

**DRAFT OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER OF 2006
REGARDING
ACEH GOVERNMENT**

*The XVIII Special Committee of 2005, The Regional House of
People's Representatives of Nanggroe Aceh Darussalam*

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BY THE GRACE OF THE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering : a. whereas the governing system of the Unitary State of the Republic of Indonesia according to the 1945 Constitution of the Republic of Indonesia acknowledges and respects the regional government units having specific characteristic or special characteristic which are stipulated by the law;

b. whereas based on the course of administrative history of the Republic of Indonesia, Aceh is a regional government unit having specific or special characteristic related to one of the special characteristics in the history of the struggle of Aceh people which has high tenacity and struggling power deriving from the viewpoint of life based on Islamic Syari'at, therefore Aceh becomes the asset region for the struggle to seize and defend

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the independence of the Unitary State of the Republic of Indonesia;

c. whereas the organizing of government and the implementation of development in Aceh has not yet completely materialize the prosperity of the people, justice as well as the advancement, the fulfillment and protection of human rights therefore Aceh Government needs to be developed and organized based on the good governance principles;

d. whereas the natural disaster of earthquake and tsunami which occurred in Aceh have generated the solidarity of the entire potentials of the Indonesian nation to re-build Aceh society and territory as well as generating the awareness of the Government of the Republic of Indonesia and the Free Aceh Movement to settle the conflict in a peaceful, comprehensive, sustainable manner as well as with dignity in the framework of the Unitary State of the Republic of Indonesia;

e. whereas based on the considerations as meant in letter a, letter b, letter c and letter d as well as the items of the memorandum of

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understanding between the Government of the Republic of Indonesia and the Free Aceh Movement in Helsinki, it is necessary to stipulate the Law regarding Aceh Government;

- In View Of :
1. Article 1 paragraph (1), Article 5 paragraph (1), Article 18, Article 18A, Article 18B and Article 20 paragraph (1) of the 1945 Constitution of the Republic of Indonesia;
 2. Law Number 24 of 1956 regarding the Formation of Autonomous Region of Atjeh Province and the Amendment to the Regulation of the North Sumatra Province (State Gazette of the Republic of Indonesia of 1956 Number 64, Supplement to the State Gazette of the Republic of Indonesia Number 1103);
 3. Law Number 1 of 1967 regarding Foreign Capital Investment (State Gazette of the Republic of Indonesia of 1967 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 2218), as amended by Law Number 11 of 1970 regarding the Amendment and Addition to Law Number 1 of 1967 regarding Foreign Capital Investment;

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4. Law Number 6 of 1968 regarding Domestic Capital Investment (State Gazette of the Republic of Indonesia of 1968 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 2853), as amended by Law Number 12 of 1970 (State Gazette of the Republic of Indonesia of 1970 Number 47, Supplement to the State Gazette Number 2944);
5. Law Number 5 of 1983 regarding Indonesian Exclusive Economic Zone (State Gazette of the Republic of Indonesia of 1983 Number 44, Supplement to the State Gazette of the Republic of Indonesia Number 3260);
6. Law Number 17 of 1985 regarding the Ratification of UN Convention regarding the 1982 Sea Law (State Gazette of the Republic of Indonesia of 1985 Number 76, Supplement to the State Gazette of the Republic of Indonesia Number 3319);
7. Law Number 23 of 1992 regarding Health (State Gazette of the Republic of Indonesia of 1992 Number 100, Supplement to the State Gazette of the Republic of Indonesia Number 3495);

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8. Law Number 6 of 1996 regarding Indonesian Waters Territory (State Gazette of the Republic of Indonesia of 1996 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 3647);
9. Law Number 23 of 1997 regarding the Environmental Management (State Gazette of the Republic of Indonesia of 1997 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 3699);
10. Law Number 23 of 1999 regarding Bank Indonesia (State Gazette of the Republic of Indonesia of 1999 Number 66, Supplement to the State Gazette of the Republic of Indonesia Number 3843) as amended by Law Number 3 of 2004 regarding Bank Indonesia (State Gazette of the Republic of Indonesia of 2004 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 4357);
11. Law Number 37 of 1999 regarding Foreign Affairs (State Gazette of the Republic of Indonesia of 1999 Number 156, Supplement to the State Gazette of the Republic of Indonesia Number 3882);

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12. Law Number 39 of 1999 regarding Human Rights (State Gazette of the Republic of Indonesia of 1999 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 3886);
 13. Law Number 41 of 1999 regarding Forestry (State Gazette of the Republic of Indonesia of 1999 Number 167, Supplement to the State Gazette of the Republic of Indonesia Number 3888);
 14. Law Number 44 of 1999 regarding the Organizing of the Distinctiveness of Aceh Special Region Province as Aceh Special Region Province (State Gazette of the Republic of Indonesia of 1999 Number 172, Supplement to the State Gazette of the Republic of Indonesia Number 3893);
 15. Law Number 24 of 2000 regarding International Agreement (State Gazette of the Republic of Indonesia of 2000 Number 185, Supplement to the State Gazette of the Republic of Indonesia Number 4012);
 16. Law Number 26 of 2000 regarding the Courts of Human Rights (State Gazette of the Republic of Indonesia of 2000 Number 185, Supplement to the State Gazette of the Republic of Indonesia Number 4012);
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Indonesia of 2000 Number 208, Supplement to the State Gazette of the Republic of Indonesia Number 4026);

17. Law Number 37 of 2000 regarding the Stipulation of the Government Regulation in Lieu of Law Number 2 of 2000 regarding Sabang Free Trade and Free Port Zone to be Law (State Gazette of the Republic of Indonesia of 2000 Number 525, Supplement to the State Gazette of the Republic of Indonesia Number 4054);
18. Law Number 22 of 2001 regarding Oil and Gas (State Gazette of the Republic of Indonesia of 2001 Number 136, Supplement to the State Gazette of the Republic of Indonesia Number 4152);
19. Law Number 2 of 2002 regarding the State Police Department of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2002 Number 2, Supplement to the State Gazette of the Republic of Indonesia Number 4168);
20. Law Number 31 of 2002 regarding Political Party (State Gazette of the Republic of Indonesia of 2002 Number 138, Supplement to

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the State Gazette of the Republic of Indonesia Number 4251);

21. Law Number 17 of 2003 regarding State Finance (State Gazette of the Republic of Indonesia of 2003 Number 47, Supplement to the State Gazette of the Republic of Indonesia Number 4286);

22. Law Number 20 of 2003 regarding the National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301);

23. Law Number 1 of 2004 regarding State Treasury (State Gazette of the Republic of Indonesia of 2004 Number 5, Supplement to the State Gazette of the Republic of Indonesia Number 4355);

24. Law Number 4 of 2004 regarding the Judicial Authorities (State Gazette of the Republic of Indonesia of 2004 Number 8, Supplement to the State Gazette of the Republic of Indonesia Number 4358);

25. Law Number 16 of 2004 regarding Attorney General of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2004

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Number 67, Supplement to the State Gazette of the Republic of Indonesia Number 4401);

26. Law Number 32 of 2004 regarding the Regional Government (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437) as amended by Law Number 8 of 2005 regarding the Amendment to Law Number 32 of 2004 regarding the Regional Government (State Gazette of the Republic of Indonesia of 2005 Number 108, Supplement to the State Gazette of the Republic of Indonesia Number 4548);

27. Law Number 33 of 2004 regarding the Financial Equilibrium between the Central Government and the Regional Government (State Gazette of the Republic of Indonesia of 2004 Number 126, Supplement to the State Gazette of the Republic of Indonesia Number 4438);

By Mutual Approval of

THE HOUSE OF PEOPLE'S REPRESENTATIVES OF

THE REPUBLIC OF INDONESIA

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam

HAS DECIDED:

To Stipulate : THE LAW REGARDING ACEH GOVERNMENT.

CHAPTER I**GENERAL PROVISIONS****Article 1**

In this Law, what is meant by:

1. Central Government which hereinafter will be referred to as the Government is the President of the Republic of Indonesia holding the governing authorities of the State of the Republic of Indonesia as meant by the 1945 Constitution of the Republic of Indonesia.
2. Aceh is a provincial region which is a legal community unit having specific characteristic and provided with special authority to regulate and manage by itself the governmental affairs and the interest the local community in accordance with the statutory regulations in the system and principles of the Unitary State of the Republic of Indonesia as meant in Article 18, Article 18A, and Article 18B of the 1945 Constitution of the Republic of Indonesia.
3. Regency/City is a part of provincial region as a legal community unit having the authority to regulate and manage by itself the governmental affairs and interest of the local community in accordance with the statutory *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

regulations in the system and principles of the Unitary State of the Republic of Indonesia;

4. Aceh Government is the governing of government affairs held by the Government of Aceh and the House of People's Representatives of Aceh in the provincial region as meant in number 2.
5. Regency/City Government is the governing of government affairs held by the government of regency/city and the House of People's Representatives of the Regency/City
6. Regency is a part of Aceh territory lead by a Regent and having the right to autonomously manage the domestic affairs of the regency.
7. City is a part of Aceh territory lead by the Mayor and having the right to autonomously manage the domestic affairs of the city.
8. The Government of Aceh is the governing element of Aceh Government consists of the Governor or by any other names and the apparatus of Aceh.
9. Governor or by any other names is the head of the Government of Aceh elected through a democratic and fair process.
10. The Government of Regency/City is the governing element of regency/city government consists of the Regent/Mayor and the apparatus of the regency/city.

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11. Regent/Mayor is the head of the government of regency/city elected through a democratic and fair process.
12. The House of People's Representatives of Aceh which hereinafter will be referred to as DPRA is the governing element of Aceh government whose members are elected through direct general election.
13. The House of People's Representatives of the Regency/City which hereinafter will be referred to as DPRK is the governing element of Regency/City government whose members are elected through direct general election.
14. Election Independent Committee which hereinafter will be referred to as KIP are Aceh KIP and Regency/City KIP provided with the authority by this law to hold the election of the Governor/Deputy Governor or by any other names, the Regent/Deputy Regent, the Mayor/Deputy Mayor.
15. Local Political Party is political organization formed by a group of Indonesian citizen having the domicile in Aceh who voluntarily based on the similarity of aspiration and ideal to strive for the interest of the religion, community, nation and state.
16. Aceh Syar'iyah Court and Regency/City Syar'iyah Court are the judiciary institutions examining cases relating to the implementation of Islamic syari'at.

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17. Wali Nanggroe Institution is the customary law leadership institution as the community unifier and the preserver of the customary law life and the cultural life.
18. District is a working territory of a district head as the apparatus of Regency/City in the governing of district government.
19. Mukim is a legal community unit consisting of union of several gampong having certain territorial borders and private assets, lead by imum mukim or by any other names, directly positioned under a district.
20. Gampong or by any other names is a territory lead by keuchik or by any other names which is a community unit positioned under mukim and entitled to govern its own domestic affairs.
21. Ulama Consultative Assembly which hereinafter will be referred to as MPU is an assembly whose members consist of ulama and intellectual Moslems who are the partner of the Government of Aceh and the House of People's Representatives of Aceh.
22. Statutory regulations are written legal products ratified/stipulated by the Government.
23. Aceh Qanun are statutory regulations stipulating the governing of the government and the community life for

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Aceh whose level is equal and equivalent to the Regional Regulation of the Province.

24. Regency/City Qanun are statutory regulations stipulating the governing of the government and the community life for regency/city whose level is equal and equivalent to the Regional Regulation of the Regency/City.
25. State Revenue and Expenditure Budget which hereinafter will be referred to as APBN is the state annual financial plan.
26. Aceh Revenue and Expenditure Budget which hereinafter will be referred to as APBA is the annual financial plan of the Government of Aceh which is stipulated by Aceh Qonun.
27. Regency/City Revenue and Expenditure Budget which hereinafter will be referred to as APBK is the annual financial plan of the Government of Regency/City which is stipulated by Regency/City Qonun.

CHAPTER II

THE DIVISION OF ACEH AND SPECIAL ZONE

Article 2

- (1) Aceh consists of regencies/cities.
- (2) Regency/city consists of districts.
- (3) District consists of mukim-mukim.
- (4) Mukim consist of sub-districts and gampong-gampong.

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Article 3

Aceh having the borders of:

- a. at the North with the Malacca Strait;
- b. at the South with the North Sumatra Province;
- c. at the East with the Malacca Strait; and
- d. at the West with the Indonesian Ocean.

Article 4

- (1) The Government may stipulate special zone in Aceh and or the regency/city to hold certain governmental affairs having special characteristic.
- (2) In the formation of the special zone as meant in paragraph (1), the Government is obliged to involve the Government of Aceh or the Government of the Regency/City.
- (3) The Government of Aceh together with the Government of the Regency/City may suggest the special zone as meant in paragraph (1) after obtaining approval from DPRA/DPRK.
- (4) The special zone as meant in paragraph (1) for free trade and/or free port is stipulated by law.
- (5) The special zone other than as meant in paragraph (4) is stipulated by Government Regulation.
- (6) The procedure for the determination of the special zone as meant in paragraph (1) and paragraph (2) is in accordance with the statutory regulations.

Article 5

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The formation, elimination and union of regencies/cities, districts, mukim and gampong/sub-districts are in accordance with the statutory regulations.

CHAPTER III

URBAN AREA

Article 6

- (1) Urban area may be in the form of:
 - a. City as autonomous region;
 - b. Portion of regency having urban characteristics; and
 - c. Part of two or more regencies/cities which are directly bordering and having urban characteristics.
- (2) Urban area as meant in paragraph (1) letter a is managed by the government of city.
- (3) Urban area as meant in paragraph (1) letter b is managed by the government of regency or managing institution formed by and accountable to the relevant government of the regency.
- (4) The arrangement of lay out and the providing of certain public service facilities in urban area as meant in paragraph (1) letter c are collectively managed by the related regencies/cities.
- (5) The government of regency/city may form development management agency in gampong territory which is planned and developed to be urban area.

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- (6) The government of regency/city involves the community in the planning, management, implementation and monitoring of urban area development.
- (7) The implementation urban area as meant in paragraph (1), paragraph (2), paragraph (3), paragraph (4), paragraph (5) and paragraph (6) is stipulated by Aceh Qanun.

CHAPTER IV

THE AUTHORITIES OF ACEH AND THE AUTHORITIES OF REGENCY/CITY

Article 7

- (1) Aceh and regency/city are authorized to manage and administer government affairs in all public sectors, except for government affairs which become the authorities of the Government.
- (2) Government affairs which become the authorities of the Government as meant in paragraph (1) cover foreign politics, defense, security, justice, national monetary and fiscal, as well as certain affairs in religious sector.
- (3) In addition to the authorities as meant in paragraph (2), there are other government affairs which by the statutory regulations are stipulated as the authorities of the Government.

Article 8

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- (1) The plan for international agreement related to the specific interest of Aceh prepared by the Government is conducted in consultation with and by the approval of DPRA.
- (2) The plan for the decision of the House of People's Representatives of the Republic of Indonesia related to the specific interest of Aceh is conducted in consultation with and by the approval of DPRA.
- (3) Administrative policies related to the specific interest of Aceh which will be prepared by the Government is conducted in consultation with and by the approval of the Governor.
- (4) The implementation of the provisions as meant in paragraph (1) and paragraph (3) is stipulated by Presidential Regulation.

Article 9

- (1) The Government of Aceh may enter into cooperation with offshore institutions or agencies, except for cooperation which become the authorities of the Government.
- (2) The Government of Aceh may directly participate in international art, cultural and sport activities.
- (3) The implementation of the provisions as meant in paragraph (1) and paragraph (2) is stipulated by the Presidential Regulation.

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Article 10

- (1) The Government of Aceh may form institutions, agencies and/or commissions according to this law, except for institutions, agencies and/or commissions which become the authorities of the Government.
- (2) The formation of the institutions, agencies or commissions as meant in paragraph (1) is stipulated by Aceh Qanun.

CHAPTER V**DIVISION OF AUTHORITIES OF THE GOVERNMENT****Article 11**

- (1) Aceh administers government affairs which become its authorities, except for the authorities of the Government as meant by article 7 paragraph (2).
- (2) The administration of government affairs as meant in paragraph (1), is self-managed and self-administered by Aceh.
- (3) The administration of government affairs which become the authorities of the Government which are not within the authorities of Aceh and the regency/city Government, may be conducted through:
 - a. Self-administration of a portion of government affairs;

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- b. Delegate a portion of government affairs to the Governor as the Representative of the Government; or
- c. Assign a portion of the affairs to Aceh Government and/or regency/city Government and/or gampong government based on assisting tasks principle.

Article 12

- (1) The division of government affairs between the Government and Aceh Government as meant in Article 11 which is not yet stipulated in this law will be further stipulated by Government Regulation.
- (2) The division of government affairs between Aceh Government and Regency/City Government is further stipulated by Aceh Qonun.
- (3) The division of government affairs as meant in paragraph (2) is facilitated by the Government.

Article 13

- (1) The division of government affairs as meant in Paragraph 12 is conducted based on the criteria of externality, accountability and efficiency with due observance of the harmonious relationship inter-governmental structure.
- (2) The division of government affairs as meant in paragraph (1) in its implementation is an inter-related and synergic relationship as a governmental system between the Government and Aceh/regency/city Government or *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

between Aceh/regency/city Government and other regional governments.

- (3) The government affairs which become the authorities of Aceh/regency/city Government which were administered based on the criteria as meant in paragraph (1) consist of mandatory affairs and optional affairs.
- (4) The administration of government affairs which are mandatory in nature is guided by the minimum service standard which is conducted gradually and will be stipulated by the Government.

Article 14

- (1) Government affairs transferred to Aceh Government and regency/city government are supplemented by the financing, the transfer of facilities and infrastructures as well as apparatus in accordance with the affairs being decentralized.
- (2) Government affairs delegated to the Governor are supplemented by the financing in accordance with the affairs being deconcentrated.

Article 15

- (1) Mandatory affairs which become the authorities of Aceh Government as meant in Article 13 paragraph (3) are affairs in Aceh scale which cover:

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- a. The planning, utilization and supervision of lay out;
- b. The planning and controlling of development;
- c. The administration of public order and community tranquility;
- d. The providing of public facilities and infrastructures;
- e. The handling of health sector;
- f. The organization of education and allocation of potential human resources;
- g. The overcoming of cross-Regency/City-borders social issues;
- h. The services of cross-Regency/City-borders working field provision and manpower sectors;
- i. The facilitation for the development of cooperatives, small and medium scale business, included in cross-Regency/City-borders issues;
- j. The environmental control;
- k. The land affairs services included in cross-Regency/City-borders issues;
- l. The population affairs services and civil register;
- m. The government general administration services;
- n. The capital investment administration services included in cross-Regency/City-borders issues; and

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- o. The administration of other basic services which are not yet performed by regency/city government.
- (2) Other mandatory affairs which become the authorities of Aceh Government are the implementation of Aceh specialty, among other:
- a. The coordination of religious life in the form of implementing Islamic syari'at for its worshipers in Aceh by continue maintaining the inter-religious community's harmony of life;
 - b. The coordination of customary law life based on Islam;
 - c. The organization of high quality education as well as increasing the amount of local subject matter content in accordance with Islamic syari'at;
 - d. The role of *ulama* in the determination of regional policy; and
 - e. The organization and management of hajj religious service in accordance with the statutory regulations.
- (3) The affairs of Aceh Government which are optional in nature cover government affairs actually having the potential to improve the welfare of the community in accordance with the relevant condition, specialty and primary potential of Aceh.

