



## The Dynamics of the Aceh Special Local Elections Following the Constitutional Court Ruling

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Article Info	Abstract
Received: 20-11-2025	The Constitutional Court Decision No. 135/PUU-XXII/2024
Revised: 18-12-2025	provides new hope for reformulating the separation of local elections
Accepted: 19-12-2025	in Aceh. Article 65 of UUPA provides legal standing that local
Published: 20-12-2025	elections specifically for Aceh are held directly by the people every 5
<b>Keywords:</b> Dynamics; Local Elections; Special; Constitutional Court Decision.	(five) years through democratic, free, secret elections and are carried out honestly and fairly. The issue of separating local elections in Aceh since 2022 should still refer to the formulation of the norms of a quo article, but it was ignored by the Indonesian Government because according to the norms of Article 201 of Law No. 10 of 2016, it annuls the special status of local elections in Aceh, thus local elections in Aceh will still be held in 2024. The formulation of the problem includes: How is the relevance of the norming of Article 65 of Law No. 11 of 2006 related to Constitutional Court Decision No. 145/PUU-XXII/2024? How should local elections specifically for Aceh be after the Constitutional Court Decision MK a quo? The analysis method used is normative legal research with three approaches, namely the statutory approach, the conceptual approach, and the analytical approach. Result: That the relevance of the normativeization of Article 65 of Law No. 11 of 2006 finds a meeting point which has been considered a debate that local elections are directed to become an election regime, not a regional government regime as mandated by Article 18B paragraph (4) of the 1945 NRI Constitution. Then, that the local elections specifically for Aceh are in accordance with Article 18B a quo Constitution and become a norm for special elections because the special nature of elections in Aceh can override general election norms so that the authority of Article 18B paragraph (4) of the 1945 NRI Constitution and Article 65 of UUPA is upheld.

Info Artikel	Abstrak
<b>Kata Kunci:</b> Dinamika; Pemilu Lokal; Khusus;	Putusan MK No. 135/PUU-XXII/2024 memberikan harapan baru untuk merumuskan kembali pemisahan pilkada lokal di Aceh. Pasal 65 UU No. 11 Tahun 2006 memberikan legal standing bahwa pilkada lokal khusus Aceh secara langsung oleh rakyat setiap 5 (lima) tahun

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Putusan Mahkamah Konstitusi.

sekali melalui pemilihan yang demokratis, bebas, rahasia serta dilaksanakan secara jujur dan adil. Seharusnya isu pemisahan pilkada lokal di Aceh sejak tahun 2022 tetap mengacu pada rumusan norma pasal a quo, namun tidak digubris oleh Pemerintah Indonesia karena menurut norma Pasal 201 UU No. 10 Tahun 2016 menganulir kekhususan pilkada lokal Aceh, dengan demikian pilkada lokal Aceh tetap dilaksanakan pada tahun 2024. Perumusan masalah antara lain: Pertama, bagaimana relevansi penormaan Pasal 65 UU No. 11 Tahun 2006 terkait Putusan MK No. 145/PUU-XXII/2024? Kedua, bagaimana seharusnya pilkada lokal khusus Aceh pasca Putusan MK MK No. 135/PUU-XXII/2024? Metode analisis yang digunakan penelitian hukum normatif dengan tiga pendekatan yakni pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan analisis. Kesimpulan: Bahwa relevansi penormaan Pasal 65 UU No. 11 Tahun 2006 menemukan titik temu yang selama ini dianggap menjadi perdebatan bahwa pilkada lokal diarahkan menjadi rezim pemilu bukan menjadi rezim pemda seperti yang diamanahkan oleh Pasal 18B ayat (4) UUD NRI 1945. Kemudian, bahwa pilkada lokal khusus Aceh sudah sesuai dengan Pasal 18B ayat (4) UUD NRI Tahun 1945 dan menjadi norma kekhususan pemilu karena kekhususan pemilu di Aceh dapat mengeyampingkan norma pemilu umum sehingga otoritas Pasal 18B ayat (4) UUD NRI Tahun 1945 dan Pasal 65 UU No. 11 Tahun 2006 ditegakkan.

