

Regional Autonomy in the Context of Regional Regulations

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ABSTRACT

This study discusses local autonomy in the context of local regulation. Based on the 2014 Law No. 23 on Local Governments, Article 1, Paragraph 6, local governments are defined as the execution of administrative affairs by local governments based on the principle of local autonomy. Regional autonomy is the right, authority and duty of autonomous regions to regulate and control their own government affairs and the interests of their communities within the unitary national system of the Republic of Indonesia. Regional chiefs are empowered to organize and control the affairs of their regional governments, but must still take precedence over national law. One way to promote local autonomy in governance is to require a system that can implement democratic principles that provide opportunities for citizens to participate in state government. This discussion describes how the role of local regulation has emerged and how it affects central governments in maintaining local autonomy practices.

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Introduction

After the independence of the Unitary State of Indonesia (NKRI), the 1945 Constitution (UUD 1945) was promulgated as its constitution. The State of Indonesia underwent four constitutional amendments or amendments within a period of 15 years (1945-1959), and four constitutional amendments within a period of 2 years (1999-2002), namely Amendments I-IV of the 1945 Constitution. The Indonesian State Government System and Changes carried out on the general government system, but some were frozen until the Fourth Amendment in the form of a unitary state. A unitary state can be called a unitary state. Paragraph 1 (1) of the 1945 Constitution states, "The State of Indonesia is a unitary State in the form of a Republic." This unitary state in its composition is truly a unified structure, meaning that a unitary state is not a country with many states (Moonti, 2019).

Article 18 Paragraph (1) of the 1945 Constitution which reads "The Unitary State of the Republic of Indonesia is divided into provinces and the provinces are divided into regencies and cities, each of which has a regional administration, which is regulated by law. -Invite". This article means that the Indonesian state consists of several provinces, regions and cities, while its administration consists of the central government and regional governments. Provinces, regencies/cities are autonomous regions, namely legal

communities bordering other regions that have rights, authorities and responsibilities to regulate and manage their own buildings. Article 18 paragraph (2) of the 1945 Constitution states that "Provincial, regency and city regional governments regulate and manage their own government affairs according to the principle of autonomy and co-administration". In connection with the relationship of government power between the federal government and the provincial government, Law Number 32 of 2004 concerning regional government, especially in Article 10, emphasizes that the provincial government is subject to public affairs that are subject to its jurisdiction unless other governments consider these affairs to be state government affairs (Ndreu, 2016). The aim of granting greater autonomy to the regions is to improve welfare through service improvement, community empowerment and participation. Furthermore, through broader autonomy, regions must be able to increase their competitiveness by taking into account the principles of democracy, equity, justice, privileges and exclusivity as well as the potential and diversity of regions within the system of the unitary state of the Republic of Indonesia (Diniyanto, 2021).

The division of authority between the central and regional governments is very important in the regional autonomy system. This is intended so that the duties and functions of the government can be carried out effectively and efficiently without overlapping or mutual claims between the central and regional governments. The division of authority is carried out based on the principle of decentralization which places regional governments as executors of governmental tasks and the administration of government affairs which are not under the authority of the central government. The central authority is mainly related to government affairs that are national or strategic in nature. Regional regulations must clearly regulate the division of authority so that there is no overlap and each party can carry out its duties and functions optimally (Inggit et al., 2017).

In terms of regional regulations must regulate the rights and obligations of the region in running the government. Regional rights include the right to regulate and manage government affairs and the interests of the local community based on their own initiatives based on the aspirations of the people who are recognized and respected in the system of government of the Unitary State of the Republic of Indonesia (Ul Haque, 2012). Meanwhile, regional obligations include the obligation to carry out government tasks and administer government affairs which are the authority of the region, including in terms of financial management, development, health, education, and others. Regional regulations must clearly regulate regional rights and obligations so that regions can carry out government duties and carry out government affairs properly and responsibly in accordance with the mandate of the law and the interests of the local community.

