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REGULATION OF CABINET RELATIONS WITH THE GOVERNMENT OF ACEH WITHIN THE FRAMEWORK OF A PRESIDENTIAL SYSTEM

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Abstract

Law Number 11 of 2006 concerning the Government of Aceh allows the Governor of Aceh as Head of Government to be equalized with the Minister, but it is constrained by the mechanism for filling the position. From the aspect of the authority stated in Law Number 11 of 2006, it provides considerable authority in the issues of land, oil and gas, and the flag and symbol of Aceh. This idea will examine the relationship between the Aceh Government and the cabinet in depth to clarify the authority of the three above. The issues of land, oil, and gas, the flag and symbol of Aceh are held by three ministries (Ministry of Agrarian Affairs and Spatial Planning BPN, Ministry of Energy and Mineral Resources, and Ministry of Home Affairs) must be adequately resolved and handed over to the Governor of Aceh as Head of the Aceh Government so that the principles of specialness and privileges accommodated by Article 18B of the 1945 Constitution can be realized by the Aceh region which is decentralized. Management of the relationship between the Cabinet and the Aceh Government is an effort to strengthen the presidential system because the presidential system is now burdened by party elites, also impacting the Governor of the asymmetric decentralized region.

Keywords: *Cabinet; Government of Aceh; Authority; Presidential System.*



A. Introduction

The relationship between the Government of Aceh and the central cabinet occupies a unique constitutional and political position in Indonesia's governance framework. This relationship is grounded in Article 18A paragraph (1) of the 1945 Constitution, which mandates that authority relations between the central and regional governments be regulated by law with due regard to regional specificity and diversity. Furthermore, Article 18B paragraph (1) affirms the state's recognition and respect for units of regional government that possess special or unique characteristics, establishing a strong legal foundation for asymmetric decentralization in regions like Aceh (Ridwansyah, 2017). These constitutional foundations are operationalized through Law No. 11 of 2006 concerning the Government of Aceh (UUPA), which was enacted following the 2005 Helsinki MoU between the Government of Indonesia and the Free Aceh Movement (GAM). The UUPA represents a landmark legal framework that institutionalizes special autonomy for Aceh, granting it broad authority over land affairs, oil and gas management, and the use of regional symbols such as flags and emblems.

Despite the legal clarity offered by the UUPA, various central ministries have maintained a stronghold over these domains, limiting Aceh's autonomy and undermining the spirit of the Helsinki Agreement. This structural tension underscores a broader constitutional and administrative challenge—how to reconcile the aspirations of asymmetric regions like Aceh with the framework of a centralized presidential system. The UUPA stipulates that the Governor of Aceh, as Head of the Aceh Government, shall exercise authority comparable to that of a Minister. However, the practical implementation of this equivalence remains contested, especially in strategic sectors such as land administration, natural resource governance, and regional identity symbols (Ilhamsyah, 2018; Sanur, 2020; Ridwansyah & Fahmi, 2024).

Previous studies have examined various aspects of Aceh's special autonomy and its friction with central authority. Abdurahman &

Dewansyah (2019), for example, compared the asymmetric decentralization frameworks of Aceh and Northern Ireland, concluding that ineffective institutionalization of autonomy can lead to post-conflict instability. Similarly, Zainal et al. (2022) investigated the reasons behind the failure to achieve full "self-government" in Aceh, pointing to the central government's reluctance to devolve authority as a key barrier. Schulze (2007) earlier argued that oil politics were at the core of the Aceh conflict, and that control over extractive resources remains central to achieving real autonomy. These studies underscore the importance of addressing legal and administrative disharmony between Aceh and Jakarta to avoid undermining peace and development.

