



## Local Autonomy and Federalism: How Indonesia Deal With Democracy in The Global Governance?

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### Abstract

*This paper is intended to analyze the local autonomy in the context of federalism concept. The problem of this paper is basically motivated by that most countries in the world choose the form of Federal state or Unity within organizing a government. The selection of this form of state based on political, social will include the culture and history of a country. Each form of this country has advantages and disadvantages. The Unitary State emphasizes the administration of government in the government centers and regions in the province do not have extensive autonomy in managing their regions. Unlike the Federal State, where the position of the Federal State and the State are equal. The concept of federalism has been applied in many countries. The state is given the widest possible autonomy to take care of their area. Regional autonomy aims to improve community service, develop democratic life, and encourage the community empowerment to foster creativity. Regional autonomy also has a positive impact and a negative impact on the region. This paper intends to analyze the concept of federalism and regional autonomy with practical analysis in Indonesia.*



## 1. Introduction

The concept of federalism and regional autonomy has been debated at the beginning of Indonesia's independence. The debate was carried out by the Indonesia leader at that time, Soekarno and Mohammad Hatta. Soekarno desperately defended the concept of a unitary state as a continuation of the archipelago that has triumphed in the past. This idea was opposed by Mohammad Hatta who agreed more to the federal state. Hatta stated that Indonesia consisted of a pluralistic society, so it needed a form of a federal state to unite the entire Indonesian nation (Rusdianto, 2013).

After the proclamation, the Dutch returned to Indonesia by piggybacking on allied forces. The Netherlands intends to re-colonize Indonesia utilizing other political strategies. The implementation of the Round Table Conference officially marked the founding of the Republic of Indonesia states (RIS) that on December 27, 1949. The implementation of the union state is not only caused by interference from outside parties, but Indonesia's internal conditions also contribute. Some Indonesian historians and experts say that regions in Indonesia from the beginning had a desire to break away from the unitary state and form their own country.

The recognition of the sovereignty carried out on December 27, 1949 actually encouraged a unity movement that not only emerged from the Indonesian elite, but also among the people themselves (Rinardi, 2012). Unstable socio-political conditions have caused a number of states to demand the dissolution of regional governments and wish to combine their state with the republic of Indonesia. Thus, the leaders of Indonesia views that the unitary state is more suitable to be adopted by Indonesia rather than federalism. Unitary state has been promulgated in Article I of the 1945 Constitution, "The Indonesia state is a Unitary state".

From the beginning history of modern Indonesia, federalism was mostly considered Dutch political design to preserve the fading power of colonial in the country. Most Indonesian viewed federalism as Dutch's political

hidden agenda to maintain its sovereignty and independence movement toward a Unitarian state as it exist today (Richard & Vedi, 2013; Batavelijic, 2012; Charles, 2014). The formation of a federal state become a very large discourse after reform. Indonesian politic figure has been debating about the form of the state, either federalism or unitary. Because there are some problems such as internal conflict, corruption, and separatism unresolved. Some people in the provinces such as Aceh, Riau, and Papua, want to be separate from Indonesia because they feel that they have not been treated fairly by central government for a long time. The central government has only concentrated on developing some provinces, and it has seemed to ignore the other provinces that give a lot of tax money to the central government. Considered before the reformation, the Indonesian government only focused on the island of Java so that there was a social gap between regions. A centralized government system does produce a proud economic growth. But this is only felt by people who live on the island of Java. While people outside the island become helpless. Jealousy of social inequality causes symptoms of national disintegration. This is evidenced by the existence of separatist movements that want to secede from Indonesia. So a discourse emerged to make Indonesia a federal state. As an effort to counteract this discourse, the government then introduced the concept of regional autonomy.

## 2. Concept of Federalism

### Definition

The word of *federal* came into English via French from Latin. *Foederatus* means "bound by treaty" deriving from *foedus* means treaty and *fidere* means "to trust". Federalism was developed as a response to the ancient question of how to link separate political communities together in order to pursue effectively objectives unobtainable alone, but without submerging their own identities (Stephen, 2000; Weis, 2017). According to Prof. Jovan Dorvedic, the word federalism stems from the word *foedus*, *foederis* and means "a union and collaboration for the purpose

of achieving common goals by per se autonomous and independent subjects and individualities." This term donates a contract, an alliance, while federalism is meant to be a formation of a union and a voluntary association of different territorial unions of people within the scope of a state, or between several states and political unities for different purposes (Dragan, 2012).

Federalism is a democratic concept where sovereignty is constitutionally shared between a central governing authority and constituent political units (Heather, 2010). As a form of government where both legislation and institutions are shared between national and state and regional authorities, federalism necessitates the existence and facilitates the creation of local representation and government. It has proven to be an effective form of governance that ensures political stability in societies which are ethnically, culturally and religiously diverse (Christian, 2012). A "government" is usually defined as the institution that holds a monopoly of legitimate coercive force within a defined territory. Such an agency of human power offers great potential advantages to its citizens, and great dangers too (Jameson, 2009; Purniawati et al., 2020; Rodiyah, 2018). Furthermore, it also emphasized that the political science literature seems today to have reached a mature state of development. Sophisticated comparative analyses, global in scope, now yield a wealth of fruitful insights into the nature and functioning of federal systems of government (George, 2008).