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## INTRODUCTION

General elections (abbreviated as elections) are one of the pillars of democracy that function as a political tool, a political instrument, facilitating the circulation process of political elites. Without a recruitment and circulation process that runs periodically and is not based on constitutional norms, elections are often deviated from the principles of elections, namely elections that are carried out directly, generally, freely, secretly, honestly and exist. Substantive democracy will never be realized properly. Elections also have an absolute function if not controlled and updated with a good system, when elections are not improved and stagnant, the prevailing power tends to be corrupt and absolute power tends to corrupt absolutely (Titus Anindiyajati, 2021).

The term election in the 1945 Constitution of the Republic of Indonesia is significantly differentiated, elections are divided into two, namely: First, elections that organize the election of members of the DPR, DPD, President, and Vice President and DPRD are regulated through Article 22E of the 1945 Constitution of the Republic of Indonesia. Second, elections that organize the election of Governors, Regents, and Mayors respectively as heads of provincial, district and city regions are elected democratically,

regulated through Article 18 of the 1945 Constitution of the Republic of Indonesia which is often stated as regional elections (Akbar, 2021).

Direct regional elections were held in 2005, direct regional elections for the election of gubernatorial, regent and mayoral candidates were based on Law Number 32 of 2004 concerning Regional Government (Fahmi, 2010). The regional head was elected directly by the people through democratic elections in June 2005, a year after the regional elections were held, Law Number 11 of 2006 concerning the Government of Aceh (hereinafter abbreviated as Law No. 11 of 2006) was ratified.

The implementation of special regional elections in Aceh is regulated by Article 65 paragraph (1) of Law No. 11 of 2006 that the Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor are elected as a pair directly by the people every 5 (five) years through democratic, free, secret elections and carried out honestly and fairly. Aceh held its first regional elections after the peace between the Indonesian Government and the Free Aceh Movement (GAM) in 2006. The basis for the 2006 Aceh regional elections used Article 65 of Law No. 11 of 2006, the Aceh regional elections took place since 2006, 2012, 2017, and the Aceh regional elections should have been held in 2022 in accordance with the mandate of a periodic period of every five years, but were apparently set aside by the Central Government through Article 201 of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (hereinafter abbreviated as Law No. 10 of 2016) (Ridwansyah, Dialeksis, 2023).

The narrative of Article 201 paragraph (3) of Law No. 10 of 2006 states that the Governor and Deputy Governor, Regent and Deputy Regent, Mayor and Deputy Mayor resulting from the 2017 election who will serve until 2022 will have their elections held simultaneously in 2024, precisely in November. This means that national simultaneous voting applies to all regions including Aceh at that time. The Aceh Government, the DPRA at that time remained adamant about wanting the Aceh Pilkada to be held in 2022, even the DPRA had scheduled a plenary session for the draft Qanun for the Aceh Pilkada, but it seems that the Aceh Government in this case the Governor of Aceh Nova Iriansyah for the 2020 to 2022 term of office was reluctant to lobby the Central Government regarding the implementation of the norms of Article 65 of Law No. 11 of 2006 (Setyadi, 2021).

The Aceh KIP in this case as the organizer of the special Aceh regional elections remains adamant in establishing the Decree of the Aceh Independent Election Commission No. 1/PP/01.2-Kpt/11/Prov/2021 concerning the Stages, Programs, and Schedule for the Implementation of the Election of Governor and Deputy Governor, Regent/Deputy Regent and Mayor/Deputy Mayor in Aceh Province in 2022. However, not long after, the Indonesian General Elections Commission issued a warning letter to the Aceh KIP through the Indonesian General Elections Commission Letter No. 151/PP.01.2-SD/01/KPU/II/2021 stating that the 2022 Aceh Regional Elections could not be implemented because they were contrary to the provisions of Article 201 paragraph (3) and paragraph (9) of Law No. 10 of 2016 (Sulthan Muhammad Yus, 2024). The 2022 Aceh regional elections should still be held because this is a constitutional right of the Acehnese people. If this is not done, there will be deviations from the norms of Article 65 of Law No. 11 of 2006 and Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia (Juli, 2021).

