

Regional Government According to the 1945 Constitution: Ideas Refinements and Law Reform

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Abstract

The concrete division of authority for government affairs between the center and the regions is still a matter of debate to this day, even though in principle the principle of broadest autonomy requires regional governments to carry out government affairs independently and freely. The principle of broadest autonomy in question is the independence of regional heads' powers. This research discusses things that hinder the role of regional governments in administering government according to the principle of broad autonomy and provides ideas for government

models that are in accordance with the principles of concrete and pure autonomy in accordance with the mandate of the Indonesian constitution. This research aims to establish a regional government system that regulates the implementation of autonomous government in accordance with the principle of the widest possible autonomy as mandated by article 18 of the 1945 Constitution. This research is qualitative research, which is a normative legal study using a statutory, conceptual approach, and doctrinal. The material collection technique is through literature review, then the material is processed and analyzed in depth and presented in a descriptive analytical prescriptive manner. The results of this research found that there is a need for comprehensive management of regional affairs by regional heads as an embodiment of the principle of broadest autonomy.

Keywords

Regional Government; Autonomy; the 1945 Constitution, Law Reform

Introduction

Autonomy is defined as being independent with self-government. The definition of regional autonomy is the right, authority and obligation of the region to regulate and manage its own household in accordance with applicable laws and regulations.¹ This means that regional autonomy is a government that has the authority to regulate its own government system in the form of making rules for the interests of its own region,² as well as regulating the interests of its people.³ Literally, regional autonomy comes from the words autonomy and region.⁴ In Greek, autonomy comes from the words *autos* and *nomos*. Autos means

¹ Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia (KBBI)* (Jakarta: Kementerian Pendidikan dan Budaya, 2020).

² Adriaan Bedner and Yance Arizona, "Adat in Indonesian Land Law: A Promise for the Future or a Dead End?," *The Asia Pacific Journal of Anthropology* 20, no. 5 (2019): 416–34, <https://doi.org/10.1080/14442213.2019.1670246>.

³ Arum Sutisrini Putri, "Pengertian Otonomi Daerah Dan Dasar Hukumnya," 2019, <https://www.kompas.com/skola/read/2019/12/16/110000069/pengertian-otonomi-daerah-dan-dasar-hukumnya?page=all#page2>.

⁴ Muhammad Mutawalli, *Dinamika Partai Politik Indonesia: Problematika Penarikan Dukungan Calon Kepala Daerah* (Banyumas: Wawasan Ilmu, 2023).

alone and *namos* means rules or laws, autonomy means making your own laws (*zelfwetgeving*) but in its development, the concept of regional autonomy besides containing the meaning of *zelfwetgeving* (making local regulations), also mainly includes *zelfbestuur* (self-government).⁵ So that autonomy can be interpreted as the authority to regulate themselves or the authority to make rules to manage their own household.⁶ While the area is a legal community unit that has territorial boundaries.⁷

In interpreting the definition of the word regional autonomy, experts also expressed their opinion, according to H.M. Agus Santoso, the definition of regional autonomy includes the following:

1. C. J. Franseen, regional autonomy is the right to regulate regional affairs and adapt the regulations that have been made with it;
2. J. Wajong, regional autonomy as the freedom to maintain and advance the special interests of the region with its own finances, determine its own laws and self-government.
3. Ateng Syarifuddin, regional autonomy as freedom or independence but not independence. However, this freedom is limited because it is a manifestation of the provision of opportunities that must be accounted for.⁸

Indonesia is a country that was formed on August 17, 1945 where Indonesia officially has a very wide area which is divided into islands and can be united into the archipelago, with the motto *Bhinneka Tunggal Ika*, all the people can be united, as Soepomo said, in *Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia* (BPUPKI) session on May 31, 1945, that the State is an integral composition of society,

⁵ Achmad Fauzi, "Otonomi Daerah Dalam Kerangka Mewujudkan Penyelenggaraan Pemerintahan Daerah Yang Baik," *Jurnal Spektrum Hukum* 16, no. 1 (2019): 119–36, <http://dx.doi.org/10.35973/sh.v16i1.1130>.

⁶ F Utama, E Evana, and R Gamayuni, "The Effect of Local Government Characteristics on Performance of Local Government Administration," *International Research Journal of Business Studies* 12, no. 2 (2019): 197–208, <https://doi.org/dx.doi.org/10.21632/irjbs.12.2.197-208>.

⁷ Republik Indonesia, *Undang-Undang Republik Indonesia Nomor 32 Tahun 2004 Tentang Pemerintahan Daerah* (Jakarta: Sekretariat Negara, 2004).

⁸ Nuryadi dan Tolib, *Pendidikan Pancasila Dan Kewarganegaraan SMA/MA/SMK/MAK Kelas X* (Jakarta: Kementerian Pendidikan dan Budaya, 2016), 105-106.

all groups, all layers, all members are closely related to one another, and constitute an organic community unit.⁹

Due to the vast territory of the Republic of Indonesia which is divided into archipelagic forms and regions in running the government, the principle of the Unitary State of the Republic of Indonesia cannot be separated from the principle of decentralization or regional autonomy which was based on Article 18 of the 1945 Constitution before the amendment. Which reads: "The division of Indonesian regions on the basis of large and small with the form of government structure is determined by law by observing and living the basis of deliberation in the state government system and the rights of origin in special regions". Then, regarding regional autonomy, it is strengthened and described in detail in the amendments to the 1945 Constitution, which are related to the principles of the Unitary State and the principles of Regional Autonomy which cannot be separated between Article 1 paragraph (1) of the 1945 Constitution and Article 18 of the 1945 Constitution either before or after the amendment. and it can be concluded, among other things, "In the framework of the Unitary State of the Republic of Indonesia and taking into account the purpose of granting autonomy to the regions, the implementation of regional autonomy by regional governments is a sub-system of the state government system, especially executive government organized by the central government, regional governments to village governments, with power-sharing system in accordance with its authority".¹⁰

The government and the interests of the local community must comply with the applicable laws and regulations.¹¹ In essence, the function of regional autonomy for regional governments is to provide

⁹ Muzayyin Ahyar and Ni'matul Huda, "Islamic Constitutionalism: Social Movement and The Framework of The Indonesian Constitution," *Constitutional Review* 7, no. 2 (2021): 326–49, <https://doi.org/10.31078/consrev726>; Ahmad Yasin, "Isi Rumusan Pancasila Menurut Mr. Soepomo Dalam Sidang BPUPKI 1945," *Tirto.id*, 2022, <https://tirto.id/isi-rumusan-pancasila-menurut-mr-soepomo-dalam-sidang-bpupki-1945-gtZY>.

¹⁰ Tedjo Sumarto, *Bentuk Negara Dalam Implementasinya Menurut Undang-Undang Dasar 1945, Dalam Padmo Wahyono (Penghimpun), Masalah Ketatanegaraan Indonesia* (Jakarta: Ghalia Indonesia, 1984).