Federalism is also about the recognition that there are no closed boxes in the world politics. All level of government and of political struggle interact with one another. The sharp distinction between domestic and international politics and the analysis of one aspect in complete isolation from the others cannot bring a fully satisfactory comprehension of elite sphere . If politics and society were as simple as many hard-nosed realist assume, the research's job would be easier. Unfortunately, the world is complex, plural and nuanced. This requires an open-minded attitude to other disciplines and perspective

to try to cope with this complexity and grasp the fundamental linkages of the interdependence figurations (Nobert, 1994; Marquardt, 2017).

### Characteristic of Federalism

There are some basic characteristics of federalism, *First*, the distribution of power is the essence of federalism. Constituent member of a federation, i.e. states, are determined territorially; in other words, the distribution of power in a federation is territorial or geographical. *Second*, in a federation the existence and functions of the states can only be modified by amending the constitution and the institution cannot be changed without consent of the states. *Third*, It mentioned above that the distribution of power is made by constitution. There are two ways of doing this. One of them is enumeration of the function of federal governments. Another way is enumeration of the function of states. *Fourth*, as a way of judicial resolution of power conflicts between federal governments and states and among states, the establishment of a supreme court is necessary. *Fifth*, the equality of state should be real; the upper chamber of the assembly should have an effective power especially in the legislative process. The federal prototype state is one which extends legislative authority to all or most parts of its territory, provides the part with extensive functions, establishes constitutional entrenchment for the safeguarding of the autonomous position of the parts (Jonathan, 2004; Charles, 2014; Christian, 2012; Dragan, 2012; George, 2008; Marzuki, 2012).

### 3. Concept of Regional Autonomy

The concept of decentralization is one way that can be done to divide the division of power. The division of power theoretically can be done in two ways, namely the capital division of power and the division of power. The Capital division of power itself is a division of power in accordance with the teachings of the Trias Politica of Montesque, namely dividing power into power to implement the law (executive power), the power to make laws (legislative power) and finally the judicial power (Jan, 2017; Diniyanto,

2016; Weis, 2017). While the area of division of power itself can be done in two ways, namely through decentralization and deconcentration. Decentralization itself is a legal submission of power (which is based on the law) to be able to carry out certain functions or functions remaining to the local authority which has been formally recognized by the constitution. While deconcentration itself is a delegation of power to be able to carry out certain functions to the central government staff outside the head office. Decentralization *“is the transfer or delegating of planning, decision making or management authority from the central government, to sub-coordinate units, semi-autonomous public corporations, regional or regional authorities, functional authorities, or non-governmental organizations”* (Rian, 2018; Arifin, 2020; Mujtaba, 2015; Dubois & Fattore, 2009; Holz hacker et al., 2016; Wever et al., 2012). The type of decentralization is determined by the degree to which the authority or power is transferred from the centre and what institutional arrangements or institutional arrangements can be used to make the transfer. In this case decentralization can be the simplest, namely the assignment of tasks carried out routinely by the government to devolution to carry out certain functions previously held by the central government.

Decentralization itself can be implemented in two ways, namely by means of functional decentralization or by means of territorial decentralization (decentralization area) (Amrizal et al., 2015). Functional decentralization itself is a transfer of authority from the central government to certain institutions that have certain functions. For example, such as the surrender of an authority or authority to be able to manage a toll road from the Department of Public Works to a certain BUMN. Whereas for territorial decentralization itself, it is the transfer of authority from the central government to public institutions that can operate within certain boundaries of the area, such as the delegation of certain authority originating from the central government to the Provincial, Regency or City governments (Bannink & Ossewaarde, 2012). There are four forms of decentralization

on itself that can be used by the government itself to transfer authority, both in planning and implementing the authority, namely deconcentration, delegation, devolution, and privatization (Alberti & Bertucci, 2007). In decentralization, local units are formed with the existence of certain powers they have and have the authority to carry out certain functions by which they can themselves implement their own decisions, own initiatives, and administer themselves. The definition of decentralization also contains two related elements, namely the formation of autonomous regions and a surrender of legal power to deal with certain areas of government. Decentralization itself gave birth to a strengthening in both the financial and legal fields (in the sense of regulating itself, making decisions) from local government units (Cheema & Rondinelli, 2007). With decentralization itself, activities that were previously carried out by the central government could substantially be left to local government units, and thus were outside the control of the central government. That the main characteristics of decentralization are the first, the existence of autonomous, independent local government units and clearly can be perceived as a level of government that is separate from where the authority is given to them with little or no direct control from the central government itself (Merilee, 2007). Secondly, local governments have clear geographical boundaries where they can exercise authority and can provide public services. Third, the local government itself has the status of a corporation and has the power to manage the resources that can be needed to carry out its functions.

Thus decentralization gave birth to autonomous regions. Autonomous regions have several characteristics, including being outside the hierarchy of central government organizations, free to act, not under the direct supervision of the central government, free to initiate decisions on the basis of community aspirations, not intervened by the central government, containing system integrity, having limits boundaries, and have an identity (Dubois & Fattore, 2009).