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Article 16

- (1) Mandatory affairs which become the authorities of regency/city government are affairs with regency/city scale which cover:
- a. The planning, utilization and supervision of layout;
 - b. The planning and controlling of development;
 - c. The administration of public order and community tranquility;
 - d. The providing of public services and infrastructures;
 - e. The handling of health sector;
 - f. The organization education;
 - g. The overcoming of social issues;
 - h. The services in working field provision and manpower sectors;
 - i. The facilitation for the development of cooperatives, small and medium scale business;
 - j. The controlling and supervision of environment;
 - k. The land affairs services;
 - l. The population affairs services and civil register;
 - m. The government general administration services; and

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- n. The capital investment administration services including the administration of other basic services.
- (2) Other mandatory affairs which become the special authorities of regency/city government are the implementation of Aceh specialty, which among other cover:
- a. The coordination of religious life in the form of implementing Islamic syari'at for its worshipers in Aceh by continue maintaining the inter-religious community's harmony of life;
 - b. The coordination of customary law life based on Islam;
 - c. The organization of high quality education as well as improving the local subject matter content in accordance with Islamic syari'at; and
 - d. The role of *ulama* in the determination of regency/city policy.
- (3) The affairs of regency/city government which are optional in nature cover government affairs which actually exist and having the potential to improve the welfare of the community including the psycho-social recovery in accordance with the condition, specialty and primary potential of the relevant regency/city.

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Article 17

The implementation of the provisions as meant in Article 15 and Article 16 is stipulated by Aceh Qanun guided by the statutory regulations.

CHAPTER VI**THE PRINCIPLES, FORMS AND COMPOSITION OF GOVERNMENT****ADMINISTRATOR****Article 18**

The administration of Aceh Government and regency/city government is guided by the Governing General Principles which consist of:

- a. Islamic principle;
- b. Legal certainty principle;
- c. Public interest principle;
- d. Government administration order principle;
- e. Disclosure principle;
- f. Proportionality principle;
- g. Professionalism principle;
- h. Accountability principle;
- i. Efficiency principle;
- j. Effectiveness principle;
- k. Equality principle; and
- l. Free of corruption, collusion and nepotism principle.

Article 19

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- (1) The governing of Aceh Government consists of the Governmnet of Aceh and DPRA.
- (2) The governing of regency/city government consists of the government of regency/city and DPRK.
- (3) The composition of the organization and the work structure of Aceh and regency/city Government stipulated by Qanun.

CHAPTER VII

DPRA AND DPRK

First Section

General

Article 20

- (1) DPRA and DPRK have the function for legislating, budgeting, supervising provincial/regency/city policy, and the channeling of people's aspiration.
- (2) DPRA and DPRK are entitled to form DPRA/DPRK's apparatus in accordance with the specific characteristic of Aceh.
- (3) The total number of DPRA members is at the most 125% (one hundred twenty five percent) from the total number stipulated by Law.

Second Section

Tasks and Authorities

Article 21

- (1) DPRA has the following tasks and authorities:
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- a. To formulate Aceh Qanun discussed with the Governor to obtain joint approval;
 - b. To conduct supervision over the implementation of Aceh Qanun and other statutory regulations;
 - c. To conduct supervision over the policy of the Governmnet of Aceh, in the implementation of Aceh development program, the management of natural resources and other economic resources, capital investment and international cooperation;
 - d. To propose the appointment and dismissal of the Governor/Deputy Governor to the President through the Minister of Domestic Affairs;
 - e. To notify the Governor and KIP regarding the expiry of term of office of the Governor/Deputy Governor;
 - f. To elect the Deputy Governor in the event there is a vacant position as the Deputy Governor;
 - g. To provide opinion and considerations over international agreement plan conducted by the Government of Aceh;
 - h. To provide considerations and approval over the draft of international approval prepared by the Government related to special interest of Aceh;
 - i. To provide considerations and approval over the draft of Decisions of the House of People's
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Representatives of the Republic of Indonesia related to special interest of Aceh;

- j. To provide considerations and approval over inter-regions cooperation plan and/or cooperation plan with the third party which is burdening the community and the region;
- k. To request accountability statement report of the Governor in the governing for the assessment of government performance;
- l. To form KIP and Election Supervisory Committee; and
- m. To conduct supervision and to request the report on the activity and the budget utilization to KIP in the holding of election of the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor.

- (2) Performing other authorities stipulated in the statutory regulations.
- (3) The procedure for the implementation of the tasks and authorities as meant in paragraph (1) and paragraph (2) is stipulated by Aceh Qanun.

Article 22

- (1) DPRK has the following tasks and authorities:
 - a. To formulate regency/city Qanun discussed with the Regent/Mayor to obtain joint approval;

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- b. To conduct supervision over the implementation of regency/city Qanun and other statutory regulations;
- c. To conduct supervision over the policy of the government of regency/city in the implementation of regency/city development program, the management of natural resources and other economic resources, capital investment and international cooperation;
- d. To propose the appointment and dismissal of the Regent/Deputy Regent and the Mayor/Deputy Mayor to the Minister of Domestic Affairs through the Governor;
- e. To notify the Regent/Deputy Regent and KIP regarding the expiry of the term of office of the Regent/Deputy Regent and the Mayor/Deputy Mayor;
- f. To elect the Deputy Regent/Deputy Mayor in the event there is a vacant position as the Deputy Regent/Deputy Mayor;
- g. To provide opinions, considerations, and approval to the government of the regency/city over the international cooperation plan in the relevant regency/city;
- h. To provide considerations and approval over inter-regions cooperation plan and/or cooperation plan

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with the third party which is burdening the community and the regency/city;

- i. To request accountability statement report of the Regent/Mayor in the governing for the assessment of government performance.
- (2) Perform other authorities stipulated in the statutory regulations.
 - (3) The procedure for the implementation of the tasks and authorities as meant in paragraph (1) and paragraph (2) is stipulated by regency/city Qanun.

Third Section

Rights, Obligations and Ethic Code

Article 23

- (1) DPRA and DPRK have the rights:
 - a. of interpellation;
 - b. to issue questionnaire;
 - c. to present statement of opinion;
 - d. to make amendment to the draft of Qanun;
 - e. to discuss and approve draft of Qanun regarding Aceh and regency/city Revenue and Expenditure Budget with the Governor and or the Regent/Mayor;
 - f. to make the formulation and the submission of expenditure budget of DPRA/DPRK as a part of Aceh and regency/city Revenue and Expenditure Budget; and *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

g. to prepare and determine the Order and Ethic Code Regulation of DPRA/DPRK.

- (2) The implementation of the right to issue questionnaire as meant in paragraph (1) letter b is conducted after the submission of the right of interpellation as meant in paragraph (1) letter a and obtaining approval from the plenary meeting of DPRA/DPRK which is attended by at least 3/4 (three fourth) of the total number of members of DPRA/DPRK and the decision is adopted by the approval of at least 2/3 (two third) of the total number of members of DPRA/DPRK.
- (3) In using the right to issue questionnaire as meant in paragraph (2), will be formed questionnaire committee consisting of DPRA/DPRK element who will be working for a period of at the maximum 60 days, and within such period it must have delivered its working product to DPRA/DPRK.
- (4) In performing its tasks, the questionnaire committee as meant in paragraph (3) may summon, hear and examine a person who is considered of knowing or should know the issue being investigated as well as to request the presentation of letters or documents relating to the issue being investigated.
- (5) Each person summoned, heard, and examined as meant in paragraph (4) must fulfill such summon of the *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

questionnaire committee unless there is a lawful ground according to the statutory regulations.

- (6) In the event that a person who has been properly summoned consecutively does not fulfill such summon as meant in paragraph (5), the questionnaire committee may forcefully summon the person with the assistance of the State Police Department of the Republic of Indonesia in accordance with the statutory regulations.
- (7) All work result of questionnaire committee is confidential.
- (8) The procedure for the utilization of the right as meant in paragraph (1) letter a, letter g, letter h, letter i is stipulated in the order regulation of DPRA/DPRK.
- (9) The order regulation as meant in paragraph (1) letter j is stipulated in accordance with the statutory regulations.

Article 24

- (1) Each member of DPRA/DPRK has the rights:
 - a. to submit draft of Qanun;
 - b. to present queries;
 - c. to put forward proposal and opinion;
 - d. of protocol affairs;
 - e. over finance and administrative matters;
 - f. to elect and to be elected;

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- g. to defend him/herself; and
 - h. of immunity.
- (2) The implementation of the provisions as meant in paragraph (1) letter d and letter e is stipulated by Qanun in accordance with the statutory regulations.
- (3) The members of DPRA/DPRK has the obligations:
- a. to realize Pancasila, to implement the 1945 Constitution of the Republic of Indonesia and to comply with all statutory regulations;
 - b. to foster democracy in the governing of Aceh Government and Regency/City Government;
 - c. to promote the improvement of people's welfare and prosperity;
 - d. to attend to and channel aspiration, to receive community complaints and reports, as well as to facilitate the follow up for their solutions;
 - e. to comply with the order regulation, ethic code and oath/promise of the members of DPRA/DPRK;
 - f. to prioritize the interest of the state above the personal interest, the interest of the group and the class;
 - g. to provide accountability over the his/her tasks and performance as a member of DPRA/DPRK as the

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realization of moral and political accountability over his/her election area; and

h. to maintain the norm and ethic in the working relationship with related institutions.

(4) The implementation of the rights and obligation as meant in paragraph (1) letter a, letter b, letter c, letter f, letter g, letter h and paragraph (2) is stipulated in the Order Regulation of DPRA/DPRK.

Article 25

(1) DPRA/DPRK is obliged to prepare ethic code to maintain the dignity and honor of the members of DPRA/DPRK in performing their tasks and authorities.

(2) The ethic code as meant in paragraph (1) at the minimum covers:

a. definition of ethic code;

b. the purposes of ethic code;

c. the arrangement of attitude, working order and relationship among the regional government administrator and among the members as well as between the members of DPRA/DPRK and other parties;

d. the decent and appropriate manner which should be practiced by the members of DPRA/DPRK;

e. the ethic in the presentation of opinion, responses, replies, rebuttal; and

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f. sanctions and rehabilitation.

Fourth Section

Investigation and Prosecution

Article 26

- (1) The members of DPRA/DPRK cannot be prosecuted before the court due to a statement, question and/or opinion presented orally or in writing in the meeting of DPRA/DPRK, to the extent it is not contradictory to the Order Regulation and Ethic Code of DPRA/DPRK.
- (2) The provision as meant in paragraph (1) is not applicable in the event that the relevant members publicize the subject matter which has been agreed in the closed meeting to be kept confidential or matters as meant by the provision regarding the publication of state secret in the statutory regulations.
- (3) Members of DPRA/DPRK cannot be replaced in an interim manner due to their statement and/or opinion presented in the meeting of DPRA/DPRK.

Article 27

- (1) Investigation towards the members of DPRA is conducted upon written approval from the Minister of Domestic Affairs on behalf of the President for the members of DPRA and from the Governor on behalf of the Minister of Domestic Affairs for members of DPRK.

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- (2) In the event that the written approval as meant in paragraph (1) is not granted within a period of not later than 60 (sixty) days as of the receipt of such request, the investigation process may be commenced.
- (3) Investigation which is followed up by an arrest requires written approval in the manner as meant in paragraph (1) and paragraph (2).
- (4) Matters exempted from the provision as meant in paragraph (1) are:
 - a. Caught in hand of conducting criminal offences; or
 - b. Suspected of conducting criminal offences sanctioned with death penalty or criminal offences against the security of the state.
- (5) After the action as meant in paragraph (4) is conducted, the investigation must be reported to the official granting such permit as meant in paragraph (1) not later than 2 (two) times 24 (twenty four) hours.

Fifth Section

Apparatus of DPRA/DPRK

Paragraph 1

General

Article 28

- (1) Apparatus of DPRA/DPRK consists of:
 - a. the principal;

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- b. the commission;
 - c. the deliberation committee;
 - d. the budgetary committee;
 - e. the honorary board;
 - f. the drafting and reviewing board or by any other names; and
 - g. other required apparatus.
- (2) The formation, composition, tasks and authorities of the apparatus as meant in paragraph (1) is stipulated in the Order Regulation of DPRA/DPRK.

Paragraph 2

Commission

Article 29

- (1) DPRA/DPRK may form at the minimum 5 (five) commissions and at the maximum 8 (eight) commissions.
- (2) DPRA/DPRK having members of 20 (twenty) persons up to 35 (thirty five) persons will form 4 (four) commissions, DPRA/DPRK having members of more than 35 (thirty five) persons will form 5 (five) commissions.

Paragraph 3

Honorary Board of DPRA/DPRK

Article 30

- (1) The Honorary Board of DPRA/DPRK is formed and stipulated by the decree of DPRA/DPRK.

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- (2) The members of the Honorary Board of DPRA/DPRK as meant in paragraph (1) consist of the members of DPRA/DPRK provided that:
 - a. for DPRK having up to 34 (thirty four) members, totaling to 3 (three) persons, and for DPRA having 35 (thirty five) or more members, totaling to 5 (five) persons; and
 - b. for DPRA totaling to 5 (five) persons.
- (3) The members of Honorary Board as meant in paragraph (2) are elected by DPRA/DPRK.
- (4) The Principal of the Honorary Board of DPRA/DPRK as meant in paragraph (2) consists of a Chairman and a Deputy Chairman elected from and by the members of the Honorary Board.
- (5) The Honorary Board as meant in paragraph (1) is assisted by a secretariat which is functionally performed by the Secretariat of DPRA/DPRK.
- (6) The implementation of the provisions of paragraph (1), paragraph (2), paragraph (3), paragraph (4) and paragraph (5) is stipulated by the Order Regulation of DPRA/DPRK.

Article 31

- (1) The Honorary Board has the tasks of:
 - a. Observing and evaluating the discipline, ethic and moral of the members of DPRA/DPRK in the framework *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

- of maintaining the dignity and honor in accordance with the Ethic Code of DPRA/DPRK;
- b. Examining the presumption of violation conducted by the members of DPRA/DPRK over the Order Regulation and Ethic Code of DPRA/DPRK as well as the oath/promise;
 - c. Conducting investigation, verification and clarification over the report of the chairman and the members of DPRA/DPRK, community and/or the voters; and
 - d. Conveying conclusion over the result of the investigation, verification and clarification as meant in letter c as the recommendation to be followed up by DPRA/DPRK.
- (2) The working mechanism of the Honorary Board is composed by the Honorary Board and approved by the principal of DPRA/DPRK.

Sixth Section

Fraction

Article 32

- (1) Each member of DPRA/DPRK is obliged to assemble in the fraction.

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- (2) The total number of members of each fraction as meant in paragraph (1) at the minimum must be equal to the minimum number of commissions in DPRA/DPRK.
- (3) The members of DPRA/DPRK as meant in paragraph (1) from political party that is not qualified to form 1 (one) fraction, is obliged to join the existing fraction or to form coalition of fractions.
- (4) The existing fractions are obliged to accept members of DPRA/DPRK from other political party that is not qualified to form 1 (one) fraction.
- (5) In the event that the coalition of fractions as meant in paragraph (3) after being formed, then no longer qualified as a coalition of fractions, all members of such coalition of fractions are obliged to join other fraction and/or other qualified coalition of fractions.
- (6) Political party that is qualified to form a fraction may only form 1 (one) fraction.
- (7) The coalition of fractions may be formed by qualified political parties as meant in paragraph (2) and paragraph (5).

Seventh Section

Prohibitions and Dismissal of the Members of DPRA/DPRK

Paragraph 1

Prohibitions

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Article 33

- (1) The members of DPRA/DPRK are prohibited to serve concurrently as:
 - a. other state officials;
 - b. judges in judiciary institutions;
 - c. civilian government employees, members of the Indonesian National Army and the members of the State Police Department of the Republic of Indonesia, employees of state owned enterprises, regional owned enterprise and/or other institutions whose budgets derive from APBN/APBA/APBK.
- (2) The members of DPRA/DPRK are prohibited to perform works as structural officials at private educational institutions, public accountants, consultants, advocates/lawyers, notaries, practicing doctors, journalists and managers of mass media as well as other works related to the tasks, authorities and rights as the members of DPRA/DPRK.
- (3) The members of DPRA/DPRK are prohibited to conduct corruption, collusion and nepotism.
- (4) The members of DPRA/DPRK performing the works as meant in paragraph (2) are obliged to relinquish such works during their services as members of DPRA/DPRK.

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- (5) The members of DPRA/DPRK who do not fulfill the obligation as meant in paragraph (4) are dismissed by the principal based on the examination result of the Honorary Board of DPRA/DPRK.
- (6) The implementation of the provisions as meant in paragraph (1), paragraph (2), paragraph (3), paragraph (4) and paragraph (5) is stipulated in the Order Regulation of DPRA/DPRK as guided by the statutory regulations.

Paragraph 2

Dismissal of the Members of DPRA/DPRK

Article 34

- (1) A member of DPRA/DPRK discontinues ad-interim as a member due to:
- a. Being deceased;
 - b. Resigning upon his/her own written request; and
 - c. The proposal of the relevant political party.
- (2) A member of DPRA/DPRK is dismissed ad-interim due to:
- a. Unable to perform the tasks continuously or being permanently impeded for 6 (six) months consecutively;
 - b. Being no longer qualified as a member of DPRA/DPRK;

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- c. Being declared of violating the oath/promise of office, and/or violating the ethic code of DPRA/DPRK;
 - d. Not performing the obligations as a member of DPRA/DPRK;
 - e. Violating the prohibitions for members of DPRA/DPRK; and
 - f. Being declared guilty based on Court decision having permanent legal force for conducting criminal offences sanctioned with an imprisonment penalty of at the minimum 5 (five) years or more.
- (3) The dismissal of a member of DPRA/DPRK who has fulfilled the provisions as meant in paragraph (1) and paragraph (2) is conveyed by the principal of DPRA to the Minister of Domestic Affairs through the Governor for a member of DPRA and to the Governor through the Regent/Mayor for a member DPRK to validate the dismissal.
- (4) The dismissal of a member of DPRA/DPRK as meant in paragraph (2) letter a, letter b, letter c, letter d and letter e is conducted upon a decision of DPRA/DPRK based on the recommendation from the Honorary Board of DPRA/DPRK.
- (5) The implementation of the provisions as meant in paragraph (1), paragraph (2), paragraph (3) and paragraph *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

(4) is stipulated in the Order Regulation of DPRA/DPRK as guided by the statutory regulations.

CHAPTER VIII

THE GOVERNMENT OF ACEH AND THE GOVERNMENT OF REGENCY/CITY

First Section

General

Article 35

- (1) The Government of Aceh is lead by a Governor as the Head of the Government of Aceh and assisted by a Deputy Governor.
- (2) The Governor in performing his/her tasks is assisted by the apparatus of Aceh.
- (3) The Governor is responsible for determining the policy of the government of Aceh in all sectors of public services including public tranquility and public order.
- (4) The Governor due to his/her position is also acting as the representative of the Government.
- (5) In his/her position as the representative of the Government, the Governor is accountable to the President.
- (6) Further provisions regarding the matters as meant in paragraph (3) are stipulated in Aceh Qanun in accordance with the statutory regulations.