¹¹ Muttaqin, Z. "Formalization of Islamic Law in Indonesia in the Framework of Social Engineering Theory by Roscoe Pound." *El-Mashlahah* 11, no. 2 (2021): 97-115.

space for movement or a forum to work independently as needed or as necessary for regional governments to manage and regulate their own regions and their own people so that in the future they are more empowered to be able to compete in cooperation, professionally, especially in running local government and smart,¹² and creative in managing natural resources and the potential of the area, whether it be in the form of cultural advantages, customs, and so on. Regional autonomy aims to increase community participation and accountability in government administration. The guarantee of community participation in the form of local regulations has not yet become a necessity and obligation for local governments.¹³ In development planning and budgeting, for example, it is still seen as being exclusively dominant by the government and its existence must be kept secret from public access, especially from the public.¹⁴ On the other hand, the opportunity for the community to exercise control over the government's performance has also not materialized, this is due to the absence of institutionalized procedures and mechanisms that allow the community to make complaints and control development performance.¹⁵ Complaints from the community are never known how the results will be, as a result the community does not get information whether the complaints submitted have been heard and followed up.¹⁶

The legal basis for implementing regional autonomy is the 1945 Constitution, in Articles 18, 18A, and 18 B of MPR Decree Number

¹² Wibowo, Sugeng, Khudzaifah Dimiyati, Absori Absori, Kelik Wardiono, Tomás Mateo Ramon, Arief Budiono, and Vanka Lyandova. "Islamic Nomocracy: from the Perspectives of Indonesia, Spain and Russia." *Legality: Jurnal Ilmiah Hukum* 31, no. 1 (2023): 91–111.

¹³ Jimly Asshiddiqie, "Building a Constitutional Aware Culture to Create a Democratic Law State," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 8, no. 1 (2023): 1–11, <https://doi.org/10.22373/petita.v7i2.128>.

¹⁴ A Ahsin Thohari, "The Manifestation of the Rechtsidee of Pancasila in Regulating the Constitutional Rights in Indonesia," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 4, no. 2 (2019), <https://doi.org/10.22373/petita.v4i2.23>.

¹⁵ Siboy, A., I. Permadi, Z. P. Karim, and F. A. Karim. "The Islamic Law-Based Design of Regional Head Post-Filling." *Legality: Jurnal Ilmiah Hukum* 32, no. 1, (2024): 1-15.

¹⁶ Eko Prasajo, "People and Society Empowerment: Perspektif Membangun Partisipasi Publik," *Jurnal Ilmiah Administrasi Publik* 4, no. 2 (2004): 10–24, <https://dispar.ciamiskab.go.id/wp-content/uploads/2017/07/EKO-PRASOJO-Perspektif-Membangun-Partisipasi-Publik.pdf>.

XV/MPR/1998 concerning the Implementation of Regional Autonomy, Regulation, Distribution, and Equitable Utilization of National Resources, as well as the Balance of Central and Regional Finances in Framework of the Unitary State of the Republic of Indonesia Decree of the MPR Number IV/MPR/2000 concerning Policy Recommendations in the Implementation of Regional Autonomy Law Number 23 of 2014 concerning Regional Government Law Number 33 of 2004 concerning the Balance of Central Finance and Regional Government.¹⁷ The dynamics of administering regional government in Indonesia are always changing along with developments that occur in accordance with changes in constitutional politics which have undergone several changes, namely the beginning of independence, the era of liberal democracy, the era of guided democracy, the new order era and the current order of reform. The election of a unitary state with a decentralized system which forms the basis for the establishment of autonomous regions has been an option since the beginning of the establishment of the State of Indonesia, this can be seen in the 1945 Constitution which was ratified on August 18, 1945, regulated in Article (1) the State of Indonesia is a unitary state. in the form of a republic, and Article 18 The division of Indonesia's territory into large and small regions, with the form of government structure stipulated by law,¹⁸ taking into account and bearing in mind the basis of deliberation in the state government system, and original rights in regions that are special.¹⁹ At the beginning of the reform era, there were many demands for reform that were based on various components of the nation, between the demands for reforms that were urged by various components of the nation,²⁰ between the demands for

¹⁷ Lintje Anna Marpaung et al., *Hukum Otonomi Daerah Dalam Perspektif Kearifan Lokal* (Surabaya: Pustaka Media, 2019).

¹⁸ J Sampe, R Ristawati, and B Hakyu, "The Guardian of Constitution: A Comparative Perspective of Indonesia and Cambodia," *Hasanuddin Law Review* 9, no. 2 (2023): 211–32, <https://doi.org/dx.doi.org/10.20956/halrev.v9i2.4627>.

¹⁹ E Fernando M Manullang, "Mempertanyakan Pancasila Sebagai Grundnorm: Suatu Refleksi Kritis Dalam Perspektif Fondasionalisme," *Jurnal Hukum & Pembangunan* 50, no. 2 (2020): 284–301, p. 296, <https://doi.org/10.21143/jhp.vol50.no2.2584>.

²⁰ A Fauzia, F Hamdani, and D G R Octavia, "The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law," *Progressive Law Review* 3, no. 1 (2021): 12–25, p. 15, <https://doi.org/10.36448/plr.v3i01.46>.

the amendment of the 1945 Constitution and decentralization and a fair relationship between the center and the regions (autonomous regions).²¹

Amendments to the 1945 Constitution resulted in changes to the legal politics of regional autonomy as regulated in Articles 18, 18 A and 18 B which, among other things, contained the principles of:²²

1. The regional principle regulates and manages government affairs on its own according to the principle of autonomy and co-administration (Article 18 paragraph 2).
2. The principle of exercising the widest possible autonomy (Article 18 paragraph 5).
3. The principle of regional specificity and diversity (Article 18 A paragraph 1).
4. The principle of recognizing and respecting customary law community units and their traditional rights (Article 18 B paragraph 2).
5. The principle of the relationship between the center and the regions must be implemented in a harmonious and fair manner (Article 18 A paragraph 2).

These principles are currently implemented by Law Number 23 of 2014 concerning Regional Government, which is a new chapter in the implementation of regional autonomy as well as revoking the enactment of Law Number 32 of 2004 concerning Regional Government.²³

In addition to the legal basis above, there are several laws and regulations that have been and are still in effect in the implementation of regional autonomy in Indonesia, as follows:²⁴

²¹ Sekretariat Jenderal MPR RI, *Panduan Pemasyarakatan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Sesuai Dengan Urutan Bab, Pasal, Dan Ayat* (Jakarta: Sekretariat Jenderal MPR RI, 2010).

²² Ni'matul Huda, *Hukum Tata Negara Indonesia* (Jakarta: Raja Grafindo Persada, 2014).