While it can be said that decentraliza-

tion itself will give birth to a regional government (local self-government), while decentralization itself can be said to give birth to a local government (local state government or field administration). Decentralization itself has various characteristics such as a delegation of authority to be able to carry out a certain function of government originating from the central government to autonomous regions; the functions submitted can be specified or can be residual functions; the recipient of authority itself is an autonomous region; submission of authority itself means the authority to be able to determine and be able to implement policies, the authority to be able to regulate and administer (*regeling en bestuur*) interests that are local; a regulating authority is the authority to establish legal norms that can be generally accepted, or can be abstract; managing authority itself is the authority to be able to establish legal norms that can be individual, or can be concrete (*beschikking*, act administrative, *verwaltungsakt*); and the existence of autonomous regions is outside the hierarchy of the central government organization itself; which can show patterns of power relations between organizations; and creating political variety and diversity of structure in a political system (Holzhacker et al., 2016).

In the framework of running a decentralized system of government, in the regions local governments are formed which are legal entities separate from the central government. For the regional governments, a portion of government functions (which were previously functions of the central government) were handed over to the regional government (Louis, 2014). Besides that, the regions are also given sources of income that can be used to finance the functions that have been submitted. Likewise, organizations are formed by Regional Representatives (DPRD) whose members are elected through an electoral system. Thus, the regional government is an institution that has the autonomy power to determine its own policies, how to carry out these policies, and how to finance them. The implementation of decentralization can then be seen in various aspects of the existing regional government system, such as finan-

cial aspects, aspects of delegation of authority, aspects of staffing, and the attitudes and behaviour of elites at the central and regional levels. There are several important elements of regional autonomy that need to be considered in relation to efforts to achieve good governance including: 1) Autonomy is closely related to democratization. 2) In the autonomy contained meaning self-initiative to take decisions and improve fate own. 3) Because in the concept of autonomy contained freedom and independence of the local community to make decisions and initiate, means supervision (Lukman, 2008). Regional autonomy also is an idea that emerged after the fall of the New Order regime under Suharto's leadership (Maulana, 2017). Regional autonomy that means independent, at the practical level in some cases it is still ambiguously interpreted as a necessity to do it alone (Alkadri, 2016; Christopher, 2007; John, 2000; Rudy & Baldrice, 2015; Nita, 2014).

### Definition

Understanding of regional economy, namely a right, authority, and obligation of the autonomous region in order to regulate and manage government affairs and the interests of the local community in accordance with the laws and regulations (Michael, 1992). Literally itself, regional autonomy comes from two words, namely the word autonomy and the region. In Greek itself, autonomy comes from the words *autos* and *nomos* (Charles, 2014). *Autos* means self and name which means rules or laws, so that it can be interpreted as an authority to regulate itself or the authority to make rules in order to manage their own household. While the region itself is a legal community unit that has regional boundaries. The implementation of regional autonomy apart from being based on legal references, can also be as an implementation of the demands of globalization that must be empowered by providing broader, more real and responsible areas of authority, especially in regulating, utilizing and exploring potential resources in their respective regions—one (John, 2000).

There are several opinions of experts regarding the notion of regional autonomy.

According to Law No. 32 of 2004 that the notion of regional autonomy according to Law No. 32 of 2004 is the right, authority, and obligation of the autonomous region to regulate and manage their own government affairs and the interests of the local community in accordance with applicable laws and regulations. According to the Dictionary of Law and Glossary of Regional Autonomy the notion of regional autonomy is the authority to regulate and manage the interests of local communities according to their own initiatives based on the aspirations of the community in accordance with the laws and regulations. According to the Encyclopedia of Social Science the notion of regional autonomy according to the Encyclopedia of social science is the right of a social organization to be self sufficient and its actual freedom.

According to the Opinions of the Experts the notion of regional autonomy in the opinion of experts is a legal community unit that has certain regional boundaries authorized to regulate and manage the interests of the local community according to their own initiatives based on the aspirations of the people in the ties of the Indonesia. According to the Big Indonesian Dictionary the definition of regional autonomy according to the Indonesian dictionary is the rights, authority and obligations of the region to regulate and manage their own household with the applicable laws and regulations (Eko, 2014).

### Theory

Autonomy itself has meaning in the form of freedom and independence but it will not be an independence (Pratchett, 2004). Freedom is limited or independence is a manifestation of the opportunity that must be accounted for. Implicitly, the definition of autonomy can contain two elements, namely by giving assignments which in the sense of a number of jobs that must be completed with the authority to be able to implement them; and the existence of a trust in the form of authority to be able to think about and determine the various resolutions themselves (Ladner et al., 2016). In relation to its own obligation to be able to think and determine for themselves how to complete the task

of administering government, Sinindhia in Suryawikarta, has put forward an autonomy boundary as freedom to move which can be given to autonomous regions and provide an opportunity for him to be able to use his own initiatives from there are all kinds of decisions, to take care of public interests (Pepinsky & Wihardja, 2011). From the existence of various restrictions on regional autonomy mentioned above, it can be understood that in fact autonomy itself is a realization of the government's recognition that it is the interests and will of the people that will be the only source to determine the formation of state government. In other words, autonomy according to Magnar, that gives a greater possibility for the people to participate in taking part and responsibility in the government procession (Paul, 2015).

