



Legal effectiveness in promoting development policies: A case study of North Aceh Indonesia

Erlan Wijatmoko^a, Armaidy Armawi^{a,*}, Teuku Faisal Fathani^b

^a National Resilience Study Program, Universitas Gadjah Mada Graduate School, Yogyakarta, 55281, Indonesia

^b Civil and Environmental Engineering Department, Faculty of Engineering, Universitas Gadjah Mada, Yogyakarta, 55284, Indonesia

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ABSTRACT

This research evaluated the effectiveness of the Law on the Governing of Aceh (LoGA) as the legal basis for regional development policies in the North Aceh District, Indonesia. Despite its enactment in 2006, the district has faced persistent challenges, including high poverty rates and poor economic growth. The LoGA was intended to accelerate development in Aceh after the conflict and tsunami, reflecting the legal aspirations of the region (reconsidered). Therefore, using a qualitative approach, including interviews, observations, and analysis of secondary data, this research evaluated the effectiveness of the LoGA based on its provisions, enforcement, infrastructure and facilities, political landscape, cultural factors, and societal impacts. The result showed significant substantive, institutional, and societal challenges, which led to legal uncertainty, ineffective policy implementation, and the necessity for policy revision and community involvement.

1. Introduction

The effectiveness of laws is a critical global issue beyond its mere existence in written form (law in the book). These laws must be implemented and put into action to be truly effective, as reported by various research [1]. Law is not solely about prohibitions but also requires socialization, as stated by research on the global ban on plastic waste [2]. Additionally, the effectiveness of laws is also affected by the significant influence of stakeholders interests, as observed in the environmental impact assessment policy enacted in Vietnam [3]. Scholars such as Rostro-Garcia et al. [4] and Mohtar et al. [5], who researched the protection of the Indochinese Leopard, and the high rate of motorcycle accidents, reported the crucial role of law enforcement in ensuring its effectiveness. A single factor does not determine the effectiveness of laws. Instead, various other attributes must be considered in response to the existing environmental changes.

Indonesia adheres to the continental legal system, which follows a hierarchical pattern of legislation [6]. This layered nature of legal regulations necessitates the effectiveness of law to ensure non-overlapping enforcement. Furthermore, legal regulations serve as the basis for policy formation and the occasional translation of policies into legal rules [7]. The intrinsic relationship between law and policy is widely recognized and tends to pose challenges during implementation [8]. Law Number 11 of 2006 concerning the Government of Aceh is an illustrative example of this legal phenomenon. This law serves as the legal basis for implementing a special autonomy policy aimed at expediting post-conflict and post-tsunami development [9]. Its enactment was in response to the Helsinki

* Corresponding author.

E-mail address: armaidy@ugm.ac.id (A. Armawi).

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Memorandum of Understanding, symbolizing a requirement for and commitment to peace in Aceh [10]. Consequently, conducting research becomes imperative to examine the implementation of this law.

The aftermath of conflict and disasters in Aceh has had a profound and prolonged impact on its recovery [11,12]. Despite implementing the Aceh Government Law and allocating Special Autonomy Funds for 16 years, poverty in the region continues to persist [13]. The available data showed a negligible decrease in the poverty rate of 0.9 % per year since the enactment of the law [14]. As a result, Aceh still holds 6th in national poverty rates and remains the poorest province on Sumatra island [15]. North Aceh, one of the districts in Aceh, has been severely affected by poverty [16]. According to CSA [17], the number of poor people in North Aceh is 109,490 (17,43 % of the population). Although the poverty rate is not higher than in Aceh Singkil, the sheer number of impoverished individuals in North Aceh makes it the poorest district in Aceh (Fig. 1). This situation is an anomaly considering the abundance of natural resources in the region, and it stems from the historical context of the Aceh conflict, with North Aceh being its epicenter [18]. Over time, North Aceh has transitioned from a petrodollar region to an impoverished area [19].

The phenomenon of poverty in Aceh has garnered attention from various experts, which led to various research on the topic. In this research, Yogi et al. [12] stated that the prolonged recovery period for the Aceh economy was due to the devastating tsunami. While efforts were made to stimulate economic growth, the unemployment rate remained unchanged. Nugroho et al. [21] specifically examined the effectiveness of village fund assistance in improving the economy of Aceh after the disaster. However, the findings indicated that this assistance had no significant impact on the overall economic improvement of the region. Heger and Neumayer [22] analyzed the influence of the peace process in Aceh, which played a role in the region’s economic recovery following the disaster. This research primarily focused on the phenomenon of the disaster and its implications on the economy of Aceh.

In contrast to the broader issue of poverty in Aceh, experts have conducted analyses focusing specifically on its root causes in North Aceh. One significant factor contributing to this phenomenon is the decline in oil and gas production, which has had a detrimental impact on the economic activities of the region [19]. An analysis of government efforts to promote health and education infrastructure in North Aceh has shown their ineffectiveness in reducing poverty [23]. Ferizaldi et al. [16] have found a noteworthy aspect of regional development policies in North Aceh. These policies tend to be incremental and centralized, closely aligning with national development programs without considering the unique strengths of existing regional programs. As a result, the special autonomy fund is yet to improve the economic conditions in North Aceh [24].

The previous research mainly examined government efforts in addressing poverty through regional development policies, specifically focusing on North Aceh. However, it is important to acknowledge that these policies are rooted in legal regulations, particularly the Aceh Government Law. Therefore, to improve the analysis conducted in previous research, it is necessary to evaluate the effectiveness of the Aceh Government Law as the legal framework for these policies. This analysis focuses on the North Aceh district, which has the highest poverty rate in the Aceh province.

Meanwhile, this research is organized or structured into several distinct sections. First, it starts with an overview of the chosen theoretical framework used to analyze the legal system and assess the effectiveness of the law. Second, the research methodology employed, including the analysis tools used, will be outlined. Then, this was followed by the findings and in-depth discussion that led to the conclusion.

2. Theoretical framework

This research focused on evaluating the effectiveness of the Law on the Governing of Aceh (LoGA) within the context of the broader legal system. The analysis draws upon Friedman’s legal system theory and Soekanto’s effectiveness of law theory. Friedman [1] stated the need to position the law within a comprehensive legal system for analysis. This legal system functions by transforming and

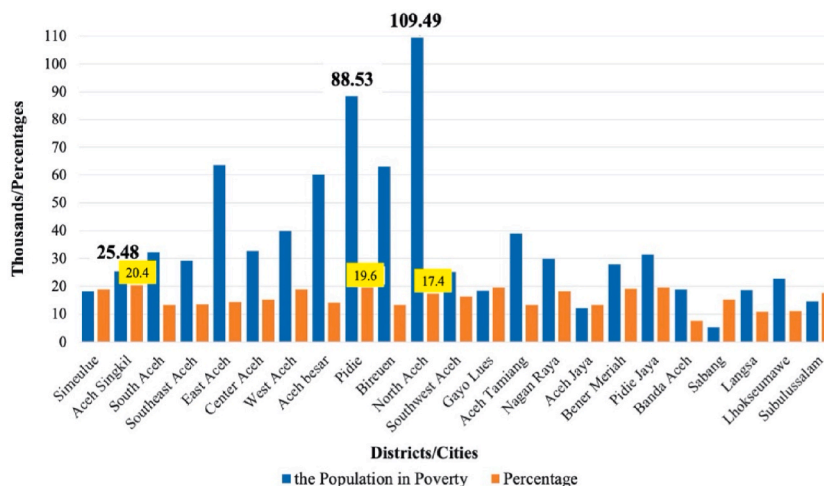


Fig. 1. The Number of people living in poverty and the Poverty Rate in Aceh (2021), source [20].

processing demands (input) into policies (output) that generate specific impacts (outcome) within a particular legal community [7]. In order to comprehend this legal system, it is crucial to consider three interconnected subsystems, namely substantive, structural, and cultural. These subsystems work collaboratively, forming an integrated system [25]. In the context of the research focus, namely the Law on the Governing of Aceh, the local government institution, Law, and community constitutes the structural, substantive, and cultural subsystems, respectively.

The theoretical framework of this research is further bolstered by incorporating the theory of the effectiveness of law [26]. This theory provides valuable insights into the factors that influence the level of effectiveness of a law, which encompasses the following key elements, the law itself, focuses on the analysis of the Government of Aceh Law by examining its legal, sociological, and philosophical norms [27]. The law enforcement factor pertains to the institutions responsible for enforcing the law and maintaining peace within the legal framework [28]. Facilities and infrastructure factor encompasses physical and non-physical resources that are instrumental to supporting the process of law enforcement in society [29]. Society, as a legal actor, acknowledges the significant role of public legal awareness as a social force that contributes to the formation and implementation of Laws (legal action) in society [30,31]. As one of the subsystems within the societal legal system, the cultural factor is formed by the values of right and wrong that serve as the foundation for the conception and adherence to the rule of Law [1].

From a sociological perspective of law, it is acknowledged that laws serve as policy instruments, expressions of political will, purposive human actions, and mechanisms for conflict resolution [27]. The process of law-making is susceptible to the influence of political factors, which often leads to malpractice driven by political interests [32]. When examining these political factors, several requirements must be considered, such as Laws should adopt a nationalist perspective, prioritizing the collective interests and welfare of the nation. Furthermore, laws must be grounded in *Pancasila*, the philosophical foundation of the nation. Laws should incorporate legal science with a *Pancasila* paradigm. It should employ clear and precise legal language to minimize the potential for multiple interpretations. Laws should serve as a means to achieve national goals, acting as strategic tools for advancing the overall objectives of the nation.

However, it is necessary to reconstruct the theoretical framework into an effective and efficient testing tool to examine effectiveness. The implementation of law involves three subsystem components. When considering influencing factors, the testing tool is structured as follows, the substance of the Law is analyzed based on legal and political factors. The structural aspect of the Law is analyzed based on its enforcement and legal infrastructure. The evaluation of the cultural aspect of the Law takes into account societal and cultural factors, as shown in Fig. 2.