In the area of land governance, the UUPA mandates the full transfer of land affairs to the Aceh Government, including the establishment of the Aceh Land Agency as a regional apparatus. Nevertheless, Presidential Regulation No. 23 of 2015 introduced a transitional mechanism that preserved central control over institutional structure, personnel, and budget. This led to dualism in authority and uncertainty in policy enforcement, particularly in land dispute resolution and land title certification (Ulya, 2015; Anshori, 2020; Nofrizal et al., 2019). Andhara (2020) and Ismail et al. (2010) have also highlighted the persistence of central intervention in land-related disputes, which contradicts the legal mandates of the UUPA and undermines the legal certainty expected from autonomous governance.

Oil and gas management represents another area where central-regional authority remains deeply contested. Article 160 of the UUPA stipulates joint management between the Government of Indonesia and the Government of Aceh. However, Government Regulation No. 23 of 2015 effectively recentralizes control, making the Aceh Oil and Gas Management Agency (BPMA) subordinate to the Ministry of Energy and Mineral Resources (Roziqin, 2015; Nurdin & Yahya, 2020). Although BPMA is expected to play a key role in supervising upstream oil and gas activities, almost all strategic decisions—including block tenders and

contract approvals—require ministerial approval. Ridwansyah & Khairul (2024) argue that this situation reflects a deep-rooted centralist bias that is incompatible with the principles of asymmetric decentralization and economic justice enshrined in the 1945 Constitution. Consequently, the enormous economic potential of Aceh's oil and gas resources remains untapped for local benefit.

The third major area of conflict is the use of regional symbols—specifically, the Aceh flag and emblem. The Aceh Government passed Qanun No. 3 of 2013 to formalize these symbols, in accordance with Articles 246 and 247 of the UUPA. However, the Ministry of Home Affairs unilaterally revoked this qanun through Decree No. 188.34-4791 of 2016, citing inconsistencies with Government Regulation No. 77 of 2007, which prohibits regional symbols that resemble separatist organizations (Arabiyani, 2018). Dini (2014) and Rusjana & Ridwansyah (2022) criticize the use of ministerial decrees to override regional legislation, arguing that such actions contravene the principles of legal hierarchy and judicial review mechanisms outlined in the 1945 Constitution. The Constitutional Court, in Decision No. 56/PUU-XIV/2016, confirmed that the annulment of regional laws must be pursued through judicial means, not executive fiat.

These legal disputes over land, oil and gas, and regional symbols have had broader implications for the integrity of Indonesia's presidential system. In theory, the presidential system in Indonesia is marked by strong executive authority, direct popular election of the president, and separation of powers between the executive and legislative branches. However, in practice, the system is compromised by oligarchic party dynamics, which influence ministerial appointments and policy implementation. Within this context, asymmetric regions like Aceh can serve as stabilizing agents by strengthening executive accountability and promoting inclusive governance. For this to occur, the role of the Governor of Aceh must be reimagined—not only as a regional administrator but also as a quasi-ministerial actor integrated into national policy-making (Isra et al., 2019; Utama, 2019; Irawan, 2023).

The novelty of this study lies in its proposition that the relationship between the central cabinet and the Aceh Government should not be viewed merely through the lens of administrative coordination but as part of a broader constitutional engineering to reinforce the presidential system. By aligning the Governor's role with ministerial functions, the study offers a hybrid model of governance that respects regional autonomy while enhancing national executive coherence. This idea resonates with global debates on hybrid governance and post-conflict institutional design, as observed in Catalonia (Spain), Kurdistan (Iraq), and the Bangsamoro Autonomous Region (Philippines) (Moosa, 2023; Ruhullah & Qodir, 2021; Setiyanto et al., 2024).

This article, therefore, seeks to answer two key research questions: First, what is the ideal institutional and legal framework for the relationship between the cabinet and the Government of Aceh within the Indonesian presidential system? Second, how can the special principles of *kekhususan* (specificity) and *keistimewaan* (privilege) be effectively integrated into a centralized executive structure without undermining either constitutional unity or regional autonomy? Drawing on normative legal analysis and comparative regional experiences, this study aims to propose a more coherent and just model of central-regional relations in post-conflict, multi-ethnic states.