Regional autonomy is one of the important principles in the Indonesian government system which is regulated in Law Number 23 of 2014 concerning Regional Government. Based on Article 1 Number 6 of Law Number 23 of 2014 concerning Regional Government, "Regional autonomy is the right, authority and obligation of an autonomous region to regulate and manage its own Government Affairs and the interests of the local community within the system of the Unitary State of the Republic of Indonesia. "The principle of regional autonomy gives freedom to local governments to manage and make decisions related to local interests in their respective territories. However, to maintain stability and consistency in the implementation of regional autonomy, it is necessary to have strong regional regulations that function as guidelines in decision and policy making.

In the context of regional regulations, these regulations are key in maintaining regional autonomy. Through regional regulations, regional governments can make specific regulations to meet the needs and characteristics of their region. Thus, regional regulations act as a tool to maintain the continuity of regional autonomy and avoid making decisions that conflict with local interests (Sufianto, 2020).

However, the role of regional regulations in maintaining regional autonomy is also influenced by central government policies. Central government policies can limit regional authority in making decisions, even reduce regional autonomy that has been granted previously. Therefore, consistency between central government policies and regional policies in regional regulations needs to be maintained so as not to undermine the principle of regional autonomy. Supervision of the implementation of regional autonomy is also important to ensure that regional regulations are actually implemented and bring benefits to the community (Safitri, 2016). Through regional regulations, regional governments can establish rules governing the use of resources, infrastructure development and public services in their area. Supervision through regional regulations can be carried out by designated institutions and by using appropriate mechanisms to ensure compliance with these regional regulations.

In conclusion, regional regulations play an important role in maintaining regional autonomy in Indonesia. Local regulations become an effective tool in making decisions and policies related to local interests. However, regional regulations are also influenced by central government policies and need to be monitored so as not to undermine the principle of regional autonomy (Christia & Ispriyarso, 2019). With the right regional regulations, the implementation of regional autonomy can run well and bring benefits to the community. What is the role of regional regulations in maintaining the implementation of regional autonomy? How does the central government policy influence the implementation of regional autonomy?

Research methods

The research method using the normative juridical method is a research method that is carried out by reviewing legal documents related to the problems studied, such as laws and regulations, court decisions, and legal literature. This method aims to find concepts, principles, or legal rules that apply to the case or problem being studied. The steps in the normative juridical method are as follows:

- Collection of legal materials that are relevant to the issues studied, such as laws and regulations, court decisions, and legal literature.
- Reading and analysis of legal materials that have been collected, with the aim of finding concepts, principles, or legal rules that apply to the case or problem being researched.
- Preparation of conclusions based on the results of the analysis of legal materials that have been carried out.

The normative juridical method is very suitable for use in theoretical research or research related to legal and regulatory issues.

Results and Discussion

- 1. What is the role of regional regulations in maintaining the implementation of regional autonomy?**

Arrangements related to regional autonomy are regulated in Law Number 23 of 2014 concerning Regional Government. The role of regional regulations is one of the efforts to implement regional government which is directed at accelerating the realization of welfare in society through improving services, empowering and having the role of community participation and it is necessary to increase regional competitiveness by taking into account the principles of democracy, equity, justice and the uniqueness of a region in the Indonesian constitutional system. Whereas the definition of regional government is based on article 1 of Law Number 23 of 2014 concerning Regional Government which explains that regional government is the implementation of government affairs by regional governments and regional people's representative councils (DPRD) according to the principle of autonomy and co-administration with the principle of wide-ranging autonomy the extent of the systems and principles of the Unitary State of the Republic of Indonesia as stated in the 1945 Constitution of the Republic of Indonesia (Arifin, 2019).

The implementation of regional government must be based on the existence of regional autonomy with the principles of autonomy in the state administration system. Based on Article 6 of Law Number 23 of 2014 concerning Regional Government, regional autonomy is the right, authority and obligation of an autonomous region to regulate and manage its own government affairs and the interests of the local community within the system of the Unitary State of the Republic of Indonesia. Whereas according to the article, it can be explained that regional autonomy is the basis for regional government to be able to regulate and manage all the interests contained therein. This can also be called the principle of autonomy which is a basic principle for the administration of regional government based on regional autonomy (Primanto, 2020).