Then in 2024, the Constitutional Court heard a constitutional case filed by the Association for Elections and Democracy Foundation (Perludem) represented by Khoirunnisa Nur Agustiati, and Irmalidarti filed a judicial review of Law Number 7 of 2017 concerning General Elections (hereinafter abbreviated as Law No. 7 of 2017) and Law Number 8 of 2015 concerning Amendments to the Stipulation of Law No. 1 of 2015 concerning the Stipulation of the Government in Lieu of Law No. 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (hereinafter abbreviated as Law No. 8 of 2015) against the 1945 Constitution of the Republic of Indonesia (Trikarinaputri, 2025).

One of the bases of Perludem's request is that the Court needs to provide constitutional limits on the simultaneous election system which will impact the sovereignty of the people, because when there are actions by lawmakers who will rebel against the Constitutional Court Decision No. 60/PUU-XXII/2024, there is widespread public resistance to support the Constitutional Court to ensure that the election administration system can be in line with the benefits felt by the public. Therefore, the Constitutional Court through the Constitutional Court Decision No. 135/PUU-XXII/2024 stated that Article 3 paragraph (1) of Law No. 8 of 2015 is contrary to the 1945 Constitution of the Republic of Indonesia and does not have conditional binding legal force as long as it is not interpreted in the future as follows: "Elections are held simultaneously throughout the

territory of the Republic of Indonesia to elect members of the Provincial DPRD, Regency/City DPRD and Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor which are held within a minimum period of 2 (two) years or a maximum of 2 (two) years and 6 (six) months from the inauguration of DPR members and DPD members or from the inauguration of the President and Vice President (Ramzani, 2023).

This means that Article 3 of Law No. 8 of 2015 which states that elections are held every 5 (five) years simultaneously throughout the Republic of Indonesia is no longer valid, has no binding force but the challenge is that the transition period is handed over to the legislators to regulate how to implement the Constitutional Court's decision regarding the separation of election schedules? What about the Aceh regional elections which are legally separate from the simultaneous elections, should they return to the periodization that was set aside by the Central Government in 2022? Then, how should the special Aceh regional elections be after the Constitutional Court Decision No. 135 / PUU-XXII / 2024? Thus, the dynamics of the special local elections in Aceh after the Constitutional Court Decision will become a new discourse for the special local elections in Aceh (Arbas, 2012). The hypothesis of the article should be the Constitutional Court Decision. No. 135/PUU-XXII/2024 is a new record for the journey of the Aceh regional elections after peace which has reached two decades, 3 Aceh regional elections after the ratification of Law No. 11 of 2006 continued to run as it should. Aceh's special status in the context of asymmetric decentralization in the field of elections is recognized by Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia (Huda, 2014.) The transition period mandated by the Court to the legislators must include the issue of Article 65 of Law No. 11 of 2006 so that understanding Aceh's special status is important to strengthen peace in Aceh and maintain the integrity of the Republic of Indonesia (Zahlul Pasha Karim, 2021).

The research questions in this article are as follows: First, how is the relevance of the standardization of Article 65 of Law No. 11 of 2006 related to the Constitutional Court Decision No. 145/PUU-XXII/2024? Second, how should the local elections specifically for Aceh be conducted after the Constitutional Court Decision No. 135/PUU-XXII/2024?

## RESEARCH METHOD

The research method used is normative juridical research (Soekanto, 2012). With a legislative, conceptual, and case approach. The legislative approach fully understands

Article 22E of the 1945 Constitution of the Republic of Indonesia, Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, and Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Then its derivative is to comprehensively understand how effective and efficient Article 65 of Law No. 11 of 2006, Article 201 of Law No. 10 of 2016, Aceh Qanun No. 7 of 2024, and Aceh Qanun No. 12 of 2016 are (Indrati, 2007). The conceptual approach understands and bases it on the conceptual asymmetric decentralization of the local election field specifically in Aceh by looking at how the conceptual NKRI is equated with the provisions of the local election that have been in effect periodically for three times after peace in Aceh. Finally, the case approach will look at the 2006, 2012, 2017, and 2022 Aceh regional elections that were not held (Marzuki, 2012). The technique of collecting primary legal materials directly to applicable legal norms, both from the 1945 Constitution of the Republic of Indonesia, derivations of laws, laws and regulations under laws, and secondary legal materials, manuscripts of treatises, research notes, institutional reports, and books, journals, proceedings relevant to the paper being studied (Maria S.W. Sumardjono, 2001). Finally, tertiary legal materials, offline and online mass media relevant to the local elections specifically for Aceh (Yulianto, 2010). The analysis used illustrates how special legal norms are overridden by general legal norms. Constitutional Court Decision. No. 135/PUU-XXII/2024 is a momentum to improve the governance of regional elections in Aceh so that in the future, it is hoped that democracy in Aceh will be better and more substantive (Muhaimin, 2020).