B. Method

This study employs a normative juridical method, which is appropriate for analyzing legal norms, statutory provisions, and constitutional frameworks that regulate the relationship between the central cabinet and the Government of Aceh within the Indonesian presidential system. This approach is focused on examining written legal sources, particularly the 1945 Constitution, Law No. 11 of 2006 concerning the Government of Aceh (UUPA), and relevant implementing regulations that define the scope of authority, institutional relationships, and legal obligations between national and regional governments.

The normative juridical method is supported by a statutory and historical analysis of the UUPA, including a review of the academic manuscript of the draft law, official transcripts of the legislative process in the Indonesian House of Representatives, and the minutes of working meetings during its formulation. This enables a deep understanding of the origin, structure, and intent behind the UUPA as a product of both political negotiation and legal consensus following the 2005 Helsinki MoU (Zainuddin, 2016).

In addition, this study integrates a conceptual approach grounded in legislative theory and norm hierarchy theory to critically examine how legal authority is allocated and operationalized in regions with special autonomy (Walidin et al., 2023). These conceptual tools are used to evaluate the normative consistency and coherence between constitutional provisions, national legislation, government regulations, and regional qanuns applicable to Aceh. The theoretical framework emphasizes the importance of harmonizing the principles of asymmetric decentralization with the centralistic nature of the presidential system.

The case approach is also applied, focusing on three specific areas of authority delegated to the Aceh Government under the UUPA: land administration, oil and gas management, and the regulation of regional symbols. Legal documents such as Presidential Regulation No. 23 of 2015, Government Regulation No. 77 of 2007, and Aceh Qanun No. 3 of 2013 are analyzed to identify legal inconsistencies, jurisdictional overlaps, and institutional conflicts. This approach allows for a contextualized examination of how legal norms function in practice, especially in areas where central government policies diverge from the autonomy granted by the UUPA.

Data analysis in this study is conducted using qualitative interpretive techniques, emphasizing the coherence between legal texts and their implementation within Indonesia's unitary yet decentralized system (Walidin et al., 2015). The analysis is structured to provide a comprehensive understanding of how the relationship between the central cabinet and the Government of Aceh has evolved and how it should be institutionally and

legally restructured to uphold both constitutional integrity and regional autonomy in accordance with the UUPA and the Helsinki MoU.

C. Results and Discussion

This section presents the findings on three key issues delegated to the Government of Aceh under the UUPA: land administration, oil and gas management, and the use of regional symbols. Based on qualitative analysis of primary and secondary legal sources, the findings reveal persistent tension between Aceh's special autonomy and central government control. These challenges reflect a broader issue of legal and institutional disharmony that hinders the full implementation of asymmetric decentralization. Strengthening the role of the Governor of Aceh—whose position is legally equivalent to that of a minister—is essential to ensuring that the principles of specificity and privilege are effectively realized within Indonesia's presidential system.

1. Results

The people of Aceh highly desired the ideal format of cabinet relations with the Aceh Government. The ideal relationship between the working cabinet and the Aceh Government will impact the overall development of Aceh, including land issues, oil and gas issues, and the Aceh flag and emblem issues. The relationship between the cabinet and the Aceh Government revolves around the authority issue between the Central and Aceh governments. This is regulated by Article 270 paragraph (1) of Law No. 11 of 2006, which states, "The authority of the government, which is national and the implementation of this law concerning government authority, is regulated by legislation". This means that the government will regulate the authority of the government and government matters of a national nature, including issues related to relevant ministries (Andhara, 2020).

As a derivative of the abovementioned article, Government Regulation No. 3 of 2015 concerning the National Authority in Aceh was formulated.

Article 2 of Government Regulation No. 3 of 2015 states, "The government has the authority to regulate and manage government affairs in Aceh, including a. foreign policy, defense, security, justice, monetary and fiscal matters; b. specific matters in the field of religion; c. government matters of a national nature".