Article 36

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- (1) The government of regency/city is lead by a Regent/Mayor as the Head of the government of regency/city and assisted by a Deputy Regent/Deputy Mayor.
- (2) The Regent/Mayor in performing his/her tasks is assisted by the apparatus of the regency/city.
- (3) The Regent/Mayor is responsible for determining the policy of the government of regency/city in all sectors of public services including public tranquility and public order.
- (4) Further provisions regarding the matters as meant in paragraph (3) are stipulated in Regency/City Qanun in accordance with the statutory regulations.

Second Section

Tasks and Authorities

Article 37

- (1) The Governor, the Regent/Mayor have the tasks and authorities:
 - a. To lead the governing based on the policy jointly determined with DPRA/DPRK;
 - b. To submit draft of Qanun;
 - c. To stipulate Qanun that has been jointly approved with DPRA/DPRK;

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- d. To formulate and submit draft of Qanun regarding APBA/ABPK to DPRA/DPRK to be mutually discussed and stipulated;
 - e. To implement and coordinate the implementation of Islamic Syari'at in a kaffah manner;
 - f. To provide accountability statement report regarding the governing to DPRA/DPRK;
 - g. To provide report on the governing of Aceh/Regency/City Government to the Government;
 - h. To convey information regarding the governing of Aceh/Regency/City Government to the public;
 - i. To strive for the accomplishment of government authorities;
 - j. To represent their regions inside or outside the court, and may appoint legal attorney to represent them in accordance with the statutory regulations; and
 - k. To perform other tasks and authorities in accordance with the statutory regulations.
- (2) The Governor provides considerations and approvals over the administrative policies stipulated by the Government related to the special interest of Aceh.

Article 38

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- (1) The Governor in his/her position as the representative of the Government as meant in Article 35 paragraph (4) has the tasks and authorities to:
 - a. foster and supervise the governing of regency/city government;
 - b. coordinate the administration of Government affairs in Aceh and regencies/cities;
 - c. coordinate the fostering and supervision over the organization of assisting tasks in Aceh and regencies/cities.
- (2) The funding for the implementation of the Governor's tasks and authorities as meant in paragraph (1) is burdened to APBN.
- (3) The financial position of the Governor as meant in paragraph (1) is stipulated in the Government Regulation.
- (4) The procedure for the implementation of the Governor's tasks and authorities as meant in paragraph (1) is stipulated in the Government Regulation.

Article 39

- (1) The Deputy Governor/Deputy Regent/Deputy Mayor has the tasks to:
 - a. assist the Governor/Regent/Mayor in administering the government;

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- b. assist the Governor/Regent/Mayor in coordinating the activities of government vertical institutions, following-up the report and/or findings on the supervisory result of the supervising apparatus, implementing the empowerment of women and youth, the empowerment of customary law, Islamic syari'at, as well as striving for the development of culture and the preservation of environment;
 - c. monitor and evaluate the governing of regency/city government for the Deputy Governor, and monitor and evaluate the governing of district, kemukiman, sub-district, gampong territories for the Deputy Regent/Deputy Mayor;
 - d. perform the tasks and authorities of the Governor/Regent/Mayor in the event that the Governor/Regent/Mayor is impeded; and
 - e. perform other tasks and obligations of the government given by the Governor/Regent/Mayor.
- (2) In performing the tasks as mentioned in paragraph (1), the Deputy Governor is accountable to the Governor, and the Deputy Regent/Deputy Mayor is accountable to the Regent/Mayor.
- (3) The Deputy Governor will be substituting the Governor and the Deputy Regent/Deputy Mayor will be substituting the *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

Regent/Mayor up to the expiry of his/her term of office in the event that the Governor/Regent/Mayor is resigning and/or dismissed.

Third Section

Obligations and Prohibitions

Article 40

- (1) The Governor/Deputy Governor, the Regent/Deputy Regent, the Mayor/Deputy Mayor, in performing their tasks as meant in Article 36 and Article 37 have the obligations to:
- a. strictly adhere to and materialize Pancasila, impelement the 1945 Constitution of the Republic of Indonesia as well as defend and maintain the unity of the Unitary State of the Republic of Indonesia;
 - b. implement the syari'at of their religion;
 - c. improve people's prosperity;
 - d. maintain public security, public tranquility and public order;
 - e. accomplish democratic life;
 - f. implement the principles and order of clean, good government and free from corruption, collusion and nepotism;
 - g. transparently carry out and account for the management of Aceh/regency/city financial matters;

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- h. convey the strategic plan for the governing of Aceh/regency/city Government before the plenary meeting of DPRA/DPRK;
 - i. create working relationship with the government vertical institutions and the apparatus of Aceh/regency/city Government.
- (2) Besides having the obligations as meant in paragraph (1), the Governor, Regent/Mayor also have the obligations to provide report on the governing of Aceh/regency/city Government to the Government, and to provide accountability statement report to DPRA/DPRK as well as to inform the report on the governing of Aceh/regency/city Government to the public.
- (3) The implementation of the provisions as meant in paragraph (1) and paragraph (2) is stipulated by the statutory regulations.

Article 40

The Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor are prohibited from:

- a. Adopting a decision that is specifically benefiting themselves, their family members, their cronies, certain class, or their political groups that is contradictory to the statutory regulation, impairing public interests, and

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- causing anxiety over a certain group of the community, or discriminating the citizen and/or other community group;
- b. Participating in a company, either state-owned, privately-owned or owned by the government of Aceh, or in a foundation in any sector whatsoever;
 - c. Performing other works relating to their positions that are benefiting themselves, both directly and indirectly;
 - d. Conducting corruption, collusion, nepotism, and accepting money, goods and/or services from other parties which are influencing the decision or action to be conducted;
 - e. Becoming advocates or legal attorneys over a case before the court other than in the matters as specified in Article 37 paragraph (1) letter j.
 - f. Misusing their authorities and violating their oath/promise of office; and
 - g. Serving concurrently as other state officials, as members of the House of People's Representatives of the Republic of Indonesia, the Regional Representatives Board and DPRA as stipulated in the statutory regulations.

Fourth Section

Dismissal

Article 42

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- (1) The Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor discontinue occupying their positions due to:
 - a. Being deceased;
 - b. Their own request; or
 - c. Being dismissed.

- (2) The Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor, as meant in paragraph (1) letter c are dismissed due to:
 - a. The expiry of their term of office and the new officials have been inaugurated;
 - b. Being incapable of performing their tasks continuously or being permanently impeded for 6 (six) months consecutively;
 - c. Being no longer qualified as the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor;
 - d. Being declared of violating the oath/promise of office as the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor;
 - e. Not performing their obligations as the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor;

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- f. Violating the prohibitions for the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor.
- (3) The dismissal of the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor, as meant in paragraph (1) letter a and letter b as well as paragraph (2) letter a and letter b is notified by the principal of DPRA/DPRK to be decided in the plenary meeting and is proposed by the principal of DPRA/DPRK.
- (4) The dismissal of the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor, as meant in paragraph (2) letter d and letter e is conducted with the provision that:
- a. The dismissal of the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor, is proposed to the President based on the decision of the Supreme Court upon the opinion of DPRA/DPRK, that the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor are declared of violating their oath/promise of office and/or not performing the obligations as the Governor and the

Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor;

- b. The opinion of DPRA/DPRK as meant in letter a is decided through the Plenary Meeting of DPRA/DPRK attended by at least 3/4 (three fourth) of the total members of DPRA/DPRK and the decision is adopted based on the approval of at least 2/3 (two third) of the total members of DPRA/DPRK present;
- c. The Supreme Court is obliged to examine, trial, and decide the opinion of DPRA/DPRK not later than 30 (thirty) days after the request of DPRA/DPRK is received by the Supreme Court and its decision is final in nature;
- d. In the event that the Supreme Court decides that the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor, are proven of violating their oath/promise of office and/or not performing their obligations, DPRA/DPRK will convene plenary meeting of DPRA/DPRK attended by at least 3/4 (three fourth) of the total members of DPRA/DPRK and the decision is adopted based on the approval of at least 2/3 (two third) of the total members of DPRA/DPRK present, to decide the proposal for the dismissal of the Governor and the
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Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor, to the President; and

- e. The President is obliged to process the proposal for the dismissal of the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor, not later than 30 (thirty) days as of DPRA/DPRK submits such proposal.

Article 43

- (1) The Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor are suspended by the President without going through the proposal of DPRA/DPRK in the event that they are declared of conducting criminal offences sanctioned with imprisonment of at the minimum 5 (five) years or more based on the court decision.
- (2) The Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor are dismissed by the President without going through the proposal of DPRA/DPRK in the event that they are proven of conducting criminal offences as meant in paragraph (1) based on the court decision having permanent legal force.

Article 44

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- (1) The Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor are suspended by the President without going through the proposal of DPRA/DPRK due to being accused of conducting corruption, terrorism, coup d'état, and/or criminal offences against the security of the state.
- (2) The Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor are dismissed by the President without going through the proposal of DPRA/DPRK due to being proven of conducting corruption, terrorism, coup d'état, and/or criminal offences against the security of the state and/or other criminal offences which are declared by court decision having permanent legal force.

Article 45

- (1) In the event that the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor are facing expanding public trust crisis due to the presumption of conducting criminal offences and which are involving their responsibilities, DPRA/DPRK will use the right to issue questionnaire to respond to such matter.
- (2) The utilization of the right to issue questionnaire as meant in paragraph (1) is conducted upon obtaining *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

approval from the Plenary Meeting of DPRA/DPRK attended by at least 3/4 (three fourth) of the total members of DPRA/DPRK and the decision is adopted with the approval of at least 2/3 (two third) of the total members of DPRA/DPRK present, to conduct investigation against the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor.

- (3) In the event that being discovered the evidence of such criminal offences as meant in paragraph (1), DPRA/DPRK will forward the settlement process to the legal enforcer apparatus in accordance with the statutory regulations.
- (4) In the event that the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor are declared of being guilty for conducting criminal offences sanctioned with imprisonment of at the minimum 5 (five) years or more based on the court decision that is not yet having permanent legal force as meant in paragraph (3), DPRA/DPRK will propose the suspension with the decision of DPRA/DPRK.
- (5) Based on the decision of DPRA/DPRK as meant in paragraph (4), the President will stipulate the suspension of the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor.

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- (6) In the event that the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor are declared of being guilty based on the court decision having permanent legal force as meant in paragraph (4), the principal of DPRA/DPRK will propose the dismissal based on the decision of the plenary meeting of DPRA/DPRK and attended by at least 3/4 (three fourth) of the total members of DPRA/DPRK and the decision is adopted based on the approval of at least 2/3 (two third) of the total members of DPRA/DPRK present.
- (7) Based on the decision of DPRA/DPRK as meant in paragraph (6), the President will dismiss the Governor and the Deputy Governor, the Regent and the Deputy Regent, the Mayor and the Deputy Mayor in accordance with the statutory regulations.

Article 46

- (1) The suspended Governor and Deputy Governor, Regent and Deputy Regent, Mayor and Deputy Mayor as meant in Article 43 paragraph (1), Article 44 paragraph (1), and Article 45 paragraph (5) after going through court proceeding and proven of being not guilty based on the court decision having permanent legal force, not later than 30 (thirty) days, the President will rehabilitate and reactivate the relevant Governor and the Deputy Governor, the Regent and *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

the Deputy Regent, the Mayor and the Deputy Mayor up to the end of their term of office.

- (2) In the event that the term of office of the suspended Governor and Deputy Governor, Regent and Deputy Regent, Mayor and Deputy Mayor as meant in paragraph (1) has expired, the President will rehabilitate the relevant Governor and Deputy Governor, Regent and Deputy Regent, Mayor and Deputy Mayor and will not reactivate them.

Article 47

- (1) In the event that the Governor/Regent/Mayor is suspended as meant in Article 43 paragraph (1), Article 44 paragraph (1) and Article 45 paragraph (5), the Deputy Governor/Deputy Regent/Deputy Mayor will perform the tasks and obligations of the Governor/Regent/Mayor until there is a court decision having permanent legal force.
- (2) In the event that the Deputy Governor/Deputy Regent/Deputy Mayor is suspended as meant in Article 43 paragraph (1), Article 44 paragraph (1) and Article 45 paragraph (5), the tasks and authorities of the Deputy Governor/Deputy Regent/Deputy Mayor will be performed by the Governor/Regent/Mayor until there is a court decision having permanent legal force.
- (3) In the event that the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor are *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

suspended as meant in Article 43 paragraph (1), Article 44 paragraph (1), and Article 45 paragraph (5), the President will determine the acting Governor/Regent/Mayor, upon the considerations of DPRA through the Minister of Domestic Affairs and the acting Regent/Deputy Regent and Mayor/Deputy Mayor upon the considerations of DPRK through the Governor until there is a court decision having permanent legal force.

- (4) The procedure for the determination, the criteria of the candidates, and the term of office of the acting officials as meant in paragraph (3) is in accordance with the Government Regulation.

Article 48

- (1) In the event that the Governor/Regent/Mayor is dismissed based on the court decision having permanent legal force as meant in Article 43 paragraph (2), Article 44 paragraph (2), and Article 45 paragraph (7), the position as the head of region will be substituted by the Deputy Governor/Deputy Regent/Deputy Mayor until the expiry of his/her term of office and the process of its implementation is conducted based on the resolution of the Plenary Meeting of DPRA or DPRK and ratified by the President.

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- (2) In the event that the Governor/Regent/Mayor discontinues due to has passed away then the President will determine and ratify the Deputy Governor/Deputy Regent/Deputy Mayor to fill in the position as the head of the region until the expiry of his/her term of office.
- (3) In the event that there is a vacant position as the Deputy Governor/Deputy Regent/Deputy Mayor as meant in paragraph (1) whose remaining term of office is more than 18 (eighteen) months, the Governor/Regent/Mayor will propose 2 (two) candidates for the Deputy Governor/Deputy Regent/Deputy Mayor to be elected by the Plenary Meeting of DPRA or DPRK based on the proposal of the political party or coalition of political parties whose pair of candidates is elected in the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor.
- (4) In the event that the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor discontinue or are dismissed concurrently within their term of office, the Plenary Meeting of DPRA or DPRK will decide and assign KIP to convene the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor not later than 6 (six) months as

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of the determination of the acting Governor/Regent/Mayor.

- (5) In the event that there is a vacant position as the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor as meant in paragraph (3), the Secretary of Aceh and the Secretary of the regency/city will perform the daily tasks of the Governor/Regent/Mayor until the President appoints the acting Governor/Regent/Mayor.
- (6) The procedure for the filling in of such vacancies, the requirements and the term of office of the acting officials as meant in paragraph (5) is in accordance with the Government Regulation.

Fifth Section

Investigation and Examination

Article 49

- (1) Investigation and examination towards the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor are conducted after the obtainment of written approval from the President upon the request of the examiner.
- (2) In the event that the written approval as meant in paragraph (1) is not granted by the President within 60

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- (sixty) days as of the receipt of the request, the investigation and examination process may be conducted.
- (3) Examination which is continued by an arrest requires written approval in accordance with the provisions as meant in paragraph (1) and paragraph (2).
- (4) Matters exempted from the provisions as meant in paragraph (1) are:
- a. Caught in hand of conducting criminal offences; or
 - b. Suspected of having been conducting criminal offences sanctioned with death penalty, or having been conducting criminal offences against the security of the state.
- (5) Examination activities as meant in paragraph (4) must be reported to the President within 2 (two) times 24 (twenty four) hours.

CHAPTER IX

ELECTION ORGANIZER

First Section

KIP

Article 50

- (1) Aceh KIP is the organizer of the Election for the Governor/Deputy Governor.
- (2) Regency/City KIP is the organizer of the Election for the Regent/Deputy Regent and the Mayor/Deputy Mayor.

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- (3) In the election for the Governor/Deputy Governor as meant in paragraph (1), Regency/City KIP is a part of the organizer of the election for the Governor/Deputy Governor.
- (4) In addition to convening the election as meant in paragraph (1) and paragraph (2), Aceh and Regency/City KIP are assigned to convene general election for the President/Vice President, the House of People's Representatives of the Republic of Indonesia, the Regional Representatives Board, DPRA and DPRK.
- (5) Aceh KIP is formed by DPRA and officially recognized by the Governor.
- (6) Regency/city KIP is formed by DPRK and officially recognized by the Regent/Mayor.

Article 50

- (1) The members of Aceh KIP are totaling to 7 (seven) persons and the members of regency/city KIP are totaling to 5 (five) persons deriving from community elements.
- (2) The working period of KIP is 5 (five) years.

Second Section

Tasks and Authorities

Article 52

- (1) Tasks and authorities of KIP are as follows:

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- a. plan and convene the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
- b. determine the procedure for the implementation of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
- c. coordinate, convene and control all implementation stages of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
- d. stipulate the date and procedure for the implementation of campaign as well as the voting on the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
- e. receive, examine and determine the pair of candidates as the participants of the election;
- f. examine the requirements of the candidates for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor being nominated;
- g. determine the pair of qualified candidates;
- h. accept the registration and publicize the campaign team;
- i. publicize report on the donation of campaign fund;

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- j. determine the result of vote counting recapitulation and publicize the result of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
 - k. conduct evaluation and provide report to DPRD over the implementation of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor; and
 - l. conduct other tasks and authorities stipulated by the statutory regulations.
- (2) In the convening of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor, the regency/city KIP is a part of the organizer of the election as stipulated by Aceh KIP.

Article 53

KIP is obligated to:

- a. treat the pair of candidates fairly and equally;
- b. determine the standardization as well as the necessity of goods and services relating to the convening of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor based on the statutory regulations;

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- c. convey report over each implementation stage to DPRA for Aceh KIP and to DPRK for regency/city KIP and convey information regarding its activities to the public;
- d. maintain the election archives and documents as well as manage KIP inventories based on the statutory regulations;
- e. account for the utilization of budget to the Governor, and the Regent/Mayor in accordance with the statutory regulations; and
- f. implement all stages for the election of the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor in a timely manner.

Third Section

Election Supervisory Committee

Article 54

- (1) Aceh Election Supervisory Committee is formed by DPRA.
- (2) Regency/city Election Supervisory Committee is formed by Aceh Election Supervisory Committee.
- (3) Members of the Election Supervisory Committee as meant in paragraph (1) and paragraph (2), each are totaling to 5 (five) persons consisting of the elements of police department, district attorney general, universities, press and public figures elected by DPRA.

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- (4) The working period of the Election Supervisory Committee is ended 3 (three) months after the inauguration of the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor.

Fourth Section

Tasks and Authorities of the Election Supervisory Committee

Article 55

- (1) The tasks and authorities of the Election Supervisory Committee are:
- a. Conducting supervision on the implementation of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
 - b. Performing other tasks and authorities stipulated by the statutory regulations.
- (2) The implementation of the tasks as meant in paragraph (1) is in accordance with the statutory regulations.

Article 56

The tasks and authorities of the Election Supervisory Committee as meant in Article 55 are performed through:

- a. the supervision of all implementation stages of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;

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- b. the settlement of dispute arising in the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
- c. the forwarding of unsettled findings and reports to the authorized institutions; and
- d. the arrangement of the coordination relationship between the supervisory committee at all stages.

