syari'yah Courts shall be appointed by the Chief Justice of the Supreme Court based on the recommendation of the Chief Justice of the Aceh Syari'yah Court.

#### Article 136

- (1) Technical development of the judicial procedures, organization, administration, and finances of the Syari'yah Court shall be conducted by the Supreme Court.
- (2) Provision of facilities and infrastructure for, and implementation of activities of, the Syari'yah Court shall be funded through the APBN, APBA, and APBK.

#### Article 137

Disputes regarding jurisdiction between the Syari'yah Court and courts covering other areas or jurisdictions shall be resolved by the Supreme Court as the first and final instance.

### CHAPTER XIX CLERICS' DELIBERATION COUNCIL (*Majelis Permusyawaratan Ulama – MPU*)

#### Article 138

- (1) MPUs shall be formed at the Aceh/district/municipality levels with members consisting of clerics and Muslim intellectuals who have a deep understanding of the Islamic religion, with attention given to the representation of women.
- (2) MPUs as referred to in paragraph (1) shall be independent and their leadership selected through a deliberation session among *ulamas*.
- (3) MPUs shall play the role of partners to the Aceh Government, district/municipality governments, and the DPRA and DPRK.
- (4) Further provisions related to the organizational structure, operating procedures, protocols, and other matters concerning MPUs shall be governed by Aceh Qanun.

#### Article 139

- (1) MPU shall have the function to affirm *fatwas* (religious decrees), which may serve as one of the considerations in the formulation of policies by regional governments in the areas of governance, development, community development, and economy.
- (2) Further provisions related to the procedures for submitting considerations as referred to in paragraph (1) shall be governed by Aceh Qanun.

#### Article 140

- (1) In order to carry out their functions as referred to in Article 139 paragraph (1), MPUs shall have the duties and authorities as follows:
  - a. to issue *fatwas*, either solicited or unsolicited, regarding issues of governance, development, community development, and the economy; and
  - b. to provide guidance for resolving differences of opinion on religious matters among community members.
- (2) In the performance of their duties as referred to in paragraph (1), MPUs may involve experts from the relevant fields.

### CHAPTER XX DEVELOPMENT PLANNING AND ZONING

#### Article 141

- (1) Comprehensive development planning for Aceh/districts/municipalities shall be prepared as a component of the national development planning system within the framework of the Unitary State of the Republic of Indonesia, with attention given to:
  - a. Islamic values;
  - b. socio-cultural issues;
  - c. sustainability and environmental concepts;
  - d. justice and equality; and
  - e. necessity.
- (2) Development planning for Aceh/districts/municipalities referred to in paragraph (1) shall be formulated in such a way as to guarantee integration and consistency among planning, budgeting, implementation, and supervision.
- (3) The community shall have the right to be involved to contribute verbal or written inputs into the formulation of development planning for Aceh and its districts/municipalities, through the bottom-up compilation of aspirations.

#### Article 142

- (1) The Government shall have the authority to determine norms, standards, and procedure for zoning [spatial planning] in the formulation of the Zoning Plan for Aceh and its districts/municipalities, while taking into account issues of sustainable development and preservation of environmental functions.
- (2) Planning, determination, and use of space [zoning] in Aceh shall be based on the uniqueness and special nature of Aceh and shall be interconnected with national zoning and district/municipality zoning.
- (3) The authority of the Aceh Government in the planning, regulation, determination, and use of space in Aceh shall be inter-district/inter-municipality in nature.
- (4) The authority of district/municipality governments in the planning, regulation, determination, and use of space in districts/municipalities shall take into account:
  - a. local customs (*adat*);
  - b. provision of land for social and public facilities, road networks, water supply, and utility services;
  - c. preferences for poor populations;
  - d. disaster-vulnerable areas;
  - e. provision of conservation areas and green zones, as well as preservation of national parks;
  - f. granting of incentives and disincentives;
  - g. imposition of sanctions; and
  - h. control of the use of space.
- (5) The community shall have the right to contribute verbal or written inputs into the planning, use, and supervision of zoning in Aceh and its districts/municipalities.
- (6) Further provisions related to the matters referred to in paragraphs (3) and (4) shall be governed by qanun.

#### Article 143

- (1) The development of Aceh and its districts/municipalities shall be carried out in a sustainable manner with the objective of increasing the standard of living and the prosperity of the people.
- (2) The Government, Aceh Government, and district/municipality governments, in formulating and implementing sustainable development, must take into account, respect, protect, fulfill, and uphold the rights of the Acehnese people.
- (3) The community shall have the right to participate actively in the implementation of sustainable development.
- (4) The community shall have the right to obtain information on zoning that has been determined by the Aceh Government and district/municipality governments.
- (5) The Aceh Government and district/municipality governments must socialize information regarding zoning decisions that have been taken.
- (6) Further provisions related to procedures for community participation in the implementation of sustainable development in Aceh shall be governed by qanun.

#### Article 144

- (1) In the provision of land for social and public facilities, road networks, water supply and utility services, the release of land titles shall be carried out in accordance with this Law.
- (2) Release of land titles referred to in paragraph (1) must be implemented with the granting of compensation that is fair and that has been mutually agreed, as repayment for the revocation of such title.
- (3) To carry out such a release, the Governor shall form a Valuation Team for Title Revocation and Compensation in accordance with prevailing laws and regulations.
- (4) Further provisions related to the procedures for the release of land titles and the amounts of fair compensation as referred to in paragraph (2) shall be governed by Aceh Qanun.

#### Article 145

All development activities to be carried out on land as referred to in Article 143 [Article 144?] must meet the following requirements:

- a. be in line with the established zoning plan;
- b. be free from any disputes regarding personal or community rights to the land; and
- c. not involve land that has the status of being used for religious purposes.

#### Article 146

- (1) To guarantee the sustainable development of Aceh, the Aceh Government and its district/municipality governments must provide land for the construction of government and other public facilities.
- (2) To carry out development as referred to in paragraph (1), the Aceh Government and district/municipality governments may own land assets, whose management rights shall be exercised in accordance with prevailing laws and regulations.

#### Article 147

Implementation of development in Aceh and its districts/municipalities shall be done with reference to the national development plan and national spatial plan with guidance from the principles of sustainable development, preservation of the natural environmental, utility, and fairness.

#### Article 148

- (1) The Government, Aceh Government and district/municipality governments must respect, protect, fulfill and uphold the rights of the community in the management of the environment, with special attention given to vulnerable groups.
- (2) The community shall have the right to participate actively in environmental management.

- (3) Further provisions related to the procedures for community involvement in environmental management shall be governed by qanun.

**Article 149**

- (1) The Aceh Government and district/municipality governments must carry out environmental management in an integrated manner, taking into account zoning issues, protection of biological natural resources, protection of non-biological natural resources, artificial resources, conservation of biological resources and their ecosystems, wildlife reserves, and biodiversity, while also taking into account *adat* community rights and to the maximum extent possible the welfare of local populations.
- (2) The Government, Aceh Government and district/municipality governments must protect, safeguard, maintain, and preserve National Parks and protected areas.
- (3) The Aceh Government and district/municipality governments must manage protected areas so as to protect their biodiversity and ecology.
- (4) The Aceh Government and district/municipality governments must involve qualified nongovernmental organizations in the management and protection of the environment.
- (5) Resolution of environmental disputes may be addressed through judicial or extra-judicial means.
- (6) Implementation of the provisions referred to in paragraphs (1), (2), (3), (4), and (5) shall be carried out in accordance with prevailing laws and regulations.

**Article 150**

- (1) The Government shall give to the Aceh Government the duty of managing the Leuser ecosystem within Aceh, to be carried out through protection, guarding, preservation, rehabilitation of the area's function and conservation-based utilization.
- (2) The Government, Aceh Government, and district/municipality governments shall be prohibited from granting timber licenses for areas within the Leuser ecosystem zone as referred to in paragraph (1).
- (3) In implementing the provisions referred to in paragraph (1), the Aceh Government shall coordinate with district/municipality governments and may cooperate with regional governments and other parties.
- (4) For the implementation of management duties described in paragraph (1), the Government shall be obligated to provide funds, facilities and infrastructure.

**CHAPTER XXI  
COMMUNICATIONS AND INFORMATICS**

**Article 151**

- (1) In exercising their governmental authorities in the sectors of communications and informatics, district/municipality governments shall have the authority to manage their postal affairs, including:
- a. issuance of licenses to establish courier service business;
  - b. issuance of business licenses to establish courier service branch offices; and
  - c. administration of courier service branch offices.
- (2) The Aceh Government shall have the authority to manage affairs in the telecommunications sector, including:
- a. provision of technical guidance in the field of telecommunications infrastructure, telecommunications services, telecommunications operational performance, special telecommunications, and universal service obligations at the regional level;
  - b. issuance of licenses to provide special telecommunications services for the Government and legal entities in Aceh, provided these services do not use the radio frequency spectrum;
  - c. supervision of telecommunications service provision;
  - d. issuance of recommendations regarding applications for licenses to establish permanent local cable networks across the province;
  - e. coordination of the development of universal service obligations in telecommunications;
  - f. supervision/control of the provision of telecommunications in Aceh; and
  - g. issuance of licenses for branch offices and operator service counters.
- (3) The Aceh Government shall have the authority to establish guidelines for the construction of towers and issue licenses for the laying of telecommunication cables across district boundaries/provincial roads.
- (4) Other authorities of the Aceh Government and district/municipality governments in the postal, telecommunications, and informatics sectors, other than those stipulated in paragraphs (1), (2), and (3), shall be guided by prevailing laws and regulations.

**Article 152**

- (1) The Government shall be obligated to prioritize the construction of telecommunications infrastructure in the rural areas of Aceh.
- (2) Funding for the construction referred to in paragraph (1) shall be derived from non-tax state revenues in the telecommunications sector, among other sources.

### **Article 153**

- (1) The Aceh Government shall have the authority to set provisions related to the press and broadcasting, based on Islamic values.
- (2) For the purpose of implementing the provisions referred to in paragraph (1), the Aceh Government shall coordinate with the Indonesia Broadcasting Commission, Aceh Region, to set guidelines for broadcasting ethics and broadcast program standards.
- (3) Further provisions related to matters referred to in paragraph (1) shall be governed by Aceh Qanun.
- (4) Other authorities of the Aceh Government in the sector of press and broadcasting, apart from those stipulated in paragraphs (1) and (2), shall be exercised with guidance from prevailing laws and regulations.

## **CHAPTER XXII ECONOMY**

### **Part One Basic Principles**

#### **Article 154**

- (1) The Aceh economy shall constitute an economy that is open and without barriers to investment, as part of the national economic system.
- (2) Economic affairs in Aceh shall be conducted based on a foundation of kinship and economic democracy, in accordance with the principles of solidarity, efficiency, justice, sustainability and environment-friendly, while maintaining a balance in the progress of districts/municipalities in Aceh.
- (3) Economic enterprises in Aceh shall operate based on the principles of sustainable development and environmental preservation, respect of local community rights, provision of the broadest possible opportunities and access to financing to women-led enterprises, and provision of legal guarantees to entrepreneurs and employees.

### **Part Two Direction of the Economy**

#### **Article 155**

- (1) The Aceh economy shall be directed towards raising productivity and competitiveness in order to achieve prosperity and public welfare, while upholding the values of Islam, justice, equality, public participation, and efficiency within a system of sustainable development.
- (2) Economic affairs in Aceh as referred to in paragraph (1) shall be conducted using natural and human resources through a process of creating maximum value added.

- (3) The Aceh Government and district/municipality governments shall implement the simplification of regulations in order to create a conducive business climate for investment growth and other economic activities, in line with their authorities.