In the context of administering regional government, the central government has carried out the distribution of powers to regional governments through a decentralization system. Basically decentralization is an important thing in running the local government system. Decentralization is a transfer of governmental affairs by the central government to autonomous regions based on the principle of autonomy (Endah, 2016). This is stated in article 8 of Law Number 23 of 2014 concerning Regional Government. The form or concept of decentralization explained according to experts is as follows:

- 1) Amrah Muslimin and Agus Santoso distinguish the form or concept of decentralization into three parts, namely political decentralization, functional decentralization and cultural decentralization. Political decentralization is the delegation of an authority from the central government which gives rise to the right to manage their own household interests for political bodies in areas chosen by the people in certain areas. Functional decentralization is a granting of rights and authorities to groups to manage all kinds of interests in society, whether related or not to a particular area. Cultural decentralization is a granting of rights to small groups in society to carry out their own culture, such as education, religion and others.
- 2) Irawan Soejito divides the form or concept of decentralization into three parts, namely territorial decentralization, functional decentralization and administrative decentralization or called deconcentration. It is explained in article 9 of Law Number 23 of 2014 which states that deconcentration is the delegation of part of the central government's authority to its own equipment or organs in the regions. Deconcentration is defined as the giving of power from top to bottom within the framework of staffing for the sole purpose of smooth running of work.

Meanwhile, what is meant by territorial decentralization is the decentralization of authority by the government to a public agency. Then functional decentralization is a granting of authority from the functions of state or regional government to be carried out by an organ, or a body of experts specifically formed for that purpose.

Based on this statement, decentralization is a system to be able to realize the principle of democracy which provides opportunities for people to participate in state governance. Thus, basically decentralization can be divided into 2 parts, namely deconcentration which is the delegation of power or part of government affairs which is the authority of the center for regional equipment and state administration decentralization or what is often referred to as political decentralization, namely the delegation of legislative and governmental powers to the regions. autonomous region within. It should be noted that constitutional decentralization has two kinds of parts, namely territorial decentralization and functional decentralization. In implementing the principles of decentralization and deconcentration, the autonomous regional government has an important responsibility to be able to protect and fight for citizens' rights and build infrastructure and educational facilities for citizens.

That it is very important for regional government within a country, to make regions in their country a necessity and a necessity for every country by maintaining the implementation of regional autonomy through regulations made by the central authority. Local government is something that has the following characteristics:

- 1) All the affairs that are carried out are the affairs of the household itself, so that in the form of these affairs it is emphasized in detail. This is in accordance with the principle of regional autonomy which requires the region to carry out all the affairs of its own government.
- 2) The administration of government is carried out by means of equipment which are not entirely composed of central officials but local government employees.
- 3) The handling of all these matters is entirely carried out on the basis of their own initiative or discretion.
- 4) The relationship between the central government and local governments who manage their own households is just a supervisory relationship
- 5) All operations are basically financed from their own financial sources.

The administration of regional government through a decentralized system based on autonomy is an absolute requirement in a democratic country. Decentralization is something that not only contains a division of authority but also contains a division of power which functions to regulate and manage and maintain the administration of state government which includes central government and regional government. Regional autonomy is a government that is independent and has freedom, because regional government affairs may be regulated and managed freely and independently. Freedom and independence is the basis of the existence of autonomy. Autonomy and democracy are forms of government that make the people the main determinant in a country. The mechanism for implementing regional autonomy in a unitary state is given by the central government by giving authority to regional governments. Based on article 7 paragraph 1 of Law number 23 of 2014 it states that the Central Government carries out guidance and supervision of the implementation of Government affairs by the Regions. Regional government affairs submitted by the central government are also referred to as concurrent government affairs which are the basis for the implementation of regional autonomy.

2. How does the central government policy influence the implementation of regional autonomy?

According to the PPkn module published by the Ministry of Education and Culture, the word autonomy itself comes from the Greek, namely "autonomia" or "autonomos." The word "auto" means self and "nomos" means regulation or law.