## RESULTS AND DISCUSSION

### **The relevance of Article 65 of Law No. 11 of 2006 regarding Constitutional Court Decision No. 135/PUU-XXII/2024**

The emergence of Law No. 11 of 2006 is a special law that applies to Aceh because its formation is inseparable from the joint consensus between GAM and the Government as a peace agreement signed on August 15, 2005 in Finland, Helsinki (Muhammad Ridwansyah, 2025). The validity of this special law is regulated through Article 269 paragraph (3) of Law No. 11 which states that in the event of a plan to change this law, it must be done by first consulting and obtaining consideration from the DPRA. Initially, the formulation of consulting and obtaining consideration from the DPRA became problematic in the discussion of the draft minutes of the Aceh government law according to Sri Soemantri, how a decision from the central government must first obtain approval from the

Governor, is it not enough to just consult, this is the impact of the Indonesian Government as a unitary state ((DPR, 2006)

The existence of Article 65 paragraph (1) of Law No. 11 of 2006 explicitly stipulates that the Governor/Deputy Governor, Regent/Deputy Regent, Mayor and Deputy Mayor are elected as a pair directly by the people every 5 (five) years through democratic, free, secret elections, and carried out honestly and fairly. The derivation of the a quo norm is derived through Aceh Qanun Number 7 of 2024 concerning Amendments to Aceh Qanun Number 12 of 2016 concerning the Government of the Governor and Deputy Governor, Regent and Deputy Regent and Mayor and Deputy Mayor (hereinafter abbreviated as Aceh Qanun No. 7 of 2024) (Abidin, Serambi Indonesia, 2021).

The problem arose when the Aceh regional elections had been held three times in a row, the Constitutional Court in several legal considerations of the court judges in the Constitutional Court Decision No. 5 / PUU-V / 2007, Constitutional Court Decision No. 35 / PUU-VIII / 2010, and Constitutional Court Decision No. 31 / PHP Gub-XV / 2017 explained that the norms of the Aceh regional elections were not part of the special characteristics of Aceh (Rifai, 2011). More firmly, for example, it explains that the Constitutional Court Decision No. 61 / PUU-XV / 2017 in paragraph 3.11.4 of the court's considerations explains that not all matters regulated in Law No. 11 of 2006 are special for Aceh but Law No. 11 of 2006 is special compared to regulating material that overlaps with other materials in other laws (Abidin, Serambi Indonesia, 2025).

This polemic is actually inappropriate in the author's opinion because the intention of the court's consideration above is to combine the Aceh regional elections with the simultaneous regional elections to be held in November 2024. The KPU and the Ministry of Home Affairs pushed for the decision so that the two state institutions issued instructions in KPU Letter No. 151 / PP.01.2-SD / 01 / KPU / II / 2021 and Minister of Home Affairs Letter No. 270 / 6321 / SJ / 20 / XI / 2020 regarding the implementation of the Aceh regional elections, which essentially stated that the Aceh regional elections were not specific to Aceh because the Aceh regional elections which were regulated periodically were also regulated in Article 3 paragraph (1) of Law No. 1 of 2015 that the Governor / Deputy Governor, Regent / Deputy Regent. Mayor / Deputy Mayor was elected in one pair directly by the people every 5 (five) years. This norm is the same as the special norm regulated in Article 65 paragraph (1) of Law No. 11 of 2006 (Ridwansyah, The Acehtrend, 2021).

Thus, the KPU and the Ministry of Home Affairs do not agree with the Aceh KIP regarding the determination of the election of Governor, Regent, Mayor in 2022. The basis for the consideration of the Aceh KIP is that the election of the special regional head elections in Aceh basically has legal standing in Article 65 and Article 101 paragraph (3) of Aceh Qanun No. 12 of 2016 that the simultaneous voting of the Governor, Regent, and Mayor as a result of the 2017 election will be held in 2022. However, the dilemma is that the formulation of a quo qanun article to Article 101 paragraph (3) of Aceh Qanun No. 7 of 2024 was completely changed to the simultaneous voting of the Governor and Deputy Governor, Regent and Deputy Regent, Mayor and Deputy Mayor whose term of office ends in 2022, and in 2023 will be held in 2024. There is even an addition to Article 101 paragraph (3a) of Aceh Qanun No. 7 of 2024 states that in the event of changes to the national simultaneous regional elections in 2024, the election of Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor will be held according to the schedule stipulated by the Central Government (Ridwansyah, Dialeksis, 2023).