## **Part Three Management of Natural Resources**

### **Article 156**

- (1) The Aceh Government and district/municipality governments shall manage both land-and marine-based natural resources in Aceh, in line with their authorities.
- (2) Management as referred to in paragraph (1) shall consist of planning, implementation, utilization, and supervision of business activities that may take the form of exploration, exploitation, and cultivation.
- (3) Natural resources as referred to in paragraph (1) shall include the mining sector, which consists of mining of minerals, coal, and geothermal energy, the forestry sector, agriculture, fisheries, and marine resource management, all carried out while observing the principles of transparency and sustainable development.
- (4) In implementing the provisions referred to in paragraphs (1), (2) and (3), the Aceh Government may:
  - a. establish a regional government-owned business enterprise; and
  - b. invest capital in a State-owned Enterprise.
- (5) Business activities referred to in paragraphs (2) and (3) may be conducted by State-owned Enterprises, a Regional Government-owned Enterprises, cooperatives, or local, national or foreign private companies.
- (6) Implementation of the provisions referred to in paragraphs (4) and (5) shall be guided by standards, norms, and procedures set by the Government.
- (7) In undertaking the business activities referred to in paragraphs (2) and (5), implementers must use local human resources and other available resources in Aceh.

### **Article 157**

- (1) An implementer of business activities [entrepreneur] as referred to in Article 156 shall be responsible for the reclamation and rehabilitation of land that is explored and exploited.
- (2) Prior to commencing business activities, the entrepreneur must provide funds as a guarantee for the aforementioned reclamation and rehabilitation, the amount of which shall be calculated during negotiation of the exploration and exploitation work contract.

#### **Article 158**

The Government, Aceh Government, and district/municipality governments shall provide economic, educational, and health development for local communities in a proportional manner as a way of compensating for the exploitation of non-renewable natural resources.

#### **Article 159**

- (1) Every mining operator engaged in mining activities in Aceh must prepare a community development fund.
- (2) Community development funds referred to in paragraph (1) shall be regulated pursuant to an agreement among the Aceh government, relevant district/municipality governments, and the business operator, the amount of which shall be no less than 1% (one percent) of the total production value sold each year.
- (3) Plans for the use of community development funds to support jointly prepared programs that take into account the needs of communities surrounding the business site and in other locations, and which involve the concerned business operator, shall be governed further by Aceh Qanun.
- (4) Financing of community development programs using the community development funds referred to in paragraphs (2) and (3) shall be managed by the business operator concerned.

### **Part Four Management of Oil and Gas Resources**

#### **Article 160**

- (1) The Government and Aceh Government shall jointly manage the oil and gas resources located on land and in the sea within Aceh territory.
- (2) To implement the management referred to in paragraph (1), the Government and Aceh Government may appoint or form an implementing agency to be jointly affirmed.
- (3) Cooperation contracts entered into with other parties to conduct exploration and exploitation for the management of oil and gas may be executed provided that the entire content of such cooperation contract agreements has been jointly agreed by the Government and Aceh Government.
- (4) Prior to discussing with the Government any cooperation contracts as referred to in paragraph (3), the Aceh Government must obtain approval from the DPRA.
- (5) Further provisions related to the matters referred to in paragraphs (1), (2), and (3) shall be governed by Government Regulations.

#### **Article 161**

Cooperation agreements between the Government and other parties already entered into at the time of the enactment of this Law may be extended after obtaining agreement between the Government and Aceh Government, in accordance with the provisions stipulated in Article 160 paragraph (3).

### **Part Five Fisheries and Marine Resources**

#### **Article 162**

- (1) The Aceh Government and district/municipality governments shall have the authority to manage marine natural resources located within Aceh territory.
- (2) The authority to manage marine resources referred to in paragraph (1) shall include:
  - a. conservation and management of marine natural resources;
  - b. regulation of administration and licensing for fish capture and/or cultivation;
  - c. regulation of zoning for the sea, coastline and small islands;
  - d. enforcement of regulations that govern marine areas under their jurisdictions;
  - e. maintenance of traditional (*adat*) maritime laws and assistance with security in marine areas; and
  - f. participation in maintaining the sovereignty of the Republic of Indonesia.
- (3) The Aceh Government and district/municipality governments shall have the authority to issue licenses for fishing and other marine natural resource business activities located in the seas surrounding Aceh, in accordance with their authorities.
- (4) Management of marine natural resources as referred to in paragraphs (1), (2), and (3) shall be carried out with attention given to the principles of sustainable development and environmental preservation.

### **Part Six Trade and Investment**

#### **Article 163**

- (1) The Government, Aceh Government and district/municipality governments shall guarantee that the implementation of internal trade in Aceh is free from disruptions.
- (2) Aceh residents may conduct free trade within the territory of the Unitary State of the Republic of Indonesia over land, sea, and air without being subject to tax, customs, or other trade restrictions, except for trade from areas outside Indonesian customs and excise jurisdiction.

#### **Article 164**

Every entrepreneur in Aceh may establish an organization, professional association, or business associations that is locally based and independent.

### **Article 165**

- (1) Aceh residents may conduct trade and investment, both locally and internationally, in accordance with prevailing laws and regulations.
- (2) The Aceh Government and district/municipality governments, within their respective authorities, may attract foreign tourists and grant investment licenses related to domestic capital investment, foreign capital investment, and exports and imports, with attention given to applicable national norms, standards, and procedures.
- (3) The Aceh Government and district/municipality governments, within their respective authorities and following applicable national norms, standards, and procedures, shall have the right to grant:
  - a. licenses for general mining exploration and exploitation;
  - b. licenses for conversion of forest areas;
  - c. licenses for fishing in waters within 12 nautical miles of the coastline in the direction of the open sea and/or provincial archipelagic waters, and one-third of the provincial jurisdiction in the case of districts/municipalities;
  - d. licenses to operate fishing boats of all types and sizes;
  - e. licenses to use surface water and seawater;
  - f. licenses related to forest management and enterprises; and
  - g. licenses for local telecommunications operators.
- (4) The granting of licenses referred to in paragraphs (2) and (3) must adhere to the principles of public service that is fast, appropriate, inexpensive, and procedurally simple.
- (5) Further provisions related to the granting of licenses as referred to in paragraphs (2), (3) and (4) shall be governed by qanun.

### **Article 166**

The Government, in accordance with prevailing laws and regulations, may provide tax facilities in the form of tax discounts, import duty exemptions, and tax exemptions for the import of capital goods, import of raw materials into Aceh, and export of finished goods from Aceh, as well as investment facilities and other fiscal facilities as proposed by the Aceh Government.

## **Part Seven Sabang Free Trade Area and Free Port**

### **Article 167**

- (1) The Sabang Free Trade Area and Free Port shall be an area located within the legal jurisdiction of the Unitary State of the Republic of Indonesia that is separated from the customs and excise jurisdictions, thus making it free from:
  - a. commercial administration;

- b. import duties;
- c. value added tax; and
- d. luxury sales tax.

- (2) The provision of exemption from commercial administration referred to in paragraph (1) point a shall not include goods that are subject to quarantine regulations and goods/services explicitly prohibited by law, nor shall it apply to trade between the Sabang Area and areas that fall under Indonesian customs and excise jurisdictions, and vice versa.
- (3) To implement the provisions referred to in paragraph (1), the Government and Aceh Government must build and prepare the economic infrastructure necessary to achieve trade efficacy in the Sabang Free Trade Area.

### **Article 168**

The Governor, as a representative of the Government, shall have the authority to prohibit certain goods from entering or exiting the Sabang area.

### **Article 169**

- (1) The Government and Aceh Government shall jointly develop the Sabang Free Trade Area as a center for regional economic growth via activities in trade, services, industry, mining and energy, transportation and maritime affairs, post and telecommunications, banking, insurance, tourism, manufacturing, packing, and warehousing of agricultural, plantation, and fisheries products, as well as industrial products from surrounding areas.
- (2) Development of the Sabang Area shall be oriented towards trade and investment activities and the free flow of goods and services, except for those goods and services that are explicitly prohibited by law.

### **Article 170**

- (1) To facilitate the development of the Sabang Area as referred to in Article 169, the Government shall delegate authority to grant licenses and other authorities as required to the Sabang Area Council.
- (2) In addition to the authorities referred to in paragraph (1), the Sabang Area Council shall be delegated authority for licensing and other authorities as required to develop the Sabang Area from the Aceh Government, Aceh Besar District Government, and Sabang Municipality Government.
- (3) The delegation of authorities referred to in paragraph (1) shall be executed no later than six months, and the delegation of authorities referred to in paragraph (2) shall be executed no later than 1 (one) year, from the enactment of this Law.
- (4) The authority of the Sabang Area Council as referred to in paragraphs (1) and (2) shall be exercised by the Sabang Area Business Board for the issuance of business licenses, investment licenses, and other licenses required by entrepreneurs who establish and operate businesses in the Sabang Area.

**Part Eight**  
**Land Designation and Spatial Use**

**Article 171**

- (1) The Aceh Government and district/municipality governments shall have the authority to determine land designations and spatial uses in the interests of development and with guidance from prevailing laws and regulations.
- (2) Further provisions related to the designation of land and spatial uses in Aceh as referred to in paragraph (1) shall be governed by Aceh Qanun.
- (3) Further provisions regarding the designation of land and spatial uses in districts/municipalities as referred to in paragraph (1) shall be governed by district/municipality qanun.

**Part Nine**  
**Economic Infrastructure**

**Article 172**

- (1) The Government, Aceh Government and/or district/municipality governments may construct public seaports and airports in Aceh.
- (2) Management of seaports and airports constructed by the Aceh Government and/or district/municipality governments as referred to in paragraph (1) shall be carried out by the Aceh Government and/or district/municipality governments.
- (3) Further provisions related to the construction and management of seaports and airports referred to in paragraphs (1) and (2) shall be governed by qanun with attention given to applicable norms, standards and procedures.

**Article 173**

- a. Public seaports and airports existing at the time of the enactment of this Law shall be managed by State-owned Enterprises (BUMN) in cooperation with the Aceh Government and/or district/municipality governments.
- b. Management cooperation as referred to in paragraph (1) may be in the form of joint ventures executed in accordance with applicable norms, standards and procedures.
- c. Implementation of the functions of shipping safety and flight safety for public seaports and airports referred to in paragraphs (1) and (2) shall be carried out by the Government in accordance with prevailing laws and regulations.
- d. Cooperative management of public seaports and airports managed by state-owned enterprises as referred to in paragraph (1) shall be executed in accordance with applicable norms, standards, and procedures.

**CHAPTER XXIII**  
**LABOR**

**Article 174**

- (1) The Aceh Government and district/municipality governments shall have the authority to grant licenses to businesses that send workers overseas pursuant to prevailing laws and regulations.
- (2) Every worker shall have the right to protection and well-being in accordance with prevailing laws and regulations.
- (3) Every business service that sends workers for overseas employment must provide education and training pursuant to the needs of the work to be engaged.
- (4) The Government, Aceh Government and district/municipality governments shall provide protection to workers from Aceh and its districts/municipalities working abroad, in cooperation with the governments of destination countries.
- (5) Further provisions related to the mobilization of workers overseas and procedures for their protection shall be governed by qanun in accordance with prevailing laws and regulations.

**Article 175**

- (1) Every worker shall have an equal right to obtain reasonable employment in Aceh.
- (2) The Aceh Government and district/municipality governments shall provide opportunities and protection to workers in Aceh, and may enter into cooperation with the governments of the provinces or districts/municipalities from where respective workers originate.
- (3) All workers in Aceh as referred to in paragraph (2) must register with the relevant manpower authorities in the respective districts/municipalities.
- (4) Further provisions related to the procedures for registration and protection of workers shall be governed by qanun.

**Article 176**

- (1) Foreign workers may work in Aceh after obtaining the necessary licenses in accordance with prevailing laws and regulations.
- (2) Licenses referred to in paragraph (1) may only be granted after the employer has prepared a plan for the use of foreign workers in accordance with prevailing laws and regulations and which has been affirmed by the relevant manpower authority in Aceh.
- (3) Licenses referred to in paragraph (1) may only be granted for certain positions and for certain durations upon the recommendation of the Aceh Government.
- (4) Further provisions related to the granting of licenses for certain positions and certain durations, and the mechanism for providing recommendations as referred to in paragraph (3), shall be governed by Aceh Qanun.

### Article 177

- (1) Every worker shall have the right to form and become a member of a workers'/labor union in accordance with prevailing laws and regulations.
- (2) The Aceh Government and district/municipality governments may provide facilities for the organization and membership of the workers'/labor organizations.
- (3) Further provisions related to the procedures for establishment and the membership requirements of workers'/labor organizations as referred to in paragraph (2) shall be governed by qanun.