It is also emphasized that autonomy contains goals, namely with the division and limitation of power itself. One of the main problems in the existence of a democratic legal state, is that how on one hand can guarantee and protect the private rights of many people from the possibility of the occurrence of things that can be arbitrary. By giving the authority to the regions as well as being able to manage and manage their own household, it means that the central government can share its power and at the same time limit its power over matters that have been delegated to regional heads (Marquardt, 2017; Muhtada, 2017; Pratchett, 2004; Setiawan & Sudharto, 2007). Efficiency and effectiveness in implementing government tasks themselves. It is too difficult and even impossible to put in place and hope that the Central Government can carry out its duties as well as possible in the face of any problems if it can be regionally very diverse in style (Aizirman, 2012; Hasan & Siti, 2014). Therefore to be able to guarantee efficiency and effectiveness in carrying out a task and obligation, then the regions need to be given the authority to be able to participate in regulating and managing the implementation of government tasks themselves in their household environment, so that problems that can be local are expected will get very reasonable and good attention and service. Development itself is a process

of mobilizing social, economic, political and cultural factors to achieve and create a prosperous life. With the existence of regional governments that have the right to regulate and manage the affairs and interests of their regional households, people's participation is expected to be raised and development will be truly directed to the real interests of the region concerned, because they themselves know best about their interests and needs .

Article 1 of Law Number 32 of 2004 concerning Regional Government states that regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their own government affairs and the interests of the local community in accordance with the laws and regulations (Arifin et al., 2018; Lukman, 2008; Sarman & Taufik, 2012). An autonomous region, hereinafter referred to as a region, is a legal community unit that has regional boundaries which are authorized to regulate and manage government affairs and the interests of the local community according to their own initiatives based on the aspirations of the people in the Unitary State of the Republic of Indonesia. Such a policy of regional autonomy is a state policy that underlies the organization and management of regional government. This means that all government policies and activities as well as development policies and activities in the regions are carried out in accordance with the policy directions stipulated in the country's policies. The implementation of regional autonomy is of course not merely discussing the mechanism of how to translate policy objectives into routine procedures and techniques, but rather than that, involving various factors ranging from resource factors, relations between organizational units, bureaucratic levels to political groups. certain that might not approve the policy that has been set. In this context, Grindle says that Attempts to explain this divergence have led to the realization that implementation, even when successful, involves far more than a mechanical translation of goals into routine procedures; it involves fundamental questions about conflict, decision making, and who gets what in a society Thus, the success or failure of policy implementation can be evaluated from the

point of view of its ability to actually continue or operationalize previously designed programs (Erk, 2011). Instead the whole process of policy implementation can be evaluated by measuring or comparing the final results of these programs with policy objectives.

### History

In attempt of development or moral, political, and bioethical philosophy, autonomy is one of the capacity to make and informed, un-coerced of about decision. Autonomous organizations and institutions are independent or self-governing. Autonomy can also be defined as the human resource perspective and is granted to the employee in his or her work (Tsakyrakis, 2009; Weis, 2017). In such cases, autonomy is also known to bring about the sense of job satisfaction among employees. The autonomy is a term that is also widely used and in the field of medicine. As a matter of fact, the personal autonomy is greatly recognized and valued in the health care.

The determination of self-determination that can be found in ancient Greek philosophy is the idea of self-mastery. For both Plato and Aristotle itself, the most important part of the soul is the rational part, which is illustrated by Plato himself rather than a lion or a lot of head, which in his own description is about the tripartite soul in the Republic. Only for the soul, for Plato himself, it is one of the most natural parts of the world. Aristotle also once identified a rational part of the soul that was truly personal in Nicomachean Ethics (Kaasa & Vadi, 2010). Plato and Aristotle are also partners who are ideal for humanity with independence and lack of dependence on others. For Aristotle himself, a self-sufficiency, and an autarkis, is an important element of happiness, and this has involved a lack of dependence on external conditions for happiness. The best human being who will become a human being will be ruled by reason itself, and it is not dependent on others to get happiness itself (Setiawan & Sudharto, 2007). This ideal will also continue through philosophical philosophy and it can be seen in an early modern philosophy of Spinoza. This concept of autonomy and emphasis on

individual reasons. Rousseau's own ideas about moral freedom, also as self-control, are connected with civil liberties and the ability to participate in legislation.

Kant has also developed the idea of moral autonomy as an authority for a person's actions. Instead of establishing the principles through which he has made the decisions that have been determined by political leaders, clergy, or society, Kant himself has been called upon to guide his principles for himself, thereby linking the idea of self-government with morality; instead of obeying the existence of externally imposed laws, people also must obey the existence of their own law that has been forced. The first one he calls a heteronomy; last autonomy. In his essay *'What is Enlightenment'*, he has described an enlightenment as *"the appearance of a human being from a minority that has arisen on its own"* and also asks him to have the courage to be able to use their own understanding *"without direction from others"* it is close to what we might admit today as personal autonomy, but our account lies only in its moral philosophy. In acting, we are also guided by maxims, which we have chosen to obey. If these principles can be universal, such things will certainly be useful to be rational, and thus not rooted in only the experience of certain contingents, then they may also obtain an objective legal status of morality. Every moral agent, then, must definitely be seen as a lawyer in a community where other people are also lawyers in their own right, and will be respected as an end in themselves; Kant also once referred to this community as a destination kingdom (Kant, 2019a, 2019b).

The history of regional government in the Indonesian republic is not short-lived. more than half a century this local government institution has filled the nation's journey. there are at least seven stages up to the current form of regional government. Each period of regional government has different forms and arrangements based on general rules stipulated by the law (Sarman & Taufik, 2012). The collapse of Soeharto's New Order Regime led to vast socio-political changes in Indonesia, and the political slogan of regio-

nal autonomy became, and remains, one of the most important keywords characterizing the post-Soerharto era (Aminuddin, 2017; Mietzner, 2018).

