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## THE ACEH GOVERNOR'S AUTHORITY IN APPROVING REGIONAL POLICE CHIEF APPOINTMENTS: AN ANALYSIS WITHIN THE UNITARY STATE FRAMEWORK

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### Abstract

*This research aims to understand the fundamental philosophy behind the Aceh Governor's authority in approving the appointment of the Regional Police Chief. It also aims to define and explore the concept of the Aceh Governor's authority in approving the appointment of the Regional Police Chief within the framework of the unitary state paradigm. Finally, it seeks to identify the most effective procedure for the Aceh Governor's approval in appointing the Regional Police Chief. This research follows a normative juridical approach, employing a statutory, conceptual, and historical method. The results of the research in this study show that the authority of the Governor of Aceh in approving the appointment of the Regional Police Chief, in accordance with the unitary state paradigm, can be attached to the provisions of Article 205 of the UUPA, which states that the appointment of the Regional Police Chief must be with the Governor's approval, which is basically contrary to Article 18 of the 1945 Constitution, which states that regions exercise autonomy as wide as possible but are limited by government affairs regulated by law. There is no synchronization between one law and another, nor is there synchronization of legal regulations regarding the authority of the police and Wilayatul Hisbah*

**Keywords:** Authority; Governor; Approval; Aceh Regional Police Chief; Unitary State.



## A. Introduction

The ability to control one's authority and manage one's affairs is a component of the rights that comprise regional autonomy, which in turn incorporates responsibilities. On the other hand, this duty has two dimensions: horizontal, referring to the authority to structure government properly, and vertical, referring to the duty itself. Autonomous regions also regulate and manage central matters, while the central government retains supervisory powers over these regions (Alidar et al., 2023). Therefore, the unitary framework embodies the central government's authority to intervene more intensively in regional matters. However, the Constitution only provides a general formulation of this authority.

All domestic affairs are subject to regulation by the federal government. Conversely, regions can control and oversee their own matters if they are not or have not been subject to federal regulation. The fundamental nature of a unitary state necessitates the delegation of power to autonomous areas, not because the Constitution mandates it. Article 18B of the 1945 Constitution establishes regional autonomy within the Unitary State of the Republic of Indonesia. This enables regions such as Papua, Nanggroe Aceh Darussalam (NAD), the Special Capital Region (DKI) Jakarta, and the Special Region of Yogyakarta (DIY) to exercise special autonomy. The government can establish particular areas within provincial and regency/ city territories to carry out certain governmental functions specific to the national interest (Lekipiouw, 2020; Thahir, 2019; Aklima et al., 2023).

Aceh is a special government unit characterized by the unique history of the Acehnese people's struggle, resilience, and livelihoods, which are deeply rooted in Islamic values and culture. This strong Islamic identity has made Aceh a pivotal region in the fight for and defense of the independence of the Republic of Indonesia (Asnawi et al., 2021; Hasnitaria et al., 2022). Law Number 18 of 2001 granted "Special Autonomy" status to the Province of Nanggroe Aceh Darussalam, one of many Indonesian provinces. This special status led to the successful establishment of a police force, an essential governmental entity responsible for protecting citizens

and enforcing the law. The police institution, as a state institution authorized to maintain security, order, and law enforcement in Indonesia, especially in Aceh Province, is the Indonesian National Police (Polri).

The Aceh Regional Police, abbreviated as Polda Aceh, is an integral part of the Indonesian National Police (Polri). Polda Aceh is responsible for maintaining security and order in Aceh Province and supporting the enforcement of Islamic law. However, it is important to note that the Aceh police do not have the authority to implement Islamic law. According to Article 20 of Qanun Number 5 of 2002, only the Wilayatul Hisbah (Shari'a Police) holds this authority. Furthermore, Article 8 of Law Number 2 of 2002 concerning the Indonesian National Police states that the National Police Chief is responsible to the President in accordance with statutory regulations and consults with the President regarding the appointment of the Regional Police Chief.

The special autonomy granted to the province of Aceh differs from that in other regions. Philosophically, the Acehnese people's support is crucial for the police force to effectively carry out its responsibilities (Indra et al., 2023; Sabir & Nazaruddin, 2021; Sukti et al., 2022). The Governor's role is to facilitate cooperation between the police and the people of Aceh, considering that the rules applied in Aceh Province are based on Islamic Sharia, with an autonomous justice system that excludes a police function within the judicial structure. This reflects the influence of residual power in regional autonomy in Aceh Province, where central control over the police has not been fully established due to the implementation of special regional autonomy. Consequently, the Governor is the regional authority endowed with the attribution of power.