## CHAPTER XXIV FINANCE

### Part One General

#### Article 178

- (1) The execution of governmental affairs in Aceh and its districts/municipalities as referred to in Article 7 shall be accompanied by the provision of funding sources to the Aceh Government and district/municipality governments.
- (2) The execution of governmental affairs that falls under the jurisdiction of the Aceh Government and its district/municipality governments for the implementation of decentralization shall be funded from the APBA and APBK.
- (3) The execution of governmental affairs delegated to the Governor of Aceh as a representative of the Government shall be accompanied by funding from the APBN for the implementation of deconcentration.
- (4) The execution of governmental affairs assigned to the Aceh Government, district/municipality governments and *gampongs* shall be complemented by funding from the APBN for the implementation of assistance tasks.

### Part Two Revenue Sources and Management

#### Article 179

- (1) Revenues of Aceh and its districts/municipalities shall consist of Regional Revenues and Funding.
- (2) Regional Revenues referred to in paragraph (1) shall be derived from the following sources:
  - a. Real Regional Income;
  - b. Equalization Funds;
  - c. Special Autonomy Funds; and
  - d. other legal revenues.

### Article 180

- (1) Sources of Real Regional Income (PAD) for Aceh and PAD for districts/municipalities as referred to in Article 179 paragraph (2) point a shall consist of:
  - a. regional taxes;
  - b. regional charges;
  - c. proceeds from the management of regional assets, which are separated into assets of Aceh/districts/municipalities and gains from capital investments made by Aceh/districts/municipalities;
  - d. *zakat* (mandatory charity); and
  - e. other legal real income of Aceh and its districts/municipalities.
- (2) Management of PAD sources for Aceh and its districts/municipalities as referred to in paragraph (1) points a and b shall be carried out with guidance from prevailing laws and regulations.

### Article 181

- (1) Equalization funds as referred to in Article 179 paragraph (2) point b shall consist of:
  - a. Funds from shared tax proceeds, namely:
    - 1) share of revenues from the Land and Building tax, in the amount of 90% (ninety percent);
    - 2) share of revenues from Land and Building Right Purchase Duty, in the amount of 80% (eighty percent); and
    - 3) share of revenues from Income Tax (Income Tax from Articles 25 and 29 for domestic personal tax subjects, and Income Tax from Article 21), in the amount of 20% (twenty percent).
  - b. Funds from shared earnings derived from hydrocarbon and other natural resources, namely:
    - 1) share of earnings from forestry, in the amount of 80% (eighty percent);
    - 2) share of earnings from fisheries, in the amount of 80% (eighty percent);
    - 3) share of earnings from general mining, in the amount of 80% (eighty percent);
    - 4) share of earnings from geothermal energy, in the amount of 80% (eighty percent);
    - 5) share of earnings from oil mining, in the amount of 15% (fifteen percent); and
    - 6) share of earnings from natural gas mining, in the amount of 30% (thirty percent);
  - c. General Allocation Fund (DAU).
  - d. Special Allocation Fund (DAK).

- (2) Distribution of Equalization Funds referred to in paragraph (1) shall be conducted pursuant to prevailing laws and regulations.
- (3) In addition to the Shared Earnings Funds referred to in paragraph (1) point b, the Aceh Government shall receive additional Shared Earnings Funds from oil and natural gas that shall constitute a portion of Aceh Government revenues, namely:
  - a. share of earnings from oil mining, in the amount of 55% (fifty-five percent); and
  - b. share of earnings from natural gas mining, in the amount of 40% (forty percent).

#### **Article 182**

- (1) The Aceh Government shall have the authority to manage the additional Shared Earnings Funds from oil and natural gas as referred to in Article 181 paragraph (3).
- (2) The funds referred to in paragraph (1) shall constitute income under the APBA.
- (3) A minimum of 30% (thirty percent) of the income referred to in paragraph (2) shall be allocated to fund education in Aceh.
- (4) A maximum of 70% (seventy percent) of the income referred to in paragraph (2) shall be allocated to fund development programs jointly agreed by the Aceh Government and district/municipality governments.
- (5) Jointly agreed development programs referred to in paragraphs (3) and (4) shall be implemented by the Aceh Government.
- (6) Further provisions related to the procedures for the allocation of funds as referred to in paragraphs (3) and (4) shall be governed by Aceh Qanun.
- (7) The Aceh Government shall submit periodic reports on the implementation of the allocation and use of Shared Earnings Funds, as referred to in paragraph (1), to the Government.

#### **Article 183**

- (1) The Special Autonomy Fund referred to in Article 179 paragraph (2) point c shall constitute revenue of the Aceh Government to be used to pay for development, especially construction and maintenance of infrastructure, community economic empowerment, poverty eradication, and funding for education, social programs, and health.
- (2) The Special Autonomy Fund referred to in paragraph (1) shall be available for a period of 20 (twenty) years, the amount of which from the first to the fifteenth years shall be equal to 2% (two percent) of the National General Allocation Fund ceiling, and from the sixteenth through the twentieth years shall be equal to 1% (one percent) of the National General Allocation Fund ceiling.
- (3) The provisions stipulated in paragraph (1) shall be applicable to the Aceh region, with territorial borders as stipulated in Article 3.
- (4) Development programs as referred to in paragraph (1) shall be incorporated into

the provincial and district/municipality development programs of Aceh, with attention given to equity in development progress among districts/municipalities, to become the basis for using Special Autonomy Funds under the management of the Aceh Provincial Government.

- (5) Use of the Special Autonomy Fund as referred to in paragraph (2) shall be conducted for each Budget Year, as governed further by Aceh Qanun.

#### **Article 184**

To coordinate additional Shared Earnings Funds as referred to in Article 181 paragraph (3) and the Special Autonomy Fund as referred to in Article 183 paragraph (2), the Governor may establish working units.

#### **Article 185**

The funding referred to in Article 179 paragraph (1) shall be derived from the following sources:

- a. remaining budget balance from previous budget year;
- b. release of reserve funds;
- c. proceeds from the sale of segregated regional assets;
- d. loans; and
- e. loan repayments.

#### **Article 186**

- (1) The Aceh Government and district/municipality governments may obtain loans from the Government whose funding comes from overseas sources or from other sources other than overseas loans with the approval of the Minister of Finance upon consideration from the Minister of Home Affairs.
- (2) The Aceh Government and district/municipality governments may obtain domestic loans that are not derived from the Government, upon the consideration of the Minister of Home Affairs.
- (3) Further provisions related to domestic and/or foreign loans and foreign assistance as referred to in paragraphs (1) and (2) shall be governed by Aceh Qanun with guidance from prevailing laws and regulations.
- (4) The Aceh Government and district/municipality governments may receive grants from overseas sources, with the obligation of informing the Government and the DPRA/DPRK about such grants.
- (5) Receipts of grants as referred to in paragraph (4) shall be carried out as long as:
  - a. they are not politically binding on the Government, Aceh Government, or district/municipality governments;
  - b. they do not influence policies of the Aceh Government and district/municipality governments;
  - c. they are not prohibited by prevailing laws and regulations; and
  - d. they do not contravene the state's ideology.

- (6) In the event that grants as referred to in paragraph (4) entail conditions that must be fulfilled by the Government, such as grants connected to a loan and that require supporting funds, such grants must be processed through the Government and the DPRA/DPRK must be informed.

#### **Article 187**

The Aceh Government and district/municipality governments may issue regional government bonds in accordance with prevailing laws and regulations.

#### **Article 188**

The Aceh Government and district/municipality governments may establish reserve funds to be set aside to accommodate needs that require relatively large amounts of funding that cannot be provided within a single budget year.

#### **Article 189**

- (1) The Aceh Government and district/municipality governments may invest capital in/enter into cooperation with State-owned/Regional Government-owned Enterprises and/or privately owned companies based on the principle of mutual benefit.
- (2) The investment/cooperation referred to in paragraph (1) may be increased, reduced, sold to other parties, and/or divested or assigned to a regional government-owned enterprise.
- (3) The investment/cooperation referred to in paragraph (1) shall be carried out in accordance with prevailing laws and regulations and affirmed by qanun.
- (4) Budgets arising from the result of investment/cooperation referred to in paragraph (1) shall be incorporated into the APBA/APBK.

#### **Article 190**

- (1) The Aceh Government and district/municipality governments shall manage the APBA/APBK in an orderly manner, in compliance with applicable laws and regulations, efficiently, economically, effectively, transparently and accountably, with attention given to a sense of justice, fairness, and benefits for the community.
- (2) Management of the APBA and APBK shall be conducted through a system formulated in the APBA and APBK and regulated each year by qanun.
- (3) The allocation of the expenditure budget for public services in the APBA/APBK shall be larger than the allocation of the expenditure budget for the government apparatus.
- (4) In certain circumstances, the Aceh Government and district/municipality governments may prepare APBA/APBK different from the provisions stipulated in paragraph (3).

#### **Article 191**

- (1) *Zakat*, *wakaf* assets, and religious assets shall be managed by the Aceh *Baitul Mal* and the district/municipality *Baitul Mal*.
- (2) Further provisions related to the implementation of provisions referred to in paragraph (1) shall be governed by qanun.

#### **Article 192**

Payment of *zakat* shall be tax-deductible.

#### **Article 193**

- (1) Budget for the provision of education shall total at least 20% (twenty-percent) of the APBA/APBK and shall be allocated for school-level education.
- (2) Management of education funds referred to in paragraph (1) shall be accounted for by the Aceh Government and district/municipality governments in their APBA/APBK accountability reports.
- (3) Allocation and management of education funds referred to in paragraphs (1) and (2) between the Aceh Government and district/municipality governments shall be governed by qanun.

#### **Article 194**

- (1) The Government shall follow the principle of transparency in the collection and allocation of income coming from Aceh.
- (2) In implementing transparency as referred to in paragraph (1), the Aceh Government may use an independent auditor appointed by the Supreme Audit Board (BPK) to conduct an audit in accordance with prevailing laws and regulations.
- (3) The Supreme Audit Board shall submit the results of the audit referred to in paragraph (2) to the Government and Aceh Government.

#### **Article 195**

- (1) The Aceh Government and district/municipality governments shall have the authority to establish procedures for the Procurement of Goods and Services using funds from the APBA and APBK, with guidance from prevailing laws and regulations.
- (2) The Aceh Government shall establish a financial accounting system with guidance from the government's accounting standards.
- (3) The financial accounting system referred to in paragraph (2) shall be governed by Gubernatorial Regulation.

#### **Article 196**

- (1) The Aceh Government shall have the authority to establish requirements for banks and non-bank financial institutions for the provision of credit in Aceh, provided they do not contravene prevailing laws and regulations.
- (2) The Aceh Government may set certain interest rates upon obtaining agreement from the involved banks and non-bank financial institutions.
- (3) The Aceh Government may bear the cost resulting from the interest rates referred to in paragraph (2) for certain development programs that have been agreed with the DPRA.
- (4) Foreign banks may open branches or representative offices in Aceh in accordance with prevailing laws and regulations.

#### **Article 197**

Procedures for the planning, budgeting, implementation, revision, calculation, reporting and supervision of the APBA/APBK shall be governed by qanun with guidance from prevailing laws and regulations.

#### **Article 198**

- (1) Every delegation of authority by Government to the Governor as a representative of the Government in Aceh shall be accompanied by relevant funds.
- (2) Deconcentration activities in Aceh shall be implemented by a regional apparatus working unit established by the Governor.
- (3) The Governor of Aceh shall inform the DPRA regarding the work plan and government budget related to the duties that have been delegated under the auspices of deconcentration.

#### **Article 199**

- (1) All goods procured using deconcentration funds shall become state property.
- (2) State property referred to in paragraph (1) may be granted to the Aceh Government.

#### **Article 200**

- (1) Every support task given by the Government to the Aceh Government and the governments of districts/municipalities and *mukim/gampong* shall be accompanied by funds.
- (2) Assistance task activities shall be carried out by Regional Apparatus Working Units established by the Governor/regent/mayor.
- (3) The Governor/regent/mayor shall inform the DPRA/DPRK regarding the work plans and government budgets related to assistance tasks.

#### **Article 201**

- (1) All goods procured using assistance task funds shall become state property.

- (2) State property referred to in paragraph (1) may be granted to the Aceh Government, district/municipality governments, and *mukim/gampong*.