So, the special status of the Aceh regional elections was revoked by Article 101 paragraph (3a) of Aceh Qanun No. 7 of 2024 which actually contradicts the periodization regulated by Article 65 of Law No. 11 of 2006. In principle, it is also contradictory because basically higher laws and regulations override lower laws and regulations (Zainal Arifin Mochtar, 2021). This principle can actually override Article 101 paragraph (3a) of Aceh Qanun No. 7 of 2024. Then what is strange is why the formulation of Article 101 of a quo qanun was forced into what is the main basis for requiring and making the 2024 Aceh regional elections mandatory. (Fan, 2019)

The Constitutional Court Decision No. 135/PUU-XXII/2024 became a turning point for the 2024 simultaneous regional elections implemented by the Central Government (Mei Susanto, 2025). This was because the drafters of Law No. 7 of 2017 did not want to include regional elections in the regional autonomy regime. After the 2024 regional elections, the impact of the event was a lot of chaos, disorder, and violations in the implementation of regional elections for all parties agreed to make improvements to the elections and simultaneous regional elections carried out. In legal considerations, the Constitutional Court still refers to the Constitutional Court Decision No. 55/PUU-XVII/2019, after 5 (five) years have passed, it turns out that the drafters of the law have not made any changes

to the material of Law No. 7 of 2017, the election regulations should have been changed long ago and reformed all laws related to general elections. (S, 2015)

Of course, the separation of local elections will have an impact on the implementation of people's sovereignty, because basically Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia and Article 22E of the 1945 Constitution of the Republic of Indonesia are a reflection of electoral practices in holding general elections (Fahmi, 2010). This means that the separation of elections and regional elections is a constitutional general election, both the election of the DPR, DPD, DPRD, President with the election of Governor and Deputy Governor, the election of regent and deputy regent, the election of mayor and deputy mayor without denying the elections and regional elections that have been held.

What needs to be understood is that the context of the Aceh regional elections regulated in Article 65 of Law No. 11 of 2006 must be re-constitutionally engineered in relation to the Constitutional Court Decision No. 135/PUU-XXII/2024 because the Constitutional Court explains that the norms of Article 167 paragraph (3) and Article 374 paragraph (1) of Law No. 7 of 2017 and Article 3 paragraph (1) of Law No. 8 of 2015 insofar as they relate to the model for holding simultaneous general elections must be declared contrary to the 1945 Constitution of the Republic of Indonesia and do not have binding legal force as long as in the future it is not interpreted that voting is carried out simultaneously to elect members of the DPR, DPD, President/Vice President, and sometime after that simultaneous voting is carried out to elect members of the Provincial DPRD, Regency/City DPRD, Governor, Deputy Governor, Regent, Deputy Regent, Mayor and Deputy Mayor (Naufa Habibie, 2025).

### **The Ideality of Local Elections Specifically for Aceh Following Constitutional Court Decision No. 135/PUU-XXII/2024**

Ideally, a special local election for Aceh would be seen from the normative provisions of Article 65 of Law No. 11 of 2006 which mandates the special nature of the election of Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor, which is different from other regional elections. However, the Constitutional Court has several times provided propositions that differ from the wishes of the norms of Article 65 of Law No. 11 of 2006, starting from the Constitutional Court Decision No. 17/PHP.BUP-XV/2017, Constitutional Court Decision No. 35/PUU-VIII/2010, Constitutional Court Decision No. 61/PUU-XV/2017 and Constitutional Court Decision No. 5/PUU-V/2007,

among others, stating: First, that the election of regional heads is not included in the special nature of Aceh. Second, although not all matters regulated in Law No. 11 of 2006 which is a special law but a quo law itself applies to Aceh and when there is a change in norms it must be with the knowledge of the Aceh Government and the DPRA. Third, the relationship between Law No. 11 of 2006 and Law No. 23 of 2014, Law No. 10 of 2016 is not a special relationship but a general relationship because almost all materials on governance are regulated in Law No. 11 of 2006 ((Armia, 2017)).