The Law on the Governing of Aceh (LoGA) is the basis for implementing regional development policies in Aceh. Interestingly, experts have provided several descriptions of the policy. According to Easton, a policy is a decision made by the government, shaped by the values determined by society as the ultimate authority [33]. Thomas R. Dye stated that public policy encompasses the choices and actions of the government, or lack thereof, aimed at achieving societal goals and aspirations [34]. Abdoellah and Rusfiana also reported that public policy exists to accomplish common goals through a deliberate and planned process [35]. These explanations underline the significance of government policies, highlighting the need for an appropriate and well-directed formulation process to ensure that policy objectives are achieved for the benefit of society. As a country that upholds the principles of continental Law, Indonesia adheres to a hierarchical pattern of legislation, including regulations at the regional level [36,37]. This ensures policies are consistently grounded in law and enacted as legal statutes.

The government plays a fundamental role in ensuring the prosperity of the community by meeting their primary needs, which requires the implementation of appropriate policies, specifically in the aspect of development [38] []. One of the essential regional development policies is how local institutions can foster and oversee grassroots entrepreneurship. Koster and Kapitsinis [39] emphasize that local institutions are crucial in promoting grassroots entrepreneurship through appropriate policy regulations. Moreover, local institutions are responsible for formulating and engaging with the economic structures to foster regional economic innovation following their respective characteristics [40].

Todaro and Smith, in the book titled *Economic Development*, stated that the meaning of development policies has evolved, encompassing not only the objective of increasing per capita income but also aimed at alleviating poverty [41]. This paradigm shift is referred to as redistribution from growth through multidimensional development. Adopting a human-centered development approach is essential in regional development supported by central transfer funds, such as in North Aceh [42]. This approach places the community as both the subject and object of development, emphasizing their active participation. One characteristic of the human-centered development approach lies in optimising the availability of jobs and a skilled local workforce. Kapitsinis et al. [43]

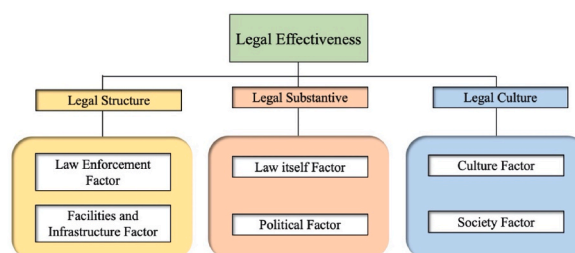


Fig. 2. Legal effectiveness testing scheme of the aceh government law [1,26].

emphasize that a skilled workforce significantly influences regional economic resilience. The development of the regional workforce can only be achieved through training or providing high-quality labour [44]. Therefore, well-planned development policies are necessary, as successful development relies on effective planning [45]. The regional development policies in North Aceh are supported by the LoGA, which includes the aspiration for accelerated development [46].

3. Research Methodology

Research conducted in North Aceh, Indonesia, used a descriptive qualitative method to examine the social phenomena associated with the effectiveness of the Aceh Government Law on regional development policies. This method involved a combination of semi-structured interviews to gather primary data, as well as field observations and analysis of secondary data. The field research spanned four months, from May to August 2022, and was carried out within the North Aceh district and the broader Aceh Province area.

This qualitative research was conducted systematically with several stages, such as data collection, grouping, reduction, presentation, and conclusion [47]. Throughout the research, NVivo 12 Plus, a software tool, facilitated and supported each stage of the process [48]. The data was initially categorized using codes or nodes to group related information, followed by applying word frequency analysis to reduce the data (n (%); n = Number of intensively discussed words, % = Percentage of intensively discussed words). Finally, a project map was employed to present the condensed data effectively.

Primary data was collected by interviewing several informants [49]. These individuals were selected using probability sampling methods. These were realized through (1) purposive sampling for informants who truly understood the main problems of the research theme and (2) snowball sampling to give an in-depth analysis of the data to the other informants when necessary [50]. Several informants were selected, including government personnel from the executive and legislative parastatals and external figures, as shown in Table 1.

In the exploration of primary data, the aforementioned theoretical framework is operationalized through a series of research questions presented during semi-structured interviews. These research questions are designed to investigate the effectiveness of LoGA in three key dimensions. (1) How does the condition of legal substance serve as the basis for the formulation of effective development policies? This analysis takes into account both the legal and political factors inherent in the law and its implementation. (2) How does the structural condition of the law contribute to the implementation of LoGA in shaping appropriate development policies? Specifically, the analysis delves into the role of law enforcement factors and the availability of legal facility resources. (3) How does society as a legal culture influence the feedback received from the resulting policies? The social strength of the community is analyzed based on societal factors and the cultural values inherent in LoGA. These three research questions, constituting the LoGA subsystem, provide valuable insights while acknowledging the limitations in assessing the effectiveness of LoGA as the legal foundation for development policies in North Aceh.

In addition to collecting primary data, field observations were conducted at various relevant locations to complement the research. Observations focused on assessing the effectiveness of the Aceh Government Law. The following key institutions were visited, the North Aceh Regency government office, the Regional Representatives Council, and the North Aceh Transition Committee to gain insights into the implementation of the law and its impact. On-site observation was conducted in multiple local government work units and the central statistical agency. This led to the examination of the practical development policies and the evaluation of the outcomes. Secondary data were gathered by reviewing documentation related to regional development plans and their implementation reports.

Table 1
The Informants of the field research.

Informants	
Purposive Sampling	Snowball Sampling
North Aceh	North Aceh
<ul style="list-style-type: none"> - Regent/Meyer - Assistant II/Economic and Government - Head of Development Agency - Head of Public Work Service Agency - Head of Regency Financial Management Board - Centre Statistic Agency Officer - Chairman of Regency House Representative - Member of Local Party - Member of the National Party 	<ul style="list-style-type: none"> - Inspectorate Officer - Chief of Regional Police - Commander of the District Military Command - Representative of civil society organization (Bytra) - Head of Legal Division - Academics - Citizen of North Aceh
Aceh Province	Aceh Province
<ul style="list-style-type: none"> - Assistant II/Economic and Government - Head of Development Agency - Chief of Provincial Legal Bureau 	<ul style="list-style-type: none"> - Representative of civil society organization (Kompak) - Academics

4. Findings and Discussions

4.1. Legal substantive

4.1.1. Law factor

The analysis of the Aceh Government Law focuses on its legal factors, encompassing juridical, sociological, and philosophical foundations [51]. This comprehensive examination allows for a deeper understanding of the law, taking into account its legal, societal, and philosophical dimensions.

a. Juridical Norms.

In the data collection phase, the following question was asked *how is the LoGA formulated as a juridical foundation?* This question was explored by 12 informants, accounting for 57.14 % of the participants. Several key themes emerged based on the analysis of 50 words related to juridical norms (*juridische gelding*). The most prominently discussed issues included Law (22 occurrences, 1.57 %), Special (22 occurrences, 1.57 %), regulation (18 occurrences, 1.29 %), and specificity (12 occurrences, 0.86 %) (Fig. 3 (1)). These findings indicate that the focal point of legal discussions revolved around the specificity of the legal rules, as presented in the project map (Fig. 3 (2)). The Aceh Government Law (LoGA) represents an unique set of regulations applicable to Aceh, and the distinctiveness of the region is further reflected in the local regulations known as Aceh Qanun. Consequently, analyzing juridical foundations involves examining these two specific legal frameworks exclusive to Aceh, namely LoGA and Qanun.

The following statements from the informants reinforced this issue,

The drafting of the Aceh Government Law (LoGA) took place within a democratic legal context, with the inclusion of aspirations from diverse Aceh community groups. However, challenges in the implementation stage were identified, specifically where the optimal functioning of the law was not achieved. Many unresolved derivatives of the Law and regulations have not been effectively implemented, suggesting potential shortcomings in the enactment process. (Prang, Personal Communication, July 5, 2022).

“Aceh also has the authority to establish its rules known as Qanun (Article 1 of the Aceh Government Law). However, it was observed that Qanun does not significantly differ from ordinary regional regulations” (Dadek, Personal Communication, July 6, 2022).

1) The Process of Enacting LoGA and Qanun

In the work by Zevenbergen, as cited in Purbacaraka and Soekanto [52], it is reported that a good legal provision must meet the necessary requirements for its establishment (*op de vereischte wijze is tot stand gekomen*). Additionally, Rahardjo [53] and Asshidique [54] stated that the process of legislation formation involves the law-making phase and the crucial support from the administrating stage. These insights emphasized the importance of adhering to proper procedures and collaboration between legislative and administrative entities to ensure the effectiveness and legitimacy of the legislation.

Based on the Indonesian Constitution, the formulation of laws must meet specific requirements, with the most important being the collaboration between the President and the House of Representatives [55]. This procedural aspect is also specified in Article 43, paragraph 1 of Law No. 12 of 2011, which governs forming laws and regulations. Additionally, to ensure fairness within society, laws must incorporate public participation during their formation process [56]. This requirement is addressed in Article 96, paragraph 1 of Law No. 12 of 2011. These provisions highlight the importance of procedural compliance and the involvement of the public in the legislative process, thereby upholding justice and legitimacy in the development of laws in Indonesia.

The birth of the Aceh Government Law (LoGA) is deeply intertwined with the legislative process. This law emerged as a response to the demands outlined in the Helsinki Memorandum of Understanding (MoU), aiming to grant Aceh the broadest possible autonomy to facilitate accelerated regional development [57]. The historical formation of this law exhibited its adherence to the constitutional

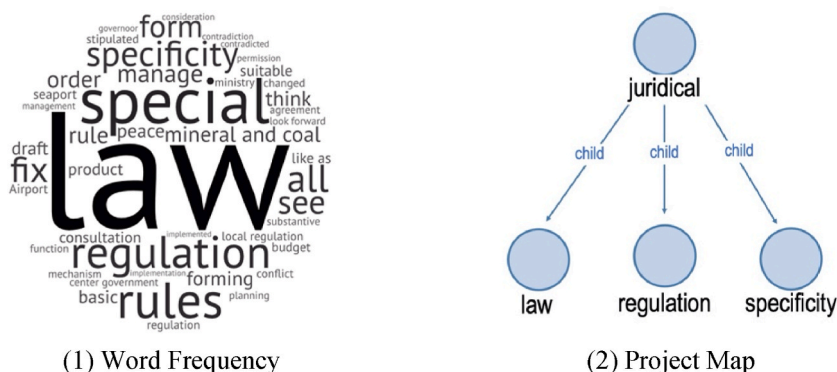


Fig. 3. Analysis Result of Data Frequency related to Juridical Norm (processed by researcher).

requirements, enabling active participation from diverse societal groups in providing suggestions for its contents (Fig. 4). During the preparation stage, the central government invited input from academics, religious leaders, community organizations, and former combatants of the Aceh Merdeka movement. However, not all proposals were fully incorporated into the final law [58].

