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Aceh Post-Peace Agreement: New Conflicts and Transactional Politics

Perjanjian Pasca Damai Aceh: Konflik Baharu dan Politik Transaksi

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ABSTRACT

The conflict between the Free Aceh Movement (GAM) and the Indonesian government since 1976 ended with the MoU Helsinki peace agreement in 2005. This peace agreement gave the Acehnese hope to experience comprehensive peace. However, peace is not fully realized. The peace agreement led to the transformation of a new conflict that affected the people of Aceh. This study aims to map the six recent disputes that emerged after the MoU Helsinki 2005 and analyze the existence of transactional politics in the six new conflicts in Aceh. This study shows two things using a qualitative approach and transactional political theory. First, after the MoU Helsinki 2005, Aceh experienced six new conflicts, namely: the transformation of GAM into a local political party; conflict and violence in elections; transitional justice conflict; the emergence of armed criminal groups (ACG); Sharia law conflict, and the emergence of Aceh Sumatra National Liberation Front (ASNLF) as a counter-peace movement. Second, the emergence of these six new conflicts cannot be separated from the existence of transactional politics. Aceh's political elite always prioritizes transactions, patron-client relationships, and government power. The transformation of the conflict in Aceh caused the people of Aceh to continue to live in poverty and unsafe conditions.

Keywords: GAM; MoU Helsinki 2005; poverty; patron-client; transactional politics

ABSTRAK

Konflik antara Gerakan Aceh Merdeka (GAM) dengan pemerintah Indonesia sejak tahun 1976 berakhir dengan perjanjian damai Helsinki pada tahun 2005. Perjanjian ini memberi harapan kepada rakyat Aceh untuk mengalami keamanan yang menyeluruh. Faktanya, keamanan tidak dapat direalisasikan sepenuhnya tetapi membawa kepada transformasi konflik baru yang menjejaskan rakyat Aceh. Kajian ini bertujuan untuk memeta enam konflik baharu yang timbul selepas MoU Helsinki 2005 dan menganalisis kewujudan politik transaksional sebagai penyebabnya. Kajian ini menunjukkan dua perkara menggunakan pendekatan kualitatif dan teori politik transaksi. Pertama, selepas MoU Helsinki 2005, Aceh mengalami enam konflik baharu iaitu: Transformasi GAM menjadi parti politik tempatan; Konflik, dan keganasan dalam pilihan raya; Konflik keadilan peralihan; Kemunculan kumpulan jenayah bersenjata (ACG); Konflik hukum syariah, dan Kemunculan Barisan Pembebasan Nasional Aceh Sumatera (ASNLF) yang menentang MoU Helsinki. Kedua, kemunculan enam konflik baharu ini tidak dapat dipisahkan daripada wujudnya politik transaksi. Elit politik Aceh sentiasa mengutamakan transaksi, hubungan patron-client, dan kuasa dalam menjalankan pemerintahan. Transformasi konflik di Aceh menyebabkan rakyat Aceh terus hidup dalam kemiskinan dan keadaan tidak selamat.

Kata kunci: GAM; MoU Helsinki 2005; kemiskinan; pelanggan-penaung; politik transaksi

INTRODUCTION

One of the most prolonged conflicts in Aceh is between the Free Aceh Movement and the Government of Indonesia. The background of this conflict is due to the exploration and exploitation of Aceh's natural resources carried out by the Indonesian Government during President Suharto's reign in the 1970s. The Indonesian government set up factories and made Aceh as a modern industrial area. The discovery of oil and natural gas reserves in North Aceh by Exxon Mobil Oil Indonesia sparked regional sentiment as if all of Aceh's wealth was transferred to Jakarta (Bresnan 2005: 40; Sari, 2018; Sari et al. 2020a).

Javanese migrants were working in the newly built factories. Meanwhile, the Acehnese have no jobs, live in poverty, and experience alienation from their area. The unequal income distribution made Aceh one of the poorest areas in Sumatra (Sari 2020b; Sari 2013; Cribb & Kahin 2004; Kontras Aceh 2006: 33). This situation caused Hasan Tiro to establish the Free Aceh Movement (GAM) on 4 December 1976 to separate Aceh from Indonesia. Initially, GAM was supported by a group of Acehnese intellectuals; hence later, this movement developed into a massive movement. GAM assumes that the Javanese dominate Indonesia's centralized government and colonized Aceh's natural wealth. GAM wants to separate itself from Indonesia and build a successor state over the past's rich and glorious Aceh kingdom. Furthermore, Hasan Tiro considered the Javanese a common enemy of the Acehnese (Sari et al. 2022; Sari et al. 2020a; Barber 2000: 30; Tiro 1968).

GAM is labelled as separatist and terrorist movement by the Indonesian government. From 1990 to 1998, President Soeharto implemented the Military Operations Area (DOM) in Aceh. Thousands of Indonesian state soldiers (TNI) were brought to Aceh, resulting in a significant conflict involving murder, arrest, rape, kidnapping, and other violent actions. From 1989 to 1998, there were 7,272 cases of human rights violations. The Acehnese live in fear and hatred of Indonesia (Ishak & Yakob 2000: 3-4). This conflict has caused severe human rights violations with a high intensity of violence, especially around the 2000s.

At the urging of various parties, President Soeharto stepped down from power on 21 May 1998 and was replaced by President B.J. Habibie. Since then, democratic freedom has become increasingly open. The Acehnese community asked the Indonesian government to stop DOM, which was successfully achieved on 7 August 1999 (Sulaiman, 2000: 93-95). After DOM, the conflict has not been able to be quelled. The wave of referendums held by the Acehnese on 8 November 1999 caused the Indonesian government to launch various other military operations, such as *Operation Wibawa* and *Operation Sadar Rencong*. The protracted conflict eventually led to Hasan Tiro's desire to make peace talks. However, Joint Understanding on Humanitarian Pause for Aceh, signed on 12 May 2000, did not stop the conflict, followed by murder, damaged public facilities, arson, and gunfights (Schulze, 2004: 44-49). The Cessation of Hostilities Agreement (CoHA) in Geneva on 9 December 2002 also failed. Furthermore, the MoU Helsinki Agreement 2005 became the only successful agreement signed by GAM and the Government of Indonesia.

