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Wali Nanggroe in Aceh: Is he the Real King or the Fake One? A Political Review

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The topic of Wali Nanggroe makes an original a contribution to knowledge, as this information is not published globally. The discussion of Wali Nanggroe in the legal system of Aceh, Indonesia is a critical debate. Recently, the existence of Wali Nanggroe in the kingdom period of Aceh has been disputed. This article critically discusses the legal norms established by the by-laws of Wali Nanggroe. The by-laws relate closely to the electoral mechanism of the candidacy of Wali Nanggroe in Aceh. The research approach used here is normative juridical, through legal, comparative and historical principles. Data analysis was carried out by qualitative analysis. The selection of the *nanggroe* guardian based on Qanun No. 8 of 2012, in Article 70 is inconsistent with the principle of legal justice because it lacks the regulation of mechanisms for democratic people's involvement. The determination of the *nanggroe* guardian election model stipulated in the qanun is contrary to the principle of the rule of law and the sovereignty of the people. According to the principle of justice, *nanggroe* guardians in Aceh must be democratically chosen by involving all Acehnese people. The main function of the presence of the *nanggroe* Aceh guardian is to unite existing ethnic groups and ethnic groups in life to sustain its customs and unite the community. The election of the *nanggroe* guardians should therefore involve all levels of Acehnese society. For this reason, it is important to avoid any perception that the *nanggroe* guardians only belong to certain groups. The *nanggroe* guardian needs to truly belong to all Acehnese people and the role should be strengthened by means of deliberation.

Key words: *Principle of justice, Legal norms, Wali Nanggroe, Rule of law, Sovereignty*

Introduction

This article critically describes the provincial organ of the *Wali Nanggroe* in Aceh, Indonesia. Despite reuniting Acehnese, the establishment of *Wali Nanggroe* has created public discourse among Acehnese. The discourse has been caused by the personality of the chosen *Wali Nanggroe* who lacks a religious personality and cultural understanding of Aceh. This fact contradicts the concept of the *Wali Nanggroe* in Aceh historical facts.

The *Wali Nanggroe* is the leader of the *nanggroe* guardian institution, which is special and authoritative. The term 'guardian *nanggroe*' is interpreted as a combination of two words: guardian and *nanggroe*. Guardians in Acehnese society have certain meanings and meanings, both related to the political context (Bramson, 2015; Beyer, 2013; Luttrell, 2014), as well as in the religious field. The term 'guardian' as a title given to religious leaders with a very high tomb, as *auliya*. 'Guardian' also means part of the family, the head of the family, as well as the guardian of the marriage.

The term 'guardian *nanggroe*' is also used for a leader in the system of state governance (Djazuli, 2013). It is a political position, the supreme ruler, as head of government, on par with the caliph, sultan, *ulil amri*, king and emperor (Baihaqi, 2014). The concept of guardian in the governance system in Aceh already existed in the Sultanate of Aceh, even after the collapse of the kingdom of Aceh Darussalam. It was the position of leader of the country, which was also used by Hasan Tiro, as the leader of the *Aceh merdeka* (Free Aceh, or GAM) movement. The Wali Nanggroe at this time, is different from the previous period which was functioning as a unifying leader of *adat* (Qanun, 2012). From this description, the terms 'guardian' and *'nanggroe'*, and the combined term 'guardian *nanggroe*', in the government system in Aceh have been used since the previous kingdom era, although there are differences in meaning and purpose, depending on the character who uses it.

In the history of Aceh, the *nanggroe* guardian is considered to have the highest religious authority as an Acehnese and religious and customary government leader (Kusmayanti & Laela, 2019). The *Wali Nanggroe* is now reaffirmed through the results of a peace agreement between the Government of the Republic of Indonesia (RI) and the Free Aceh Movement (GAM) in Sweden. The peace agreement between RI and GAM was facilitated by former Finnish president Martti Ahtisaari, the Republic of Indonesia represented by former Foreign Minister Hamid Awaluddin and GAM represented by Malek Mahmud Alhaytar, who was called the Helsing MOU in 2015. The *nanggroe* guardian, a position that was regulated in the MOU and signed up to in 2005 above, functions as a unifier of the Acehnese community and has the authority to oversee the implementation of Indigenous life. The arrangement is explained in point 1.1.7. The Wali Nanggroe Institution will be formed with all its devices. Further arrangements regarding the guardianship of the *nanggroe* are stipulated in point 1,