²³ Muhammad Mutawalli and Zuhilmi Paidi, "Periodic Principles in General Elections: Orientation and Implications in Indonesia," *Jurnal Penelitian Hukum De Jure* 23, no. 3 (2023): 357-74, <https://doi.org/10.30641/dejure.2023.V23.357-374>.

²⁴ Nuryadi dan Tolib, Pendidikan Pancasila dan Kewarganegaraan SMA/MA/SMK/MAK Kelas X, 108-109.

1. Law Number 1 of 1945 concerning Regional National Committees (KND).
2. Law Number 22 of 1948 concerning the Principles of Regional Government.
3. East Indonesia State Law Number 44 of 1950 concerning Regional Government of East Indonesia.
4. Law Number 18 of 1965 concerning the Principles of Regional Government.
5. Law Number 5 of 1974 concerning the Principles of Regional Government.
6. Law Number 22 of 1999 concerning Regional Government.
7. Law Number 25 of 1999 concerning Financial Balance between Central and Regional Governments.
8. Law Number 32 of 2004 concerning Regional Government.
9. Law Number 33 of 2004 concerning Financial Balance between the Central Government and Regional Government.
10. Perpu Number 3 of 2005 concerning Amendments to Law Number 32 of 2004 concerning Regional Government.
11. Law Number 12 of 2008 concerning the Second Amendment to Law Number 32 of 2004 concerning Regional Government.
12. Law Number 2 of 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2014 concerning Amendments to Law Number 23 of 2014 concerning Regional Government.
13. Law of the Republic of Indonesia Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government.

Based on the legal basis above, the regional government has various powers in the implementation of autonomous government, in addition to carrying out its authority there are several factors that are the cause of the constrained role of local governments in the implementation of autonomous government.

This research uses qualitative research. The method used in this research is a normative legal research method, namely an approach based on the treatment of theories and concepts from various existing legal sources. To achieve the expected results, the use of good and correct methods and processes is of course very important. This research uses a legislative, contextual and philosophical approach that focuses on

constitutional law in implementing an autonomous government with Islamic principles

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The authority of the delegated regional government may include the authority of *zelfwetgeving* and *zelfbestuur*, which accommodates the interests of the people in democratic governance.²⁵ However, in the essence of a unitary state, the delegation of authority does not mean that it is free from the intervention and control of the central government, because the legal standing of local governments in this case is "sub-ordinate" to the central government.²⁶

In Article 18A of the 1945 Constitution of the Republic of Indonesia, it is clearly stated that the relationship of authority and finance between the center and the regions is as follows:

1. The relationship of authority between the central government and provincial, district and city governments or between provinces and districts and cities, shall be regulated by law with due observance of the specificity and diversity of the regions; and
2. Financial relations, public services, utilization of other natural resources between the central government and local governments are regulated and implemented fairly and in harmony based on the law.

Based on the above provisions, it can be said that in general the relationship between the center and the regions, both concerning the relationship of authority and finance, must be carried out fairly, in harmony and pay attention to the specificity and diversity of the region and must be regulated by law.²⁷ In terms of carrying out autonomy, the

²⁵ Liberthin Palullungan, Lisma Lumentut, and Zainal Amin Ayub, "Reconstruction of The Vice Regent's Position in Optimization of Regional Autonomy: Realizing Democratic and Justice Values," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (2023): 281–91, <https://doi.org/10.29303/ius.v11i2.1235>.

²⁶ Miriam Budiardjo, *Dasar-Dasar Ilmu Politik* (Edisi Revisi) (Jakarta: Gramedia Pustaka Utama, 2008), 104-105.

²⁷ Muhammad Fauzan, *Hukum Pemerintahan Daerah: Kajian Tentang Hubungan Antara Pusat Dan Daerah* (Yogyakarta: UII Press, 2006).

regional government is obliged to realize the security and welfare of the regional community, which includes the following activities:²⁸

1. Protecting the community, maintaining unity and integrity, national harmony, and the relationship with the integrity of the Unitary State of the Republic of Indonesia
2. Improving the quality of people's lives
3. Developing democratic life
4. Realizing justice and equity
5. Improving basic education services.
6. Providing health service facilities.
7. Provide adequate social and public facilities.
8. Develop a social security system.
9. Develop regional spatial planning and layout.
10. Developing productive resources in the regions.
11. Preserving the environment.
12. Manage population administration.
13. Preserving socio-cultural values.
14. Establish and implement laws and regulations in accordance with their authority

The authority of the regional government in the implementation of regional autonomy is carried out broadly, completely, and unanimously which includes planning, implementation, supervision, control, and evaluation in all aspects of government.²⁹ Indicators to determine and show that the implementation of the authority can be said to be running well, it can be measured from the following 3 indications:³⁰

1. Guaranteed balance of development in the territory of Indonesia, both local and national scale.
2. The affordability of government services for the entire population of Indonesia in a fair and equitable manner.

²⁸ Nuryadi and Tolib, Pendidikan Pancasila dan Kewarganegaraan SMA/MA/SMK/MAK Kelas X, 119-120.

²⁹ Hariyanto Hariyanto, "Hubungan Kewenangan Antara Pemerintah Pusat Dan Pemerintah Daerah Berdasarkan Negara Kesatuan Republik Indonesia," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 3, no. 2 (2020): 99-115, <https://doi.org/10.24090/volkgeist.v3i2.4184>.

³⁰ Nuryadi and Tolib, *Pendidikan Pancasila Dan Kewarganegaraan SMA/MA/SMK/MAK Kelas X*, p. 120.

3. Availability of government services that are more effective and efficient

From a legal perspective, authority is at the same time rights and obligations (*rechten en plichten*). In relation to regional autonomy, rights contain the meaning of self-regulating and self-managing powers (*selfbesturen*).³¹ While the obligation has two meanings, namely horizontally and vertically.³² Horizontally means the power to administer the government as it should be, while the authority in the vertical sense means the power to run the government in an orderly state government bond as a whole.³³ One form of power is authority. Authority is power, but power is not always authority.³⁴ If political power is defined as the ability to use resources to influence the process of making and implementing political decisions, then authority is a moral right to make and implement decisions, while affairs are all activities that can be carried out as a result of the existing authority.³⁵

Furthermore, Article 18 of the 1945 Constitution affirms the relationship between the Center and the Regions with the legal politics of decentralization (autonomy) and deconcentration (delegation of authority from the government or central apparatus in the regions within the framework of a unitary state) with a tiered structure and with due observance of the rights of origin special.³⁶ Those are the two main

³¹ Fauzan, *Hukum Pemerintahan Daerah: Kajian Tentang Hubungan Antara Pusat Dan Daerah*.

³² Alfitri Alfitri, "Putusan Mahkamah Konstitusi Sebagai Tafsiran Resmi Hukum Islam Di Indonesia [Constitutional Court Decisions as an Official Interpretation of Islamic Law in Indonesia]," *Jurnal Konstitusi* 11, no. 2 (2016): 296–314, <https://doi.org/10.31078/jk1125>.