In terms of juridical substance, in reality, the relationship between the working cabinet and the Aceh Government has not smoothly run as conceived in the concept of asymmetric decentralization because the Central Government (Ismail et al., 2010), represented by the cabinet, still restricted the authority of the Aceh Government as stipulated by the UUPA. Some issues include:

Firstly, based on the provisions of Article 253 of Law No. 11 of 2006 concerning the Aceh Government, it stipulates the transfer of the status of the Regional Office of the National Land Agency of Aceh and the Land Office of Regencies/ Cities to become regional apparatus units of Aceh and regencies/ cities, limited until the end of the budget year 2008. However, this transfer of status was only completed in 2015 with the issuance of Presidential Decree No. 23 of 2015 concerning the Transfer of the Regional Office of the National Land Agency of Aceh and the Land Office of Regencies/ Cities into the Aceh Land Agency and the Land Office of Aceh Regencies/ Cities. The problem arising from the implementation of this presidential regulation is related to the authority of the Regional Office of the National Land Agency of Aceh, which remains centralized, leading to legal disharmony between the provisions of the UUPA and Presidential Decree No. 23 of 2015 (Anshori, 2020).

Even after the implementation of Presidential Decree No. 23 of 2015, the exercise of authority by the Land Agency itself is still "dictated" by the central government. The Aceh Land Agency, which should be able to resolve all agrarian conflicts quickly without waiting for decisions from the center, faces legal uncertainties in resolving land conflicts in Aceh, including issues related to certificates, deeds, and land rights settlement due to the unclear stance of the Central Government, represented by the Ministry of Agrarian

and Spatial Planning/ National Land Agency. This leads to the anomaly of the central government's lack of seriousness in implementing the provisions of the UUPA and the Helsinki MoU (Sanur, 2020).

Furthermore, the transition from the regional office of the national land agency to the land agency is an obligation stipulated in Article 253 of the UUPA, which the aforementioned Government Regulation then regulates (Nofrizal et al., 2019). The consequence of this transition is that the Land Agency will become part of the Aceh Government's apparatus for handling land conflicts. This becomes the duty and function of the Aceh Government in subsequent qanuns. However, on the one hand, the role of the Land Agency is not clear due to limitations imposed by the enforcement of the aforementioned government regulation. Efforts should be made to maximize the role of the Land Agency in addressing land conflict by consolidating its institutional capacity by specifying the duties and functions of the Land Agency in Aceh qanuns, similar to other regional institutions. As a special law in Aceh, the Land Agency should institutionally reflect Aceh's special autonomy, with its main foundation being the UUPA. Thus, in carrying out its duties and functions, the Land Agency can provide legal certainty in handling conflicts.

Implementing Article 253 of the UUPA as a central government, independent agency, and local authority implementation agency means that a state institution falls within the scope of implementing the central government's authority or an extension of central government institutions. It signifies that the institution is a regional institution that carries out autonomous regional functions (Abdurahman & Dewansyah, 2019). However, the head of the Aceh land agency must be part of the Aceh Government structurally even though it uses the budget of the Ministry of Agrarian Affairs, but remains subject to the Governor of Aceh as the Head of the Aceh Government and part of the Aceh government cabinet in the future. This affirmation is part of an effort to strengthen the presidential system of cabinet relations through the land agency, which has two authority owners at once.

Secondly, regarding the issue of oil and gas, Article 160 paragraph (1) of Law No. 11 of 2006 states, "The government and the Aceh Government jointly manage the natural resources of oil and natural gas both onshore and offshore in the Aceh region". This means that the central government seems to want to control the oil and gas in Aceh. This is evidenced by Article 160 still mandates the Ministry of Energy and Mineral Resources (ESDM) in oil and gas management. This provision becomes even clearer with the issuance of Government Regulation No. 23 of 2015 concerning the Joint Management of Oil and Gas Resources in Aceh, which further erodes the authority of the Government of Aceh. For example, the Governor must approve the formation of a work area bidding team established by the Minister of Energy and Mineral Resources. Additionally, the authority to manage oil and gas in offshore areas is limited to only 12 to 200 nautical miles from the Aceh jurisdiction. This further reinforces that the Central Government does not readily grant this authority to the Aceh House of Representatives (DPRA) and the Aceh Government. Aceh should ideally serve as a role model for oil and gas decentralization in Indonesia (Ridwansyah & Khairul, 2024).