concerning the establishment of the Aceh legislation through the UUPA Article 96, paragraph 3. It reads: 'the *Nanggroe* Guardian Institution is headed by a guardian who is personal and independent, this institution is of interest to the entire Acehnese community.' The legal basis of the guardian *nanggroe* in the Indonesian legal system is contained in the amendment to the 1945 Constitution, Article 18B, paragraph 1 states: 'The State recognizes and respects special or special regional government units regulated by law', and Article 18B, paragraph (2) states: 'The State recognizes and respects customary law community units along with their traditional rights insofar as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia regulated by law' (1945 Constitution, pp. 1999–2002). The presence of a Acehnese guardian, whose traditional rights have been recognized and respected by the state, is in line with the noble values of a diverse, pluralist and communal national culture in society in Indonesia. This has been stated in the philosophical foundation of the Indonesian nation, Pancasila, as the state foundation, mentioned in the opening of the 1945 Constitution which is *Staatsfundamentalnorm* Unitary State of the Republic of Indonesia, called philosophy, philosophy of life, *weltanschaung*, ideology, state ideals, state foundation, legal ideals and so on (Bombang et al., 2019). Yet there is also a view that says Pancasila is a constitutive and regulative foundation, as its source *grundnorm* from all sources of law and the philosophical foundation of national legal buildings, and various manifestations of Indonesian culture that emit and present a distinctive *Geislichen Hintergrund* (Wahyono, 1999).

The principle of determining the election of the *nanggroe* guardian as a high leader of the *nanggroe* guardian institution in Aceh must refer to the basic rules of state law, and should not conflict with the rule of law above it, which binds every legal rule below (*lex superior derogot legi inferior*) (Hasyimzoem et al., 2017). According to Hans Kelsen (in Allen, 1994), the enforcement of law in a country depends on the existence of a higher legal formation, namely the formation of law by delegating. Before an analysis of positive legal structures, an analysis that is free from all ethical or political opinions regarding values. In the end, the enactment of the whole legal order can be rooted in a *grundnorm.* Regarding this, Kelsen (in Allen, 1994) said: 'A validity which cannot be derived from a superior norm we call a "basic" norm – all norms whose validity can be traced to one and the same basic norm of a system of norms, or an order.'

Philosophically, the concept of Indonesian law is based on Pancasila, which is a harmonisation of Rechtstaat's legal concepts and the rule of law, in a unity that mutually reinforces and not exercises power on the basis of mere power (Machtstaat) (Mahfud, 2008). The statement was then translated into the amendment to the 1945 Constitution (1999–2002), stipulated in Article 1, paragraph (3), which stipulates that 'the State of Indonesia is a Law State', whose sovereignty is in the hands of the people. Paragraph (2) affirms that sovereignty is in the hands of the people and carried out according to the law. For this reason, the

mechanism for selecting *nanggroe* guardians in Aceh must refer to the foundation of philosophy, the Indonesian nation – namely Pancasila and the amendments to the 1945 Constitution, based on popular sovereignty and carried out by law. This concept of the rule of law, according to John Locke, is formed by agreements between individuals. The agreement gave birth to *pactum subjectionis*, which is an agreement between the people and the government; therefore, the state uses power to support the interests of society (Azhary, 1979). So the rulers do not have absolute rights or powers, a division of power – such as legislative, executive and federative powers – is necessary. In harmony with the above view, Jean Jacques Rousseau (in Pasaribu, 2017) suggests that the state is formed on the basis of the will of the people through social contracts: 'Sovereignty is in the hands of the people and carried out according to the Constitution.' In a democratic legal formation system, the process of forming the law has a bottom-up nature, which means that the legal material to be formulated is a reflection of the people's values and wishes (Pasaribu, 2017).