The issue at hand pertains to implementing the rules outlined in the LoGA, which requires additional support and adheres to a continental legal system that necessitates compiling legal regulations in layers [36]. The LoGA calls for enacting nine, three, and 59 government, presidential, and regional regulations known as Aceh *Qanun*, respectively. There has been insignificant progress in developing these regulations. Only 55.5 %, 66.7 %, and 80 % of the required government, presidential, and Aceh *Qanun* regulations have been facilitated [60].

The challenge is compounded by the requirement for additional regulations from the LoGA to be implemented, specifically regarding regional development. The LoGA requires government regulations that outline the procedures for implementing the duties of the Governor and authority as government representative (Article 270). There is a crucial need for regulations governing the transfer of infrastructure funding, personnel, and documents related to Madrasah Ibtidaiyah (MI)/Islamic elementary school and Madrasah Tsanawiyah (MTs)/Islamic junior high school (Article 263). Unfortunately, these important regulations have not yet been enacted by the government.

LoGA also requires a presidential regulation that monitors the transfer of the National Land Agency regional office in Aceh and the Land Office of the District/City in terms of functioning as a regional institution (Article 253). This is because the existing presidential regulation needs to be revised and is yet to become operational, adding another layer of complexity to the implementation process.

In relation to the LoGA, the requirement for several local regulations known as Aceh *Qanun* remains unresolved. The legality and position of *Qanun* as a special regulation in Aceh have encountered challenges [61]. Upon examining the content of LoGA, *Qanun* holds two positions, which are generally applicable according to the hierarchy of Indonesian legislation and specifically applicable as a direct order from LoGA.

Qanun regulations that have a general application exhibit the following characteristics. First, the existence of a dictum further regulated by *qanun* based on existing legislation. Second, monitoring the affairs of general government administration at both the provincial and district levels. As a result, *Qanun* is an essential component of the regulatory framework established by the 1945 Constitution, Law No. 44 of 1999 (provincial special autonomy), the LoGA, Law No. 12 of 2011 (formation of laws and regulations), Law No. 23 of 2014 (Regional Government), and several ministerial regulations.

Special legislation in Aceh is characterized by two key aspects, namely First, it is a direct order mandated by the LoGA as a means to implement the unique characteristics and special authority of Aceh. Second, it includes the specific phrase *Qanun* regulates further provisions without any additional limitations imposed by other legislation. This distinction emphasizes the specificity and differentiation of *Qanun* from other regional regulations [62–64]. Understanding this distinction is crucial, as it highlights the competence of *Qanun* and its uniqueness from other regional regulations [65]. However, this does not apply to the Indonesian legal system, which ultimately makes no distinction between *Qanun* and other regional regulations. This observation is supported by the statement of the informant.

“There is a notable disparity in understanding the implementation of *Qanun*. This difference stems from the existence of two of its categories, namely those governed by LoGA and those under government or presidential regulations. This simply means that when there is a conflict, the affected *Qanun* cannot be effectively enforced even though it is directly mandated by the LoGA” (Prang, Personal Communication, July 5, 2022).

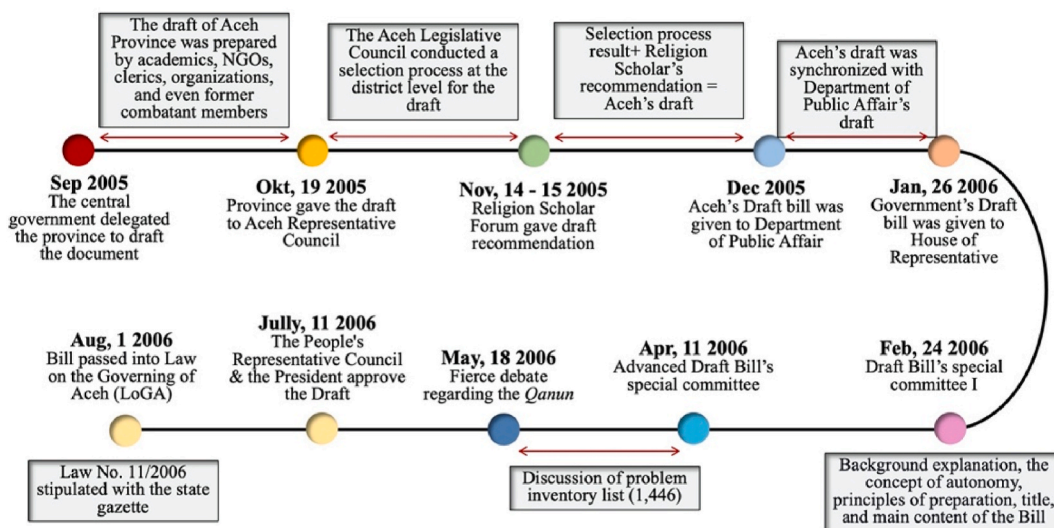


Fig. 4. The historical cycle of formation of the law on the governing of aceh (LoGA) [59] [].

Efforts to improve the implementation of *Qanun*, which is specifically applicable and issued as a direct order under the LoGA, are still necessary. These *Qanun* regulations significantly influence regional development policies. It includes (1) *Qanun* regarding the responsibility and authority of the Governor (Article 39 (4)). In contrast, this authority plays a crucial role in supporting and accelerating regional autonomy and development as well as preventing conflicts of interest among different levels of government [66]. (2) *Qanun* addressing community involvement in regional development procedures (Article 143 (6)). This regulation promotes a human-centered development model and emphasizes the active participation of the community [42,67]. (3) *Qanun* related to post-conflict land dispute resolution, as stipulated in the Helsinki Memorandum of Understanding (MoU) (Article 144, 213, 214) [68]. (4) *Qanun* associated with the management of ports and airports, which falls under the responsibility of the districts, is yet to be facilitated (Article 172 (3)).

The existing scenario depicts a lack of effective reinforcement for the implementation of LoGA through local, government, and presidential regulations. This shortfall impacts regulations related to regional development policies, leading to confusion among districts, particularly North Aceh, in formulating developmental strategies. On the other hand, Law No. 23 of 2014 concerning Law of Regional Governments (LoRG) offers a more comprehensive framework that extends to ministerial regulations. As a result, the North Aceh District primarily relies on the provisions of LoRG for guidance on administrative governance while perceiving LoGA as predominantly a product of political autonomy [69,70].

2) Legal Principles of LoGA and Qanun

The juridical basis for analyzing the compatibility of a Law with the prevailing legal principles is crucial in determining its effectiveness [71]. One fundamental norm is the **principle of legality (non-retroactivity)**, which stipulates that a law should not have a retroactive effect and should only apply from its promulgation. Consequently, a law becomes effective after its enactment. However, in the context of this research, the effective implementation of the LoGA faces challenges due to the insufficient facilitation of necessary implementing regulations, including government, presidential, and *Qanun* regulations. In the context of this research, the effective implementation of LoGA faces challenges due to the insignificant facilitation of government, presidential, and *Qanun* regulations.

The second principle states that a Law enacted by a higher-level government Law takes precedence over one enacted by a lower-level government (*lex superior derogate legi inferiori*). This principle is grounded in Hans Kelsen's Stufenbau theory, which established the hierarchy of norms as the basis for the existence of the Law [71]. The LoGA is a legal framework derived from Article 18B of the 1945 Constitution, specifically identifying the unique characteristics of Aceh as recognized by the state. However, challenges arise with *Qanun* regulations issued under the authority of LoGA. Several *Qanun* regulations face operational difficulties because these are based on the provisions of LoGA but differ from other national laws.

Table 2
The differences in legal substance between LoGA and other national laws.

Theme	Law on the Governing of Aceh (LoGA)	Other Law
Seaport	Article 19: The district/city government has the authority to oversee and manage public ports and airports.	Law No. 17/2008 concerning Shipping Article 92: The provision of port services by a Port business entity must be carried out based on the consent of the involved parties. Article 93: As referred to in Article 92, clarifies that Port business entities serve as operators responsible for operating terminals and other port facilities
Airport	Article 19: The district/city government has the authority to manage public ports and airports	Law No. January 2009 concerning Aviation Article 233 (1): Aviation services, as referred to in Article 232 paragraph (2), could be provided by a. Airport-related business entities for commercially operated airports b. Airport operator units for airports that are not yet operated commercially
Minerals and coal	Article 156 (1): The Aceh and the district/city governments are entrusted with the management of natural resources in this region. This responsibility encompasses resources found on both land and in the waters of Aceh, with each entity exercising authority within their respective jurisdictions. (3): One of the natural resources referred to in par (1) is minerals and coal	Law No. 3 of 2020 introduces amendments to Law No. 4 of 2009 concerning Mineral and Coal Mining Article 4 (2): The state ownership of minerals and coal, as referred to in paragraph (1), should be managed by the Central Government in accordance with the provisions of this Law. Article 4 (3): The state ownership, as referred to in paragraph (2), should be exercised through multiple channels, including policymaking, regulation, management, administration, and supervision.
Forestry	Article 156 (3): The natural resources referred to in paragraph (1) include the field of mining, consisting of mineral, coal mining, and geothermal activities, as well as forestry, agriculture, fisheries, and marine affairs. The principles of transparency and sustainable development guide the management of these sectors.	Law No. 23 of 2014 concerning Regional Governments (LoRG) Article 14 (2): the district/city governments are entrusted with the authority to forest areas within parks related to government affairs in this sector, as referred to in paragraph (1).
Investment	Article 165 (2): The Aceh and the regency/municipal governments possess the authority to attract foreign tourists and grant permits related to domestic and foreign investments, export, and import. However, these activities must adhere to the norms, standards, and procedures established at the national level.	Law No. 25 of 2007 concerning Investment Article 30 (7): The authority of the central government in investment matters include managing foreign investment and capital from other governments based on the agreements reached between the respective authorities.