### Characteristics

Since the issuance of Law No. 22 of 2009 and then revised with Law No. 32 of 2004, until this moment regional autonomy has been implemented in the Indonesian government. Within the period of issuance of the law, there were also many regions which were divided. If we refer to Terminology Regional Autonomy can be interpreted as the freedom of regional governments to play a role in determining goals, policies and making development decisions in the regions based on the needs of the local community. Granting authority on the basis of the principle of decentralization, causing all fields are left to local governments in the implementation of regional autonomy basically become the authority and responsibility of local government and county governments fully, both concerning the determination of policy, planning, implementation, monitoring, control, and evaluation (Mujtaba, 2015; Kagami, 2005). In line with that the Regional Autonomy Terminology is a regional autonomy or decentralization in the context of the relationship between regional autonomy and the development of regional government authority is important to develop because only regional government authorities can guarantee that autonomy is implemented based on the locality of a region. In essence the essence of the Terminology of Regional Autonomy is how local governments can build their regions in accordance with the characteristics of their respective regions. If we look at the characteristics of each region, we are referring to the specificity of an area. Until this moment, in the context of regional autonomy which is truly applied specifically in accordance with the characteristics of the region, only regions affected by the Special Autonomy Law or Privileges such as Aceh, DKI Jakarta, DI Yogyakarta, and Papua. Among other things, the aim is to specialize in this area so that development in this area is more optimal in accordance with the distinctive characteristics of



these regions. But actually, there is a wrong perspective that has been carried out by the central government in the context of regional autonomy. Not a regional problem given the specificity mentioned above, but this is a matter of regional autonomy for the archipelago. Not also the issue of political writers say such things, but errors in the implementation of regional autonomy are generalizing all methods of regional development with insight into the land (Brian, 2014; Kahn, 2017).

During this time, the development of regions with marine and island geographical tend to fail. That the failure was caused by several factors, including: first, maritime policy has not touched on strategic aspects that are able to bind and cover marine economic instruments, such as the fisheries, mining, and offshore energy sectors, marine tourism, sea transportation and ports and resources humans in the sea. Second, maritime policy does not become a political umbrella for maritime economic development, so institutions involved in the maritime sector will also experience disorientation. Third, there is a massive backwash effect that places the fisheries special maritime sector as a drainage or waste sector. This tendency affects the level of sectoral leakage (sectoral leakages) which actually makes the maritime sectors dwarf and marginal. And fourth, the State Budget and Expenditure (APBN) factor which is expected to be a channel of prosperity fairly, still seems difficult to realize because the State Budget is continental oriented. Thus, placing the maritime sector including islands (maritime) -based provinces and small islands marginalized in the distribution of development facilities and infrastructure. From some of the problems described above, it is clear that the implementation of regional autonomy has been carried out based on land insights (continental oriented), while the geographical regions of the islands have become marginalized and uneven in the development process. One solution is to change the mind set of regional autonomy that in the context of optimal regional development in accordance with the characteristics of each region, with the intention that development, service and empowerment in the regions are

more equitable, a review of the islands with an geographical landscape is needed. From the problem above, it can be concluded that the island region will experience problems if its development uses land insight (continental oriented). Meanwhile, just look at island areas that tend to consist of separate islands, this causes that in the span of control the implementation of government tends to be difficult if it starts from the insight of the land. In addition, the prospect of the island's economic development cannot be generalized to the economic development of the mainland. Coupled with the pattern of the development of the spatial plan of the islands or the sea, it should be considered the characteristics of the development of the spatial plan of the islands (Mutereko & Chitakunye, 2015). This prevents the isolated areas of the islands from being isolated in an island-characterized province. Therefore, a question arises: is it possible to carry out special autonomy for the archipelago, for example the Province of Kepulauan Riau which is a province that has a marine geographical and consists of separate islands and also borders with Singapore and Malaysia. Another example is North Maluku Province, which is also an archipelago.

#### 4. Practical Analysis of Federalism

Federalism has been applied in Indonesia in the range of December 27, 1949 to August 17, 1950. During this period the guideline was the Constitution of the Republic of Indonesia in 1949. Based on the constitution, our country is a union or federation with 15 states. The Republic of Indonesia United States is a federation as a result of the agreement of three parties in the Round Table Conference: Republic of Indonesia, BFO, and the Netherlands. The agreement was also witnessed by the United Nations Commission for Indonesia (UNCI) as a UN representative (Howe, 2016). The federalism that was used in this republic was not in accordance with the spirit and spirit of the Indonesian people. The Indonesian people realized that the form of a union state applied at that time was a tactic and an attempt by the Dutch to divide the Indonesian state. Indonesia is an archipelago that has a very high degree of population

heterogeneity (Hendratno, 2009; Jati, 2016). This is one of the main reasons Indonesia uses the concept of a unitary state where the government that governs the course of the state in general is the central government. Furthermore, decentralization and regional autonomy will later make the regions issue the potential they have each.

The choice of the form of a unitary and republican state was motivated by the social and political situation that occurred at that time. The failure of the federation's government system, the Republic of Indonesia United in 1949 which made the people more aggressively called for the existence of a unitary state. The form of government that prevailed in this period was the republic. The characteristics of the republic were implemented during the election of Ir. Soekarno as President of the Republic of Indonesia United States (RIS) and Drs. Moh. Hatta as Prime Minister. The government system adopted in this period was a quasi-parliamentary parliamentary system (quasi parliamentary), with the following characteristics. The appointment of the prime minister is carried out by the President, not by the parliament as is usual. The power of the prime minister is still being handled by the President. This can be seen in the provision that the President and the ministers together constitute the government. The President should only be the head of state, while the head of government is held by the Prime Minister.