### **CHAPTER XXV INDONESIAN NATIONAL ARMED FORCES**

#### **Article 202**

- (1) The Indonesian National Armed Forces shall be responsible for executing national defense and other duties in Aceh in accordance with prevailing laws and regulations.
- (2) National defense referred to in paragraph (1) shall include the maintenance, protection, and defense of the integrity and sovereignty of the Unitary State of the Republic of Indonesia and other duties in Aceh in accordance with prevailing laws and regulations.
- (3) The execution of other duties as referred to in paragraph (2), such as the handling of natural disasters, construction of communications facilities and infrastructure, and other humanitarian tasks, shall be carried out with consultation with the Governor of Aceh.
- (4) Personnel of the Indonesian National Armed Forces stationed in Aceh shall continually uphold the universal principles of human rights and respect the Acehese culture and customs.

#### **Article 203**

- (1) Crimes committed by personnel of the Indonesian National Armed Forces in Aceh shall be prosecuted in accordance with prevailing laws and regulations.
- (2) Prosecution of personnel of the Indonesian National Armed Forces as referred to in paragraph (1) shall be carried out in an open manner and shall be open to the public, except as otherwise stipulated by law.

### **CHAPTER XXVI POLICE**

#### **Article 204**

- (1) Police in Aceh shall constitute a part of the Indonesian National Police.
- (2) Police in Aceh shall have the duty to preserve safety and public order; enforce the law; protect, guard, and serve the community; and carry out other duties as provided by prevailing laws and regulations.
- (3) Policies regarding tranquility and public order in Aceh shall be coordinated by the Aceh Chief of Police to the Governor.
- (4) Implementation of police duties in the area of tranquility and public order as referred to in paragraph (3) shall be accounted for by the Aceh Chief of Police to the Governor.

- (5) The Aceh Chief of Police shall be accountable to the Chief of the Indonesian National Police regarding the development of the police force in Aceh within the framework of implementation of the duties of the Indonesian National Police.

#### **Article 205**

- (1) Appointment of the Aceh Chief of Police shall be carried out by the Indonesian National Police Chief, with the approval of the Governor.
- (2) Approval from the Governor referred to in paragraph (1) shall be given in writing and submitted no later than 14 (fourteen) working days after a letter requesting approval has been received.
- (3) If the Governor does not submit a response within the period specified in paragraph (2), the Indonesian National Police Chief shall appoint the Aceh Chief of Police.
- (4) If the Governor rejects the approval request, the Indonesian National Police Chief shall nominate another candidate.
- (5) Dismissal of the Aceh Chief of Police shall be executed by the Indonesian National Police Chief.

#### **Article 206**

During emergencies, in the interest of security, the Indonesian National Police Chief may appoint an acting Aceh Chief of Police pending the granting of approval by the Governor.

#### **Article 207**

- (1) Selection of *bintaras* (non-commissioned officers) and officers of the Indonesian National Police in Aceh shall be carried out by the Aceh Police with attention given to applicable legal provisions, Islamic Law, local culture and customs, and the policies of the Governor of Aceh.
- (2) Basic education for *bintara* cadets and general training for Aceh Police *bintaras* shall follow a locally oriented curriculum with an emphasis on human rights.
- (3) Education and development of officers of the Indonesian National Police who come from Aceh shall be conducted nationally by the Indonesian National Police.
- (4) Posting of *bintaras* and officers of the Indonesian National Police from outside Aceh to positions with the Aceh Police shall be carried out upon a Decree of the Indonesian National Police Chief with attention given to legal provisions, Islamic Law, and local culture and customs.

### **CHAPTER XXVII PUBLIC PROSECUTOR**

#### **Article 208**

- (1) The public prosecutor's office in Aceh shall constitute a part of the Indonesian Attorney General's Office.

- (2) The public prosecutor's office in Aceh shall undertake duties and implement technical polices in the field of law enforcement, including implementation of Islamic law.

#### **Article 209**

- (1) Appointment of the Head of the Aceh Prosecutor's Office shall be carried out by the Attorney General, with the approval of the Governor.
- (2) Approval from the Governor referred to in paragraph (1) shall be given in writing and submitted no later than 14 (fourteen) working days after the letter requesting approval has been received.
- (3) If the Governor does not provide a response within the period specified in paragraph (2), the Attorney General shall appoint the Head of the Aceh Prosecutor's Office.
- (4) If the Governor rejects the approval request, the Attorney General shall nominate another candidate.
- (5) Dismissal of the Head of the Aceh Prosecutor's Office shall be carried out by the Attorney General.

#### **Article 210**

Selection and posting of public prosecutors in Aceh shall be carried out by the Attorney General's Office with attention given to legal provisions, Islamic law, and local Aceh culture and customs.

### **CHAPTER XXVIII POPULATION**

#### **Article 211**

- (1) An Acehnese person (*orang Aceh*) shall be any individual born in Aceh or of Acehnese descent, whether located within or outside Aceh, who acknowledges himself/herself as an Acehnese person.
- (2) The Government, Aceh Government, and district/municipality governments shall recognize, respect, and protect the ethnic diversity of Aceh.
- (3) The Aceh Government and district/municipality governments shall recognize and protect the right of all ethnic groups in Aceh to be treated equally in political, economic, social and cultural affairs.

#### **Article 212**

- (1) An Aceh resident shall be any person permanently domiciled in Aceh regardless of ethnicity, race, religion and descent.
- (2) Every Aceh resident who is at least 17 (seventeen) years of age and/or is married must possess a resident identity card (KTP).

- (3) The Aceh Government and district/municipality governments shall manage population data in accordance with their respective authorities.
- (4) Further provisions related to population and identity as referred to in paragraphs (2) and (3) shall be governed by qanun with guidance from prevailing laws and regulations.

**CHAPTER XXIX  
LAND**

**Article 213**

- (1) Every Indonesian citizen in Aceh shall have the right to land in accordance with prevailing laws and regulations.
- (2) The Aceh Government and/or district/municipality governments shall have the authority to regulate and manage the allocation, use, and legal relationships connected to land rights, while recognizing, respecting, and protecting existing rights including *adat* rights, in accordance with national norms, standards, and procedures.
- (3) [Regulation of] Land rights as referred to in paragraph (2) shall include the authority of the Aceh Government and/or the district/municipality governments to provide building usage rights and business usage rights in accordance with applicable norms, standards, and procedures.
- (4) The Aceh Government and/or district/municipality governments must provide legal protection over community-owned *wakaf* land, religious assets, and other faith-related needs.
- (5) Further provisions related to the procedures for granting of land rights as referred to in paragraphs (1), (2), and (3) shall be governed by qanun in accordance with prevailing laws and regulations.

**Article 214**

- (1) The Aceh Government shall have the authority to grant building usage rights and business usage rights for domestic and foreign capital investments in accordance with applicable norms, standards, and procedures.
- (2) Further provisions related to the procedures for granting the rights referred to in paragraph (1) shall be governed by Aceh Qanun.

**CHAPTER XXX  
EDUCATION**

**Article 215**

- (1) Education provided in Aceh shall constitute an integral part of the national education system, adapted to conform to the characteristics, potential, and needs of the local community.

- (2) Education shall be carried out in order to empower all components of the community including women groups, through their participation in the provision of education and in controlling the quality of services.

**Article 216**

- (1) Every resident of Aceh shall have the right to quality and Islamic education in line with developments in pedagogy and technology.
- (2) Education as referred to in paragraph (1) shall be provided based on the principles of democracy and justice, with full respect for upholding human rights, Islamic values, local culture, and societal pluralism.

**Article 217**

- (1) Aceh residents who are from 7 (seven) to 15 (fifteen) years of age must undergo primary education without being charged.
- (2) The Government, Aceh Government, and district/municipality governments shall allocate funds to pay for primary and secondary education.
- (3) The Aceh Government and district/municipality governments shall provide special education services to Aceh residents located in remote or undeveloped areas.
- (4) The Aceh Government and district/municipality governments shall provide special education services for Aceh residents who are physically, emotionally, mentally, intellectually and/or socially challenged, as well as for those who possess special intellectual potential and talents.

**Article 218**

- (1) The Aceh Government and district/municipality governments shall establish policies regarding the provision of formal education, *dayah* education, and other non-formal education through the establishment of core curricula and quality standards for all types and levels of education, in accordance with prevailing laws and regulations.
- (2) Allocation of funds for education under the APBA/APBK shall be provided only for education at the school level.
- (3) The Aceh Government and district/municipality governments shall provide broad opportunities to religious organizations, community organizations, nongovernmental organizations and the business sector to provide and develop quality education in accordance with prevailing laws and regulations.

**Article 219**

- (1) The Government, Aceh Government, and district/municipality governments shall facilitate the provision of education to obtain professional educators from overseas in accordance with prevailing laws and regulations.
- (2) Education providers in Aceh may cooperate with domestic and foreign educational institutions in accordance with prevailing laws and regulations.

#### **Article 220**

- (1) The Aceh Government shall enhance the functions of the Regional Education Council, which constitutes one of the vehicles for community participation in the field of education.
- (2) Further provisions related to the procedures for the establishment, structure, and functions of the Regional Education Council referred to in paragraph (1) shall be governed by Aceh Qanun with guidance from prevailing laws and regulations.

### **CHAPTER XXXI CULTURE**

#### **Article 221**

- (1) The Government, Aceh Government, and district/municipality governments shall protect, develop, and promote Acehese culture and arts based on Islamic values.
- (2) In implementing the provisions referred to in paragraph (1), the Government, Aceh Government, and district/municipality governments shall involve the community and social institutions.
- (3) The Government, Aceh Government, and district/municipality governments shall recognize, respect, and protect the cultural heritage and arts of ethnic groups in Aceh, in accordance with prevailing laws and regulations.
- (4) Regional languages shall be taught as local content in school education.
- (5) Further provisions related to the execution of authorities of the Aceh Government and district/municipality governments as referred to in paragraph (1), (2), (3), and (4) shall be governed by qanun.

#### **Article 222**

- (1) The Government and Aceh Government shall maintain and work to secure the return of historical items that have been lost or moved, and shall take care of such items as Aceh's cultural heritage, in accordance with prevailing laws and regulations.
- (2) Further provisions related to the Aceh Government's authority as referred to in paragraph (1) shall be governed by Aceh Qanun.

### **CHAPTER XXXII SOCIAL AFFAIRS**

#### **Article 223**

- (1) The Government, Aceh Government and district/municipality governments shall be obligated to:

- a. provide protection and basic social services to persons with social disabilities;
- b. provide access to make the lives of Aceh residents with social disabilities easier;
- c. work toward the management/handling of victims of disasters (natural and social); and
- d. rehabilitate public facilities and assist the rehabilitation of personal assets that are destroyed by disasters.

- (2) The Aceh Government and district/municipality governments shall construct social residences for persons with social disabilities.
- (3) The Aceh Government and district/municipality governments shall provide a role for the community, including nongovernmental organizations, in carrying out activities referred to in paragraphs (1) and (2).
- (4) Further provisions related to the implementation of authorities of the Aceh Government and district/municipality governments as referred to in paragraphs (1), (2), and (3) shall be governed by qanun.

### **CHAPTER XXXIII HEALTH**

#### **Article 224**

- (1) Every Aceh resident shall have an equal right to receive health services, with the aim of achieving optimal health levels.
- (2) Every Aceh resident must participate in the maintenance and enhancement of the health levels of individuals, families, and the community.
- (3) Enhancement of health levels as referred to in paragraph (2) shall be implemented at a minimum in accordance with minimum health care standards.
- (4) All orphans and underprivileged persons shall have the right to receive comprehensive health services without charge.
- (5) Further provisions related to the implementation of health measures referred to in paragraphs (2), (3), and (4) shall be governed by qanun.

#### **Article 225**

- (1) The Aceh Government and district/municipality governments must provide health services based on minimum health care standards in accordance with prevailing laws and regulations, provided they do not contravene Islamic law.
- (2) The Aceh Government and district/municipality governments may involve community social institutions to play a role in the health sector.
- (3) Further provisions related to implementation as referred to in paragraphs (1) and (2) shall be governed by qanun.