³³ Abdul Rauf Alauddin Said, "Pembagian Kewenangan Pemerintah Pusat-Pemerintah Daerah Dalam Otonomi Seluas-Luasnya Menurut UUD 1945," *Fiat Justisia: Jurnal Ilmu Hukum* 9, no. 4 (2015), <https://doi.org/10.25041/fiatjustisia.v9no4.613>.

³⁴ Muhammad Mutawalli et al., "Legislative Elections: An Overview of Closed Proportional System," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 8, no. 2 (2023): 93–109, <https://doi.org/10.22373/petita.v8i2.200>.

³⁵ Said, "Pembagian Kewenangan Pemerintah Pusat-Pemerintah Daerah Dalam Otonomi Seluas-Luasnya Menurut UUD 1945."

³⁶ Aridhayandi, M. Rendi. (2018). Peran Pemerintah Daerah Dalam Pelaksanaan Pemerintahan Yang Baik (Good Governance) Dibidang Pembinaan dan Pengawasan Indikasi Geografis, *Jurnal Hukum & Pembangunan*, 48 (4): 883-902, p.888.

lines of the legal politics of regional autonomy in the Republic of Indonesia.³⁷ Regarding the relationship of power between the Center and the Regions, Indonesian legal politics continues to take the form of a unitary state (Article 1 of the 1945 Constitution after the fourth amendment), with a system of decentralization and deconcentration as well as the principle of broad autonomy that takes into account the origins of regional specificity (Article 18 of the 1945 Constitution after the fourth amendment).³⁸

The Republic of Indonesia as a unitary state adheres to the principle of decentralization in the administration of government, by providing opportunities and flexibility to regions to carry out regional autonomy.³⁹ The implementation of regional autonomy in Indonesia is carried out in order to improve the welfare of the people.⁴⁰ The development of an area can be adjusted by the regional government by taking into account the potential and uniqueness of each region. This is a very good opportunity for the local government to prove its ability to carry out the authority that is the right of the region. The implementation of regional autonomy is not only based on legal references, but also as the implementation of the demands of globalization which is empowered by giving the regions a wider, more real, and responsible authority, especially in regulating, utilizing and exploring potential sources that exist in their respective regions. The progress or failure of a region is largely determined by the ability and willingness to implement regional government. Local governments are

³⁷ Sinta Devi Ambarwati, Sudarsono Sudarsono, and Shinta Hadiyantina, "Policies to Control and Evaluate Regional Regulations on Taxes and Levies in Indonesia: Re-Centralisation?," *Jurnal Media Hukum* 30, no. 1 (2023): 33–52, <https://doi.org/10.18196/jmh.v30i1.14172>.

³⁸ Moh Mahfud, *Membangun Politik Hukum, Menegakkan Konstitusi* (Jakarta: Raja Grafindo Persada, 2017), 216–217.

³⁹ Yoeffanca Halim, Fricky Sudewo, and Jestin Justian, "Transformative-Participatory Legal Research Method for Harmonizing The Existence of The Living Law in Indonesia," *Jurnal Media Hukum* 26, no. 2 (2019): 146–57, <https://doi.org/10.18196/jmh.20190130>.

⁴⁰ Bagus Oktafian Abrianto, Farid Ibrahim, and Xavier Nugraha, "Reformulating The Concept of State Principles Based on Ideological and Technocratic Strategic as A Sustainable Development Direction," *Law Reform* 16, no. 1 (2020): 112–26, <https://doi.org/10.14710/lr.v16i1.30309>.

free to create and express themselves in the context of developing their regions.⁴¹

Each region has its own leader and is led by the head of the regional government called the regional head, where the regional head for the province is called the governor assisted by the deputy governor, for the district it is called the regent assisted by the deputy regent and for the city it is called the mayor assisted by the deputy mayor where they democratically elected. For the governor, because his position is also a representative of the central government in the province concerned.⁴² This means that the governor bridges and shortens the control of the implementation of government duties and functions, including in the guidance and supervision of the administration of government affairs at the city district government strata,⁴³ the governor is also responsible to the president.⁴⁴ The implementation of local government uses the principle of autonomy and co-administration. Thus, co-administration tasks are obligations to implement regulations whose scope of authority is characterized by the following three things:⁴⁵

1. The material implemented does not include households in autonomous regions. The material carried out does not include households in autonomous regions.
2. In carrying out co-administration tasks, the autonomous region has the flexibility to adjust everything to the specificity of the region as long as the regulations allow.
3. Co-administration tasks can be delegated only to autonomous regions

⁴¹ Nuryadi dan Tolib, *Pendidikan Pancasila dan Kewarganegaraan SMA/MA/SMK/MAK Kelas X*, 106-107.

⁴² N Prasetyo et al., "The Politics of Indonesias Decentralization Law Based on Regional Competency," *Brawijaya Law Journal* 8, no. 2 (2021): 159–84, <https://doi.org/10.21776/ub.blj.2021.008.02.01>.

⁴³ Paula Giliker, "Codification, Consolidation, Restatement? How Best to Systemise The Modern Law of Tort," *International & Comparative Law Quarterly* 70, no. 2 (2021): 271–305, <https://doi.org/10.1017/S0020589321000087>.

⁴⁴ M Syaiful Aris, "Opportunities and Challenges in the Implementation of Plurality-Majority (District) Electoral System for Strngthening the Indonesian Presidential System," *Yuridika* 37, no. 3 (2022): 563–89, <https://doi.org/10.20473/ydk.v37i3.37604>.

⁴⁵ Nuryadi and Tolib, *Pendidikan Pancasila Dan Kewarganegaraan SMA/MA/SMK/MAK Kelas X*, p. 117-118.

In terms of the division of government affairs in government affairs, the Law of the Republic of Indonesia Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government states that regional governments carry out government affairs under their authority, except for government affairs which are governed by law. determined to be the affairs of the central government.⁴⁶

Some of the affairs that are under the authority of the regional government for districts/cities include the following:

1. Development planning and control.
2. Planning, utilization, and supervision of spatial planning.
3. Implementation of public order and public peace.
4. Provision of public facilities and infrastructure.
5. Handling the health sector.
6. Implementation of education.
7. Overcoming social problems.
8. Services in the field of employment.
9. Facilities for the development of cooperatives, small and medium enterprises.
10. Environmental control.
11. Land service

After learning about the authority of the regional government for districts/cities, this time discussing the authority of the province according to Government Regulation Number 2 of 2015 concerning the authority of the province as an autonomous region covering the fields of agriculture, marine, mining and energy, forestry and plantations, industry and trade, cooperatives, investment, tourism, employment, health, national education, social, spatial planning, land, settlements, public works, and transportation, environment, domestic politics and public administration, development of regional autonomy, regional financial balance, population, sports, laws and regulations, and

⁴⁶ Republik Indonesia, *Undang-Undang Republik Indonesia Nomor 9 Tahun 2015 Tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah* (Jakarta: Sekretariat Negara, 2015).

information.⁴⁷ In terms of carrying out autonomy, local governments have an obligation to realize security and welfare for local communities, which includes the following activities:⁴⁸

1. Protecting society, maintaining unity, national harmony and the integrity of the Unitary State of the Republic of Indonesia (NKRI). Protecting the community, maintaining unity and integrity, national harmony, and the integrity of the Unitary State of the Republic of Indonesia (NKRI).
2. Improving the quality of people's lives.
3. Developing democratic life.
4. Realizing justice and equity.
5. Improving basic education services.
6. Providing health service facilities.
7. Provide adequate social and public facilities.
8. Develop a social security system.
9. Develop regional spatial planning and layout.
10. Developing productive resources in the regions.
11. Preserving the environment.
12. Manage population administration.
13. Preserving socio-cultural values.
14. Establish and implement laws and regulations in accordance with their authority.