The peace agreement of 2005 became the starting point in realizing Aceh with a new, better social and political structure. One of the mandates of this agreement is the establishment of Law Number 11 of 2006 concerning the Government of Aceh (UUPA). UUPA gave the Acehnese the right to participate in several things: political participation in the formation of local political parties, economic management, legislation, human rights, amnesty, and reunification of GAM members. Furthermore, Aceh was also given the authority to establish a Truth and Reconciliation Commission (TRC) and establish the Aceh Reintegration Agency (BRA) to accept former GAM experts into the community. The establishment of new institutions after the MoU Helsinki 2005 shows that security issues in Aceh continue to be raised by various parties. Everybody wants Aceh to be a safe and conducive area. Comprehensive peace is expected to support multiple activities aimed at realizing the welfare of the Acehnese.

However, the post-peace transition process has created a new conflict in Aceh determined by various causes, such as economic, social, and political problems. Transactional politics is known to have an essential role in creating new conflicts in Aceh. Political elites who play transactional politics cause conflicts to take place continuously. This situation shows that peace in Aceh is fragile and has not been fully realized. This study aims to map the six major conflicts that emerged after the 2005 MoU Helsinki peace agreement. Also, analyze the causes of the emergence of the six new conflicts using a transactional political approach (Bailey 2001).

METHODOLOGY

This study uses a qualitative approach by collecting data through a literature study. George (2008) states that literature study is a data collection technique by searching, studying, and understanding secondary data obtained from text sources, books, theories, notes, and documents. The source text in this study was obtained and analyzed qualitatively using content analysis techniques, as has been done by qualitative scholars such as Straus (1987), Marying (2014), Taylor et al. (2016), and Schutt (2017).

The process of collecting and analyzing secondary data was carried out in the following steps: First, to find and collect text sources related to the Aceh conflict, especially in the era after the 2005 MoU Helsinki. Second, to organize the data so that they were arranged in detail. Third is data condensation which is carried out by considering which text sources are essential and needed. Data that has gone through the condensation process is then compiled as a historical timeline. The aim is to get a clearer picture of the events after the peace agreement. Fourth is categorization, where secondary data are arranged systematically based on the timeline, following specific themes before the analysis process. Determining the theme at this stage is based on the method proposed by Taylor et al. (2016: 168-170), namely reading the data found, tracing interpretations and ideas on the data, and looking for themes that often appear in previous studies. This process has resulted in six themes based on the new post-MoU Helsinki conflict. The fifth step is examining and displaying the relationship between themes. The last step is to analyze the conflict phenomena that arise in each theme using transactional theory as described by Barret (2009), Bailey (2001), and Boissevain (1974).

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SOCIO-POLITICAL CONDITIONS OF ACEH POST PEACE AGREEMENT: RECENT PUBLICATION AND RESEARCH GAP

Previous researchers have widely studied the socio-political situation of Aceh after the peace agreement. Aguswandi & Zunzer (2008) and Stange & Patock (2010) examine the transformation of GAM into a political movement. The transformation is demonstrated by the inauguration of several local Acehnese political parties spearheaded by former GAM members. One is the Aceh Party (PA), which won the first election in 2006. Barter's study (2011) shows that since the 2006 election, Aceh's executive positions have been dominated by former GAM members. Moreover, after the 2009 legislative elections, they mastered the power of the local legislature. PA won 75 percent of the vote in several areas in Aceh and was close to 50 percent in all provinces.

However, GAM's transformation into a political movement has created more problems and new conflicts. These new problems and disputes include reintegrating former GAM combatants into society, integrating conflict victims into society, human rights violations, and disputes between former GAM members who are now in the Aceh administration. Hilman (2012) highlights the behavior of PA's who find it difficult to break their habits in the era of conflict. He also added that international experience reminds us that the successful transformation of a rebel movement into a political one is rare and usually takes more than a decade. Aspinall (2009) and Sari et al. (2020a) found that GAM also became an economic powerhouse. The PA's government is unable to bring Aceh to be more prosperous. The former elite GAM members only focus on controlling infrastructure projects and seeing the commercial opportunities that come with their

authority in government. Andriyani's study (2017) found that Aceh's local political parties have not maximally contributed to the progress of the Acehnese, especially in the economic and political fields.

Barron et al. (2013) highlighted the conflict in Aceh's local elections in 2006 with a high tendency of violence. The highest conflict escalation was in the Pidie area, Aceh Utara, Aceh Tengah, and Aceh Selatan (Kontras 2014; World Bank 2007a, 2007b, 2009; Perludem 2014). Ansori (2017) explained that conflict and violence in the elections were caused by the absence of integrity and justice from the general election committee. On the other hand, there was the potential for violence and intimidation between parties and sympathizers, especially from the Aceh party (PA).

Several researchers have studied the emergence of armed criminal groups (ACG) against the MoU Helsinki. Kingsbury (2015), Amdani (2018), and Citrawan (2019) discuss the formation of ACG Gambit and Din Minimi. Gambit and Din Minimi's movements are rooted in discontent with the GAM elite-dominated Aceh government. The development of the Aceh Sumatra National Liberation Front (ASNLF) movement as the Acehnese diaspora overseas is examined by Missbach (2012) and Hidayat (2019). The ASNLF manipulates politics in Aceh using its ideology. Ethnonationalism motivates the ASNLF to fight for a sovereign nation. They are supported by two actors: the Unrepresented Nations and Peoples Organization (UNPO) and political entrepreneurs abroad.

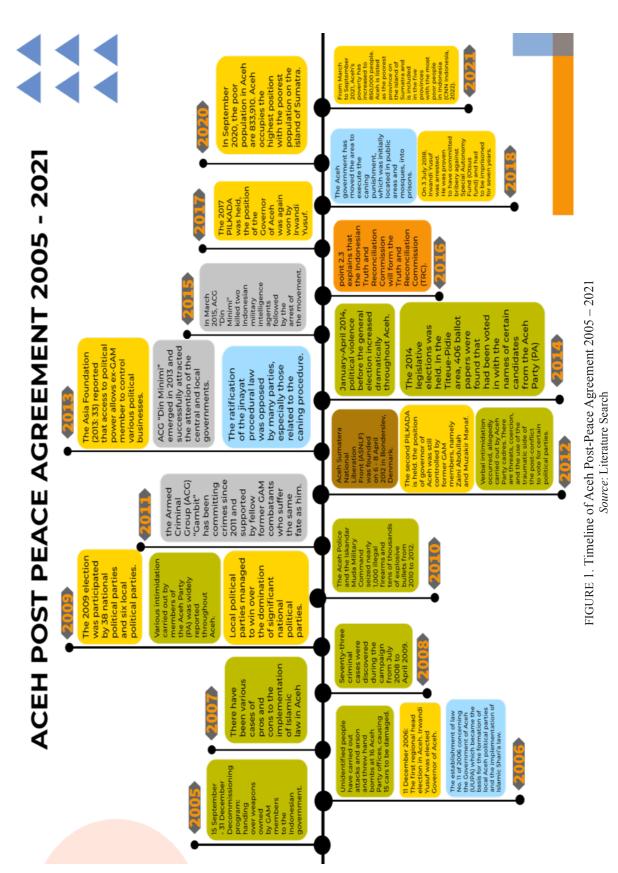
The implementation of Islamic law (*qanun*) in Aceh has also received attention from previous studies conducted by Bahri (2012), Berutu (2016), and Jauhari (2010). They examine the roots of Islamic law in Aceh, which have existed since the days of the sultanate. Meanwhile, Sari (2016), Qotadah and Achmad (2020), (B.Otto and MJ Otto, 2016), and Fahadayna (2017) studied the implementation of Islamic law laws, which were far from expectations. Implementation of the qanun needs to be more comprehensive, discriminatory, and contrary to

human rights. For the Acehnese, qanun tends to oppress the Acehnese because its implementation is a political agenda, not the people's aspirations.

