

THE POSITION AND AUTHORITY OF WALI NANGGROE IN THE ACEH GOVERNMENT SYSTEM

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Abstract

Aceh is a province located at the western tip of Indonesia, a province that is thick with Islamic law which is needed for all the people who live there. province that will be thick with customs and traditions. a province that is detached from past progress and political upheaval from the post-reform era. This research entitled "The Position and Authority of Wali Nanggroe in the Aceh Government System" has a formulation of the problem of how the position of Wali Nanggroe in the Aceh Government System is, how is the procedure for the election of Wali Nanggroe and what is the position of Wali Nanggroe in the Indonesian Government. The purpose of this research is to examine how and what are the roles of Wali Nanggroe in the government of Aceh and Indonesia and how to overcome the problems that exist in aceh aceh and find out what polemics exist in this institution. This research uses library research method or library research. The data sources used are primary data, as well as secondary data by processing data from primary legal materials, secondary legal materials and tertiary legal materials. The data will be analyzed using descriptive methods, namely research that only describes the state of the object or event without an intention to draw general conclusions. Based on the data analysis carried out, it can be concluded that there is a need to update the Qanun regarding Wali Nanggroe which is more detailed, especially regarding the role of this institution and the procedure for its election. because the presence of this institution should be a middle ground for inter-tribal conflicts in aceh. So that Aceh remains a solid province in all aspects, be it culture, religion and humanity

Keywords: Qanun, Aceh, Wali, Nanggroe.



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1. INTRODUCTION

Aceh is one of the provinces in Indonesia whose position is at the northern tip of Sumatra Island or the westernmost tip of the Unitary State of the Republic of Indonesia. The province with its capital city Banda Aceh is inhabited by around five million people spread over 23 regencies/cities.

Aceh was the first country to convert to Islam and became an area with the center of Islamic civilization in the archipelago during the reign of Aceh Darussalam. The Kingdom of Aceh Darussalam was founded by Sultan Ali Mughayat Syah ibn Syamsu Syah who ruled from 913-929 H or 1514-1530 AD In 1607, Aceh Besar had a famous king, namely, Sultan Iskandar Muda who at the age of 17 had held power. During his reign some of the coastal areas of the island of Sumatra he controlled and even reached the Melaka peninsula.

Historically, Aceh has had political freedom and has strongly resisted the control of foreigners, including the former Dutch colonialists and the Indonesian government. When compared to other provinces in the country, Aceh is an area that highly respects religious values which can be seen with its population which is 90% Muslim and also applies Islamic Shari'a law.

The Dutch were one of the most ambitious colonial nations to dominate the Kingdom of Aceh Darussalam. They did various ways to control this area to cause a prolonged conflict between the two sides which led to war. The declaration of war by the Dutch against the sovereign Aceh Kingdom on March 26, 1873 was the beginning of a long war known as the Aceh war.⁴ This war then made Aceh Darussalam's work slowly began to decline, also trade dimmed and profits began to shift to the Dutch people's pocket.⁵ This setback was caused by the emergence of local forces and they cooperated with the Dutch. On the other hand, there are also people who are loyal to the work of Aceh Darussalam, one of them is Tengku Chik Muhammad Saman di Tiro who at that time was appointed minister of war.

During the 30 years of political journey undertaken by tgk. Muhammad Saman was told that there had been a lot of political upheaval that led to violence since it was declared on December 4, 1979, Aceh became a reminder and forging of identity, a political necessity and an obligation for human needs. This conflict is driven by a failure of imagination in nation building, which for years has experienced exclusion and lack of access to their own power and legal resources.⁶ This inequality has created the Aceh Merdeka Movement (GAM) where the people of Aceh feel that so far the Indonesian people have not given them rights. - the rights to aceh instead take natural wealth to be given to the island of Java.

Gam himself wanted to restore the glory of Aceh Darussalam so that Aceh would become a victorious nation again, but this desire was opposed by the Indonesian people and became a very long conflict between the state and the province itself. This conflict then gave the people fears about GAM members and the Indonesian Military, often this kind of politics made ordinary people the victims.