In fact, all of the court decisions above degrade the formulation of the norms of Article 65 of Law No. 11 of 2006 by stating that the norms for the election of Governor/Deputy Governor, Regent/Deputy Regent, Mayor and Deputy Mayor are not part of the special norm so that the Aceh local elections will not be held in 2022 (Suci, 2024). This means that there is a conflict of legal norms regulated by two laws and regulations because the norm for regional head elections every 5 (five) years is also contained in other laws and regulations so that it overrides the special norm of Aceh. When a conflict of the same norms occurs hierarchically, the principle of *lex specialis derogate legi generali* must be used, that special laws and regulations override general laws and regulations ((Warijiyati, 2024)).

Then, the warning from the KPU and the Ministry of Home Affairs regarding the unification of local elections specifically for Aceh is unreasonable and unconstitutional, there is no basis that the warning letter overrides the norm of Article 65 of Law No. 11 of 2006 and violates the principle of *lex superior derogate legi inferiori* that higher-level rules take precedence over lower-level rules. In fact, the position of the letter is not part of the legislation, the material of the letter is usually for internal circles, to simplify or clarify the regulations that must be implemented. The letter issued by the KPU and the Ministry of Home Affairs must not violate Law No. 11 of 2006, the Aceh Government and the DPRA should sue the KPU and the Ministry of Home Affairs because it is considered detrimental to the constitutional rights of the Acehnese people (Namira, 2024).

The local elections specifically for Aceh are regulated in detail through Article 73 of Law No. 11 of 2006 that the implementation of the election of Governor/Deputy Governor, Regent/Deputy Regent, and Mayor/Deputy Mayor is further regulated by Aceh Qanun guided by statutory regulations. During the course of the Aceh local elections, several Qanuns have been passed, namely Aceh Qanun No. 12 of 2016 and Aceh Qanun

No. 7 of 2024 regulating the procedures for implementing the election stages (Mietzner, 2007).

In the context of local elections specifically for Aceh, the Constitutional Court Decision No. 135/PUU-XXII/2024 provides an opportunity for Aceh to improve the organization of local elections in Aceh, consisting of the following local election content: First, Aceh has its own election organizer which is different from the national one as regulated in Law No. 11 of 2006 and Law No. 7 of 2017. The Aceh Independent Election Commission (KIP) consists of KIPs from Districts/Cities throughout Aceh, the presence of the Aceh KIP actually arose due to GAM's distrust of the central government in organizing general elections in Aceh. Then the Aceh KIP was formed on point 1.2.2. Helsinki MoU: With the signing of this Memorandum of Understanding, the people of Aceh will have the right to determine candidates for the positions of all elected officials to participate in elections in Aceh in April 2006 and thereafter. Point 1.2.3. Helsinki MoU: Free and fair local elections will be held under the new law on governance in Aceh to elect the Head of the Aceh Government and other elected officials in April 2006 and to elect members of the Aceh legislature in 2009. Therefore, from the historical roots of the formulation of the norms of Articles 65 to 74 of Law No. 11 of 2006, it is relevant to the separation of general elections and local elections in Aceh (Agus Junaidi et al, 2022).

Second, the local election instrument specifically for Aceh, namely the existence of local political parties mandated by Article 75 of Law No. 11 of 2006, explains that residents in Aceh can form local political parties, the norm of this a quo article became the most debated between GAM and the Government of Indonesia, because the delegation of the Government of Indonesia did not want to accept the existence of local political parties in Aceh as a way to a referendum in Aceh. Last but not least, local political parties were finally approved and included in point 1.2.1 of the Helsinki MoU: That as soon as possible, but no later than one year from the signing of this Memorandum of Understanding, the Government of the Republic of Indonesia agrees and will facilitate the formation of political parties based in Aceh that meet national requirements. 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 of Understanding will create political and legal conditions for the establishment of local political parties in Aceh in consultation with the House of Representatives. The timely implementation of this Memorandum of Understanding will

make a positive contribution to this purpose. This means that point 1.2.1 of the Helsinki MoU gave birth to the formulation of the norms of Article 75 of Law No. 11 of 2006 and Government Regulation No. 20 of 2007 concerning Local Political Parties (Harun, 2005).