Further arrangements regarding the election of the guardian *nanggroe* are specifically regulated in the Aceh Qanun no. 8 of 2012 concerning the *nanggroe* guardian institution. Article 70, paragraph (1) states: 'the *nanggroe* guardian is chosen by consensus by a specially formed guardian election committee' (Qanun, 2012). Regulations with the existing Articles do not meet the principle of justice in law, and this has violated the principle of popular sovereignty in the legal state system in Aceh because there is no regulation and/or mechanism of ignorance of all Acehnese people to elect their leaders democratically. The regulation of the election of the *nanggroe* guardian with the qanun should have a mechanism for public involvement openly instead of secret appointment.

The pouring of the principle of justice in the legal norms for the election of the *nanggroe* guardian based on Qanun No. 8 of 2012, is contrary to the principle of popular sovereignty which is regulated by law. The legislators do not place people's justice as the spirit of legislation. Real Qanun makers have not been able to guarantee the birth of legislation that has a spirit of justice, the meaning of justice seems to have been eliminated by law-makers and has not become a reality that can guarantee the law is able to provide a fair solution for the society. The reality of this injustice has made the meaning of justice disappear in the course of the legal election of the *nanggroe* guardian governed by the existing Qanun. In fact, according to Benjamin Akzin, quoted by Maria Indra Soeprapto (in Kemenkumham, 2010), 'because public legal norms are formed by State institutions, actually the establishment of the day must be more careful, because public legal norms must be able to fulfil the wishes and desires of the people'.

The formulator of the rules of state law often violates its authority in expressing the principles of justice in legal norms that apply ideally and fairly. Judging by the Lord Action adage, namely a patterned political dynasty, it can be seen as an abuse of authority and will

influence the legal product that will be produced (Mahfud, 2009), so law-makers cannot yet become producers of justice (justice producers) in fighting for the interests of the people in a democratic manner. It should be part of the legal concept of people's sovereignty that if there is one person or a group of people who are more holy, intelligent and strong, the group cannot seize people's sovereignty, even though the group has actually become the liberator of the people from others. Article 70, paragraph (1), stipulates that the *nanggroe* guardian was chosen by the special committee of the *nanggroe*, which was addressing the problems in state law and sovereignty of the people in a democratic manner. Even though this institution is a traditional institution, the election process of choosing the *nanggroe* guardian should be returned to the entire Acehnese people and carefully discussed with indigenous people.

The issue of rejection of the mechanism for the election of *nanggroe* guardians continues to occur, so that a re-election can be carried out in a democratic manner and returned to the people. However, by means of permanent appointment, the election is also forced to be implemented, so it is important to discuss this issue discussed in order to find solutions in a legal and justice approach. Unfortunately, as far as the authors are aware, none of the previous studies discussed this issue scientifically; this research is the first to analyse how the principles of justice in legal norms are related to elections, and the first to identify how to model the legal rules for *nanggroe* guardianship according to the principles of justice in Aceh.

Objectives of the Problems and Benefits of Research

1.2.1. To establish the principle of justice in legal norms related to the election of *nanggroe* guardians in Aceh.

1.2.2. To find out the mechanism for implementing the legal rules for *nanggroe* guardian elections in Aceh.

This research is theoretically expected to be able to find the basic formulation of the principle of justice in the legal norms for the election of Wali Nanggroe in Aceh. It is then practically expected to contribute ideas towards the development and refinement of the principle of justice in legal norms related to the mechanism for the election of the Wali Nanggroe in Aceh.

Research Method

Research methods are procedures or ways to obtain correct knowledge or truth through systematic steps (Soekanto & Mamudji, 2015).

Types of Research Approaches

This research is juridical-normative, which conceptualises the value of justice in terms of legal norms, rules, principles and dogmas. The normative juridical approach is also used for the term approach/doctrinal research or normative legal research. The normative juridical research stage, through literature studies (review of literature), is carried out to examine the provisions governing the pouring of the principle of justice into the legal norms for the election of the *nanggroe* guardian in Aceh and various other library materials. For as long as needed, interviews can be conducted to complete the literature study. Other techniques include an examination of legal principles; research on legal systematics; research on the level of legal synchronisation; legal history research; and comparative legal research.