Article 57

- (1) The monitoring over the implementation of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor may be conducted by local observer, national observer and foreign observer.
- (2) The observer of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor as meant in paragraph (1) must fulfill the requirements which cover:
 - a. being independent in nature; and
 - b. having clear source of fund.
- (3) Foreign observer as meant in paragraph (1) must fulfill the procedure stipulated in the statutory regulations.
- (4) The observer of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor as meant in paragraph (2) and paragraph (3) must be registered at KIP.

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Article 58

The convening of the Election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor as meant in Article 50, Article 51, Article 52, Article 53, Article 54, Article 55, Article 56 and Article 57 is stipulated in accordance with the statutory regulations.

CHAPTER X**THE ELECTION FOR THE GOVERNOR/DEPUTY GOVERNOR,
THE REGENT/DEPUTY REGENT AND THE MAYOR/DEPUTY MAYOR****First Section****General****Article 57**

- (1) The Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor are elected in one pair directly by the people once every 5 (five) years through democratic, free, confidential election as well as conducted fairly and justly.
- (2) The Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor occupy the position for 5 (five) years and may be re-elected to occupy the same position only for one time of service period.
- (3) The cost on the election for the Governor/Deputy Governor is burdened to APBA.

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- (4) The cost on the election for the Regent/Deputy Regent and the Mayor/Deputy Mayor is burdened to APBK.

Second Section

Election Stage

Article 60

- (1) The stages and schedule of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor are stipulated by KIP.
- (2) The process of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor go through the stages of preparation, nomination, implementation of election, ratification of election result and inauguration.
- (3) The preparation stage of the election covers:
- a. the formation and ratification of Aceh KIP by DPRA and Regency/City KIP by DPRK;
 - b. the notification of DPRA to Aceh KIP regarding the expiry of the term of office of the Governor/Deputy Governor;
 - c. the notification of DPRK to Regency/City KIP regarding the expiry of the term of office of the Regent/Deputy Regent and the Mayor/Deputy Mayor;
 - d. the planning of the implementation, which covers the determination of the procedure and schedule of the
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- implementation stages of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
- e. the formation of Supervisory Committee, PPK, PPG and PPS; and
 - f. the notification and registration of election observers.
- (4) The election implementation stage as meant in paragraph (2) is conducted through:
- a. the determination of voters list;
 - b. the registration and determination of the candidates for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor;
 - c. campaign;
 - d. voting;
 - e. votes counting;
 - f. the determination on the elected pair of candidates for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor, their ratification and inauguration.
- (5) The registration and determination as meant in paragraph (4) letter b cover:
- a. the administrative examination over the nominees for the pair of candidates by KIP;
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- b. the explanation regarding the vision and mission of the nominees for the pair of candidates in the special plenary meeting of DPRA/DPRK;
 - c. the determination of the nominees for the pair of candidates by KIP;
 - d. the determination of the pair of candidates by KIP; and
 - e. the registration of voters by KIP.
- (6) The procedure for the election stages as meant in paragraph (2), paragraph (3), paragraph (4) and paragraph (5) is stipulated by KIP as guided by Qanun.

Third Section

Nomination

Article 61

- (1) The pair of candidates for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor as meant in Article 59 paragraph (1) is submitted by the political party or coalition of political parties and/or local political party.
- (2) The candidates for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor must fulfill the following requirements:
- a. the citizen of the Republic of Indonesia;

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- b. faithfully implement the syari'at of his/her religion;
- c. comply with the 1945 Constitution of the Republic of Indonesia;
- d. having the educational background of at the minimum Senior High School or its equivalent;
- e. having the age of at the minimum 30 (thirty) years old;
- f. physically and mentally healthy and free from narcotics and drugs based on the result of comprehensive health examination by a team of doctors;
- g. has never been sentenced with imprisonment for committing a criminal offence sanctioned with imprisonment of at the minimum 5 (five) years based on court decision having permanent legal force, except for criminal offence in the form of coup d'état or political offences which have been rehabilitated;
- h. his/her voting right is not being revoked based on court decision having permanent legal force;
- i. has never commit disgraceful deed;
- j. familiar with his/her region and well-known by the community in his/her region;

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- k. submit the list of private assets and is willing to have that list to be publicized;
- l. not having the status as the acting Governor/Regent/Mayor; and
- m. not being liable for a debt either as an individual and/or as a legal entity which will impair the state finance.

Article 62

- (1) Political parties or coalition of political parties are obliged to provide the widest opportunity to qualified individual candidates as meant in Article 61 paragraph (2) as the nominees for the candidates for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor through democratic and transparent mechanism in accordance with the statutory regulations.
- (2) In the determination process for the pair of candidates, the political parties or coalition of political parties must observe the opinion and responses from the public.

Article 63

The ratification and inauguration stage of the elected Governor and Deputy Governor covers:

- a. the delivery of election result by KIP to DPRA and to be forwarded to the President;

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- b. the ratification of the elected Governor and Deputy Governor to the President; and
- c. the inauguration and the taking of oath of office for the Governor and the Deputy Governor are conducted by the Minister of Domestic Affairs on behalf of the President before the Chairman of Aceh Syar'iyah Court in the plenary meeting of DPRA.

Article 64

The ratification and inauguration stage of the elected Regent/Deputy Regent and Mayor/Deputy Mayor covers:

- a. the delivery of the election result by regency/city KIP to DPRK and then to be forwarded to the Governor;
- b. the ratification of the elected Regent/Deputy Regent and Mayor/Deputy Mayor by the President; and
- c. the inauguration and the taking of oath of office for the Regent/Deputy Regent and the Mayor/Deputy Mayor is conducted by the Governor on behalf of the President of the Republic of Indonesia before the Chairman of Aceh Syar'iyah Court in the plenary meeting of DPRK.

Fourth Section

Voters and the Rights of the Voters

Article 65

- (1) Voter for the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor is *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

Indonesian citizen domiciled in Aceh or in the regency/city who on the date of voting fulfills the following requirements:

- a. having the age of at the minimum 17 (seventeen) years old or have been married;
 - b. is not mentally disturbed;
 - c. his/her voting right is not being revoked based on court decision having permanent legal force; and
 - d. is registered as voter.
- (2) An Indonesian citizen who has been registered in the voters list however no longer qualified as meant in paragraph (1) may not use his/her voting right.

Article 66

- (1) Voters in Aceh, as meant in Article 65, have the rights to:
- a. elect the Governor and the Deputy Governor, the Regent and the Deputy Regent, as well as the Mayor and the Deputy Mayor;
 - b. supervise the election process for the Governor and the Deputy Governor, the Regent and the Deputy Regent as well as the Mayor and the Deputy Mayor;
 - c. propose the recalling of the members of DPRA and DPRK;

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- d. propose the dismissal before the expiry of the term of office of the Governor and the Deputy Governor, the Regent and the Deputy Regent as well as the Mayor and the Deputy Mayor;
 - e. submit the proposal regarding the policy for the implementation of Aceh/Regency/City Government;
 - f. submit the proposal regarding the perfecting of and the amendment to Qanun; and
 - g. supervise the utilization of budget.
- (2) The implementation of the rights of voters as meant in paragraph (1) is stipulated by Aceh Qonun.

CHAPTER XI

LOCAL POLITICAL PARTY

First Section

Formation

Article 67

- (1) Aceh residents may form local political party.
- (2) Local political party is established and formed by at least 50 (fifty) Indonesian citizens having the age of 21 (twenty one) years old which at least 30% (thirty percent) of them are women and have permanently domiciled in Aceh.
- (3) Local political party as meant in paragraph (2) is established by means of notarial deeds containing the *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

articles of association and the by-laws as well as its management structure.

- (4) The management of local political party is domiciled in the Capital City of Aceh.
- (5) At least 30% (thirty percent) of the management of local political party as meant in paragraph (4) is women.
- (6) Local political party has the name, crest and mark which characteristics do not have any similarity to the name, crest and mark of other political parties; and
- (7) Local political party has permanent office address.

Article 68

- (1) Local Political Party which has fulfilled the requirements as meant in Article 67 must be registered in the Regional Office of the Department of Law and Human Rights of Aceh.
- (2) The registration of a local political party as meant in paragraph (1) is published in the Aceh/Regency/City News.
- (3) The amendment to the articles of association and the by-laws of a local political party participating in the general election must be re-registered at the Regional Office of the Department of Law and Human Rights of Aceh.

Second Section

General Election

Article 69

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- (1) In order to participate in the general election for DPRA and DPRK, a local political party must fulfill the requirements, have a management of at least in 50% (fifty percent) of the total number of regencies/cities in Aceh and in 50% (fifty percent) of the number of districts in each of the relevant regency/city.
- (2) To be able to participate in the next general election, a local political party must acquire at least 5% (five percent) of the seats in DPRA or 5% (five percent) of the seats in DPRK dispersed at least in 25% (twenty five percent) of the total number of regencies/cities.

Third Section

Principles, Objectives and Functions

Article 70

- (1) The principles, characteristics and ideal of a local political party may not be contradictory to democracy, justice, welfare, peace and humanity.
- (2) A local political party must reflect the aspiration, religion, traditional customs and philosophy of live of Aceh people.

Article 71

- (1) The objectives of a local political party are:
 - a. practicing and promoting Islamic values;
 - b. promoting democracy;

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- c. materializing social justice;
 - d. improving people's welfare;
 - e. promoting peace;
 - f. upholding human rights; and
 - g. materializing civil society.
- (2) The general objectives of a local political party are:
- a. developing democracy;
 - b. materializing the national ideal of the Indonesian nation as meant in the preamble of the 1945 Constitution of the Republic of Indonesia; and
 - c. striving for the political rights, social rights, religious rights, economic rights, cultural rights, traditional customary rights, the rights over the security and orderliness of Aceh community in the framework of the Unitary State of the Republic of Indonesia.
- (3) The specific objectives of a local political party are:
- a. improving political participation of Aceh people in the governing at the regional and national level;
 - b. actively participating in the administration of regional autonomy in a fair manner and with dignity;
 - c. striving for the political ideal of the party in the religious life, communal life, national life and

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state life in accordance with the specific characteristics and specialty of Aceh.

Article 72

Local political parties are functioning as the facility for:

- a. political education for their members and the community;
- b. the creation of conducive climate for the unity and integrity of Indonesian nations for the welfare of the people;
- c. absorbing, collecting and conveying the political aspiration of the people; and
- d. people's political participation.

Fourth Section

Rights and Obligations

Article 73

(1) Local political party is entitled to:

- a. receive same, equal, and fair treatment from the Government;
- b. independently arrange and manage domestic affairs of the organization;
- c. obtain copyright over the name, crest and mark of the party from the Department of Law and Human Rights (HAM);
- d. participate in the general election to elect members of DPRA and DPRK;

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- e. propose the dismissal of its members in DPRA and DPRK;
 - f. propose the interim replacement of its members in DPRA and DPRK;
 - g. propose the pair of candidates for the Governor and the Deputy Governor, the candidates for the Regent and the Deputy Regent, as well as the candidates for the Mayor and the Deputy Mayor in Aceh; and
 - h. make an ally or coalition with the other local political parties or other national political parties.
- (2) The implementation of the provisions as meant in paragraph (1) letter d, letter e, letter f, letter g, and letter h is stipulated by Aceh Qanun.

Article 74

Local political party is obligated to:

- a. practice Pancasila, implement the 1945 Constitution of the Republic of Indonesia and other statutory regulations;
- b. maintain the unity of the Unitary State of the Republic of Indonesia;
- c. maintain public security and public order;
- d. participate in the development of Aceh and the national development;

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- e. revere the supremacy of law, democracy, and human rights;
- f. conduct political education and convey the political aspiration of its members;
- g. accomplish successful general election at the regional and national level;
- h. conduct data collection and maintain the data of its members;
- i. prepare bookkeeping, list of donators and amount of donation received, as well as publicize them to the community and the government to be informed;
- j. prepare periodic financial report;
- k. have special account for the funding of the party; and
- l. strive for materializing the implementation of Islamic syari'at.

Fifth Section

Prohibitions

Article 75

- (1) Local political party is prohibited to use name, crest, or mark which is similar to:
 - a. the state flag or crest of the Republic of Indonesia;
 - b. the crest of state institution or the crest of the Government;

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- c. the name, flag, or crest of other countries or international institutions/organizations;
- d. the name and picture of a person; or
- e. having similarity in the essence or in its entirety to other local political party and other political party having national basis.

(2) Local political party is prohibited to:

- a. conduct activity which is contradictory to Pancasila, the 1945 Constitution of the Republic of Indonesia or other statutory regulations;
- b. conduct activity which is endangering the unity of the Unitary State of the Republic of Indonesia;
- c. receive from or give donation to foreign party in any form whatsoever, which is contradictory to the statutory regulations;
- d. receive donation, either in the form of goods or money, from any party whatsoever without mentioning clear identity;
- e. receive donation from an individual and/or company/business entity exceeding the limit stipulated by the statutory regulations; or
- f. request or receive fund from state owned enterprise, regional government owned enterprise, village owned enterprise or by any other names, cooperatives,

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foundation, non governmental organization, community organization, and humanity organization.

- (3) Local political party is prohibited to establish business entity and/or own share in a business entity.
- (4) Local political party is prohibited to adhere to, develop, and spread out the teachings of communism and marxism-leninism.

Article 76

- (1) The membership of, the sovereignty of the members of, the management of a local political party are stipulated in the Articles of Association and By-Laws of the local political party.
- (2) Further provisions regarding the procedure for the formation, dissolution and amalgamation, finance, supervision, sanction, as well as the court proceeding for local political party are stipulated by the Government Regulation.
- (3) The Government Regulation as meant in paragraph (2) is issued at the latest in February 2007.

CHAPTER XII

WALI NANGGROE INSTITUTION

Article 77

- (1) Wali Nanggroe Institution is a customary law leadership as the community unifier which is independent, respected *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

as well as authorized to foster and supervise the administration of the life of customary law institutions, traditional customs, and the granting of title/degree and other customary law ceremonies.

(2) Wali Nanggroe Institution as meant in paragraph (1) is lead by a Wali Nanggroe who is personal and independent in nature.

(3) The requirements as the candidates for Wali Nanggroe as meant in paragraph (2) covers:

- a. Indonesian citizen;
- b. having the age of at least 40 (forty) years old;
- c. Moslem;
- d. Aceh origin;
- e. charismatic;
- f. having extensive as well as sound knowledge regarding religion, history, customs, culture and civilization of Aceh;
- g. having educational background of at the minimum Senior High School or its equivalent; and
- h. physically and mentally health.

(4) Wali Nanggroe is elected in a deliberation whose participants are consisting of:

- a. Customs leader, ulama and public figures representing the regencies/cities;

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- b. the Chairman of Aceh Ulama Consultative Assembly;
and
 - c. the Chairman of Aceh Customs Assembly.
- (5) The participants of the deliberation as meant in paragraph (4) letter a, are 3 (three) persons from each regency/city who are consisting of:
- a. 1 (one) customs leader representing the Regency/City Customs Assembly;
 - b. 1 (one) person from the ulama element representing the Regency/City MPU; and
 - c. 1 (one) person from public figure element elected by a deliberation of imuem mukim or by any other names.
- (6) The implementation of the deliberations as meant in paragraph (4) and paragraph (5), is facilitated by the Government of Aceh and the government of the regency/city as stipulated by Aceh Qanun.

Article 78

Wali Nanggroe is entitled to grant honorary title or customary degree to an individual or an institution either domestic or foreign, which criteria and procedure are stipulated by Aceh Qanun.

Article 79

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- (1) The term of office of Wali Nanggroe is 5 (five) years for one period and may be re-elected for one successive period.
- (2) The protocol and financial position of Wali Nanggroe is stipulated by Aceh Qanun.

CHAPTER XIII

CUSTOMARY LAW INSTITUTION

Article 80

- (1) Customary law institution is functioning and having the role as the device for community participation in the governing of Aceh Government in the sectors of public security, tranquility, harmony and order.
- (2) The settlement of community social problems in a customary law manner is conducted through customary law institutions.
- (3) Customary law institutions as meant in paragraph (1) and paragraph (2) cover:
 - a. Aceh Customs Assembly;
 - b. imeum mukim or by any other names;
 - c. imeum chik or by any other names;
 - d. keuchik or by any other names;
 - e. tuha peut or by any other names;
 - f. tuha lapan or by any other names;
 - g. imeum meunasah or by any other names;

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- h. keujreun blang or by any other names;
 - i. panglima laot or by any other names;
 - j. pawang glee or by any other names;
 - k. peutua seuneubok or by any other names;
 - l. haria peukan or by any other names;
 - m. syahbanda or by any other names.
- (4) The determination of the tasks, authorities, rights and obligations of customary law institutions, the empowerment of customs and traditional customs as meant in paragraph (1), paragraph (2) and paragraph (3) is stipulated by Aceh Qanun.

Article 81

- (1) The fostering of the customs and traditional customs life in accordance with the development and specialty of Aceh based on Islamic syari'at values is conducted by Wali Nanggroe.
- (2) The formulation of generally applicable customary provisions in Aceh community is conducted by customary law institutions with due observance of the considerations of Wali Nanggroe.
- (3) The implementation of the provisions as meant in paragraph (1) and paragraph (2) is stipulated by Aceh Qanun.

CHAPTER XIV

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APPARATUS OF ACEH AND REGENCY/CITY**First Section****General****Article 82**

- (1) The apparatus of Aceh consist of Aceh Secretariat, DPRA Secretariat, Aceh Service Office and Aceh technical institution stipulated by Aceh Qanun.
- (2) The apparatus of Regency/City consist of Regency/City Secretariat, DPRK Secretariat, Regency/City Service Office, Regency/City technical institution, District, Sub-district as stipulated by Regency/City Qanun.

Second Section**Aceh Secretariat****Article 83**

- (1) Aceh Secretariat is lead by Aceh Secretary.
- (2) Aceh Secretariat as meant in paragraph (1) has the tasks and obligations to assist the Governor in formulating the policy and coordinating Aceh service offices, institutions and agencies.
- (3) In implementing the tasks and obligations as meant in paragraph (2), Aceh Secretary is accountable to the Governor.

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- (4) In the event that Aceh Secretary is impeded to perform his/her tasks, the tasks of Aceh Secretary will be performed by an official appointed by the Governor.

Third Section

Regency/City Secretariat

Article 84

- (1) Regency/City Secretariat is lead by Regency/City Secretary.
- (2) Regency/City Secretariat as meant in paragraph (1) has the tasks and obligations to assist the Regent/Mayor in formulating the policy and coordinating the regency/city service offices, institutions and agencies.
- (3) In implementing the tasks and obligations as meant in paragraph (2), Regency/City Secretary is accountable to the Regent/Mayor.
- (4) In the event that the Regency/City Secretary is impeded to perform his/her tasks, the tasks of the Regency/City Secretary will be performed by a official appointed by the Regent/Mayor.

Article 85

- (1) Aceh and Regency/City Secretaries are appointed from qualified civilian government employees.

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- (2) Aceh Secretary as meant in paragraph (1) is appointed and dismissed by the President upon the proposal of the Governor in accordance with the statutory regulations.
- (3) Regency/City Secretary as meant in paragraph (1) is appointed and dismissed by the Governor upon the proposal of the Regent/Mayor in accordance with the statutory regulations.
- (4) Aceh Secretary and Regency/City Secretary due to their positions have the function as the fosterer of civilian government employees in their regions.