For example, Aceh Qanun No. 7 of 2016 on forestry, based on LoGA, encounters obstacles in its operationalization due to contradictions with LoRG. While LoGA regulates the authority of districts/cities in forest management as stated in Aceh Qanun (Article 156), LoRG limits this authority and only grants districts/cities the power to manage nature reserves (Article 14). This disparity in authority between the two laws hinders the effective implementation of Aceh Qanun No. 7 of 2016 on forestry.

According to the third principle, a **specific law supersedes a general one** (*lex specialist derogate legi generalist*). Manan [51] further elucidates this principle by using the terms equal, specific, and more general to compare regulations. Some inconsistencies were depicted in the content analysis of LoGA and several national laws, as shown in Table 2.

LoGA, similar to the Special Autonomy Law (Law No. 21 of 2001), is considered an exceptional regulation in Indonesia. Asshid-diqie's [72] theory of classification of written regulations supports this categorization, as LoGA meets the criteria of being a special law based on subject matter and locality. The LoGA holds legal force as a regulation exclusively applicable to the Aceh region, recognizing its distinctive status. The legal standing of LoGA is further reinforced by Article 269. It stipulates that any law conflicting with LoGA is rendered inapplicable after its enactment. Therefore, LoGA possesses stronger legal validity than other special laws, particularly those applicable in Aceh. Consistency is crucial for effective implementation. It serves as a guiding framework and also introduces legal uncertainty for local government officials in Aceh, including those in the North Aceh district.

The fourth legal principle states that **newer laws supersede older ones** (*lex posterior derogate legi priori*). It simply implies that a new law with similar content invalidates the older one. However, reviewing other laws (Table 2) shows that they are more recent than LoGA. This principle applies and renders several provisions of LoGA less relevant. The LoRG enactment, accompanied by conflicting provisions and ministerial regulations, adds to the legal uncertainty surrounding LoGA.

Based on the aforementioned analysis, two significant factors tend to affect the effectiveness of LoGA (Aceh Government Law) and suggest potential improvement. Firstly, the incomplete implementation of regulations contributes to the challenges encountered in enacting LoGA effectively. To address this, it is crucial to prioritize the development of comprehensive regulations that provide clear guidance on enforcement procedures. Secondly, conflicts between LoGA and national regulations, which contain contradictory provisions, create confusion and undermine the effectiveness of LoGA. This situation has led Aceh Utara to rely more on other national regulations than LoGA.

b. Sociological Norms

Rahardjo [27] reported that evaluating the quality of a Law requires more than just conventional legal research on rational structures and competencies. In order to gain a comprehensive understanding, a sociological approach is necessary, which seeks to address three fundamental questions such as Firstly, it examines the societal aspects governed by the Law. *What Law governs society, produces the desired legal consequences, and prevents or generates conflicts?*

The primary objective of the research was to gather primary data on the sociological norms within LoGA (Aceh Government Law) using the three questions. The data collection process successfully obtained responses from 13 informants, representing 61.9 % of the total sample. Subsequent analysis yielded several intensive issues, including Legal (12 (1.97 %)), conflict (10 (1.64 %)), authority (6 (0.99 %)), specificity (6 (0.99 %)), peace (5 (0.82 %)), and welfare (4 (0.66 %)) (Fig. 5 (1)). These findings were then categorized into four main areas, namely Law, authority, welfare, and conflict (Fig. 5 (2)). The data collected highlighted the crucial importance of a Law in providing legal certainty, particularly in defining the division of authority for the welfare of the legal community. It emphasized that a well-defined Law is essential to prevent conflicts arising from the absence of legal certainty.

The first analysis examines the effectiveness of the Aceh Government Law (LoGA) in governing society, specifically in providing legal certainty regarding the division of authority among regional governments in Aceh. However, as previously mentioned, LoGA has shown its inability to effectively regulate this authority. This is supported by the statement provided by the following informant.

“The Aceh Government Law alone does not provide a complete legal framework for addressing the division of authority. Consequently, the North Aceh District Government finds it necessary to rely on additional laws alongside the implementation of certain regulations” (Fadhil, personal communication, June 17, 2022).

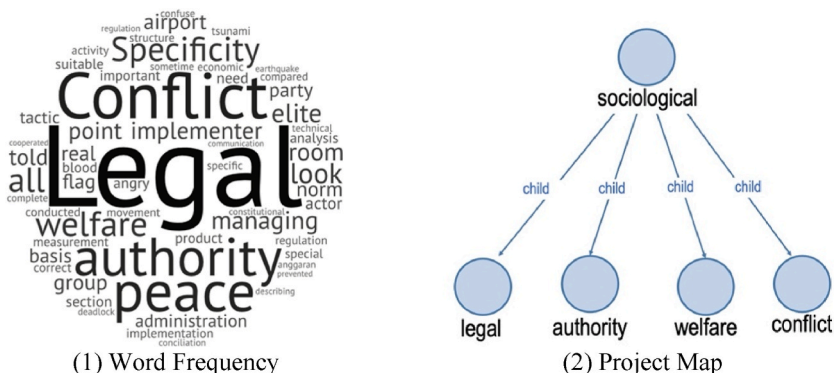


Fig. 5. Analysis Result of Data Frequency Related to Sociological Norm (processed by the researcher).

A crucial aspect of a law or regulation is its ability to serve as a social control mechanism by setting boundaries and restrictions for its legal subjects [73]. In the case of LoGA, as a legal framework monitoring regional government authority in Aceh, should possess this social control function. However, a significant challenge arises when other national regulations predominantly guide the implementation of authority. This situation impedes the proper functioning of LoGA in fulfilling its intended role as a social control mechanism.

The next question to be analyzed pertains to whether the Law effectively yields the desired legal consequences. Based on its background, these legal consequences are intricately tied to the underlying objectives of a particular law [51]. LoGA primarily aims to facilitate development and foster societal welfare. However, it is evident from Fig. 6 that this goal has not been realized in North Aceh Regency, as the economic conditions in the region are not competitive compared to other regions.; economic growth (Fig. 6(1)), poverty rate (Fig. 6(2)), human development index (Fig. 6(3)), and life expectancy figure (Fig. 6(4)).

The data presented showed that North Aceh Regency, as a district in Aceh, has not yet witnessed the positive benefits of the LoGA. According to Friedman and Hayden [73], that Law serves another crucial function, which is social engineering. This function can bring about transformative changes in the social conditions of society, aligning it with the intended goals of the Law. Asshiddiqie [72] also supported this notion by emphasizing the indispensable sociological presence of the Law for the betterment of society.

The third analysis focuses on determining whether the presence of the Law is capable of preventing conflicts or, on the contrary, generating new conflicts (criminogenic). In the case of LoGA, its historical foundation could be traced back to the Helsinki Memorandum of Understanding (MoU), which symbolized peace in Aceh [10,74]. However, certain sources have raised concerns regarding the current content of the LoGA, as it is perceived as a potential threat to the existing peace that has been established.

“The existing problems with LoGA, exacerbated by the erosion of its articles due to other regulations, pose a substantial risk to the core of the peace agreement. This situation heightens the likelihood of potential conflicts emerging at any moment” (Effendi, personal communication, July 13, 2022).

There is a strong correlation between poverty and global conflict, as poverty fuels and is exacerbated by conflict [75,76]. In the case of Aceh, long-standing inequality and poverty have been identified as the root causes of the conflict [77,78]. Secondary data indicates that the intensity of conflict, specifically in North Aceh Regency, has had detrimental effects on the way of life of the nation. Based on data from the Aceh Unity and Politics Agency [79], conflicts of interest have significantly increased in Aceh, with conflicts stemming predominantly from local government policies. This trend is also evident in North Aceh Regency, which has experienced increased policy-related conflicts. Additionally, there is growing concern regarding the escalation of armed criminal activities, signaling the persistent circulation of weapons in Aceh, particularly in the North Aceh Regency. These developments raise serious concerns about the state of peace in Aceh, even 18 years after the peace agreement was signed.

c. Philosophical Norm

The Gerund-norm view and *Staatsfundamentalnorm* perspective of Hans Kelsen and Hans Nawiasky, respectively, emphasized that a state is founded on the highest philosophical values, serving as the basis of existing Law. The legal system of a country exists to ensure

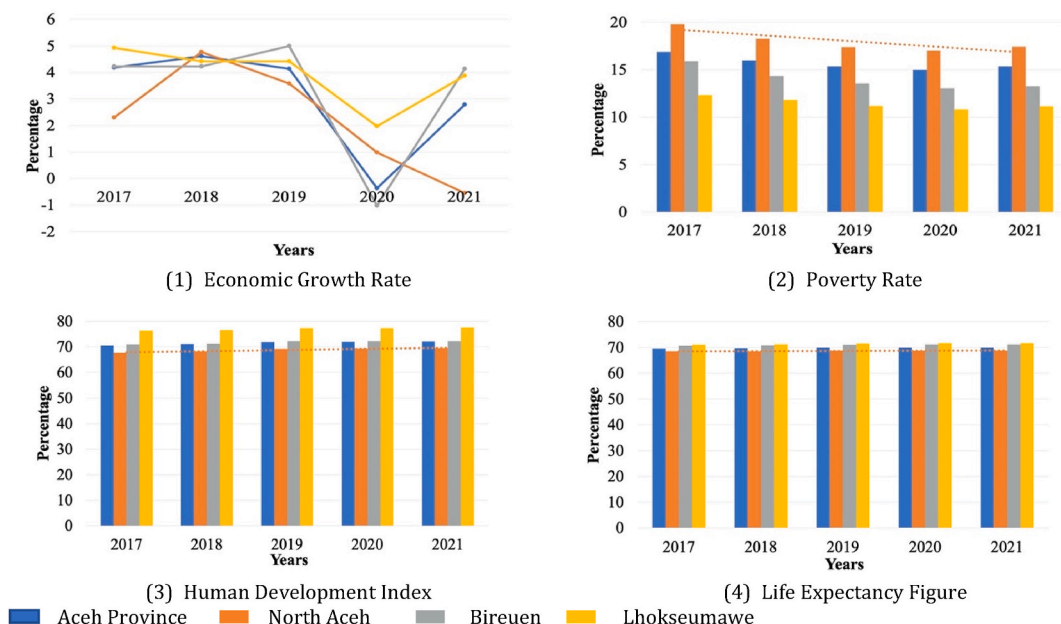


Fig. 6. The economic development of aceh, north aceh, bireuen, and lhokseumawe [17,20].