Sources and Data Collection Techniques

Sources and techniques of data collection are obtained through library studies by examining or analysing data obtained from legislation, textbooks, journals, research results, encyclopedias, multimedia bibliographies, and so on (Kartono, 1996). Typically, in normative legal research, data are analysed *qualitatively*, namely analysis with analytical and prescriptive *descriptive analysis,* and *prescriptively* – that is, systematically reviewing and examining provisions in Article 70 Qanun Number 8 Year 2018 concerning the determination of election of the *nanggroe* guardian by special commissions without involving the people democratically. It can also be combined with historical and comparative juridical analysis.

Discussion

Story of Wali Nanggroe in Aceh

The term '*Wali Nanggroe*' has been known in Aceh since the existence of a system of royal government – that is, it has been used for a guardian of the king, the guardian of the country and the guardian of the *nanggroe*. The term *'Wali raja'* means king, the term 'guardian' of the state means the leader of the state, and the *nanggroe* guardian means the connector of leadership after the loss of the kingdom in Aceh. The term *nanggroe* guardian is considered the same as the guardian of the state, although there are differences in terms and purposes. The use of the symbol of the *nanggroe* guardian at that time was identical to the political movement that aimed to establish a modern Islamic state after the sultanate system, as well as the evolution of the sultanate's political system, which used the title 'guardian of the king'.

The term *Wali Nanggroe*, after the end of the royal government system in Aceh, was brought back by Dr Muhammad Hasan Di Tiro, as the Free Aceh Declarator (GAM), which was proclaimed on 24 May 1977 on Mount Halimon Aceh Pidie (Sulaiman, 2000). The Free Aceh

Movement (GAM) emerged as a result of disappointment with the position of Aceh in the system of government of the Republic of Indonesia. Starting from the 1970s, the President of Republic of Indonesia, Ir. Suharto began to extract Aceh's natural resources through plans for multinational projects (Pane, 2001).

The leadership of the guardian of the *nanggroe* carried by Hasan Tiro, due to blood relations and historical reasons with the *'endatunya'* Tgk Chik Muhammad Saman. The descendants of Tiro were considered as *paranawan* and leaders of the Acehnese people while fighting against the Dutch (Tiro, 2013). At that time, the state of Aceh Darussalam's royal government was in a precarious situation due to the attack of the Dutch under the leadership of the Sultan Daud Syah, the last sultan of the kingdom of Aceh Darussalam, who had fought against the Dutch. The sultan had to continue to avoid the pursuit of the Netherlands so that he could still maintain the sovereignty of his country. At the time, the Dutch launched their action continuously so that the central government was moved to Keumala, all parliamentarians consisting of Tuanku Raja Keumala, Tuanku Banta Hasyem and Tgk Panglima Polem and Tgk Chik in Tanoh Abe Syeh Abdul Wahab handed over Aceh's royal power to Tgk Chik di Tiro on 28 January 1874 as the person in charge and in full power in the State of Aceh (Djalil, 2009).

Since then Tgk Chik di Tiro Muhammad Saman has served as Aceh's mayor. with the title 'Mukarram Maulana al Mudabbir al Malik' Teungku Tjhik di Tiro, which is contained in the *sarakata wali nanggroe* written by Hasan Tiro (Tiro, 2013). According to Hasan Tiro, on the basis of the struggle of the descendants of Tiro which began with the appointment of Tgk Chik di Tiro as the leader of the war, the power was transferred to the descendants of Tiro (Sulaiman, 2000).

The Wali Nanggroe leadership model in Aceh had existed during the reign of the Aceh sultanate, which was long before Aceh joined Indonesia. Historically, the first *nanggroe* guardian was crowned as a successor to the Acehnese king to lead the war, which at that time was the government of Aceh in an emergency situation. The election of the Aceh *nanggroe* guardian at that time was not from the descendants of the king. Later, during the Aceh Declarator Merdekan, Dr Muhammad Hasan Tiro tried to fight for the concept of an independent state in Aceh, and separated from the concept of the State of the Republic of Indonesia.