On 26 December 2004, Sunday morning there was a tsunami dissertation earthquake in Aceh which killed 170,000 people. However, the disaster that Allah sent down has its own wisdom in accelerating the peace process in Aceh. Finally, on August 15, 2005, the MoU in Helsinki was signed by the Indonesian government with the leadership of Gam in Finland.⁹ With this peace, we want Aceh as a province that contributes to the progress of the Indonesian nation in the form of politics, social and economy for the people of Aceh as a whole.

In Law No. 11 of 2006 it is explained that Aceh is a special legal community unit and is given special authority to regulate and manage the affairs of the government and the local community in accordance with the principles of the Indonesian nation and the 1945 Constitution of the Republic of Indonesia.

Aceh itself cannot be separated from Islamic values which have existed for generations and have been enforced in Aceh until Aceh is dubbed the "veranda of Mecca". This nickname was given because of the love of the Acehnese people who are very obedient to Islamic law from the time of Aceh Darussalam's work to the present. In carrying out Aceh's Islamic law, it cannot be separated from culture/customs. So that in Aceh itself there is the term "hukom ngon adat han jeuet cre, lagee zat ngon sifeuet" (Islamic law and custom cannot be separated, for substances with properties).

To further fill Aceh's privileges, there have been 3 institutional sets, namely: the Aceh Ulema Council (MUA), Aceh Customary & Cultural Institute (LAKA), and the Regional

Education Council (MPD)¹². In the reform era, the democratic space significantly began to emerge which was marked by the growth of various civil organizations that demanded social, economic, and political change¹³. After the tsunami disaster and the NKRI-GAM agreement, NGOs mushroomed in Aceh for various interests such as: politics, economic activities, empowerment and assistance, education, associations, and others. The presence of this institution is very necessary where they work with priority, professionalism, and performance with benchmarks of transparency, and socialization.

These various institutions need to manage the crisis critically, constructively, in a constructive manner, not manipulation. This crisis became an opportunity to create a new institution called Wali Nanggroe. This institution was created so that the performance of the Aceh government (executive and legislative there to supervise and provide advice on policies issued). The term wali nanggroe was then used by Hasan Tiro when he proclaimed the Islamic State of Aceh on 24 May 1977 at Mount Halimon, Aceh Pidie.¹⁴ The Wali Nanggroe Institution was recently formed with its function as a unifying forum for the Acehnese people. This institution was born from a peace agreement between the Free Aceh Movement (GAM) and Indonesia. To acknowledge the existence of this institution, the Aceh Government Law No. 11 of 2006 explains the existence of this institution.

The presence of this wali nanggroe institution has several times experienced rejection from various aceh community circles, because this institution besides having very strong power in terms of customs also cannot carry out the mandate given and of course how the procedure for selecting and holding these institutions is very difficult to know. The community considers this institution to have run away from the initial purpose of establishing this institution.

Therefore, here the author tries to make a thesis proposal with the title: The Position and Authority of the Wali Nanggroe in the Aceh Government System.

2. METHODOLOGY

This research uses library research method or library research. The data sources used are primary data, as well as secondary data by processing data from primary legal materials, secondary legal materials and tertiary legal materials. The data will be analyzed using descriptive methods, namely research that only describes the state of the object or event without an intention to draw conclusions that apply in general.

3. RESULTS

What is the position of Wali Nanggroe in the Indonesian government?

The 1945 Constitution of the Republic of Indonesia also regulates the existence of constitutional state institutions such as the judicial commission, the Indonesian National Police, the Indonesian National Army, the Central Bank, the General Election Commission, the Presidential Advisory Council, and so on⁴⁷ from the center to the regions. Talking about Wali Nanggroe which is an institution formed from UUPA No. 11 of 2006 to be precise in article 96 this is a state institution located in the region.