Previous research highlights that after the 2005 Helsinki MoU, Aceh is still experiencing some unresolved socio-political issues. However, a review of prior literature encountered several research gaps. First, previous research shows that the post-peace agreement issues in Aceh are studied separately; hence no previous study Explicitly explains the mapping of the new conflicts that emerged after the peace agreement. This makes it difficult to get a complete picture of Aceh's condition in one piece of literature. Second, the majority of previous studies have only explored socio-political issues factually. Theoretical integration in analyzing these issues is rarely used. Therefore, this study will fill in the gaps in the review literature.

MAPPING THE NEW CONFLICTS IN ACEH POST-PEACE AGREEMENT

The conflict in Aceh's post-peace agreement was transformed into six conflicts. Based on the literature search, figure 1 shows the timeline of new conflict events that emerged after the Aceh post peace agreement The figure shows several events of new conflict after the peace agreement in different colors. First, the battle that occurred because of the transformation of GAM from an armed movement into a political party in Aceh (yellow box). Second, conflict and violence in Aceh's elections (green box). The third is the issue of transitional justice, which has not been resolved until now (orange box). The fourth is the rise of armed criminal groups that disrupt security in Aceh (grey box). The fifth is the polemic about implementing Islamic law in Aceh (blue box). The sixth conflict is related to the existence of the Aceh Sumatra National Liberation Front (ASNLF) movement as a counter-movement to the MoU Helsinki 2005 (brown box). The six conflict transformations are described in the following subsection:



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GAM, LOCAL POLITICAL PARTIES, AND POLITICAL BUSINESS

The restoration of political rights is shown in point 1.2.1 of MoU Helsinki 2005, which states that the Unitary State of the Republic of Indonesia (NKRI) provides opportunities for former GAM members to form local political parties¹. Aceh governance law (UUPA) No. 11 of 2006 states that A local political party is a political organization formed by a group of Indonesian citizens domiciled in Aceh². Establishing a local political party is to develop a democratic life based on *Pancasila* by upholding people's sovereignty in the Unitary State of the Republic of Indonesia and creating prosperity for all Acehnese (Prasojo, 2006: 49).

Former GAM members used the opportunity to integrate their movement into local government. The local political parties created by GAM include the Aceh Aman Seujahtera Party, the Aceh Sovereign Party (PDA), the Aceh People's Independent Voice Party (SIRA), the Aceh People's Party (PRA), the Aceh Party (PA), and the Aceh United Party (PBA). In 2006, Aceh succeeded in registering independent candidates from former GAM members to contest the regional head elections (PILKADA); they were Irwandi Yusuf (former Special Staff of the GAM Central Army Command) and Muhammad Nazar (GAM negotiator). Both managed to win the 2006 PILKADA and became governors of Aceh from 2006 to 2012 (KIP Aceh: 2016). Subsequently, 2009 legislative elections were held to determine the position of the People's Representative Council (DPR) at the district/city (DPRK), provincial (DPRA), and central (DPR-RI). The election was participated by 38 national political parties and six local political parties. Therefore in 2009, Acehnese held three general elections: choosing one legislative candidate (Caleg) from 38 national parties for the DPR-RI (central) position and choosing one candidate each from 38 national parties and six local parties for the part of DPRK and DPRA (Andriyani, 2017: 21-22).

The results of the first post-peace elections were shocking. Local political parties managed to win over the domination of significant national political parties, such as the Democratic Party (Partai Demokrat), Partai Demokrasi Indonesia Perjuangan (PDIP), and the Golkar Party. In the election for DPRK members, the Aceh party obtained 235 seats, while the Democratic Party only had 77 seats. In the election of DPRA members who fought for 69 seats, the Aceh Party (PA) won 33 seats (47%). Meanwhile, the other national parties got few seats. The Democratic Party secured ten seats, the Golkar Party 8 seats, Partai Amanat Nasional (PAN) 5 seats, Partai Keadilan Sejahtera (PKS) 4 seats, Partai Persatuan Pembangunan (PPP) 3 seats. Meanwhile, Partai Damai Aceh (PDA), Partai Demokrasi Indonesia Perjuangan PDIP, Partai Keadilan Persatuan (PKPI), Partai Bulan Bintang (PBB), Partai Kebangkitan Bangsa (PKB), and Partai Patriot one seat each.

In the 2009 legislative elections, most of the seats in the DPRD were also held by former GAM members. In the 2012 PILKADA, the position of governor of Aceh was still controlled by former GAM members, namely Zaini Abdullah and Muzakir Manaf, for the period 2012 to 2017. Zaini Abdullah was a GAM elite who served as Minister of Health and Minister of Foreign Affairs, while Muzakir Manaf was commander of GAM and Head of the Transitional Command of Aceh (KPA). He also served as Chairman of the Aceh Party. Competition for political power in the Aceh government occurred between GAM exponents. It can be seen that in the 2017 PILKADA, the position of the Governor of Aceh was again won by Irwandi Yusuf (Utama 2019: 17-18).

On July 3, 2018, Irwandi Yusuf was arrested because he was proven to have committed bribery against Special Autonomy Fund (*Otsus fund*)³ and had to be imprisoned for seven years. He received a bribe of Rp. 1.050 billion from the Regent of Bener Meriah district to approve the contractor proposed by the reagent. The aims are to carry out construction activity projects in Bener Meriah Regency. The project uses a budget sourced from the *Otsus* 2018 fund which amounts to Rp 108 billion. In addition, Irwandi was also proven to receive a reward of Rp 8.7 billion (Kompas.com 2019).