protection, certainty, and justice for its society [80]. As a legal state, Indonesia also has philosophical values such as the *Staatsfundamentalnorm* enshrined in Pancasila [71]. Given these premises, the research question posed is, *Does LoGA incorporate the philosophical values of Pancasila?*

Among the total sample, five informants (23.81 %) responded to the question at hand during the interview session. The analysis of their responses revealed several prominent themes, which were intensively discussed by both primary and secondary sources. These themes included Legal (20 (6.80 %)), certainty (7 (2.38 %)), and implementation (4 (1.36 %)) (Fig. 7). These findings indicate a prevailing sense of doubt regarding the legal certainty and implementation of LoGA (Fig. 7(2)).

The following statements from informants reinforced this issue:

“Presently, assuming the LoGA does not provide legal certainty, how can a law lacking derivations be expected to ensure legal certainty in Aceh?” (Anwar, personal communication, June 7, 2022).

In order to ascertain legal certainty, it is essential to consider the incorporation of the philosophical values of the five Pancasila principles within the LoGA. One of these values is the belief in one God, which is reflected in various provisions of the LoGA. For instance, the specificity of Islamic Law in regulating regional governance (Article 13 (1)), its enforcement in community life (Article 125 (3)), and the establishment of specialized institutions like the Wilayatul Hisbah Police Unit and the Sharia Court at both the provincial and city/regency levels (Article 128). These provisions within the LoGA align with the aim of ensuring legal certainty by upholding the philosophical value of the belief in one God, as enshrined in Pancasila.

The LoGA recognizes and addresses the second value of humanity, which symbolizes compassion. As a region that has a history of prolonged conflict, Aceh needs several effective solutions to address post-conflict humanitarian challenges [80]. The LoGA includes provisions that mandate the establishment of human rights courts within two years of its enactment (Articles 228 and 259). However, as of date, the implementation of these courts remains pending. Only Aceh Truth and Reconciliation Commission has actively worked towards resolving these humanitarian problems [81]. Meanwhile, the efforts of the commission have been relatively successful in fulfilling its functions, the absence of human rights courts poses a significant obstacle in completely resolving the existing problems. This is because both institutions play an important role in addressing and resolving humanitarian problems in Aceh [82].

The third value of Indonesian unity embodies the concept of national identity and the bond of *Bhinneka Tunggal Ika* (unity in diversity). In line with this, the LoGA acknowledges the uniqueness and special status of Aceh, as mandated by Article 18B of the 1945 Constitution. As a province within the Republic of Indonesia, the state acknowledges and respects the special and privileged local governments according to the provisions of the Law. In line with this, the LoGA facilitates the establishment of specific Aceh institutions at both the provincial and district levels. These institutions include Baitul Mal (Article 191 (1)), Aceh Education Council (Article 220 (2)), Council of Religious Scholars (Article 138 (1)), Aceh Reintegration Agency (Article 10 (1)), Wali Nanggroe (Article 96 (1)), Dayah Education Body (Article 218 (1)), Public Order Agency of the Hisbah (Article 244 (2)), and Sharia Court (Article 128 (1)).

The fourth value, popular sovereignty, is manifested through the principle of representation, symbolizing the sovereignty of the people. LoGA embraces this value by recognizing the existence of local political parties in Aceh, allowing them to promote their interests and aspirations [83]. This recognition is explicitly stated in Article 75, paragraph 1 of the LoGA and implemented through the announcement letter issued by the Independent Election Commission (IEC). As per the IEC letter (Number 01/HM.02-Pu/11/Prov/II/2018), four local political parties in Aceh, namely Aceh Party, SIRA Party, Aceh Regional Party, and Aceh Nanggroe Party, are involved in the electoral process.

Lastly, the social justice value for the people of Aceh, as an integral part of Indonesia, is reflected in the provision of justice through special authority to manage their affairs and the allocation of special autonomy funds to accelerate development. The Law on Governing of Aceh (LoGA) has established several provisions to facilitate this objective. However, the problem arises in the implementation phase, which undermines the fulfillment of the philosophical value of justice for Aceh.

The first issue concerning justice stems from the lack of implementation of authorities as mandated by LoGA. As previously explained, the existence of overlapping legal regulations causes legal uncertainty regarding the distribution of authorities outlined in

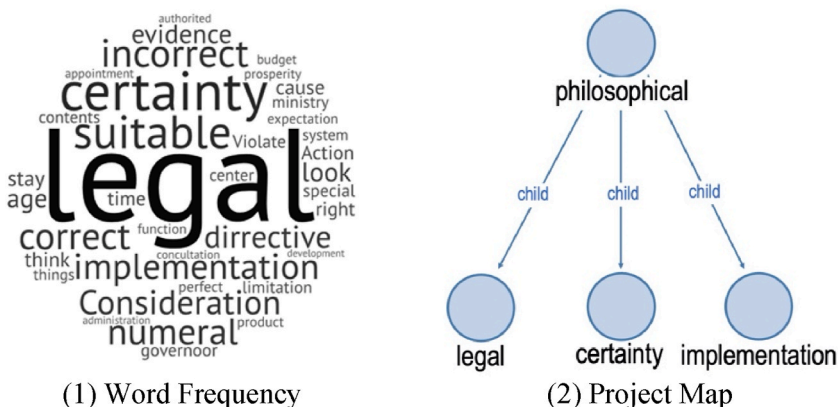


Fig. 7. Analysis Result of Data Frequency related to Philosophical Norm (processed by researcher).

LoGA. This uncertainty becomes evident through the loss of authority for North Aceh Regency in managing airports, ports, minerals, and coal, which could have bolstered regional revenue. Consequently, North Aceh heavily relies on central and provincial transfer funds for financial sustenance (Fig. 8 (1)).

North Aceh faces a compounded challenge due to its limited authority in managing forest districts. Unfortunately, this authority only extends to the national park, which hinders its ability to address the flooding problem effectively. The region experiences a decline in rice productivity, a critical food commodity (Fig. 8 (2)). Although North Aceh has prioritized resolving the flooding issue, the limited authority over domestic investment has resulted in a lack of improvement in attracting foreign investment (Fig. 8 (3)).

Upon examination, it is evident that the Aceh Government Law (LoGA) has effectively incorporated the philosophical underpinnings of Pancasila into its articles. However, the problem arises during its implementation stage, which could have been optimized to ensure the attainment of social justice, specifically in North Aceh. The ambiguity of LoGA has led to the formulation of misguided development policies in North Aceh, which has impacted the economy of the region.

4.1.2. Political factor

Laws emerge as a direct consequence of decision-making instruments and the deliberate actions driven by human intent [87]. Politics and Law are intricately intertwined since laws are shaped by political power (*das sein*), and political activities must comply with the existing legal framework (*das sollen*) [88,89]. In order to obtain this data, the following questions were asked *To what extent does political power influence LoGA? and to what extent does LoGA generate policies that affect the achievement of development goals?*

During the data collection process, responses were obtained from 10 informants, accounting for 47.62 % of the total sample. The analysis of their feedback highlighted several recurring themes, including interests (12 (3.06 %)), LoGA (12 (3.06 %)), elites (10 (2.55 %)), and groups (7 (1.79 %)) (Fig. 9 (1)). These findings strongly suggested that the formation of LoGA and its associated policies were influenced by political interests originating from various elite groups (Fig. 9 (2)).

The views of the following informants reinforce this statement

“The Law, including the Law on the Governing of Aceh (LoGA) and its policies, operates as a political tool. In this context, the politics being referred to are those focused on promoting public welfare and serving the interests of the general population rather than favoring a specific group. Supposing there are indications that the existing regulatory policies are biased towards the interests of a particular political group, it becomes a topic of discussion and fails to achieve the intended purpose of the law” (Nazarudin, Personal Communication, June 9, 2022).

In order to prevent potential malpractices stemming from political influence on legislation, it is crucial to establish specific requirements and qualifications [32]. These essential criteria encompassed (1) the incorporation of a national perspective into the law, (2) adherence to the state ideology of Pancasila, (3) reliance on legal scholarship as a foundation, (4) inclusion of normative legal language to ensure technical expertise, and (5) a clear focus on achieving its objectives. By adhering to these principles, the aim is to mitigate the risk of political manipulation and uphold the integrity of the legislative process.