State institutions in the regions are clearly defined in the 1945 Constitution of the Republic of Indonesia. This seems to be the case with the Governor and the Regional People's Representative Council. The existence of regional institutions is regulated by several possible forms of regulation, namely:

- 1) Regional institutions established based on or regulated in the Constitution;
- 2) Regional institutions established based on or regulated by law;

- 3) Regional institutions established based on or regulated in other central level laws and regulations;
- 4) Regional institutions established based on or regulated in provincial regional regulations; Regional institutions established based on or regulated in Governor regulations;
- 5) Regional institutions established based on or regulated in Regency/City Regional Regulations;
- 6) Regional institutions established based on or regulated in a Regent/Mayor regulation.

If you look at the information above, Wali Nanggroe is in no. 2, namely a state institution formed based on law, specifically the Aceh Government Law No. 11 of 2006. When viewed from its function, the regional institutions that have the highest position are the Governor, Regent/Major and Regional People's Representative Assembly. Because their powers are regulated by law. At the second layer are regional institutions that are formed and dissolved by or based on laws, while at the third level, there are also regional institutions that are formed with or based on central regulations under the law. Meanwhile, in the fourth tier, there are also regional institutions which are purely regulated and formed by the regional government.⁴⁹ From this information, the author is of the opinion that from the function of its formation, Wali Nanggroe is in the second place.

In the state administration system, the existence of independent institutions (one of which is Wali Nanggroe) must be accompanied by a clear position and role as well as a clear mechanism, so that according to Purnadi Soerjono Soekanto, it is necessary to have a status or position that is a subject in the state in covering institutions or agencies. or organizations, officials and citizens. Meanwhile, the role includes power, public service, freedom/human rights and obligations to the public interest.

The role that is carried out in reality (formed role, actual role). This means that the wali nanggroe institution has a position as a unifier of customs for the aceh community to avoid conflicts between likes in aceh which consists of many tribes, wali nanggroe also has a role to maintain the stability of aceh and maintain the privilege of aceh itself. For point one above, the author describes, for the formation of the Wali Nanggroe institution itself, the community or we can say former members of the Aceh Merdeka Movement (GAM) played an important role in the formation of this institution, because basically the formation of Wali Nanggroe was a "gift" given by the Indonesian government to aceh community. For the second point, each individual has a role, for example the author gives the example of tdk. Hasan di Tiro, who is the figure behind the formation of the Aceh Merdeka movement which can be said to be a revolution (failed) that this group is trying to carry out⁵². This means that Hasan di Tiro is the founder of the Aceh Merdeka Movement (GAM) whose actions were first seen seriously in the mid-1980s by sending 42 members of the Aceh Merdeka Movement to take part in military training in Libya. This assabiqunaal-awwalun group eventually became the forerunner of armed resistance by GAM members who fought fiercely when the Indonesian government carried out military operations. For the third point, what the members of the Aceh Merdeka Movement have done/fought for has produced results, marked by the existence of a peace agreement between the Indonesian government and the Acehnese people with the gift of Wali Nanggroe.

If we examine the 1945 Constitution, Article 1 paragraph (1) expressly states that the Indonesian state is a unitary state in the form of a republic. The consequence is that the president who holds the highest power over all state affairs is the central government without any delegation or delegation of power to local governments. In a unitary state, the responsibility for carrying out government duties is basically in the hands of the central government. However, the principle of a decentralized unitary state is well known in the Indonesian government system. From the perspective of legal politics, Moh. Mahfud MD said that one of the weaknesses of the 1945 Constitution was that "The 1945 Constitution builds an executive heavy political system, because it does not determine the boundaries of power and checks and balances explicitly so that power is centered on the president. According to Mahfud MD, this system is very vulnerable to attacks from latent diseases that are always present in every power, namely the tendency to corrupt. Any constitution that is too loose in the sense that it does not make clear boundaries on power can be attacked by this corrupt disease through various manipulations that can be disbursed with formal justification". conflict, so that a new regulation is needed which aims to make the president's duties more relaxed and this regulation to achieve progress in areas that are difficult for the president to reach. Thus, Law number 23 of 2014 was born which explains the principle of decentralization in article 1 paragraph 8 "Decentralization is the handover of government affairs by the central government to autonomous regions based on the principle of autonomy". Decentralization occurs by giving the authority to regulate and manage the administration of government to local governments. In essence, decentralization does not only contain the discussion of authority, but also the division of powers to regulate and administer the administration of the state government, the central government and lower level government units.