There is a concern that the need for the Governor's approval in appointing the Regional Police Chief may lead to conflicts of interest, potentially affecting the law enforcement process imposed by the state on the police institution. This concern arises from regulations requiring the Aceh Governor's approval for such appointments. Despite Indonesia's adherence to a unitary state system, Aceh has a special status, particularly

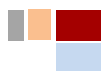


in the context of the autonomy granted based on a peace agreement between the central government and the Free Aceh Movement (GAM).

In this context, previous research by Darumurti (2000) has examined the political and legal dynamics related to Aceh's autonomy but has not specifically investigated the role of the Governor of Aceh in approving the appointment of regional police chiefs. Therefore, this research aims to fill this gap by conducting an in-depth analysis of the authority of the Governor of Aceh within the framework of national law, particularly concerning the appointment of regional police chiefs. Additionally, this research will highlight recent changes and political dynamics in Aceh and their impact on the implementation of regional autonomy and the realization of the unitary state concept in Indonesia. The uniqueness of this research lies in its specific focus on the role of the Governor of Aceh in approving the appointment of regional police chiefs, providing a better understanding of local policy and political dynamics within the broader framework of the unitary state.

Furthermore, research by Ni Luh Gede Astariyani concluded that the philosophical basis for delegating legislative regulations to governor regulations is the need for flexibility in addressing the technical and detailed needs of society, which legislative bodies cannot always formulate. Additionally, the direction of regulation in delegating to gubernatorial regulations is grounded in the principle that regional heads should determine regional regulations, either to implement regional laws or with the power of statutory regulations. The formation of gubernatorial regulations serves three functions: first, to delegate the implementation of regional regulations; second, to delegate regulations with the power of legislation; and third, to allow the Governor to interpret and implement these regulations through the establishment of gubernatorial regulations (Astariyani, 2017; Syarifuddin & Lestari, 2022).

There are similarities between the dissertation written by Astariyani and the proposed proposal. Both discuss the role of the Governor within Indonesia's legal framework. However, while Astariyani's work examines the Governor's role from philosophical and sociological perspectives, this



research focuses on the Governor's authority in approving the appointment of the Regional Police Chief.

The requirement for the Aceh Governor's approval in appointing the Regional Police Chief can be seen as recognition of Aceh's unique special autonomy, which differs from other special regions in Indonesia. The relationship between the central and regional governments is a widely discussed and debated topic, particularly in a unitary state, due to the frequent emergence of competing interests between these two government units (Ayumiati et al., 2024; Rozi, 2021).

The approval of the Governor of Aceh in appointing the Regional Police Chief can be considered recognition of Aceh's unique special autonomy, distinguishing it from other special regions in Indonesia. The relationship between the central and regional governments is a topic of widespread discussion and debate, largely due to the frequent emergence of conflicting interests between these two governmental entities, particularly in a unitary state.

For various reasons, including maintaining national unity and integrity, the central government tends to dominate the implementation of government affairs, often disregarding the role and rights of regional governments to directly and independently manage and advocate for the interests of their respective regions. This dominance has led to disharmony or even alarming tensions in the relationship between central and regional governments in a unitary state (*eenheidsstaat*), prompting discussions about transitioning to a federal state (Hariyanto, 2020).

CF Strong stated that "a unitary state is a form of state in which the highest legislative authority is centralized in one national or central legislative body" (Strong, 1972). In a unitary state, sovereignty and independence are vested in a single central government, which governs all regions (Kansil, 2011). Power is centralized in the central government rather than regional governments. While the central government may delegate some powers to regional governments based on autonomy rights (creating a unitary state with a decentralized system), ultimate authority remains with the central government.



The issue of legal synchronization concerning the appointment of the Regional Police Chief in Aceh Province needs to be resolved to ensure legal certainty across different regulations. This prompted the author to propose a research study titled “The Aceh Governor’s Authority in Approving Regional Police Chief Appointments: An Analysis within the Unitary State Framework”.