Requirement numbers (1) and (2) have been explained in the philosophical content of LoGA in the previous section. Philosophically, only the value of justice is yet to be achieved. In addition, requirement numbers (3) and (4) as technocratic requirements have also been explained, and no violations were found. The problem lies with requirement number (5), which indicates the presence of LoGA has not yet been able to achieve its goal of improving the welfare of the people, as seen from the high poverty rate in Aceh,

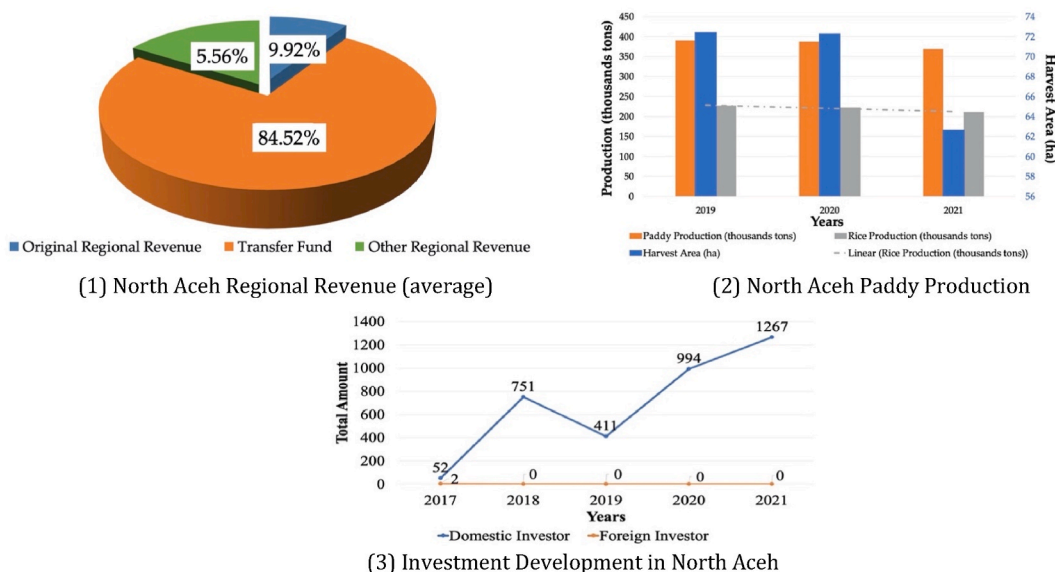


Fig. 8. Economic achievements of north aceh impacted by LoGA uncertainty [20,84–86].

to serve as a basis for policy formulation and execution [37]. In the context of Indonesian Constitutional Law, Law enforcement is carried out by settling legal disputes through judicial and constitutional reviews [27,93]. These mechanisms play a vital role in upholding the principles of the law and ensuring its proper implementation.

The data analysis findings revealed that legal disputes between the LoGA and other national laws should ideally be resolved through judicial and constitutional reviews. However, it was observed that the Aceh government has primarily undertaken review efforts, while the involvement of Aceh Utara Regency in this process is limited. The judicial reviews initiated by the Aceh Government primarily focused on political matters, while legal disputes related to regional development policies still need to be submitted for evaluation by representatives of the Aceh provincial or district government.

In North Aceh Regency, law enforcement oversees development policies as part of the ongoing implementation of LoGA. The LoGA includes provisions that regulate the supervision process, delineating the involvement of various levels of authority, including the central, provincial, and district levels. This perspective is reinforced by the statement provided by the following informant:

“Law enforcement involves assigning specialized tasks and authorities, such as the inspectorate, to ensure compliance with laws and regulations. In the realm of policy language, other entities responsible for law enforcement are closely intertwined with policy implementation. Its role is to effectively execute regulations in alignment with the specific provisions and content outlined in the policy documents” (Fadhil, Personal Communication, June 17, 2022).

In North Aceh Regency, the Inspectorate assumes the primary role in conducting initial oversight activities, as outlined by the Local Government Act and Regional Regulations. These oversight activities encompass a range of measures, such as audits, reviews, monitoring, evaluation, and technical guidance [94]. Based on the Annual Oversight Work Program, the North Aceh Inspectorate is assigned the responsibility of overseeing an average of ± 1900 examination objects [95]. These oversight activities aim to ensure that policies are strictly adhered to relevant legal provisions, encompassing both the Local Government Act and other national laws.

The data analysis results revealed that there is room for improvement in the level of government performance accountability, which serves as an indicator of oversight success. Based on the performance accountability report of the North Aceh Regency Government [96], it scored 55.75 out of the targeted 60, suggesting that there is potential for further optimization. Furthermore, there has been a significant decline in the percentage of follow-up actions taken in accordance with the examination results. In 2020, the follow-up action rate was 82.67 %, while in 2021, it dropped to 68.74 %. These figures indicate that the internal oversight efforts of North Aceh Regency are not operating optimally.

The Aceh Provincial Legislative Council is responsible for conducting the second phase of oversight. Meanwhile, oversight is a crucial function carried out by both central and regional Legislative Councils to serve as a balancing force for the government or executive branch [97]. This function primarily involves supervising law enforcement, regional development policies, and government performance [98]. The Local Government Act regulates the implementation of this oversight function and is further reinforced by Regulation of the North Aceh Regency Council Number 1 of 2019, which specifies the Rules of Procedure for the North Aceh Regency Council during the 2019–2024 period. However, the effectiveness of oversight could be further optimized, as evidenced by the inefficiency of the development policies in North Aceh.

This is supported by the following statement from a source

“There are two key issues concerning the role of the Legislative Council, namely. First, representatives of the people encounter challenges in discharging their duties optimally due to capacity constraints. This suggested that limitations in skills, knowledge, or resources tend to hinder their ability to carry out their responsibilities effectively. Second, the oversight mechanisms currently in place are unclear and often seem to be mere formalities. This indicates that the processes and procedures for oversight conducted by the Legislative Council lack clarity and might not be sufficiently robust to ensure thorough scrutiny and accountability. As a result, the effectiveness of oversight measures tends to be compromised” (Nazaruddin, Personal Communication, June 9, 2022).

The implementation of oversight is characterized by formalism, which can be attributed, in part, to the diminished role of the political opposition [99]. The dominance of a single party in both the legislative and executive branches of the region led to the loss of opposition capability. Following the conflict and subsequent peace in Aceh, former combatant elites from the Aceh Party assumed leadership positions in North Aceh. According to data provided by the Independent Commission on Election/ICoE [100–102], the Aceh Party achieved significant success in electoral contests. In the 2009 legislative election, they secured 32 out of the 45 contested seats. This number decreased to 24 in the 2014 election and further to 14 in the 2019 election. However, no other local or national party has been able to match the achievements of the Aceh Party.

The dominance of the Aceh Party was reflected in the North Aceh regional head elections, where their candidate emerged victorious in three consecutive periods, as indicated by data from ICoE [103–105]. In the initial period in 2006, Ilyas Hamid secured 67.36 % of the vote. Additionally, in the subsequent periods of 2012 and 2017, Muhammad Thaib won an average of 55.79 % of the vote. This strong presence of the Aceh Party in local government institutions eroded the supervision of policy implementation following LoGA.

The community involvement in overseeing the implementation of regional government affairs following the LoGA and Government Regulation No. 12 of 2017 is manifested through the third form of supervision [99,106]. This type of community supervision operates outside the internal program of the North Aceh Regency Government and is facilitated through a whistleblowing system, as stated by a source:

“There are additional responsibilities beyond the regular supervisory work program, such as requests from law enforcement officials, the community, or the mass media. These requests are already addressed in the Regent Regulation, which outlines the procedures for supervisory activities outside the annual work program. We have established a whistleblowing system for non-program supervision " (Martina, Personal Communication, June 2022)

Whistleblowing serves as a reporting channel to address internal organizational violations, aiming to receive reports about alleged illegal practices, administrative errors (maladministration), or violations of applicable laws [107]. The North Aceh Regency Government implemented an offline and online complaint system as outlined in Regent Regulation No. 4 of 2019. This reporting system is accessible to the community, government officials, and law enforcement personnel. According to the accountability performance report of the North Aceh Regency Government for the 2020 fiscal year, there were 30 community complaints recorded. However, only five of these complaints were successfully resolved [96]. This data shows a significant decrease compared to the previous year, where 30 complaints were resolved [108]. Based on the analysis results, it is evident that the conditions for supervision still require optimal implementation.

4.2.2. Facilities and Infrastructure Factor

This factor plays a crucial role in the enforcement of the LoGA mentioned earlier. The effectiveness of LoGA enforcement is influenced by the condition of legal facilities and infrastructure within a specific environment. In order to ensure the reliability of the research data, the following research question was formulated: *What is the current state of legal facilities and infrastructure that supports the implementation of LoGA as the foundation for development policies?*

Data collection yielded responses from seven informants, accounting for 33.33 % of the total sample size. The analysis of the data revealed that the most frequently discussed topics were budget (14/2.72 %), apparatus (5/0.97 %), supervision (5/0.97 %), limitations (4/0.78 %), and quality (4/0.78 %) as shown in Fig. 11 (1). These findings highlight the significant relationship between the condition of legal facilities and infrastructure and the process of law enforcement, specifically in policy implementation and supervision aligned with the provisions of LoGA. These findings are depicted in the project map related to the deficiencies and quality of the oversight process. (Fig. 11 (2)).

Soekanto [26] highlighted the crucial role of facilities in enabling the legal system to effectively implement, elaborate, and enforce its functions. These facilities encompass software, such as human resources (HR) management systems, as well as hardware in the form of budget availability.

The HR condition of the North Aceh House Representative Council and Inspectorate is vital for their supervisory role. The quantity of HR within the council is regulated by the decision of the General Election Commission of Indonesia Number 264/PL.01.3-Kpt/06/KPU/IV/2018, with 45 seats. However, the challenge lies in the quality aspect of the HR, specifically their educational achievements [109,110]. Currently, the HR condition of North Aceh House Representatives remains relatively low, which hampers the optimal performance of its members as legislators, as shown in Table 3.

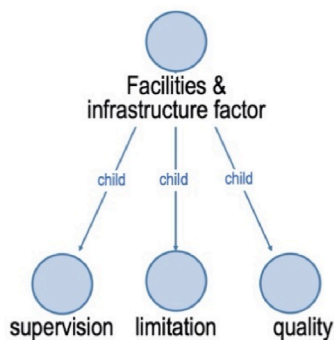
The following statement from a source reinforces the condition:

“ The district government bureaucrats have pursued an extensive educational path, obtaining Bachelor’s, Master’s, and even Doctoral degrees, alongside undergoing specialized training. However, we, the members of the People Representative Council, lack comparable educational backgrounds. Our presence in the People Council stems from our involvement in the Aceh Freedom Movement during the conflict. We later joined the local political party, Aceh Party, and became members of the People Council. The current composition of the People Council has a tangible impact on our abilities and expertise " (Arafat, Personal Communication, June 7, 2022).