In addition to discussing the authority and election of regional heads, the issue of hierarchical relations between Provinces and Regencies/Cities as well as the tendency to cause conflicts in various regions is also a strong enough reason to amend Law Number 22 of 1999. In line with that, the 2000 MPR Annual Session has also made changes: to Article 18 of the 1945 Constitution through the Second Amendment which apparently requires the regulation of regional government differently from that stipulated in Law Number 22 of 1999.

The original text (before the Second Amendment) of Article 18 of the 1945 Constitution is: "The division of the Indonesian region into

⁴⁷ M Fabian Akbar et al., "The Financial Balance Policy Between Central and Local Government: Toward More Just Financial Allocation.," *Yuridika* 38, no. 2 (2023): 415–30, <https://doi.org/10.20473/ydk.v38i2.42904>.

⁴⁸ Nuryadi dan Tolib, Pendidikan Pancasila dan Kewarganegaraan SMA/MA/SMK/MAK Kelas X, 118-120.

large and small regions, with the form of government structure stipulated by law, taking into account and remembering the basis of deliberation in the state government system, and the rights of origin. - intestine in special areas." Meanwhile, the explanation of Article 18 of the 1945 Constitution is:⁴⁹

1. Because the State of Indonesia is an *eenheidsstaat*, then Indonesia will not have areas within its environment that are also static. Indonesian regions will be divided into provinces and provincial areas will also be divided into smaller regions. In areas that are autonomous (*streek and locale rechtsgemeenschappen*) or are merely administrative areas, everything is according to the rules that will be stipulated by law. In autonomous regions, regional representative bodies will be held, therefore, even in regions, the government will be jointly based on deliberation.
2. Within the territory of the State of Indonesia, there are approximately 250 *zelfbesturende landchappen* and *volks-gemeenschappen*, such as villages in Java and Bali, states in Minangkabau, hamlets and clans in Palembang and so on. These areas have an original composition, and therefore can be considered as a special area

The State of the Republic of Indonesia respects the position of these special regions and all State regulations concerning these areas will remember the rights of the origin of these regions. The contents of the results of the Second Amendment to the 1945 Constitution are stated in Articles 18, 18A, and 18B which read in full:

Article 18:

- 1) The Unitary State of the Republic of Indonesia is divided into provincial regions and the province is divided into regencies and cities, each of which has a regional government, which is regulated by law.
- 2) The provincial, district and city governments shall regulate and manage their own government affairs according to the principle of autonomy and co-administration.

⁴⁹ Republik Indonesia, *Undang-Undang Dasar Negara Kesatuan Republik Indonesia Tahun 1945* (Jakarta: Sekretaris Jenderal MPR RI, 1945).

- 3) The provincial, district and city governments shall have a Regional People's Representative Council whose members are elected through general elections.
- 4) The governors, regents and mayors respectively as heads of provincial, district, and city governments are democratically elected.
- 5) Regional governments exercise the widest possible autonomy, except for government affairs which are determined by law to be the affairs of the Central Government.
- 6) Regional governments have the right to stipulate regional regulations and other regulations to carry out autonomy and assistance tasks.
- 7) The structure and procedures for administering regional government are regulated in law.

Article 18A:

- 1) The relationship of authority between the central government and provincial, district, and city regional governments, or between provinces and regencies and cities, is regulated by law with due observance of the specificity and diversity of the regions.
- 2) Financial relations, public services, utilization of natural resources and other resources between the central government and regional governments are regulated and implemented fairly and in harmony based on the law

Article 18B:

- 1) The state recognizes and respects special or special regional government units which are regulated by law
- 2) The state recognizes customary law community units and their traditional rights as long 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, which are regulated by law.

The changes that occurred to the contents of Article 18 of the 1945 Constitution require other regulations that are more stringent than those regulated by Law Number 22 of 1999. Therefore, several contents of changes which were later set forth in Law Number 32 of 2004, among others, as described as follows

1. Principles of Autonomy, Division of Affairs, and Hierarchical Relations, In accordance with the provisions of Article 18 paragraph (5) of the Second Amendment to the 1945 Constitution,

Law Number 32 of 2004 adheres to the principle of broad autonomy as stated in the Elucidation of number 1 letter b of the Law which reads: "The principle of regional autonomy uses the principle of autonomy as widely as possible in the sense of regional given the authority to manage and regulate all government affairs outside those that are government affairs as stipulated in this law."

2. Regional Head Election, In this case, Law Number 32 of 2004 adheres to a direct election system that provides broad opportunities for the people to choose their own Regional Head (Kepda) and their representatives
3. Regional Head Accountability, Law Number 32 of 2004 stipulates that the Regional Government is not responsible to the DPRD, because after they are both directly elected by the people, the relationship between the Regional Government and DPRD is a partnership relationship (General explanation of Law Number 32 of 2004).
4. Surveillance System, Law No. 32 of 2004 contains provisions on supervision that previously lacked confirmation in Law No. 22 of 1999 or at least caused controversy.
5. Regional Finance, In Article 79 of Law Number 22 of 1999 it is stated that the sources of regional income consist of Regional Original Income (PAD), balancing funds, regional loans and other legitimate income; while the balancing fund consists of the General Allocation Fund (DAD) and the Special Allocation Fund (DAK). This is not too much of a difference with that, Article 157 of Law Number 32 of 2004 states that regional income consists of regional original income (PAD) and balance and other legitimate income.
6. Regional Staff, Law No. 22/1999 only stipulates that staffing policies are implemented according to need; while Article 129 of Law Number 32 of 2004 states that the (central) government carries out a management development for civil servants in the regions in an equal way in managing management for civil servants nationally.
7. Dismissal of the Regional Head, If Law Number 22 of 1999 opens up a rather easy opportunity for DPRD to overthrow regional heads and/or deputy regional heads (for example with a motion due to a crisis of public confidence), then Law Number 32 of 2004

makes it somewhat difficult for DPRD to dismiss regional heads during their term of office.⁵⁰