Fourth Section

DPRA Secretariat

Article 86

- (1) DPRA Secretariat is lead by DPRA Secretary.
- (2) DPRA Secretary as meant in paragraph (1) is appointed and dismissed by the Governor with the approval of the principal of DPRA.
- (3) DPRA Secretary has the tasks of:
 - a. managing the administration of DPRA secretariat;
 - b. arranging the budget plan of DPRA Secretariat and managing the financial administration;
 - c. supporting the performance of the tasks and function of DPRA; and

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- d. providing and coordinating experts required by DPRA in performing its functions in accordance with the financial capability of the region.
- (4) DPRA Secretary in providing the experts as meant in paragraph (3) letter d is obliged to request considerations from the principal of DPRA.
- (5) DPRA Secretary in performing his/her tasks is technically operating under and accountable to the principal of DPRA and administratively accountable to the Governor through Aceh Secretary.
- (6) The organizational structure of DPRA Secretariat is stipulated by Aceh Qanun.

Fifth Section

DPRK Secretariat

Article 87

- (1) DPRK Secretariat is lead by DPRK Secretary.
- (2) DPRK Secretary as meant in paragraph (1) is appointed and dismissed by the Regent/Mayor with the approval of the principal of DPRK.
- (3) DPRK Secretary has the tasks of:
- a. managing the administration of DPRK secretariat;
 - b. arranging the budget plan of DPRK Secretariat and managing the financial administration;

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- c. supporting the performance of the tasks and functions of DPRK; and
 - d. providing and coordinating experts required by DPRK in performing its functions in accordance with the financial capability of the Regency/City.
- (4) DPRK Secretary in providing the experts as meant in paragraph (3) letter d is obliged to request for the considerations from the principal of DPRK.
- (5) DPRK Secretary in performing his/her tasks is technically operating under and accountable to the principal of DPRK and administratively accountable to the Regent/Mayor through the Regency/City Secretary.
- (6) The organizational structure of DPRK Secretariat is stipulated by Aceh Qanun.

Sixth Section

Aceh and Regency/City Service Offices, Agencies and Institutions

Article 88

- (1) Aceh and Regency/City Service Offices are the implementing elements of the Government of Aceh and the Government of the regency/city.
- (2) Aceh and regency/city Service Offices are lead by the head of service offices appointed from qualified civilian government employees.

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- (3) The Head of Aceh Service Office as meant in paragraph (2) is appointed and dismissed by the Governor upon the proposal of Aceh Secretary.
- (4) The Head of Regency/City Service Office is appointed and dismissed by the Regent/Mayor upon the proposal of Regency/City Secretary.
- (5) The Head of Aceh Service Office is accountable to the Governor through Aceh Secretary.
- (6) The Head of regency/city Service Office is accountable the Regent/Mayor through regency/city Secretary.

Article 89

- (1) Aceh Technical Institution is the supporting elements of the tasks of the Governor in the formulation and implementation of the Aceh policy which is specific in nature in the form of agency/office.
- (2) Regency/city Technical Institution is the supporting elements of the tasks of the Regent/Mayor in the formulation and implementation of regency/city policy which is specific in nature in the form of agency/office.
- (3) Aceh and regency/city agencies/offices are lead by the Heads of the Agencies/Institutions who are appointed from qualified civilian government employees.

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- (4) The Head of Aceh agency/office as meant in paragraph (3) is appointed and dismissed by the Government upon the proposal of Aceh Secretary.
- (5) The Head of regency/city agency/office as meant in paragraph (3) is appointed and dismissed by the Regent/Mayor upon the proposal of regency/city Secretary.
- (6) The Head of Aceh agency/office is accountable to the Governor through Aceh Secretary.
- (7) The Head of regency/city agency/office is accountable to the Regent/Mayor through regency/city Secretary.

Seventh Section

District

Article 90

- (1) The District is lead by Camat who in performing his/her tasks acquires delegation over a portion of the authorities of the Regent/Mayor to handle the affairs of the regency/city.
- (2) The designation and appointment of Camat as the Head of District Territory is conducted by the Regent.
- (3) In addition to the tasks as meant in paragraph (1), Camat also performs the general tasks of the government which cover:
 - a. coordinating the activity to empower the community;

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- b. coordinating the effort to administer public tranquility and public order;
 - c. coordinating the implementation and enforcement of the statutory regulations;
 - d. coordinating the maintenance of public service infrastructures and facilities;
 - e. coordinating the administration of government activities in the District level;
 - f. fostering the governing of Mukim, Sub-district and Gampong government;
 - g. performing community services which are in the scope of his/her tasks and/or which are not yet performed by Mukim, Sub-district and Gampong governments.
- (4) Camat as meant in paragraph (3) is appointed by the Regent/Mayor upon the proposal of regency/city Secretary from qualified civilian government employee in accordance with the statutory regulations.
- (5) Camat in performing his/her tasks as meant in paragraph (3) and paragraph (4) is assisted by the apparatus of the District and is accountable to the Regent/Mayor through regency/city Secretary.
- (6) The apparatus of the District as meant in paragraph (5) are accountable to Camat.

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- (7) The implementation of the provisions as meant in paragraph (1), paragraph (2), paragraph (3), paragraph (4), paragraph (5) and paragraph (6) is stipulated by the Regulation of the Regent/Mayor guided by Regency/City Qanun.

Eighth Section

Sub-district

Article 91

- (1) Sub-district is formed in the territory of a district by regency/city Qanun guided by the Government Regulation.
- (2) Sub-district as meant in paragraph (1) is lead by Lurah who in performing his/her tasks acquires delegation from the Regent/Mayor.
- (3) In addition to the tasks as meant in paragraph (2), Lurah also has the tasks of:
- a. implementing sub-district governmental activities;
 - b. empowering the community;
 - c. performing public service;
 - d. managing public tranquility and public order; and
 - e. maintaining public service infrastructures and facilities.
- (4) Lurah as meant in paragraph (2) is appointed by the Regent/Mayor upon the proposal of Camat from civilian government employee who is mastering governmental *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

technical knowledge and qualified in accordance with the statutory regulations.

- (5) In performing the tasks as meant in paragraph (3), Lurah is accountable to the Regent/Mayor through Camat.
- (6) Lurah in performing the tasks as meant in paragraph (3) is assisted by the apparatus of the sub-district.
- (7) The apparatus of the sub-district as meant in paragraph (6) is accountable to Lurah.
- (8) For the smooth running of the implementation of the tasks of Lurah as meant in paragraph (3) may be formed other institutions in accordance with the necessity as stipulated in Regency/City Qanun.
- (9) The implementation of the provisions as meant in paragraph (2), paragraph (3), paragraph (4), paragraph (5), paragraph (6) and paragraph (7) is stipulated by the Regulation of the Regent/Mayor in accordance with the statutory regulations.

CHAPTER XV

MUKIM AND GAMPONG

First Section

Mukim

Article 92

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- (1) In regency/city will be formed Mukim which is consisting of a union of several Gampong directly positioned under Camat.
- (2) Mukim is lead by Imuem Mukim or by any other names as the performer of the tasks and functions of Mukim who is assisted by Tuha Pueut Mukim.
- (3) Imuem Mukim or by any other names is elected through a deliberation of Mukim for a term of office of 5 (five) years.
- (4) The positions, tasks and functions, organizations and apparatus of Mukim are stipulated by Qanun.

Second Section

Gampong

Article 93

- (1) In the regency/city will be formed Gampong or by any other names.
- (2) In Gampong will be formed Gampong Government which is consisting of Gampong Consultative Agency named Tuha Peut or by any other names.
- (3) Gampong or by any other names is lead by a Keuchik directly elected by the community for a term of office of 5 (five) years and may be re-elected only for one successive term of office.

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- (4) The formation, elimination and/or amalgamation of Gampong or by any other names are conducted with due observance of the origin and upon the initiative of the community.
- (5) Further provisions regarding the position, function, financing, organization and apparatus of Gampong government or by any other names are stipulated by Regency/City Qanun.

CHAPTER XVI

EMPLOYEE AFFAIRS

Article 94

- (1) The Government performs fostering over the management of Aceh/regency/city civilian government employees in one management organization unit of civilian government employees in a national level.
- (2) Management of Aceh/regency/city civilian government employee as meant in paragraph (1) covers the determination of formation, procurement, appointment, transferring, dismissal, determination of pension, salary, allowance, welfare, rights and obligations, legal standing, development of competence, and quantity control.

Article 95

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- (1) The appointment, transferring and dismissal of and from echelon II position at the Government of Aceh are stipulated by the Governor.
- (2) The appointment, transferring and dismissal of and from echelon II position at the government of regency/city are stipulated by the Regent/Mayor upon consultation with the Governor.

Article 96

- (1) The transferring of civilian government employee from one regency/city to another regency/city in Aceh is stipulated by the Governor upon obtaining considerations from the Chairman of State Employee Affairs Agency.
- (2) The transferring of civilian government employee from one regency/city in a province to another regency/city in another province and from one province to another province is stipulated by the Minister of Domestic Affairs upon obtaining considerations from the Chairman of State Employee Affairs Agency.
- (3) The transferring of civilian government employee from Aceh/regency/city to a department/non-departmental government institution or vice versa is stipulated by the Minister of Domestic Affairs upon obtaining considerations from the Chairman of State Employee Affairs Agency.

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Article 97

The determination of the formation of civilian government employee of a region for every budgetary year is proposed by the Governor to the Minister of State Apparatus Empowerment.

Article 98

The carrier development of Aceh/regency/city civilian government employee will take into account the integrity and morality, education and training, ranking, transfer of position, transfer from one region to another region, and competence.

Article 99

- (1) The salary and allowance of civilian government employee of the region is burdened to APBA/APBK which is deriving from basic allocation in the general allocation fund.
- (2) The calculation and adjustment of basic allocation unit as meant in paragraph (1) due to the appointment, dismissal, transferring of civilian government employee in the region are conducted each year.
- (3) The calculation of basic allocation as meant in paragraph (1) and paragraph (2) is stipulated in the Law regarding the Financial Equilibrium between the Central Government and the Regional Government.
- (4) The Government conducts update of data regarding the appointment, dismissal and transferring of
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Aceh/regency/city civilian government employee for the calculation of basic allocation adjustment as meant in paragraph (3).

Article 100

- (1) The fostering and supervision of Aceh/regency/city civilian government at national level is coordinated by the Minister of Domestic Affairs and Aceh/regency/city level is coordinated by the Governor.
- (2) The standard, norm and procedure for the fostering and supervision of Aceh/regency/city civilian government employee are stipulated by Government Regulation.

CHAPTER XVII

SYAR' IYAH COURT

Article 101

- (1) Islamic Syari'at Court in Aceh as a part of the national judiciary system is performed by Syar'iyah Court which is free from the influence of any party whomsoever.
- (2) The authority of Syar'iyah Court as meant in paragraph (1) is applied to the worshipers of Islamic religion.
- (3) The authority of Syar'iyah Court as meant in paragraph (2) covers ahwal al-syakhsiyah, mu'amalah and jinayah sectors which is based on Islamic syari'at stipulated by Qanun.

Article 102

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- (1) Syar'iyah Court as meant in Article 101 paragraph (1) is consisting of regency/city Syar'iyah Court as the first level court and Aceh Syar'iyah Court as the appeal level court.
- (2) Aceh Syar'iyah Court is the final court for marriage, talaq, divorce and reconciliation cases.
- (3) Cases other than the cases as meant in paragraph (2) may be submitted for cassation to the Supreme Court.

Article 103

- (1) Syar'iyah Court Judge is appointed and dismissed by the President upon the proposal of the Chairman of the Supreme Court.
- (2) The Chairman of the Supreme Court may propose the appointment of ad-hoc judge which is financed by the Government and the Government of Aceh.
- (3) The Chairman of Aceh Syar'iyah Court is appointed by the Chairman of the Supreme Court by taking into account his/her experience as the high judge in Aceh Syar'iyah Court.
- (4) The Chairman of regency/city Syar'iyah Court is appointed by the Chairman of the Supreme Court upon the proposal of the Chairman of Aceh Syar'iyah Court.

Article 104

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The proceeding provisions at Syar'iyah Court are stipulated by Qanun.

Article 105

- (1) The technical fostering of Syar'iyah Court judiciary is conducted by the Supreme Court.
- (2) The providing of facilities and infrastructures as well as the organizing of Syar'iyah Court activities are financed from APBN, APBA and APBK.

Article 106

Dispute over the authority between the Syar'iyah Court and the court in other judiciary environs become the authority of the Supreme Court of the Republic of Indonesia at the first and final level.

CHAPTER XVIII

IMPLEMENTATION OF ISLAMIC SYARI'AT

Article 107

- (1) Each worshiper of Islam in Aceh must comply with and practice Islamic Syari'at.
- (2) Each Indonesian citizen or any person residing in or visiting Aceh must honor the implementation of Islamic Syari'at.

Article 108

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- (1) Aceh Government and regency/city Government are responsible for the administration for the implementation of Islamic Syari'at.
- (2) Aceh Government and regency/city Government ensure the freedom, foster the harmony, honor the religious values adhered by religious community and protect other religious community to perform religious service in accordance with the religion which they adhere.
- (3) The Government, Aceh Government and regency/city Government allocate fund and other resources for the implementation of Islamic Syari'at.
- (4) The construction of place of worship in Aceh must obtain permit from the Government of Aceh.
- (5) The granting of permit as meant in paragraph (4) is conducted in accordance with the provisions of the statutory regulations.

Article 109

- (1) The implementation of Islamic Syari'at in Aceh covers aqidah (belief), akhlak (moral), religious service, mu'amalah, ahwal al-syakhshiyah, jinayah, religious judiciary, education, Islamic religious proselytizing, syiar (dissemination of Islamic teaching) and Islamic justification.

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- (2) The implementation of Islamic Syari'at as meant in paragraph (1) is stipulated by Aceh Qanun.

Article 110

- (1) The investigation and examination tasks for the enforcement of Islamic syari'at which become the authority of the Syari'yah Court are conducted by Civilian Government Employee Investigating Officials.
- (2) The Civilian Government Employee Investigating Officials as meant in paragraph (1) are technically fostered, educated and trained by Aceh Police Department in accordance with the statutory regulations.
- (3) The appointment, requirements and education of Civilian Government Employee Investigating Officials for the enforcement of Islamic syari'at as meant in paragraph (1) is stipulated by Aceh Qanun.

CHAPTER XIX

MPU

Article 111

- (1) MPU is formed in Aceh/regency/city whose members consist of ulama and Moslem intellectuals deeply comprehend Islamic science.
- (2) MPU as meant in paragraph (1) is independent in nature and its management board is elected in a deliberation of ulama.

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- (3) MPU is positioned as the partner of the Government of Aceh, the Government of regency/city, DPRA and DPRK.
- (4) The organizational structure, procedure, protocol and financial position of MPU are stipulated by Aceh Qanun.

Article 112

- (1) MPU has the function of stipulating legal guidance and providing considerations over regional policy in the sectors of government matters, development, fostering of community and Islamic economic structure.
- (2) The procedure for the giving of considerations as meant in paragraph (1) is stipulated by Aceh Qanun.

Article 113

- (1) The tasks and authorities of MPU are:
 - a. providing legal guidance, either upon request or not, over communal problems; and
 - b. providing guidance and directions over difference of opinion in the community regarding religious matters.
- (2) In performing the tasks as meant in paragraph (1) MPU may involve experts in the related scientific sector.

CHAPTER XX

DEVELOPMENT AND LAY OUT PLANNING

Article 114

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- (1) The planning of Aceh/regency/city development is comprehensively arranged as a part of national development planning system in the framework of the Unitary State of the Republic of Indonesia, with due observation of:
- a. Islamic values;
 - b. social culture;
 - c. sustainability and environment perspective;
 - d. justice and even distribution; and
 - e. necessity.
- (2) The planning of Aceh/regency/city development as meant in paragraph (1) is arranged to ensure the connection and consistency among planning, budgeting, implementation and supervision.
- (3) The community is entitled to be involved in giving input either verbally or in writing regarding the formulation of planning for Aceh and regency/city development through bottom up aspiration collection.

Article 115

Aceh Government and regency/city Government prepare the planning of territory lay out which refers to the national lay out with due observance of sustainable development and preservation of environment.

Article 116

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- (1) The development of Aceh and the regency/city is conducted in a sustainable manner with the objective of improving the standard of live and the prosperity of the people.
- (2) The Government, the Government of Aceh and the Government of regency/city in preparing and conducting the sustainable development are obligated to observe, honor, protect and comply with as well as enforce the rights of Aceh people.
- (3) The community is entitled to be actively involved in the organization of sustainable development.
- (4) The procedure for the involvement of the community in the organization of sustainable development in Aceh is stipulated by Qanun.

Article 117

The implementation of development in Aceh and regency/city is conducted by referring to the national development plan guided by the principles of sustainable development, preservation of environment function, benefits, and justice by referring to the national lay out plan.

Article 118

- (1) The Government, the Government of Aceh and the Government of regency/city are obligated to honor, protect and comply with as well as enforce the rights of the

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community towards the management of environment by giving special attention to susceptible groups.

- (2) The community is entitled to be actively involved in the management of environment.
- (3) The procedure for community involvement in the management of environment is stipulated in Qanun.

Article 119

- (1) The Government of Aceh and the Government of regency/city are obliged to integrally manage the environment with due observance of the lay out, protect biological natural resources, non-biological natural resources, artificial resources, conservation of biological natural resources and their ecosystems, cultural preserve, and biological diversity with due observance of the rights of customary law community and as great as possible for the welfare of the residents.
- (2) The Government and the Government of Aceh and the Government of regency/city are obliged to protect, secure, maintain and preserve National Park and reservation zone.
- (3) The Government of Aceh and regency/city are obliged to manage reservation zone to protect the biological and ecological diversity.

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- (4) The Government of Aceh and regency/city are obliged to involve qualified non governmental organizations in the management and protection of environment.
- (5) The settlement of environmental dispute may be conducted through court or outside the court.
- (6) The implementation of the provisions as meant in paragraph (1), paragraph (2), paragraph (3), paragraph (4) and paragraph (5) is in accordance with the statutory regulations.

CHAPTER XXI

COMMUNICATION AND INFORMATION

Article 120

- (1) The Government, the Government of Aceh and the Government of regency/city may provide and build communication as well as information facility and infrastructure in Aceh.
- (2) The management of communication and information facility and infrastructure provided and built by the Government of Aceh and regency/city as meant in paragraph (1) is in accordance with the statutory regulations.
- (3) The Government of Aceh and the Government of regency/city ensure public freedom towards the communication and information for the welfare of the people.

CHAPTER XXII

ECONOMIC

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First Section**Basic Principles****Article 121**

- (1) Economic in Aceh is an open economic and without any barrier in the investment as a part of national economic system in accordance with the statutory regulations.
- (2) Economic in Aceh is administered based on the dogma of familial relationship and the dogma of economic democracy with the principles of togetherness, efficiency, justice, sustainable and environmental perspective.
- (3) The economic efforts in Aceh are conducted based on the principles of sustainable development and preservation of environment, respect over the rights of local people, providing of opportunity and access to funding as great as possible to the economic businesses of women groups, as well as the providing of legal assurance for entrepreneur and worker.

Second Section**Direction of Economic****Article 122**

- (1) Economic in Aceh is aimed at improving the productivity and competing force for the materialization of prosperity and welfare of the people, by revering Islamic values,

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justice, equality, people's participation and efficiency in a sustainable development pattern.