The Aceh government under GAM former is not as good as expected. They only focused on overseeing infrastructure projects and commercial opportunities that the proxies could get. The Asia Foundation (2013: 33) reported that access to political power allows them to control various political businesses. Muzakir Manaf (former GAM military commander), who was deputy governor of Aceh for the 2012-2017 period, is listed as a conglomerate involved in import and export projects, steel production for the post-tsunami reconstruction program, and port construction. Muzakir leads a private company called Pulo Gadeng which popular since GAM conflicted with Indonesia. On its maiden voyage, "Jatra III," a Malaysian ship, delivered luxury cars such as the Toyota Cygnus and BMW 5 series with Malaysian license plates for use by GAM officers in Aceh. Furthermore, the "KM Pulau Weh ship," also the "Pulo Gadeng" company, has imported used cars from Singapore and exported peanuts, coconut, and cocoa beans from Sabang to Malacca, Malaysia, through the free port of Sabang (Aditjondro 2007: 17-18).

The former GAM Commander for North Aceh, Sofyan Dawood, is known to have collaborated with large public and private companies from Malaysia and China. Darwis Jeunieb, a well-known GAM guerrilla war figure during the Aceh conflict, is now a successful businessman. He was awarded a contract from the local government to provide materials for a construction industry project in Aceh (Aspinall, 2009:1-2). Another company involving former GAM members is the "Aceh World Trade Center (AWTC) Dagang Holding", led by Nurdin Abdul Rahman (commander of GAM for Malaysia and Australia). Nurdin agreed to a deal with Mohd. Khairuddin bin Othman (the General Manager of PPLM-Malaysian Sea Shipping Company). On 15 January 2006, in Kuala Lumpur, an agreement was signed promoting the delivery of passengers and goods from the port of Nottingham, Penang Island, in Malaysia. Under the agreement, Jatra III sails weekly from Penang to Krueng Geukeuh in Lhokseumawe on Saturdays. Her maiden voyage occurred on Sunday, 29 January 2006 (Aditjondro 2007:18).

The success of the former GAM elite's political business is, inversely proportional to the welfare of former GAM soldiers and the Acehnese in general (Sari et al. 2019). A large number of ex-militaries and GAM members are unemployed. Most of them also lost their homes due to the tsunami and earthquake in 2004 (Aditjondro 2007:19). The political power of former GAM members indirectly resulted in the loss of their concern for community welfare issues. There is an economic gap between two big cities, Banda Aceh and Lhokseumawe, with remote areas such as Simeulue, Singkil, and Tamiang. In 2010, poverty in the cities of Banda Aceh and Lhokseumawe was at a low level. In contrast, the people of Subulussalam, Pidie Jaya, Nagan Raya, and Bener Meriah still live below the poverty line. Aceh is even considered a poor province compared to other provinces in Indonesia (The Asia Foundation 2013: 19-20). Aceh is even considered a poor province compared to other provinces in Indonesia (The Asia Foundation 2013: 19-20).

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The transformation of former GAM members into political parties was unable to change the social, political, and economic situation of the people of Aceh. The success of the political business of former GAM elites is, in fact, also inversely proportional to the welfare of former GAM soldiers and the people of Aceh in general. Most of the ex-military and GAM members are unemployed, and most of them also lost their homes due to the tsunami and earthquake in 2004 (Aditjondro, 2007:19). The position and political power used by the former GAM elite members have indirectly resulted in their loss of concern for the welfare of society.

CONFLICT AND VIOLENCE IN THE ELECTION PROCESS

Before the peace agreement, former GAM members expressed their political ideas using the force of arms. Meanwhile, after peace, they laid down their weapons and switched to using political power through local parties. This transition contributed to conflicts and violence in Aceh. The victory of former GAM members in the Aceh general election shows that local elites with GAM backgrounds have great trust in the community. However, many sources write that this victory was not entirely the result of people's choices honestly and voluntarily. The Aceh Party and its sympathizers committed violence and intimidation against the public to vote for them in the 2012 general election (Ansori: 2017).

Since the 2006 PILKADA, various conflicts and acts of violence have occurred in Aceh. It is known that unidentified people have carried out attacks and arson and threw hand bombs at 16 Aceh Party offices, causing 15 cars to be damaged. Tensions rose in Aceh before the general election for legislative members in April 2009. The number of murder and arson cases primarily targeted against Parti Aceh cadres and officials continued to rise. Seventy-three criminal cases were discovered during the campaign from July 2008 to April 2009. These cases included 32 arson attacks and five murder cases caused by a response to the intimidation carried out by members of PA, which was widely reported throughout Aceh. Several people who attended the Aceh People's Party (PRA) campaign admitted they had been intimidated into voting for a particular party (Hasan et al. 2018; Stange & Pattock 2010: 110).

The verbal intimidation occurred in the 2012 PILKADA, allegedly carried out by PA cadres. There are threats, coercion, and the use of the traumatic side of the post-conflict to vote for certain political parties⁴. The process of implementing the 2014 general election also showed a conflictual situation (SNPK, 2015: 38-39). From January to April 2014, political violence before the election dramatically increased in the form of vandalism (36 cases), intimidation (6 cases), thieves (5 cases), clashes (1 case), kidnapping (2 cases) and maltreatment (17 cases). During this period, six people died, 27 were injured, and dozens of properties, including party attributes, were damaged and burned (Kontras 2014).

The desire to win each party causes every cadre to commit fraud and crime. On the other hand, disputes between local political parties are used by other parties who want to take advantage. This situation is exacerbated by weak law enforcement and has implications for widespread violence. Facing this, the Aceh government is passive and unable to carry out its role in overseeing elections (Kontras 2018).

TRANSITIONAL JUSTICE FOR VICTIMS OF THE ACEH CONFLICT AND THE REINTEGRATION

The implementation of transitional justice in Aceh has been written in the text of the MoU Helsinki 2005. In point 2.2, it is explained that the Human Rights Court will be established for Aceh. Furthermore, point 2.3 explains that the Indonesian Truth and Reconciliation Commission will form the Truth and Reconciliation Commission (TRC). The purpose is to formulate steps to unify former GAM members with Indonesia. Point 3.2.5 states that all civilians suffering losses due to the conflict will receive appropriate agricultural land allocations and employment. If unable to work, they will be provided social security by the Aceh authorities (Memorandum of Understanding between the Government of the Republic of Indonesia and the Aceh Movement Merdeka: 2005).