#### **Article 226**

- (1) The Aceh Government and district/municipality governments may involve community social institutions to play a role in rehabilitation, psycho-social recovery, and mental health programs in response to conflicts and natural disasters.
- (2) Planning and implementation of programs referred to in paragraph (1) shall be carried out with attention given to Acehese culture and to maximizing local community participation.
- (3) Further provisions related to programs referred to in paragraphs (1) and (2) shall be governed by qanun.

### **CHAPTER XXXIV HUMAN RIGHTS**

#### **Article 227**

- (1) Every resident shall have the right to:
  - a. equal standing before the law;
  - b. freedom of speech, freedom of the press and publication, freedom of association, freedom of assembly, freedom of movement, to conduct peaceful demonstrations, and the right to create and join labor unions and to conduct labor actions;
  - c. freedom to engage in academic research, creative arts, literature, and other cultural activities that do not contravene Islamic law;
  - d. elect and be elected pursuant to requirements set out in prevailing laws and regulations; and
  - e. receive legal services and assistance, facilitation through the judiciary, and choice of legal attorney/legal counsel for the defense of his/her legal rights and interests before a court of law.
- (2) Residents must not:
  - a. be subjected to any form of arbitrary or unlawful search of their persons, residences, or clothes, or to the revocation or elimination of their rights, or the restriction of their individual freedoms;
  - b. be subjected to arbitrary torture or the unlawful removal of their right to life; and
  - c. be unlawfully arrested, detained, prosecuted and imprisoned.

#### **Article 228**

- (1) To investigate, prosecute, rule on, and resolve cases of human rights violations that take place subsequent to the enactment of this Law, a Human Rights Court shall be established in Aceh.

- (2) Rulings of the Human Rights Court referred to in paragraph (1) shall include, among others, granting of compensation, restitution, and/or rehabilitation to victims of human rights violations.

#### **Article 229**

- (1) To seek the truth and reconciliation, a Truth and Reconciliation Commission shall be established in Aceh by virtue of this Law.
- (2) The Truth and Reconciliation Commission in Aceh referred to in paragraph (1) shall constitute an inseparable part of the Truth and Reconciliation Commission.
- (3) The Truth and Reconciliation Commission in Aceh shall operate in accordance with prevailing laws and regulations.
- (4) In resolving cases of human rights violations in Aceh, the Truth and Reconciliation Commission in Aceh may take into account the living *adat* principles of local communities.

#### **Article 230**

Further provisions related to the procedures for the election and affirmation of members, organization and operating procedures, office terms, and operational budget of the Truth and Reconciliation Commission in Aceh shall be governed by Aceh Qanun with guidance from prevailing laws and regulations.

#### **Article 231**

- (1) The Government, Aceh Government, district/municipality governments and Aceh residents must promote and protect the rights of women and children and carry out empowerment efforts based on values.
- (2) Further provisions related to the implementation of authorities of the Aceh Government and district/municipality governments as referred to in paragraph (1) shall be governed by qanun.

### **CHAPTER XXXV QANUN, GUBERNATORIAL REGULATIONS, AND REGENT/MAYOR REGULATIONS**

#### **Article 232**

- (1) Aceh Qanuns shall be ratified by the Governor upon reaching joint agreement with the DPRA.
- (2) District/municipality qanuns shall be ratified by regents/mayors upon reaching joint agreement with the DPRK.

#### Article 233

- (1) Qanuns shall be formulated within the framework of executing the governance of Aceh, its districts/municipalities, and the performance of assistance tasks.
- (2) Qanuns as referred to in Article 232 shall take effect upon their promulgation in the Aceh Regional Gazette or district/municipality Regional Gazette.

#### Article 234

- (1) In the event a draft qanun that has been jointly agreed by the DPRA and the Governor or the DPRK and the regent/mayor is not ratified by the Governor or the regent/mayor within 30 (thirty) days of the draft qanun having been agreed, the draft qanun shall become a valid qanun and must be promulgated through publication in the Aceh Regional Gazette or district/municipality Regional Gazette.
- (2) In the event of the legalization of a draft qanun as referred to in paragraph (1), the validation statement shall read: "This Qanun is declared valid".
- (3) The validation statement referred to in paragraph (2), together with the date of validation, must be appended in the last page of the qanun prior to the promulgation of the qanun text in the Aceh Regional Gazette or district/municipality Regional Gazette.

#### Article 235

- (1) Government supervision of qanuns shall be conducted in accordance with prevailing laws and regulations.
- (2) The Government may invalidate a qanun that contravenes:
  - a. public interests;
  - b. another qanun; and
  - c. superseding laws and regulations, unless otherwise provided for under this Law.
- (3) A qanun may be reviewed by the Supreme Court in accordance with prevailing laws and regulations.
- (4) A qanun as referred to in paragraph (3) that governs the implementation of Islamic law may only be invalidated through a material review by the Supreme Court.
- (5) Prior to being jointly agreed by the Governor and DPRA, or by the regent/mayor and DPRK, draft qanuns concerning the APBA shall be evaluated by the Government, and draft qanuns concerning the APBK shall be evaluated by the Governor.
- (6) Results of the evaluations referred to in paragraph (5) shall require mandatory implementation by the Governor and regents/mayors.

#### Article 236

Qanuns shall be formulated based on the principles of formulating laws and regulations, including:

- a. clarity of purpose;
- b. appropriate drafting institution or apparatus;
- c. parity between form and content matter;
- d. feasibility;
- e. benefits and results;
- f. clarity of text; and
- g. openness.

#### Article 237

- (1) Material content of qanuns shall incorporate the principles of:
  - a. protection;
  - b. humanity;
  - c. nationality;
  - d. solidarity;
  - e. diversity;
  - f. justice;
  - g. nondiscrimination;
  - h. equality before the law and government;
  - i. legal order and certainty; and/or
  - j. balance, harmony, equality, and conformity.
- (2) In addition to the principles referred to in paragraph (1), a qanun may incorporate other principles in accordance with the content of the relevant qanun.

#### Article 238

- (1) The community shall have the right to submit verbal and written inputs to the preparation and discussion of draft qanuns.
- (2) Every stage in the preparation and discussion of a qanun must have guaranteed opportunities for public participation.

#### Article 239

- (1) A draft qanun may be initiated by the DPRA, Governor, DPRK, or regent/mayor.
- (2) If in a single session the DPRA or the Governor and the DPRK or the regent/mayor submit draft qanuns concerning the same matter, the draft qanun to be discussed shall be the draft qanun submitted by the DPRA/DPRK, whereas the draft qanun submitted by the Governor or regent/mayor shall be used as an accompaniment.
- (3) Further provisions related to the procedures for preparation of draft qanuns initiated by the Governor and regents/mayors shall be governed by qanun.

#### Article 240

- (1) Dissemination of a draft qanun initiated by the DPRA/DPRK shall be carried out by the DPRA/DPRK Secretariat.
- (2) Dissemination of a draft qanun initiated by the Governor or regent/mayor shall be carried out by Aceh Regional Secretariat or district/municipality regional secretariat.

#### Article 241

- (1) A qanun may contain provisions regarding the forcible imposition of law enforcement costs, either entirely or partially, on the violator in accordance with prevailing laws and regulations.
- (2) A qanun may contain potential punishment of imprisonment for up to 6 (six) months and/or a fine up to Rp. 50,000,000.00 (fifty million rupiah).
- (3) A qanun may contain potential punishment or fine other than that referred to in paragraph (2) in accordance with punishments that are governed by other laws and regulations.
- (4) A qanun concerning *jinayah* violations shall be exempted from the provisions of paragraphs (1), (2) and (3).

#### Article 242

If necessary for the implementation of a qanun, the Governor and regent/mayor may enact a Gubernatorial Regulation/Decree or a regent/mayor regulation/decree.

#### Article 243

- (1) Qanuns shall be promulgated in the Aceh Regional Gazette or district/municipality Regional Gazette.
- (2) Gubernatorial Regulations and regent/mayor regulations shall be promulgated in the Aceh Regional Proceedings or the district/municipality Regional Proceedings.
- (3) Promulgation of Aceh Qanuns and Gubernatorial Regulations shall be executed by the Aceh Regional Secretary.
- (4) Promulgation of district/municipality qanuns and regent/mayor regulations shall be executed by the district/municipality regional secretaries.
- (5) The Aceh Government must disseminate Aceh Qanuns and Gubernatorial Regulations that have been promulgated in the Aceh Regional Gazette or the Aceh Regional Proceedings.
- (6) The district/municipality government must disseminate qanuns and regent/mayor regulations that have been promulgated in the district/municipality Regional Gazette and district/municipality Regional Proceedings.

#### Article 244

- (1) The Governor and regent/mayor, in enforcing a qanun related to public order and community tranquility, may form a *Pamong Praja* (civilian force) police unit.
- (2) The Governor and regent/mayor, in enforcing *syari'yah* qanuns for the implementation of Islamic law, may form a *Wilayatul Hisbah* police unit as a part of the *Pamong Praja* police unit.
- (3) Further provisions related to the formation and organizational structure of *Pamong Praja* police units as referred to in paragraph (1) shall be governed by qanun with guidance from prevailing laws and regulations.

#### Article 245

- (1) Members of *Pamong Praja* police units may be appointed as Civil Service Investigators.
- (2) Investigation and prosecution of qanun violations shall be conducted by investigating officers and public prosecutors in accordance with prevailing laws and regulations.

### CHAPTER XXXVI FLAG, COAT OF ARMS, AND HYMN

#### Article 246

- (1) *Bendera Merah Putih* (Red and White Flag) shall be the national flag of the Unitary State of the Republic of Indonesia, based on the 1945 Constitution of the Republic of Indonesia.
- (2) In addition to the *Bendera Merah Putih* referred to in paragraph (1), the Aceh Government may determine and affirm a regional flag of Aceh as a symbol of its specialness and uniqueness.
- (3) The regional flag of Aceh as a symbol, as referred to in paragraph (2), shall not constitute a symbol of sovereignty and shall not be treated as flag of sovereignty in Aceh.
- (4) Further provisions related to the form of the flag as a symbol as referred to in paragraph (2) shall be governed by Aceh Qanun in accordance with prevailing laws and regulations.

#### Article 247

- (1) The Aceh Government may establish a coat of arms as a symbol of specialness and uniqueness.
- (2) Further provisions related to the coat of arms as a symbol as referred to in paragraph (1) shall be governed by Aceh Qanun.

#### **Article 248**

- (1) *Indonesia Raya* shall be the national anthem of the Unitary State of the Republic of Indonesia.
- (2) The Aceh Government may establish an Aceh hymn as a reflection of its specialness and uniqueness.
- (3) Further provisions related to the Aceh hymn as referred to in paragraph (2) shall be governed by Aceh Qanun.

### **CHAPTER XXXVII ESTABLISHMENT, SUPERVISION, AND DISPUTE RESOLUTION**

#### **Article 249**

Establishment and supervision of the implementation of governance of Aceh and its districts/municipalities shall be carried out by the Government in accordance with prevailing laws and regulations.

#### **Article 250**

- (1) The Governor shall resolve disputes that arise relating to the execution of government functions among districts/municipalities in Aceh Province.
- (2) The Minister of Home Affairs shall resolve disputes that arise between provinces, between a province and a district/municipality within its territory, and between a province and a district/municipality outside its territory.
- (3) Resolution decisions as referred to in paragraphs (1) and (2) shall be final and binding.

### **CHAPTER XXXVIII OTHER PROVISIONS**

#### **Article 251**

- (1) The name of Aceh as a province within the system of the Unitary State of the Republic of Indonesia based on the 1945 Constitution of the Republic of Indonesia, and the titles of elected government officials shall be determined by the DPRA following the general election of 2009.
- (2) Prior to the provision referred to in paragraph (1) being implemented, the Province of Nanggroe Aceh Darussalam shall be used as the name of the province.
- (3) The name and titles referred to in paragraph (1) shall be affirmed in a Government Regulation based on the recommendation of the DPRA and the Governor of Aceh.

- (4) Members of the Regional House of Representatives of Nanggroe Aceh Darussalam Province and members of the district/municipality Regional Houses of Representatives elected in the 2004 general elections shall continue to carry out their duties through the end of their terms of office, in accordance with prevailing laws and regulations.