- (2) Economic in Aceh economic as meant in paragraph (1) is conducted by utilizing natural resources and human resources through the process for the creation of value added as great as possible.
- (3) The Government of Aceh and the Government of regency/city conduct simplification of regulations for the creation of conducive business climate for the development of investment and other economic activities in accordance with their authorities.

Third Section

Management of Natural Resources

Article 123

- (1) The Government of Aceh and the Government of regency/city manage natural resources in Aceh both inland and in the territorial sea of Aceh in accordance with their authorities.
- (2) The management as meant in paragraph (1) covers the planning, arrangement, utilization and supervision over business activities which can be in the form of exploration, exploitation and cultivation.
- (3) Natural resources as meant in paragraph (1) covers mining sector which is consisting of mineral, coal, geothermal
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mining, forestry, agricultural, fishery and oceanic sectors, which are conducted by applying the principles of transparency and sustainable development.

- (4) Business activities as meant in paragraph (2) may be conducted by the Government of Aceh/Regency/City, and or by State Owned Enterprise, Aceh/Regency/City Owned Enterprise, Cooperatives, Small Scale Businesses and Private Business Entity, based on cooperation agreement or contract.
- (5) In conducting business activities as meant in paragraph (4), the organizer of such business activities conduct maximum empowerment of community by involving local human resources and other resources existing in Aceh.

Article 124

- (1) Every businessman as meant in Article 123 paragraph (4) is responsible for the reclamation and rehabilitation of the explored and exploited land.
- (2) The Government, the Government of Aceh/Regency/City conduct development of communal economy, education and health as the compensation for the exploitation of non-renewable natural resources.

Fourth Section

Fishery and Oceanic

Article 125

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- (1) The Government of Aceh and the Government of Regency/City are authorized to manage natural resources living in the territorial sea of Aceh.
- (2) The authority to manage natural resources living in the territorial sea as meant in paragraph (1) covers:
 - a. conservation and management of natural resources in the sea;
 - b. arrangement of administration and licensing for the catching and/or breeding of fish;
 - c. arrangement of lay out for sea territory, coastal area and small islands;
 - d. legal enforcement towards the regulations issued over sea territory under its authority;
 - e. maintenance of sea customary law and sea safety; and
 - f. participation in the maintenance of the sovereignty of the Unitary State of the Republic of Indonesia.
- (3) The Government of Aceh and the Government of regency/city are authorized to issue all fish catching and other sea resources manufacturing licenses in the sea territory surrounding Aceh in accordance with their authorities.
- (4) The management of natural resources in sea territory as meant in paragraph (1), paragraph (2) and paragraph (3) is conducted with due observance of the principles of sustainable development and preservation of environment.

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Fifth Section

Trade and Investment

Article 126

- (1) The Government, the Government of Aceh and the Government of regency/city ensure that the implementation of internal trade in Aceh and other territory in Indonesia is free from any barrier whatsoever.
- (2) Aceh residents may freely conduct trade within the territory of the Unitary State of the Republic of Indonesia through land, sea and air without any tax barrier, tariff barrier or other barrier in accordance with the statutory regulations.

Article 127

Every businessman in Aceh may form organization, profession association, and business association having a local basis and independent in nature.

Article 128

- (1) Residents in Aceh may conduct trade and investment both internally and internationally in accordance with the statutory regulations.
- (2) The Government of Aceh and the Government of regency/city in accordance with their authorities may attract foreign tourists and grant licenses related to investment in the form of domestic capital investment, foreign capital
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investment, export and import, with due observance of the norm, standard, procedure and criteria which are nationally applicable.

- (3) The Government of Aceh and the Government of regency/city in accordance with their authorities based on the norm, standard, procedure and criteria which are nationally applicable, are entitled to grant:
- a. general mining exploration and exploitation license;
 - b. forest territory conversion license;
 - c. fish catching license for at the most 12 sea mile measured from the coastal line to the open sea and or to the island water territory for a Province and one third from the territory of the provincial regional authority for regency/city area;
 - d. fishing boat operational utilization license in any types and sizes;
 - e. license for the utilization of surface water and sea water;
 - f. license related to the management and exploitation of forest; and
 - g. local operator license in telecommunication sector.

- (4) The granting of licenses as meant in paragraph (2) and paragraph (3) must refer to the principles of public

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service which are prompt, accurate, cheap and with simple procedure.

- (5) Further provisions regarding the granting of licenses as meant in paragraph (2), paragraph (3) and paragraph (4) are stipulated in Aceh Qanun guided by the statutory regulations.

Article 129

The Government in accordance with the statutory regulations may provide taxation facilities in the form of tax relief, exemption of income duty, exemption of taxes in the framework of import of capital goods and raw materials to Aceh and export of finished goods from Aceh, investment facilities, and other fiscal facilities proposed by the Government of Aceh.

Sixth Section

Sabang Free Trade Zone

Article 130

- (1) Sabang Free Trade Zone namely free trade zone is an area wherein being applied facility and special treatment in accordance with the statutory regulations.
- (2) The Government and the Government of Aceh develop Sabang Area as the center for regional economic development through the activities of manufacturing, packaging, and as the entreport for agricultural products, plantation

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products, fishery products, and industry products from its surrounding area.

- (3) Sabang Area Exploiting Agency is authorized to issue business license, investment license, and other licenses related to the development Sabang Area upon obtaining approval from Sabang Area Board.
- (4) Governmental affairs of Aceh in the development of Sabang Area as meant in paragraph (2) are stipulated by Aceh Qanun.

Seventh Section

Land Allotment and Space Utilization

Article 131

- (1) Aceh Government and Regency/City Government are authorized to stipulate land allotment and space utilization for the benefits of economic development in accordance with the statutory regulations.
- (2) The provisions regarding land allotment and space utilization of Aceh as meant in paragraph (1) are stipulated by Aceh Qanun.
- (3) The provisions regarding land allotment and space utilization of Regency/City as meant in paragraph (1) are stipulated by Regency/City Qanun.

Eighth Section

Economic Infrastructure

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Article 132

- (1) The Government, the Government of Aceh and/or the Government of Regency/City may develop sea port and air port in Aceh.
- (2) The management of sea port and air port developed by the Government of Aceh and/or the Government of Regency/City as meant in paragraph (1) is conducted by the Government of Aceh and/or the Government of Regency/City.
- (3) The development and management of sea port and air port as meant in paragraph (1) and paragraph (2) are in accordance with the statutory regulations.

CHAPTER XXIII**MANPOWER****First Section****Placement of Worker Abroad****Article 133**

- (1) The Government of Aceh and the Government of Regency/City are authorized to issue license for the establishment of business entity engaging in the worker recruitment service which worker will be sent abroad based on the statutory regulations.
- (2) The Government of Aceh and the Government of Regency/City cooperate with business entity engaging in the worker recruitment service which worker will be sent abroad as *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

meant in paragraph (1) in order to provide protection for the worker originating from Aceh and Regency/City who will be working abroad.

- (3) The Government, the Government of Aceh and the Government of Regency/City provide protection for workers originating from Aceh and Regency/City who are working abroad in cooperation with the government of the respective destination states.
- (4) Further provisions regarding the placement of worker in abroad are stipulated in Qanun.

Second Section

Protection for and Welfare of Worker

Article 134

- (1) Each worker is entitled to receive protection and acquire welfare based on the statutory regulations.
- (2) The Government of Aceh and the Government of Regency/City may stipulate the protection for and welfare of worker and his/her family in accordance with the statutory regulations.
- (3) Further provisions regarding the protection for and welfare of worker and his/her family as meant in paragraph (2) are stipulated by Qanun.

Article 135

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- (1) Each worker has equal right to obtain decent occupation in Aceh, both originating from Aceh or outside of Aceh.
- (2) The Government of Aceh and the Government of Regency/City provide opportunity and protection for worker from outside of Aceh to work in Aceh, and may cooperate with the government of the province and regency/city of the origin of the relevant worker.
- (3) Worker originating from outside of Aceh as meant in paragraph (2) must be registered at the manpower institution at the respective Regency/City.
- (4) Further provisions regarding the registration of manpower originating from outside of Aceh are stipulated in Qanun.

Article 136

- (1) Expatriate may work in Aceh after the work provider employing the expatriate obtains license in accordance with the statutory regulations.
- (2) The license as meant in paragraph (1) may only be granted after the work provider prepared expatriate utilization plan which is legalized by the Minister having the authority over manpower matters.
- (3) The license as meant in paragraph (1) may only be granted for certain position and for fixed term upon obtaining recommendation from the Government of Aceh.

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- (4) Provisions for the granting of license for certain position and for fixed term as well as the mechanism for giving recommendation as meant in paragraph (3) will be further stipulated by Aceh Qanun.

Article 137

- (1) Each worker is entitled to form and become a member of worker union/labor union in accordance with the statutory regulations.
- (2) The Government of Aceh and the Government of Regency/City may stipulate special facilities regarding the organization and membership in a worker/labor organization which is better for worker/labor.
- (3) The procedure for the formation and the requirements for membership in the worker/labor organization as meant in paragraph (2) will be further stipulated by Qanun.

CHAPTER XXIV

FINANCE

First Section

General

Article 138

- (1) The administration of government affairs which become the authority of Aceh is financed from and at the expense of APBA.

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- (2) The administration of government affairs which become the authority of regency/city will be finance from and at the expense of APBK.
- (3) The administration of government affairs wihc become the authority of the Government in Aceh and Regency/City is financed from and at the expense of APBN.

Second Section

Sources of Income and Management

Paragraph 1

Sources of Income

Article 139

Sources of Aceh/regency/city Income consist of:

- a. Aceh/regency/city original revenue;
- b. equilibrium fund;
- c. additional fund;
- d. Aceh/regency/city loan; and
- e. other legitimate income of Aceh/regency/city.

Article 140

- (1) Sources of Aceh original revenue and regency/city original revenue as meant in Article 139 letter a consist of:
- a. Aceh/regency/city taxes;
 - b. Aceh/regency/city retribution;

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- c. proceeds from Aceh/regency/city owned enterprise and capital participation by Aceh/regency/city;
 - d. zakat (Islamic tithe); and
 - e. other legitimate Aceh original revenue and regency/city original revenue.
- (2) Sources of Aceh original revenue and Regency/City original revenue as meant in paragraph (1) letter a and letter b is guided by the statutory regulations.

Article 141

- (1) Equilibrium fund as meant in Article 139 letter b consists of:
- a. taxes profit sharing; i.e.:
 - 1. a portion of income from land and building tax totaling to 90%;
 - 2. a portion of income from land and building acquisition tax totaling to 80%;
 - 3. a portion of income from personal income tax totaling to 20%;
 - b. non tax state income profit sharing deriving from hydrocarbon and other natural resources:
 - 1. Forestry totaling to 80%;
 - 2. Fishery totaling to 80%;
 - 3. General mining totaling to 80%;
 - 4. Geothermal mining totaling to 80%;

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5. Oil mining totaling to 70%;
 6. Natural gas mining totaling to 70%;
- c. General Allocation Fund which amount is in accordance with the statutory regulations.
 - d. Special Allocation Fund which amount is in accordance with the statutory regulations.
- (2) The division of Profit Sharing over Land and Building Tax, Land and Building Acquisition Tax as well as Personal Income Tax as meant in paragraph (1) letter a is in accordance with the statutory regulations.
 - (3) The division of profit sharing fund as meant in paragraph (1) letter b point 1, point 2, point 3 and point 4 is in accordance with the statutory regulations.
 - (4) The division of profit sharing fund as meant in paragraph (1) letter b point 5 and point 6 between Aceh and regency/city is stipulated by Aceh Qanun.

Article 142

- (1) Additional fund as meant in Article 139 letter c is income of the Government of Aceh which is intended for the financing of development and the maintenance of infrastructure, the empowerment of communal economy, the financing of education, social and health, which is amounting to 1% (one percent) of the plafond of the

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national general allocation fund for 5 (five) years period.

- (2) The division of additional fund between the Government of Aceh and the Government of Regency/City is stipulated by Aceh Qanun.
- (3) The formulation of Qanun regarding the Division of Additional Fund between the Government of Aceh and the Government of Regency/City as meant in paragraph (2) is facilitated by the Government.

Article 143

- (1) The Government of Aceh may acquire loan from domestic and or foreign sources with the approval of the Minister of Finance and with the consideration from the Minister of Domestic Affairs.
- (2) The Government of Aceh may directly receive aid from foreign sources with the obligation to notify it to DPRA.
- (3) The provisions regarding the loan fund from domestic and/or foreign sources and aid from foreign sources as meant in paragraph (1) and paragraph (2) are stipulated by Aceh Qanun in accordance with the statutory regulations.

Paragraph 2

Management

Article 144

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- (1) The Government of Aceh is authorized to manage profit sharing fund which is the entitlement of Aceh outside of the equilibrium fund.
- (2) The Government of Aceh is accountable to the Government for the allocation of profit sharing income as meant in paragraph (1) which is provided for regency/city.

Article 145

- (1) Zakat is managed by the Government of Aceh and the Government of Regency/City as a portion of Aceh Original Revenue/Regency/City Original Revenue.
- (2) The Government of Aceh and the Government of Regency/City may form Baital Mal (treasury) as the managing agency for zakat, wakaf (donation) assets and other religious assets which are the entitlement of the apparatus of Aceh and the apparatus of Regency/City.
- (3) Zakat which is being paid becomes the deduction factor over the amount of outstanding income tax of the taxpayer.
- (4) The management of zakat as meant in paragraph (1), paragraph (2) and paragraph (3) is stipulated by Qanun.

Article 146

- (1) Budget allocation for the organization of education is 30% (thirty percent) of revenue in APBA and APBK which is conducted gradually.

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- (2) The management of education fund as meant in paragraph (1) must be accounted by the Government of Aceh and the Government of Regency/City as a separated report in their accountability of APBA and APBK.
- (3) Allocation and management of education fund as meant in paragraph (1) between the Government of Aceh and the Government of Regency/City Government are stipulated by Aceh Qanun.

Article 147

- (1) The Government creates transparency in the collection and allocation of revenue deriving from Aceh between the Government and the Government of Aceh.
- (2) In creating transparency as meant in paragraph (1) may be used independent auditor who is appointed by the Financial Examination Agency to conduct verification in accordance with the statutory regulations.
- (3) The auditor will convey the verification result as meant in paragraph (2) to the Government and the Government of Aceh.

Article 148

- (1) The Government of Aceh and the Government of Regency/City are authorized to arrange the procedure for the procurement of goods and services using fund from APBA and APBK in accordance with the statutory regulations.

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- (2) The Government Aceh is authorized to prepare financial accounting system guided by the government accounting standard stipulated by the Government.
- (3) The financial accounting system as meant in paragraph (2) is stipulated by Aceh Qanun.

Article 149

- (1) The Government of Aceh and the Government of Regency/City are authorized to stipulate additional requirements for bank and non bank financial institution in relation to distribution of credit in Aceh.
- (2) The Government of Aceh is entitled to determine the level of interest rate which is different from the level of interest rate stipulated by Bank Indonesia.
- (3) Foreign bank may open branches or representatives in Aceh in accordance with the statutory regulations.

Article 150

- (1) The Government of Aceh and the Government of Regency/City may make capital participation in State Owned Enterprise having the basis of natural resources and other State Owned Enterprises as well as private companies domiciled and/or operating in Aceh through its own budget and/or grant fund.

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- (2) Capital participation of the Government of Aceh and the Government of Regency/City as meant in paragraph (1) is stipulated by Aceh Qanun.

Article 151

The procedure for the arrangement and implementation of APBA and APBK, its amendments and calculation as well as accountability and supervision is stipulated by Qanun guided by the statutory regulations.

Article 152

- (1) The Government of Aceh and the Government of Regency/City transparently and accountably manage the revenue and expenditure deriving from APBA/APBK and non APBA/APBK.
- (2) Community, including women group, and/or individual, is entitled to be involve in the supervisory over the management of revenue and expenditure as meant in paragraph (1).
- (3) The procedure for the implementation of the participation of community as meant in paragraph (2) is stipulated by Aceh Qanun.

CHAPTER XXV

INDONESIAN NATIONAL ARMY

Article 153

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- (1) Indonesian National Army is responsible for organizing the defense of the state and other tasks in Aceh in accordance with statutory regulations.
- (2) The defense of the state and other tasks as meant in paragraph (1) are among others defending, protecting and maintaining the unity and sovereignty of the state in Aceh.
- (3) Members of Indonesian National Army having duty in Aceh must revere the universal principles of human rights and honor the culture and traditional customs of Aceh.

Article 154

- (1) Criminal offences committed by members of Indonesian National Army in Aceh will be trialed in accordance with the statutory regulations.
- (2) The judiciary for members of Indonesian National Army as meant in paragraph (1) is conducted openly and is disclosed for the public.

CHAPTER XXVI

POLICE DEPARTMENT

Article 155

- (1) Aceh Police Department is a part of State Police Department of the Republic of Indonesia.

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- (2) Aceh Police Department has the task of maintaining the security and public order to protect, shelter, serve the community as well as enforce the law in Aceh.
- (3) The appointment of the Head of Aceh Police Department is conducted by the Head of State Police Department of the Republic of Indonesia with the approval of the Governor.
- (4) The dismissal of the Head of Aceh Police Department is conducted by the Head of State Police Department of the Republic of Indonesia.

Article 156

- (1) The tasks of the police department are conducted by Aceh Police Department as a part of State Police Department of the Republic of Indonesia.
- (2) Aceh Police Department performs police department technical policy in the security and public order sector.
- (3) The policy on the tranquility and public order in Aceh is coordinated by the Head of Aceh Police Department to the Governor.
- (4) The implementation of the tasks of police department in the tranquility and public order sector as meant in paragraph (3) is accounted by the Head of Aceh Police Department to the Governor.
- (5) The Head of Aceh Police Department is accountable to the Head of State Police Department of the Republic of *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

Indonesia under the fostering of the police department in Aceh in the framework of the implementation of tasks of the State Police Department of the Republic of Indonesia.

Article 157

- (1) The selection to be a bintara (soldier in the lowest grade) and a perwira (officer) of the State Police Department of the Republic of Indonesia in Aceh is conducted by Aceh Police Department with due observance of the legal norms, syari'at, culture and traditional customs.
- (2) Basic education for candidates for bintara and general training for bintara of Aceh Police Department is provided with local content curriculum and with emphasize towards the human rights.
- (3) Education and fostering of perwira of the State Police Department of the Republic of Indonesia originating from Aceh will be conducted nationally by the State Police Department of the Republic of Indonesia.
- (4) The placement of bintara and perwira of the State Police Department of the Republic of Indonesia from outside of Aceh to Aceh Police Department is conducted upon the Decision of the Head of State Police Department of the Republic of Indonesia with due observance of the legal norms, syari'at, culture and traditional customs.

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CHAPTER XXVII**DISTRICT ATTORNEY****Article 158**

- (1) The tasks of District Attorney are performed by Aceh District Attorney as a part of District Attorney General of the Republic of Indonesia.
- (2) The selection and placement of an Attorney in Aceh is conducted by District Attorney General with due observance of Aceh legal norms, syari'at, culture, traditional customs.
- (3) The appointment of the Head of Aceh High District Attorney is conducted by the Attorney General of the Republic of Indonesia with the approval of the Governor.
- (4) The dismissal of the Head of High District Attorney in Aceh is conducted by the Attorney General.
- (5) District Attorney in Aceh performs its tasks and technical policy in the legal enforcement sectors including the implementation of Islamic Syari'at.