## **B. Method**

This research employs qualitative methodology, specifically normative juridical methodology, to analyze the relationship between law as a system of legal norms, encompassing principles, norms, rules, mechanisms, interrelationships, harmonization, conflicts, court decisions, agreements, and doctrines (teachings). This approach is grounded in the positivist doctrine that “law is written in books” or research in abstract (Waluyo, 2002).

Legal research, or *rechtssonderzoek*, differs from social research and follows a logical flow of thought (innerlogical sequence). In the United States, legal research is often viewed as a step in exploring law for practical purposes and advocates the use of “comparative legal methods” (*rechtsvergelijking* or comparative legal study) (Marzuki, 2017).

This research employs three distinct approaches: the statutory approach (Statute Approach) (Ediwarman, 2015), which requires a comprehensive understanding of legal hierarchy, principles, and the interrelationship of laws through dogma and legal philosophy, mediated by legal theory; a Conceptual Approach, undertaken to extract new meanings from the terms studied or to assess the terms of the law in both theory and practice (Hajar, 2015); and a Historical Approach, grounded in the recognition that each statutory regulation has a unique historical background. By employing this historical approach, a consistent interpretation of legal issues regulated in these laws and regulations can be attained (Ibrahim, 2010). This historical approach is utilized to examine the background of legal developments concerning the Governor’s approval of the appointment of the Regional Police Chief in Aceh.

This study utilizes various legal materials categorized as main, secondary, and tertiary sources of law. Primary legal documents, which



hold the authority to bind the law, include legislation pertinent to the legal issues under investigation. These include the 1945 Constitution; Law Number 18 of 2001 concerning Special Autonomy for the Province of Nanggroe Aceh Darussalam; Law Number 2 of 2002 concerning the Republic of Indonesia Police; Law Number 11 of 2006 concerning Aceh Government; Law Number 23 of 2014 concerning Regional Government; Presidential Decree Number 5 of 2017 concerning the Composition and Working Procedures of the Indonesian National Police; and the Decree of the Chief of Police Number Pol: "Skep/1205/IX/2000 concerning Field Manuals on Coordination and Supervision and Technical Guidance of Police Investigators for Civil Servant Investigators".

### **C. Result and Discussion**

#### **1. Result**

##### **a. The concept of the Unitary State**

The concept of a unitary state is one in which the units within the state do not possess sovereignty. There are no sub-national entities with independent authority; the country operates as a single entity. Therefore, in a unitary state, the central government holds supreme authority, exerting absolute control over all aspects of state administration, including policymaking and the distribution of power among various branches of government. The ideas and principles of a unitary state existed long before Indonesian independence. The Youth Congress, held on October 28, introduced the initial ideals of a unitary state. Among the congress's outcomes was the "Youth Pledge", which expressed a commitment to one nation, one homeland, and one Indonesian language. Thus, the commitment to unity within a unitary state is a foundational political principle established by the founders of the republic.

##### **b. Aceh's special autonomy governance system**

###### **1) Autonomy concept**

Regional autonomy, according to Van der Pot, is akin to "*eigen huishouding*", or "running one's household". In other words, it is the right of regions to determine how they wish to be governed. The core principles of



autonomy are liberty and self-sufficiency. "Regional autonomy" is defined as the rights, authorities, and obligations of regions to regulate and manage their own affairs according to applicable laws and regulations, as stated in Article 1, Number 6, of Law Number 23 of 2014 concerning Regional Government. By being endowed with legislative and executive authority, autonomous territories such as provinces and regencies/ cities can independently provide for their residents.

There are two approaches to supporting local families: the first is to coordinate public interests, and the second is to create regional legal products compatible with other laws and the 1945 Constitution. The purpose of providing autonomy is to strengthen the region, including enhancing people's welfare, which is vital to national goals. For autonomy to be implemented responsibly, it must truly align with these aims and intents (Farida et al., 2020).

If we examine the meaning contained in Law Number 23 of 2014 concerning Regional Government, there is a distinction between regional autonomy and decentralization. These terms are often thought to be synonymous, but Law Number 23 of 2014 highlights the differences. According to Article 1, Number 6, "regional autonomy is the right, authority, and obligation of an autonomous region to regulate and manage its own affairs of government and the interests of the local community within the system of the Unitary State of the Republic of Indonesia".