The formation of a cabinet is carried out by the President not by parliament. The cabinet's responsibility is to the House of Representatives (DPR), but must go through a government decision (Geissel et al., 2016; Larry, 2000). Parliament does not have a close relationship with the government so that the DPR does not have a major influence on the government. The DPR cannot use a motion of no confidence in the cabinet. The President of RIS has a dual position, namely as head of state and head of government.

### **Positive Impact**

The form of a federal state will overcome the problem of employment. In terms of labor, we can see that these parts of the

state will require workers who are a kind of Civil Servants, but at the regional level. The number of regional civil servants that will be needed will be at least more than five fold of civil servants that have been used at this time. Civil servants who have been used in the area will continue to function as at this time. Besides them the Regional Civil Servants will function in the interests of their respective states.

In terms of population, the form of a federal state also has many advantages. When the Republic of Indonesia was born, the population was only around 65 million. Now the island of Java alone has exceeded that number. We chose the form of a unitary state in 1945 because the struggle for the form was very harmonious; perfect for that time. The concentration of power and power requires such a state. Now, where the Indonesian population is close to 250 million, the form of the central government is in fact no longer in accordance with the needs of its people. The President of the Republic of Indonesia as the Chief Executive of a country that has almost 250 million residents will not be able to overcome every problem faced by its population.

In terms of regionalism, federal state benefits also exist. Questions about customary law and regional languages, for example, can be considered more deeply. Since Indonesian Independence in 1945, or perhaps since the Indonesian Oath of 1928, regional languages and cultural identities have been very degenerate. For the sake of national unity, regional civilization is placed in the rear korsi, so that many regional cultures almost disappear because of it. Even though in the Sumpah Pemuda we all agreed for the unity of the nation and state to prioritize the Nation, Language and Country of Indonesia, the Oath did not require the disappearance of ethnicity or regional culture. Without regional cultures, the slogan of Unity in Diversity will not mean anything at all.

### **Negative Impact**

As a result of the birth of a federal state, first, that we know that the Republic of Indonesia itself has become a RIS country (so that there is no more independent state), secondly, the struggle itself is increasing

among those who have opposed the federal state (Intan, 2006), and the three contradictions of the Jakarta federal government itself and the republican government as well. The occurrence of conflict among unitarist groups consisting of progressive revolutionary groups that are anti-cooperation with representatives of the conservative federal themselves who have worked together with foreign capitalists, where this conflict has occurred in all parts of Indonesia. The occurrence of a merger between several countries and state units that entered the Indonesian republic which lasted until May 1950, and finally, the disintegration of all regions in Indonesia itself.

### Failure

There are two reasons for the failure of the 17 states that were proposed by Abdul Haris Nasution that the first Indonesian had felt betrayed by the Dutch Governor General Van Mook, because of the establishment of a miniature state outside the federation namely Pasundan, Central Java, East Java, Madura, West Sumatra, South Sumatra, Riau, Bangka, Belitung, outside the agreement between the Indonesian and Dutch governments themselves, and the two writings from Dr. Anak Agung Gede Agung, a leading figure from the Eastern region of Indonesia, has contained about three and a half years of implementation of federalism in the Eastern part of Indonesia which apparently failed to produce satisfactory results. Third, there was a debate that arose in the Constituent Assembly between 1956 and 1959. This very sharp debate emerged in 1957 when all political forces and parties from various political ideologies had expressed their opinions on the country's own system. The sentiment that arises that Van Mook is still very warm to debate, and although there are also some parts of the federal system that are accepted by supporters of the unitary state itself. However, however, the Constituent Assembly again failed to achieve agreement, with large parties such as PNI, PKI, and others such as Murba, IPKI, GPPS involved in heated debates to break the theoretical argument for the existence of a federal state. From the parties supporting the idea of a federal state such as

Masjumi, PSII, the Labor Party and Parkindo it turned out they had to budge. And in the end the unitary state has been agreed upon as the first choice with several requirements, such as the first, namely the enforcement of democracy is more useful to reduce dissatisfaction in various regions, to fight injustice, and avoid unbalanced centralization, and as much as possible the autonomy broad. Third, the debate in the form of discourse from the federal state was addressed when the New Order failed to accommodate the needs of the people in the outer regions of Indonesia. But this kind of debate, according to Abdul Haris Nasution is similar to what was stated at the hearing at the Constituent Assembly meeting (Taran & Chirag, 2008). Problems such as excessive centralization of power, economic inequality between regions, and the existence of various kinds of injustices, are always heard in every debate of the Board members. One thing that really needs attention is the existence of communal lifestyle problems that have arisen as a result of federalism, where there will be anti-foreign sentiments that will lead to rejection of the entry of outsiders who are not from certain regions. Abdul Haris Nasution also argued that this kind of concern if it happened would lead to social and political chaos.