If oil and gas decentralization in Aceh is carried out as effectively as mandated by the UUPA and the Helsinki MoU, then the estimated oil reserves of 320 billion barrels could bring prosperity to the people of Aceh as a whole (Schulze, 2007). However, in reality, the regulatory aspect raises concerns about oil and gas management in Aceh. The appointment of the Head of BPMA must be approved by the Minister of Energy and Mineral Resources, as proposed by the Governor by three BPMA Head candidates. This clash of authority between the Central Government and the Aceh Government has significantly impacted Aceh's development. There should be a specific strategy for the Government of Aceh and the DPRA to optimize oil and gas management in Aceh so that policies regarding oil and gas can be realized in accordance with the mandates of the UUPA and the Helsinki MoU.

Theoretical notes explain that asymmetric decentralization is not just about increasing special autonomy funds but goes beyond that. Decentralization

of oil and gas becomes part of asymmetric decentralization. Therefore, ideally, the Aceh government and the DPRA should have full authority to manage the oil and gas in Aceh. The authority of the Central Government in the Ministry of Energy and Mineral Resources should only monitor the oil and gas management in Aceh (Nurdin & Yahya, 2020.). Furthermore, the functions and authority of BPMA as the manager should be solely accountable to the Government of Aceh and the DPRA as representations of the Acehnese people. This is strengthened by the principle of governance that contradicts centralization.

Additionally, the theory of decentralization produces local government. Harry Friedman, as cited by Sabbir Chema and Dennis Rodenneli, states that a higher government assigns responsibility, authority, or function to a lower government unit deemed to have a certain level of authority (Cheema & Rondinelli, 2007). This provision implies a division of authority and the availability of adequate space to interpret the authority given to lower government units, which is the most significant difference between decentralization and centralization. The authority of BPMA should not be limited to just 0 to 20 miles from the outermost island of the maritime jurisdiction, but what needs to be changed is the authority to manage natural resources and oil and gas within the marine jurisdiction from 0 to 200 miles to the extent of the exclusive economic zone boundary.

Thirdly, the issue of the flag and emblem of Aceh falls under the authority of the Government of Aceh to determine its flag and emblem. Articles 246 and 247 of the UUPA mandate that in addition to the red and white flag, the Aceh Government may determine and establish the Aceh regional flag as a symbol reflecting the uniqueness and distinctiveness of Aceh (Ridwansyah, 2016). Similarly, the Aceh Government may establish an emblem as a symbol of the uniqueness and distinctiveness of the Acehnese people. After enacting the law mentioned above, Government Regulation No. 77 of 2007 concerning Regional Emblems was issued to prevent Articles 246 and 247 of the aforementioned law. It stipulates that the design of regional logos and flags must not resemble or be identical in principle or



entirety to the design of logos and flags of banned organizations or separatist movements within Indonesia. Furthermore, it elaborates that the term “design of logos and flags of banned organizations or separatist movements” in this provision includes, for example, the crescent moon flag used by separatist movements in Aceh, the bird of paradise and morning star used by separatist movements in Papua Province, and the king’s thread flag used by separatist movements in Maluku Province.