## 2) Special autonomy concept

Two main trends emerge when laws and regulations are drafted concerning the division of labor in overseeing governmental affairs, also known as intergovernmental job sharing: 1) the pattern of broad autonomy, which pertains to general competence, and 2) the pattern of limited autonomy, which pertains to ultra vires. Decentralization and regional autonomy initiatives in Indonesia fall under the umbrella of general competence patterns. This shift can be observed following the second amendment to Article 18 of the 2000 Indonesian Constitution, which

previously was only regulated in Article 18. The amendment added two articles, namely Article 18A and Article 18B.

According to Joachim Wehner, many countries' political structures unfortunately give differing degrees of autonomy to different areas (Habibi et al., 2023; Shifa et al., 2023; Sufyan et al., 2022). This approach has been implemented under both federative structures and decentralized unitary states. Political issues, such as those arising from cultural uniqueness and differences, and technocratic-managerial issues, such as a region's or country's limited ability to carry out essential governmental functions, are two of a country's most basic problems. One policy instrument to address both of these issues is the uneven distribution of power. Asymmetric decentralization, as described by Peter Harris and Ben Reilly, grants certain parts of a country more authority than others.

A "particular" region can be granted special autonomy if it is determined that the people living there have the right and desire to govern and manage their own interests according to their own initiative. The reform-era administrative structure of the State of Indonesia is recognized for its new special autonomy. Previously, only "specific regions" and "unique regions" were used. Depending on their strategic location, several areas in the past operated under distinct administrative frameworks (Farida et al., 2020). However, due to inherent advantages or disadvantages in the community's initial makeup, various areas' governing structures differed. Incorporating special autonomy within the state administration structure was made official by the Second Amendment to the Constitution in 1945.

The unique autonomy that exists is a component of the larger political shift away from homogeneity and toward decentralization in state governance, aligning with the reform movement's central tenet of democracy. Special autonomy based on the 1945 Constitution of the Republic of Indonesia (UUDNRI) post-amendment has fundamental differences compared to particular regions based on the 1945 UUDNRI before the amendment in a system of regional autonomy (Ahmad et al., 2024; Gani et al., 2024).



### 3) Aceh special autonomy

The Province of Nanggroe Aceh Darussalam, which was granted special autonomy as the Province of the Special Region of Aceh, offers the people of Aceh and their district or city governments a chance to rediscover their identity and develop their territory (Iskandar et al., 2022). Before the implementation of Law No. 11 of 2006 on the Acehese government, the Acehese provincial government faced many restrictions. Legislation related to the establishment of the Aceh Autonomous Region and amendments to the regulations for the formation of North Sumatra Province, the administration of privileges for the Aceh Special Region Province, and the Nanggroe Aceh Darussalam Province's special autonomy are all part of this arrangement.

According to Law No. 24 of 1956, which established the Autonomous Region of the Province of Atjeh and amended the regulations of North Sumatra, Aceh and North Sumatra are two independent autonomous territories with the authority to govern and control their own affairs. Law No. 18 of 2001, which addresses the special autonomy for the Special Region of Aceh as the NAD Province, includes provisions pertaining to the transition from a central to a decentralization-based approach to Indonesian administration.

While other regional governments are subject to the provisions of Law No. 22 of 1999 on Regional Government and Law No. 25 of 1999 on Financial Balance between Central and Regional Governments, the specificity of government authority in Aceh Province is regulated by Law No. 18 of 2001. These laws aim to facilitate more opportunities for household organization and management, including economic resources, exploration and empowerment of natural and human resources, and the promotion of initiative, creativity, and democracy.

#### c. Apply Islamic Law in social life

Two national phenomena prompted the formation of Law Number 18 of 2001 regarding Special Autonomy for the Province of Nanggroe Aceh Darussalam. The first was the Aceh conflict, which began in 1976 as a result



of the Free Aceh Movement. The second was the reforms that necessitated changes in all spheres of society and the state, including a shift in the pattern of relations between the capital and the regions. The student-led reform movement "forced" the government to pass many measures, one of which was Law 22 of 1999, which decentralized power to the regions. The long-running Acehese conflict "encouraged" certain DPR members to propose new policies, leading to the creation of Law 44 of 1999, which established the administration of privileges for the Special Region of Aceh Province.