Furthermore, executive capabilities are also highlighted in the development and oversight of appropriate developmental policies. This is evident in the perceived weakness of bureaucratic capacity, as expressed by the following informant:



(1) Word Frequency



(2) Project Map

Fig. 11. Analysis Result of Data Frequency related to Facilities and Infrastructure Factor (processed by researcher).

Table 3
Educational level of North Aceh People Representative Council (2019–2024) [17].

Name of the Party	Education Level				
	Senior High School	Diploma	Bachelor	Master	Doctoral
Aceh Party (Local Party)	9	–	3	2	–
Demokrat	3	1	1	–	–
Persatuan Pembangunan	1	–	3	–	–
Amanat Nasional	1	–	1	–	–
Nangroe Aceh (Local Party)	2	–	2	–	–
Gerakan Indonesia Raya	1	–	2	1	–
Nasional Demokrat	1	2	1	–	–
Golongan Karya	1	–	2	–	–
Keadilan Sejahtera	1	–	1	1	–
Kebangkitan Bangsa	1	–	–	–	–
SIRA (Local Party)	1	–	–	–	–
total	22	3	16	4	-

“Government officials are often seen as perplexed when it comes to managing the region with their policies, akin to a mouse trapped in a granary, unable to manage it effectively” (Nazarrudin, Personal Communication, June 9, 2022)..

Competence within the bureaucracy is paramount as a capacity of government apparatus to carry out their roles effectively and efficiently [111]. One of the areas for improvement in bureaucratic competence within government apparatus is reflected in development policies that predominantly focus on infrastructure yet fall short of empowering communities. Regional institutions should be capable of prioritizing community empowerment through grassroots entrepreneurship [39]. Moreover, local governments have struggled to facilitate the availability of high-quality local labour, even though this is a critical component of regional development success [43]. This can be observed in the limited number of active cooperatives and SMEs (Fig. 12(1)) and the scarcity of workforce training in North Aceh (Fig. 12(2)).

The shortage of auditors in the Inspectorate is a notable human resources challenge, particularly in terms of quantity. Auditors play a central role in conducting systematic, objective, well-documented supervision, control, investigation, and quality assurance of supervision results [113]. A workload analysis revealed that the North Aceh Inspectorate has only 30.77 % of the required auditors. This is a reasonable reflection of the current internal supervision conditions in North Aceh.

In their statement, the informant emphasized the existing condition by stating:

“Our Inspectorate holds a Type A classification, and it is currently structured with four regional assistant inspectorates and one special assistant inspectorate, which should be adequate for handling all complaints. However, our challenge lies in the insufficient number of available auditor personnel ”(Martina, Personal Communication, June 23, 2020).

Aside from the human resources challenges, the Inspectorate also faces budgetary problems that impede the implementation of supervision and law enforcement. Budgeting is the process of estimating performance for a specific period using numerical or financial terms [114]. Proportional funding is crucial to support the law enforcement process effectively [115]. Furthermore, incentive funding plays a vital role in motivating law enforcement officers to fulfill their supervisory duties [116].

These conditions are not observed in North Aceh, and data analysis reveals budget constraints in supporting supervision, particularly within the Inspectorate, as shown in Fig. 13. Despite having 27 districts, 852 villages, and numerous inspection objects, the Regency receives a lower budget compared to Lhokseumawe City. Consequently, the effectiveness of supervision efforts is compromised, as mentioned earlier.

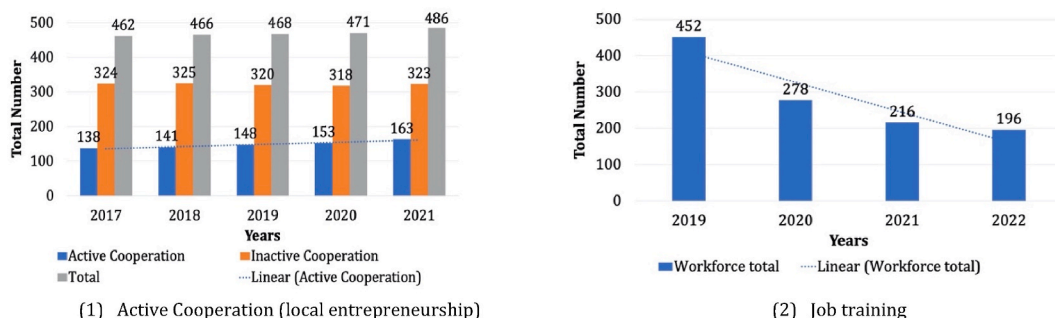


Fig. 12. The Development of Active Cooperative (local entrepreneurship) and Job Training in North Aceh [17,112].

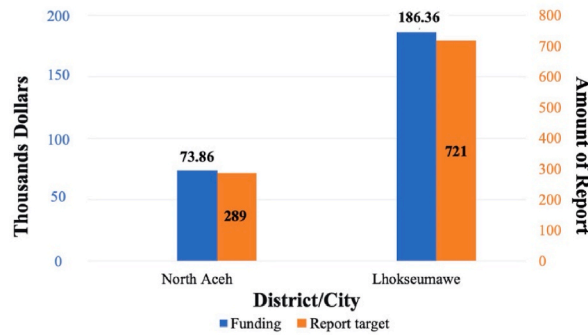


Fig. 13. Funding and supervision report target in 2020 [108,117].

4.3. Legal culture

4.3.1. Society Factors

A comprehensive legal system encompasses the formulation and enforcement of laws, as well as the active participation and feedback from social forces regarding decisions, policies, and legal rules [1]. These social forces play a vital role in shaping the implementation of the Law on Governance and Administration (LoGA) within society [30]. Given the significance of these social factors, the research question posed is: *How do societal factors contribute to implementing LoGA as the foundation for development policies?*

The data collection process included responses from five informants (23.81 % of the sample) who provided insights on this topic. Analysis of the data revealed several critical issues regarding the condition of these societal factors, including understanding (11 responses, 2.17 %), concern (10 responses, 1.98 %), and trust (9 responses, 1.78 %), as shown in Fig. 14 (1). From a technocratic perspective, the establishment of LoGA has facilitated the input and suggestions of the Aceh community. However, the data shows the challenges related to the understanding and trust of the community in the legal rules embedded in post-LoGA policies (Fig. 14 (2)). These challenges arise due to the gap between the goals and aspirations of LoGA and the actual realization of improved community welfare.

LoGA has empowered local governments, including North Aceh Regency, to implement development policies. However, there is a significant lack of understanding among the community regarding this mandate, as expressed by the following interviewees:

“ There is a lack of understanding within the community about the distribution of authority between the regency, province, and central government. For instance, they are unclear about who is responsible for handling floods in North Aceh” (Nasir, Personal Communication, June 7, 2022).

“Despite using the roads and infrastructure that are the tangible outcomes of regional development, many people still struggle to comprehend why the progress in development remains slow. There is a lack of awareness and understanding among them regarding the relationship between these developments and the overall pace of progress” (Marwan, Personal Communication, July 8, 2022).

The sluggish economic growth and the inadequate rate of poverty reduction have negatively impacted the human development index and life expectancy in the North Aceh community, as shown in Fig. 3. The community struggles to understand the efforts of the North Aceh government in implementing LoGA through appropriate development policies. This lack of understanding erodes trust in

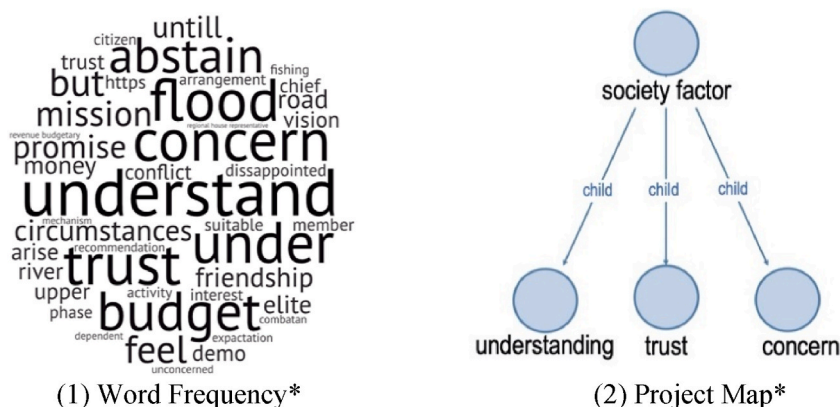


Fig. 14. Analysis Result of Data Frequency related to Society Factor (processed by researcher).

the performance of government, evident in the declining community satisfaction index, as shown in Fig. 15 (1), and the reduced success rate of new Aceh party elites in elections, as shown in Fig. 15 (2). The persistently low level of community trust poses a threat to democracy by hampering critical thinking abilities [118,119]. Consequently, the North Aceh elections witness a significant number of non-voters, as shown in Fig. 15 (3).

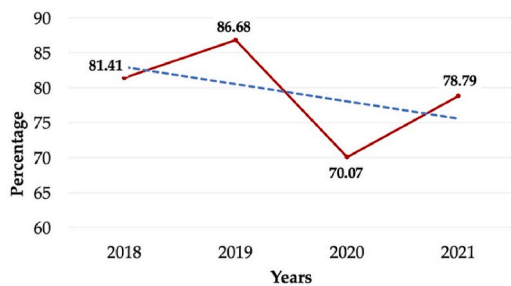
The decline in community concern for the performance of government in North Aceh can be attributed to two key factors. Firstly, there has been insufficient socialization of the post-technocracy LoGA. Socialization, which encompasses social interaction and specific programs [121], is crucial for the implementation of the mandates of LoGA in development policies. Unfortunately, the community is not sufficiently involved in the details of these policies [122].

The second contributing factor is the limited engagement of the community in policy-making, specifically in the realm of regional development. Although Article 143 of LoGA allows for community participation in sustainable development, its implementation rules have not been effectively established. Community involvement in development policies is crucial for adopting a human-centered development model that considers the community as both the subject and object of development [42]. The absence of such involvement and shared understanding further hampers the effectiveness of LoGA as the legal foundation for development policies in North Aceh.