The controversy over the necessity for a genealogical calculation of being a *nanggroe* guardian in Aceh developed among the community, political elites and observers of Aceh's history, whether it should be defended from Hasan di Tiro's pedigree from his great-grandfather Tgk Chik Muhammad Saman di Tiro to Hasan di Tiro, or maybe from other elements of the community, including Malik Mahmud from GAM combatants who had a

direct history of the struggle in Aceh. Malik Mahmud was not a descendant of Tgk Chik di Tiro, who served as Aceh's *naggroe* guardian; he was first installed at the end of 2013 and reinstalled at the end of 2018 as the ninth Aceh *Wali Nanggroe*. For this reason, ideally the future selection of the Acehnese guardian of Aceh must be returned to the entire Acehnese people. There also needs to be a mechanism for democratic involvement of the people, to accommodate the aspirations of indigenous peoples (Ishak, 2013). The appointment of Malik Mahmud as the guardian of the Acehnese during this time was simply a result of the close relationship with Hasan Tiroe.

Principles of Legal Justice and Election of Wali Nanggroe

Justice in English literature comes from the Latin word *jus*, which means law or rights. The word 'justice' as 'lawfulness' means legal validity. A broader meaning is 'fairness', which is commensurate with feasibility. In line with Aristotle's view of the term 'fairness in human action', it is feasibility, balance or the same proportion that must be given among the same people (Rapar, 2019). So justice is understood to be not biased, it refers to 'siding with or holding on to the truth'. The meaning of justice is one trait that must be possessed by humans to uphold the truth to anyone without exception, even though it will harm itself.

A trustworthy law must therefore be established fairly without any sense of hatred and other negative characteristics (QS.4: 58). According to Plato, the idea of justice is absolute and eternal; objectivity and totality can be the source of everything that exists (Rapar, 2019). Justice is the order of people who control themselves (Rapar, 2019). Pouring the concept of legal justice in a country must be attached to the legal objectives to be applied. According to Tourtoulon, 'Lex injusta non est lex', which means that an unfair law is not a law; the idea of legal justice requires the giving of rights, protection and self-defence to everyone. According to ethical theory, mentioning the purpose of law is solely for justice. Then the contents of the law are also determined by ethical beliefs about what is fair and unfair.

According to John Rawls (2006), there are three solutions to the problem of justice. The first is that the same principle of freedom for everyone (*principle of greatest equal liberty*) must be accommodated. The *principle of difference* is formulated as: *social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and office open to all.* This formulation is a modification of the first formula, which requires the equality of all people. The third is the creation of the principle of equality in justice to obtain opportunities for every human being (*the principle of fair equality of opportunity*), which must be arranged in such a way that everyone will have the opportunity to enjoy it. According to Friedmann, the principle of equality must contain two meanings. First, equality is seen as an element of justice, in which universal values can be interpreted to mean one side of the law; this can be seen from the

term 'justice', which means law, but on the other hand, justice is also a legal goal. Second, equality is a right, as can be seen from the provisions of *The Universal Declaration Human Rights 1948* (Hikmawan, 2020).

Formulating legal justice as a dynamic process, which is often dominated by forces that fight in the general framework of political order to actualise it (Friedrich, 2004). Creating a rule of law that does not provide access to the creation of a democratic system will only have implications for a sense of mistrust of the people in the ruling elite, which is considered not to accommodate the interests of *legal plurality*. Therefore, the application of a legal rule that is not based on the interests of the people is considered *lex injusta non est lex* – that is, an unfair law is not a law. To the contrary, the idea of justice requires giving to each person the right to protection and self-defence.