Upon careful examination, Article 246 provides no instructions or guidelines for forming Government Regulations regarding flags and emblems. The only entry point provided is through the Aceh Qanun in Article 246 paragraph (4), which states that the provisions of the Aceh flag and emblem are regulated in the Qanun and are based on legislation (the 1945 Constitution and the UUPA). However, since the era of President Susilo Bambang Yudhoyono and under the leadership of Gamawan Fauzi, the Ministry of Home Affairs has continuously evaluated the existing Qanun. The ratification of the Qanun is still within the regime of Law No. 32 of 2004 concerning the Regional Government, which has regulations for its annulment. Article 145, paragraph (3), which regulates the decision to annul Regional Regulations, as referred to in paragraph (2), is determined by Presidential Regulation no later than 60 days after receiving the Regional Regulation, as referred to in paragraph (1). The President could already annul the Aceh Flag and Emblem Qanun, but this has not been done (Fakrizal et al., 2021,). Therefore, from a juridical standpoint, the Aceh Flag and Emblem can already be hoisted. Ideally, the Central Government should exercise preventive supervision over the Qanun because it is crucial for the government to ensure national stability and preserve the unity of the Indonesian state.

The peak of the polemic regarding the flag and emblem of Aceh occurred when the Ministry of Home Affairs, led by Tjahjo Kumolo, unilaterally revoked it through Regulation of the Minister of Home Affairs No. 80 of 2015 concerning the Formation of Regional Legal Products on May 12, 2016. Regulations of the Minister of Home Affairs *a quo* are not

accommodated as part of the hierarchy of legislation regulated by Law No. 12 of 2011 concerning the Formation of Legislation. Aceh Qanun, enacted through Provincial Regulations, holds a higher legal status. There was a mistake when a Ministry of Home Affairs decree canceled the Qanun above. Ministerial regulations are only part of the types of legislation in Indonesia (Ridwansyah & Nurdin, 2020).

Moreover, the aforementioned Qanun is special. This special significance means that its revocation can only be done when Aceh's people consider it detrimental. Judicial review should be directed to the Supreme Court because Article 24A of the 1945 Constitution contains the phrase "to test regulations under the law against the law". This means that this is an absolute judicial power, not within the authority of the Ministry of Home Affairs, regarding the revocation of the Qanun (Rusjana & Ridwansyah, 2022).

On the other hand, the Constitutional Court has abolished the authority of the Ministry of Home Affairs regarding the annulment of provincial regulations or Aceh qanun. This was done through the material review of Article 251 paragraphs (1), (2), (7), and (8) of Law No. 23 of 2014 concerning Regional Government, where the Constitutional Court responded that the aforementioned articles were contrary to the 1945 Constitution and did not have binding legal force. The annulment by the Ministry of Home Affairs under the authority of Article 251 paragraph (1) "Provincial Regulations and governor regulations that contradict the provisions of higher legislation, public interest, and/or ethics are annulled by the Minister" is an authoritarian regime not based on the principles of the rule of law.

In theory, if legislation contradicts public interest, ethics, and national security, it should ideally be annulled through the judiciary. Similar to the case of *Marbury vs. Madison*, where William Marbury petitioned the Supreme Court after being appointed as a Justice of The Peace in Washington DC by President John Adams, but his commission was not delivered. Marbury then petitioned the Supreme Court to compel Secretary of State James Madison to produce the documents. The Supreme Court initially stated that Madison's refusal to provide the commission was illegal.



However, the Supreme Court did not order Madison to deliver the documents but rather affirmed that the Judiciary Act of 1789, which allowed Marbury to make the petition to the Supreme Court itself, was unconstitutional because it was deemed to have expanded the jurisdiction of the courts beyond the scope of Article III of the U.S. Constitution. Therefore, this petition was denied (Nasir, 2020).

It can be understood and interpreted that the Aceh flag and emblem qanun revocation was an illegal act by the Ministry of Home Affairs. If it were to be revoked, it should go through a judicial process so that Indonesia, which proclaims itself as a state based on the rule of law, can be realized in the nation's life because the concept of the Aceh flag and emblem was jointly agreed upon in the Helsinki MoU between the Indonesian Government and GAM and enshrined in Law No. 11 of 2006 (Hassanudin et al., 2023). If this issue is not addressed, the relationship between the Government of Aceh and the Ministry of Home Affairs will become increasingly disrupted. This polemic should be ended as soon as possible because it concerns the identity of the Acehnese people as a special and unique region within the Unitary State of the Republic of Indonesia (Mude et al., 2021).