## 5. Practical Analysis of Regional Autonomy in Indonesia

### The Challenge of Regional Autonomy

Regional autonomy in Indonesia, which has been running for nearly 15 years since January 1, 2001, has not succeeded in achieving its goal of accelerating the welfare of society. The purpose of regional autonomy has not been successful in improving the welfare of society due to various factors such as the inability of local governments in managing finances and the budget fraud. The unsuccessful implementation of regional autonomy, particularly ineffectiveness in local government budget allocations, related to the opportunistic behavior of politicians and local government officials. On the expenditure side, the effectiveness of the budget used for public interest is still low. The public spen-

ding which not optimal lead to economic activities that add value to the welfare of society does not function properly. In addition, capital expenditure is only capable of creating an exclusive and low quality economic development variables such as regional autonomy, capital expenditures, and economic growth with the welfare of society (Rudy & Baldric, 2015; Bannink & Ossewaarde, 2012).

In theory, the implementation of regional autonomy has the opportunity to build or even weaken regional development. This is because Decentralization and democracy will make the state apparatus more open and accountable, becoming more responsive to regional needs and aspirations. And it is intended that the government be closer to the community through empowerment of regional & provincial governments, DPRD, and local communities, and intended so that the use of public funds is more effective and efficient in line with regional development needs itself and improve the quality of public service provision. But on the other hand, regional autonomy will actually weaken regional development. There are allegations that there is a general or predictable relationship between government decentralization and development policies whose pro-poor outcomes or poverty reduction are clearly missing out on convincing evidence. Decentralization itself is not always improve efficiency, equality, effectiveness in the health sector. Instead, it can increase inequality, weaken regional commitment to priority health issues and reduce the efficiency and effectiveness of service delivery (Aizirman, 2012; Purniawati et al., 2020). The implementation of regional autonomy seems simple. However, it actually contains quite a complicated understanding, because it contains the meaning of democratization, empowering the community, and at the same time making the people prosperous with justice (Fatkhul, 2014; Aji et al., 2020). The division of government affairs between the Government, Provincial Government and Regency/City Government is the most crucial problem in implementation of regional autonomy. Until now, the division of functions was still incomplete and left a gray area that often triggered disharmony relations between the

central government, provincial government, and government district / city. Right now business the government handled the same. Therefore, it needs to be mutually exclusive locus and focus on government affairs which are the authority of provinces, districts and cities that are mutually huddled together. This situation has resulted in the emergence of duplication or neglect of handling and even throwing responsibility at each other if the matter has implications for spending money, but if the business is making money there is a struggle for handling it. This is evident in cases of natural disasters and procurement of infrastructure (Surtikanti, 2013).

The implementation of regional autonomy has to face the fact that districts in Indonesia have different situation (Irdam, 2011). Many local governments have extremely limited financial resources and are dependent on allocations from the central government in Indonesia. Limited administrative, technical and management capacities of regional and local governments are a major obstacle to the successful implementation of decentralized coastal management in both countries. While local and regional government officials have gained a broad range of new responsibilities with decentralization, they have rarely received appropriate training to implement transparent, responsible, integrated resource management (Wever et al., 2012).

### **Special Autonomy**

Giving different autonomy to one region or region from several regions is a practice of administering governance that is quite common in experience of political regulation in many countries. This experience goes well inside the form of a unitary state that is decentralized, as well as in the format of a federative arrangement. In the fields of political science and government, this pattern of unequal arrangements is called as asymmetrical decentralization, asymmetrical devolution or asymmetrical federalist, or in a manner general asymmetrical intergovernmental arrangements. In principle, various forms of dissemination the asymmetrical power above is one of the policy instruments intended to overcome the two fundamental things facing

a country, namely problems patterned politics, including those that stem from uniqueness and cultural differences; and problems technocratic-managerial pattern, namely the limited capacity of an area or a region in carrying out the basic functions of government (Ane, 2014).

The implementation of special autonomy can also have a positive impact on Indonesia such as in education (Sumule, 2003). Special autonomy in education is a great blessing for the Papua people. They expect that Special autonomy funds allocated for education will elevate their living. The population of the research, however, perceived that such wishes and expectations did not match with the reality. It is assumed that there had been mismanagement of the funds. The data were collected from government employee, NGO officers the target population, and other resources by observation, in-depth interviews, and library reviews. The results show to public that local government officials lack of capacity in handling the funds and there had been poor budget management as indicated from four management functions planning, executing, reporting, and monitoring of educational funds which were not implemented appropriately and effectively. A concept as asset of law and regulation that shapes Special Autonomy fund management of Papua Province is needed by the people. Therefore, an integrated mechanism of building compliance and control system of educational funds management is necessary to reach the Value for Money (effectiveness, efficiency, and economics) of existing education budget. But the implementation of special autonomy in Papua also has disadvantages. In general, there are indications that central government limits the authority of provincial government in Papua on the basis of concerns about public demands for independence from Papuan (Sumule, 2003).

In other words, the central government is still reluctant to give full authority to the provincial government in Papua for reasons of disintegration. On the other hand, the provincial government and the institutions of government in Papua try to draw the autho-

riety, which is perceived to be theirs by threats of secession from Indonesia. The situation is certainly very unfortunate both, not only the central government does not have a good reason, but also because of independence issue became a political commodity in the process of bargaining for power (Kesuma, 2016). For several reasons, the system of regional autonomy cannot be implemented uniformly in all regions in Indonesia. The province of Aceh has obtained greater autonomy as the agreement with central government for the conflict resolution (Hasan & Siti, 2014). Law No. 18 of 2001 on Special Autonomy for Aceh Province was enacted on 9 August, 2001. This special autonomy was granted in order to address the political, economic and culture grievances of the Acehnese people which has been going on for a long time. The law transferred a unprecedented level of power and resources from the central government to the province. It also gave Aceh a greater share of income from its natural resources, allowed more freedom to manage internal affairs, and gave the authorities the ability to remake the local government in line with local context and provide authority on religious matters (McGibbon, 2004).