The points in the 2005 Helsinki MoU contain four elements relevant to transitional justice in Aceh: First, granting amnesty to people imprisoned for their involvement in GAM. Second, disarmament (demobilization), where GAM promised to stop around 3,000 troops and hand over 840 firearms in stages. Instead, the Indonesian government agreed to withdraw all Indonesian police and soldiers from Aceh. Third, reintegration is carried out to guarantee political, economic, and social rights for former GAM fighters and political prisoners during the conflict. In the political context, this initial unification emphasized the right to free participation in Acehnese politics. In terms of the economy, it is explained that all ordinary people who suffer losses due to conflict will get agricultural land, jobs, and social security. A reintegration fund was established under the Acehnese authorities to finance a broad reintegration program. These programs include delivering economic assistance to former GAM combatants, former anti-separatist militia groups, conflict-affected communities, and many families of civilians killed during the conflict. The programs are assisted by BRA's, especially in economic assistance with longer-term social, economic, and political reintegration programs providing skills training, health services, and educational supplies. However, in social terms, the MoU does not directly mention other vulnerable groups, such as women and children, who are victims of conflict. Hence, their unification process in society still needs to be clarified (Clarke et al. 2008: 11-12).

Fourth, the MoU requires the establishment of a Human Rights Court and a TRC, which increases the hope for conflict victims to get justice for the human rights violations they have experienced. Nevertheless, Human Rights Court and TRC still fail and do not have the power to uncover cases of past crimes retroactively. Fifth, the legal code for Aceh was promised to be reformulated; it would comply with international human rights standards. Furthermore, an independent and impartial judiciary will be responsible for prosecuting civilian crimes committed by members of the military, and police forces will be accountable to the elected governor (Jiwon 2015: 104-105; Manan 2015: 83; Clarke et al. 2008: 11-12).

In the context of transitional justice, the MoU Helsinki 2005 has become the umbrella for establishing the Aceh TRC, which supports the Human Rights Court in trying perpetrators of human rights violations during the Aceh conflict. However, an integrated and holistic approach to transitional justice must be addressed. As a result, many conflict victims have not received justice for the violence and human rights violations they have experienced. Local conflicts are related to the transformation of GAM into local political parties, and their power in government is the main focus. Meanwhile, the transitional justice mechanism still needs to be addressed. The establishment of TRC Aceh needed more legal certainty regarding the absence of an Indonesian TRC. The MoU Helsinki's lack of attention to prey rights and severe obstacles to the TRC legislation has led to significant deficiencies in the Aceh TRC. The failure of the central government to enforce all of Helsinki's commitments is a substantial obstacle to sustainable security (Clarke et al. 2008: 13).

THE RISE OF THE ARMED CRIMINAL GROUP (ACG) IN ACEH

The MoU Helsinki 2005 explained that all GAM members were obliged to destroy weapons, bullets, and bombs from 15 September to 31 December 2005. At the end of 2005, the "Aceh Monitoring mission" reported that GAM had handed over 1,000 long-barreled and short-barreled weapons (Bintang, 2007). The Aceh police collected 132 firearms, including 57 short-barreled weapons, 75 long-barreled weapons, seven hand bombs, and 542 general caliber bullets 5.56. Furthermore, the Aceh Police and the Iskandar Muda Military Command seized nearly 1,000 illegal firearms and tens of thousands of explosive bullets from 2010 to 2012 (Detiknews, 2017).

There are former GAM members who still keep weapons and use them to carry out criminal activities known as the Armed Criminal Group (ACG). The two popular ACG are Gambit and Din Minimi which organize anti-government sentiments and carry out criminal acts using weapons. Both were dissatisfied with the Aceh government, which dominated their former GAM comrades in arms. Gambit and Din Minimi feel abandoned by their comrades who have come to power in the Aceh government. They complain about the plight of former GAM combatants who live in poverty while their comrades live in luxury as contractors and control the government (Times. id, 2020).

The Gambit movement is led by Syukriadi, a former GAM that has been committing crimes since 2011 and is supported by fellow former GAM combatants who suffer the same fate. The Gambit movement engages in kidnapping, looting, and robbery. Gambit also confiscated a train belonging to PT Abad Jaya in East Aceh, carrying out road paving works in East Aceh. They are also attacking PA facilities in 2011 and threatening former GAM who were already working in the Aceh government if they did not care about the fate of the people and former GAM who were not prosperous (AJNN, 2015). On 3 July 2015, Syukriadi was arrested by East Aceh police forces and sentenced to 1.6 years in prison (Serambinews.com 2021).

The Din Minimi movement emerged in 2013 and successfully attracted the attention of the central and local governments. Din Minimi is a GAM combatant who leads the ACG in East Aceh. Din Minimi blamed the PA who ran the Aceh government for failing to fulfil their promise of giving free houses and land to former GAM fighters. Since 2014, Din Minimi has been in contact with former GAM members living in Norway. They helped deliver weapons and funds to Din Minimi to strengthen their movement. The Din Minimi movement carried out various criminal acts such as kidnapping, robbery, destruction of ballot boxes in the 2014 election, attacks on palm oil trucks, and so on (IPAC, 2015). In March 2015, Din Minimi and his members killed two Indonesian military intelligence agents. This increased police efforts to hunt down followers of Din Minimi (IPAC, 2015: 1-3). In 2015 ACG Din Minimi surrendered to the Indonesian security forces. One AK-56 and other ammunition were secured during the arrest (DetikNews 2019).

ACG's existence became a new conflict that emerged post-peace agreement. The existence of ACG is related to several reasons. First, the former GAM members who occupied the Aceh government could not improve people's welfare. Second, the TRC mechanism has not been able to integrate all former GAM members into society. Not all weapons owned by former GAM were also destroyed. As a result, disaffected people quickly form armed resistance movements.

REJECTION OF THE ISLAMIC SHARIA LAW'S IMPLEMENTATION

The legality of implementing Islamic Sharia in Aceh began to seek the downfall of President Soeharto in 1998. At that time, Law No. 4 of 1999 concerned the privileges of Aceh to get special autonomy rights to implement Islamic Sharia. In 2001, the Government of Indonesia ratified Law No. 18 of 2001 concerning the Special Autonomy Status for the Province of Nanggroe Aceh Darussalam. This law establishes a regional regulation known as the 'qanun' and recognizes the Sharia Court as part of the judicial system in Indonesia. The following rule passed was Law Number 11 of 2006 concerning the Government of Aceh, which confirmed that Aceh had a law regulating Islamic Sharia. This legislation is known as the "Aceh qanun" (Sari, 2016: 73-74).