Tourtoulon (1950) states that legal justice must be attached to legal objectives. In terms of formulating the rules for the election of Aceh's *Wali Nanggroe*, justice is inherent in the decisions of the Acehnese people entirely based on democracy – namely, to safeguard the synergy of pluralist indigenous peoples. It also provides space for the diversity of customary laws and customs based on the mandate of MOU Helsinki and Law Number 11 of 2006 concerning the Aceh Government (Jalil et al., 2019). The pouring of the principle of justice in the legal norms of the *nanggroe* guardian in Aceh does not mean returning to the nostalgia of the past, but requires appreciation of or response to life values, especially in the administration of government regulations that once existed in ancient Qanun Al-Asyi Kingdom of Aceh Darussalam. For us to develop into new values that are able to respond to present developments, and that can strengthen and perfect the shortcomings of formal government leadership in order to realize a new, advanced and modern Aceh, the basis still rests on the noble values that grow and develop in society in accordance with the will of the people. Therefore the determination of the Acehnese guardian's election does not have to be felt through the mechanism of direct appointment by a special team that is signed by the *nanggroe* guardian, but must be returned to the Acehnese people to be democratically and transparently elected, so the chosen guardian will truly be perceived as shared by all tribes and groups of indigenous people in Aceh.

A leader of the *Wali Nanggroe* institution in Aceh is expected to be able to become a leader for indigenous peoples: (1) as a unifier of the Acehnese community; (2) realizing the implementation of Islamic teachings, benefiting the people, upholding the principles of justice and maintaining the realisation of community peace; (3) maintaining sovereignty, honour and authority of the politics, customs and historical traditions of Aceh; and (4) realizing that the government of Aceh is dignified in order to prosper. The existence of the *naggroe* guardian is expected to be able to create added value in the management of social life, which is able to deal with negative influences from the current era of

modernization and globalization. The *nanggroe* guardian institutions and other customary instruments have the most substance and authority, so they must be an alternative force in the implementation of various social problems when formal power is unable to do so.

Formulating the Wali Nanggroe Election Law Policy Direction

The policy direction of the legal policy for the election of the nanggroe guardian is a legal political choice for justice. According to Soedarto, the formulation of a legal rule that is fair must pay attention to the direction of policy from the state through the bodies authorised to regulate the desired regulations, which are expected to be used to express what is contained in the community to achieve its aspirations. The formulation of the direction of legal political policies is important – among others: (1) the existence of order, which will facilitate the legal function as a driver of development; (2) ensuring rights, so everyone can fulfil their human potential, not be oppressed because other people violate their human rights or demand their rights without thinking about the interests of others; (3) guidelines for program activities for a plan to achieve long-term goals – this policy is like a guide and a sign in achieving activities; (4) referrals to implementers of legal policies that are made or issued in accordance with the developments that occur.

According to Roscoe Pound, 'law must be seen and seen as a social institution that functions to meet social needs'. Emile Durkheim also stated that in relation to the principle of policy, 'law is a reflection of social solidarity in society', therefore legal development can achieve the goal, and the rule of law of the government must pay attention to stability in all fields relating to national interests, in alignment with elements of the religion, culture and customs of the community so the basic interests of the community are fulfilled. Formulating the rule of law for the election of a *nanggroe* guardian in Aceh must therefore be a reflection of social solidarity in the entire Acehnese community. This means the election of the *nanggroe* guardian must include all the people as a reflection of the democracy we must uphold.

The role of the Aceh government here is as a *role occupant*, to develop laws that are relevant to the times and are able to accommodate the social interests of the people, so the formulated legal rules are not just letters of dead letters (*black letter law*) but normatively bind citizens through the criteria of fair legal development – among others, lawful, impartial, equal, fair, equitable and morally right. Such legal considerations are in the Aceh Qanun regarding the election of *nanggroe* guardians.

Approach to the Wali Nanggroe Concept and Election Model

Aceh was once led by the monarchy, but has evolved and stopped at Hasan Muhammad Di Tiro as the Declaration of the Free Aceh (GAM), as a warrior descendant and hero. Now it has returned to the Republic of Indonesia (NKRI) legal system. It also had an impact on

determining the selection of the Aceh *nanggroe* guardian, which had to be returned to the sovereignty of the rule of law and the sovereignty of the whole Acehnese people. This condition means the people of Aceh must choose the *nanggroe* guardian based on the literature on the Indonesian legal system. The electoral system and institutional structure of the *nanggroe* guardian can be modernised towards a more lucrative and newer model, for example practised by countries in the world that dare to abandon the monarchy, to the republic system, or to combine the two concepts.