### **The Criticism of Regional Autonomy in Indonesia**

Regional autonomy is the delegation of authority from the central government to regional governments to develop their regions in accordance with the potential of their respective regions. This is done because Indonesia is an archipelago so it is difficult for the central government to reach every region. Even though it has a positive impact, the implementation of regional autonomy also opens up space for local governments to corruption. Most of these criticisms concern the budget and physical form that is considered not suitable and not fair (Achmad, 2001; Richard & Vedi, 2013).

Compared to the central government level, the anti-corruption instruments available to monitor local politics are far less sophisticated, especially in the more remote areas of Indonesia (Dirk, 2015). Although decentralization has, at least to some extent,

enhanced both electoral and societal accountability, corruption is still a deeply rooted part of local government as the parliaments and executive offices of the reform era remain dominated by a 'pool of former officials, party apparatchik, as well as business figures and gangsters, many of whom had helped to exercise authority at the local level on behalf of the old authoritarian regime' (Kahn, 2017; Arifin & Putri, 2019). Challenging these entrenched networks and their corrupt practices at the local government has been extremely difficult, because here, in contrast to the central government, the virtual absence of internal control mechanisms is exacerbated by absence of supervision from the central government.

Regional financial management must be entrusted to staff who have high integrity and honesty, so that opportunities for corruption can be minimized (Ika, 2013). The problems that often arise in the implementation of regional autonomy are the dominant role of the Center in determining development priorities (top down) in the regions, and less involving stakeholders and must submit to various directives in the form of implementation instructions and technical referrals from the center government (Surtikanti, 2013). Since the enactment of the Law on Regional Autonomy package, many people often talk about the positive aspects. Indeed, there is no denying that regional autonomy has brought positive changes in the regions in terms of regional authority to regulate themselves. This authority is a dream because a centralized system of government tends to place the region as a less important or peripheral actor of development. In the past, dredging the potential of the region to the center continued to be carried out under the pretext of equitable development. Instead of benefiting from development, the area just experienced an extraordinary process of impoverishment. With this authority, it seems that many regions are optimistic that they will be able to change the unfavorable conditions (Amrizal et al., 2015; Faisal, 2016). During its journey the regional autonomy policy has not been fully implemented. Before it is implemented it is not carried out opti-

mally. Supervision and monitoring of implementation is still lacking, so there are many problems that arise are not handled early. Here is the importance of exploring how the actual implementation of regional autonomy policies is understood by implementers at the district level and how the implementation of regional autonomy policies can be understood and felt by community (Utang, 2006; Ahmad, 2011).

## 6. Conclusion

From Indonesia's short experience of undergoing a federal state system, it can be concluded that our federal system has not been optimally adopted. Unfortunately, the Dutch political intervention at that time was still strong so that the Indonesian people were already "allergic" to federalism. RIS must fail, without being given the opportunity to live longer. The debate that arises now regarding the federal state system by including sentiments will divide Indonesia's unity, especially if it includes the obsolete "romanticism" of the past that will divide the Dutch colonialists into politics, can the authors say that the reasons are obsolete and not proportional.

To be honest, we don't need to be afraid of adopting a federal system because indeed we have halfway succeeded in implementing decentralization and deconcentration which is fair between the center and the local. And again, in essence there is not yet a strong federal state (the United States, Germany and Malaysia) whose central government is not dominant, as is the case with the central government in unitary countries like Indonesia. This will break the argument that if a federation is formed, the central government will lose teeth 'in maintaining national political stability. Euphoria freed itself as a result of the implementation of the federal system, it would find its irrelevance, because at that time the regions had to think hard about their readiness to betray the consensus with other regions to form a federation. That is, the task of the central government is to provide support for the independence of the local government, not to frighten it with the threat of disintegration. This means that the

choice of state buildings is obliged to open up opportunities for regional independence and the resulting consequences are not necessarily give birth to local governments that are untrusted at the center, but local governments that have sufficient bargaining power to defend the interests of the people in the region. Thus the authors doubt that the building of the Indonesian federation will have to go through a split phase first in the form of small countries, but on the contrary, the central and regional governments work together to continue the building of more responsible regional autonomy. In order to build responsible regional autonomy and to build the structure of the new nation's building, the next step is to throw away the sentiment towards the separatist movement, because in essence the issue of separatism has lived decades as old as the age of this republic. Separatism arises because there are minority interests neglected by the central government. Given the concept of power from the people for the people which seems to be offered more by the federal system, there is no harm in trying again the implementation of the federal system. However, reflecting on past RIS experiences, we need to be aware that the implementation of a federal system must be based on deeper assessment.

In the meantime, the government must be firm in its efforts to accommodate minority interests without having to sacrifice national interests. Do not let the government fall into a deeper ethno-regional conflict which actually overrides the fact that there are still many people starving. This is precisely what can bring greater calamity, namely the collapse of the NKRI building because of the many people hungry and angry rather than arguing 'coachman' about the inevitability of the federation.

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