### **CHAPTER XXXIX TRANSITIONAL PROVISIONS**

#### **Article 252**

- (1) Agreements between the Government and foreign countries or other parties, which among others deal with profit sharing from oil and gas located in Aceh, shall remain in effect up to the end of such agreements.
- (2) Profit sharing agreements as referred to in paragraph (1) may be reviewed and/or have their durations shortened upon the mutual agreement of the parties to the agreement.

#### **Article 253**

- (1) The National Land Agency's Aceh Regional Office and the district/municipality Regional Land Offices shall become the apparatus of the Aceh Region and apparatus of the districts/municipalities, respectively, by no later than the beginning of the 2008 budget year.
- (2) Further provisions related to the implementation of matters referred to in paragraph (1) shall be governed by Presidential Regulation.

#### **Article 254**

- (1) Assignment of authority to manage public seaports and airports by the Government to district/municipality governments as referred to in Article 19 must be implemented by no later than the beginning of the 2008 budget year.
- (2) Management of public seaports and airports already existing at the time of the enactment of this Law, which shall be executed cooperatively by state-owned enterprises, the Aceh Government, and district/municipality governments as stipulated in Article 173, shall be implemented by no later than the beginning of the 2008 budget year.

#### **Article 255**

Regulation of the Elections Supervisory Committee as referred to in Article 60 shall be implemented no later than 3 (three) months after this Law is enacted.

#### Article 256

Provisions governing candidates for the Election of Governor/Vice Governor, regent/deputy regent, or mayor/deputy mayor, as stipulated in Article 67 paragraph (1) point d, shall be in effect and shall be implemented only for the first election following the enactment of this Law.

#### Article 257

The Government Regulation governing local political parties as referred to in Article 95 shall be issued no later than February 2007.

#### Article 258

- (1) Management of additional shared earnings from oil and natural gas as referred to in Article 181 paragraph (3) and Article 182 shall go into effect as of the 2008 budget year.
- (2) The Special Autonomy Fund referred to in Article 183 paragraph (2) for the initial year shall become effective as of the 2008 budget year.

#### Article 259

The Human Rights Court in Aceh referred to in Article 228 paragraph (1) shall be established no later than 1 (one) year following the enactment of this Law.

#### Article 260

The Truth and Reconciliation Commission in Aceh referred to in Article 229 shall become effective no later than 1 (one) year following the enactment of this Law.

#### Article 261

- (1) Elections of regents/deputy regents and mayors/deputy mayors whose terms of office have ended by the time of the enactment of this Law shall be conducted concurrently with the election of Governor/Vice Governor.
- (2) Elections of regents/deputy regents and mayors/deputy mayors whose terms of office end anytime from August 2006 through January 2007 shall be conducted concurrently with the election of Governor/Vice Governor.
- (3) The first election of Governor/Vice Governor, regents/deputy regents and mayors/deputy mayors conducted following the enactment of this Law shall be carried out by the Aceh KIP and the existing district/municipality KIPs.
- (4) Procedures for the election of Governor/Vice Governor, regents/deputy regents and mayors/deputy mayors following the enactment of this Law may take guidance from prevailing laws and regulations provided that they do not contravene and have not been revised by this Law and other laws and regulations.

#### Article 262

In the event a forestry license has been issued within the Leuser ecosystem in Aceh Province, such license shall be declared to be valid, shall be reviewed, and/or shall be adjusted to comply with this Law by no later than 6 (six) months after the enactment of this Law.

#### Article 263

Transfer of facilities, funding, personnel, and documents related to the *madarasah ibtidaiyah* and *madrasah tsanawiyah* educational institutions from the Government to the district/municipality governments in Aceh shall be carried out no later than the beginning of the 2008 budget year.

#### Article 264

Transfer of facilities, funding, personnel, and documents related to public seaports and airports from the Government to the district/municipality governments in Aceh shall be carried out no later than the beginning of the 2008 budget year.

#### Article 265

KIPs already established at the time of the enactment of this Law shall continue to execute their duties through the end of their service terms.

#### Article 266

- (1) The initial establishment of the Elections Supervisory Committee shall be carried out by the DPRA.
- (2) Establishment of district/municipality Elections Supervisory Committees shall be carried out by the Aceh Elections Supervisory Committee.

#### Article 267

- (1) *Kelurahans* in Aceh Province shall be eliminated gradually by being converted into *gampongs* or other names by which they are called within districts/municipalities.
- (2) Elimination of *kelurahan* as referred to in paragraph (1) and the transfer of *kelurahan* funding sources, facilities and infrastructure, and personnel and documents shall be carried out by no later than 2 (two) years following the enactment of this Law.
- (3) *Kelurahan* personnel who are transferred, as referred to in paragraph (2), may be appointed as *gampong* secretary, *kecamatan* staff, district/municipality staff, or province staff.
- (4) The provisions stipulated in paragraphs (1) and (2) shall be implemented through district/municipality qanuns.

- (5) The provisions stipulated in paragraph (3) shall be implemented through regent/mayor decree or a Gubernatorial Decree.

**Article 268**

Funding for the first election of Governor/Vice Governor, regents/deputy regents, and mayors/deputy mayors carried out following the enactment of this Law shall be derived from the APBN, APBA, and APBK.

**CHAPTER XL  
CLOSING PROVISIONS**

**Article 269**

- (1) Laws and regulations that are in place at the time of the enactment of this Law shall continue to be in force provided they do not contravene the provisions of this Law.
- (2) Regulations under laws that relate directly to the special autonomy of Aceh Province and its districts/municipalities shall be adapted to conform with this Law.
- (3) Any planned amendment to this Law must first undergo consultation by and receive considerations from the DPR.

**Article 270**

- (1) The Government's national authority and the implementation of this Law relating to the Government's authority shall be governed by prevailing laws and regulations.
- (2) The authority of the Aceh Government regarding the implementation of this Law shall be governed by Aceh Qanun.
- (3) The authority of district/municipality governments regarding the implementation of this Law shall be governed by district/municipality qanuns.

**Article 271**

Implementing provisions of this Law that become the obligation of the Government shall be formulated no later than 2 (two) years following the enactment of this Law.

**Article 272**

Upon the enactment of this Law, Law No. 18 of 2001 on Special Autonomy for the Special Territory of Aceh as the Province of Nanggroe Aceh Darussalam shall be revoked and shall be declared as no longer in force.

**Article 273**

This Law shall come into force on the date of its enactment.

So that this Law shall be known to all, it is instructed that this Law be promulgated through placement in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta  
on August 1, 2006

PRESIDENT OF THE REPUBLIC OF INDONESIA,

(signature)  
SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta  
On August 1, 2006

MINISTER OF LAW AND HUMAN RIGHTS, REPUBLIC OF INDONESIA

(signature)  
HAMID AWALUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2006 NUMBER 62

Copy in accordance with original  
STATE SECRETARIAT, REPUBLIC OF INDONESIA

Deputy Minister of the State Secretariat, Laws Division  
(signature and stamp)  
Abdul Wahid

**EXPLANATORY NOTES**  
**ON**  
**LAW OF THE REPUBLIC OF INDONESIA**  
**NUMBER 11 OF 2006**  
**ON**  
**THE GOVERNING OF ACEH**  
  
WITH THE GRACE OF GOD ALMIGHTY  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

**I. General**

The system of governance of the Unitary State of the Republic of Indonesia as provided under the 1945 Constitution of the Republic of Indonesia recognizes and respects special provincial administrations. Within Indonesian state administration history, Aceh constitutes a special provincial administration due to the unique nature of the Acehnese struggle in the past, which exhibited exceptional perseverance and resolution.

The life of the Aceh people is articulated in a modern perspective as a democratic and accountable state and governmental system. This social order constitutes the realization of the slogan “*Bhinneka Tunggal Ika*” (Unity in Diversity). This high level of perseverance and resolution is derived from a philosophy built upon the Islamic *syari’at* principles that gave birth to a strong Islamic culture, thus rendering Aceh as a significant area in the fight to achieve and preserve the independence of the Republic of Indonesia, based on the Pancasila and the 1945 Constitution.

Such a life demands the formal implementation of the enforcement of Islamic law (*syari’at*). This is part of the background behind the formation of the *Mahkamah Syari’yah* (Islamic Court), which is one part of the anatomy of Aceh’s specialness. The enforcement of Islamic law shall be carried out on the basis of an Islamic personality toward every person in Aceh without differentiating nationality, position and status within the region according to the regional borders of Aceh Province.

The dynamic aspirations of the Aceh people exist not only in their customary (*adat*) life, culture, and social and political affairs, which have adopted the special nature of Aceh, but rather they also guarantee legal certainty in all matters because the religious foundation of Acehnese society has created a strong attitude, resolution and Islamic culture. These matters were prime considerations in the implementation of specialness for the Special Region of Aceh Province under Law Number 44 of 1999.

The establishment of the Sabang Area through Law Number 37 of 2000 represents a combination of efforts to increase the welfare of the Aceh people, and has become an engine of economic growth and development in the Aceh region as well as capital for the acceleration of development in other regions.

In its course, the implementation of specialness in the Special Region of Aceh Province is seen to have insufficiently resulted in life within justice or justice within life. This condition cannot yet bring an end to the social upheavals in the Special Region of Aceh Province, which manifest themselves through various reactions.

The response of the Government and House of Representatives (DPR) gave birth to a political solution for resolving the Aceh issue in the form of Law Number 18 of 2001, which governed the implementation of special autonomy for the Special Region of Aceh Province as Nanggroe Aceh Darussalam Province. In its implementation, this law has also not sufficiently accommodated aspirations and the interests of economic development and political justice. This situation has motivated the creation of a Law on the Governing of Aceh based on the principle of broad autonomy. The granting of broad autonomy in the political sector to the Aceh people and the administration of regional governance according to the principles of good governance – that is, transparent, accountable, professional, efficient and effective – is aimed at achieving the maximum prosperity for the people of Aceh. In the implementation of this broad autonomy, the people of Aceh shall play an active role in formulating, deciding, implementing and evaluating regional governance policies.

The natural disasters, earthquakes, and tsunami that have occurred in Aceh have given rise to solidarity among all segments of the nation to rebuild the society and territory of Aceh. These disasters also brought about the strong realization by the Government and the Free Aceh Movement (GAM) to resolve the conflict peacefully, comprehensively, sustainably, honorably and permanently, within the framework of the Unitary State of the Republic of Indonesia. This resolution is absolute.

The Memorandum of Understanding between the Government and the Free Aceh Movement, which was signed on August 15, 2005, signified a new step in the history of Aceh Province and in the life of its people, towards a peaceful, just, thriving, prosperous, and dignified condition. What should properly be understood is that the Memorandum of Understanding is a form of honorable reconciliation with the objective of sustainable social, economic, and political development in Aceh.

The ideal anatomy of the above framework offers philosophical, juridical, and sociological considerations for the creation of the Law on the Governing of Aceh. This Law expressly regulates that the Aceh Government is an inseparable part of the Unitary State of the Republic of Indonesia, and that the broad autonomy applied in Aceh based on this Law constitutes a subsystem within the national system of governance. Therefore, broad autonomy is fundamentally not merely a right, but more than that; it is a constitutional obligation to be used to the maximum extent for the welfare of Aceh.

Therefore, the arrangements in the many qanun that are ordered in this Law represent the concrete form of the abovementioned constitutional obligation in the execution of governance in Aceh and its districts/municipalities, and represent a dignified reference for the autonomous management of governmental affairs as part of the sovereign territory of the Unitary State of the Republic of Indonesia.

Arrangements concerning the broad authority granted to the Aceh Government and its district/municipality governments as set forth in this Law constitute the realization of the belief of the House of Representatives and the Government to accelerate the achievement of prosperity based on justice and justice based on prosperity in Aceh.

The existence of provisions in this Law concerning the need for norms, standards, procedures, and matters that are strategic and national in nature and are the authority of the Government, is not intended to diminish the authority held by the Aceh Government and its district/municipality governments, but rather it constitutes a form of establishment, facilitation, enactment, and implementation of national governmental affairs.