The position of the Wali Nanggroe Institution in the context of the Unitary State of the Republic of Indonesia can be placed within the frame of Asymmetric Decentralization. As is known in the Unitary State of the Republic of Indonesia, there are several areas that are given specialization in several aspects. Tri Ratnawati said that Asymmetrical Decentralization for each Region is likely to be used as a panacea to stem separatism in Indonesia, but even so, the division of special regions should not be born reactively, but must be carried out with an in-depth study by the central government so that it does not backfire at the wrong time. will come.

From the explanation above, it is clear that, in order to reduce conflict in the regions in Indonesia, the regions should be given the widest possible freedom to manage their regions because basically the regions themselves understand the needs of their citizens because they will be studied through philosophical, historical and sociological values. Because basically, one region to another has different normative values, for example, Aceh and Papua are far different in terms of norms and culture. This means that here with regional autonomy granted by the central government to each region, it will be easier for the regions to maintain the values that exist in their area, Papua with the Papuan People's Assembly (MPR) and strangely with the presence of Wali Nanggroe, both are different but the goal is one, namely to maintain the stability of the area by maintaining the cultural values that exist in the area.

Therefore, the implementation of regional autonomy in Indonesia is already on the right path, but it is still not perfect. The aspect that must be perfected is the paradigm to provide autonomy with the same spirit that believes in "playing evenly"

which will actually create new inequalities in each region. The spirit of “playing at average” is a domino effect from 32 years of viewing Indonesia from Jakarta, which has resulted in the immaturity of local government infrastructure when implementing regional autonomy.

The procedure for selecting the Wali Nanggroe

Before we look at the appointment of a wali nanggroe from the present, it's good to first look at how the history of aceh raised a wali nanggroe. After the war that raged on March 26, 1873 in Aceh which resulted step by step the land of Aceh was occupied by the Dutch East Indies until on January 24, 1874, all of Aceh was controlled by the Dutch East Indies from the center to the palace of Aceh Darussalam. Four days later, Sultan Ala ad-din Mahmud Sjah (1870-1874) died due to a cholera epidemic in Lueng Bata and was buried in Pagar Air, Want Jaya District, Aceh Besar District.

Then Sultan Muhammad Daud Syah was appointed who at that time was still 11 years old and became a king. Because the king at that time was still 11 years old, the Wali Nanggroe institution was formed to be precise on January 25, 1874. Panglima Polem Raja Kuala and Tengku Tjik Di Tanoh Abee Syech Abdul Wahab. The decision of the tuha peut deliberation withdraws all power before the god. As for the decision that resulted from the deliberation, exactly 3 days after the deliberation was carried out, the resulting decision, the Chairman of the Tuha Peut Council of the Kingdom of Aceh Tuanku Muhammad Raja Keumala took the decision to unite the Acehnese people.

The abundance of available food makes entrepreneurs flock to open up business opportunities. Culinary business competition is running very tight so that entrepreneurs must be creative so that their merchandise is ogled by consumers. One of the strategies used by this culinary practitioner is not only selling the taste but more in terms of naming it, so that giving a unique name becomes the main attraction.