So that regional autonomy is interpreted as the rights and obligations of the region to regulate and carry out government affairs as well as the community in accordance with the law. In carrying out its government, the regions are given the authority to regulate and govern their regions on their own initiative and ability.

The government in charge of implementing regional autonomy is elected democratically. This is stated in Article 18 paragraph 4 of the 1945 Constitution which reads, "Governors, Regents and Mayors respectively as heads of provincial, regency and city regional administrations are democratically elected."

The regional autonomy system is needed by Indonesia considering its vast territory. Of course it is difficult to manage so many areas consisting of thousands of islands with a centralized system.

Apart from its vast territory, the establishment of an autonomous region in Indonesia is influenced by several factors, including:

- Indonesia's population growth is rapid;
- The economic capacity of each region in Indonesia is different;
- The customs, culture, and social life of each region are different;
- The political development of each region is different

The aim of granting autonomy to the Regions is to increase the efficiency and effectiveness of governance in the regions, especially in the implementation of development and services to the community and to enhance the fostering of political stability and national unity.

The idea of implementing regional autonomization stipulated through central government policies is an extraordinary idea that promises and influences various advances in the life of a better nation and state. As in the book "Citizenship Education" by the Bookkeeping Center of the Ministry of National Education, mentions some of the positive impacts of regional autonomy.

- Government activities can run more effectively, because authority is in the hands of the regions;
- The potential of natural resources and human resources can be used more effectively and efficiently;
- Regions that can carry out their interests in accordance with local customs and culture;
- Political dynamics and developments are easier to control.
- The rate of economic growth in the local area is easier to control;
- Crime, social problems, and various forms of deviation are more detected.

However, despite having many positive impacts, regional autonomy is inseparable from negative impacts. As for some of the negative impacts that can occur as a result of regional autonomy, namely:

- The emergence of regional characteristics or fanatical ethnocentrism, which can lead to conflicts between regions;
- The emergence of gaps between one region and another, due to differences in the political system, natural resources, and other factors;

- Arbitrary emergence of regional officials; The central government does not supervise regional policies because the full authority is given to the regions;
- Each region operates independently, without any cooperation, coordination or even interaction.

From this summary, it is clear that the embodiment of the principle of Regional Autonomy is real and responsible. Real, in the sense that the granting of autonomy to the Regions must be based on factors, calculations, and actions or policies that can really guarantee that the Regions concerned are actually able to take care of their own households. Responsible, in the sense that granting autonomy is truly in line with its objectives, namely facilitating development that is spread all over the country and in harmony or not in conflict with the directions that have been given, in harmony with political development and national unity, guaranteeing harmonious relations between Central and Regional Governments and can guarantee the development and development of the Regions

I hope it is understandable that the term "widest possible autonomy" is not in accordance with the spirit of these directives, especially from the point of view of national unity and the integrity of the Unitary State.

The regulation governing the current administration of regional government as positive law is law number 32 of 2004 in conjunction with number 3 of 2005 in conjunction with law number 8 of 2005 in conjunction with law number 8 of 2008 concerning amendments to law number 32 of 2004. Implementation regional autonomy is also very much influenced by the ability of the executor, ability in finance, availability of tools and materials, coma, potential and geography, and ability to organize.

Broadly speaking, the implementation of this regional autonomy only covers the principles of democracy, justice, equity and diversity, while for foreign policy, defense and security, justice, monetary, fiscal and religious authority over government affairs is not given to the regions.

The prospect of autonomy in the future can be carried out using several approaches, namely from the aspects of political ideology, socio-culture and defense and security. The ideological aspect contains the nation's philosophy, namely Pancasila as a way of life and the basis of the state, containing the values of acknowledging the divinity of unity and unity of human rights, democracy, justice, and social welfare for all people. These values in the administration of regional government (regional autonomy) can be accepted in the life of the nation and state.