Through this Law, the Central Government recognizes the privileges of Aceh, which have long been upheld by the Province of the Special Region of Aceh since 1959. This is because Law Number 44 of 1999 concerning the Implementation of Privileges for the Province of the Special Region of Aceh was considered insufficient to accommodate regional demands. The General Assembly of the 1999 MPR, through MPR Decree Number IV/MPR/1999, mandated, among other things, the granting of special autonomy to the Special Region of Aceh. Furthermore, the 2000 MPR Annual Session, through MPR Decree Number IV/MPR/2000, again recommended issuing the Law on Special Autonomy for the Special Region of Aceh by May 2001.

Additionally, considering the second amendment to the 1945 Constitution made by the MPR at the 2000 annual session, Article 18 B, paragraph (1) recognizes and respects memorable or unique local government units that the Law will regulate.

As a result of this significant shift, several DPR members reintroduced the Special Autonomy Law for the Province of the Special Region of Aceh, which was later approved as Law Number 18 of 2001 establishing the Province of Nanggroe within the Special Region of Aceh. Promulgated on August 9, 2001, Aceh Darussalam was ratified on July 19, 2001. Regarding the Special Autonomy for the Province of the Special Region of Aceh as the Province of Nanggroe Aceh Darussalam, according to Article 31 paragraph (1) of Law Number 18 of 2001, it is stated that: Conversely, according to Article 31 paragraph (2) of the same law, it is stated that; according to Law Number 18 of 2001, which establishes the



Special Autonomy for the Province of Aceh, the Qanun of Nanggroe Aceh Darussalam serves as a regional regulation that governs the execution of laws within the province's borders as part of the special autonomy administration framework (Article 1, point 8). Based on the provisions above, the Nanggroe Aceh Darussalam Provincial Qanun is a regulation to implement special autonomy in matters that fall under the authority of the provincial government. Thus, even though from one perspective, qanuns are regional regulations, from another perspective, qanuns are not subject to government regulations because qanuns are directly under the law.

## **2. Discussion**

Given its unique position, this paper aims to elucidate the understanding of the meaning, authority, and position of qanuns in the legal order of Indonesia. It seeks to address the challenges encountered in explicating this meaning and delineate the position of qanuns regarding the implementation of Islamic Shari'ah, as one of the special autonomies granted to Aceh. However, before delving into these aspects, a concise overview of the history and significance of special autonomy in Aceh will be provided. This provision aligns with the essence of Article 20, paragraphs (1) and (2) of the first amendment of the 1945 Constitution, which stipulates: "The People's Representative Council holds the power to enact laws. Each bill undergoes deliberation by the DPR and the President for mutual approval. Hence, qanuns are regional laws and regulations devised to enact special autonomy for the Province of Nanggroe Aceh Darussalam, thereby constituting an integral component of the unified national legal framework".

Following the hierarchy of laws and regulations outlined in the TAP MPR, qanuns are automatically positioned as a subsystem within the national statutory regulations, thereby becoming an integral part of the national legal system. Consequently, qanuns, functioning as "supplementary" regional regulations, must not contravene higher-level laws and regulations. However, a complication arises with Article 31, paragraph (2) of Law Number 18 of 2001



concerning Special Autonomy for the Province of Nanggroe Aceh Darussalam, which distinguishes qanuns from ordinary regional regulations. Despite being categorized as a regional regulation, qanuns are vested with distinct authority. Specifically, they serve as direct implementing regulations for matters concerning special autonomy, falling under the jurisdiction of the Province of Nanggroe Aceh Darussalam. In essence, the qanun serves as an implementing regulation positioned directly beneath the law in the hierarchical order, without being intermingled with other laws and regulations.

Based on the aforementioned description, the functions of the qanun of the Province of Nanggroe Aceh Darussalam are as follows: (a) To enact regulations on matters mandated by the special autonomy law that require clarification, thereby submitting them to the qanun for regulation. (b) To organize arrangements for matters that does not conflict with higher statutory regulations, namely laws. (c) To regulate matters that has not yet been addressed by higher laws and regulations, namely laws.

The concept of autonomy arises from the principle of decentralization, a topic that often sparks debates due to differing interpretations. According to De Ruitter (Syafrudin, 1985), decentralization does not involve the central government transferring power or authority but rather entails the delegation of authority from a higher body to a lower one. In the constitutional context, decentralization refers to the shift of power from the federal government or higher-level regions to lower-level regions, thereby entrusting these areas with the responsibility of managing their own affairs. The Principles of Regional Government Law No. 5 of 1974 accommodates this interpretation.