1. Al Malik Al Mukarrah Tgk Tjik Di Tiro Muhammad Saman Bin Abdullah as the first Wali Nanggroe Aceh. After leading the war for 17 years, Tgk Tjik Di Tiro was martyred as a result of being poisoned in Kuta Aneuek Galong on December 29, 1891.
2. Tgk Tjik Di Tiro Muhammad Amin Bin Muhammad Saman as the second mayor of Aceh on January 1, 1892. He was also martyred in 1896 in Kuta Aneuek Galong.
3. Tgk Tjik Di Tiro Abdussalam Bin Muhammad Saman as the third Wali Nanggroe.
4. Tgk Tjik Di Tiro Sulaiman Bin Muhammad Saman as the fourth wali nanggroe in 1898 until his martyrdom in 1902.
5. Tgk Tjik Di Tiro Ubaidillah Bin Muhamamd Saman, three years in office (1905) the fifth wali nanggroe was martyred.
6. Tgk Tjik Di Tiro Mayiddin Bin Muhamamd Saman as the sixth Wali Nanggroe was appointed in 1905, he was also martyred in the war against the Dutch on December 11, 1910.
7. Tgk Tjik Ulhee Tutue alias Tgk Tjik Di Tiro in Garot Muhammad Hasan as the seventh Wali Nanggroe who later was also martyred in the war on June 3, 1911.

8. Tgk Tjik Di Tiro Muaz Bin Muhammad Amin as the eighth Wali Nanggroe who was later martyred on December 3, 1911 in the war against the Dutch troops led by Captain Smith.
9. Tgk Tjik Di Tiro Muhammad Hasan in 1976
10. Tengku Malik Mahmud Al-Haytar On November 2, 2012

Judging from this, we can see that the position of guardian of Nanggroe was carried out from generation to generation before the birth of the UUPA and the Qanun which explained the guardian of Nanggroe. As for the ninth position, it is different from the first and eighth. Previously, Tgk Hasan Muhammad Di Tiro took the SK or Sarakata Wali Nanggroe directly to the Queen of the Dutch East Indies because previously the SK was found by Captain Smith in the teungkulo (turban) of Tgk Tjik Di Tiro Muaz Bin Muhammad Amin, which was then stored in the Dutch Bronbeek Museum.

After successfully obtaining the decree, Tgk Hasan Muhammad Di Tiro was then officially appointed as the ninth Wali of Nanggroe Aceh. Then after being appointed wali Nanggroe Hasan Di Tiro changed the concept of Wali Nanggroe itself, namely by asserting that the family in Tiro was the new leader of the Acehnese people who was not a continuation or part of the Aceh sultanate, his family was the highest political leader and ruler equivalent to the sultan's position. 62 From here, the Di Tiro family began to become the rulers of aceh.

In the sixth part of the draft qanun for the wali naggroe institution, article 14, Hasan Tiro is referred to as the eighth Wali Nanggroe Aceh. Then in point two of the article it was stated that based on the results of the sigom donya meeting in Stavanger, Norway on July 2, 2002, if Hasan Tiro died then Malik Mahmud was appointed as Peurdana Meuntroe, Zaini Abdullah as Meuntroe Luwa, then Malik Mahmud Al Haytar directly became the incumbent (waliyul 'ahdi) Wali Nanggroe as the executor of the task of wali Naggroe. And, Hasan Tiro as the eighth wali naggroe passed away on June 3, 2010. Now this position is still held by Malik Mahmud as the executor of the task. On 2 November 2012, Malik Mahmud Al Haytar was appointed as the Ninth Wali Nanggroe in Aceh Province.

However, the appointment of Malik Mahmud Al Haytar as the ninth Wali Nanggroe was not like the previous ones, because at that time, Aceh was at peace with the Republic of Indonesia, so there had to be a mechanism that was in accordance with the constitution, namely democracy.

The position of the constitution in a country changes from time to time. During the transition from a feudal monarchy or oligarchy with absolute power of rulers to a national democratic state, the constitution served as a bulwark of separation between the people and the rulers which then gradually became the people's tool in the struggle for power within the ruling class. , when this has been given by the Indonesian government, Wali Nanggroe in his appointment must also go through a process that is of interest to the people.

Thus, a regulation (qanun) was born which governs the procedure for selecting the guardian of Nanggroe itself. The terms and conditions that must be met by prospective Wali Nanggroe and prospective Waliul'ahdi:

- a. Acehnese who believe and fear Allah SWT
- b. Physically and mentally healthy and has reached the age of 40 hijri years
- c. Can speak Aceh fluently and well
- d. Known good and noble lineage and lineage whose lineage is Acehnese up to four generations and above

- e. Noble and not unjust
- f. Knowledgeable, wise, wise and broad-minded Dare and true and responsible
- g. Fair, honest, loyal, and trustworthy
- h. Patient, forgiving, humble and merciful
- i. Love the people and be loved by the people.