Constraints Factors in the Role of Local Governments in the Implementation of Autonomous Government

The wave of democracy accompanied by changes in the national political system in the reform era has shown a relatively strong symptom of the desire of the local people to become independent from the attachment of local governments to the central government.⁵¹ The phenomenon of injustice in the socio-political, economic, educational, legal and cultural dimensions seems to be a benchmark to become the main trigger for several regions that want to be independent from the central government. Apart from that, the reality of equitable development at both the central and regional levels also take part in provoking protests from the community. Various regions that have vast natural resources but in reality, are far from the touch of equitable development. The implementation of regional autonomy often causes various problems which are caused by differences in the readiness of each region in implementing regional autonomy. There are differences in the reach of one region to another, from the center of government, especially from the state capital, which makes the gap in the ability of personnel in local government compared to the capacity and quality of human resources of government officials who are closer to the center of government. Apart from that, not all regions in Indonesia are regions that have superior natural resources (SDA) and human resources (HR), both of which are the main supporting factors for the success of regional autonomy. Local governments that are supported by natural resources and human resources will be more prepared than regions that are otherwise.⁵²

⁵⁰ Mahfud, *Membangun Politik Hukum, Menegakkan Konstitusi*, 224-232.

⁵¹ Muhammad Mutawalli, A Pangerang Moenta, and Muh Hasrul, "Kewenangan Partai Politik Dalam Penarikan Dukungan Bakal Pasangan Calon Kepala Daerah," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 8, no. 1 (2021), <https://doi.org/10.24252/al-qadau.v8i1.18072>.

⁵² Nuryadi and Tolib, *Pendidikan Pancasila Dan Kewarganegaraan SMA/MA/SMK/MAK Kelas X*.

Apart from the lack of natural or human resources in certain areas, there are also various unfinished experiments from certain areas. Since the beginning of independence, the legal politics of regional autonomy has always been outlined through an experimental process that seems to be never finished. It is always changing and changing according to changing political configurations.⁵³ These changes involve various aspects of the autonomy system, such as formal, material aspects, reality, power relations, election methods and so on, which in practice in the field always cause problems that clash with culture and political behavior that always experience tug-of-war between local governments and local governments. the mass itself. Law Number 32 of 2004 concerning Regional Government which is now in force and is also the last response to political demands has also caused problems so that it must be considered as part of an experiment that has not been completed and must be repaired, even though it only concerns certain things.⁵⁴

After the authority of the regional government has been running for some time, it seems that the policy actually creates the impression that the autonomy granted to the regional government actually causes several negative impacts.⁵⁵ Some of them are the problem of selecting regional heads by the DPRD which is prone to money politics and intimidation, the practice and phenomenon of corruption now rampant among the DPRD, the weak position of the Executive in the eyes of the Legislature (DPRD) which gives the impression of being legislative heavy, and the lack of public participation in the legal politics of the formation of the Legislative Council. regulations at both the central and regional levels.⁵⁶

⁵³ Aritonang, Dinoroy Marganda. "Pola Distribusi Urusan Pemerintahan Daerah Pasca Berlakunya Undang Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah", *Jurnal Legislasi Indonesia* 13, no. 1 (2016): 42-43.

⁵⁴ Mahfud, Membangun Politik Hukum, Menegakkan Konstitusi, 217-218.

⁵⁵ Jauhar Nashrullah and Georges Olemanu Lohalo, "The Establishment of a New Autonomous Region of Papua in State Administrative Law Perspective," *Volksggeist: Jurnal Ilmu Hukum dan Konstitusi*, no. 40 (2022): 145-59, <https://doi.org/10.24090/volksggeist.v5i2.6901>.

⁵⁶ Eko Budi Sulistio, "Faktor-Faktor Penghambat Pengembangan Sumberdaya Aparatur Pemerintah Daerah," *Sosialita* 1, no. 1 (2010).

Some of the main problems faced by many regions in implementing regional autonomy include: (1) the role and function of DPRD, both as a legislative institution in accommodating and fighting for the aspirations and wishes of the community, has not been optimal, as well as in carrying out supervisory duties;⁵⁷ (2) the facts show that the majority of political parties and mass organizations still depend on government assistance and support from the central management; (3) the quality of local government apparatus resources is inadequate; (4) the determination and formulation of organizational policies are still not fully independent and have not been able to optimally articulate the aspirations and interests of the local community; (5) on regional authority, for example, the variables displayed are overlapping affairs between regencies/municipalities and provinces, or between regencies/municipalities and departments (central government); (6) the public's awareness and understanding of their political rights⁵⁸ and obligations are still low in the life of society, nation and state; (7) the success of the development of a democratic political system and the implementation of regional autonomy is largely determined by the readiness of various parties to play an active role in efforts to empower the community in various fields of life, including politics.⁵⁹

So, what is the solution to overcome the constrained role of local governments in the administration of local government? There are several solutions that can be done to restore regional autonomy so that it is in accordance with its original goals, by carrying out several programs including:

1. Rearrange the laws and regulations regarding decentralization and regional autonomy to improve vertical relations within the government.

⁵⁷ Mutawalli et al., "Legislative Elections: An Overview of Closed Proportional System."

⁵⁸ Satya Arinanto, "Human Rights in Context of The Historical Non-Aligned Countries' Debates on Universalism and Cultural Relativism, and Current Human Rights Development in Indonesia," *Indonesian Journal of International Law* 7, no. 3 (2021), <https://doi.org/10.17304/ijil.vol7.3>.

⁵⁹ Sulistio, "Faktor-Faktor Penghambat Pengembangan Sumberdaya Aparatur Pemerintah Daerah."

2. Improving the implementation of cooperation between local governments, including increasing the role of provincial governments
3. Develop local government institutions that are adapted to regional needs and regional potentials that need to be managed.
4. Facilitating the provision, preparing management plans and increasing the capacity of local government officials in the context of improving public services, administering government, as well as creating competent and professional local government officials
5. Improving and developing the financial capacity of local governments in the context of improving public services, implementing regional autonomy, and creating good regional governance
6. Organize and implement policies for the establishment of new autonomous regions so as not to burden state finances within the framework of efforts to improve public services and accelerate regional development.
7. Transparency in financial management and awareness for all regional officials and the community to fully support the implementation of regional autonomy in order to achieve community welfare.