There are four ways to define decentralization: (1) the transfer of decision-making authority from one administrative/ government official to another; (2) the official delegating authority has a broader scope of responsibilities compared to the official receiving the authority; (3) the official delegating authority cannot dictate decisions to the official receiving the authority, nor can they interfere with the decision-making process or its content; (4) the official delegating authority cannot substitute their own decision for one made by the official receiving the



authority, nor can they freely choose an alternative decision in place of the one entrusted to another person, or remove the official entrusted with authority from their position (Gadjong, 2007).

Logemann and Litvack (Gie, 1967) define decentralization as the transfer of power and authority from the federal government to states and localities, a perspective shared by many experts. However, Litvack adds another dimension by highlighting that delegation can also extend to the private sector. One of the central challenges lies in determining the extent to which authority is delegated to regional governments for the administration and regulation of governance within their respective areas. Given the diversity and complexity of regional issues, the federal government alone cannot effectively address all of them. To tackle this challenge, a division of power or jurisdiction between the federal government and state and local governments is proposed (Muzana et al., 2017; Wiwoho et al., 2023).

Experts view decentralization in the government system as the division, distribution, and granting of power and authority. This perspective is articulated by Duchacek, Maryanov, and Mawhood, who contend that decentralization entails the distribution of power or authority within a government (Philip Mawhood, 1983). Soehino suggests that regional decentralization empowers legal institutions to establish abstract legal rules and delegates authority to public legal institutions to formulate concrete legal rules (Soehino, 1984). Conversely, many experts also define decentralization as the dispersion of authority from the center to its subordinate organizational units, encompassing territorial, functional, technical, and cultural dimensions. Lastly, there is a school of thought among specialists proposing that decentralization may be utilized to create and demarcate administrative areas (Matutu, 2004; Muhammad Mutawali, 2022; Zada, 2023).

Aceh Province boasts a rich and illustrious history as one of the constituent provinces of the Republic of Indonesia's Unitary State. Among the Indonesian provinces granted "Special Autonomy" status in 2001 by Law Number 18 of 2001, Aceh stands prominently. Nanggroe Aceh Darussalam, in

particular, holds a significant position, representing one of the most critical regions for the stability of the Republic of Indonesia. Aceh's aspiration for special treatment dates back to the early days of independence, rooted in historical motivations that have persisted over time. While the Indonesian government has embraced Aceh Province's special autonomy, granting the province extensive regional powers for local governance, this authority is clearly delineated in Article 205 of Law Number 11 of 2006 concerning the Government of Aceh: The appointment of the Aceh Police Chief is contingent upon the consent of the Governor, as appointed by the Head of the National Police of the Republic of Indonesia.

Regional administrations in Indonesia are mandated, as per Article 18, Paragraph 5, of the Republic of Indonesia's 1945 Constitution, to exercise the highest degree of autonomy possible, except in matters explicitly designated as the responsibility of the Central Government. By encroaching upon the central government's authority in security matters, Aceh's appointment of the regional police chief contravenes the principles of the Republic of Indonesia's Unitary State.

The central government holds responsibility for foreign policy, defense, security, justice, monetary, and fiscal matters. However, there are delineated boundaries dictating the extent of the federal government's jurisdiction; Article 10 of Law No. 23 of 2014 on Regional Government provides further elaboration on these boundaries, outlining what falls within the purview of the federal government and what does not. This underscores the necessity of establishing regulations governing the delegation of power to the regions.

Moreover, the provisions of this legislation, specifically Article 205 of Law Number 11 of 2006 Governing the Governance of Aceh, contradict the aforementioned laws and regulations. This inconsistency arises because the jurisdiction of the Aceh government is delineated in Article 7, Paragraphs (1) and (2), as follows: Article 1: "Except for matters falling directly under the sovereignty of the Acehese government, all other areas of governance are subject to regulation and management by the Acehese



district and city governments". Article 2: The authority vested in the government as stated in paragraph (1) encompasses nearly every aspect of national life, including but not limited to: foreign policy, defense, security, justice, national finances, and even certain religious matters.

Article 205 stipulates that the appointment of the Regional Police Chief requires the approval of the Governor. However, the security sector falls under the authority of the central government, not the regional government. This provision in Article 205 of Law Number 11 of 2006 contradicts Article 18 of the 1945 Constitution, which mandates that regions exercise the broadest possible autonomy but are constrained by government affairs regulated by law (Sulaiman, 2023; Rasanjani et al., 2022).