Aceh qanun is a statutory regulation of the same type as provincial legislation. This law regulates the administration of government and the social life of the Acehnese based on Islamic law (Berutu, 2016: 182-183; Fahmi, 2012: 298). Nine ganuns have been ratified and dealt with social matters, such as the prohibition of drinking alcohol, gambling, and acts of seclusion. The implementation of Islamic Sharia in Aceh is carried out under the authority of an institution known as the Islamic Sharia Service. Their task is designing, implementing, supervising, and providing guidance on Islamic law to the public. In carrying out its duties, the Islamic Sharia Service is assisted by Wilayatul Hisbah (Islamic Sharia police). In addition, there is also the Islamic Sharia Court as a judicial body under the Indonesian Judicial Council, which functions as the executor of judicial power (Sari 2016: 75-76).

The community often rejects the implementation of the ganun relates to the non-comprehensive and discriminatory enforcement of Islamic Shari'a law. Implementing the caning law is one of the many cases of applying Islamic law, which is the most widely opposed, especially by human rights activists. The online newspaper, Tirto. id (21 April 2018), quoted the interview with Andreas Harsono, an activist for Human Rights Watch Indonesia. He stated that whipping must stop. Aceh has special autonomyrelated authority as stipulated in Law No. 18 of 2001. However, it must still refer to the International Convention on Civil and Political Rights (ICCPR). The Human Rights Committee at the United Nations (UN) overseas countries' compliance with their obligations under the ICCPR calls on Indonesia to withdraw provisions confirming harsh punishments in local law in Aceh. However, this was ignored by the Aceh government.

Furthermore, caning in a public place is entertainment for the community rather than a deterrent effect. The whip arena has a stage and a tent for public viewing. There are inappropriate practices, such as allowing minors to watch the implementation of the caning law (Kumparan News 2019). For this, the Aceh government has moved the area to execute the caning punishment, which was initially located in public places and mosques, into prisons (Iqbal & Kabir 2020: 167-168). However, the implementation of the relocation of the caning punishment is still questionable. Until 2021, the execution of caning sentences is still in public places (BBC News 2021). Sari (2016: 81-83) wrote about several violations of Islamic law. In 2007, a member of the Islamic Sharia police committed adultery in a public toilet at 1.30 am. Various online media widely reported this incident. However, this case has no legal clarity or a caning process. Besides human rights, caning punishment is also opposed because of its discriminatory implementation. To date, no qanun regulates the caning of corruption perpetrators (Media Indonesia: 2018).

The raid on hotels suspected of committing immoral practices was carried out by Wilayatul Hisbah (Islamic Sharia Police). However, several large four- and five-star hotels have high immunity and are rarely checked. When raids are carried out on the road, inspections are usually carried out more strictly on motorcyclists, while private car users are seldom screened. The application of punishment varies greatly and is not uniform from one region to another. For women who dress tightly and do not wear a headscarf, some are punished by spraying paint on their pants, and some are only advised and sent back to their parents. In the West Aceh area, it is even more extreme to cut the hair of women who do not wear the hijab (Sari 2016: 83-86).

The application of qanuns that were discriminatory and not comprehensive eventually led to horizontal conflict in Aceh. Therefore, the community hopes the Qanun should be based on a high understanding of Al-Quran interpretation and adapted to changing times. It must also be able to interpret the cultural values of the local community. The government and relevant institutions must also be able to carry out adequate supervision and implementation following the established legislation.

ACEH SUMATRA NATIONAL LIBERATION FRONT (ASNLF) AS A COUNTER-PEACE MOVEMENT

ASNLF was founded on 6 - 8 April 2012 in Bronderslev, Denmark, as a successor movement of GAM. After the MoU was agreed upon, it was discovered that some people, both former GAM members and sympathizers, disagreed (Sari, 2013). They then chose to establish the ASNLF. The membership consists of the Acehnese diaspora in Europe and America. One of the issues raised by ASNLF is poverty in Aceh. They believe that since Aceh joined Indonesia, the Indonesian government has massively impoverished the Acehnese. Even after the post-peace agreement 2005, Aceh was still in a poor state.

The Central Statistics Agency for Aceh (BPS Aceh) noted that from 2002 to 2012, Aceh was the

poorest region compared to the other areas on the island of Sumatra. The percentage of poor people in Aceh is 29.83%, the highest compared to other provinces on the island of Sumatra. In 2012 the percentage of poor people was 18.58%. The latest data from BPS shows that in March 2020, there were 814,910 people. Meanwhile, in September 2020, the poor population in Aceh increased to 833,910 people or 15.43 percent. Despite a decline, Aceh still occupies the highest position, with the most impoverished population on the island of Sumatra (CNBC Indonesia 2021; Kompas.com 2021; BPS Aceh 2020).

Furthermore, from March to September 2021, Aceh's poverty increased from 0.20% to 15.53%. This means that the poor population in Aceh has risen to 850,000 people. Aceh is listed as the poorest province on the island of Sumatra and is included among the five provinces with the poorest people in Indonesia (CNN Indonesia 2022).

The inconsistency between the MoU Helsinki 2005 and its implementation has created unrest among the public. The ASNLF solidified its movement and returned to agitation to mobilize the struggle using the ethnonationalism ideology. They want to establish a "Successor State of Free Aceh," a continuation of the kingdom of Aceh (UNPO 2018). Since 2012, ASNLF has internationalized its movement by participating in training organized by UNPO in The Hague, Netherlands. In this training, ASNLF successfully officially became a member of UNPO on 27 June 2014. Their position at UNPO has opened their lines of communication at the international level.

ASNLF participated in various international activities, such as attending the Human Rights Council Forum on Minority Issues in Geneva, Switzerland, on 25 November 2014. Furthermore, on 14 June 2016, ASNLF participated in the International Conference of the European Parliament in Brussels, Belgium, discussing minority rights and regional cooperation in Southeast Asia. At that time, the chairman of the ASNLF, Arif Fadhilah, asked the European Union to resolve political problems in Aceh, particularly the human rights violations that occurred in the past (ASNLF, 2016). The ASNLF, on the other hand, continues to hold rallies every year to voice justice for the people of Aceh. Coinciding with May Day, this demonstration was held in front of the International Criminal Court (ICC) in The Hague, Netherlands. ASNLF conducted an annual rally, De Atjeh Oorlog, on 26 March to commemorate the

Dutch declaration of war against the Sovereign State of Aceh in 1873.

In April 2021, ASNLF publicly discussed with other liberation movements, such as the United Liberation Movement for West Papua (ULMWP) and the Republic of South Maluku (RMS). This activity discusses the title "Why Aceh Papua Maluku Wants Independence." Every 4 December, ASNLF always celebrates its birthday, which is filled with speeches about the struggle of the Acehnese. According to the initial data obtained, the ASNLF has a basis as a principled struggle based on the power of the people (not groups) and an organization that does not prioritize violence. ASNLF uses ethical methods such as diplomatic, economic, and international negotiation channels and prioritizing human rights (SuAM 2012).