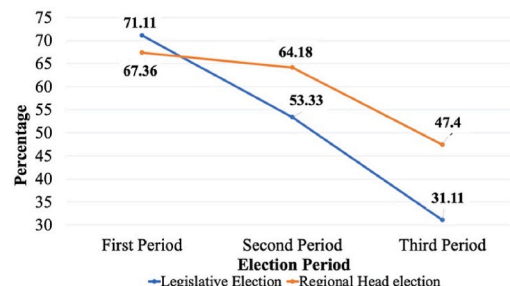
4.3.2. Culture Factors

The Law, as a system of values, holds the responsibility of protecting and promoting the cultural values within a society [27]. In the context of the Aceh region, the LoGA incorporates specific cultural values and norms. This leads to the research question: *Does the LoGA effectively embody the cultural values of the Acehnese community?* Among the entire sample, nine informants (42.86 %) discussed this matter. An analysis of the LoGA revealed the intensity of discussions related to specific issues, including Islam (11 mentions, 3.27 %), Sharia (11 mentions, 3.27 %), institutions (8 mentions, 2.38 %), LoGA (8 mentions, 2.38 %), education (6 mentions, 1.79 %), and budget (5 mentions, 1.49 %) as shown in Fig. 16 (1). These findings show that the LoGA has incorporated Acehnese cultural values, particularly those associated with Islamic Sharia, through institutions and education. However, further research is required to assess the effective implementation of these cultural values. These findings are depicted in the project map related to Sharia, Islam, institution, education, and budget (Fig. 16 (2)).

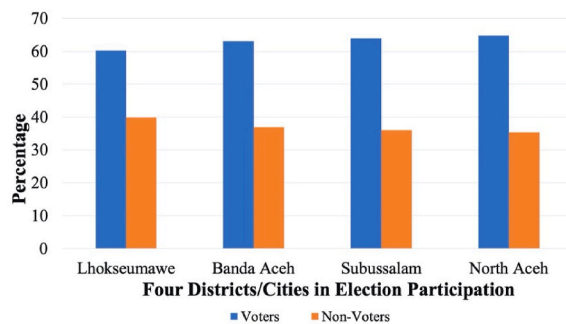
The Law on the Governing of Aceh has established regulations for the implementation of the special rights of Aceh in enforcing Islamic Sharia, which are further supported by Law No. 44 of 1999 [123]. This form of decentralized power is constitutionally acknowledged in Article 18B of the 1945 Constitution. The implementation of Islamic sharia in Aceh is specifically governed by Article 125 of LoGA. Several Aceh *Qanun*, including Aceh *Qanun* No. 7 of 2015 concerning the division of government affairs related to Islamic Sharia, and Aceh *Qanun* No. 8 of 2014 concerning the Principles of Islamic Sharia, serve as mechanisms for enforcing these regulations. Additionally, various *Qanun* are in place to oversee the establishment of regional Sharia institutions within the Province and Districts of Aceh.



(1) Community Satisfaction Index



(2) The Decline in Vote Share of Aceh Party



(3) Non-Voting Population in General Election

Fig. 15. The condition of community satisfaction, vote share, and non-voting population in north aceh [100–105,120].

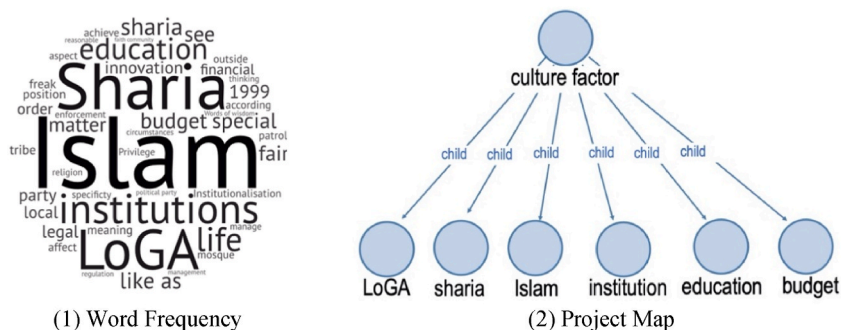


Fig. 16. Analysis Result of Data Frequency related to Culture Factor (processed by the researcher).

Challenges have emerged in the implementation of Islamic Sharia affairs in North Aceh. Aceh *Qanun* No. 8 of 2014 mandates that the district government allocate a minimum of 5 % of the revenue generated by the district and expenditure budget for Islamic Sharia affairs. An analysis of budget data focused on several special Sharia institutions in North Aceh, namely the Department of Islamic Sharia, the Council of Religion Scholar Consultative Assembly, Baitul Mal, the Department of Dayah Education, and the Wilayatul Hisbah Police Unit. The analysis revealed that over a three-year period (2020–2022), the average funding allocated was only 3 % of the budget [84,85,124].

The limited budget has significant consequences for the efficacy of the special Sharia institutions entrusted with authority under the LoGA. This budget constraint is emphasized by the statement of an informant, who states:

“The unique status of Aceh lies in the implementation of Islamic Sharia law. However, the Wilayatul Hisbah, or Sharia police unit, lacks proportional funding. There is no allocated budget for patrols, leading to the need for support from the regional police for every patrol. This poses challenges for the Wilayatul Hisbah in enforcing Islamic Sharia law in North Aceh” (Anwar, Personal Communication, June 7, 2022).

In addition to analyzing the cultural values represented by Islamic Sharia law as outlined in the LoGA, further examination was conducted on the dynamic nature of the Law. A law is not a static entity but evolves in response to the changing conditions of human life [125]. This analysis employed the values theory proposed by Purbacaraka and Soekanto [126] to assess the effectiveness of the LoGA in terms of its dynamic values. The analysis identified the presence of both continuity (conservative) and innovation (innovative) values.

The analysis also considered the resilience value, which assesses the ability of the LoGA to adapt and adjust to societal changes and dynamics. As previously mentioned, the existence of national laws reflects the demands arising from evolving social conditions. However, over the course of its 16-year implementation, the LoGA has remained unchanged despite evolving social circumstances. This has led to contradictions between the provisions of the LoGA and other national laws that regulate similar matters.

The requirement for increased resources to support the revision of the Law on the Governing of Aceh (LoGA) arose due to opposition from influential members of the Aceh House of Representatives, who possess significant political authority over the plan to amend LoGA (article 269 of LoGA). This sentiment is further reinforced by the following statement from a reliable source:

“The Indonesian Regional Representatives Council has put forth a proposal to revise LoGA. However, there is apprehension among members of the Aceh House of Representatives because the suggested amendments may undermine provisions that are advantageous to the population. This fear has led to a lack of harmonized political communication regarding the revision plan among the Aceh Council, the Indonesian Regional Representatives Council, and the Ministry of Home Affairs” (Anwar, Personal Communication, June 7, 2022).

This situation underscores the importance of revising LoGA to ensure alignment with contemporary social conditions and national legislation. However, the existence of political opposition has impeded the progress of the revision process, leading to inconsistencies between LoGA and other laws. It is essential to overcome political barriers and prioritize the revision of LoGA to maintain its relevance and effectiveness in addressing present social challenges in Aceh.

The value of innovation can be analyzed within the context of LoGA, as it encompasses novel elements that can benefit the people of Aceh. The innovative and specific implementation of Islamic Law, primarily overseen by the North Aceh district, has been regulated and enacted. However, the innovative aspect of distributing authority between Aceh and other regions, such as the management of port resources, airports, minerals and coal, forestry, and investment management, has not been fully realized. Despite its abundance of natural resources, North Aceh is unable to exercise these powers to support regional development. This limitation has led to development policies that have not adequately addressed issues of poverty and sluggish economic growth in the region.

5. Conclusion

In conclusion, the analysis showed that LoGA was no longer effective as a legal basis for formulating regional development policies in North Aceh. To ensure effectiveness, the law needs to optimize three components, namely, the substantive subsystem (law content),

the structural subsystem (institutions), and the cultural subsystem (social forces of the community) [1]. From a legal substance perspective, the technocratic formation of LoGA poses no issues, but challenges arise in the application stage due to unfulfilled implementation regulations and conflicting national laws, leading to legal uncertainty. The North Aceh government faces difficulties in formulating development policies that align with the goals and legal aspirations of LoGA.

Structurally, the enforcement and proper monitoring of development policies suffer from deficiencies. Inadequate human resources in local institutions impede effective monitoring, and insufficient budgetary support further exacerbates the problem. Weak law enforcement leads to routine monitoring that fails to identify the weaknesses of LoGA as a legal basis for development policies in North Aceh.

Greater community involvement is essential to foster a legal culture that provides feedback on the implementation of LoGA through development policies. The low level of socialization of policies based on LoGA leads to a lack of understanding and trust in the performance of government among the public. The development policies implemented by the North Aceh government do not positively impact the economic improvement of the region. LoGA also struggles to keep pace with evolving societal values, and without changes or revisions, the law tends to face challenges in effectively regulating regional government affairs amidst conflicting national laws. Consequently, LoGA may become a mere product of political autonomy, while administrative governance relies on more comprehensive and up-to-date national laws that align with current societal conditions.

This research has limitations, as it solely analyzes LoGA as the legal basis for regional development policies in Aceh, specifically Aceh Utara. It does not delve into a detailed analysis of specific regional development policies. Therefore, future research should strengthen this analysis by examining the development policies arising from implementing LoGA and their impact on the economic conditions of Aceh.

Data availability statement

All authors declare that not all presented data have been made available in the repository, including the secondary data obtained. These are secondary data acquired during our field research. However, we have provided URL links to these data to ensure easy public access.

Additional information

No additional information is available for this paper.

CRediT authorship contribution statement

Erlan Wijatmoko: Writing – review & editing, Writing – original draft, Methodology, Investigation, Formal analysis, Data curation, Conceptualization. **Armaidly Armawi:** Writing – review & editing, Writing – original draft, Validation, Supervision, Resources, Funding acquisition, Formal analysis, Conceptualization. **Teuku Faisal Fathani:** Writing – review & editing, Writing – original draft, Validation, Supervision, Conceptualization.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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