2. Discussion

These special principles are accommodated in Article 18B of the 1945 Constitution, an acknowledgment of areas that initially had their uniqueness upon independence. The essence of these special principles is the autonomy of regions, including the freedom to regulate and manage their affairs. Aceh is no exception, as from the formation of Law No. 18 of 2001 involving Special Autonomy for the Province of Aceh, it has been granted special privileges and distinctions, including land management, oil and gas regulation, flags, and emblems (Dahlan et al., 2023; Farkhani et al., 2023). However, the question arises: how can these extraordinary principles strengthen the presidential system?

Generally, the presidential system is strengthened by simplifying the political party system. However, in this subsection, the author will describe

how regions categorized as having asymmetric decentralization, such as Aceh, can play a role in strengthening the presidential system as follows: *First*, the Governor, as the Head of the Aceh Government, is equated with a Minister. Ferry Mursyidan Baldan, Chairman of the Special Committee for the Draft Law on Aceh Government, initiated this idea and suggested that the position of the Head of the Aceh Government should be equated with that of a Minister. This proposition is challenging because the Governor differs from a Minister regarding appointment and accountability. The Governor's position is filled through an election mechanism, and their accountability is directed towards the Provincial Regional Representative Council or the Aceh Provincial Representative Council as the people's representatives. In contrast, a Minister is appointed by the President as the Head of Government (a prerogative right) and is directly accountable to the President (Torrance, 2024; Irawan, 2023).

In the researcher's opinion, especially for regions adhering to asymmetric decentralization like Aceh, the position of the Governor as the Head of the Aceh Government should be equated with the position of a Minister in terms of authority and function. For instance, authority concerning central matters should not be the jurisdiction of the ministerial cabinet but should be delegated to the Governor as the Head of the Aceh Government (Utama, 2019). However, their accountability and supervisory functions should remain under the President as the Head of State. Similarly, the Governor, as the Head of the Aceh Government, should remain fully accountable to the Aceh Provincial People's Representative Council. However, the question arises: how will filling these positions be carried out since the President appoints ministers while governors are elected directly by the people? This tension reflects broader debates on legal-political harmonization in regional governance (Muzakkir, 2022; Ruhtiani et al., 2024).

In theory, the presidential system consists of three elements: a president elected by the people, a president concurrently serving as both head of state and head of government and appointing related government officials, and a president guaranteed legislative authority by the 1945



Constitution. This means that a president holds a relatively strong position in a presidential system and cannot be removed due to subjective reasons such as low political support, although this provision is not permanent. A president's position can still be revoked if they commit specified violations. Behind the presidential system, one of its significant powers is the authority to select someone for ministerial positions. Therefore, can a Governor as the Head of the Aceh Government be chosen by a President to be on par with a Minister? The answer is likely affirmative because the scope of the Special Autonomy Law (UUPA) is extensive and grants the Governor various powers as the Head of the Aceh Government (Aspinall, 462; Emzaed et al., 2023).

The Governor has the authority to approve the appointment of the Chief Prosecutor of Aceh (Article 209), and the Governor also has the authority to approve the appointment of the Chief of Police in Aceh (Article 205). Additionally, the Governor has the authority to appoint the Head of Aceh Government SKPA (Regional Work Unit), manage the regional budget (APBA), propose Aceh local regulations (Qanun), determine the Aceh flag and emblem, determine the leadership council of the Free Trade Zone and Port of Sabang, manage land affairs, manage oil and gas affairs, manage personnel affairs, manage health affairs, urban planning, manage international agreements, and nearly all other areas.

This extensive authority of the Governor as the Head of the Aceh Government should be equated with the position of a Minister due to the complexity of these responsibilities (Isra et al., 2019; Ulum & Ulum, 2023). Therefore, in light of the Governor's broad and complex authority, the position of the Governor as the head of the Aceh government should be aligned with that of a Minister. In addition, the authority of the Governor of Aceh in the fields of land, oil, gas, flags, and symbols of Aceh further strengthens the position of the Governor of Aceh as the head of the Aceh Government. It is possible that the position of the head of the Aceh Government is equal to a minister because the authority of the Governor of Aceh is so broad in the UUPA (Syatar et al., 2023).