The ASNLF formed ethnic sentiments using ethnic identity, resulting in an ethnic revival (Smith 1981). GAM and ASNLF use ethnonationalism as the basic ideology of their movement. Hasan Tiro transferred the doctrine to GAM members through the "Aceh Education" training. The Members are taught about ethnonationalism that puts Aceh's interests first, including studying history, politics, society, culture, customs, law, and diplomacy. In the post-peace agreement, the ideology persists in ASNLF but is expressed differently with GAM (Sari 2013). GAM used violent force to express its ethnonationalism through the war with Indonesia. On the other hand, ASNLF uses soft power to the internationalization of their movement. So far, the ASNLF has yet to show any criminality in achieving its goals. However, this movement proves that Aceh's peace has not been appropriately realized.

TRANSACTIONAL POLITICS AND PEACE BARRIERS

Before the transactional approach was born, structural-functional theory became a critical study in anthropology and sociology. Its glory peaked around 1930 and 1950 in England, pioneered by Rad-Cliffe-Brown (R-B) and Malinowski. In America, Talcott Parsons became the person who developed this theory and succeeded in making it famous in the 1950s. Parsons' structural, functional theory explains that people live in a unified system, adhere to norms, roles, functions, structures, and laws, and have a balance point in life. However, this theory fails to explain the phenomena of conflict caused by the abuse of norms and morals in politics. Hence the transactional approach emerged by emphasizing the interests, the use of power, and the use of opportunities to achieve goals (Sulaiman et al. 2014).

Several theorists, such as Gluckman (1965) and Malinowski (1940), have also described transactional elements in explaining conflict theory. Gluckman is best known as a teacher of Manchester anthropology and was a student of Hoernlé and Schapera, who had studied under Radcliffe-Brown. Unlike Radcliffe-Brown, who formed the structuralfunctional model, Gluckman introduced several new assumptions to fill the gaps in the previous model. Gluckman argues that conflict is intrinsic to social interaction rather than rare and abnormal. The balance achieved in society does not result from innate or natural tendencies in the social system; balance emerges from conflicts that exist everywhere (Barrett 2009:95-96).

The transactional approach is sometimes referred to as interactional or social action. For example, the terms interactional and social activity are used by Bailey (2001) and Barret (2009). In his book Stratagems and Spoils: A Social Anthropology of Politics, Bailey (2001) highlights that during the 1960s, the image of politics from the perspective of political anthropology shifted from consensus to conflict and self-interest. Stratagems are closely related to conspiracy, conspiracy, deceit, and tactics. At the same time, spoils are very close to booty, stolen, and corruption. In the concept of transactional politics, Bailey examines politics and power. He agrees that politics is just a game and a competition. In a game, each player agrees and understands what is being played and how to play the game. The players will also decide on the game's rules, prizes, and penalties. Sulaiman et al. (2014) explains that although the concepts of interactional, social action, and transactional are different, all three have the same meaning and approach. All three prioritize interests and relational relationships to produce shortcuts.

Bailey (2001:87) explains that, in reality, there is no sporting game in a political structure. Only one player can bring down another player in any way. Even politics is turned into a business for personal gain. Normatively, politics aims to build social harmony in society. However, this understanding of the political game is incomplete if interpreted only as a normative understanding. In the political system, humans live to "beat the system." The pressure in political competition leads the players to cheat, go to extremes, damage the system, or even try to find another method that is considered better.

Stratagems and Spoils is a significant work introducing a new perspective on the transactional world. It shows that the individual is not a puppet controlled by an institutional framework, and individuals are active in making choices in competitive situations. Furthermore, the social structure is also far from being unified and static. The social structure characterizes human interaction as a dynamic entity formed from loyalty, coalition, and conflict (Barrett 2009: 103).

On the other hand, Barrett (2009) uses the term social action consistently. In his book Anthropology: A Student's Guide to Theory and Method, he explains that society constantly changes with a fluid social structure. Sometimes, in everyday life, we come across ambiguous and contradictory norms. In this case, there is always a gap between the normative order and actual behavior. Competition between humans that occurs continuously causes them to have to choose between various alternatives. For this reason, the individual always acts as a selfish manipulator. His actions seek to change society's normative and institutional framework, emphasizing reciprocity, exchange, and transactional relations.

The word transactional itself is used by Boissevain (1974). In his book, "friends of friends: Networks, Manipulators and Coalitions," he emphasizes the importance of friendship or brotherhood in getting something. In social life, the most important thing is contact with someone he knows rather than what he is qualified to do (Barrett, 2009: 1003-104). Boissevain also criticized the structural, functional school and stated that individuals only do what is best for themselves (not society). In the transactional approach he discussed, Boissevain uses terms such as patron, broker, strategy, faction, coalition, clique, and transaction. Following the book's title, Friends of Friends uses network analysis to examine relationships between people, friends of friends, transaction processes, and coalitions. These relationships occupy the space of individuals, families, societies, and even countries.

What is described by Bailey (2001) and Barret (2009) is very appropriate to explain the condition of Aceh after peace. Transactional politics is seen in the six new conflicts that emerged after the MoU Helsinki 2005. In this case, transactional politics in Aceh is closely related to kinship factors to facilitate the demand for and access to the use of money in politics. Meanwhile, transactional politics

is carried out massively with political agreements with parties, businessmen, and state officials. GAM's transformation from an armed movement to a political movement (one of them through the formation of a local Aceh party) provides a striking illustration of how political influence and corruption work in the construction sector in Indonesia.

The involvement of former GAM members in political business began with the "explosion" of the reconstruction development project after the December 2004 tsunami disaster. The Businessmen who were former GAM elites very clearly won contracts because of their influence in the political field (Cahyono 2018:92). The dramatic transformation of the former GAM elite is generally in the business sector. Most of them become contractors for projects in the construction industry, especially the construction of roads, bridges, and irrigation canals. Alternatively, it provides materials such as sand, stone, and wood to support the work. This construction project contract was corrupt because it was awarded based on certain political relations (Aspinall 2009: 2).

One easy way to make money in Indonesia is through contracting development projects. Therefore, many contractors choose to be affiliated with former GAM elites to have a political connection. This political nepotism is stated by Boissevain (1974) as a form of a 'friends of friends' network to facilitate political transactions. In the Aceh government, a large number of construction project contracts after the Tsunami disaster in Aceh were awarded by government agencies. Therefore, political influence and pressure are pervasive. GAM elites who dominate local politics have taken advantage of defeating the construction sector. They control their development projects by taking on the intermediary role by cutting the contracts they facilitate. The gains are significant, considering the state budget for development projects is also huge. Their political influence and violent power allow this political business to continue. Political dynamics like this described by Aspinall (2009: 3) show the extraordinary resilience of neo-patrimonial networks.