Arrangements concerning the balance between central and regional finance are reflected in the granting of authority over the use of available funding sources. Cooperation in the management of natural resources in the territory of Aceh is accompanied by the transparent and accountable management of financial resources during planning, implementation, and supervision. Furthermore, in order to promote the economic growth of Aceh society, infrastructure development, employment creation, and poverty eradication efforts shall be carried out, along with improvements in the quality of education and use of special autonomy funds, which are inseparable parts of national economic growth.

## **II. Article-by-Article Explanatory Notes**

### **Article 1**

Sufficiently clear.

### **Article 2**

Sufficiently clear.

### **Article 3**

Sufficiently clear.

### **Article 4**

Sufficiently clear.

### **Article 5**

Sufficiently clear.

### **Article 6**

Sufficiently clear.

## **Article 7**

### **Paragraph (1)**

Sufficiently clear.

### **Paragraph (2)**

What is meant by governmental affairs at the national level in this provision includes policies in the sector of national planning, policies in the sector of national development control, balance of finances, state administration, national economic institutions, establishment and development of human resources, strategic high technology, and national conservation and standardization.

What is meant by policies is the Government's authority to carry out the establishment, facilitation, determination, and implementation of national governmental affairs.

### **Paragraph (3)**

Sufficiently clear.

## **Article 8**

### **Paragraph (1)**

Sufficiently clear.

### **Paragraph (2)**

Sufficiently clear.

### **Paragraph (3)**

What is meant by administrative policies in this provision are policies directly related to Aceh governance, for example, matters provided for in this Law such as the expansion of territory, formation of special zones, and planning for the formulation and amendment of laws and regulations directly related to the Aceh region.

### **Paragraph (4)**

Sufficiently clear.

## **Article 9**

Sufficiently clear.

## **Article 10**

### **Paragraph (1)**

The formation of the institutions is meant to include the formation of disaster relief centers.

Paragraph (2)  
Sufficiently clear.

**Article 11**

Paragraph (1)  
What is meant by:

Norms are rules or stipulations that are used as a system for the implementation of regional governance.

Standards are references that are used as guideposts in the implementation of regional governance.

Procedures are methods or approaches for the implementation of regional governance.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

**Article 12**  
Sufficiently clear.

**Article 13**  
Sufficiently clear.

**Article 14**  
Sufficiently clear.

**Article 15**  
Sufficiently clear.

**Article 16**  
Sufficiently clear.

**Article 17**  
Sufficiently clear.

**Article 18**  
Sufficiently clear.

**Article 19**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
What is meant by seaports in this provision includes all seaports managed by the Government, including crossing ports in the territory of Aceh, except those that are managed by a State-owned Enterprise at the time of the enactment of this Law.

What is meant by public airports in this provision includes all public airports managed by the Government, including pioneer public airports in the territory of Aceh, except those that are managed by a State-owned Enterprise at the time of the enactment of this Law.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
Sufficiently clear.

**Article 20**  
Sufficiently clear.

**Article 21**

Paragraph (1)  
The Aceh Government system consists of the Aceh Government, which carries out executive duties, and the DPRA, which carries out legislative duties.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

**Article 22**  
Sufficiently clear.

**Article 23**

Paragraph (1)  
Letter a  
Sufficiently clear.  
Letter b  
Sufficiently clear.  
Letter c  
Sufficiently clear.  
Letter d  
Sufficiently clear.  
Letter e  
Sufficiently clear.

Letter f  
Sufficiently clear.  
Letter g  
Sufficiently clear.  
Letter h  
Sufficiently clear.  
Letter i  
Sufficiently clear.  
Letter j  
Sufficiently clear.  
Letter k  
The accountability report constitutes a progress report on the implementation of governance and is not intended to bring down the governor.  
Letter l  
Sufficiently clear.  
Letter m  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

**Article 24**

Paragraph (1)  
Letter a  
Sufficiently clear.  
Letter b  
Sufficiently clear.  
Letter c  
Sufficiently clear.  
Letter d  
Sufficiently clear.  
Letter e  
Sufficiently clear.  
Letter f  
Sufficiently clear.  
Letter g  
Sufficiently clear.  
Letter h  
Sufficiently clear.  
Letter i  
Sufficiently clear.  
Letter j  
Sufficiently clear.

Letter k  
The accountability report constitutes a progress report on the implementation of governance and is not intended to bring down the regent/mayor.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

**Article 25**  
Sufficiently clear.

**Article 26**  
Sufficiently clear.

**Article 27**  
Sufficiently clear.

**Article 28**  
Sufficiently clear.

**Article 29**  
Sufficiently clear.

**Article 30**  
Sufficiently clear.

**Article 31**  
Sufficiently clear.

**Article 32**  
Sufficiently clear.

**Article 33**  
Sufficiently clear.

**Article 34**  
Sufficiently clear.

**Article 35**  
Sufficiently clear.

**Article 36**  
Sufficiently clear.

**Article 37**  
Sufficiently clear.

**Article 38**  
Sufficiently clear.

**Article 39**  
Sufficiently clear.

**Article 40**  
Sufficiently clear.

**Article 41**  
Sufficiently clear.

**Article 42**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
See the explanatory note for Article 8 paragraph (3).

**Article 43**  
Sufficiently clear.

**Article 44**  
Sufficiently clear.

**Article 45**  
Sufficiently clear.

**Article 46**

Paragraph (1)  
Letter a  
Sufficiently clear.  
Letter b  
Sufficiently clear.  
Letter c  
Sufficiently clear.  
Letter d  
Sufficiently clear.  
Letter e  
Sufficiently clear.  
Letter f  
Sufficiently clear.  
Letter g  
Sufficiently clear.  
Letter h  
Sufficiently clear.

Letter i  
What is meant by government agencies in this provision are the department and/or non-departmental government apparatus that administer governmental affairs that are not assigned to the region in a certain territory under the framework of deconcentration.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

**Article 47**  
Sufficiently clear.

**Article 48**  
Sufficiently clear.

**Article 49**  
Sufficiently clear.

**Article 50**  
Sufficiently clear.

**Article 51**  
Sufficiently clear.

**Article 52**  
Sufficiently clear.

**Article 53**  
Sufficiently clear.

**Article 54**  
Sufficiently clear.

**Article 55**  
Sufficiently clear.

**Article 56**  
Sufficiently clear.

**Article 57**

Paragraph (1)  
Provisions concerning the number of members of the Aceh KIP and district/municipality KIPs shall pay attention to the representation of women.

Paragraph (2)  
Sufficiently clear.

**Article 58**  
Sufficiently clear.

**Article 59**  
Sufficiently clear.

**Article 60**  
Sufficiently clear.

**Article 61**  
Sufficiently clear.

**Article 62**  
Sufficiently clear.

**Article 63**  
Sufficiently clear.

**Article 64**  
Sufficiently clear.

**Article 65**  
Sufficiently clear.

**Article 66**  
Sufficiently clear.

**Article 67**  
Sufficiently clear.

**Article 68**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Proof of identity may take the form of an identity card (KTP), Republic of Indonesia passport, driver's license, or other residency identity. Written statements must be signed or affixed with fingerprints in cases where the relevant person is unable to sign.

**Article 69**  
Sufficiently clear.

**Article 70**  
Sufficiently clear.

**Article 71**  
Sufficiently clear.

**Article 72**  
Sufficiently clear.

**Article 73**  
Sufficiently clear.

**Article 74**  
Sufficiently clear.

**Article 75**  
Sufficiently clear.

**Article 76**

Paragraph (1)  
What is meant by the relevant Minister in this provision is the minister whose scope of duties includes the law and human rights sector.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

**Article 77**  
Sufficiently clear.

**Article 78**  
Sufficiently clear.

**Article 79**  
Sufficiently clear.

**Article 80**  
Sufficiently clear.

**Article 81**  
Sufficiently clear.

**Article 82**  
Sufficiently clear.

**Article 83**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
What is meant by concurrent membership in this provision is the creation of the opportunity for members of a local political party to participate in the national general election.

Paragraph (4)  
Sufficiently clear.

**Article 84**

Sufficiently clear.

**Article 85**

Sufficiently clear.

**Article 86**

Sufficiently clear.

**Article 87**

Sufficiently clear.

**Article 88**

Sufficiently clear.

**Article 89**

Sufficiently clear.

**Article 90**

Sufficiently clear.

**Article 91**

Sufficiently clear.

**Article 92**

Sufficiently clear.

**Article 93**

Sufficiently clear.

**Article 94**

Sufficiently clear.

**Article 95**

Sufficiently clear.

**Article 96**

Sufficiently clear.

**Article 97**

Sufficiently clear.

**Article 98**

Sufficiently clear.

**Article 99**

Sufficiently clear.

**Article 100**

Sufficiently clear.

**Article 101**

Sufficiently clear.

**Article 102**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
The word determine in this provision shall be executed not through a Gubernatorial Decree but through a letter from the Governor to the President.

Paragraph (4)  
Sufficiently clear.

**Article 103**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
See the explanatory note for Article 102 paragraph (3).

Paragraph (3)  
Sufficiently clear.

**Article 104**  
Sufficiently clear.

**Article 105**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
The word determine in this provision shall be executed not through a regent/mayor decree but through a letter from the regent/mayor to the Governor.

Paragraph (4)  
Sufficiently clear.

**Article 106**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
See the explanatory note for Article 105 paragraph (3).

Paragraph (3)  
Sufficiently clear.

**Article 107**  
Sufficiently clear.

**Article 108**  
Sufficiently clear.

**Article 109**  
Sufficiently clear.

**Article 110**  
Sufficiently clear.

**Article 111**  
Sufficiently clear.

**Article 112**  
Sufficiently clear.

**Article 113**  
Sufficiently clear.

**Article 114**  
Sufficiently clear.

**Article 115**  
Sufficiently clear.

**Article 116**  
Sufficiently clear.

**Article 117**  
Sufficiently clear.

**Article 118**  
Sufficiently clear.

**Article 119**  
Sufficiently clear.

**Article 120**  
Sufficiently clear.

**Article 121**  
Sufficiently clear.

**Article 122**  
Sufficiently clear.

**Article 123**  
Sufficiently clear.

**Article 124**  
Sufficiently clear.

**Article 125**  
Sufficiently clear.

**Article 126**  
Sufficiently clear.

**Article 127**  
Sufficiently clear.

**Article 128**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
What is meant by persons of the Islamic faith in this provision are any persons of the Islamic faith without differentiating their nationality, position, and status.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
Sufficiently clear.

**Article 129**

Sufficiently clear.

**Article 130**

Sufficiently clear.

**Article 131**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
What is meant by prevailing laws and regulations in this provision are certain matters or situations pursuant to relevant laws including Aceh Qanun concerning *jinayah*.

Paragraph (4)  
Sufficiently clear.

**Article 132**

Sufficiently clear.

**Article 133**

Sufficiently clear.

**Article 134**

Sufficiently clear.

**Article 135**

Sufficiently clear.

**Article 136**

Sufficiently clear.

**Article 137**

Sufficiently clear.

**Article 138**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
What is meant by partner in this provision is a position of equality and parallelism in providing considerations on policies for the implementation of governance in Aceh.

Paragraph (4)  
In carrying out its duties and functions the MPU shall receive financial support from the APBA/APBK and other legitimate sources, pursuant to the law.

**Article 139**

Sufficiently clear.

**Article 140**

Sufficiently clear.

**Article 141**

Sufficiently clear.

**Article 142**

Sufficiently clear.

**Article 143**

Sufficiently clear.

**Article 144**

Sufficiently clear.

**Article 145**

Letter a  
Sufficiently clear.

Letter b  
Sufficiently clear.

Letter c

What is meant by the phrase that has the status of being used for religious purposes in this provision is the status such as that of *wakaf* land that is used for, among other purposes, mosques or religious schools, or land that is used for places of worship of other religions.

**Article 146**

Sufficiently clear.

**Article 147**

Sufficiently clear.

**Article 148**

Sufficiently clear.

**Article 149**

Sufficiently clear.

**Article 150**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
What is meant by the phrase cooperate with regional governments in this provision are regional governments whose legal territories border the Aceh region.

Paragraph (4)  
Sufficiently clear.

**Article 151**

Sufficiently clear.

**Article 152**

Sufficiently clear.

**Article 153**

Paragraph (1)  
What is meant by the authority to set provisions related to the press and broadcasting is the oversight of the content or circulation of press and broadcast products to ensure they do not contravene Islamic values.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
Sufficiently clear.