The Qanunn of the Wali Nanggroe institution has generated a lot of criticism from various parties because in the Qanun of the Wali Nanggroe institution in article. There are many opinions and observers who consider the appointment of Malik Mahmud as wali nanggroe to be unfeasible, not transparent and not democratic in 23 regencies/cities in aceh.

Malik Mahmud Al-Haythar was also appointed to be the guardian for the second period, namely with a grace period between 2018-2023 by the High Council of the Nanggroe Guardian Institution (LWN), namely the Tuha Peut Council, Tuha Lapan, and the Fatwa Council on 7 December 2018. the election process, but an agreement between the three High Councils and did not involve any of the four elements of the election committee (commission), namely 23 clerics representing districts/cities, 1 (one) person each.

According to M Adli Abdullah, the appointment of Malik Mahmud as Nanggroe's guardian is a legal defect because it is not in accordance with the rules in the qanun and only through meetings held by a high assembly under the Nanggroe guardian institution. Moreover, the current tuha peuet assembly is not definitive, only the executor of the task (plt) based on the Governor's Decree Number 841/208/2018 dated 29-3-2018 and is not authorized to elect Wali Nanggroe must comply with the mandate of Article 76 paragraph (1) Qanun Number 8 of 2012, it is stated that the Tuha Peuet Assembly was elected by deliberation and consensus by the Tuha Peuet Election Commission. Then, in paragraph (2) it is stated that the Tuha Peuet Election Commission consists of the Fatwa Council, the Tuha Lapan Council, and representatives of the ulama from each district/city in Aceh.

The involvement of ulama in 23 districts/cities is very important because ulama are religious people and are critical of Islam and customs in Aceh, so they should be able to exercise their political rights very well. Ulama if they can judge a guardian based on the characteristics of the leader criteria recommended in Islam as a representative of the social and cultural life that exists in the life order of the Acehnese people who breathe Islam as a whole. Thus it can be understood that ulama from all over Aceh have the same political right to determine Wali Nanggroe as waliyul'ahdi as well as role models for all Muslims.

The people of Aceh also consider that the appointment of the guardian of Nanggroe itself has become a discriminatory boomerang because there is no involvement of all parties representing the Aceh Regency/City. As stated by Ihsan Kamil,⁶⁸ "the pros and cons that occurred in the appointment of the wali nanggroe itself, because of the community's dissatisfaction with the figure of the leader of the wali nanggroe itself, there are some areas that feel oppressed because of their non-involvement in choosing the wali nanggroe that we tau are elected people, such as the people in the Aceh Singkil and Subulussalam regions and even the people in the gayo and south west regions want to separate from aceh because there is no wali nanggroe figure like in the past who wants to build a better Aceh and maintain the whole unity of Aceh " .

In response to this, the Chairman of Commission I DPRA Azhari Cage said that in the process of appointing Wali Nanggroe there were no rules that were violated. The chairman of Commission I DPRA added that Article 70 of Qanun Number 8 of 2012 states that the elements entitled to elect Wali Nanggroe are the tuha peuet assembly, the fatwa or mufti assembly, the tuha eightan assembly, and representatives of district/city ulama in Aceh. Of the four elements, currently one element does not exist, namely representatives of the district/city ulama. Because according to Article 70 of the Qanun the election of the Wali Nanggroe is carried out by deliberation and consensus, then the existing institutions are deliberation and consensus. They agreed on Tgk Malik Mahmud Al-Haytar as Wali Nanggroe for the next period. So according to him it is not true that the inauguration of Tgk Malik Mahmud violates the law.