Third, that Aceh has a threshold of support for individual candidates as regulated in Article 68 paragraph (1) and (2) of Law No. 11 of 2006 (Arbas, 2012). The technical threshold is regulated in Article 28 letter a of Aceh Qanun No. 12 of 2016 that the local elections specifically for Aceh for individual candidates have a percentage of 3% (three percent) of the population spread across at least 50% (fifty percent) of the number of sub-districts for the election of Governor/Deputy Governor and 50% (fifty percent) of the number of sub-districts for the election of Regent/Deputy Regent, Mayor/Deputy Mayor. This means that Law No. 11 of 2006 and Aceh Qanun No. 12 of 2016 and Aceh Qanun No. 7 of 2024 to determine the minimum percentage of support of 3% (three percent) of the number of residents are not linked to the number of residents.

Fourth, that the threshold percentage of political parties and local political parties. In the context of the separation of general elections and regional elections, the threshold percentage regulation regulated by Law No. 11 of 2006 stipulates that the threshold percentage of political parties and local political parties in proposing candidates for Governor/Deputy Governor, Regent/Deputy Regent, Mayor and Deputy Mayor must obtain 15% (five percent) of the total seats in the Aceh parliament from the valid votes of the last election in the relevant region (Songga Aurora Abadi, 2022).

Fifth, that the election result dispute court is regulated in Article 74 of Law No. 11 of 2006 which stipulates that objections to the results of the Aceh local elections are submitted to the Supreme Court (MA), but in the 2017 Aceh Pilkada, the objection lawsuit against the election results submitted to the MA was not accepted, but the MA at that time stated the objections filed by the candidate pairs concerned. The norm of the a quo article should be the reason for all disputes over the results of the Aceh local elections, whether disputes over the election of Governor/Deputy Governor, Regent/Deputy Regent, Mayor/Deputy Mayor to be the MA regime, not the MK authority regime (Radjab, 2021). Thus, that the Constitutional Court Decision No. 135/PUU-XXII/2024 will change the platform for simultaneous elections currently taking place in Aceh, be it the DPR, DPD, President/Vice President, DPRD elections which will have a transition period and changing the map of local elections specifically for Aceh can be created through amendments to Law No. 11 of 2006 and derivatives of Aceh Qanun No. 7 of 2014. The

norm of Article 3 paragraph (3) of Law No. 8 of 2015 is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force simultaneously throughout the territory of the Republic of Indonesia.

## CONCLUSION

There are two main conclusions in this paper as follows: First, that the relevance of the norming of Article 65 of Law No. 11 of 2006 related to the Constitutional Court Decision No. 145/PUU-XXII/2024 provides recognition of the special rules in the implementation of local elections specifically for Aceh, but recently since the unification of the 2024 simultaneous regional elections, the a quo norm has been set aside with central government policies that have absolutely no legal reasoning in terms of legislation so that in the discourse it always violates the principle of *lex specialis derogate legi generalis* and at the same time has negated the principle of *lex superiori derogat legi inferiori*. Then the material content of the special election based on Law No. 11 of 2006 with Law No. 10 of 2016 differs substantially both consisting of local political parties, election organizers, Al-Quran reading tests, thresholds for obtaining seats or votes for nominations and the adjudicator of election disputes. Second, the ideality of the special local elections for Aceh after the Constitutional Court Decision No. 135/PUU-XXII/2024 brings a positive impact on Aceh's democracy, because basically all norms in Law No. 11 of 2006 must be viewed specifically and there is no longer a classification of special norms that are different from Law No. 10 of 2016 so that the formulation of Aceh Qanun No. 7 of 2024 needs to be reconstructed to restore the norms of Article 65 of Law No. 11 of 2006. The paper's suggestions include: First, the special local election regulations should stand alone in this context that the special rules for Aceh elections are implemented by Aceh itself without being faced with the preference for derogation of laws that apply generally in symmetrical regions. Second, that in order for special regulations to apply in special regions, it is necessary to think about the reconstruction of the application of the principle, it must be separated between the special region of Aceh and other regions.

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