The process of the evolution of European nations towards being modern countries moved through the stages of feudalism, absolute monarchy, aristocratic domination and the 'popular' formula in the late Middle Ages. This is an inevitable phenomenon of the European nation (Chengdan, 2010). In early France in 1756, Montesquieu opposed noble trade, which claimed that the absolutist system of the kingdom had turned nobles into an unemployed class without political, economic or military functions, which contrasted sharply with the dynamism of modern commercial society (Adam, 2003). Countries with a constitutional monarchy in a republican state – namely, the United Kingdom, France, Germany and the United States – are examples in which sovereign power can exist in an independent state. The concept of this unique sovereignty, claimed by the people (people's sovereignty), regulates the behaviour of the state.

In the Russian state, change began with political and legal debates towards the third path. Some basic parameters of law and justice are in the process of finding solutions to the fundamental problems of the post-Soviet transition period that have been applied in Russia during a transition period of the post-Soviet Russian government. Law is defined in contemporary political science as a special form of social organisation that represents itself as values, norms and facts (Medushevsky, 2012). In the aftermath of the 1979 Revolution in Iran, the shape of the state was altered from a system of the monarchy to the Islamic Republic of Iran through the system of the Region of al-Faqih (authority/authority of religious experts). This system fulfils two conditions. First, it must be legal, meaning that it has received the blessing/legality from God as the legislator. This blessing given by Allah is only to people who already know more about Allah and its laws (Prophet/Apostle, Imam, Faqih/religious expert). Second, it must be legitimate, from the people, and can be obtained through elections.

The arrangement of the concept of election of leaders of customary and religious institutions in Malaysia that are initiated or contested is regulated in the state constitution, and the basic law of the State of Malaysia. The establishment of a system of electoral kings is regulated in a constitutional manner in Malaysia. The king in question is chosen every five years in turn, according to the ethnic groups there, in order to build a sense of unity and multi-ethnic unity, and to avoid chauvinism, meaning understanding that no ethnic (tribe) is superior to other

tribes. The point is formulated as joint political ideals, not ideals of tribalism. Based on countries making fundamental changes to the system of the legal and political rules of their respective nations, it is clear that the interpretation of complex legal rules is carried out on the Acehnese *nanggroe* guardian election model in a fair manner.

The pouring out of the principle of justice in the legal norms for the election of the *nanggroe* guardian in Aceh is a multidimensional phenomenon that needs to consider the competing related parameters, including justice as an ideal tradition, norm or history; division of power between community entities; control mechanisms; allocating rights; coordination; pre-commitment; strengthening the power of indigenous peoples; and reconstructing legal institutions through cognitive theory and information approaches based on local wisdom. It is important to articulate national identity based on local wisdom.

Conclusion

Based on historical background and fact, the recent *Wali Nanggroe* does not have any family trees in common with previous kings of Aceh. The chosen *Wali Nanggroe* is elected purely by the winning party, through by-laws of Aceh known widely as Qanun. The pouring principle of justice in the legal norms for the election of Aceh's *Wali Nanggroe* is regulated in Qanun No. 8 of 2012. Article 70, Paragraph 1, by the special commission for the election of the *nanggroe* guardian, is carried out by means of not regulating the mechanism of people's involvement The regulation of the election of *nanggroe* guardians stipulated in the legal regulations reaps controversy and problems in Acehnese society; this is contrary to the mandate of the MOU of Helsinki Act No. 11 of 2016 concerning the Aceh government and the spirit of peace that has been built together within the framework of the NKRI.

The election of the *Wali Nanggroe*, which functions as a factor unifying indigenous communities in Aceh, should be known to all Acehnese people and democratically elected by the Acehnese people as a whole. For this reason, it is important that modernisation of the rule of law for the election of the *nanggroe* guardian is carried out as well as its institutional structure through complex legal interpretations. Such implementation is a multidimensional phenomenon and must pay attention to several main parameters, namely justice as an ideal tradition, norm or history; division of power between community entities; control mechanisms; allocating rights; coordination; pre-commitment; strengthening the power of indigenous peoples; and reconstructing legal institutions through cognitive theory and information based on local wisdom and articulating national identity.

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