Meanwhile, according to Constitutional Law expert Unsyiah Husni Djalil, he disagreed with the Chairman of Commission I DPRA Azhari Cage. According to Husni Djalil, the election of Wali Nanggroe which did not meet the elements in Article 70 paragraph (1) of Qanun Number 8 of 2012 was carried out due to time constraints so that he did not have time to form a commission for the election of Wali Nanggroe, Husni Djalil questioned what was the problem. Isn't five years long enough to form an election commission? But why was it never formed? The appointment of Wali Nanggroe itself should be invalid and canceled by law and for the benefit of the entire Acehnese community. But until now it has only become hot news in the media, Ihsan Kamil said "Wali Nanggroe is still not dismissed either, because the election cannot be separated from the political elements themselves, no matter the twists and turns of this figure, the most important thing is if you are close to Tgk. . Hasan Di Tiro is considered worthy, according to Ihsan, for the upcoming elections or appointments, figures who can indeed unite all the Acehnese people, don't have time to be gay and seriously want to leave Aceh because of things like this".

The Duty of Wali Nanggroe

- a. Establish and dismiss the Election Commission for Wali Nanggroe;
- b. Carry out the election of Wali Nanggroe in the election commission for Wali Nanggroe;
- c. To determine and dismiss Wali Nanggroe in the Election Commission for Wali Nanggroe;
- d. Give consideration to the proposed appointment and dismissal of Waliyul'ahdi to Wali Nanggroe;
- e. Prepare the Reusam Wali Nanggroe Draft;
- f. Prepare the Draft Amendment to Reusam Wali Nanggroe;
- g. Carry out studies in giving consideration to the implementation of the duties and functions of Wali Nanggroe and Waliyul'ahdi as referred to in article 29, article 30, article 32, and article 33;
- h. Carry out the duties and functions of Wali Nanggroe and Waliyul'ahdi if Wali Nanggroe and Waliyul'ahdi cannot carry out their duties on an ongoing basis or are permanently absent;
- i. Recruiting members of the Upper House and the Functional Assembly
- j. Recruiting Experts needed by Wali Nanggroe and Waliyul'ahdi; and
- k. Carry out other tasks delegated by Wali Nanggroe and or Waliyul'ahd.

To carry out the tasks as referred to in article 35, the Tuha Peuet Wali Nanggroe assembly has the function;

- a. Implementation of the establishment and dismissal of the Election Commission for Wali Nanggroe;
- b. Organizing the election of Wali Nanggroe in the Election Commission for Wali Nanggroe;
- c. Implementation of the determination and dismissal of Wali Nanggroe of the same age with the provisions;
- d. Implementation of submission of considerations on the proposed appointment and dismissal of Waliyul'ahdi to Wali Nanggroe;
- e. Preparation of the Reusam Wali Nanggroe Draft;
- f. Preparation of the Reusam Wali Nanggroe Amendment Plan;
- g. Carrying out the assessment in giving consideration to the implementation of the duties and functions of Wali Nanggroe and Waliyul'ahdi as referred to in article 29, article 30, article 32 and article 33;
- h. Implementation of the duties and functions of Wali Nanggroe and Waliyul'ahdi if Wali Nanggroe and Waliyul'ahdi cannot carry out their duties on an ongoing basis or are permanently absent;
- i. Implementation of the recruitment of members of the Upper House and the functional Assembly;
- j. Implementation of the recruitment of Experts needed by Wali Nanggroe and Waliyul'ahdi; and
- b. Implementation of other tasks delegated by Wali Nanggroe and or Waliyul'ahdi.

4. DISCUSSION

The position of Wali Nanggroe in the Aceh government system

Aceh Qanun No. 8 of 2012 in Article 2 explains that the Wali Nanggroe is an independent, dignified and authoritative institution. From the explanation of this article, it is clear that the wali nanggroe is not included in the political agenda or political institutions, the wali nanggroe institution stands alone to meet the needs of the aceh people who are dissatisfied with the Indonesian government. Wali nanggroe is also an inseparable part of history for the people of Aceh as described in the previous chapter

. Often in our drab country, positions that have been regulated in the law, their duties and authorities significantly often run for a different agenda. In the Aceh government system, Law No. 11 of 2006 concerning the Aceh Government, Article 96 clearly explains the position and duties of the Wali Nanggroe Institution itself. customs, customs, and awarding titles/degrees and other traditional ceremonies. This means that in this article it is explained that the wali nanggroe institution is an institution that is far from political elements.