The political aspect, the granting of autonomy and authority to the regions is a form of recognition and trust from the center to the regions. This recognition and trust can create harmonious relations between the center and the regions and strengthen the unity and integrity of the nation. Each regional autonomy policy related to the political aspect is an effort to educate people's politics whose impact is an increase in political life in the region. The economic aspect, in terms of empowering regional capacities, will provide opportunities for regions to develop and improve the economy in regions that have a significant influence on improving the welfare of the people in the regions in accordance with their conditions and capabilities and needs. maximally to the actors or international.

As stated by Ade Maman Suherman in Indonesia's future challenges. The socio-cultural aspect, values contained in this socio-cultural aspect vary in the regions as ethnic groups are very important values for the existence of the region, that with recognition from the central government, the regions will feel equal and parallel to other ethnic

groups, this will be very influential in efforts to unite the nation and state which in the end the local cultural values with their diversity will enrich the national cultural treasures.

Defense and security, with their authority being able to take advantage of the conditions of regional resilience within the framework of national resilience will foster regional trust in the center which can eliminate separatist movements that want to separate themselves from the unitary state of the republic of Indonesia.

Taking into account the approach to the aspects mentioned above, ideally the regional autonomy policy is a very appropriate policy in regional governance in the future in facing all the challenges of implementing social life as a nation and state. regional division followed by contextual authorities with geography and regional potentials that vary for each province, district, city and village.

To make this happen there are several criteria including:

- Externality, is an approach in the culture of government affairs in a comprehensive manner between regional authorities that are given autonomy and the central government (central government and autonomous regions) maximally and regionally.
- Accountability, is an increase in the various divisions of government affairs internally which are directly closer to the impact/effect of the affairs they handle, so that society will be more secure.
- Efficiency, this approach relates to matters of considering the availability of resources (personnel), funds, and representation to obtain accuracy, certainty and speed of results to be achieved in administering these affairs between autonomous regions and autonomous regions as well as between autonomous regions and autonomous regions in cooperation between efficient areas and the results of its usability can be felt by the community.

Conclusion

Based on the results of data analysis regarding regional autonomy in the context of regional regulations, the role of regional regulations is one of the efforts to administer regional government which is directed at accelerating the realization of prosperity in society through increased service, empowerment, and the role of community participation and it is necessary to increase regional competitiveness by pay attention to the principles of democracy, equity, justice, and the uniqueness of a region in the Indonesian constitutional system.

Whereas the definition of regional government is based on article 1 of Law Number 23 of 2014 concerning Regional Government which explains that regional government is the implementation of government affairs by regional governments and regional people's representative councils (DPRD) according to the principle of autonomy and co-administration with the principle of wide-ranging autonomy the extent of the systems and principles of the Unitary State of the Republic of Indonesia as stated in the 1945 Constitution of the Republic of Indonesia.

Based on Article 6 of Law Number 23 of 2014 concerning Regional Government, regional autonomy is the right, authority and obligation of an autonomous region to regulate and manage its own government affairs and the interests of the local community within the system of the Unitary State of the Republic of Indonesia.

Thus, basically decentralization can be divided into 2 parts, namely deconcentration which is the delegation of power or part of government affairs which is the authority of the center over regional equipment and state administration

decentralization or what is often referred to as political decentralization, namely the delegation of legislative and governmental powers to the regions. autonomous region within.

That it is very important for regional government within a country, to make regions in their country a necessity and a necessity for every country by maintaining the implementation of regional autonomy through regulations made by the central authority.

Decentralization is something that not only contains a division of authority but also contains a division of power which functions to regulate and manage and maintain the administration of state government which includes central government and regional government. Regional government affairs submitted by the central government are also referred to as concurrent government affairs which are the basis for the implementation of regional autonomy.

Regional Autonomy as a form of self-reliance of regional government has its own rights and authority to run its administration. In addition to legislation, the state is deemed to need to play a more active role in supervising and providing assistance in various matters to regions that need it and providing more detailed explanations on important matters regarding regional autonomy. In addition, regional autonomy throughout Indonesia requires administration experts so that the regions can run well and develop in various aspects.

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