Thus, the main purpose of establishing an autonomous region is to provide independence to regions to manage their own households and be able to build economic growth in order to realize people's welfare.⁶⁰

Apart from the solutions to some of the programs above, there are also several principles that can be embedded in the administration of local government, as follows:

1. Principle of Unity, Implementation of regional autonomy must support the aspirations of the people's struggle in order to strengthen the unitary state and increase the level of welfare of the local community;
2. Real Principles and Responsibilities The granting of autonomy to the regions must constitute real and responsible autonomy for the interests of all local residents. Local governments play a role in

⁶⁰ Sani Safitri, "Sejarah Perkembangan Otonomi Daerah Di Indonesia," *Criksetra: Jurnal Pendidikan Sejarah* 5, no. 1 (2016).

regulating the dynamics of government and development processes in the regions;

3. The principle of dispersion, the principle of decentralization needs to be implemented with the principle of deconcentration. This is done by giving the community the possibility to be creative in developing their area.
4. Harmony Principle, the granting of autonomy to regions prioritizes aspects of harmony and goals in addition to aspects of democracy.
5. Empowerment Principle, the principle of empowerment includes aspects of equality, participatory, self-help and also needs to be carried out continuously or sustainably.⁶¹
6. The principle of synergy, covering aspects of the relationship between work units that are carried out consistently and directed, both in terms of authority, implementation and supervision.

The purpose of granting autonomy to the regions is to increase the efficiency and effectiveness of the administration of local government, especially in the aspect of development and service to the community and to improve the development of political stability and national unity. This principle must be embedded in various local government performances so that the implementation of autonomy runs properly.

Ideas and Improvements of a Constitutional Model of Regional Governance

A. Independent Regional Audit Agency

With the enactment of the Law No. 23 of 2014 on Regional Governance, it became clear that various problems continued to arise, especially in relation to fiscal decentralization and authority over the management of natural resources. The difference between the funding provided by the central government to the region and the amount absorbed by the centre of the region remains a major concern. Besides, there are still cases where the funds allocated by the centre are not used effectively by the local government. The root of the problem lies in proper governance. In order to overcome the challenges and obstacles in the implementation of regional autonomy, alternative measures need

⁶¹ Ibid

to be taken, such as supplementing the regulations of the Law No. 23 of 2014.

In addition, the government must exercise maximum supervision over the practices of regional autonomy, and there is a need to establish independent institutions that cannot be influenced by the local or central government, in particular to carry out audits on the implementation of local autonomy.⁶² Regional Audit Institutions can be made into at least three models in the local governance system, among them the following: (1) the audit institutions are directly responsible to the head of the district to promote structural development in the regional organizations, so that there is integration into regional practices; (2) support the collective work system in achieving the regional governance programmes; (3) integrated policy should be created to solve structural technical problems in local organisations, and can make proposals to the regional strategic policy to be more effective.

B. Decentralistic Proportional System

Conceptually, decentralization in the implementation of regional governance in Indonesia in the provisions of Article 1 para. (8) of the Act No. 23 of 2014, is formulated as the submission of government affairs by the central government to the autonomous regions on the basis of autonomy. The Government affair itself, in the formulation of the terms of Article 1, para. (5) of the Law No. 23, 2014, is the government authority that becomes the President's authority whose implementation is carried out by the state ministries and the organizers of the Regional Government to protect, serve, empower, and empower the people.⁶³

In this connection, the concept of proportional decentralization in the context of the implementation of local government in Indonesia

⁶² Rizki Ramadhan Faisal and Aidul Fitriada Azhari, "Penyelenggaraan Pemerintahan Daerah Dalam Urusan Konkuren Bidang Pelayanan Dasar Di Kota Serang," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 1 (2021): 125–37, <https://doi.org/10.24090/volksgeist.v4i1.4800>.

⁶³ M Mutawalli, Zainal Amin Ayub, and Emmanuel Ibiam Amah, "Polemic on the Dissolution of Ministries: An Overview of the Presidential System in Indonesia," *Jurnal Litigasi (e-Journal)* 24, no. 2 (2023): 322–54, <https://doi.org/10.23969/litigasi.v24i2.10326>.

marks a shift of power from central government to autonomous regions.⁶⁴ This transfer of power is guided by the principle of autonomy, in which autonomous regions are given a degree of freedom in regulating their own territories.⁶⁵ These principles recognize the unique needs and characteristics of each region, recognizing that they are better prepared to address local problems and meet the specific demands of their constituents. With decentralization of government affairs, the central government aims to cultivate a more inclusive and participatory governance structure, ensuring that decision-making processes are more responsive and represent the diverse needs of Indonesian society.

The concept of "proportional decentralization" encompasses the various powers and responsibilities entrusted to the President, state ministries, and local government organizers. This power is exercised with the overall purpose of protecting the interests of the community, serving the needs of the people, empowering individuals and communities, and advancing the well-being of people and the region as a whole.⁶⁶ This comprehensive governance approach reflects the commitment of the Indonesian government to prioritize the well-being and development of its citizens. By involving state ministries and local government organizers in the implementation of government affairs, the government seeks to promote a collaborative and coordinated approach to public administration, in which different stakeholders work together towards a common goal.

The concept of decentralization as meant in the Act No. 23 of 2014 is expressed above in connection with the surrender of government affairs. This is different from the Act No. 32 of 2004 which formulates the concept of decentralization as a restriction of authority, which in the provision of Article 1 para. (7) of the Act Number 32 of 2004, states

⁶⁴ Andik Wahyun Muqoyyidin, "Pemekaran Wilayah Dan Otonomi Daerah Pasca Reformasi Di Indonesia: Konsep, Fakta Empiris Dan Rekomendasi Ke Depan," *Jurnal Konstitusi* 10, no. 2 (2013): 287–310, <https://doi.org/10.31078/jk1025>.

⁶⁵ Frans Reumi, "Special Autonomy and the Principles of Federal System: A Blurred Portrait of the Special Autonomy for Papua," *Hasanuddin Law Review* 9, no. 1 (2023): 126–38, <https://doi.org/10.20956/halrev.v9i1.4289>.

⁶⁶ Ming-Hsi Sung and Hary Abdul Hakim, "Unitary, Federalized, or Decentralized?: The Case Study of Daerah Istimewa Yogyakarta as the Special Autonomous Regions in Indonesia," *Indonesian Comparative Law Review* 1, no. 2 (2019): 103–21, <https://doi.org/10.18196/iclr.1210>.

that decentralisation is the transfer of governmental authority by the Government to autonomous regions to regulate and manage governmental affairs within the system of the United States of the Republic of Indonesia.

Maintenance of decentralization requires the division of government affairs between the Government and the local government. In the General Explanation of Government Regulations No. 38 of 2008, it is explained that Government affairs that can be managed jointly between the levels and the arrangements of government or competition are government business other than government business that is entirely a matter of Government. Thus, in every field of government business which is of a competitive nature there is always a part of the business that becomes the authority of the Government, the government of the province, and the governance of the district/city.