**Article 154**

Sufficiently clear.

**Article 155**

Sufficiently clear.

**Article 156**

Sufficiently clear.

**Article 157**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
What is meant by a work contract in this provision, among other meanings, includes the amount of guarantee funds for reclamation and rehabilitation and the time period of the guarantee for implementation of post-mining reclamation.

**Article 158**

Sufficiently clear.

**Article 159**

Sufficiently clear.

**Article 160**

Paragraph (1)  
Provisions concerning land and sea apply to their contents as well.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
Sufficiently clear.

Paragraph (5)

Matters to be included in Government Regulations as referred to in this provision are matters that have been jointly agreed by the Government and Aceh Government, including among others the appointment or formation of implementing agencies, procedures for negotiation, drafting of cooperation agreements, setting of target amounts for oil and natural gas production and for production that is sold (lifting), production cost recovery, profit sharing, supervision, community development, reclamation obligations, and appointment of independent auditors.

**Article 161**

Sufficiently clear.

**Article 162**

Sufficiently clear.

**Article 163**

Sufficiently clear.

**Article 164**

Sufficiently clear.

**Article 165**

Sufficiently clear.

**Article 166**

Sufficiently clear.

**Article 167**

Sufficiently clear.

**Article 168**

Sufficiently clear.

**Article 169**

Paragraph (1)

What is meant by the phrase transportation and maritime affairs in this provision is aimed at making the Sabang Free Port Zone into a primary (hub) port whose function will be as an import-export (international) port and a national trans-shipment port.

Paragraph (2)

Sufficiently clear.

**Article 170**

Paragraph (1)

What is meant by other authorities in this provision, among others, are spatial planning and cooperation in the management of domestic and foreign business.

Paragraph (2)

What is meant by delegated authority is the authority of the Aceh Government, Aceh Besar District Government, and Sabang Municipality Government whose implementation is delegated to the Sabang Area Business Board. In the event the implementation of this delegation produces income, said income shall become income of the APBA/APBK.

Paragraph (3)

The provisions stipulated in paragraph (1) and paragraph (2) are intended in the event the Government, Aceh Government, Aceh Besar District Government, and Sabang Municipality Government have not yet transferred and/or delegated their authorities within the specified time period, in which case the Sabang Area Business Board shall have the right to exercise these authorities after obtaining approval from the Sabang Area Council, and if the issued license is declared still valid, and the Government Regulation that governs the transfer of authorities and the *qanun* that governs the delegation of authorities are not withdrawn.

Paragraph (4)

Sufficiently clear.

**Article 171**

Sufficiently clear.

**Article 172**

Sufficiently clear.

**Article 173**

Paragraph (1)

The cooperation referred to in this provision shall include all management authorities that, at the time of the enactment of this Law, have not yet been transferred to the Aceh Government and/or district/municipality governments. This provision does not cover authorities concerning aviation and shipping safety, including among others flight navigation, ship piloting, and/or aircraft parking.

All management authorities that have been transferred to the district/municipality governments including public vehicle parking, advertising, and business retribution at terminals shall not be subject to this cooperation.

Paragraph (2)

Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
Sufficiently clear.

**Article 174**  
Sufficiently clear.

**Article 175**  
Sufficiently clear.

**Article 176**  
Sufficiently clear.

**Article 177**  
Sufficiently clear.

**Article 178**  
Sufficiently clear.

**Article 179**  
Sufficiently clear.

**Article 180**  
Sufficiently clear.

**Article 181**  
Sufficiently clear.

**Article 182**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
The 30% (thirty per cent) fund in this provision may be used for increasing the capacity of government officials and educators, or for granting scholarships for domestic or international education and other educational activities in accordance with established priorities.

Paragraph (4)  
Sufficiently clear.

Paragraph (5)  
Sufficiently clear.

Paragraph (6)  
Sufficiently clear.

Paragraph (7)  
Sufficiently clear.

**Article 183**

Paragraph (1)  
The funding for education in this provision may be used for increasing the capacity of government officials and educators, or for granting scholarships for domestic or international education and other educational activities in accordance with established priorities.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
Sufficiently clear.

Paragraph (5)  
Sufficiently clear.

**Article 184**  
Sufficiently clear.

**Article 185**  
Sufficiently clear.

**Article 186**  
Sufficiently clear.

**Article 187**  
Sufficiently clear.

**Article 188**  
Sufficiently clear.

**Article 189**  
Sufficiently clear.

**Article 190**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
What is meant by certain circumstances in this provision includes, among others, the occurrence of a regional financial crisis, national monetary crisis, solvency crisis, and regional expansion.

**Article 191**

Sufficiently clear.

**Article 192**

Sufficiently clear.

**Article 193**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Accountability for the management of education funds that is done separately shall be a component of the accountability for the APBA/APBK.

Paragraph (3)  
Sufficiently clear.

**Article 194**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
What is meant by independent auditor is an expert and/or inspector from outside the Supreme Audit Board who works for and on behalf of the Supreme Audit Board.

Paragraph (3)  
Sufficiently clear.

**Article 195**

Sufficiently clear.

**Article 196**

Sufficiently clear.

**Article 197**

Sufficiently clear.

**Article 198**

Sufficiently clear.

**Article 199**

Sufficiently clear.

**Article 200**

Sufficiently clear.

**Article 201**

Sufficiently clear.

**Article 202**

Sufficiently clear.

**Article 203**

Sufficiently clear.

**Article 204**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
The policies that need to be coordinated with the Governor are policies that cover aspects of public tranquility and order.

Paragraph (4)  
What shall be accounted for in this provision are matters that concern the implementation of police duties that receive support from APBA/APBK and other activities in the sector of tranquility and order that have been coordinated with the Governor.

Paragraph (5)  
Sufficiently clear.

**Article 205**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
What is meant by another in this provision is the final candidate.

Paragraph (5)  
The Indonesian National Police Chief shall have the full authority to dismiss the Aceh Chief of Police without requesting approval from the Aceh Governor, and regarding certain matters the Governor may offer his/her opinions to the Indonesian National Police Chief for the dismissal the Aceh Chief of Police.

**Article 206**

What is meant by emergencies in this provision are situations that result in the Aceh Chief of Police being unable to perform his/her duties to guarantee security and order, and to protect and serve the people.

**Article 207**  
Sufficiently clear.

**Article 208**  
Sufficiently clear.

**Article 209**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
The Governor's approval shall be made in writing and delivered at the latest 14 (fourteen) days after a letter requesting approval is received.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
Sufficiently clear.

Paragraph (5)  
The Attorney General of the Republic of Indonesia shall have the full authority to dismiss the Head of the Aceh Prosecutor's Office without requesting approval from the Aceh Governor, and regarding certain matters the Governor may offer his/her opinions to the Attorney General of the Republic of Indonesia for the dismissal of the Head of the Aceh Prosecutor's Office.

**Article 210**  
Sufficiently clear.

**Article 211**  
Sufficiently clear.

**Article 212**  
Sufficiently clear.

**Article 213**

Paragraph (1)  
What is meant by every person is any individual person, group of people, or legal entity.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
What is meant by religious assets in this provision are assets in the form of land used for religious purposes.

Paragraph (5)  
Sufficiently clear.

**Article 214**  
Sufficiently clear.

**Article 215**  
Sufficiently clear.

**Article 216**  
Sufficiently clear.

**Article 217**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
What is meant by primary and secondary education in this provision also includes education for poor and neglected children.

Paragraph (3)  
What is meant by special education services in this provision is education designated for Aceh residents in isolated or underdeveloped areas using the standards and curricula set forth in prevailing laws and regulations.

Paragraph (4)  
What is meant by special education in this provision is education designated for Aceh residents with physical, emotional, mental, intellectual, and/or social challenges, as well as for those who possess special intellectual potential and talents, in accordance with prevailing laws and regulations.

**Article 218**

Paragraph (1)  
What is meant by formal education includes *madrasah ibtidaiyah* and *tsanawiyah*. Specifically for *dayah* education, the curriculum shall be governed by qanun.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

**Article 219**  
Sufficiently clear.

**Article 220**  
Sufficiently clear.

**Article 221**

Paragraph (1)  
This provision is also intended to nurture, develop, and conserve the regional diversity in culture and arts in an effort to maintain the identity and establish the individuality of Acehese society.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Sufficiently clear.

Paragraph (4)  
Sufficiently clear.

Paragraph (5)  
Sufficiently clear.

**Article 222**

Paragraph (1)  
What is meant by maintaining historical items in this provision includes the physical marks left by the tsunami.

Paragraph (2)  
Sufficiently clear.

**Article 223**  
Sufficiently clear.

**Article 224**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)  
Sufficiently clear.

Paragraph (3)  
Minimum health care standards in this provision include management, administration, and information standards; service and medicine standards; payment standards; infrastructure and facility standards; as well as standards for the qualifications and competencies of medical staff.

Paragraph (4)  
Sufficiently clear.

Paragraph (5)  
Sufficiently clear.

**Article 225**

Paragraph (1)  
Sufficiently clear.

Paragraph (2)

What is meant by community social institutions in this provision includes religious institutions, educational institutions, *adat* institutions, social organizations, women's organizations, professional organizations, nongovernmental organizations, and business entities, which fulfill the necessary requirements.

Paragraph (3)

Sufficiently clear.

#### **Article 226**

Paragraph (1)

What is meant by community social institutions in this provision includes religious institutions, educational institutions, *adat* institutions, social organizations, women's organizations, professional organizations, nongovernmental organizations, and business entities, which fulfill the necessary requirements.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

#### **Article 227**

Sufficiently clear.

#### **Article 228**

Sufficiently clear.

#### **Article 229**

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

What is meant by prevailing laws and regulations in this provision are the provisions of Law Number 27 of 2004 concerning the Truth and Reconciliation Commission.

Paragraph (4)

Sufficiently clear.

#### **Article 230**

See the explanatory note for Article 229 paragraph (3).

#### **Article 231**

Sufficiently clear.

#### **Article 232**

Sufficiently clear.

#### **Article 233**

Sufficiently clear.

#### **Article 234**

Sufficiently clear.

#### **Article 235**

Sufficiently clear.

#### **Article 236**

Sufficiently clear.

#### **Article 237**

Sufficiently clear.

#### **Article 238**

Sufficiently clear.

#### **Article 239**

Sufficiently clear.

#### **Article 240**

Sufficiently clear.

#### **Article 241**

Sufficiently clear.

#### **Article 242**

Sufficiently clear.

#### **Article 243**

Sufficiently clear.

#### **Article 244**

Sufficiently clear.

#### **Article 245**

Sufficiently clear.

**Article 246**

Sufficiently clear.

**Article 247**

Sufficiently clear.

**Article 248**

Sufficiently clear.

**Article 249**

Sufficiently clear.

**Article 250**

Sufficiently clear.

**Article 251**

Sufficiently clear.

**Article 252**

Sufficiently clear.

**Article 253**

Sufficiently clear.

**Article 254**

Sufficiently clear.

**Article 255**

Sufficiently clear.

**Article 256**

Sufficiently clear.

**Article 257**

Sufficiently clear.

**Article 258**

Sufficiently clear.

**Article 259**

Sufficiently clear.

**Article 260**

Sufficiently clear.

**Article 261**

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

What is meant by prevailing laws and regulations is Nanggroe Aceh Darussalam Provincial Qanun Number 2 of 2004 concerning the election of Governor/Vice Governor, regent/deputy regent, and mayor/deputy mayor in Nanggroe Aceh Darussalam Province, as amended by Nanggroe Aceh Darussalam Provincial Qanun Number 3 of 2005 concerning the Amendment to Nanggroe Aceh Darussalam Provincial Qanun Number 2 of 2004.

**Article 262**

Sufficiently clear.

**Article 263**

Sufficiently clear.

**Article 264**

Sufficiently clear.

**Article 265**

Sufficiently clear.

**Article 266**

Sufficiently clear.

**Article 267**

Sufficiently clear.

**Article 268**

Sufficiently clear.

**Article 269**

Sufficiently clear.

**Article 270**

Sufficiently clear.

**Article 271**

Sufficiently clear.

**Article 272**

Sufficiently clear.

**Article 273**

Sufficiently clear.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
NO. 4633