CHAPTER XXVIII**POPULATION AFFAIRS****Article 159**

- (1) An Aceh person is every individual born or having Aceh origin both presents in Aceh or outside of Aceh and acknowledges him/herself as Aceh citizen.

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- (2) Aceh people consist of individuals originating from various races of nations and ethnics settled in Aceh for generations and acknowledge themselves as Aceh people.
- (3) The Government, the Government of Aceh and the Government of Regency/City acknowledge, honor and protect ethnics diversity in Aceh.
- (4) The Government of Aceh and the Government of Regency/City acknowledge and protect the rights of each ethnic group existed in Aceh to be treated equally in political, economic, social and cultural sectors.

Article 160

- (1) Aceh resident is every person permanently residing in Aceh.
- (2) Every Aceh resident having the age of 17 (seventeen) years old and/or having been married will be provided with resident identity card.
- (3) The Government of Aceh and the Government of Regency/City manage population data in accordance with their authorities.
- (4) The provisions regarding the population affairs and identity as meant in paragraph (2) and paragraph (3) will be stipulated in Aceh Qanun guided by the statutory regulations.

CHAPTER XXIX

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LAND AFFAIRS**Article 161**

- (1) Aceh people have rights over land in accordance with the statutory regulations.
- (2) The Government of Aceh is authorized to manage and arrange the allotment, utilization and legal relationship relating to rights over land by acknowledging, honoring and protecting the existing rights including customary law rights in accordance with the nationally applicable norms, standard and procedure.
- (3) The Government of Aceh is obliged to conduct legal protection over wakaf land and other religious assets.
- (4) Further provisions regarding land as meant in paragraph (1), paragraph (2) and paragraph (3) are stipulated by Aceh Qanun.

Article 162

- (1) The Government of Aceh is authorized to grant license for right to build and right of exploitation for domestic and foreign investors in accordance with the applicable norms, standard and procedure.
- (2) The procedure for the granting of license as meant in paragraph (1) is stipulated by Aceh Qanun.

CHAPTER XXX**EDUCATION**

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Article 163

- (1) Education conducted in Aceh is one unity to national education system as adjusted to the characteristics, potential and the necessity of local community.
- (2) Education is conducted by empowering all community components including women group through participation in the organization of education and quality control of services.

Article 164

- (1) Every Aceh resident is entitled to acquire high quality and Islamic education inline with the development of science and technology.
- (2) Education as meant in paragraph (1) is conducted based on the principles of democracy and justice by revering human rights, Islamic value, culture, and nation's plurality.

Article 165

- (1) Aceh resident having the age of 7 (seven) years old up to 15 (fifteen) years old is entitled to acquire basic education without any charges.
- (2) Aceh resident as meant in paragraph (1) is obliged to attend basic education.
- (3) Aceh Government and Regency/City Government are obliged to allocate adequate fund to finance basic and intermediate education.

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- (4) Aceh Government and Regency/City Government provide free education service to financially incapable community groups up to the senior high school education level.
- (5) Aceh Government and Regency/City Government provide specific education services for disabled people and neglected children.
- (6) The management of education fund as meant in paragraph (1), paragraph (2), paragraph (3), paragraph (4) and paragraph (5) is stipulated by Aceh Qanun.

Article 166

- (1) The Government of Aceh and the Government of Regency/City are responsible for the organization of education at all levels, lines, and types of education.
- (2) The Government of Aceh and the Government of Regency/City stipulate the policy regarding the organization of formal education, dayah education and other non-formal education through the stipulation of core curriculum and quality standard for all types and levels of education in accordance with the statutory regulations.
- (3) The Government of Aceh and the Government of Regency/City stipulate the policy for the development of universities, curriculum and quality standard of education in all levels, lines and types of education.

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- (4) Allocation of education fund through APBA and APBK is not allocated for official service education and training, public service activities outside of education sector and is prioritized for the improvement of education organization quality at school levels.
- (5) The Government of Aceh and the Government of Regency/City provide extensive opportunity to qualified religious institution, communal organization, non governmental organization and business community in accordance with the statutory regulations to develop and organize high quality education.

Article 167

- (1) The organization of education in Aceh must fulfill the minimum service standard in education sector in accordance with the statutory regulations.
- (2) The organization of dayah education must fulfill the accreditation standard stipulated by the Government of Aceh.
- (3) The determination of accreditation standard as meant in paragraph (2) is stipulated by Aceh Qanun.

Article 168

- (1) The Government, the Government of Aceh and the Government of Regency/City provide access to education participants

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in order to obtain education services by domestic and foreign professional personnel.

- (2) Education services conducted by foreign professional personnel as meant in paragraph (1) are in accordance with the statutory regulations.
- (3) The organizer of education in Aceh may cooperate with domestic and foreign educational institutions in accordance with the statutory regulations.

Article 169

- (1) The Government of Aceh is obliged to must strengthen the function and role of Regional Education Assembly.
- (2) The procedure for the formation, composition, tasks and functions of Regional Education Assembly as meant in paragraph (1) is stipulated by Aceh Qanun.

CHAPTER XXXI

CULTURE

Article 170

- (1) The Government, the Government of Aceh and the Government of Regency/City protect, foster and develop Aceh culture as well as Aceh arts based on Islamic civilization values.
- (2) The Government, the Government of Aceh and the Government of Regency/City provide role to the community and social

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institutions in the implementation of the provisions as meant in paragraph (1).

- (3) The Government, the Government of Aceh and the Government of Regency/City foster, develop and preserve regional cultural and arts diversity in the effort to maintain distinctiveness and to form Aceh community personality.
- (4) The Government, the Government of Aceh and the Government of Regency/City acknowledge, honor and protect cultural and arts inheritance of Aceh ethnic groups including cultural and art inheritance of minority ethnics in Aceh.
- (5) Regional language may become introductory language in the elementary school level of education in accordance with the necessity.
- (6) The Government of Aceh may form Aceh cultural institution and/or arts.
- (7) The implementation of the provisions which become the authority of the Government of Aceh and the Government of Regency/City as meant in paragraph (1), paragraph (2), paragraph (3), paragraph (4), paragraph (5), and paragraph (6) is stipulated by Aceh Qanun.

Article 171

- (1) The Government, the Government of Aceh and the Government of Regency/City protect and preserve sites, literatures,

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historical documents, tsunami marks, culture and civilization of Aceh.

- (2) The Government of Aceh and the Government of Regency/City establish and develop Aceh cultural, arts and civilization centers.
- (3) The Government, the Government of Aceh and the Government of Regency/City are obliged to re-search and return missing or moved historical assets and maintain them as Aceh cultural inheritance.
- (4) The implementation of the provisions which become the authority of the Government of Aceh and the Government of Regency/City as meant in paragraph (1), paragraph (2) and paragraph (3) is stipulated by Aceh Qanun.

CHAPTER XXXII

SOCIAL

Article 172

- (1) The Government, the Government of Aceh and the Government of Regency/City are obliged to:
 - a. provide social protection and service to people having social problems;
 - b. provide access which will ease the live of Aceh residents having social problems;
 - c. strive to handle/overcome the victims of (natural and social) disaster; and

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- d. rehabilitate public facilities and assist the rehabilitation of individual assets destroyed by disaster.
- (2) The Government of Aceh and the Government of Regency/City construct social institutions for people having social problems.
- (3) The Government of Aceh and the Government of Regency/City provide role to the community including non governmental organization in performing the activities as meant in paragraph (1) and paragraph (2).
- (4) The implementation of the provisions which become the authority of the Government of Aceh and the Government of Regency/City as meant in paragraph (1), paragraph (2) and paragraph (3) is stipulated by Aceh Qanun.

CHAPTER XXXIII

HEALTH

Article 173

- (1) Health is basic people right and a human resources investment in the development of Aceh.
- (2) Every Aceh resident is entitled to obtain physical, mental health and nutrient improvement services.
- (3) Every orphan and, poor and needy person, is entitled to obtain free comprehensive health service.

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- (4) The procedure for the implementation as meant in paragraph (1) and paragraph (2) is stipulated by Aceh Qanun.

Article 174

- (1) The Government of Aceh and the Government of Regency/City are obliged to provide Islamic health services based on the minimum service standard in accordance with the statutory regulations.
- (2) Minimum service standard in health sector covers management, administration and information standard, service and medicine standard, financing standard, infrastructure and facility standard, as well as medical staff qualification and competence standard.
- (3) The Government of Aceh and the Government of Regency/City prevent and overcome all types of endemic, epidemic, pandemic diseases and/or disease endangering the sustainability of the residents.
- (4) The Government of Aceh and the Government of Regency/City provide opportunity to religious institution, educational institution, customary law institution, social organization, women organization, profession organization, non governmental organization as well as qualified business community to have a role in health sector.

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- (5) The Government of Aceh and the Government of Regency/City provide health financing which can afford the normative necessity of community health effort and individual health effort for poor residents.
- (6) The implementation as meant in paragraph (1), paragraph (2), paragraph (3), paragraph (4), and paragraph (5) is stipulated by Qanun.

Article 175

- (1) The Government of Aceh and the Government of Regency/City plan and implement improvement and recovery programs of psycho-social and mental health due to conflicts and disasters which implementation may involve qualified religious institution, educational institution, customary law institution, social organization, women organization, profession organization and non governmental organization and business community.
- (2) The planning and implementation of the programs as meant in paragraph (1) is conducted with due observance of Aceh culture and by maximizing the role of local community.
- (3) The provisions regarding the programs as meant in paragraph (1) and paragraph (2) are stipulated by Aceh Qanun.

CHAPTER XXXIV

HUMAN RIGHTS

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Article 176

- (1) All Aceh residents are equal before the law.
- (2) All residents who are qualified as stipulated by the statutory regulations are entitled to vote and to be elected.
- (3) Aceh residents have the right to the freedom of speech, freedom of press and publication, freedom to associate, freedom to assemble, the freedom of moving from one place to other place, the freedom to peacefully demonstrate, and the right to establish and join labor union and the right to strike.
- (4) No Aceh resident may be arrested, seized, trialed, and confined in any manner which is against the law.
- (5) It is not justified to conduct any arbitrary or illegal act of search over the body, residence, and clothing of a person or expropriation of right or limitation over the freedom of any person.
- (6) It is not justified to conduct torture over the resident or arbitrary act and expropriation of the right to live in any manner which is against the law.
- (7) Aceh resident has the freedom to conduct academic research, art and literature creation, and other cultural activities which are not contradictory to Islamic syari'at.

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- (8) Aceh residents are entitled to obtain legal services and assistance, access to court, choose lawyer/legal advisor for their protection, when required, over their legal rights and interests before the court.

Article 177

- (1) Each Aceh resident is entitled to have decent occupation and livelihood for humanity.
- (2) Each resident who has not yet obtain the right as meant in paragraph (1) is entitled to social security provided by the Government of Aceh and the Government of Regency/City.

Article 178

- (1) The Government, the Government of Aceh and the Government of Regency/City are obliged to comply with, promote and enforce human rights as mentioned in the international covenant which has been stipulated in the statutory regulations.
- (2) The obligation as meant in paragraph (1) is including the providing of acknowledgement and protection to minority groups and ethnics in Aceh.
- (3) The Government forms Human Rights Court for Aceh.
- (4) Indonesia Commission for the Truth and Reconciliation forms the Commission for Truth and Reconciliation in Aceh

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with the tasks of formulating and determining the reconciliation effort.

Article 179

- (1) The Government, the Government of Aceh and the Government of Regency/City as well as Aceh residents are obliged to promote and protect the rights of women and children as well as to conduct empowerment efforts with dignity.
- (2) The implementation of the provisions as meant in paragraph (1) which becomes the authority of the Government of Aceh and the Government of Regency/City will be further stipulated in Qanun.

CHAPTER XXXV

**QANUN, REGULATION OF THE GOVERNOR AND REGULATION OF THE
REGENT/MAYOR**

Article 180

- (1) Qanun is enacted by the Governor, the Regent/Mayor upon obtaining joint approval from DPRA and DPRK.
- (2) Qanun is formed in the framework of governing Aceh/Regency/City Government and assisting task.
- (3) Qanun as meant in paragraph (1) enters into force upon being promulgated in the Gazette of Aceh and the Gazette of Regency/City.
- (4) Draft of Qanun which has obtained joint approval from DPRA and DPRK, if within a period of 30 (thirty) days is *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

not yet executed by the Governor, the Regent/Mayor, then the draft of Qanun is lawful as Qanun and must be promulgated in the Gazette of the Government of Aceh and the Gazette of the Government of the Regency/City.

- (5) In the event that the enactment of draft of Qanun is as meant in paragraph (4), the wording of its enactment is "this Qanun is declared lawful", by mentioning the date of which it becomes lawful.
- (6) The wording of enactment as meant in paragraph (5) must be put into book at the last page of Qanun prior to the promulgation of Qanun text in the Gazette of Aceh and the Gazette of Regency/City.

Article 181

- (1) Government supervision towards Aceh/Regency/City Qanun is conducted in accordance with the statutory regulations.
- (2) Qanun which is contradictory to public interest and higher statutory regulations will be annulled, unless provided otherwise in this law.

Article 182

Qanun is formed based on the principle for the formulation of statutory regulations which covers:

- a. clarity of objectives;
- b. appropriate formulating institution or organ;

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- c. conformity between the type and subject matter of the content;
- d. applicability;
- e. efficiency and effectiveness;
- f. clarity of formulation; and
- g. openness.

Article 183

- (1) Subject matter of the content of Qanun contains the principles of:
 - a. guardianship;
 - b. humanity;
 - c. nationality;
 - d. familial relationship;
 - e. diversity;
 - f. justice;
 - g. non discrimination;
 - h. equality before the law and the government;
 - i. legal order and legal certainty; and/or
 - j. equilibrium, harmony, equality and conformity.
- (2) In addition to the principles as meant in paragraph (1), Qanun may contain other principles in accordance with the substance of the relevant Qanun.

Article 184

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- (1) The community is entitled to provide verbal or written input in the framework of the preparation and discussion of draft of Qanun.
- (2) In each stage of preparation and discussion of Qanun must be ensured the existence of space for public participation.
- (3) The implementation as meant in paragraph (1) and paragraph (2) is stipulated by Qanun.

Article 185

- (1) Draft of Qanun may come from DPRA, DPRK, the Governor and the Regent/Mayor.
- (2) In the event that in one meeting session, DPRA, DPRK, the Governor and the Regent/Mayor submit draft of Qanun regarding the same subject matter then the one being discussed is draft of Qanun submitted by DPRA/DPRK, while draft of Qanun submitted by the Governor and the Regent/Mayor is used as comparison material.
- (3) The procedure to prepare draft of Qanun deriving from the Governor and the Regent/Mayor is stipulated by Qanun.

Article 186

- (1) Draft of Qanun is submitted by members of commission, coalition of several members of fractions/commission or apparatus of DPRA/DPRK especially handling legislation sector.

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- (2) Further provision regarding the procedure to prepare draft of Qanun as meant in paragraph (1) is stipulated in the Order Regulation of DPRA/DPRK.

Article 187

- (1) The dissemination of draft of Qanun deriving from DPRA/DPRK is conducted by DPRA/DPRK Secretariat.
- (2) The dissemination of draft of Qanun deriving from the Governor, the Regent/Mayor is conducted by Aceh Secretariat and Regency/City Secretariat.

Article 188

- (1) Qanun may contain provisions regarding the imposition of legal enforcement compelling cost, either entirely or partially, to the violator in accordance with the statutory regulations.
- (2) Qanun may contain criminal sanction in the form of imprisonment for at the most 6 (six) months and/or a fine of at the most Rp. 50.000.000,- (fifty million rupiah).
- (3) Qanun may contain criminal sanction or fine other than as meant in paragraph (2) in accordance with the provisions in other statutory regulations.

Article 189

To implement Qanun, the Governor and the Regent/Mayor stipulate Regulation/Decree of the Governor, Regulation/Decree of the Regent/Mayor.

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Article 190

- (1) Qanun is promulgated in the Gazette of Aceh/Regency/City.
- (2) The Regulation of the Governor, the Regulation of the Regent/Mayor are promulgated in the Report of Aceh/Regency/City.
- (3) The promulgation of Qanun and the Regulation of the Governor is conducted by Aceh Secretary.
- (4) The promulgation of Qanun and the Regulation of the Regent/Mayor is conducted by Regency/City Secretary.
- (5) The Government of Aceh is obligated to disseminate Qanun, the Regulation of the Governor which have been promulgated in the Gazette of Aceh and Report of Aceh.
- (6) The Government of Regency/City is obligated to disseminate Qanun and the Regulation of the Regent/Mayor which have been promulgated in the Gazette of Regency/City and the Report of Regency/City.

Article 191

- (1) In order to assist the Governor, the Regent/Mayor in enforcing Qanun, in the organization of public order and community tranquility, may be formed Civil Service Police Unit.
- (2) The formation and arrangement of Civil Service Police Unit organization as meant in paragraph (1) is stipulated in Qanun guided by the statutory regulations.

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Article 192

- (1) Members of Civil Service Police Unit may be appointed as Civilian Government Employee Investigator.
- (2) The examining and prosecuting towards violation over Qanun are conducted by investigating official and public prosecutor in accordance with the statutory regulations.
- (3) By Qanun may be appointed other official assigned with the task to conduct examination towards violation over Qanun.

CHAPTER XXXVI**FLAG, CREST AND HYMNE****Article 193**

- (1) The Red and White Flag is the crest of national flag which is applicable to Aceh in the Unitary State of the Republic of Indonesia and the 1945 Constitution of the Republic of Indonesia.
- (2) In addition to the Red and White Flag as meant in paragraph (1), the Government of Aceh may determine and stipulate Aceh flag as the symbol for the reflection of specialty and specific characteristic.
- (3) Aceh flag as a symbol as meant in paragraph (2) is not a symbol of sovereignty and will not be treated as a sovereignty flag in Aceh.

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- (4) The form of flag as meant in paragraph (2) is stipulated by Aceh Qanun guided by the statutory regulations.

Article 194

- (1) The Government of Aceh may determine a crest as symbol of specialty and specific characteristic.
- (2) The provisions regarding crest as meant in paragraph (1) are stipulated by Aceh Qanun.

Article 195

- (1) The song Indonesia Raya is national anthem having national characteristic for Aceh in the Unitary State of the Republic of Indonesia.
- (2) The Government of Aceh may determine Aceh Hymn as the reflection of specialty and specific characteristic.
- (3) The provisions regarding Aceh Hymn as meant in paragraph (2) are stipulated by Aceh Qanun.

CHAPTER XXXVII

FOSTERING, SUPERVISION AND SETTLEMENT OF DISPUTE

Article 196

The fostering and supervision over the governing of Aceh and Regency/City Government are conducted by the Government in accordance with the statutory regulations.

Article 197

- (1) In the event that there is a dispute in the administration of government function among *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

regencies/cities in one province, the Governor will settle the dispute.

- (2) In the event that there is a dispute among the provinces, between a province and a regency/city in the territory of the relevant province, as well as between a province and a regency/city outside of the territory of the relevant province, the Minister of Domestic Affairs will settle the dispute.
- (3) The decisions for the settlement of dispute as meant in paragraph (1) and paragraph (2) are final and binding.