Thus, in every field of government affairs of a competitive nature there are always things that are the authority of the government, the government of the province, the Government of the region/city. The affairs of the Government which are entirely under the Government's authority are those in the fields of foreign policy, defence, security, national monetary and fiscal, justice, and religion, as referred to in the provisions of article 2, paragraphs (1) and (2) of Government Regulation No. 38 of 2007. Local government affairs (provinces and districts/cities) consist of compulsory matters and arbitration referred to in the provisions of Articles 11 and 12 of the Act No. 23 of 2014. According to the description of government business as outlined in the Law No.23 of 2014, the division of responsibility between the central government and the local government is based on the "*ultra vires doctrine*" that leads to the implementation of decentralized policies. The division of governmental affairs, as regulated by law, is increasingly embracing the concept of material autonomy. In addition, the role of central government representation, previously held by the Governor under Act No. 32 of 2004, is now also exercised by the Head of District/City. As a result, any level of government, whether province or district/town, is subject to the aspect of decentralization. This situation has prompted the oversight of the legal aspects of regional autonomy, as defined by Act No. 23 of 2014, which appears to be moving towards a centralized system (*centralistic*). However, it should be noted that the Constitution of the NRI of 1945 provides for the widespread use of

autonomy in the organization of local government, as stated in Article 18 UUD 1945.

C. Asymmetric Decentralization to Concrete Autonomy (Principles of Widespread Autonomy)

The application of the division of governmental affairs in this autonomous region does not actually apply in its entirety. In addition to the realities on the ground that the independence of each region to get a word of peace is far from what is expected. This is the implementation of fiscal decentralization from the Reformation era, which has created uncertainty about the format of regional autonomy and has led the central government to implement an excessive system of centralization (*overcentralization*). This asymmetrical consideration of decentralization is to prevent disintegration by declaring the entire territory of Indonesia to be recognized as a special territory, then how much more accurately when it comes to a state with a form of federalized autonomy, through a phase-by-phase, not immediately a regional autonomy revolution, if you look at the phenomenon on the ground that is considered to be considered to adopt the concept of autonomy of the federal system, but not meant to be directed towards forming a system like the states of the United States. Where not only the leadership, but the districts have full authority to manage the wealth that they own in their own way or can be called the autonomous region to its extent, then the central government can be the center of those areas in military security but does not have the power to regulate the economies of the existing areas.

The idea of a concrete ideal model of autonomy in a governance system is crucial, especially in the context of effective, responsive, and competitive governance. Regional autonomy is one of the principles underlying governance systems in many countries, including Indonesia, and aims to give authority to local governments in managing their own governance affairs. The ideal model of regional autonomy in concrete terms has to be seen from a range of aspects, ranging from adequate empowerment of the local government, to effective monitoring and evaluation mechanisms of the central government. As for some of the

principles to be taken into account in the formulation of the ideal model of concrete autonomy in the system of government are as follows:

- a. Giving explicit authority to the local government to manage the affairs of the government in its region independently. This must be accompanied by the awareness of the responsibility of the local government in managing its resources and policies;
- b. Strengthening the capacity of the regional government through training and support programmes in financial management, administration, and development planning. Thus, the local government has sufficient capacity to carry out its tasks and responsibilities properly;
- c. There are effective mechanisms of coordination and collaboration between the central government and the regional government. This is necessary to ensure that the policies adopted by the local Government are in line with the national policy and do not conflict with the applicable law;
- d. There are principles of accountability and transparency in the management of the regional administration. Monitoring and evaluation mechanisms must be strengthened so that local governments can be held accountable for policy and resource management;
- e. There is active participation of the public in decision-making processes at the regional level. The ideal model of regional autonomy should be able to create conditions that support the participation of the people in expressing their aspirations and participating in the development process in the region;
- f. Furthermore, in terms of the use of the regional budget and income, the local government according to the writer's savings is not obliged to deposit the wealth of the region that has been acquired to the central government even from the natural wealth that belongs to the region concerned. The local government has the right to manage its own regional wealth on the basis of its extensive autonomy with the principle of independence and supervision. Even if the region is empowered to regulate and manage its own governance affairs, but remains within the framework and sovereignty of the state, it means that all the will of the local government must be aligned with national access and programmes.

This means that the Regional Government has an obligation to obey and respect the authority of the Central Government.

By applying these principles, the concrete ideal model of autonomy in the system of government can provide tangible benefits to the progress of the region and the country as a whole. Responsive, accountable, and competitive governance can be achieved, which will ultimately have a positive impact on the well-being of the people and national development. Therefore, the formulation and implementation of the ideal model of regional autonomy in concrete terms must be a top priority in government reform in Indonesia. So from the description that has been presented, the author advocates a concrete model of autonomy, that is, the basis of the broad autonomy in the sense that the region is given the authority to take care of and regulate all the affairs of government outside that are the Government's business stipulated in the law. The districts have the authority to make regional policies to provide services, enhance role as well as initiatives and empower the community aimed at improving the well-being of the community independently.

This model aims to provide reinforcement of autonomy in the implementation of decentralization. The implementation of the autonomy of a particular region must also reflect a balance between the transfer or depletion of authority accompanied by the strengthening of the supervision of the maintenance of government (central and regional) constitutionally, i.e. through mechanisms of improvement and improvement of the regulation of legislation. This surveillance is a means of creating a “check and balances system” of government maintenance. The decentralization arrangement through the maintenance of regional autonomy still has a tendency to severely interfere with the delegation of authority to areas whose tendency is to strengthen the decentralised aspect reduced by a pattern of governance and institutional arrangement that tends to lead to re-centralisation. This leads to different interpretations and applications between regions (multi-interpretation nature) that tend to create conflict and sectoral egos.

Conclusion

Based on the discussion that has been described above, it can be concluded that the right to security and welfare of the people is one of the branches of the duties and authorities of local governments to create independent and self-sustaining regions. The local government's obstacle in carrying out its duties is that sometimes it comes from the negligence of the local government itself. There are various solutions to overcome the problems that can occur as well as the principles that must be instilled in the sustainability of local governments. The policies carried out by the government for regional governments in carrying out their duties and authorities are contained in Article 18 of the 1945 Law. The form of autonomy that can strengthen the Unitary State of the Republic of Indonesia is regional autonomy in the form of broad autonomy and special autonomy or asymmetric decentralization. The authority of autonomous regions in carrying out government functions in Indonesia is in the form of concurrent regulated in Law Number 23 of 2014 concerning regional government. The decentralization policy of regional autonomy that is taking place in Indonesia is still half-hearted. This is indicated by the zig-zag pattern between centralization and decentralization in formulating the regional autonomy paradigm. It has become a historical fact that centralization itself is inherent in the system of government as well as the form of the Indonesian state that adheres to a presidential system and a unitary state. Both of these require that centralization be placed in central power to ensure the socio-political stability of the country. However, in practice later this has triggered regional turmoil because so far the inequality between the center and the regions has mainly been in economic and socio-cultural issues.

Local governments must understand and be serious in carrying out their role in the welfare of the people in their regions and make good use of natural resources and human resources, be able to cooperate with their people to preserve customs and culture so that they are more awake and known throughout Indonesia and carry out their duties and authorities in accordance with Article 18 of the 1945 Constitution, and subsequent laws for the realization of the Welfare State and Welfare Society and also the implementation of the principle of free and accountable autonomy.

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