The author analyzes the aforementioned issues from a juridical perspective. However, achieving synchronization will require consideration from various angles, particularly by highlighting the distinctions in Aceh's special autonomy compared to other regions. At first glance, there appears to be synchronization between Article 205 of Law Number 11 of 2006 regarding the Government of Aceh, Law Number 2 of 2002 concerning the Indonesian National Police, and Article 57 of Presidential Regulation Number 5 of 2017 concerning the Composition and Working Procedures of the Indonesian National Police. The synchronization is evident in the requirement for the governor's approval as stated in Article 205 of Law Number 11 of 2006 regarding the Government of Aceh, while the appointment of the Regional Police Chief is conducted by the National Police Chief after consultation with the President.

This also sets a precedent for the implementation of the rule of law in a country, particularly where overlapping regulations exist. Firstly, the distinction lies in Aceh's special autonomy compared to other regions, wherein complete discretion is granted for the division of governmental affairs. For instance, this includes the authority to establish an impartial judiciary (articulated in paragraphs (1), (2), and (3) of article 125), the power to create regional regulations with the potential to supersede existing laws and regulations (outlined in article 232), accompanied by a fundamental

explanation, and exclusive jurisdiction over local law enforcement (as stated in article 204). From a philosophical perspective, it is evident that the Police cannot effectively carry out their duties and exercise authority without the support of the community (Aceh Community).

#### **D. Conclusion**

The authority of the Governor of Aceh in granting approval for the appointment of the Regional Police Chief, in line with the unitary state paradigm, is stipulated in Article 205 of the Special Autonomy Law for Aceh (UUPA). This article mandates that the Governor's approval is required for such appointments. However, this provision seemingly contradicts Article 18 of the 1945 Constitution, which affirms that regions enjoy the broadest possible autonomy, albeit limited by governmental affairs regulated by law. While the Indonesian state acknowledges and respects special and autonomous regions, there are constraints on the autonomy granted, necessitating compliance with applicable norms and regulations.

In accordance with Article 30, Paragraph (5) of the 1945 Constitution, Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia (UU Polri) was enacted. This law underscores that the police institution operates under the authority of the President and is accountable to the President. Conversely, the police's function, which encompasses one of the "government functions", implies that the executive power vested in the President delegates certain powers to the police, particularly concerning security and public order.

The issues surrounding regional regulations need to be examined comprehensively, as they are interconnected within the state system. The Regional Government acts as an extension of the Central Government, with its administrative role often being dominant. Legislation in the regions serves dual purposes: supporting regional development while also aligning with Central Government policies. As the head of an autonomous region within a province, the Governor has both duties and



authority to oversee decentralization functions, which are delineated by statutory regulations.

Based on the analysis of the 1945 Constitution, it is evident that the appointment of the Head of the Regional Police (Kapolda) falls under the purview of the President or the Central Government, which holds the highest authority in the country. This is in line with the role of the Indonesian National Police (Polri) as a state instrument for maintaining national security, as outlined in Article 30 Paragraph (4) of the 1945 Constitution. Additionally, Article 4 Paragraph (1) designates the President as the holder of governmental power, thereby assigning responsibility for such appointments to the President. Hence, a systematic examination of the 1945 Constitution reveals that the President, as the central government, possesses the authority to appoint regional police chiefs to carry out governmental functions. However, it's worth noting that the 1945 Constitution also recognizes and respects local government units with special characteristics or attributes, as mandated in Article 18B Paragraph (1).

However, this recognition must align with the principles of the Unitary State of the Republic of Indonesia and be in line with societal development. Despite the recognition of regional autonomy, certain matters still remain under the jurisdiction of the central government to ensure the fullest possible application of autonomy. This conclusion significantly contributes to our understanding of the political and legal dynamics at the national level, particularly in the context of appointing regional police chiefs in autonomous regions. By conducting a meticulous analysis of the 1945 Constitution, this research provides a better understanding of the boundaries of authority between the central government and local authorities in safeguarding national security. Additionally, it offers deeper insights into how the principles of regional autonomy are accommodated within the framework of the Unitary State of the Republic of Indonesia and their practical implications in governance.



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