Second, the principles of specificity and privilege are part of efforts to strengthen the presidential system. The presidential system in Indonesia is significantly constrained by political party oligarchy, with ministerial positions in the cabinet being determined by a group of supporting political party elites. The consequence of this oligarchic interference is that a president's policy decisions must consider input from the party elite. Behind that, provinces categorized as regions with asymmetric decentralization should strengthen the presidential system with the following mechanism: The presence of the Governor as the Head of Government in that region should be included in cabinet meetings regarding special governance. If this is done, a minister representing a political party will be more likely to acknowledge the position of a strong president in the presidential system because matters related to asymmetric decentralization regions are directly handled by the Governor and no longer involve the cabinet. Moreover, their accountability is directly to the President. However, regarding regional issues, the Governor still reports to the Regional Representative Council as local people's representatives (Suharno, 2021; Veqar Ashraf-Khan & Shahadat Hossain, 2021).

The central government also mandates these principles of specificity and privilege, so the management of the Aceh government should be different from that of other regions. However, the pinnacle of this specificity and privilege must be carried out as best as possible. However, the substance of UUPA is heavily tied to the Central Government. The Central Government hampers the authority granted to the Aceh Government by the aforementioned law. If so, there should be a warning from the Aceh Government and the Aceh Provincial Representative Council to the Central Government to comply with the provisions of the aforementioned law. Failure to comply could lead to renewed conflict in Aceh (Hamsin et al., 2023; Syahirah et al., 2023).

Beyond the domestic legal and political implications, the dynamics explored in this study have significant global relevance, particularly in the broader discourse on asymmetric decentralization and conflict resolution



within unitary states. The Aceh case illustrates how constitutional recognition of special autonomy—if inadequately operationalized—can create renewed tensions and institutional instability (Setiyanto et al., 2024). Similar challenges are faced by other regions worldwide with special status arrangements, such as Catalonia in Spain, Kurdistan in Iraq, and the Bangsamoro region in the Philippines. These parallels offer a comparative framework in which the Aceh experience becomes a valuable reference for other post-conflict societies seeking to institutionalize autonomy without undermining national unity (Moosa, 2023; Ruhullah & Qodir, 2021).

Moreover, the recommendation to structurally integrate subnational leaders like the Governor of Aceh into national-level executive decision-making processes introduces a novel model for hybrid governance. This model bridges decentralization with executive cohesion in presidential systems, providing insights into how states can maintain both regional empowerment and centralized authority. The findings contribute to global academic discussions on state-building, peace consolidation, and the delicate balance between regional autonomy and national sovereignty (Didi & Asmaddin, 2023). As such, this research not only deepens understanding of Indonesia's constitutional engineering but also offers transferrable lessons for nations grappling with similar decentralization dilemmas in multi-ethnic or post-conflict contexts.

D. Conclusion

There are two conclusions drawn from this paper: First, the ideal format for the working relationship between the cabinet and the Aceh Government is highly desired by the people of Aceh. The ideal relationship between the cabinet and the Aceh Government will have a comprehensive impact on the development of Aceh, including issues related to land, oil, and gas, as well as the matter of the Aceh flag and emblem. However, until now, there has been no standardized regulation regarding the mechanism of the relationship between the cabinet and the Aceh Government. Therefore, the issues concerning oil and gas, land, and the Aceh flag and emblem remain

unresolved. **Second**, the principles of specificity and special status in the governance of the Aceh Government are expected to strengthen the current presidential system. The proposal is for the Governor, as the Head of the Aceh Government, to be aligned with the position of Minister, considering the extensive scope and complexity of the Aceh Autonomy Law. On the other hand, the presence of Governors from asymmetrically decentralized regions as Ministers provides additional reinforcement to the presidential system.

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