CHAPTER XXXVIII

MISCELLANEOUS PROVISIONS

Article 198

- (1) The name of Aceh as a Provincial Region and the titles of elected government officials will be determined by DPRA after the general election of 2009.
- (2) The name and titles as meant in paragraph (1) are stipulated by Government Regulation based on the proposal of DPRA and the Governor of Aceh.

CHAPTER XXXIX

TRANSITIONAL PROVISIONS

Article 199

Cooperation agreements between the Government and foreign countries or other parties, relating to profit sharing
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contract agreement over oil and natural gas (migas) located in Aceh are declared of remain in force up to the expiry of the term of the contract.

Article 200

The formation of Local Political Parties and the participation in the Election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor, Members of DPRA and DPRK which is stipulated based on this Law will be conducted at the earliest on August 15, 2006.

Article 201

- (1) The convening of the election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor for the first time will be conducted by KIP of NAD Province and Regency/City KIP which have been formed.
- (2) The procedure for the Election for the Governor/Deputy Governor, Regent/Deputy Regent and Mayor/Deputy Mayor for the first time will be guided by Aceh Qanun Number 2 of 2004 regarding the Election for the Governor/Deputy Governor, the Regent/Deputy Regent and the Mayor/Deputy Mayor as amended by Aceh Qanun Number 3 of 2005 regarding the Amendment to Aceh Qanun Number 2 of 2004, to the extent they are not contradictory to this Law and other statutory regulations.

CHAPTER XL

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CLOSING PROVISIONS**Article 202**

- (1) All statutory regulations which are contradictory to this law are declared of being no longer applicable in Aceh.
- (2) All statutory regulations directly relating to extensive autonomy right for Aceh must base and adjust their provisions to this law.
- (3) The plan for the amendment to this Law will be conducted through consultancy and approval of DPR.
- (4) All existing Qanun are declared of remain in force to the extent they are not contradictory to this law.

Article 203

- (1) The implementing provisions of this Law relating to the authority of the Government of Aceh are stipulated by Government Regulations and other statutory regulations.
- (2) The implementing provisions of this Law relating to the authority of Aceh Government are stipulated by Aceh Qanun.
- (3) The implementing provisions of this Law relating to the authority of Regency/City Government are stipulated by Regency/City Qanun.

Article 204

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The implementing provisions of this Law which become the obligation of the Government will be formulated at the latest 2 (two) years after this Law is promulgated.

Article 205

With the coming into force of this Law, Law Number 18 of 2001 regarding Special Autonomy for Aceh Special Region as Nanggroe Aceh Darussalam Province is revoked and is declared of being inapplicable.

Article 206

This Law will come into force as of the date of promulgation. For public cognizance, this law is promulgated by publishing it in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

On

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

On 2006

THE MINISTER OF LAW AND HUMAN RIGHTS,

HAMID AWALUDDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF NUMBER

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DRAFT OF ELUCIDATION
REGARDING
DRAFT OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER OF 2006
REGARDING
ACEH GOVERNMENT

I. GENERAL

The Governing System of the State of the Republic of Indonesia according to the 1945 Constitution of the Republic of Indonesia acknowledges and honor regional government units having specific characteristics or specialty which are stipulated in the Law.

Law Number 18 of 2001 regarding Special Autonomy for Aceh Special Region as Nanggroe Aceh Darussalam Province is an acknowledgement and honor over regional government unit having specific characteristics or specialty as meant in the 1945 Constitution of the Republic of Indonesia. The objective of Law Number 18 of 2001 is to provide opportunity in the governing of regional government in the form of special autonomy for Aceh Special Region Province as Nanggroe Aceh Darussalam Province in the Unitary State of the Republic of Indonesia.

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The basic thing from this Law is the granting of more extensive opportunity to manage and arrange its domestic affairs including economic resources, digging and empowering natural resources and human resources, nurturing the initiative, creativity and democracy, improving the participation of the community, digging and implementing communal life order which is in accordance with the noble value of Aceh communal life, optimally functioning Regional House of People's Representatives of Nanggroe Aceh Darussalam Province in promoting the governing in Nanggroe Aceh Darussalam Province and implementing Islamic Syari'at in the life of the community.

In its development, Law Number 18 of 2001 apparently is not yet entirely capable of accommodating the aspiration of the community and overcoming various conflicts arising in Aceh. Several effort to the peace settlement of the conflict in Aceh have been actually taken, however an agreement cannot yet be achieved. The Helsinki Meeting is the effort of the Government of the Republic of Indonesia and Free Aceh Movement to settle the lengthy conflict, which eventually produced Memorandum of Understanding between the Government of the Republic of Indonesia and Free Aceh Movement.

The Memorandum of Understanding between the Government of the Republic of Indonesia and Free Aceh Movement executed on *The XVIII Special Committee of 2005, The Regional House of People's Representatives of Nanggroe Aceh Darussalam*

August 15, 2005, marked a new moment in the course of history of Aceh Province and the life of its people towards a peace, just, prosperous, welfare conditions and with dignity, in which the Memorandum of Understanding has approved the following matters:

1. The Government of the Republic of Indonesia and Free Aceh Movement confirm the commitment for the solution for Aceh conflict in a peaceful, comprehensive, sustainable, just manner and with dignity for all;
2. The Government of the Republic of Indonesia and Free Aceh Movement determine to create the condition, therefore government in Aceh can be materialized through a democratic and fair process in the Unitary State and the 1945 Constitution of the Republic of Indonesia;
3. Both parties for more than 30 (thirty) years have been fighting and involved in the conflict and caused the lost of tens of thousands of lives of the citizens as well as the sacrifice of feelings, properties and dignity of humanity, determine to build confidence between the parties and very much confident that only peaceful settlement over such conflict will enable the re-development of Aceh.

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4. The Memorandum of Understanding details the contents of the agreement which have been achieved and the principles which will guide the transformation process.

Based on the Memorandum of Understanding has been agreed that Aceh must have the right to implement governing authority which is specifically granted, by acknowledging the separation of power principle over legislative, executive and judicative powers which is free from any influence whatsoever as well as under the auspices of the 1945 Constitution of the Republic of Indonesia. In the delegation of right and authority, the Government is responsible for the implementation of foreign affair politics, defense affairs, security affairs, judicial affairs, national monetary and fiscal affairs, and certain authorities in the religious sector as well as other authorities stipulated as the authorities of the Government.

In order that the Memorandum of Understanding between the Government of the Republik of Indonesia and Free Aceh Movement can be implemented, it has been agreed that it is a must to have the items of the Memorandum of Understanding to be set out in a law of the Republic of Indonesia. This Law contains basic definition, i.e., Aceh as a region having specific characteristics and provided with special authority to manage and arrange its governing affairs in the system of the Unitary State of the Republic of Indonesia. With such special

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authority, then the past condition of Aceh which is full of instability, unpleasant, injustice and dreary, is expected to move forward to the life of Aceh people which is safe, peace, just, prosperous and with dignity.

II. ARTICLE PER ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

What is meant by the borders in this article is in accordance with Law Number 24 of 1956 regarding the Formation of Atjeh Province and the Amendment to the Regulation for the Formation of North Sumatra Province and Law Number 18 of 2001 regarding Special Autonomy for Aceh Special Region as Nanggroe Aceh Darussalam Province.

Article 4

Paragraph (1)

What is meant by special zone is a zone which is supporting the necessity of economic development, conservation and environment, cultural preserve and other strategic necessities such as military base, the location for the launching of satellite.

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What is meant by certain governmental function is such as state defense, empowerment of revenue and certain/outer islands, penitentiary, preservation of cultural inheritance and natural preserve, conservation of environment, research and technology.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Article 5

What is meant by statutory regulations in this provision is the Law stipulating regional government.

Article 6

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

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Sufficiently clear.

Article 9

Paragraph (1)

What is meant by offshore institution or agency is the agency of foreign country having diplomatic relationship with the Republic of Indonesia.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Paragraph (1)

What is meant by division of affairs in this provision covers division of authorities which will be performed by the Government, the Government of Aceh and the Government of Regency/City.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

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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

Sufficiently clear.

Article 20

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

125% is an addition of 25% (twenty five percent) from the provision of the law is meant to accommodate the specific and special tasks as reflected in the commission of DPRA.

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Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Paragraph (1)

Letter a

What is meant with the right of interpellation in this provision is the right to request information to the Government of Aceh, Regency/City as well as other parties who are required in accordance with the statutory regulations.

Letter b

Sufficiently clear.

Letter c

Sufficiently clear.

Letter d

Sufficiently clear.

Letter e

Sufficiently clear.

Letter f

Sufficiently clear.

Letter g

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Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Paragraph (7)

Sufficiently clear.

Paragraph (8)

Sufficiently clear.

Paragraph (9)

Sufficiently clear.

Article 24

Paragraph (1)

Letter a

Sufficiently clear.

Letter b

Sufficiently clear.

Letter c

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Sufficiently clear.

Letter d

Sufficiently clear.

Letter e

What is meant by financial and administration rights include pension right and service money for members of DPRA after closing their term of office, being deceased and honorably resigning.

Letter f

Sufficiently clear.

Letter g

Sufficiently clear.

Letter h

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

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Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Paragraph (1)

Fraction has the function to accommodate the aspiration of the community and is authorized in the adoption of each decision in DPRA/DPRK, therefore may be provided with operational assistance to perform its function and authority.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

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Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Paragraph (7)

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

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Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

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In the convening of general election for the president/vice president, the House of People's Representatives of the Republic of Indonesia, the Regional Representatives Board, DPRA and DPRK, Aceh KIP and Regency/City KIP is the portion of the General Election Commission.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

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

Sufficiently clear.

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Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Letter a

What is meant by administration in this provision is the formal materials being attached at the time of registration in accordance with the requirements based on the statutory regulations.

Letter b

Sufficiently clear.

Letter c

Sufficiently clear.

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Letter d

Sufficiently clear.

Letter d

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Paragraph (1)

What is meant by democratic and transparent mechanism in this provision is the prevailing mechanism in the political party or coalition of political parties who make the nomination and the organizational process as well as the decision can be publicly accessed.

Paragraph (2)

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

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Article 66

Paragraph (1)

Letter a

Sufficiently clear.

Letter b

Sufficiently clear.

Letter

What is meant by the right to submit recalling of members of DPRA/DPRK is the right of the voter on objective grounds to propose in writing in order that a member of DPRD is recalled from his/her membership of DPRA/DPRK through a procedure in accordance with the statutory regulations including the law regarding general election. Therefore, the acknowledgement over this right does not have any implication whatsoever towards the election system of the members of DPRD, unless otherwise stipulated by the governing law.

Letter d

Sufficiently clear.

Letter e

Sufficiently clear.

Letter f

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Sufficiently clear.

Letter g

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

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

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People's Representatives of Nanggroe Aceh Darussalam*

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Government Regulation as meant in this provision is issued by the Government after the political and legal conditions in Aceh are conducive.

Article 77

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Letter a

Regency/City Customary Law Assembly conducts deliberation which is attended by all existing customary law institutions in the regency/city to elect its representative.

Letter b

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Sufficiently clear.

Letter c

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

The protocol rights and position of *Wali Nanggroe* include the right of immunity.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.

Article 81

Sufficiently clear.

Article 82

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

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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

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People's Representatives of Nanggroe Aceh Darussalam*

Sufficiently clear.

Article 99

Sufficiently clear.

Article 100

Sufficiently clear.

Article 101

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

What is meant by "ahwal al-syakhshiyah" in this provision is family law which covers marriage law, divorce, inheritance, guardianship, nafkah (money for household expenses), child care and collective assets.

What is meant by Muamalah in this provision is Islamic law which stipulates the method to interact with other human being in the daily life, such as, sale and purchase, rental, lending and borrowing, etc. What is meant by Jinayah in this provision is the law related to crimes which is based on Islamic Syari'at as stipulated in Qanun.

Article 102

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Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Based on this provision, it is not closed for the possibility for the submission of Re-Evaluation (Peninjauan Kembali) in accordance with the statutory regulations.

Article 103

Sufficiently clear.

Article 104

Sufficiently clear.

Article 105

Sufficiently clear

Article 106

Sufficiently clear.

Article 107

Paragraph (1)

Sufficiently clear.

Paragraph (2)

What is meant by is obliged to honor in this provision is acting and behaving which will not disturb the tranquility of the community.

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Article 108

Sufficiently clear.

Article 109

Paragraph (1)

What is meant by religious court in this provision
is Syar'iyah Court.

Paragraph (2)

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.

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People's Representatives of Nanggroe Aceh Darussalam*

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

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

What is meant by fish catching license is all fish catching license for all types and sized of boats as well as the gross tonnage of boat operating in Aceh.

Paragraph (4)

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Sufficiently clear.

Article 126

Paragraph (1)

Sufficiently clear.

Paragraph (2)

What is meant by without any tax barrier, customs barrier or other barrier is barrier in the framework of fulfilling tax provisions, customs provisions or other levies outside of those being stipulated in the provisions of statutory regulations.

Article 127

Sufficiently clear.

Article 128

Sufficiently clear.

Article 129

Sufficiently clear.

Article 130

Paragraph (1)

What is meant by special facility and treatment is as stipulated in Law Number 37 of 2000 regarding the Stipulation of Government Regulation in Lieu of Law Number 2 of 2000 regarding Sabang Free Trade and Free Port Zone to be a Law.

Paragraph (2)

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Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Article 131

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

Sufficiently clear.

Article 139

Sufficiently clear.

Article 140

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Paragraph (1)

Letter a

What is meant by Aceh/Regency/City taxes are taxes of Aceh/Regency/City in accordance with the applicable statutory regulation added by other taxes applied as taxes of Aceh/Regency/City as the income of Aceh/Regency/City in the framework of governing, which covers land and building tax, land and building acquisition tax, and indirect taxes.

Letter b

Sufficiently clear.

Letter c

Sufficiently clear.

Letter d

Sufficiently clear.

Letter e

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 141

Paragraph (1)

Letter a

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Sufficiently clear.

Letter b

Point 1

Sufficiently clear.

Point 2

Sufficiently clear.

Point 3

Sufficiently clear.

Point 4

Sufficiently clear.

Point 5

The portion of Aceh/Regency/City from the natural resources income of oil and gas mining is amounting to 15% which division is as stipulated in accordance with the statutory regulations, whereas additional income is amounting to 55% as special fund for the governing in Aceh which division is stipulated by Qanun.

Point 6

The portion of Aceh/Regency/City from natural resources income of natural gas mining is amounting to 30% which division is stipulated in accordance with the

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statutory regulations, whereas addition income is amounting to 40% as special fund for the governing in Aceh which division is stipulated by Qanun.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

The Government facilitates the formulation of Qanun regarding profit sharing fund between Aceh and Regency/City.

Article 142

Sufficiently clear.

Article 143

Paragraph (1)

Sufficiently clear.

Paragraph (2)

What is meant foreign aid is in the form of grant for the purpose of improving people's economy and welfare.

Paragraph (3)

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The formulation of Qanun as meant in this provision will be facilitated by the Minister of Finance and the Minister of Domestic Affairs.

Article 144

Sufficiently clear.

Article 145

Sufficiently clear.

Article 146

Paragraph (1)

What is meant by organization of education covers all financing of education other than expenses for salary and education honorarium as well as official service education and training expenses and is conducted gradually as follows: 20% for 5 (five) years as of the applicability of this Law and 30% as of the sixth year.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 147

Sufficiently clear.

Article 148

Sufficiently clear.

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Article 149

Paragraph (1)

What is meant by additional requirements cover provisions regarding channeling of credit according to sector, territory, business scale, and provisions regarding loan ratio towards third party fund (Loan-Deposit Ratio)

Paragraph (2)

What is meant by interest rate is the interest rate of rupiah currency.

Paragraph (3)

What is meant by statutory regulations in this provision is among others Law regarding Bank Indonesia and Government Regulations as its implementing regulations.

Article 150

Sufficiently clear.

Article 151

Sufficiently clear.

Article 152

Sufficiently clear.

Article 153

Paragraph (1)

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In the framework of implementation of other tasks, the placement of non organic Indonesian National Army is conducted by firstly consulting it to Aceh Governor.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 154

Sufficiently clear.

Article 155

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Governor's approval is given in writing at the latest 7 (seven) working days and in the event that he/she does not give any answer within such time limit then the Governor is considered of had given his/her approval. In urgent condition, for the security interest, the Head of State Police Department of the Republic of Indonesia may appoint temporary official of the Head of Aceh Police

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Department while waiting for the approval of the Governor of Nanggroe Aceh Darussalam Province.

Article 156

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Policy which needs to be coordinated to the Governor is policy which covers the aspects of public order and tranquility, protection, sheltering and public service.

Paragraph (4)

What being accounted in this provision is to the extent relating to the implementation of police department functional tasks in the public tranquility and public order which have been coordinated with the Governor and which have acquired budgetary support from APBA/APBK.

Paragraph (5)

Sufficiently clear.

Article 157

Sufficiently clear.

Article 158

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Sufficiently clear.

Article 159

Sufficiently clear.

Article 160

Sufficiently clear.

Article 161

Sufficiently clear.

Article 162

Sufficiently clear.

Article 163

Sufficiently clear.

Article 164

Sufficiently clear.

Article 165

Paragraph (1)

What is meant by basic education is education at the level of elementary school and Madrasah Ibtidaiyah or their equivalent as well as Junior High School and Madrasah Tsanawiyah or their equivalent.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

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What is meant by senior high school is SMU or its equivalent including Madrasah Aliyah or its equivalent.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Article 166

Sufficiently clear.

Article 167

Sufficiently clear.

Article 168

Sufficiently clear.

Article 169

Sufficiently clear.

Article 170

Sufficiently clear.

Article 171

Sufficiently clear.

Article 172

Sufficiently clear.

Article 173

Sufficiently clear.

Article 174

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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

Sufficiently clear.

Article 183

Sufficiently clear.

Article 184

Sufficiently clear.

Article 185

Sufficiently clear.

Article 186

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People's Representatives of Nanggroe Aceh Darussalam*

Sufficiently clear.

Article 187

Sufficiently clear.

Article 188

Sufficiently clear.

Article 189

Sufficiently clear.

Article 190

Sufficiently clear.

Article 191

Sufficiently clear.

Article 192

Sufficiently clear.

Article 193

Sufficiently clear.

Article 194

Sufficiently clear.

Article 195

Sufficiently clear.

Article 196

Sufficiently clear.

Article 197

Sufficiently clear.

Article 198

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People's Representatives of Nanggroe Aceh Darussalam*

Paragraph (1)

The name of Aceh is Provincial Region and titles of government officials which are meant in this provision must still refer to the system and principle of the Unitary State of the Republic of Indonesia and the 1945 Constitution of the Republic of Indonesia.

Paragraph (2)

Sufficiently clear.

Article 199

With the expiry of the term of cooperation agreement in this provision, the extension of contract or the preparation of new contract may be conducted by referring to the statutory regulations with due observance of the opinion of the Government of Aceh.

Article 200

Sufficiently clear.

Article 201

Sufficiently clear.

Article 202

Sufficiently clear.

Article 203

Sufficiently clear.

Article 204

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Sufficiently clear.

Article 205

Sufficiently clear.

Article 206

Sufficiently clear.

THE SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF
INDONESIA NUMBER

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