Transactional politics in profit sharing took place between contractors and the GAM elite. Contractors get development projects from the GAM elite, while GAM gets political and material support from contractors. This transactional system was studied by Malinowski (1932). His research explains the social fact that individuals have a great tendency

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to engage in manipulation, transaction, and fraud. He also highlighted the relationship of reciprocity between individuals that have existed for a long time, even in primitive societies. In his book Crime and Custom in Savage Society, Malinowski (1932: 25-27) examines the existence of the Kula Ring system in the Trobriand Islands community. Kula is an exchange system with an aristocratic nuance by giving a kind of object/gift as the key to the political process.

Conflict and violence in every election in Aceh also show that there are elements from certain local political parties who try to win the election by fraudulent means. Both conflicts and violence show the existence of transactional political attitudes driven by self-interest. To achieve this goal, local political parties and Aceh Qanun implementers are okay with doing something, even if it is outside the norm. Sulaiman et al. (2014) explain that individuals can deliberately exploit loopholes to reject applicable rules, norms, and laws in a political system. This act is usually carried out in a silo where corruption is not apparent. Structural-functional analysis has been abandoned and moved to a more real transactional analysis.

The discriminatory application of Islamic law and the incomprehensible ganun materials are forms of use of loopholes that show the weakness of law enforcement in Aceh. In the study of transactional politics, these loopholes show the intentionality of specific individuals to do things that are not according to the rules. The situation is described by Bailey (2001) as human nature to always "beat the system." The Aceh ganun is considered to only deal with personal problems but ignores social issues in Aceh that led to a horizontal conflict in Aceh. The application of Islamic law becomes blurred when dealing with the ruling elite's interests. Therefore, the ganun should be based on a high understanding and interpretation of the Qur'an. The ganun should be adapted to the changing times and must also be able to interpret the local cultural values of the community. The government and related institutions must also be able to carry out adequate supervision and implementation following the laws set.

The issue of transitional justice, which failed to prosecute the perpetrators of human rights violations in Aceh, is also full of transactional politics. The establishment of the Aceh TRC was under the auspices of the Indonesian TRC. Thus, the Aceh TRC must become integral to Indonesia's political agenda. However, the Indonesian TRC is considered to have failed to reveal justice. Transitional justice institutions in Indonesia could be more effective, particularly in dealing with serious offences. There is great interest in this case. Indirectly, investigating and adjudicating issues of the Aceh conflict is the same as unmasking the Indonesian government. Therefore, no senior military officer has been successfully tried by the Human Rights Court established under the 2000 Human Rights Act (Aspinall & Zain 2013:88-100).

CONCLUSION

Peace in Aceh is still facing significant challenges marked by the emergence of six new conflicts: First, the transformation of GAM from an armed movement into a political party. The GAM elite who succeeded in controlling Aceh's local politics were more concerned with the political business sector than the welfare of the Acehnese. Second, conflicts and violence continue to occur in every election in Aceh. Various forms of verbal and nonverbal intimidation occurred so that the elections in Aceh were far from being democratic. Third, the issue of transitional justice still fails to provide justice for victims of the conflict in Aceh. Fourth, the rejection of implementing Islamic law based on Aceh Qanun is still caused by discriminatory and uncomprehensive law enforcement. Moreover, the fifth is the emergence of the movement against the MoU Helsinki 2005, namely ASNLF. This movement is increasingly massive and controlled outside the country and voices the desire for Aceh to separate from Indonesia.

The emergence of six new conflicts in Aceh is closely related to the practice of transactional politics. Transactional politics in Aceh eventually led to intraethnic upheaval in Aceh, resulting in contemporary social movements such as ACG Gambit, ACG Din Minimi, and ASNLF. All three are reactions to the asymmetric relations between ethnic Acehnese and the barrier in implementing the MoU Helsinki 2005. Transactional politics caused fragmentation between Acehnese community groups. Transactional politics will undoubtedly consider the advantages and disadvantages of each interaction. Individuals who are considered mutually beneficial will affiliate to increase profits further. This affiliation can be seen in the contractor's collaboration with the GAM elite.

Meanwhile, groups such as Gambit and Din Minimi, considered unprofitable, will be alienated from the political system. Even though the ACG Gambit and Din Minimi have been discontinued, ASNLF is still an active movement in voicing its grievances against the Acehnese and Indonesian governments. Abuse of norms and morals often occurs where reciprocal relationships and transactional exchanges are highly prioritized for personal gain. The new Aceh government system after the MoU Helsinki 2005 was run based on kinship and patron-client relationships.

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ENDNOTES

The GAM stopped its demands to make Aceh an independent country. Indirectly he meant the recognition of the Unitary State of the Republic of Indonesia (NKRI). On the other hand, GAM demanded the opportunity to form a local political party in Aceh. The legal basis for the birth of local political parties in Aceh is written in the MoU Helsinki 2005 Part I: Governance in Aceh, sub-Part I.2: Political Participation, points. I.2.1 :

".... Understanding the aspirations of the Acehnese people for local political parties, the Government of the Republic of Indonesia, within one year or no later than 18 months from the signing of this memorandum, will create political and legal conditions for the establishment of local political parties in Aceh in consultation with the DPR".

The basis for the establishment of local political parties has also been written in Government Law Number 11 of 2006 concerning the Government of Aceh (UUPA)

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- ² Voluntarily based on the same will and ideals to fight for the interests of members, society, nation, and state through the election of Aceh People's Representative Council members (DPRA); City People's Representative Council (DPRK); Governor and Deputy Governor, as well as regents and deputy regents/mayors and the mayor's coregent. Furthermore, Article 78 Chapter XI explains that local parties' general goal is to realize the national ideals of the Indonesian nation as referred to in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUPA, 2006: 58-61).
- ³ The Helsinki MoU also agreed to give the Special Autonomy Fund (*Otsus* Fund) to the Aceh government. Referring to Law number 11 of 2006, these funds should be used for infrastructure development, poverty eradication, education and health. Otsus funding takes place for 20 years, from 2008 to 2027 with a total of Rp. 144.75 trillion (Sari, et al, 2020a; Cahyono, 2018).
- Intimidating verbal threats were carried out in various forms, for example, "If you do not vote for a party... then we will continue to be colonized"; "If you want to survive, you must vote for our Party," or "If the Party... does not win, we will go to war" (SNPK, 2015: 38-39).