The Wali Nanggroe Institution is an independent institution that is not executive, legislative and judicial. It is clear here that Wali Nanggroe has no political authority.

Previously, Wali Nanggroe had a position as head of state (as seen from history) turned into a symbol for the implementation of customary life, customary law, culture, awarding titles/degrees both for people inside and outside Aceh, as well as other traditional ceremonies in accordance with Acehese culture and traditions. shari'ah. Qanun wali nanggroe in each of its discussions always changes in its aims and objectives. In 2007 wali nanggroe was placed as a customary institution, in 2010 wali nanggroe was placed as a political institution but this was rejected by many parties, because the 2010 draft qanun is closer to a monarchical form of government while

society now prioritizes a democratic system which is considered more capable. accommodate the aspirations of the community⁷². It is clear that the Acehese people reject the Wali Nanggroe from becoming a political office because the Acehese people do not want an institution that is considered noble to run away from the original purpose of its formation.

Actually, if we dive deeper into the history of the formation of the wali nanggroe, there are many historical values that we take and the purpose of the formation of the wali naggroe is not only focusing on customary titles, this is a new sign for the aceh people about the process to achieve justice, prosperity, prosperity and well-being. dignity. This is obtained from the results of peace between the central government and aceh so that our country remains a sovereign country from Sabang to Merauke. This memorandum of agreement is a reconciliation towards sustainable social, economic and political development in Aceh. The ideal anatomy in the above framework provides philosophical, juridical, and sociological considerations for the formation of the LoGA. With this law, it can also be said that Aceh is an area that will not be separated from Indonesia. With this law, the autonomy rights granted to Aceh are not only rights but also constitutional obligations that must be utilized as much as possible for the welfare of the Acehese people. good.

Furthermore, regarding the awarding of customary titles, in 2018 the TNI commander who was then Marshal of the TNI Hadi Tjahjanto. Hadi was given the title Seri Lilawangsa by his majesty Malik Mahmud Al-Haytar. This title was given because the TNI commander was deemed able to maintain peace in Indonesia.⁷⁷ This further emphasized that giving a title to someone must really meet the qualifications set by the Aceh Qanun.

Specifically regarding customary institutions, it is stated: First, customary institutions function and play a role as a vehicle for community participation in the administration of Aceh and district/city Governments in the fields of security, peace, harmony and order.

The development of traditional life and customs is carried out in accordance with the development of the privileges and specificities of Aceh which is based on Islamic Shari'a values and is carried out by Wali Nanggroe. The preparation of customary provisions that are generally accepted by the Acehese community is carried out by customary institutions with the consideration of Wali Nanggroe.⁸⁰ From this we can clearly see that all matters relating to customs must go through a process of consideration by the wali nanggroe as the head of office.

5. CONCLUSION

Wali Nanggroe in the framework of the Unitary State of the Republic of Indonesia is a legitimate institution recognized by our state administration, the Indonesian government considers Wali Nanggroe a traditional institution that maintains cultural values that exist in aceh and also for the progress of the Aceh region.

The procedure for the selection of Wali Nanggroe from time to time has changed if we see from the first time that its formation was appointed by the mechanism of being appointed and passed down from generation to generation during the tenure of Aceh Darussalam, until the time of Hasan in Tiro, it was also carried out by being appointed by some Acehese scholars. Meanwhile, for now, the election process is carried out based on the Aceh Qanun.

The position of Wali Nanggroe in the Aceh government system is as a traditional institution that plays a role in maintaining the cultures that exist in Aceh, Wali

Nanggroe is also independent and not bound by any party, works alone and as a guide for the people of Aceh, because the history of the formation of Wali Nanggroe leaves a veil that dark for the government of Indonesia and the people of Aceh.

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